



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

Tuesday, the Fourteenth day of July Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.3485 of 2020

IN

CRL A(MD) No.90 of 2020

S.SOUNDARAPANDI

... APPELLANT/PETITIONER/
SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.288 OF 2018)

... 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 made in S.C.No.39 of 2018 on the file of Fast Track Mahila Judge, Dindigul dated 06/11/2019 and enlarge the petitioner on bail pending disposal of the above appeal in C.A.NO.90 of 2020 on the file of this Honourable Court may deem fit and proper in the circumstances of the case 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 MR.A.CHANDRAKUMAR, Advocate for the petitioner and of MR.K.DINESH BABU, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

Heard Mr.A.Chandrakumar, learned counsel for the petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondent.

2.It is seen that the petitioner has been convicted by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, in S.C.No.39 of 2018 for the offence under Section 363 of IPC and sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo two months simple imprisonment and for the alleged offence under Section 6 of Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.3,000/- in default to undergo 3 months simple imprisonment and



further the sentences ordered to be run concurrently. Against which, the petitioner has filed an appeal in Crl.A(MD)No.90 of 2020 along with the present petition, which was filed to suspend the sentence imposed upon him.

3. On the side of the petitioner, it is stated that the offence will not come under POSCO Act. The victim is said to be 17 years old at the time of occurrence. The evidence of the victim clearly reveals that it is a case of elopement. The victim married another person, which reveals that the victim might have completed 18 years. Hence, the petitioner prayed his sentence to be suspended.

4. On the side of the prosecution, it is stated that the age of the victim is proved by the evidence of PW.14 and by the school certificate, Ex.P9 and the victim girl is minor at the time of occurrence and objected the suspension of sentence.

5. Records perused.

6. Considering the facts and circumstances of the case and also considering the fact that the accused is in custody from 06.11.2019 onwards this Court is inclined to grant suspension of sentence till the disposal of the appeal, on the petitioner executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum, of whom, one should be a blood relative to the satisfaction of the learned Judicial Magistrate, Vedasandur, and on further condition that:

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

sd/-
14/07/2020

/ TRUE COPY /

/ /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 FAST TRACK MAHILA JUDGE,
DINDIGUL.

2 THE JUDICIAL MAGISTRATE,
VEDASADUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

4 THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

ORDER

IN

CRL MP (MD) No.3485 of 2020

IN

CRL A (MD) No.90 of 2020

Date :14/07/2020

vsd

JM/VR/SAR 2/14.07.2020/3P/7C