



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

Monday, the Twenty Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.11460 of 2019
IN
CRL A(MD) No.612 of 2019

SARAVANAN

... APPELLANT/SOLE ACCUSED

Vs

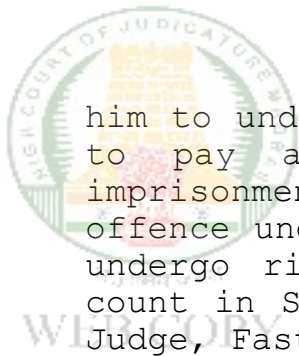
THE STATE REP.BY
THE INSPECTOR OF POLICE
RAMESWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.21/2018

... 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 of Imprisonment imposed by the Sessions Judge (FAC), (Fast Track Mahalir Court), Ramanathapuram in Spl.S.C.No.19/2018 by the judgment dated 05.12.2019 and enlarge the Petitioner / Appellant on bail pending disposal of the above said Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.PRABHU, Advocate for Mr.D.RAMESHKUMAR, Advocate for the Appellant and of Mr.V.NEELAKANDAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRL A, 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 341 of IPC (2 counts), and sentenced him to undergo simple imprisonment for a period of one month for each count and for the alleged offence under Section 9(a)(i) r/w 10 of POCSO Act 2012 and sentenced him to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.3,000/-, in default to undergo simple imprisonment for a period of three months and for the alleged offence under Section 9(1) r/w 10 of POCSO Act 2012 and sentenced him to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.3,000/- in default to undergo simple imprisonment for a period of three months and for the alleged offence under Section 9(m) r/w 10 of POCSO Act 2012 and sentenced



him to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.3,000/- in default to undergo simple imprisonment for a period of three months and for the alleged offence under Section 506(i) of IPC (2 counts) and sentenced him to undergo rigorous imprisonment for a period of one year for each count in Spl.S.C.No.19 of 2018 on the file of the learned Sessions Judge, Fast Track Mahalir Court, Ramanathapuram District.

2.It is submitted by the learned counsel for the petitioner 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 learned Judicial Magistrate Court, Rameswaram, Ramanathapuram 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/-
24/02/2020

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



TO

1. THE SESSIONS JUDGE,
(FAC), (FAST TRACK MAHALIR COURT),
RAMANATHAPURAM.
 2. THE JUDICIAL MAGISTRATE,
RAMESWARAM, RAMANATHAPURAM DISTRICT.
 3. THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 4. THE INSPECTOR OF POLICE
RAMESWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
 5. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 6. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.D.RAMESHKUMAR Advocate SR.No.3803

ORDER
IN
CRL MP(MD) No.11460 of 2019
IN
CRL A(MD) No.612 of 2019
Date :24/02/2020

VSD
TK/VR/SAR.1/25.02.2020/3P/8C