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Crl.MP No.1331 of 2023 in
Crl.A.375 of 2022

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Crl.A.No.375 of 2022

V.SIVAGNANAM, J.

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court, vide judgement dated 06.01.2022, passed in S.C.No.113 of 2017.

2.The learned Sessions Judge, Magalir Neethimandram(Mahila Court) Coimbatore vide judgment dated 06.01.2022 passed in S.C.No.113 of 2017 convicted and sentenced the petitioner under Sections 323, 376(D) IPC and 506(ii) IPC, as extracted here under.

Conviction under Section	Sentence
Sec.376(D) IPC	20 Years rigorous imprisonment and to pay a fine of Rs.5,000/- in default, to undergo 6 months simple imprisonment
Sec.506 (ii) IPC	1 year Rigorous imprisonment
Sec.323 IPC	6 months simple imprisonment

The Trial Court ordered the above sentences to run concurrently. Challenging the above judgment of conviction, the petitioner is before this Court.

3. The learned counsel for the petitioner submitted that there are arguable



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points in this Criminal appeal. He further submitted that, the petitioner is in judicial custody and hence, he prayed to suspend the sentence, pending disposal of the Criminal Appeal.

4. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondent.

5. A perusal of the records shows that the respondent police prosecuted the case against the petitioner in S.C.No.113 of 2017 before the Trial Court and the petitioner was charged for the offences punishable under Sections 323, 376(D) and 506(ii) IPC. The Trial Court, vide judgment dated 06.01.2022, has convicted and sentenced the petitioner, as stated supra.

6.The Trial Court, after perusing the oral and documentary evidence, found the petitioner guilty under Sections 323, 376(D) and 506(ii) IPC. Hence, considering the gravity of the offence, at this stage, this Court is not inclined to grant suspension of sentence.



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7. Accordingly, this Criminal Miscellaneous Petition is dismissed.

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