



CRL MP(MD) No.16218 of 2023

WEB COPY

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

Monday, the Twentieth day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.16218 of 2023

in

CRL A(MD)No.1012 of 2023

MUNEESWARAN

... PETITIONER/ APPELLANT

Vs

THE STATE REPRESENTED BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, RAMANATHAPURAM,

RAMANATHAPURAM DISTRICT.

CIRME NO. 06 OF 2020

... RESPONDENT/RESPONDENT

Criminal Miscellaneous 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 upon the petitioner by the judgment 25.10.2023 made in Spl S.C no. 34 of 2020 on the file of the Fast Track Mahila court (Mahaleer Neethimandram) Ramanathapuram enlarge me on bail pending disposal of the above Criminal Appeal.

PRAYER in CRL A(MD)No.1012 of 2023:

To call for the records and set aside the Judgment dated 25.10.2023 made in Spl.S.C.No.34 of 2020, on the file of the Fast Track Mahila Court(Mahaleer Neethimandram), Ramanathapuram.



CRL MP(MD) No.16218 of 2023

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VISHNURAM.G, Advocate for the petitioner and of Mr.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent while admitting the Criminal Appeal,, the Court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Fast Track Mahila Court (Mahaleer Neethimandram), Ramanathapuram, in Spl.S.C.No.34 of 2020 dated 25.10.2023 and enlarge the petitioner on bail till the disposal of this Criminal Appeal.

2. The case of the prosecution is that on 08.05.2020 at about 02.00 p.m, the petitioner misbehaved with the victim girl/P.W.2 Thereafter, defacto complainant gave a complaint against the petitioner and the case was registered against the petitioner by the respondent police in Crime No.06 of 2020. After completion of investigation formalities, final report was filed before the concerned Court for the offences under Sections 451 of IPC and Sections 7 r/w 8 of POCSO Act, 2012 and the final report was taken on file in Spl.S.C.No.34 of 2020.

3. Before the trial Court, on the side of the prosecution, 12 witnesses have been examined as P.W.1 to P.W.12 and 10 documents were marked as Ex.P1 to Ex.P10. On



CRL MP(MD) No.16218 of 2023

the side of the accused one witness has been examined as D.W.1 and one document was marked as Ex.D1.

WEB COPY

4. The learned Fast Track Mahila Court (Mahaleer Neethimandram), Ramanathapuram, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, has passed the impugned judgment dated 25.10.2023 by convicting the petitioner as follows :

S.No.	Offence	Sentence	Fine	In default sentence
1.	451 of Indian Penal Code	One year rigorous imprisonment	Rs.500/-	One Month simple imprisonment
2.	7 r/w 8 of POCSO Act, 2012	Three years rigorous imprisonment	Rs.1,000/-	Three months simple imprisonment

Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petitions seeking suspension of sentence.



CRL MP(MD) No.16218 of 2023

WEB COPY

5. The learned counsel 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 further submitted that the trial Court suspended the sentence till 27.11.2023.

6. The learned Additional Public Prosecutor 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.

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

8. The learned counsel 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.

9. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following directions:-



CRL MP(MD) No.16218 of 2023

WEB COPY

(i) The petitioner is directed to be enlarged on bail on condition that 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 Fast Track Mahila Court (Mahaleer Neethimandram), Ramanathapuram.

(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; and

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
20/11/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA
TO

1 THE JUDGE,
FAST TRACK MAHILA COURT,
(MAHALEER NEETHIMANDRAM), RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.



CRL MP(MD) No.16218 of 2023

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

COPY TO:
THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (CALL FOR RECORDS)

+1 CC to M/s.G.VISHNURAM, Advocate (SR-16512[I] dated 20/11/2023)

ORDER
IN
CRL MP(MD) No.16218 of 2023
in
CRL A(MD)No.1012 of 2023
Date :20/11/2023

SS/DD/SAR- /24/11/2023/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023