



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Twentieth day of July Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6020 of 2022

IN

CRL A(MD)No.344 of 2022

PARAMESHWARAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
RAILWAY POLICE STATION,
DINDIGUL.

... RESPONDENT/REPODENT

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 imposed on the petitioner herein by judgement dated 15/03/2022 made in Special Sessions Case No.10/2019 passed by the Honble Fast Track Mahila Judge, Dindigul and release the petitioner on bail pending disposal of the above Crl.A.

PRAYER IN CRL A(MD)No.344 of 2022:

Pleased to call for the records and set aside the impugned judgment of conviction and sentence dated 15.03.2022 made in Special Sessions Case No.10/2019 passed by the Hon`ble Fast Track Mahila Judge, Dindigul.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PANDIYAN.V, Advocate for the petitioner and of Mr.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner/sole accused by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, in Spl.S.C.No.10 of 2019 dated 15.03.2022, till the disposal of the Criminal Appeal.

2. The case of the prosecution is that the petitioner had committed aggravated sexual assault on the victim boy, who is a mild mentally retarded boy.



3. On the basis of the complaint lodged by the defacto complainant, FIR came to be registered in Crime No.16 of 2018 for the offences under Sections 7 r/w 8 of Protection of Children from Sexual Offences Act, 2012 and thereafter altered into Sections 9(k) r/w 10 of Protection of Children from Sexual Offences Act, 2012. After completing the investigation, the respondent police has laid a final report for the offences under Sections 9(k) r/w 10 of Protection of Children from Sexual Offences Act, 2012, as against the petitioner/sole accused.

4. During the trial, the prosecution has examined 26 witnesses as P.W.1 to P.W.26, exhibited 16 documents as Ex.P1 to Ex.P16 and no material object was marked, whereas, the accused has adduced neither oral nor documentary evidence.

5. After completing the trial, the learned Sessions Judge found the petitioner guilty and convicted him for the offences under Sections 9(k) r/w 10 of Protection of Children from Sexual Offences Act and sentenced him to undergo five years Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months Simple Imprisonment. Aggrieved by the said Judgment of conviction and sentence, the petitioner/sole accused has preferred the present appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

7. The learned counsel for the petitioner would submit that the petitioner has already paid fine amount and compensation as awarded by the trial Court.

8. The learned counsel for the petitioner would further submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

9. The learned Additional Public Prosecutor appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

10. Considering the above facts and circumstances of the case and also considering the seriousness and gravity of the offence alleged against the petitioner and also the fact that the petitioner has been in incarceration from the date of Judgment i.e., on 15.03.2022, this Court is not inclined to grant suspension of sentence to the petitioner.



WEB COPY

CRL MP(MD)



22

11. In the result, this Criminal Miscellaneous Petition is dismissed.

sd/-
20/07/2022

/ TRUE COPY /

/07/2022

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

TO

- 1 THE SESSIONS JUDGE
FAST TRACK MAHILA COURT, DINDIGUL.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
RAILWAY POLICE STATION,
DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.6020 of 2022
IN
CRL A (MD) No.344 of 2022
Date :20/07/2022

SA/PN/SAR.2/22.07.2022/3P/5C