



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

Monday, the Twentieth day of September Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

Crl.MP(MD)No.3499 of 2021
in
Crl.A(MD)No.212 of 2021

BALAMURUGAN @ BALU

... PETITIONER/PETITIONER

Vs

STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ALANGUDI,
PUDUKKOTTAI DISTRICT.
CRIME NO. 7 OF 2019.

... 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 Spl.SC.No.5 of 2020 by the Judgment dated 16.4.2021 and enlarge the Petitioner/Appellant on bail, pending disposal of the above said Criminal Appeal.

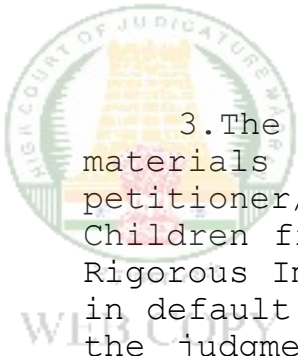
PRAYER IN CRL.A(MD)NO.212 OF 2021:

To set aside the Judgment and Conviction dated 16.04.2021, by the learned Sessions Judge, Mahila Court, Pudukkottai in Spl.SC.No.5 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.VEERA KUMAR.T Advocate for MR.RAMESH KUMAR.D, Advocate for the petitioner 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 grant suspension of sentence imposed by the learned Sessions Judge, Mahila Court, Pudukkottai, dated 16.04.2021, in Spl. SC No.05 of 2020 and enlarge the petitioner/accused on bail pending disposal of the criminal appeal.

2.According to the prosecution, the accused committed penetrative sexual assault on the minor victim.



3.The trial court, after proper appreciation of the entire materials available on record, both oral and documentary found the petitioner/accused guilty under section 5(m) r/w 6 of Protection of Children from Sexual Offence Act, 2012 and sentenced him to undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.25,000/-, in default to undergo Simple Imprisonment for 3 months. Aggrieved by the judgment of the trial court, the appellant/accused is before this court. Along with appeal, this petition has been filed seeking suspension of sentence.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

5.The learned Standing Counsel appearing for the State/respondent submitted that after proper appreciation of the facts and circumstances of the case, the trial court has rightly convicted the petitioner/accused and prays for dismissal of this petition.

6.Considering the nature of offence committed by the petitioner and also considering the period of incarceration, this Court is not inclined to grant suspension of sentence to the petitioner.

7.In fine, this Criminal Miscellaneous Petition is dismissed.

Sd/-
20/09/2021

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/ /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 SESSIONS JUDGE, MAHILA COURT,
PUDUKKOTTAI.

2. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ALANGUDI,
PUDUKKOTTAI DISTRICT.



3. THE OFFICER INCHARGE,
SUB JAIL, ARANTHANGI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Crl.MP(MD)No.3499 of 2021
in
Crl.A(MD)No.212 of 2021
Date :20/09/2021

VB/JM/SAR.II/23.09.2021/3P/5C