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Crl.M.P.No.15892 of 2022

Crl.M.P.No.15892 of 2022
in
Crl.A.No.1135 of 2022

P.VELMURUGAN, J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by the judgment dated 23.12.2021 in Special S.C.No.10 of 2020 on the file of the learned Special Court for cases under POCSO Act, Nagapattinam.

2. The learned counsel for the petitioner would submit that the petitioner who was arrayed as accused in Special S.C.No.10 of 2020 was convicted and sentenced for the offence under Section 10 read with Section 9(m) of The Protection of Children from Sexual Offences Act, 2012, to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.10,000/-, in default, to undergo One Year simple imprisonment; and also for the offence under Section 12 read with Section 11 (i) of the POCSO Act, to undergo rigorous imprisonment for a period of three years and to pay



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a fine of Rs.5,000/- in default, to undergo six months Simple Imprisonment; and also for the offence under Section 506(ii) of IPC, to undergo rigorous imprisonment for a period of seven years. The learned counsel for the petitioner would further submit that the trial Court failed to appreciate the entire evidence, wrongly convicted and sentenced the petitioner and now he is in custody for the past seven months. Therefore, he prays for grant of suspension of sentence to the petitioner.

3.The learned Additional Public Prosecutor would strongly object the petition and submits that the petitioner was convicted and sentenced to undergo seventeen years rigorous imprisonment and that the petitioner is now in jail.

4. Heard the learned counsel on either side and perused the materials available on record.

5. It is seen from the records that at the time of occurrence, the victim girl was aged about 6 years. There is a substantive overt act attributed against the petitioner. The trial Court, after considering the evidence of the



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victim girl during trial and the statement of the victim girl recorded under Section 164 Cr.P.C, found that the accused/petitioner committed the offence and convicted and sentenced as above. There is no ground made out to grant suspension of sentence to the petitioner.

6. Considering the serious nature of the offence committed by the petitioner under POCSO Act and the victim girl is aged only 6 years and below 12 years, this Court is not inclined to grant suspension of sentence to the petitioner.

7. Accordingly, this Criminal Miscellaneous Petition is dismissed.

20.10.2022
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