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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fifth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.1337 of 2020

IN CRL A.253/2018

SANKAR

[PETITIONER]

Vs

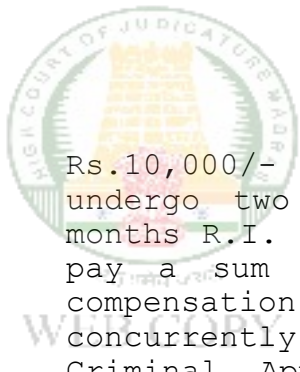
STATE BY THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, HOSUR,
KRISHNAGIRI DISTRICT,
(CRIME NO.35/2013).

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.253 of 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner in Spl.S.C.No.52/2015 on the file of the Learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, Krishnagiri District dated 13.12.2017 and enlarge the petitioner on bail pending disposal of the said Crl.A.No.253/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.253 of 2018 on the file of the High Court and upon hearing the arguments of M/S. E.KANNADASAN, Advocate for the petitioner and of THE PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner has faced trial in Spl.S.C.No.52 of 2015 on the file of learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, Krishnagiri District. Under judgment dated 13.12.2017, the trial Court found the petitioner guilty under Section 448 IPC, Sections 3 r/w 4 and 11 r/w 12 of the POCSO Act, 2012 and sentenced him to undergo six months Rigorous Imprisonment (R.I.) and Rs.500/- fine, in default to undergo two weeks R.I.; to undergo seven years R.I. and



Rs.10,000/- fine, in default, to undergo six months R.I.; and to undergo two years R.I. and Rs.1,000/- in default to undergo two months R.I. respectively. The petitioner / appellant was directed to pay a sum of Rs.10,000/- out of fine amount of Rs.11,500/- as compensation to the victim. The sentences were ordered to run concurrently. Aggrieved over the same, the petitioner has filed this Criminal Appeal along with the petition seeking suspension of sentence.

2. The learned counsel for the petitioner / appellant submitted the amount of fine, as directed by the trial Court in its judgment and the conditional order passed by this Court, on 17.02.2020, to deposit a sum of Rs.2,00,000/- before the trial court, had been done with by the petitioner. The learned counsel has also produced a receipt before this Court to that effect. He further submitted that there are several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. He also submitted that there are arguable points available in this Criminal Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

3. Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

4. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The trial court shall re-deposit the sum of Rs..2,00,000/- deposited by the petitioner, on 24.02.2020, in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Appeal.
- b) The Petitioner/Accused is ordered to be released on bail, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri;
- c) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Judge may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities; and



d) The Petitioner / Accused shall appear before the Trial Court on the first working day of every month at 10.30 a.m., until the disposal of the Appeal and if he is not able to appear before the Trial Court on any day, due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of his absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-

25/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, HOSUR,
KRISHNAGIRI DISTRICT.

C.C. to M/S. E.KANNADASAN Advocate on payment of necessary charges Sr.3765

Order
in
CRL MP.1337/2020
in
CRL A.253/2018

Date :25/02/2020

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

RVR 02/03/2020