

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

FRIDAY, THE 15TH DAY OF MAY 2020 / 25TH VAISAKHA, 1942

CRL.M.A.NO.1 OF 2020 IN CRL.APPEAL.NO.557 OF 2017

(AGAINST THE JUDGMENT DATED 02.06.2017 IN SC NO.28/2017 ON THE FILES OF THE SPECIAL COURT FOR THE TRIAL OFFENCES UNDER POCSO ACT & CHILDREN'S COURT (ADDL. SESSIONS COURT, KALPETTA, WAYANAD)

PETITIONER/APPELLANT:-

ANOOPASHOKAN,
AGED 32 YEARS, S/O.ASOKAN,
ELAVUMKUNNEL HOUSE,
AISWARYAKAVALA, SEETHAMOUNT P.O.,
PADICHIRA, SULTHANBATHERYTALUK,
WAYANAD - 673 579.

BY. ADVS. SRI.RENJITH B.MARAR
SMT.LAKSHMI N.KAIMAL
SRI.U.JAYAKRISHNAN
SURABHI SANTOSH

RESPONDENT/RESPONDENT

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
PIN-682031.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL M.A. HAVING COME UP FOR ADMISSION ON 15.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK MENON, J.

CRL.M.A. NO. 1 OF 2020

IN
Cr1.Appeal No.557 of 2017

Dated this the 15th day of May, 2020

O R D E R

The petitioner/appellant is the accused in S.C.No.28/2017 on the files of the Additional Sessions Court, Kalpetta, wherein he has been found guilty and convicted for offences punishable under Sections 415 and 376(2)(i)(n) r/w Section 34 of I.P.C. and also under Section (5)(j)(ii) and (1) r/w Section 6 and Section 16 r/w Section 17 of the POCSO Act. The petitioner was sentenced to undergo imprisonment for ten years. The petitioner has already undergone imprisonment for three years and three months. The learned Counsel for the petitioner submits that in view of the fact that he has already undergone three years and more and also because he has settled the matter with the defacto complainant, the sentence may be suspended. It is also pointed out that the defacto complaint has given birth to a child and that the petitioner/appellant herein is the biological father of the child. Considering all these facts, there is no point in prolonging with the incarceration. Hence,

the sentence of imprisonment is suspended on the petitioner/appellant executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like amount to the satisfaction of the trial court and on depositing of Rs.25,000/- (Rupees twenty five thousand only) as fine amount within a period of one month.

**ASHOK MENON
JUDGE**

dkr