



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Thirtieth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.257 of 2020
IN
CRL A(MD) No.26 of 2020

BALAMURUGAN

... PETITIONER/ APPELLANT

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUMANGALAM POLICE STATION,
MADURAI DISTRICT.
(IN CRIME NO.311 OF 2013)

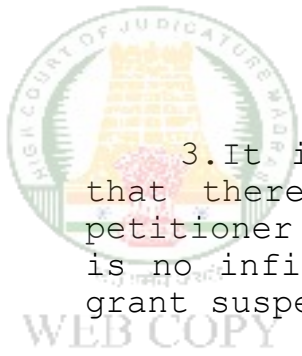
... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed in Spl.S.C.No.17/2014 dated 25/09/2019 on the file of the Learned Sessions Judge, Mahalir Neethimandrm, Madurai till the disposal of the appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.GOWRISHANKAR, Advocate for the petitioner and of MR.V.NEELAKANDAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 18 r/w 4 of Protection of Children from sexual Offences Act, 2012 and sentenced him to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.50,000/-, in default to undergo rigorous imprisonment for a period of three months and on realisation of the entire fine amount of Rs.50,000/- (Rupees Fifty thousand only) from the accused, the same shall be paid to P.W.1 on behalf of P.W.2 as compensation in Spl.S.C.No.17 of 2014 on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai.

2.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.



3.It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

5.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute 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 the learned Sessions Judge, Mahalir Neethimandram, Madurai, and on further condition that the petitioner shall appear before the said Court daily twice i.e. at 10.30 a.m and 5.00 p.m pending appeal.

sd/-
30/01/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

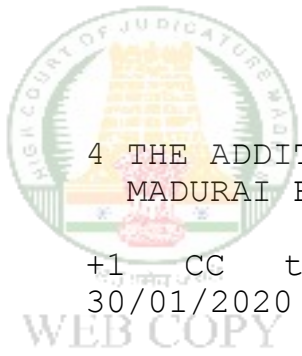
TO

1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM, MADURAI.

2 THE INSPECTOR OF POLICE
THIRUMANGALAM POLICE STATION,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

<https://hcservices.ecourts.gov.in/hcservices/>



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.GOWRISHANKAR, Advocate (SR-1859[I] dated
30/01/2020)

ORDER
IN
CRL MP (MD) No.257 of 2020
IN
CRL A (MD) No.26 of 2020
Date :30/01/2020

VSD
JM/VR/SAR 4/31.01.2020/3P/6C