



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

Monday, the Twenty Second day of November Two Thousand and Twenty One

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P.(MD)No.9493 of 2021

in

Crl.A.(MD) No.468 of 2021

RANJITH KUMAR

... PETITIONER/ APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ILUPPUR POLICE STATION, ILUPPUR,
PUDUKKOTTAI DISTRICT.

... 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 of imprisonment awarded against petitioner by a judgment dated 03.09.2021 in Spl.S.C.No.22/2009 on the file of the Learned Mahila court(Sessions Judge), Pudukottai pending disposal of this Criminal appeal.

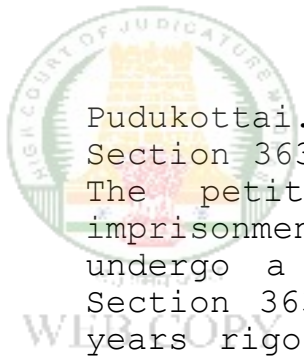
Prayer in Crl.A.(MD) No.468 of 2021:

To call for the records and Appeal and acquit the appellant/accused by setting aside the judgment passed by the Hon'ble Sessions Judge(FAC), Mahila Court, Pudukkottai in Special Sessions Case No.22/2020 dated 03.09.2021.

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.B.SEKAR, Advocate for the petitioner and of MR.K.SANJAY GANDHI, Government Advocate on behalf of the Respondent, While admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence imposed against the petitioner in Spl.S.C.No.22 of 2020, on the file of the Mahila Court (Sessions Judge), Pudukottai, pending disposal of the Appeal.

2.The allegation against the petitioner is that he had sexual intercourse with a minor girl. A case in Crime No.142 of 2020 was registered by the respondent police and the case was taken on file



Pudukottai. The Sessions Judge found the petitioner guilty under Section 363 of I.P.C. and under Section 4(1) of POCSO Amendment Act. The petitioner was sentenced to undergo 7 years rigorous imprisonment and to pay a fine of Rs.50,000/-, in default, to undergo a further period of one year simple imprisonment under Section 363 I.P.C. and the petitioner was sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.50,000/-, in default, to undergo a further period of one year simple imprisonment under Section 4(1) of POCSO Amendment Act. Against the conviction and sentence, the petitioner filed an Appeal in Crl.A.(MD)No.468 of 2021. Along with the appeal, he has filed the present application for suspension of sentence pending disposal of the said appeal.

3.On the side of the petitioner, it is stated that the petitioner and the victim girl had love affair and they eloped to Tirupur and they reside in a Car shed cum Petrol bulk. The Investigation Officer never went to the Petrol bulk and the address of the petrol bulk was not at all mentioned in the case. The owner of the petrol bulk was not examined. The dress materials of the victim was not seized. The allegation against the petitioner is that he called upon the victim through mobile phone. But, both the mobile phones were not recovered and the call details were not gathered by the investigation agency. Both the victim and the petitioner belonged to different communities, only due to communal hatred, this false case has been filed. There was no document to prove the age of the victim. The victim was aged about 18 years at the time of occurrence. There are much more points for arguments in the main appeal. The petitioner is in custody for the past 89 days and prayed the sentence to be suspended.

4.On the side of the prosecution, it is stated that there was love affair between the petitioner and the victim girl. The petitioner took the victim to Tirupur and raped her at a Car shed. The petitioner is liable for committing kidnap and rape. The prosecution has examined 8 witnesses and marked 9 documents and one material object. The prosecution has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5. It is seen that the age of the petitioner is 21 years. It is stated that there was some love affair between the victim and the petitioner. The petitioner is in custody for the past 89 days.

6.Considering the above facts and circumstances of the case and considering the age of the petitioner and also considering the period of incarceration and considering that there are some arguable points for consideration in the main appeal, this Court is inclined to suspend the sentence.

6. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended and the petitioner is released on bail on the following conditions:-



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(i) the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Mahila Court (Sessions Judge), Pudukottai.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their valid identity card to ensure their identity.

(iii) the petitioner shall appear before the Trial Court daily at 10.30 a.m., until the disposal of the appeal or until further orders.

sd/-
22/11/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE MAHILA JUDGE (SESSIONS JUDGE) FAC,
PUDUKKOTTAI.

2 THE INSPECTOR OF POLICE
ILUPPUR POLICE STATION, ILUPPUR, PUDUKKOTTAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to Mr.P.GANAPATHI SUBRAMANIAN, Advocate (SR-8358[I] dated 22/11/2021)

ORDER
IN
Crl.M.P. (MD) No.9493 of 2021
in
Crl.A. (MD) No.468 of 2021
Date : 22/11/2021

LS
MK/VR/SAR.I/22.11.2021/3P/6C

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