



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION No.6972 of 2021

IN CRL A.351/2021

K.VENKATESH

[APPELLANT/ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
W-6, ALL WOMEN POLICE STATION,
AYANAVARAM,
CHENNAI.
CR.NO.3/2018.

[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 execution of the sentenced dated 22.04.2021 passed in the court of Sessions Judge, Special court for Exclusive trial of cases under POCSO Act S.C.No.183 of 2018 against the appellant by the Sessions Judge chennai and the appellant who is remanded to judicial custody after Judgement be released on bail pending disposal of the above Crl.A.No.351 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.A.PUNITHAVANAN, Advocate for the petitioner, and of MR.S.SUGENDRAN, GOVERNMENT ADVOCATE [CRL. SIDE] on behalf of the Respondent, the court made the following order:-

The respondent/police registered a case in Crime No.3 of 2018 against the appellant/accused for the offence under Sections 6 and 12 of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'POCSO Act' for short).

2. After completing formalities, laid a charge sheet before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act.

3. After completing formalities, the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, taken the



charge sheet on file in S.C.No.183 of 2018 and after completing the formalities, the learned Sessions Judge framed charges against the appellant/accused for the offence punishable under Sections 6 and 12 of POCSO Act.

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4. After completing trial, the Trial Court convicted the appellant for the offence under Section 9(m) of POCSO Act and sentenced to undergo 5 years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo 3 months rigorous imprisonment.

5. Challenging the said judgment of conviction and sentence, the appellant/accused has filed the present appeal and he has also filed C.M.P.No.6972 of 2021, to suspend the execution of the sentence.

6. Learned counsel for the appellant would submit that the occurrence taken place on 04.04.2018, whereas the date of complaint is 10.04.2018. Therefore, the trial Court failed to consider the delay in filing the complaint and also no independent witness was examined and the trial Court wrongly convicted the appellant.

7. Heard both sides and perused the materials available on record.

8. Since the victim was below 12 years and the appellant was convicted under the POCSO Act, considering the age of the victim and offence committed is grave in nature, this Court is not inclined to grant suspension of sentence.

9. Accordingly, Crl.M.P.No.6972 of 2021 is dismissed.

-sd/-
22/07/2021

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

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W-6, ALL WOMEN POLICE STATION,
AYANAVARAM,
CHENNAI.



4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,

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

Order

in
CRL MP.6972/2021

in
CRL A.351/2021

Date :22/07/2021

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TA-26/07/2021