

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.12067 of 2021

in

Crl.A.No.581 of 2021

1. Ayupkhan
2. Noorjahan

.. Petitioners

Vs

The Inspector of Police
Kuthanallur Police Station
Thiruvarur 614 014
Crime No.38 of 2016

.. Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) r/w Section 439 of the Code of Criminal Procedure to suspend the sentence imposed by the judgment passed by the learned Sessions Judge, Mahila Fast Track court for Exclusive Trial of Cases under POCSO Act, Thiruvarur - 614 014 dated 18.02.2021 in Spl.S.C.No.19 of 2017 under Sections 10 and 7 r/w Section 9(n) of POCSO Act and release the petitioner on bail pending disposal of the above said criminal appeal.

For the Petitioners : M/s.A.Veeramarthini

For the Respondent : Mr.S. Vinoth Kumar,
Government Advocate (Crl. Side)

ORDER

Learned counsel appearing on behalf of the appellant would submit that the appellant is in jail from 18.02.2021 and considering the fact that he was convicted only for offence under Section 10 of the POCSO Act and having been acquainted under Section 6 of the POCSO Act, would pray that the sentence be suspended.

2. Learned Government Advocate (Crl. Side) would submit that the allegations in this case are serious in nature even though the appellant is convicted for offence under Section 10 of the POCSO Act.

3. I have considered the rival submissions made on behalf of either sides and perused the materials on records of this case.

4. The allegations in this case are serious in nature and the appellant being the step-father has indulged in this serious act of committing sexual assault on 10 year old victim. Therefore, there is no prima facie case made out for suspension of sentence.

5. In the light of the aforesaid, the suspension of sentence is dismissed.

-sd/-
15/06/2022

This order, on being produced, be punctually observed and carried
into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE
MAHILA FAST TRACK COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT, THIRUVARUR-614 014.

2 THE INSPECTOR OF POLICE,
KUTHANALLUR POLICE STATION,
THIRUVARUR - 614 014.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S. A.VEERAMARTHINI Advocate on payment of necessary
charges

Order
in
CRL MP.12067/2021
in
CRL.A.581/2021
Date :15/06/2022

From 7.2.2001 the Registry is issuing certified
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CSK 23/06/2022