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Crl.M.P No.1881 of 2023 in
Crl.A.No.222 of 2022

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V.SIVAGNANAM, J.

This petition has been filed to suspend the sentence imposed on the petitioner in S.C.No.307 of 2015 by the Special Court for the case under POCSO Act, 2012, Mahila Court, Chennai vide judgement dated 12.03.2018 and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

2. The petitioner is an accused in S.C.No.307 of 2015. The Trial Court, vide judgment dated 12.03.2018, found the petitioner guilty of the offence under Sections 5(h)(i)(m) r/w.6 of POCSO Act, 2012 and convicted and sentenced him to undergo 10 years Simple Imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 6 months Simple Imprisonment. However, the Trial Court acquitted the petitioner from the offence under Section 506 (ii) I.P.C.

3. The learned counsel for the petitioner submitted that already the petition in Crl.M.P.No.2817/2022 was filed to suspend the sentence and it was



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withdrawn by the petitioner on 15.06.2022. He further submitted that, petitioner is in custody from 12.03.2018 and he is in incarceration for 5 years and hence, he prayed to suspend the sentence imposed on the petitioner.

4. The learned Government Advocate (Crl.Side) vehemently opposed to grant suspension of sentence on the ground that serious allegation has been recorded in the 164 Cr.P.C., Statement of the victim girl against the petitioner.

5. Considering the gravity of the offence, this Court is not inclined to grant suspension of sentence. Accordingly, this petition is dismissed.

13.02.2023

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