



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

and

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL MISCELLANEOUS PETITION No.14670 of 2019

IN CRL.A.No.696 of 2019

CHINNARAJ @ UDAYAN

[PETITIONER/APPELLANT]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
E-2, ROYAPETTAI POLICE STATION,
CHENNAI DISTRICT.
CRIME NO.514 OF 2016.

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence imposed on the Petitioner/ Appellant / Accused in S.C.No.172 of 2017 dated 26.08.2019 on the file of the Learned Mahila Court/Spl. Court for Cases under POCSO Act/Children Court, Chennai and enlarge the Petitioner on bail pending disposal of the Crl.A.No.696 of 2019.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of MR.A.K.AZAHAR SAMI, Advocate for M/S. R.CHAKKARAVARTHY, Advocate for the petitioner, and of M/S.R.MUNIYAPPARAJ, Govt. Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by P.N.PRAKASH, J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 26.08.2019 passed in S.C.No.172 of 2017 on the file of the Mahila Court, (Special Court for Cases under the Protection of Children from Sexual Offences Act, 2012/Children's Court), Chennai and to enlarge the petitioner on bail pending disposal of the appeal.



2. The petitioner, who was an accused in S.C.No.172 of 2017 before the Mahila Court, (Special Court for Cases under the Protection of Children from Sexual Offences Act, 2012/Children's Court), Chennai, was convicted and sentenced as follows on 26.08.2019:

Provision under which convicted	Sentence
Under Section 302 IPC (4 counts)	Imprisonment for life and fine of Rs.5,000/-, in default to undergo six months simple imprisonment, for each count.

The aforesaid sentences (4 counts) were ordered to run concurrently.

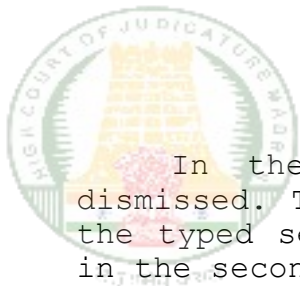
3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.696 of 2019 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.A.K.Azahar Sami, learned counsel representing Mr.R.Chakkaravarthy, learned counsel on record for the petitioner and Mr.R.Muniyapparaj, learned Government Advocate (Crl.Side) appearing for the respondent/State.

5. It is seen that the deceased Pandiammal was married to one Chinnaraj, through whom, she had three daughters Pavithra, Parimala and Sneha. The petitioner, who was the friend of Chinnaraj, developed intimacy with Pandiammal and started living with her. He projected himself as Chinnaraj in the driving license and aadhar card in order to show that he was the father of the three children.

6. While that being so, he wanted to marry Parimala, which was opposed by Pandiammal. The petitioner and his family members were tenants under one Rajabhadar (PW1). On 21.06.2016, the house was locked and when Rajabhadar (PW1) asked the petitioner as to where his family members were, he stated that they are out of station. However, on 23.06.2016, a bad smell emanated from the house and therefore, Rajabhadar (PW1) informed the police. With the help of the police, when the house was opened, the dead bodies of Pandiammal, Pavithra, Parimala and Sneha were found inside.

7. Taking into consideration the facts and circumstances of the case, this is not a fit case to grant suspension of sentence and bail.



In the result, this criminal miscellaneous petition stands dismissed. The Registry is directed to call for the records, prepare the typed set of papers and post the main appeal for final disposal in the second week of November, 2021, through physical hearing.

WEB COPY

-sd/-

28/07/2021

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 MAHILA COURT, (SPECIAL COURT FOR CASES
UNDER THE PROTECTION OF CHILDREN FROM SEXUAL
OFFENCES ACT, 2012/CHILDRENS COURT), CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
E-2, ROYAPETTAI POLICE STATION,
CHENNAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

C.C. to M/S. R.CHAKKARAVARTHY Advocate on payment of necessary charges

Order

in
CRL MP.14670/2019
in
CRL A.696/2019

Date :28/07/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

TA-05/08/2021