

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

AND

THE HONOURABLE MR.JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 1ST DAY OF APRIL, 2020/12TH CHAITHRA, 1942

CRL. APP. NO. 1545 OF 2019

(ARISING OUT OF THE JUDGMENT DATED 14/11/2019 IN S.C.NO.463/2011 ON THE FILES OF THE ADDITIONAL DISTRICT AND SESSIONS JUDGE FOR THE TRIAL OF CASES RELATING TO ATROCITIES AND SEXUAL VIOLENCE TOWARDS WOMEN AND CHILDREN, KOZHIKODE)

APPELLANT/ACCUSED:

Babu, S/o.Govindan, aged 49 years,
Vazhayil Meethal House, Annakottanchal,
PeruvannamuzhiP.O, Chakkittapara, Kozhikode-673 528.

By Advs. Sri. SUSMITH KUMAR
Sri.T.D.SIVADAS

RESPONDENTS / COMPLAINANT / STATE:

- 1 S.H.O, Peruvannamuzhi Police Station,
PeruvannamuzhiP.O, Kozhikode-673 528.
- 2 State of Kerala, Represented by Public Prosecutor,
High Court of Kerala, Ernakulam.

By Sri.Suman Chakravarthy, Public Prosecutor

This Criminal Appeal coming up for orders on 01/04/2020 the court on the same day passed the following:-

A.K. JAYASANKARAN NAMBIAR, J.

&

SHAJI P. CHALY, J.

Cr.L.M.A.NO.1 OF 2020 IN CRL.A.NO.1545 OF 2019

Dated this the 1st day of April, 2020

O R D E R

Shaji P. Chaly, J.

The aforesaid application is filed for suspending the sentence imposed as per the judgment in Sessions Case No.463/2016 on the files of the Additional District and Sessions Judge for the trial of cases relating to Atrocities and Sexual Violence towards Women and Children, Kozhikode. The application was pending before this Court from November, 2019, and the sentence was not suspended obviously for the reason that appellant was convicted under major offences of the Indian Penal Code and the Protection of Children from Sexual Offences Act, 2012. Learned Public Prosecutor opposed the application filed by the petitioner/appellant. Having considered the rival submissions, and in view of the serious nature of the offences, we are of the considered opinion that the application is to be considered by the regular court. The application is therefore posted accordingly.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

**SHAJI P. CHALY
JUDGE**