



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

Friday, the Twenty First day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.1335 of 2020

IN

CRL A(MD) No.75 of 2020

BABA @ SAKTHIVEL

... APPELLANT/ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
FORT ALL WOMEN POLICE STATION,
TRICHY.
CRIME NO.11/2018

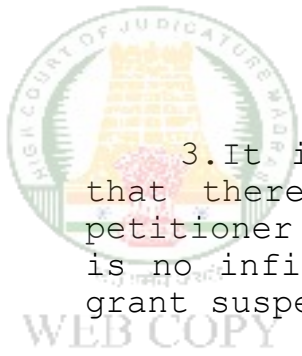
... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed in S.S.C.No. 12/2015 on the file of the Learned Sessions Judge, Mahila Court (Fast Track Mahila Court), Thanjavur for offence under Section 4 of POCSO Act 2012 pending 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.A.JAYARAMACHANDRAN, 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 5(m) r/w 6 of POCSO Act 2012, and sentenced him to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for a period of one year and for the alleged offence under Section 506(i) of IPC and sentenced him to undergo rigorous imprisonment for a period of one year in Spl.S.C.No.54 of 2018 on the file of the learned Sessions Judge, Mahila Court, Trichy District.

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, Mahila Court, Trichirappalli, 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/-
21/02/2020

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

TO

1.THE SESSIONS JUDGE, MAHILA COURT,
(FAST TRACK MAHILA COURT),THANJAVUR.

2.THE SESSIONS JUDGE,
MAHILA COURT, TRICHY.

3.THE INSPECTOR OF POLICE
FORT ALL WOMEN POLICE STATION,
TRICHY.



4.THE SUPERINTENDENT,
CENTRAL PRISON,TRICHY.

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

+1. C.C. to M/S.A.JAYARAMACHANDRAN Advocate SR.No.3694

ORDER

IN

CRL MP (MD) No.1335 of 2020

IN

CRL A (MD) No.75 of 2020

Date :21/02/2020

VSD

TK/VR/SAR.4/24.02.2020/3P/7C