



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

Wednesday, the Thirteenth day of April Two Thousand and Twenty Two
PRESENT

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

CRL MP(MD) No.6678 of 2021

IN

CRL A(MD) No.122 of 2020

SATHEESH KUMAR

... PETITIONER/APPELLANT
(SOLE ACCUSED)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAMESWARAM,
IN CRIME NO.5 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 imposed on the petitioner / Appellant in Special S.C.No. 32 of 2019 on the file of the Learned Sessions Judge-Fast Track Mahila Court, Ramanathapuram and enlarge petitioner on bail pending disposal of instant Crl A (MD) No.122/2020.

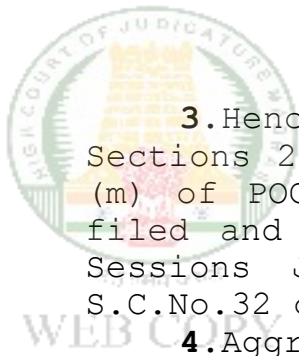
PRAYER IN CRL A(MD) No.122 of 2022:

To admit the appeal preferred by this Appellant/Accused and call for the records and set aside the conviction and sentence imposed on the appellant by the Learned Sessions Judge - Fast Track Mahila Court, Ramanathapuram in Special S.C.No.32 of 2019 dated 31.01.2020.

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.N.ANANTHAPADMANABHAN, Advocate for M/S.APN LAW ASSOCIATES for the petitioner and of M/S.M.AASHA, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous petition has been filed to suspend the sentence passed in S.C.No.32 of 2019, dated 13.07.2020 on the file of the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram and enlarge him on bail pending disposal of the Criminal Appeal.

2.The case against the petitioner is that on 29.04.2019, at about 3.00 p.m. when the victim and her friends were playing, the petitioner forcibly taken away the victim into the room of his house and sexually harassed her. On hearing the sound of the victim, the wife of the accused entered into the room and rescued the victim.



3.Hence, a case was registered against the accused under Sections 294(b), 363, 506(2) of IPC., and Section 10 r/w Section 9 (m) of POCSO Act, 2012. After investigation, a charge sheet was filed and the petitioner was convicted by the learned Additional Sessions Judge Cum Fast Track Mahila Court, Ramanathapuram in S.C.No.32 of 2019, dated 31.01.2020.

4.Aggrieved over the same, the petitioner preferred this Criminal Revision Petition along with the suspension of sentence application in Crl.M.P.(MD)No.2262 of 2020 and the same was dismissed.

5.On the side of the petitioner, it is stated that the appellant was convicted under Sections 294(b), 363, 506(2) of IPC., and Section 10 r/w Section 9 (m) of POCSO Act, 2012. It is further stated that there was no external injuries as per the deposition of PW.7. The other witnesses were not cross-examined. Witnesses P.W.5 & P.W.6 turned hostile. The petitioner is in judicial custody for the past six months and prays the sentence imposed on the petitioner may be suspended.

6.On the side of the prosecution, it is stated that the victim is 9 years old child. The petitioner and the victim are neighbors. The petitioner was already married and he is having two children. The victim was studying in 3rd standard. The prosecution has proved the occurrence through 8 witnesses and 9 documents. If the petition is allowed, the accused will be free from the clutches of law and there is a chance for absconding and prays the petition to be dismissed.

7.Considering the facts and circumstances of the case and also taking into consideration the period of incarceration and also the counsel who conduct the trial on behalf of the petitioner failed to cross examine the prosecution witnesses, the petitioner herein is entitled to the relief of grant of suspension of sentence.

8.In fine, this petition is allowed and the sentence imposed in S.C.No.32 of 2019 is alone suspended till the disposal of Criminal Appeal No.122 of 2020 and the petitioner shall be released on bail on executing a bond to the tune of Rs.10,000/- with two blood related sureties each for a likesum to the satisfaction of the Learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram. The petitioner is directed to stay within the district limit of Karur and report before the Mahila Court, Karur daily at 10.30 a.m. and 5.30 p.m. until further orders.

sd/-
13/04/2022

/ TRUE COPY /

13/04/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
RAMANTHAPURAM DISTRICT.

2 THE JUDGE,
MAHILA COURT,
KARUR.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAMESWARAM.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.APN LAW ASSOCIATES, Advocate (SR-3352[I] dated
13/04/2022)

ORDER
IN
CRL MP(MD) No.6678 of 2021
IN
CRL A(MD) No.122 of 2020
Date :13/04/2022

RS/PN/SAR.1 (13.04.2022) 3P-7C