



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

Thursday, the Fifth day of August Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3094 of 2021
IN
CRL A(MD) No.192 of 2021

ANBURAJ

... APPELLANT/
SOLE ACCUSED/PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
CRIME NO.262/2017.

... RESPONDENT/
COMPLAINANT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence of imprisonment imposed by the Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Neethimandram), Theni in Spl.S.C.No.27 of 2021 by the Judgement dated 23.01.2021 and enlarge the Petitioner/Accused on bail, pending disposal of the above said Criminal Appeal.

Prayer in CRL A(MD) No.192 of 2021:

To call for the records from the Hon`ble Lower Court and to set aside the Judgment and Conviction dated 23.01.2021 by the learned Sessions Judge, Theni Mahalir Neethimandram (Fast Track Mahila Neethimandram), Theni in Spl.S.C.No.27 of 2021 and acquit the Appellant.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the

<https://hcc.mca.gov.in/Service/ServiceDetails.aspx?ServiceId=1> **VENKATESHVARAN.V.S.V., Advocate for the appellant**



and of Mr.RMS.SETHURAMAN, Counsel for State (Crl. Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence of imprisonment imposed in Spl.S.C.No.27 of 2021, dated 23.01.2021 by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Neethimandram), Theni and enlarge the petitioner/accused on bail pending disposal of the Criminal Appeal.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Judge, for the alleged offence under Section 366 IPC, and sentenced him to undergo simple imprisonment for a period of two years and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of two months and for the alleged offence under Section 4 of Protection of Children from Sexual Offences Act 2012, and sentenced him to undergo simple imprisonment for a period of 7 years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of six months in Spl.S.C.No.27 of 2017 on the file of the learned Sessions Judge, Fast Track Mahila Court, Theni.

3.It is submitted by the learned counsel appearing 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 and he prayed for suspension of sentence.

4.It is submitted by the learned counsel appearing for State Government (Crl.side) 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.

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

6.The learned counsel appearing 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.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions:-



(i) 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 and Sessions Judge, Mahalir Neethimandram, Theni;

(ii) and on further condition that the petitioner shall appear before the said Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending appeal.

sd/-
05/08/2021

/ TRUE COPY /

/ /2021

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

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE DISTRICT AND SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM,
(FAST TRACK MAHILA NEETHIMANDRAM), THENI.
- 2 THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.3094 of 2021
IN
CRL A(MD) No.192 of 2021
Date :05/08/2021

vsd
JM/PN/SAR II/06.08.2021/3P/5C

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