



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Nineteenth day of July Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

Crl.MP(MD)No.3771 of 2021

in

Crl.A(MD)No.227 of 2021

C.KESAVAN

... APPELLANT/SOLE ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KUZHITHURAI, KANYAKUMARI DISTRICT.
CRIME NO.19/2016

... RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant Suspension of Sentence imposed in the Conviction Judgment in Special S.C.No.05 of 2017 on the file of the Special Court for POCSO Act Cases, Kanyakumari dated 21/10/2021 and enlarge the Appellant/Accused on Bail pending disposal of the above Criminal Appeal.

Prayer in Crl.A(MD)No.227 of 2021:

To call for the records and set aside the Judgment of the Sessions Special Court for POCSO Act Cases, Kanyakumari District at Nagercoil dated 21/04/2021 made in Special S.C.No.5 of 2017 in so far as against the Appellant/Accused herein and allow the above Appeal.

Order :This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ANTO PRINCE.G, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Counsel for State on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to grant suspension of sentence imposed by the Special Court for POCSO Act Cases, Kanyakumari, dated 21.04.2021, in Spl. SC No.05 of 2017 and enlarge the petitioner/accused on bail pending disposal of the criminal appeal.



3.The trial court, after proper appreciation of the entire materials available on record, both oral and documentary found the petitioner/accused guilty under section 3(a), 4 of POCSO Act and sentenced him to undergo Rigorous Imprisonment for 8 years and to pay a fine of Rs.5,000/-, in default to undergo Simple Imprisonment for 6 months for the offence under section 3(a) of POCSO Act and punished under section 4 of POCSO Act. Aggrieved by the judgment of the trial court, the appellant/accused is before this court. Along with appeal, this petition has been filed seeking suspension of sentence.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been in judicial custody from 21.04.2021.

5.The learned Standing Counsel appearing for the State/respondent submitted that after proper appreciation of the facts and circumstances of the case, the trial court has rightly convicted the petitioner/accused and prays for dismissal of this petition.

6.Considering the nature of offence committed by the petitioner and also considering the period of incarceration, this Court is not inclined to grant suspension of sentence to the petitioner.

7.In fine, this Criminal Miscellaneous Petition is dismissed.

Sd/-
19/07/2021

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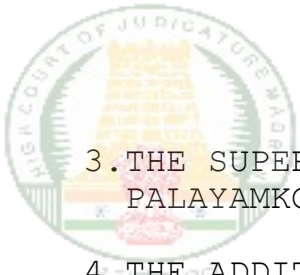
/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/ litigant concerned.

TO

1. THE SESSIONS SPECIAL COURT FOR POCSO ACT CASES,
KANYAKUMARI DISTRICT AT NAGERCOIL

2. THE INSPECTOR OF POLICE
<https://hcservices.ecourts.gov.in/hcservices/>
ALL WOMEN POLICE STATION,
KUZHITHURAI, KANYAKUMARI DISTRICT.



3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

WEB COPY

ORDER

IN

CrI.MP (MD) No. 3771 of 2021
in

CrI.A (MD) No. 227 of 2021

Date : 19/07/2021

VB/JC/SAR.III/23.07.2021/3P/5C