



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Thirteenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.12837 of 2021

in CRL.A.621 OF 2021

DHARMARAJ

[APPELLANT/ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BHAVANI, ERODE DISTRICT
(CRIME NO.15/2019)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.621 of 2021 on the file of the High Court, the High Court will be pleased to Suspend the sentence of imprisonment imposed in the Judgment dated 04.09.2021 made in Spl.SC.No.36/2020 on the file of the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) Erode Pending disposal of the above Crl.A.No.621/2021.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.621/2021 on the file of the High Court and upon hearing the arguments of M/S N.MANO HARAN, Advocate for the petitioner and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner/A1, seeking suspension of sentence of imprisonment, imposed by the judgment dated 04.09.2021 made in Spl.S.C.No.36 of 2020 by the learned Sessions Judge, Magalir Needhimandram (Fast Track Mahila Court, Erode) and to enlarge the Petitioner/ Accused on bail pending disposal of the above appeal.

2. In and by the judgment of the trial court, the Petitioner/A1 was convicted for the offence under Section 9 of Protection of Child Marriage Act, 2006 and sentenced to undergo 2 years R.I. and to pay a fine of Rs.1,00,000/- to the victim girl and also convicted for the offence under Section 8 of Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo 3 years R.I. and to pay a



fine of Rs.3000/- and in default to undergo 3 months simple imprisonment and to run the sentences concurrently and against which, the present appeal has been filed.

3. According to the learned counsel for the Petitioner/accused, there are arguable points available in the Criminal Appeal Case, which is not likely to be taken for final hearing in the near future and the Petitioner/ Al has got a fair chance of succeeding in the Criminal Appeal Case and hence, the sentence imposed against the Petitioner/Al may be suspended and the Petitioner may be exempted from surrendering before the Trial Court. He would further submit that the entire fine amounts have been deposited before the trial court.

4. Heard the learned counsel for the petitioner and perused the materials on record.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted, on the following conditions :-

- i. 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 Sessions Judge, Magalir Needhimandram (Fast Track Mahila Court, Erode).
- ii. 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.

6. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

13/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE SESSIONS JUDGE,
MAGALIR NEEDHIMANDRAM (FAST TRACK MAHILA COURT),
ERODE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BHAVANI, ERODE DISTRICT

COPY TO

THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

C.C. to M/S N.MANOCHARAN Advocate on payment of necessary
charges

Order
in
CRL MP.12837/2021

in CRL.A.621 OF 2021

Date :13/12/2021

From 7.2.2001 the Registry is issuing certified
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RVR 13/12/2021