



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

Thursday, the Tenth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.4384 of 2020
IN
CRL A(MD) No.280 of 2020

MARIMUTHU

... APPELLANT/APPELLANT/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
CRIME NO.26 OF 2013

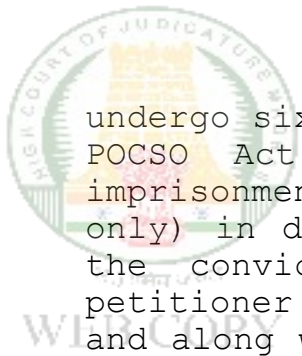
... RESPONDENT/RESPONDENT/COMPLAINANT

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 in Judgment dt 13.02.2020 made in S.C.No.50 of 2014 on the file of the Mahila Court(Mahila Fast Track Court, Virughunagar District and Srivilliputhur) and enlarge the petitioner on bail

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.C.MAYILVAHANA RAJENDRAN, Advocate for the petitioner and of MR.K.DINESH BABU, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Judge, Mahila Court, (Mahila Fast Track Court), Srivilliputhur, Virudhunagar District, in S.C.No.50 of 2014 dated 13.02.2020, till the disposal of the appeal.

2.The case against the petitioner is that on 20.09.2013 at about 04.10 hours, the petitioner misbehaved with a 10 years female child. The case against the petitioner in Crime No.26 of 2013 was registered under Sections 363, 506(ii) of IPC and Section 7 r/w. 8 of POCSO Act. The learned Judge, Mahila Court, (Mahila Fast Track Court), Srivilliputhur, Virudhunagar found the petitioner guilty under Section 363 of IPC and Section 7 r/w. 8 of POCSO Act. The trial Court convicted the petitioner under Section 363 of IPC and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only), in default to



undergo six months simple imprisonment and under Section 7 r/w. 8 of POCSO Act and sentenced him to undergo four years rigorous imprisonment and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) in default to undergo one year simple imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal in Crl.A.(MD)No.280 of 2020 and along with the appeal, he filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that the petitioner is in custody from 30.02.2020 onwards. Before that at the time of the trial, the petitioner was in custody for a period of 40 days. The petitioner was in custody for more than 240 days. There are much more points to be argued in the main appeal and prayed the sentence to be suspended till the disposal of the appeal.

4.On the side of the prosecution, it is stated that the prosecution has examined 19 witnesses and marked 17 documents and marked 5 material objects. The copy of the accident register was marked as Ex.P5. 164(5) (Cr.P.C.,) statement of the accused was recorded and marked as Ex.P11. The evidence of P.W.3, P.W.4, P.W.13 and P.W.14 corroborated the evidence of P.W.2. The case was proved by the prosecution beyond all reasonable doubts. The trial Court rightly convicted the petitioner and prayed the petition to be dismissed.

5.It is seen that the petitioner was already in custody for 240 days. Considering the period of incarceration and considering the family situation of the petitioner, this Court is inclined to grant suspension of sentence till the disposal of the appeal on the following conditions:

(i)the petitioner is directed to execute 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 learned Judge, Mahila Court, (Mahila Fast Track Court), Srivilliputhur, Virudhunagar District ;

(iii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of a valid identity proof to ensure their identity ;

(iv)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.

sd/-
10/09/2020

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



TO

1 THE JUDGE,
THE MAHILA COURT (MAHILA FAST TRACK COURT),
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. C.C. to M/S.C.MAYILVAHANA RAJENDRAN, Advocate SR.No. 6380

ORDER

IN

CRL MP(MD) No.4384 of 2020

IN

CRL A(MD) No.280 of 2020

Date :10/09/2020

MRN

JM/AKM/SAR III/10.09.2020/3P/5C