

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION No.6256 of 2021

CRL.A.NO.303 of 2021

NEHRU

[PETITIONER/APPELLANT/ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ARIYALUR POLICE STATION,
ARIYALUR DISTRICT.
CRIME NO.414 OF 2018.

[RESPONDENT/COMPLAINANT]

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 by the Judgment dated 29.01.2021 passed in S.C.No.38 of 2018 on the file of the Learned Sessions Judge Fast Track Mahila Court, Ariyalur and enlarge the petitioner on bail, pending disposal of the Crl.A.No.303 of 2021.

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.E.SOMASUNDARAM, Advocate for the petitioner, and of MR.S.SUGENDRAN, GOVERNMENT 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 29.01.2021 in S.C.No.38 of 2018 on the file of the learned Sessions Judge, Fast Track Mahila Court, Ariyalur.

2.The learned counsel for the petitioner would submit that the petitioner who was arrayed as accused in S.C.No.38 of 2018 was convicted and sentenced for the offence under Section 6 of The Protection of Children from Sexual Offences Act 2012 to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/-, in default, to undergo one year simple imprisonment, and also convicted for the offence under Section 366 of IPC and sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/-, in default, to undergo six months

simple imprisonment. He would further submit that the trial Court failed to appreciate the entire evidence wrongly convicted and sentenced the petitioner and he is in custody. 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 victim is a minor and the petitioner/accused threatened her that if she do not love her, he will die and also forced her to have sexual intercourse with him and also committed sexual intercourse with her on several times. It is also submitted that the medical report has also been duly corroborated by the evidence of the victim and her parents. The learned Sessions Judge, on proper appreciation of evidence, rightly convicted the petitioner, which warrants no interference.

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 a minor. 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 POCSO Act, this Court is not inclined to grant suspension of sentence to the petitioner.

7. Accordingly, this miscellaneous petition is dismissed.

-sd/-
15/06/2021

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, ARIYALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ARIYALUR POLICE STATION,
ARIYALUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

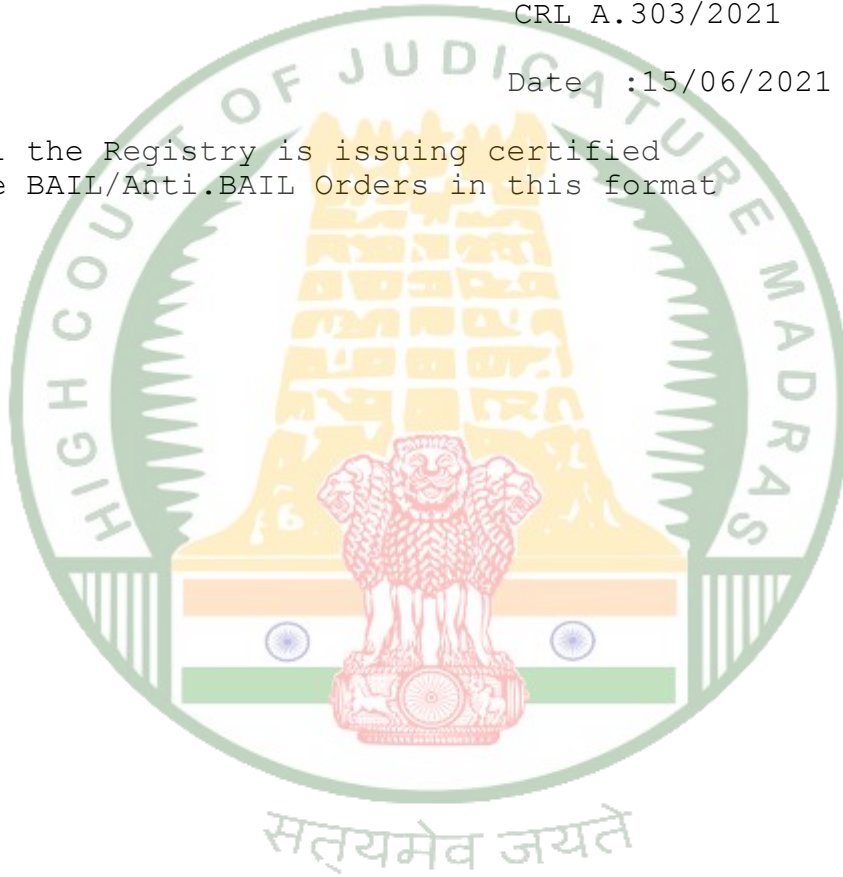
Order

in
CRL MP.6256/2021
in
CRL A.303/2021

Date :15/06/2021

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TA-01/07/2021



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