



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

Monday, the Thirteenth day of July Two Thousand Twenty

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP(MD) No.2262 of 2020
IN
CRL A(MD) No.122 of 2020

SATHEESH KUMAR

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAMESWARAM.
CR.NO.5 OF 2019

... 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 on the petitioner/Appellant in Special S.C.No.32 of 2019 on the file of learned Sessions Judge-Fast Track Mahila Court, Ramanathapuram and enlarge him on bail pending disposal of the instant Criminal Appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.ANANTHAPADMANABHAN, Advocate for the petitioner and of Mrs.ANANDHA DEVI, Government Advocate on behalf of the Respondent, the court made the following order:-

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

2. The case against the petitioner is that on 29.04.2019, at about 3.00 p.m, when the victim and her friends were playing, the petitioner forcibly taken away the victim into the room of his house and sexually harassed her. On hearing the sound of the victim, the wife of the accused entered into the room and rescued the victim.

3.Hence, a case was registered against the accused under Sections 294 (b), 363, 506 (2) of IPC., and Section 10 r/w Section 9 (m) of POCSO Act, 2012. After investigation, a charge sheet was



filed and the petitioner was convicted by the learned Additional Sessions Judge cum Fast Track Mahila Court, Ramanathapuram in S.C.No.32 of 2019, dated 31.01.2020.

4. Aggrieved over the same, the petitioner preferred this Criminal Revision petition along with the suspension of sentence application.

5. On the side of the petitioner, it is stated that the appellant was convicted under Sections 294 (b), 363, 506 (2) of IPC., and Section 10 r/w Section 9 (m) of POSCO Act, 2012. It is further stated that there were no external injuries as per the deposition of P.W.7. The other witnesses were not cross-examined. Witnesses P.W.5 & P.W.6 turned hostile. The petitioner is in judicial custody for the past six months and prays the sentence imposed on the petitioner may be suspended.

6. On the side of the prosecution, it is stated that the victim is 9 years old child. The petitioner and the victim are neighbors. The petitioner was already married and he is having two children. The victim was studying in 3rd standard. The prosecution has proved the occurrence through 8 witnesses and 9 documents. If the petition is allowed, the accused will be free from the clutches of law and there is a chance for absconding and prays the petition to be dismissed.

7. Heard both sides.

8. From the perusal of records, it is seen that the victim girl is only 9 years old. Accused is in custody from 31.01.2020. There is no reason sufficient enough to suspend the sentence. Hence, this Court is not inclined to suspend the sentence at the present stage.

9. In view of the above, this petition is dismissed.

sd/-
13/07/2020

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

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
RAMANATHAPURAM.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAMESWARAM.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP (MD) No.2262 of 2020
IN
CRL A (MD) No.122 of 2020
Date :13/07/2020

DSS
TE/VR/SAR-II : 17/07/2020 : 3P/5C