

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

CRL MP No. 4465 of 2020
in Crl.A No.280 of 2020

M.Arjunan Petitioner

vs

State rep. by
The Inspector of Police,
Neeravy Police Station,
Karaikal. Respondent

Petition filed under Section 389 of Cr PC to suspend the sentence passed in S.C.No.3 of 2019 dated 10.06.2020 by the District and Sessions Judge, Karaikal pending disposal of the appeal.

For Petitioner .. Mr.R.Vivekananthan

For Respondent .. Mr.Bharatha Chakravarthy,
Public Prosecutor (Puducherry)

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the sole accused in S.C.No. 3 of 2019 on the file of the District and Sessions Judge, Karaikal. He was accordingly convicted for the offence punishable under Section 376(2)1) IPC by judgment dated 10.06.2020 and sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo one year simple imprisonment. Seeking suspension of sentence, the present petition has been filed.

2.The case of the prosecution is that the petitioner committed the offence over the victim girl who is stated to be mentally retarded, deaf and dumb.

3.Learned counsel appearing for the petitioner submitted that apart from the period of incarceration, the petitioner and the victim are related to each other and it is a case of consensual relationship. The Court itself found that the victim girl was in a position to understand the question and answer. She has also stated that her father reprimanded her and the petitioner for the relationship. Thus, the sentence will have to be suspended.

4.Learned Public Prosecutor (Puducherry) appearing for the respondent submitted that the victim girl is deaf, dumb and mentally retarded. The trial Court considered these aspects while rendering the conviction and, therefore, the petition will have to be dismissed.

5.The petitioner has been under incarceration from 06.12.2020 onwards. The petitioner is aged about 28 years. Considering the evidence of the victim girl and after going through the relevant materials, we are inclined to suspend the sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the petitioner executes a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of Judicial Magistrate No.II, Karaikal and on further condition that he shall report before the concerned Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

सत्यमेव जयते
18/12/2020

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

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TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KARAIKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE DISTRICT AND SESSIONS JUDGE,
KARAIKAL.

4 THE SUPERINTENDENT,
CENTRAL PRISON, KALAPET,
PUDUCHERRY.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
NERAVY POLICE STATION,
KARAIKAL.

+C.C. to M/S.R.VIVEKANANTHAN Advocate on payment of
necessary charges SR NO.8406

Order

in

CRL.MP.NO.4465/2020

in

CRL.A.NO.280/2020

Date :18/12/2020

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