

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eleventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.15029 of 2019

IN CRL.A.No.722 OF 2019

SARAVANAN

[PETITIONER]

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VANIYAMBADI,
VELLORE DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.722 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Learned Sessions cum Fast Mahila Judge, Vellore in S.S.C.No.24 of 2018 dated 12.03.2019, pending disposal of the above Crl.A.No.722 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.722 of 2019 on the file of the High Court and upon hearing the arguments of M/S. PAUL GNANAMUTHU S., Advocate for the petitioner and of MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner faced trial in Spl.S.C.No.24 of 2018 on the file of learned Sessions Judge, (Fast Track Mahila Court), Vellore, Vellore District. Under judgment dated 12.03.2019, the trial Court found the petitioner guilty under Sections 366, 343 and Section 5 (1) r/w 6 of the POCSO Act, 2012 and sentenced him for the offences as tabulated hereunder:-

Convicted of the Offence	Sentenced
Under Section 366 IPC	To undergo seven years Rigorous Imprisonment (R.I.) and to pay a fine of Rs.1,000/- in default (i/d) to undergo one month R.I.
Under Section 343 IPC	To undergo one year Rigorous Imprisonment.
Under Section 5 (1) r/w 6 of the POCSO Act.	To undergo ten years R.I. and to pay a fine of Rs.5,000/-, i/d to undergo three months R.I.

2. The sentences were ordered to run concurrently. Aggrieved over said conviction and sentence, the petitioner has filed this Criminal Appeal along with the petition seeking suspension of sentence.

3. It is submitted by the learned counsel for the petitioner/accused that the amount of fine had already been paid, as directed by the trial Court in its judgment. He also submitted that, as directed by this Court on 07.01.2020, the petitioner has deposited a sum of Rs.4,00,000/- before the trial court. The learned counsel has also produced receipts before this Court to the effect that the petitioner has paid the fine amount and Rs.4,00,000/-. 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.

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

5. 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. 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 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 Government servant / Officer, each for a like sum to the satisfaction of the learned Sessions Judge, (Fast Track Mahila Court), Vellore;
- b) 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

<https://hcservices.courts.gov.in/hcservices/> Pass Books to ensure their identities; and

c) 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/-

11/02/2020

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, VELLORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VANIYAMBADI,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

C.C. to M/S. PAUL GNANAMUTHU S. Advocate on payment of
necessary charges sr.2828

Order

in

CRL MP.15029/2019

IN CRL.A.No.722 OF 2019

Date :11/02/2020

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RVR 17/02/2020