

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Thirty First day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C. SARAVANAN

CRIMINAL MISCELLANEOUS PETITION NO.13208 OF 2018

IN CRL.A.NO.598 OF 2018

VIGNESH

[APPELLANT / ACCUSED]

Vs

STATE REP. BY,
INSPECTOR OF POLICE,
KOVAI ALL WOMEN POLICE STATION (CENTRAL),
COIMBATORE DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.598 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the execution of the sentence dated 08.12.2017 in Special C.C.No.13 of 2015 on the file the learned Magalir Neethimandram(Mahila Court), Coimbatore convicted the Appellant to undergo rigorous imprisonment for 5 years for the offences under Sections 9(m) r/w 10 of Protection of Children from Sexual Offences Act, 2002, and to pay fine a sum of Rs.2,500-/ in default of payment he should undergo further period of 3 months rigorous imprisonment and the appellant is remanded to judicial custody after judgment, be released on bail pending disposal of the above CRL.A.NO.598 OF 2019 [IN CRL.MP.NO.13208 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.598 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.S.ANBAZHAGAN, Advocate for the petitioner and of MR.G.HARIHARA ARUN SOMA SANKAR Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This application has been filed to suspend the execution of sentence dated 08.12.2017 in Special C.C.No.13 of 2015 on the file of the Magalir Needhimandram, Mahila Court, Coimbatore.

2. The accused has been convicted and sentenced to undergo rigorous imprisonment for a period of five years for the offence under Section 9 (m) r/w 10 of Protection of Children from Sexual Offences (POCSO) Act, 2002 and also to pay a fine of Rs.2,500/- in default of payment of fine he should undergo further period of three months rigorous imprisonment.

3. This applications is filed by the appellant/accused seeking bail and to suspend the sentence under Section 389 (1) and (2) of Cr.P.C. The main Criminal Appeal has been filed challenging the conviction and sentence, stating that the order has been passed without considering the merits of the case. However, the learned counsel for the appellant is not ready to argue the case at this stage and seeks adjournment. Considering the fact that the Criminal Miscellaneous Petition is filed in the year 2018 and no arguments put forth on the side of the appellant/accused till date, I am dismissing the Criminal Miscellaneous Petition.

4. In view of the above, the Criminal Miscellaneous Petition is dismissed.

-sd/-
31/08/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE MAGALIR NEETHIMANDRAM (MAHILA COURT),
COIMBATORE

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KOVAI ALL WOMEN POLICE STATION (CENTRAL),
COIMBATORE DISTRICT.

C.C. to M/S.ARULSELVAM ASSOCIATES Advocate on payment of
necessary charges

Order

in
CRL MP.13208/2018
in
CRL A.598/2018

Date :31/08/2019

From 7.2.2001 the Registry is issuing certified
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