



Crl.M.P.No.2643 of 2023 in Crl.A.No.174 of 2023

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WEB C S.S.SUNDAR, J.
and
SUNDER MOHAN, J.

(Order of the Court was made by S.S.SUNDAR, J.)

The petitioner/sole accused stands convicted for the offence under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act') and Section 506(ii) of IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs.5,000/-, in default to undergo three months rigorous imprisonment for the offence under Section 6 of the POCSO Act and to undergo rigorous imprisonment for seven years and to pay a fine of Rs.5,000/-, in default to undergo three months rigorous imprisonment for the offence under Section 506(ii) of IPC, which are ordered to run concurrently, vide the judgment dated 09.04.2021 passed in S.C.No.186 of 2018 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under the POCSO Act, Chennai. Challenging the said conviction and sentence, the petitioner has preferred the appeal and the present criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner.

2. We have heard both sides and perused the materials available on record.

3. The case of the prosecution is that between December, 2017 and 06.04.2018, the petitioner, who is the father of the victim girl, aged 16



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years, had committed sexual intercourse several times and threatened to kill her as well as her mother, if the victim disclosed the same to others and continued to commit penetrative sexual assault several times due to which the victim girl was impregnated. Therefore, a case was registered in Crime No.2 of 2018 on the file of All Women Police Station, Thousand Lights for the offence under Section 6 of the POCSO Act and Section 506(ii) of IPC and the petitioner, for the proved charges, was convicted for the offences as mentioned above by the trial Court. Despite several opportunities having been granted to the petitioner, he did not choose to cross examine the trial witnesses, namely, P.W.1, the victim girl as well as P.W.2, the mother of the victim. The evidence of P.W.1 & P.W.2 are cogent and this Court is not able to find any motive on their part to give false evidence against the petitioner/accused. Having regard to the said fact, we find no grounds made out to suspend the sentence imposed on the petitioner. Accordingly, the criminal miscellaneous petition stands dismissed.

(S.S.S.R.,J.) (S.M.,J.)
09.10.2023

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