



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

Friday, the Eighth day of October Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

Crl. M.P. (MD) No.4745 of 2021
in
Crl. A. (MD) No.290 of 2021

UTHAYA CHANDRAN

... PETITIONER/APPELLANT

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE
PONAMARAVATHI POLICE STATION,
PUDUKKOTTAI DISTRICT.
CR NO. 149/2019

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order of suspend the sentence of the petitioner, imposed vide judgment dated 29/06/2021 made in Spl.S.C.No.3 of 2020 on the file of the learned Mahila Court, Pudukottai, pending disposal of the present Crl.A.

Prayer in Crl. A. (MD) No.290 of 2021 :

To call for the entire records in relating to the impugned conviction judgment dated 29.06.2021 made in Spl. S.C.No.3 of 2020 on the file of the learned Mahila Court, Pudukottai and to set aside the same and consequently to acquit 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.JEYAKARTHIK.M.S., Advocate for the petitioner and of MR.M.MUTHUMANIKKAM, Counsel for State on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been preferred by the accused seeking to suspend the sentence imposed upon him by judgment dated 29.06.2021 made in Special S.C.No.3 of 2020 on the file of the learned Mahila Court, Pudukottai, to enlarge him on bail pending disposal of the appeal.

2. The petitioner herein has been arrayed as an accused in Special S.C.No.3 of 2013 on the file of the learned Mahila Court, Pudukottai. The trial Court by judgment dated 29.06.2021, convicted



the petitioner under Section 9(m) r/w 10 of POCSO Act, 2012 and sentenced to undergo Rigorous Imprisonment for 6 years and to pay a fine of Rs.50,000/-, in default, to undergo Simple Imprisonment for one year.

3. Challenging the said conviction and sentence the appellant has preferred an appeal along with this instant application.

4. It is the submission made by the learned counsel appearing for the petitioner that while at the time of occurrence, the victim child was fell down from the tree and after seeing the same, the petitioner/accused attempted to save her. In otherwise, due to the previous enmity, the mother of the victim child foisted a false case against the petitioner. According to him, the petitioner is an innocent, he is no way connected with the alleged offence.

5. Per contra, the learned Government Advocate (Crl.side) appearing for the respondent police would submit that before the trial Court, by way of examining the victim child, the prosecution has narrated the entire occurrence and only after accepting the evidence given by the victim child, the trial Court convicted the accused.

6. Now on considering the submissions made by the counsels appearing on either side, it would appear that while at the time of occurrence, the petitioner/accused committed sexual assault on a child below 12 years. The veracity of evidence given by victim child has to be decided only at the time of final hearing. In otherwise, considering the gravity of the offence committed by the accused, this Court is not inclined to suspend the sentence awarded to the petitioner at present. Hence, this petition is dismissed.

Sd/-

08/10/2021

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/ /2021

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

TO

1. THE JUDGE,
MAHILA COURT,
PUDUKOTTAI.

2. THE INSPECTOR OF POLICE
PONAMARAVATHI POLICE STATION,
PUDUKKOTTAI DISTRICT.

<https://hcservices.courts.gov.in/hcservices/>
3. THE SUPERINTENDENT CENTRAL PRISON,
TRICHY.



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

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VB/TR/SAR-I/22.10.2021/3P/5C

ORDER

IN

CrI. M.P.(MD) No.4745 of 2021
in

CrI. A.(MD) No.290 of 2021

Date :08/10/2021