



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

Friday, the Eighteenth day of June Two Thousand and Twenty One

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PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3278 of 2021
in
CRL A(MD) No.202 of 2021

MURUGAN

... PETITIONER/APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEERANUR, PUDUKKOTTAI DISTRICT.
CRIME NO.6 OF 2020.

... RESPONDENT/RESPONDENT

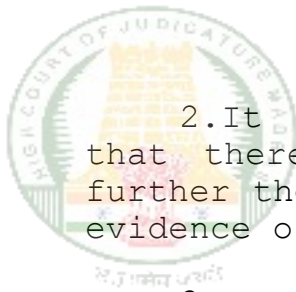
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence of Imprisonment imposed by the learned Sessions Judge, Mahila Court, Pudukkottai in Special SC.No.27 of 2020 by the Judgment dated 30.3.2021 and enlarge the Petitioner/Appellant on bail,pending disposal of the above said Criminal Appeal.

Prayer in CRL A(MD) No.202 of 2021:

To call for the records and the Judgment and Conviction dated 30.03.2021, by the learned Sessions Judge, Mahila Court, Pudukkottai in Spl.S.C.No.27 of 2020 and acquit the Appellants.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.RAMESH KUMAR, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Counsel for State Government on behalf of the Respondent, 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 7 r/w 8 of POCSO Act 2012, and sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for a period of three months and to pay a compensation of Rs.1,00,000/- (Rupees One lakh only) to the victim girl in Spl.S.C.No.27 of 2020 on the file of the learned Sessions Judge, Mahila Court, Pudukkottai.



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 Standing Counsel 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 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 learned Sessions Judge, Mahila Court, Pudukkottai;

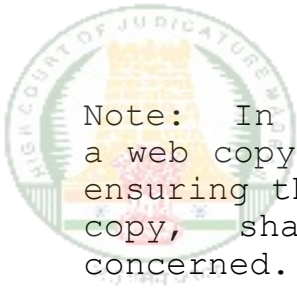
(ii)the petitioner is directed to pay a sum of Rs.25,000/- (Rupees Twenty five thousand only) to the victim girl within a period of two weeks from the date of receipt of a copy of this order;

(iii) and on further condition that the petitioner shall appear before the concerned Court daily at 10.30 a.m. pending appeal.

sd/-
18/06/2021

/ 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.

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TO

- 1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI;
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KEERANUR,
PUDUKKOTTAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.3278 of 2021
in
CRL A(MD) No.202 of 2021
Date :18/06/2021

vsd
JM/VR/SAR II/21.06.2021/3P/5C