

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION No.5465 of 2021

IN CRL.A.No.206 of 2021

SELVAM @ ANTHONY

[APPELLANT/PETITIONER]

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
ANTI TRAFFICKING CELL,
CRIME BRANCH CID,
GUINDY, CHENNAI.
CR.NO.1 OF 2013.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence imposed on the petitioners in judgment made in S.C.No.286 of 2014 dated 13.10.2020 passed by the Honble court of the Sessions Judge, Special court for Exclusive trial cases under POCSO Act, Chennai and release the petitioner on bail.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.S.TAMILVENDAN, Advocate for the petitioner, and of M/S.K.MADHAN, 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 judgment dated 13.10.2020 in S.C.No.286 of 2014 on the file of the learned Sessions Judge, Special Court for exclusive trial cases under POCSO Act, Chennai.

2. The learned counsel for the petitioner would submit that the petitioner, who was arrayed as fifth accused in S.C.No.286 of 2014 was convicted for the offence under Section 6 (1) (b) of Immoral Traffic (Prevention) Act and sentenced him to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.5,000/-, in default, to undergo six months rigorous imprisonment. He would further submit that the trial Court failed to

appreciate the entire evidence wrongly convicted and sentenced the petitioner. Therefore, 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 herein was arrayed as A5 and there was a specific overtact against him that he had sent the victim girl with different persons to lodges for the purpose of prostitution and utilized her for his commercial gains and had shared the gains with the first accused, who is none other than the mother of the victim.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent and perused the materials placed on record.

5. It is seen from the records that at the time of occurrence, the victim girl was aged about 16 years. There is a substantive overt act attributed against the petitioner and the trial Court, after considering the entire materials, found that the accused committed offence and convicted and sentenced the petitioner. There is no ground made out to grant suspension of sentence to the petitioner.

6. Considering the serious gravity of the offence committed by the petitioner under Section 6 (1) (b) of Immoral Traffic (Prevention) Act, and also considering the fact that the victim girl was 16 years old at the time of occurrence, this Court is not inclined to grant suspension of sentence to the petitioner.

7. Accordingly, this miscellaneous petition is dismissed.

-sd/-

30/04/2021

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, SPECIAL COURT FOR
EXCLUSIVE TRIAL CASES UNDER POCSO ACT,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAR, CHENNAI.

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

4 THE INSPECTOR OF POLICE,
ANTI TRAFFICKING CELL,
CRIME BRANCH CID,
GUINDY, CHENNAI.

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

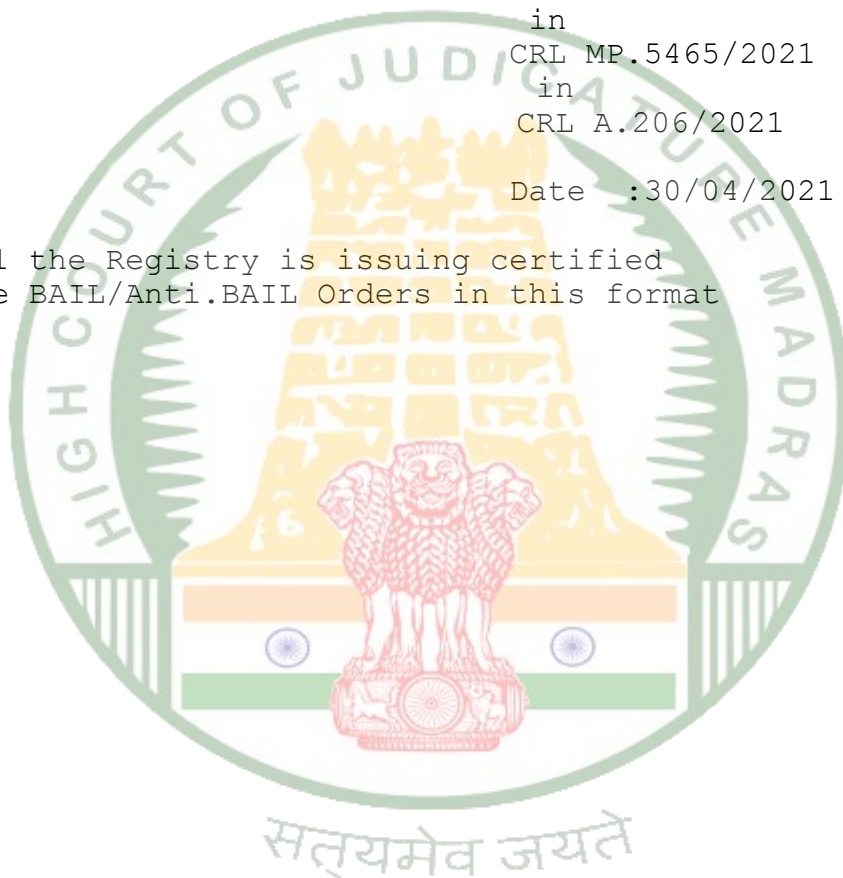
Order

in
CRL MP.5465/2021
in
CRL A.206/2021

Date :30/04/2021

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TA-05/05/2021



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