



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

Tuesday, the First day of September Two Thousand Twenty

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PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP (MD) No.7001 of 2019

IN

CRL A (MD) No.350 of 2019

V.SUDNARAM

... APPELLANT/PETITIONER

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
CR.No. 285 /2018

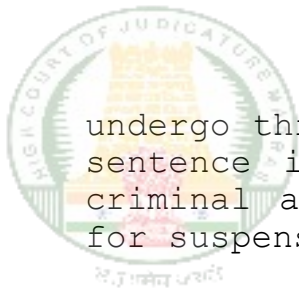
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the sentence of the imprisonment imposed on the appellant by the Additional Sessions Judge, Karur in S.C. No. 27 / 2018 in Order dated 27/05/2019 and release the accused on bail pending disposal of the appeal.

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

This petition has been filed to suspend the sentence imposed by the learned Additional Sessions Judge, Karur, in S.C.No.27 of 2018 dated 27.05.2019, till the disposal of the appeal.

2.The offence against the petitioner is that on 02.06.2018, the petitioner committed sexual harassment to a eight years female child named Nathia. The case against the petitioner is that the petitioner was registered in Crime No.61 of 2019 under Section 5(m) r/w. Section 6 of POCSO Act. The learned Additional Sessions Judge convicted the petitioner under Section 5(m) r/w Section 6 of POCSO Act and sentenced him to undergo ten years rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) in default to



undergo three months simple imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal 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 for the past fifteen months and there are discrepancies in the case of the prosecution. There is delay in lodging the complaint. P.W.6 admitted that she has not seen the occurrence. There are much more points for arguments in the main appeal and prayed the petition to be allowed.

4. On the side of the prosecution, it is stated that the age of the victim is 8 years and the petitioner is aged about 28 years. The prosecution has examined 28 witnesses and marked 17 documents and marked 3 material objects. The case was proved by the prosecution beyond all reasonable doubts. The statement of the victim was recorded under Section 164 of Cr.P.C., and was marked as Ex.P2. The confession statement was marked as Ex.P3. The evidence of the doctors P.W.24 and P.W.25 clearly supports the case of the prosecution. The petitioner has committed serious offence and there is a chance for the petitioner to escape from the clutches of law and prayed the petition to be dismissed.

5. It is seen that the petitioner is in custody for the past 15 months. Considering the period of incarceration, 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 Judicial Magistrate No.I, Kulithalai.

(ii) 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 any valid identity proof to ensure their identity.

(iii) 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/-
01/09/2020

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



TO

1. THE ADDITIONAL SESSIONS JUDGE, KARUR.
2. THE JUDICIAL MAGISTRATE No.I,
KULITHALAI, KARUR DISTRICT.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
5. THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.7001 of 2019

IN

CRL A (MD) No.350 of 2019

Date : 01/09/2020

MRN

TE/JC/SAR-III : 01/09/2020 : 3P/7C