



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

Wednesday, the Fifteenth day of March Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.4270 of 2023

IN

CRL A(MD)No.195 of 2023

JEYACHANDRAN

... PETITIONER/APPELLANT

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
DINDIGUL.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed on him by the Mahila Fast Track Court Dindigul in Spl.S.C.No.17/2021 dated 06.02.2023 pending disposal of the above Criminal Appeal.

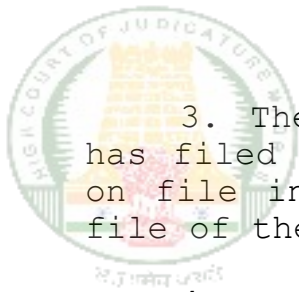
PRAYER IN CRL A(MD)NO.195 OF 2023:

Pleased to call for records to set aside the judgment made in Spl.S.C.No.17 of 2021 by the Mahila Fast Track Court, Dindigul dated 06.02.2023.

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.VENKATESH D, Advocate for the petitioner and of MR.A.ALBERT JAMES, Government Advocate (Criminal Side) on behalf of the Respondents the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in Spl.S.C.No.17 of 2021, dated 06.02.2023, on the file of the Mahila Fast Track Court, Dindigul, till the disposal of this Criminal Appeal.

2. The case of the prosecution is that on 03.02.2021 at about 08.30 a.m., when the victim girl, who is aged 16 years, was taking bath in the bathroom, the petitioner/accused had taken the photo or video of the victim girl and on that basis, FIR came to be registered in Crime No.03 of 2021.



3. The respondent police, after completing the investigation, has filed the final report and after committal, the case was taken on file in Spl.S.C.No.17 of 2021 and the same was pending on the file of the Mahila Fast Track Court, Dindigul.

4. During trial, the prosecution has examined 10 witnesses as P.W.1 to P.W.10 and exhibited 8 documents as Ex.P.1 to Ex.P.8. The accused has adduced neither oral nor documentary evidence.

5. The learned Sessions Judge, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, has passed the impugned judgment dated 06.02.2023 convicting the petitioner/accused for the offence under Section 12 of Protection of Children from Sexual Offences Act, 2012 and sentenced him to undergo three years Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo five months Simple Imprisonment. The Trial Court has suspended the sentence imposed on the petitioner for 60 days from 06.02.2023. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already paid fine amount.

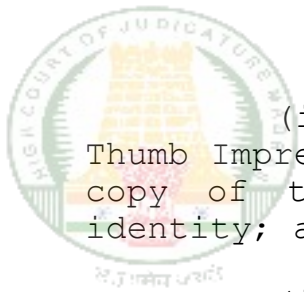
7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

8. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

9. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

10. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Mahila Fast Track Court, Dindigul;



(ii) The sureties shall affix their photographs at Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
15/03/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM
TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, DINDIGUL.
- 2 THE JSESSIONS JUDGE,
MAHILA FAST TRACK COURT, DINDIGUL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.4270 of 2023
IN
CRL A(MD)No.195 of 2023
Date :15/03/2023

PKP/CG/SAR-4/23.03.2023/ **3P/4C**