



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

Wednesday, the Twenty Ninth day of July Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.3119 of 2020
IN
CRL A(MD) No.178 of 2020

C.JEBA SELVIN @ JEBA

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI,
KANYAKUMARI DISTRICT.
CRIME NO.18/2015

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order for suspension of sentence passed in the Judgment dated 04/11/2019, in Special Sessions Case No.11 of 2016, on the file of the Mahila Fast Track Court, Nagercoil and release the petitioner/ Appellant on bail, pending 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 M/S.J.JOHN JAYAKUMAR, Advocate for the petitioner and of M/s.K.DINESH BABU, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

These petition have been filed to suspend the sentence imposed by the learned Judge, Mahila Fast Track Court, Nagercoil in Special Sessions Case No.11 of 2016 dated 04.11.2020, till the disposal of the appeal.

2.The offences against the petitioner are under Sections 3(a) r/w 4, 5(m) r/w 6 of the POSCO Act. The petitioner was convicted under Section 18 of POSCO Act and was sentenced to undergo five years rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo three months rigorous imprisonment.



3. On the side of the petitioner, it is stated that the petitioner is in custody from 06.11.2019 that is for the past 268 days. The alleged offence is an attempt. It is stated that there are grounds for the petitioner to succeed in the appeal and he prayed for suspension of sentence till the disposal of the appeal.

4. On the side of the prosecution, it is stated that the age of the victim is only 9 years. The petitioner committed sexual harassment to the victim boy. The case was proved by the prosecution beyond all reasonable doubts and objected to grant the suspension of sentence to the petitioner.

5. It is seen that the petitioner is in custody for the past 268 days. Considering the same, this Court is inclined to grant suspension of sentence till the disposal of the appeal, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Mahila Fast Track Court, Nagercoil and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

6. Post the main criminal appeal for hearing on 14.08.2020.

sd/-
29/07/2020

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



TO

1. THE JUDGE,
MAHILA FAST TRACK COURT,
NAGERCOIL.
2. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI,
KANYAKUMARI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP (MD) No.3119 of 2020
IN
CRL A (MD) No.178 of 2020
Date :29/07/2020

MS/PN/SAR-2/30.07.2020/3P.5C