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CrLMP No.3068 of 2023
in CrL.A.No.900 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.MP.NO.3068 OF 2023

IN

CRL.A.NO.900 OF 2022

Poobathi

... Petitioner

Vs.

State by the Inspector of Police

All Women Police Station

Gingee,

Villupuram District.

(Crime No.44/2019 on the file of the

Avalurpet Police Station)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 389(1) Cr.P.C. to suspend the sentence imposed in the judgment dated 10.03.2022 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram, in Special S.C.No.172 of 2019 and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

For Petitioner	:	Mr.V.Parthiban
For Respondent	:	Mr.A.Gokulakrishnan Additional Public Prosecutor



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence of imprisonment imposed in the judgment dated 10.03.2022 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram, in Special S.C.No.172 of 2019 and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

2. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and he has been arrayed as sole accused. The Doctor, who examined the victim girl has also deposed that the forensic report is negative and that there are arguable points in this Criminal Appeal and hence, prayed for suspension of sentence.

3. The learned Additional Public Prosecutor submitted that the accused committed aggravated sexual assault on a small girl studying III Standard. The victim girl has clearly deposed about the incident and hence, he strongly objected for allowing this petition.



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4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

5. The case of the prosecution is that the petitioner / accused committed the offence under Section 449, 342, 376-AB and 506(i) IPC read with Section 9(m), 10, 5(m) and 6 of the Protection of Children from Sexual Offences Act, 2012. The final report has been taken on file on 17.07.2019 as Special Sessions Case No.68 of 2019 on the file of the Mahalir Neethimandram (Fast Track Mahila Court) Villupuram. The said case has been transferred to the newly formed Court and the new number as Special Sessions Case No.172 of 2019 has been assigned on the file of Special Court for Exclusive Trial of Cases under Protection of Children From Sexual Offences Act, Villupuram. The Special Court, after appreciating evidence, held the petitioner guilty of charges and convicted the petitioner / accused.



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6. Considering the nature of offence and the evidence of prosecution, I do not find any merit for suspending the sentence imposed on the petitioner and accordingly, this Criminal Miscellaneous Petition is dismissed.

20.03.2023

(2/2)

TK

To

- 1.The Sessions Judge
Special Court for Exclusive Trial of Cases under POCSO Act
Villupuram.
- 2.The Inspector of Police
All Women Police Station
Gingee,
Villupuram District.
- 3.The Public Prosecutor
High Court of Madras
Chennai.
- 4.The Superintendent
Central Prison
Cuddalore.

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V.SIVAGNANAM, J.

TK

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20.03.2023

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