



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

Tuesday, the Fourteenth day of February Two Thousand and Twenty
Three

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PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
and
The Hon`ble Mr.Justice N.SATHISH KUMAR

CRL.M.P.[MD]No.4233 of 2022
in
CRL.A.[MD]No.595 of 2019

D.GNANADURAI

... PETITIONER / PETITIONER /
APPELLANT / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE DEPUTY SUPERINENDENT OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.24 OF 2013

... RESPONDENT / RESPONDENT /
RESPONDENT / COMPLAINANT

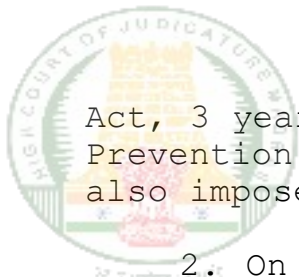
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed by the Judgment dated 03/09/2019 passed in Spl.S.C.No. 21/2016 on the file of the Learned Principal Sessions Judge, (Mahila Court), Tirunelveli and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

Prayer in CRL.A.[MD]No.595 of 2019:

To set aside the conviction and sentence passed by the Learned Principal Sessions Judge (Mahila Court), Tirunelveli, Tirunelveli District in Spl.S.C.No.21 of 2016 dated 03.09.2019 and acquit the Appellant/Sole Accused of the charge.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of and the petitioner not appearing either in person or by an advocate and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The appellant was found guilty by the trial Court in Spl.S.C.No.21 of 2016 vide judgment, dated 03.09.2019 sentenced to undergo 7 years rigorous imprisonment for an offence under Section 363 of IPC and life imprisonment for an offence under Section 4 of POCSO



Act, 3 years rigorous imprisonment for an offence under Sec. 3 of Prevention of Harassment of Women Act. Fine and default sentence also imposed for these offence.

2. On 05.04.2022 the said sentence was suspended on condition. Thereafter, the matter was taken up for final hearing, the counsel for the appellant took two adjournments on 07.12.2022 and 20.12.2022. Thereafter, there was no representation when the matter was called on 09.01.2023, hence, the matter was adjourned.

3. Today when the matter called, there is no representation.

4. This Court is of the view after gaining the suspension of sentence, the appellant is not inclined to conduct the appeal. This is a fit case to recall the suspension of sentence ordered by this Court on 05.04.2022. Hence, the suspension of sentence is recalled. The respondent police shall secure the appellant/accused and commit him to the prison.

5. List the matter on **20.04.2023**. If the appellant needs any legal aid he can make the request to the prison authority. If such request is made, Registry is directed to arrange for legal aid counsel.

sd/-

14/02/2023

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/02/2023

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

AM
TO

1 THE PRINCIPAL SESSIONS JUDGE,
MAHILA COURT, TIRUNELVELI.

2 THE DEPUTY SUPERINENDENT OF POLICE,
CHERANMAHADEVI POLICE STATION, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL.M.P.[MD]No.4233 of 2022
in
CRL.A.[MD]No.595 of 2019
Date :14/02/2023