



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

Wednesday, the Fifth day of August Two Thousand Twenty

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP(MD) No.3521 of 2020
IN
CRL A(MD) No.219 of 2020

NATARAJAN
(NOW CONFINED AT CENTRAL PRISON,
MADURAI).

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
CR.NO. 285 OF 2017.

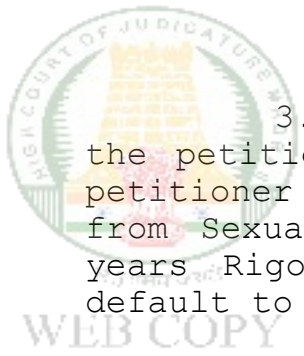
... RESPONDENT/RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner/Appellant/Accused in Learned Sessions Judge, Mahalir Neethi Mandram(Fast Track Mahila Court), Theni vide judgment dated 17/03/2020 and enlarge them on bail pending 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.AK.AZAGARSAMI, Advocate for the petitioner and of Mr.K.DINESH BABU, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

2. This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner / appellant passed by the learned Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court), Theni, vide judgment dated 17.03.2020, in Spl.S.C.No.33 of 2017.



3. The case against the petitioner is that on 25.05.2017, the petitioner misbehaved with a child aged about 7 years. The petitioner was convicted under Section 10 of Protection of Children from Sexual Offences (POCSO) Act and was sentenced to undergo 5 years Rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo further one year Rigorous imprisonment.

4. As against the said conviction and sentence, the petitioner has preferred an Appeal in Crl.A.(MD)No.219 of 2020. Along with the Appeal, he has filed the present application for suspension of sentence pending disposal of the said Appeal.

5. On the side of the petitioner, it is stated that the petitioner is 72 years old and the main allegation against the petitioner is that he hugged the child and kissed. There are so many contradictions between the evidence of P.W.1, P.W.5, P.W.6 and P.W.11 and the petitioner was not enjoying the bail through out the trial. At the time of trial itself, the petitioner was in custody for two months. At present the petitioner is in custody from 17.03.2020. Only due to civil dispute a false case was implicated against the petitioner and it is stated that there are more arguable points involved in the appeal and there are so many discrepancies in the case of the prosecution and prayed that the sentence to be suspended.

6. On the side of the prosecution, it is stated that based on the complaint given by the defacto complainant, a case was registered against the petitioner / accused and the petitioner / accused was arrested on 26.05.2017. 17 witnesses were examined and 9 documents were marked on the side of the prosecution and 3 witnesses were examined and 1 exhibit was marked on the side of the defence and the trial Court rightly convicted the petitioner / accused and the statement of P.W.2/ victim child recorded under Section 164 Cr.P.C. was marked as Ex.P7 and the prosecution proved the case beyond reasonable doubts and that the petitioner / accused has committed a serious offence. If the sentence is suspended, there is a chance for the petitioner / accused to abscond and prayed the petition to be dismissed.

7. Considering the age of the petitioner / appellant and considering the period of incarceration undergone by the petitioner sofar, 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.25,000/- (Rupees Twenty Five thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court), Theni, and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression along with their signature in the

<https://hcservices.ecourts.gov.in> and the learned Trial Judge may obtain a



copy of their Aadhar Card or Voter I.D to ensure their identity;

(ii) the petitioner shall appear before the said Court daily at 10.30 a.m until further orders.

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sd/-
05/08/2020

/ TRUE COPY /

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

TO

1. THE SESSIONS JUDGE,
MAHALIR NEETHI MANDRAM (FAST TRACK MAHILA COURT),
THENI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE SECTION OFFICER,
CRIMINAL SECTION (RECORDS),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.3521 of 2020
IN
CRL A(MD) No.219 of 2020
Date :05/08/2020

LS
TE/VR/SAR-II : 06/08/2020 : 3P/6C

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