



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

Tuesday, the Third day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
and
The Hon`ble Mr.Justice SUNDER MOHAN

CRL MP(MD) No.16465 of 2022
in
Crl.A.(MD) No.783 of 2022

SARANKUMAR

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
GANESH NAGAR POLICE STATION,
GANESH NAGAR, PUDUKOTTAI,
PUDUKKOTTAI DISTRICT.
(CRIME NO.264/2017).

... 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 by the judgment dt.06.05.2022 passed in Spl.SC No.21/2017 on the file of the Mahila Court, Pudukottai, Pudukottai District and enlarge the petitioner on bail pending disposal of the above appeal.

PRAYER IN Crl.A. (MD) No.783 of 2022 :

Pleased to call for records and allow this appeal and set aside the judgment and conviction dated 06.05.2022 passed by the Mahila Court, Pudukkottai in Spl.S.C.No.21 of 2017 and acquit the appellant.

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.KRISHNAVENI.P, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The sole accused, who was held guilty of offence under Section 363 of IPC and Section 6 of POCSO Act, has preferred an appeal assailing the trial Court judgment. Pending appeal, suspension of sentence is sought for.



2. The learned counsel appearing for the appellant/petitioner states that it was a case of voluntary elopement and there was no aggravated penetrative sexual assault. Pending trial, the victim girl got married to another person and living happily, likewise, appellant also got married. The trial Court has not properly appreciated the evidence, which has led to conviction.

3. This Court on perusal of the grounds of appeal finds some force in the submission which requires further scrutiny and the same will be done when the appeal is taken up for final disposal.

4. In view of the above, for the present, this Court is inclined to suspend the sentence imposed by the Court below in Spl.S.C.No.21 of 2017 subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties, of whom, one should be a blood-related surety, each for a like sum to the satisfaction of the learned Mahila Court, Pudukottai.

ii. The sureties shall affix their photographs and Left 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.

iii. The petitioner shall report before the learned Mahila Court, Pudukottai on the first working day of every English Calender month at 10.30 a.m., until further orders.

iv. On any particular date, if the petitioner is not able to appear, leave is granted to the petitioner to file an application under Section 317 Cr.P.C. and appear before the said Court on any other day, as determined by the concerned Court, in lieu of the day on which he is absent.

sd/-

03/01/2023

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05/01/2023

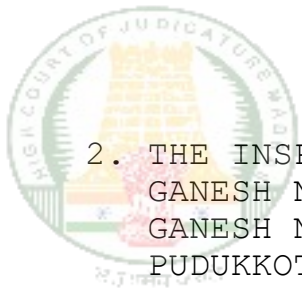
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM

TO

1. THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



2. THE INSPECTOR OF POLICE,
GANESH NAGAR POLICE STATION,
GANESH NAGAR, PUDUKOTTAI,
PUDUKKOTTAI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.KRISHNAVENI.P, Advocate (SR-43[I] dated 03/01/2023)

ORDER

IN

CRL MP(MD) No.16465 of 2022
in

CrI.A.(MD) No.783 of 2022

Date :03/01/2023

USK/SSS/SAR- /05.01.2023/3P/6C