



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

Thursday, the Third day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.6267 of 2020

IN

CRL A(MD) No.343 of 2020

RAJENDRAN

... PETITIONER/APELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
EZHAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.257 OF 2013

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed by the Fast Track Mahila Court, Virudhunagar District of Srivilliputhur in S.C.No.84/2014 on 29.10.2020 and release the petitioner on bail pending disposal of the Criminal Appeal.

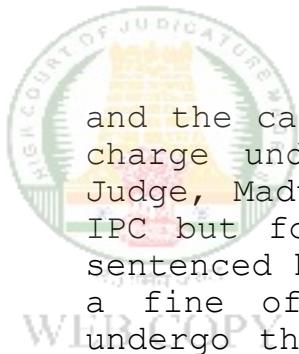
PRAYER IN CRL A(MD) No.343 of 2020:

Pleased to set aside the conviction and sentence imposed by the Fast Track Mahila Court, Virudhunagar District of Srivilliputhur in S.C.No.84/2014 on 29.10.2020 and allow this Criminal Appeal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.JOTHI BASU, Advocate for the petitioner and of Mrs.S.BHARATHI Government Advocate on behalf of the Respondent, while admitting the Criminal Appeal., the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District, Srivilliputhur in S.C.No.84 of 2014 dated 29.10.2020, till the disposal of the appeal.

2.The case against the petitioner is that he kidnapped the victim girl and a case was filed against the petitioner in Crime No.257 of 2013 under Sections 366(A) of Cr.P.C., and 366, 368 of IPC



and the case was taken on file as Spl.S.C.No.84 of 2014, by framing charge under Sections 366 and 368 of IPC. The learned Sessions Judge, Madurai not found the petitioner guilty under Section 368 of IPC but found the petitioner guilty under Section 366 of IPC and sentenced him to undergo five years rigorous imprisonment and to pay a fine of Rs.2,000/- (Rupees Two Thousand only) in default to undergo three months rigorous imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal in CrI.A.(MD)No.343 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 victim girl is aged about 17 years. The petitioner is aged about 22 years. Both of them worked in a fireworks factory. But the parents of the victim refused to marry her to the petitioner due to caste difference and lodged a false complaint against the petitioner. All the witnesses are interested witnesses. There are valid points for consideration in the 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 12 witnesses and marked 15 documents. The case was proved by the prosecution beyond all reasonable doubts. The evidence of the victim girl was recorded under Section 164(5) of Cr.P.C., and was marked as Ex.P14. The age of the victim was proved through Ex.P15. The evidence of P.W.4 to P.W.6 corroborated the evidence of P.W.1 to P.W.3. The trial Court has rightly convicted the petitioner and prayed the petition to be dismissed.

5.It is seen that the petitioner is in custody from 29.10.2020. Considering the nature of offence and the age of the petitioner and considering the period of incarceration, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioner is ordered to be released on bail on the following conditions:

(i)the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District, Srivilliputhur;

(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 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 further orders.

WEB COPY

/ TRUE COPY /

sd/-
03/12/2020

/ /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 SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT OF SRIVILLIPUTHUR.
2. THE INSPECTOR OF POLICE
EZHAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.JOTHI BASU, Advocate (SR-7880[I] dated 04/12/2020)

ORDER
IN
CRL MP(MD) No.6267 of 2020
IN
CRL MP(MD) No.343 of 2020
Date : 03/12/2020

MRN
JM/PN/SAR III/07.12.2020/3P/6C