



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fifteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP (MD) No.1720 of 2018

IN

CRL A (MD) No.113 of 2018

SHUNMUGARAJ

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

THE STATE THROUGH,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VILATHIKULAM,
THOOTHUKUDI DISTRICT.
(IN CRIME NO.04 OF 2016)

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the Sentence imposed against appellant in S.C.No.17 of 2016 on the file of the Honourable Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi dated 23.08.2016 and release the appellant on bail till the disposal of the appeal.

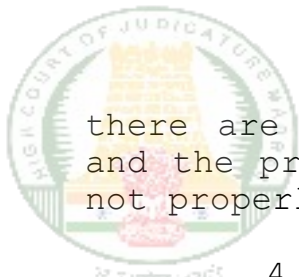
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.L.M.VIJAI BOOMINATHAN, Advocate for the petitioner and of M/S.S.BHARATHI, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

The petitioner has been convicted in Sessions Case No.17 of 2016, by the learned Sessions Judge, Mahalir Neethimandram (Fast Tract Mahila Court), Thoothukudi, on 23.08.2016, for the offence under Section 9(m) r/w 10 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo five years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment.

2. It is seen that the victim is a boy of four years old, who is alleged to have been sexually abused by the petitioner.

<https://hcservices.ecourts.gov.in/Hcservices/>

3. The learned counsel for the petitioner submitted that



there are several contradictions in the evidence of the witnesses and the principal witness who is the brother of the victim boy has not properly identified the petitioner.

4.Per contra, the learned Government Advocate (Criminal side) appearing for the respondent refuted the said contention.

5.Taking into consideration the serious nature of the allegations made against the petitioner, this Court is of the view that it is not a fit case to grant suspension of sentence.

6.Hence, this Criminal Miscellaneous Petition stands dismissed. The Registry is directed to prepare the typed set of papers and post the case for final disposal.

sd/-
15/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SESSION JUDGE, MAHALIR NEETHIMANDRAM,
(FAST TRACK MAHILA COURT), THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
VILATHIKULAM, THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.1720 of 2018
IN
CRL A(MD) No.113 of 2018
Date :15/03/2018

PK/CM/SAR-2/20.03.2018 : 2P/5C