



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

Wednesday, the Sixth day of April Two Thousand and Twenty Two

PRESENT

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

CRL MP(MD) No.4419 of 2022
IN
CRL A(MD) No.228 of 2020

SELVARAJ

... APPELLANT/APPELLANT/PETITIONER

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
ALL WOMEN POLICE STATION,
PARAMAKUDI,
RAMANTHAPURAM DISTRICT.

... RESPONDENT/RESPONDENT/RESPONDENT

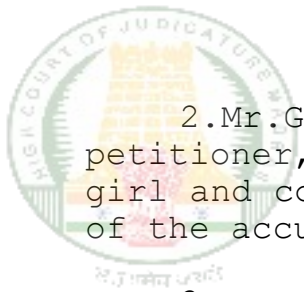
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed against the Petitioner in Spl.SC.No.1 of 2014 on the file of the Fast Track Mahila Court, Ramanathapuram in dated 31.07.2019 and enlarge the Petitioner on bail pending disposal of the above Appeal.

PRAYER IN CRL A(MD) No.228 of 2020:

To call for records pertaining to the Judgment passed by the Fast Track Mahila Court, Ramanathapuram in Spl.S.C.No.1 of 2014 dated 31.07.2019 and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.KARUPPASAMMY PANDIYAN G, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner seeks suspension of life sentence imposed on him, vide judgment dated 31.07.2019 in Spl.S.C.No.1 of 2014 on the file of the Fast Track Mahila Court, Ramanathapuram, for the offence under Section 4 of POCSO Act and Section 506(i) of I.P.C.



2.Mr.G.Karuppasammy Pandian, learned counsel for the petitioner, would draw our attention to the evidence of the victim girl and contend that the evidence does not establish the complicity of the accused in the offence.

3.Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor, would submit that the evidence of P.Ws.8 and 9, who are the Patrol Constables, would be conclusive enough to sustain the conviction.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

5.While considering the application for suspension of sentence, we do not propose to go into the minute details regarding the evidence since it may have a bearing on the hearing of the appeal.

6.On a perusal of the entire evidence, we are of the opinion that the petitioner has made out a case for at least suspension of sentence. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment imposed on the petitioner is suspended, subject to the following conditions:

i.The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judge, Fast Track Mahila Court, Ramanathapuram.

ii.The petitioner shall appear before the Fast Track Mahila Court, Ramanathapuram, on every Monday at 10.30 a.m., till the disposal of the appeal.

sd/-

06/04/2022

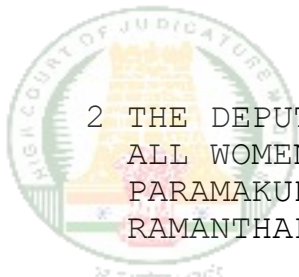
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06/04/2022

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

TO

1 THE JUDGE,
FAST TRACK MAHILA COURT,
RAMANATHAPURAM.



2 THE DEPUTY SUPERINTENDENT OF POLICE,
ALL WOMEN POLICE STATION,
PARAMAKUDI,
RAMANTHAPURAM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

ORDER

IN

CRL MP(MD) No.4419 of 2022

IN

CRL A(MD) No.228 of 2020

Date :06/04/2022

RS/PN/SAR.2 (06.04.2022) 3P-5C