



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

Wednesday, the Eleventh day of August Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

Crl.MP(MD)No.4571 of 2021
in
Crl.A(MD)No.277 of 2021

M.NACHIMUTHU

... PETITIONER(S)

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION, THENI DISTRICT.
CRIME NO.188 OF 2019. ... RESPONDENT(S)

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed by the Honourable Additional Sessions Judge, Theni in Spl.SC.No.47 of 2019 dt.22.4.2021.

Prayer in Crl.A(MD)No.277 of 2021:

Take this Appeal on file and call for the entire records in connection with judgment of the learned Fast Track Mahila Court, Theni dated 22.04.2021 in Spl.SC.No.47 of 2019 and set aside the conviction and sentence imposed on the Appellant.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.J.MOHAMED SELVAM, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Counsel for State (Criminal Side) for the respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Sessions Judge, (Mahalir Fast Track Court), Theni, dated 22.04.2021, in Special SC No.47 of 2019 and enlarge the petitioner/Accused on bail, pending disposal of the criminal appeal.

2.According to the prosecution, on 01.05.2019, the accused committed sexual assault on the minor victim girl, who is aged about 7 years, while she was playing outside near a village temple. The trial court, after proper appreciation of the entire materials available on record, both oral and documentary found the petitioner/accused guilty under section 506(i) IPC and section 10 of POCSO Act and sentenced him to undergo 5 years RI and imposed a fine of Rs.1000/-, in default to undergo further period of 1 year



SI for the offence under section 10 of POCSO Act and sentenced to undergo 6 months of RI for the offence under section 506(i) IPC. 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.

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3.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 22.04.2021.

4.The learned Government Advocate (Criminal side) 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.

5.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.

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

sd/-
11/08/2021

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

TO

1 THE SESSIONS JUDGE,
(MAHALIR FAST TRACK COURT), THENI.

2 THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION, THENI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

ORDER
IN
CRL MP(MD) No.4571 of 2021
Date :11/08/2021

ER
MK/PN/SAR.IV/26.08.2021/2P/5C