



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

Thursday, the Twentieth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.11484 of 2019

IN

CRL A(MD) No.617 of 2019

KARUPPASAMY

... PETITIONER/ APPELLANT/
SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
RAJATHANI POLICE STATION,
THENI DISTRICT.
(CRIME NO.368/2018)

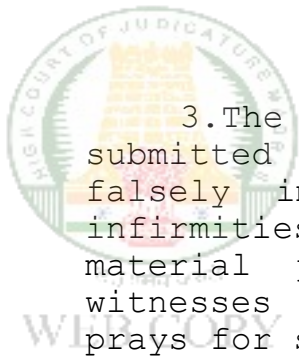
... RESPONDENT/ COMPLAINANT/
COMPLAINANT

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 on the petitioner/ appellant by the Learned Fast Track Mahila Court, Theni by its judgment in Spl.S.C.No.59/2018 dated 07.11.2019 and enlarge the petitioner on bail, pending disposal of the Crl.A.(MD).No.617/2019.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.JEGADEESH PANDIAN, Advocate for the petitioner and of Mr.V.NEELAKANDAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the conviction and sentence imposed on the petitioner by the Fast Track Mahila Court, Theni, in Spl S.C.No.59 of 2018, dated 07.11.2019 pending disposal of the criminal appeal.

2.The learned counsel appearing for the petitioner submitted that the petitioner was convicted by the trial court for the offence under section 6 of the Protection of Child from Sexual Offences Actn 2012 and sentenced to undergo 10 years rigorous imprisonment and also to pay a fine of Rs.10,000/- in default to undergo 2 years simple imprisonment.



3.The learned counsel appearing for the petitioner further submitted that the petitioner is an innocent person and he was falsely implicated in this case and that there are several infirmities in the prosecution case and there are contradictions in material particulars between the evidence of the prosecution witnesses and that the petitioner is in jail since 07.11.2019 and prays for suspension of sentence.

4.It is submitted by the learned Additional Public Prosecutor appearing for the respondent/State that the trial court has rightly convicted the petitioner and there are enough materials available on record against the petitioner and there is no infirmity in the prosecution case and prays for dismissal of this petition.

5.This court has carefully considered the rival contentions put forth on either side and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out 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 the petitioner is in jail since 07.11.2019 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.

7.Accordingly, this 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 he 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 Fast Track Mahila Court, Theni and on further condition that the petitioner shall appear before the said court daily twice I.e., at 10.30 am and 5.00 pm pending appeal.

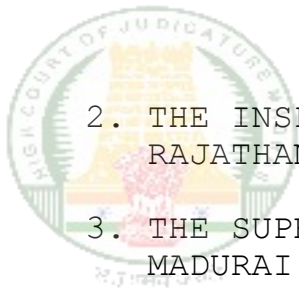
sd/-
20/02/2020

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

TO

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



2. THE INSPECTOR OF POLICE
RAJATHANI POLICE STATION, THENI 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.JEGADEESH PANDIAN, Advocate (SR-3632[I] dated 20/02/2020)

ORDER
IN
CRL MP(MD) No.11484 of 2019
IN
CRL A(MD) No.617 of 2019
Date :20/02/2020

MS/PN/SAR-2/20.02.2020/3P.6C