



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

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

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.5015 of 2021
in
CRL.A.(MD)No.312 of 2021

M.SURESHKUMAR

... PETITIONER/ APPELLANT/ ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUMAYAM ALL WOMEN POLICE STATION,
PUDUKKOTTAI DISTRICT.
(IN CRIME NO.7/2016)

... RESPONDENT/ RESPONDENT/ COMPLAINANT

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 imposed on the petitioner in Spl.S.C.No.18/2017 on the file of Learned Mahila Court / District and Sessions Court Pudukkottai on 03/10/2019 and enlarge the petitioners on bail.

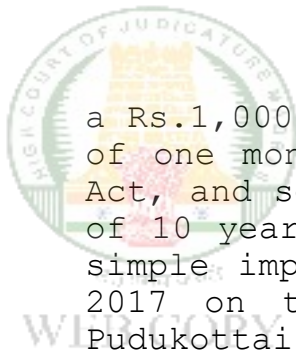
Prayer in CRL.A.(MD)No.312 of 2021:

To take this Appeal on file and call for the entire records in connection with judgment of the learned Mahila Court/ District and Sessions Court, Pudukkottai dated 03.10.2019 made in Spl.S.C.No.18 of 2017 and set aside the conviction and sentence imposed on the appellant.

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.M.SEENI SULTHAN, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Counsel for state Government (Criminal Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in Spl.S.C.No.18 of 2017, dated 03.10.2019 on the file of the learned Sessions Judge, Mahila Court, Pudukkottai and enlarge the petitioner on bail.

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 363 IPC, and sentenced him to undergo rigorous imprisonment for a period of seven years and to pay a fine



a Rs.1,000/-, in default to undergo simple imprisonment for a period of one month and for the alleged offence under Section 6 of POCSO Act, and sentenced him to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of one month in Spl.S.C.No.18 of 2017 on the file of the learned Sessions Judge, Mahila Court, Pudukottai

3.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.

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:-

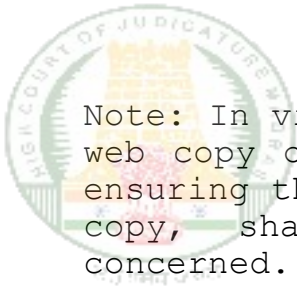
(i)the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pudukottai;

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

sd/-
12/08/2021

/ 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.

WEB COPY

TO

1. THE JUDGE,
MAHILA COURT / DISTRICT AND SESSIONS COURT,
PUDUKKOTTAI.
2. THE JUDICIAL MAGISTRATE,
PUDUKOTTAI.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON,
PUZHAI.
5. THE INSPECTOR OF POLICE,
THIRUMAYAM ALL WOMEN POLICE STATION,
PUDUKKOTTAI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.5015 of 2021
in CRL.A.(MD)No.312 of 2021
Date :12/08/2021

vsd
MS/PN/SAR-2/12.08.2021/3P.7C