



Crl.M.P.No.10164 of 2021
in Crl.A.No.356 of 2021

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S.VAIDYANATHAN, J.

and

A.D.JAGADISH CHANDIRA, J.

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 04.01.2019 passed in S.C.No.20 of 2018 on the file of the Mahila Court, Cuddalore and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner, who was the eleventh accused in S.C.No.20 of 2018 before the Mahila Court, Cuddalore, was convicted and sentenced as follows on 04.01.2019:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 6 r/w 17 of the POCSO Act (2 counts)	Ten years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo two years simple imprisonment, each.
The aforesaid sentences were ordered to run concurrently.		

3. Challenging the aforesaid conviction and sentences, the petitioner has filed Crl.A.No.356 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.A.Arasu Ganesan, learned counsel for the petitioner and Mr.M.Babu Muthumeeran, learned Additional Public Prosecutor appearing for the respondent/State.



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there are totally seventeen accused were tried before the trial Court in this case, out of which, one was acquitted and sixteen were convicted. He would further submit that out of sixteen accused, twelve accused have filed appeals before this Court. It is his further submission that this Court *vide* dated 30.10.2019 while dismissing the petition for suspension of sentence in respect of Amutha (A13) in Crl.M.P.No.13290 of 2019 in Crl.A.No.617 of 2019, had directed the Registry to prepare the paper book for final hearing. He would further submit that the petitions for suspension of sentence with regard to other accused have also been dismissed by this Court.

6. Taking into consideration the facts and circumstances of the case and the nature of allegations against the petitioner and also the fact that the co-accused in this case have not been granted suspension of sentence and bail by this Court, we are not inclined to grant suspension of sentence and bail to the petitioner and accordingly, this criminal miscellaneous petition stands dismissed. The Registry is directed to prepare the typed set of papers and post this appeal along with all other connected appeals for final hearing immediately after the paper book is made ready.

(S.V.N., J.) (A.D.J.C., J.)
01.08.2022

nsd



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- 1.The Sessions Judge,
Mahila Court,
Cuddalore.
- 2.The Deputy Superintendent of Police,
CBCIC, North Police Station,
Cuddalore.
- 3.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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