

Petitioner Vs. Respondent

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Court : Chennai

Decided On : Sep-21-2016

Judge : M. Venugopal

Appeal No. : Crl.M.P.No. 7646 of 2016 in Crl.A.No. 545 of 2016

Appellant : Petitioner

Respondent : Respondent

Judgement :

M. Venugopal, J.

1. Heard Mr.R.Sankarasubbu, Learned counsel for the Petitioner and Mr.P.Govindarajan, Learned Additional Public Prosecutor for the Respondent/Complainant.
2. The Petitioner/Appellant/Accused has preferred the present Crl.A.No.545 of 2016 before this Court, as against the judgment dated 02.06.2016 in Spl.S.C.No.21 of 2014 passed by the Learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Vellore.
3. It transpires that the Petitioner/Appellant/Accused was found guilty by the Learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Vellore in respect of an offence under Section 341 (2 counts) of IPC and under

Sec.4 of Protection of Children from Sexual Offences Act, 2012 by means of a judgment dated 02.06.2016. However, the Petitioner/Appellant/Accused was found not guilty in respect of the offences under Section 323 and 506(i) of IPC. In respect of the offences under Section 341 (2 counts), the Petitioner/Appellant/Accused was convicted and sentenced to pay a fine of Rs.1000/- for both counts, in default, to undergo two weeks Simple Imprisonment for both counts. As regards the offence under Section 4 of POCSO Act, the Petitioner/Appellant/Accused was convicted and sentenced to undergo Rigorous Imprisonment for a period of 7 years and further, he was directed to pay a fine of Rs.2000/-, in default of payment of the said fine, he was further directed to undergo two months Simple Imprisonment.

4. It is represented on behalf of the Petitioner/Appellant/Accused that the Petitioner/Appellant/Accused had remitted a total fine amount of Rs.3000/- to the credit of Special Sessions Case No.21 of 2014 on the file of the trial Court on 02.06.2016 itself.

5. It is to be noted that filing of an 'Appeal' is a continuation of original proceedings of Spl.S.C.No.21 of 2014 dated 02.06.2016 on the file of the trial Court and the Petitioner/Appellant/Accused has exercised his right of filing the present 'Appeal' as an affected person as envisaged under Criminal Procedure Code.

6. In this connection, this Court has perused the various grounds raised by the Petitioner/Appellant/Accused in the 'memorandum of grounds of Appeal' and is of the earnest and considered view that some substantial/arguable points have been raised, which require a detailed consideration at the time of final hearing of the main 'Appeal' and also that the present 'Appeal' is not likely to be taken up for final hearing in the immediate future. Inasmuch as the Petitioner/Appellant/Accused has filed the present Criminal Appeal, this Court on going through the entire gamut of the attendant facts and circumstances of the case and in a conspectus fashion and also on looking into the various grounds set out by the Petitioner/Appellant/Accused in the grounds of 'Appeal', at this stage, is inclined to suspend the substantial sentence of imprisonment alone and orders the release of the Petitioner on his executing a separate bond for a sum of Rs.15,000/- (Rupees

Fifteen thousand only) with two sureties each for a likesum to the satisfaction of the Learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Vellore and on further condition that he shall appear before the said Court on the First Working day of every English calendar month at 11.00 A.M. until further orders.

7. Accordingly, the Crl.M.P.No.7646 of 2016 is ordered in the above terms.

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