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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.18415 of 2019

IN CRL.A.No.346 OF 2019

CHANDRASEKAR

[PETITIONER]

Vs

STATE BY

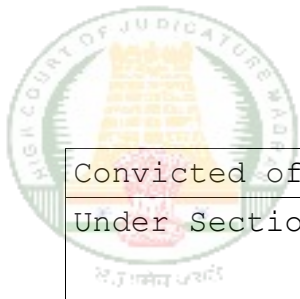
[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.
CR.NO.60/2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.346 OF 2019 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.20/2017 on the file of the learned Sessions Judge, Fast Track Magalir Neethi Mandram, Krishnagir, Krishnagiri District dated 29.04.2019 and enlarge the petitioner on bail pending disposal of the said Crl.A.No.346 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.346 of 2019 on the file of the High Court and upon hearing the arguments of M/S.E.KANNADASAN, 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.20 of 2017 on the file of learned Sessions Judge, Fast Track Magalir Neethi Mandram, Krishnagiri. Under judgment dated 29.04.2019, the trial Court convicted and sentenced the petitioner / accused for the offences, as tabulated hereunder:-



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Convicted of the Offence	Sentenced
Under Section 342 IPC	to undergo rigorous imprisonment for ten months and to pay a fine of Rs.1,000/- in default to undergo rigorous imprisonment for one month.
Under Section 366 IPC	to undergo rigorous imprisonment for six years and to pay a fine of Rs.5,000/- in default to undergo rigorous imprisonment for six months.
Under Section 5 (1) r/w 6 of the POCSO Act	to undergo rigorous imprisonment for ten years and to pay a fine of Rs.5,000/- in default to undergo rigorous imprisonment for one year.

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

3. It is submitted by the learned counsel for the petitioner/accused that due to change in circumstances, the victim girl now got married and settled; the amount of fine imposed by the trial court had already been paid; there are several infirmities and inconsistencies in the prosecution case; there are also contradictions in material particulars in the evidence of the prosecution; and 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.

6. 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 blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Magalir Neethimandram, Krishnagiri;

b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards and carry them to ensure their identities; and



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/-

13/01/2020

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

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

TO

1 THE SESSIONS JUDGE,
FAST TRACK MAGALIR NEETHIMANDRAM, KRISHNAGIRI

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.NO.830

Order

in

CRL MP.18415/2019

IN CRL.A.No.346 OF 2019

Date :13/01/2020

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

RVR 20/01/2020