



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

Friday, the Tenth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.10177 of 2019

IN

CRL A(MD) No.557 of 2019

BALAN

... APPELLANT/SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
AANDIPATTI ALL WOMEN POLICE STATION,
THENI DISTRICT.
IN CRIME NO.05/2017

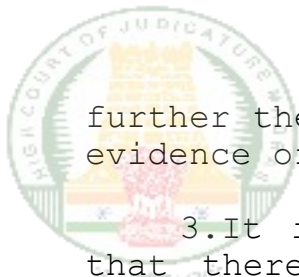
... RESPONDENT/ COMPLAINANT

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 by the learned trial court and enlarge the Appellant / Accused on bail in Spl.SC No.21 of 2017 dated 03.10.2019 order passed by the Honorable Fast Track Mahila Court, Theni District.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.A.RAJA, Advocate for the appellant and of Public Prosecutor on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 366 of IPC, and sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for a period of two years and for the alleged offence under Section 6 of Protection of Children from Sexual Offences Act 2012, and sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for a period of two years in Spl.S.C.No.21 of 2017 on the file of the learned Sessions Judge, Mahalir Fast Track Court, Theni District.

2.It is submitted by the learned counsel for the petitioner
<https://hcservices.ecourts.gov.in/hcservices/> that there are several infirmities in the prosecution case and



further there are contradictions in material particulars between the evidence of the prosecution witnesses.

3.It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

5.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the District Mahila Fast Track Court, Theni District, and on further condition that the petitioner shall appear before the said Court daily twice i.e. at 10.30 a.m and 5.00 p.m pending appeal.

sd/-
10/01/2020

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

TO

1 THE JUDGE,
FAST TRACK MAHILA COURT,
THENI DISTRICT.

2 THE JUDGE,
DISTRICT MAHILA FAST TRACK COURT,
THENI DISTRICT



3 THE INSPECTOR OF POLICE
AANDIPATTI ALL WOMEN POLICE STATION,
THENI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.A.RAJA, Advocate (SR-689[I] dated 10/01/2020)

ORDER
IN
CRL MP(MD) No.10177 of 2019
IN
CRL A(MD) No.557 of 2019
Date :10/01/2020

vsd
JM/VR/SAR 3/21.01.2020/3P/7C