

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION No.5125 of 2021

in CRL.A.No.184 OF 2021

S.CHINNAPPA

[PETITIONER]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVARUR.
CR.NO.17/2019.

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the execution of the sentence against the petitioner/accused in SC No.01 of 2020 on the file of the Learned Session Judge, Fast Track Mahila Court, Thiruvavarur dated 06.03.2021 the pending disposal of the above CRL.A.No.184 OF 2021.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. P.MUTHAMIZH SELVAKUMAR, Advocate for the petitioner and of MR. T.P.SAVITHA, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This petition has been filed seeking to suspend the sentence imposed on the petitioner by judgement dated 06.03.2021 in S.C.No.1 of 2020 by the learned Sessions Judge, Fast Track Mahila Court, Thiruvavarur.

2.The learned counsel for the petitioner would submit that the respondent police registered a case in Crime No.17 of 2019 against the petitioner and filed charge sheet for the offences punishable under Section 12 of Protection of Children from Sexual Offences Act, 2012 [hereafter 'POCSO Act' for the sake of convenience] r/w Section 354 A IPC r/w Section 4 of Prohibition of Tamil Nadu Women Harassment Act. After hearing, the trial Court found guilty under Section 12 of POCSO Act and convicted and sentenced the appellant, to undergo simple imprisonment for a period of two years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of three months. The learned counsel of the petitioner would further

submit that the trial Court failed to appreciate the entire evidence wrongly convicted and sentenced the petitioner and hence, he prays to grant suspension of sentence to the petitioner.

3. The learned Government Advocate (Crl.Side) would strongly object the petition and submits that the petitioner is none other than the step father of the victim girl and he has committed the said charged offence.

4. Heard the learned counsel on either side and perused materials available on record.

5. It is seen from the records that at the time of occurrence the victim girl was aged about 17 years and the appellant is none other than the step father of the victim girl. There is a substantive overt act attributed against the petitioner. The trial Court, after considering the evidence of the victim girl during trial and the statement of the victim girl recorded under Section 164 Cr.P.C, found that the accused/petitioner committed the offence and convicted and sentenced as above.

6. In the light of the above submissions made by the learned counsel on either side, this Court finds that no ground is made out to grant suspension of sentence to the petitioner. Considering the offence committed by the petitioner under POCSO Act and also taking into account the relationship between the parties, there is a possibility of causing cruelty to the victim girl. Hence, this Court is not inclined to grant suspension of sentence to the petitioner.

Accordingly, this Criminal Miscellaneous Petition is dismissed.

-sd/-

23/04/2021

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 FAST TRACK
MAHILA COURT, THIRUVARUR

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVARUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SECTION OFFICER,
CRIMINAL SECTION, HIGH COURT,
MADRAS.

C.C. to M/S. P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges

Order

in
CRL MP.5125/2021

in CRL.A.No.184 OF 2021

Date :23/04/2021

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RVR 30/04/2021

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