

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice N. KIRUBAKARAN

and

The Hon`ble Mrs Justice R. HEMALATHA

CRIMINAL MISCELLANEOUS PETITION No.19328 of 2019

IN CRL A.932/2019

S.SURESH

[PETITIONER / APPELLANT /
2nd ACCUSED]

Vs

STATE REPRESENTED BY [RESPONDENT]
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HOSUR,
KRISHNAGIRI DISTRICT.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.932/2019 on the file of the High Court, the High Court will be pleased to suspension the sentence imposed against the petitioner in S.C.No.261/2016 passed by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri by an order dated 13.09.2019 and enlarge the petitioner o bail pending above the CRL A.932/2019 [IN CRL.MP.NO.19328 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.932/2019 on the file of the High Court and upon hearing the arguments of M/S. P.SARAVANAN, Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

(Order of the Court was made by N.Kirubakaran, J)

Mrs.M.Prabhavathi, learned Additional Public Prosecutor (Crl.) takes notice on behalf of the respondents.

2.The petitioner/A2 was sentenced to half life imprisonment by the trial Court for the offence of attempt to rape the victim.

3.The learned counsel appearing on behalf of the petitioner would submit that PW1/father of the victim who has given complaint turned hostile. Based on weak evidence given by the victim, sentence was given to the petitioner. Moreover, he would submit that though PW16 had spoken about the treatment given by him for the injuries sustained by the petitioner, the learned counsel would submit that the occurrence took place on 02.11.2013 whereas he treated the accused/convict only on 03.11.2013 and at that time, it was a fresh injury and therefore, the injury should have been caused subsequently and there are arguable points involved.

4.However, the learned Additional Public prosecutor would oppose the suspension of sentence.

5.Unlike any other case, this is a case of attempt to rape. Though PW1 turned hostile, PW2 through the Assistant Professor PW3 categorically identified the convicts and also stated that A1 attempted to rape her and she had also denied that A1 and A2 are not connected with the offence and therefore, the role of the petitioner cannot be ruled out and it is a matter for argument.

6.Accordingly, this petition is dismissed.

-sd/-
16/03/2020

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.

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. P.SARAVANAN Advocate on payment of necessary charges

Order

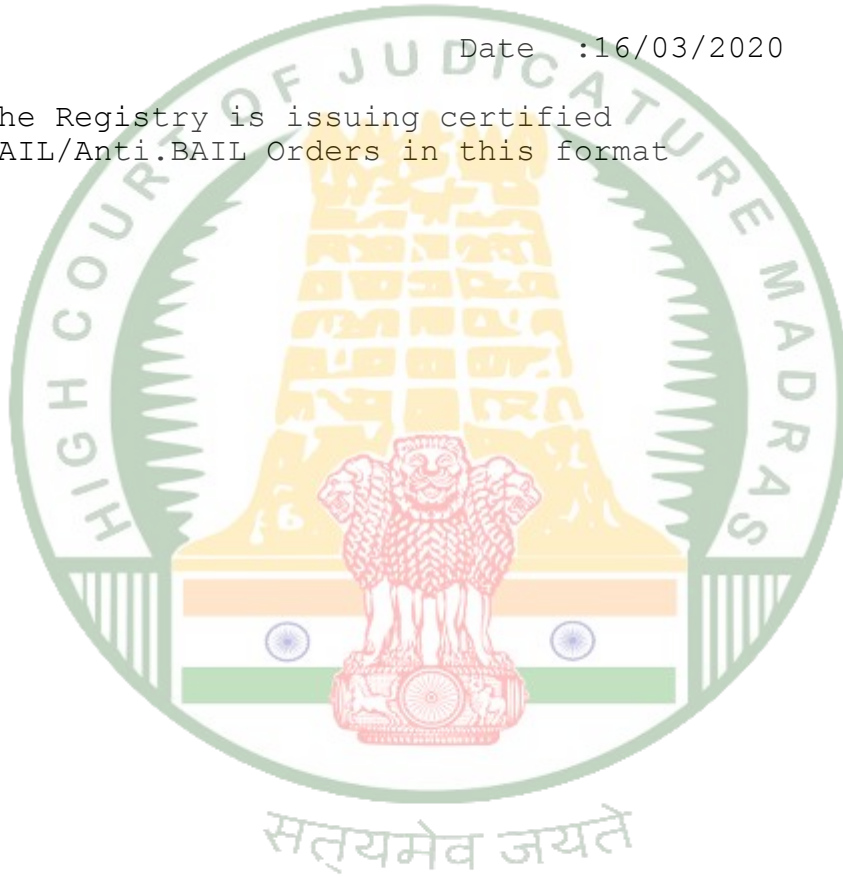
in
CRL MP.19328/2019

in
CRL A.932/2019

Date :16/03/2020

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MK:18/03/2020



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