

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION NO.9803 OF 2018

IN CRL.A.NO.424 OF 2018

SEMBU SINGH

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
R-4, SOUNDARAPANDIYANAR ANGADI POLICE STATION,
THIYAGARYA NAGAR,
CHENNAI-600 017.
CR.NO.148 OF 2016.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.424 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence to undergo for 7 years Rigorous imprisonment and imposing a fine of Rs.50,000/- in default to undergo further period of 1 year Rigorous imprisonment for the alleged offence under Sec.4 of Protection of Children from Sexual Offences (POSCO) Act, 2012 in S.C.302 of 2016 dated 09.07.2018 passed by the Mahila Court (Mahalir Neethimandram, Chennai), till disposal of the above CRL.A.NO.424 OF 2018 [IN CRL.MP.NO.9803 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.424 OF 2018 on the file of the High Court and upon hearing the arguments of M/S.K.KANNAN, Advocate for the petitioner and of MR. R.SURYA PRAKASH, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioner was tried in S.C.No.302 of 2016 by the Sessions Judge, Mahila Court, (Mahalir Neethimandram Chennai), and was convicted and sentenced on 09.07.2018 to undergo 7 years Rigorous Imprisonment under Section 4 of the POCSO Act, 2012. While so, the petitioner has filed the present Criminal Miscellaneous Petition seeking suspension of sentence and bail.

2. It is the case of the prosecution that the petitioner had taken a 12 years old boy to a hotel room and had unnatural sex with him. It is the case of the prosecution that 4 months after the incident, the boy had committed suicide.

3. Mr.K.Kannan, learned counsel for the petitioner submitted that no witness had identified the accused.

4. However, the learned Government Advocate submitted that the victim boy was examined by one Dr.Karthik and he was found to have grievous injury on his anus.

5. Taking into consideration the nature of the allegations, this is not a fit case to grant suspension of sentence and bail to the petitioner.

Hence, this Criminal Miscellaneous Petition is dismissed.

-sd/-

18/07/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
MAHILA COURT,
[MAHALIR NEETHIMANDRAM,
CHENNAI]

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
R-4, SOUNDARAPANDIYANAR ANGADI POLICE STATION,
THIYAGARYA NAGAR,
CHENNAI-600 017.

C.C. to M/S.K.KANNAN Advocate on payment of necessary charges

Order

in
CRL MP.9803/2018

in
CRL A.424/2018

Date :18/07/2019

From 7.2.2001 the Registry is issuing certified
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