



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

Thursday, the Seventeenth day of February Two Thousand and Twenty
Two

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.530 of 2022
IN
CRL A(MD) No.295 of 2021

JAFFER ALI

... PETITIONER/ APPELLANT /
SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
JEEYAPURAM ALL WOMEN POLICE STATION,
TIRUCHIRAPPALLI, TRICHY DISTRICT.
(IN CRIME NO.04/2018)

... RESPONDENT/ RESPONDENT /
COMPLAINANT

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 in Spl.SC.No.56/2018 on the file of the Sessions Judge, Mahila Court, Tiruchirappalli convicted for the offence U/s.10 of POCSO to undergo Rigorous Imprisonment for 5 years and also imposed to pay fine of Rs.1000/- (Rupees one Thousand Only) and in default to undergo six months simple imprisonment pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.295 of 2021:

To call for the records in Special Sessions Case No.56 of 2018 on the file of the Sessions Judge, Mahila Court, Trichy and set aside the conviction passed by judgment dated 16.04.2021 passed.

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.M.M.MANIVELPANDIAN, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the Sentence in Spl.S.C.No.56 of 2018 on the file of the Sessions Judge, Mahila Court, Tiruchirappalli, convicted for the offence under Section 10 of Protection of Children from Sexual Offence Act to undergo Rigorous Imprisonment for five years and also imposed to pay fine of Rs.1000/- (Rupees One Thousand only) and in default, to undergo six months Simple Imprisonment.



2. Heard the learned counsel appearing for the petitioner and peruse the material placed before this Court.

3. The learned Government Advocate (Criminal Side) submitted that the respondent followed all the procedures as contemplated under the Act and proved the case beyond reasonable doubt. Therefore, there is no ground to consider the petition for suspension of sentence while pending the appeal. Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is not inclined to suspend the sentence and hence this Criminal Miscellaneous Petition is dismissed.

sd/-
17/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SESSIONS JUDGE,
MAHILA COURT, TRICHY.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 3 THE INSPECTOR OF POLICE
JEEYAPURAM ALL WOMEN POLICE STATION,
TIRUCHIRAPPALLI, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.530 of 2022
IN
CRL A (MD) No.295 of 2021
Date :17/02/2022

MGA
MK/SBN/SAR.II/09.03.2022/2P/5C