



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

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

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.4957 of 2022
in
Crl.A(MD)No.289 of 2022

SANKAR

... APPELLANT/SOLE ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.
(CR.NO.503/2017).

... RESPONDENT/COMPLAINANT

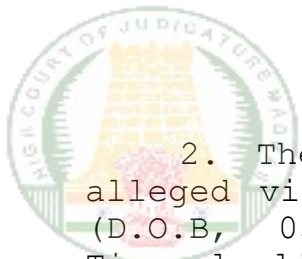
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence in Special C.C.No.40/2021 dated 14.03.2022 passed by the Learned Sessions Judge, Special Court For Exclusive Trial of Cases Under POCSO Act, Tirunelveli and enlarge the petitioner on bail pending disposal of the above appeal.

PRAYER IN in Crl.A(MD)No.289 of 2022 :

Pleased to call for the records in Special S.C.No.40/2019 dated 14.03.2022 passed by the Hon'ble Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tirunelveli and to 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. RAJIV RUFUS.V., Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Criminal Side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed praying to suspend the sentence in special C.C.No.40 of 2019, dated 14.03.2022 passed by the learned Sessions Judge, Special Court for exclusive trial of cases under POSCO Act, Tirunelveli.



2. The case of the prosecution is that on 04.09.2017, the alleged victim "M", at the time a minor girl aged about 17 years (D.O.B, 05.06.2000), was standing at the new bus stand at Tirunelveli for going to school, and that the petitioner came there and enticed the victim girl that he would marry her and kidnapped her to his house at Vallioor and kept her there for 10 days and repeatedly committed penetrative sexual assault upon the victim girl against her will. Hence the case came to registered in Crime No.503 of 2017 for the offence under Section 366 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 and after completing enquiry the respondent police filed charge sheet in C.C. No.40 of 2019 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POSCO Act, Tirunelveli. The learned Sessions Judge while framing charges against the accused framed charges under Section 366 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012. After the trial, the accused was found guilty for the charge in respect of Section 366 of IPC and ordered to undergo three years rigorous imprisonment and also to pay a fine of Rs.1,000/- I/d to undergo six month rigorous imprisonment. Further the accused was acquitted from the charge under Section 6 of Protection of Children from Sexual Offences Act, 2012

3. Considering the nature of the offence alleged to have been committed by the petitioner/appellant and also quantum of punishment imposed against him, this Court is of the view to suspend the sentence imposed in Spl. C.C.No.40 of 2019 till the disposal of Criminal Appeal No.289 of 2022 and also decided to grant bail subject to the following conditions.

4. In fine, this petition is allowed and the sentence imposed in Spl. C.C.No.40 of 2019 is alone suspended till the disposal of Criminal Appeal No.289 of 2022 and the petitioner shall be released on bail on executing a bond to the tune of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POSCO Act, Tirunelveli. The petitioner is directed to report before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POSCO Act, Tirunelveli daily at 10.30 a.m., until further orders.

sd/-
20/04/2022

/ TRUE COPY /

22/04/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.4957 of 2022
in
Crl.A (MD) No.289 of 2022
Date :20/04/2022

btr
USK/VR/SAR-II/22.04.2022/3P/4C