



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

Friday, the Thirty First day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.268 of 2020
IN
CRL A(MD) No.30 of 2020

GOPI @ GANESAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO.8/2014

... 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 execution of sentence in Special Sessions Case No.29/2015 dated 18.12.2019 on the file of the Learned Sessions Judge, Mahalir Neethimandram, Madurai, till the disposal of the Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.O.CHANDRAN, 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 appellant submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 341 of IPC, and sentenced to undergo simple imprisonment for a period of one month and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for a period of one week and for the alleged offence under Section 8 of Protection of Children from Sexual Offences Act, 2012, and sentenced to undergo simple imprisonment for a period of three years and to pay a fine of Rs.25,000/-, in default to undergo simple imprisonment for a period of three months in Spl.S.C.No.29 of 2015 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. The learned counsel for the petitioner further submitted that suspension of sentence has already been granted by the trial court till 03.02.2020.

3.It is submitted by the learned Additional Public Prosecutor appearing for respondent 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 at 10.30 a.m pending appeal.

sd/-
31/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE SESSIONS JUDGE
MAHALIR NEETHIMANDRAM, MADURAI.

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



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

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

+1. C.C. to M/S.O.CHANDRAN Advocate SR.No.2015

ORDER
IN
CRL MP (MD) No.268 of 2020
IN
CRL A (MD) No.30 of 2020
Date :31/01/2020

dss
TK/VR/SAR.2/03.02.2020/3P/5C