



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Second day of July Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION No.6041 of 2021

IN CRL.A.No.290 OF 2021

J.RAJKUMAR

[APPELLANT/ACCUSED]

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VILLUPURAM
CR.NO.03 OF 2015

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the execution of the sentence dated 07.04.2021 passed in SC No.61 of 2016 against the Petitioner/Appellant by the Learned Sessions Judge, Mahila Court (Fast Track Mahila Court), Villupuram and the Petitioner/Appellant who is remanded to Judicial custody after judgment be released on bail pending disposal of the above crl.A.No.290 of 2021.

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

This miscellaneous petition has been filed seeking suspension of sentence imposed on the petitioner/appellant by judgment dated 07.04.2021 made in S.C.No.61 of 2016 by the Sessions Judge, Mahila Court (Fast Track Mahila Court), Villupuram, Court for Exclusive trial of case under POCSO Act, Chengalpattu (FAC) Chengalpattu District.

2 The learned counsel appearing for the petitioner/appellant would submit that with consent of the victim only the appellant had intercourse with her and there is no evidence to show that the appellant has committed offence under Section 376 IPC. Hence he prays for suspension of sentence imposed on the petitioner.

3 The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner/accused has criminally intimidated the victim and had sexual intercourse with her



repeatedly, due to which, the victim become pregnant and he made an attempt to abort the fetus thereby committed offence punishable under 376 of IPC. Hence, he opposed grant of bail to the petitioner.

4 Heard both sides.

5 It is seen that there is specific overt act against the petitioner and he himself admitted that he had intercourse with the victim on several occasions, due to which she became pregnant. On a false promise, he had intercourse with the victim.

6 Considering the serious nature of the offence, this Court is not inclined to grant relief of suspension of sentence. This miscellaneous petition is dismissed accordingly.

-sd/-

02/07/2021

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,
MAHILA COURT (FAST TRACK MAHILA COURT)
VILLUPURAM

2 COURT FOR EXCLUSIVE TRIAL
OF CASE UNDER POCSO ACT, CHENGALPATTU (FAC)
CHENGALPATTU DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VILLUPURAM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE



COPY TO:-

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

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

Order

in
CRL MP.6041/2021

IN CRL.A.No.290 OF 2021

Date :02/07/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RVR 07/07/2021