

**Crl.M.P.No.7593 of 2016**  
**in**  
**Crl.A.No.535 of 2016**

**R.SUBBIAH, J.**

The petitioner/accused was convicted and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo further period of three months rigorous imprisonment, for the offence under Section 8 of Protection of Children from Sexual Offences Act, by the learned Sessions Judge (Magaleer Needhi Mandram), Chennai, vide judgment in S.C.No.429 of 2014 dated 30.06.2016.

2.The learned counsel for the petitioner submitted that P.W.3 is the minor victim girl aged about 8 years. The appellant/accused is the father of the tuition teacher of P.W.3/victim. P.W.3/victim told her class teacher-P.W.5 that the appellant/accused touched her private part. The class teacher-P.W.5 informed the Headmistress-P.W.4, who in turn informed the same to P.W.1-father of the victim girl. Thereafter, the complaint was lodged. The learned counsel for the petitioner would submit that the Trial Court, without properly appreciating the defence put forth by the petitioner/accused, has convicted the petitioner. The learned counsel for the petitioner

would also submit that the period of sentence imposed on the petitioner is only three years and the petitioner was granted suspension of sentence by the Trial Court till 31.07.2016 and the petitioner has also paid the fine amount of Rs.10,000/-. Further, according to the learned counsel for the petitioner, there are several infirmities and inconsistencies found in the prosecution case. There are contradictions in the material particulars between the evidence of the prosecution witnesses. Thus, the learned counsel for the petitioner sought for suspension of sentence, pending the appeal.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal as contended by learned counsel for petitioners, and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner is entitled to the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge (Magaleer Needhi Mandram - Special Court for Cases under POCSO Act), Chennai, and on further condition that the petitioner shall appear before the said Court on the first working day, of every month, at 10.30 a.m., pending appeal.

**19.07.2016**

SSV

**R.SUBBIAH, J**  
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