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Crl.M.P.No.18131 of 2023
in Crl.A.No.1292 of 2023

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

[Order of the Court was made by **S.S. SUNDAR, J.**]

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner/A2 by the learned Special Judge under the POCSO Act, 2012, (Principal Sessions Judge), Puducherry, in Spl.S.C.No.7 of 2021, by judgment dated 22.12.2022, and to enlarge the petitioner/A2 on bail pending disposal of the above Criminal Appeal.

2. There are totally 11 accused persons in this case. The case of the prosecution in a nutshell is that the victim girls are minor children belonging to ST Community; that they were procured by A1 by paying money for the purpose of unlawful compulsory labour of doing household works, duck rearing and for other immoral purposes; that the petitioner/A2 is the wife of A1; that the petitioner is said to have caused wrongful restraint of the victim girls and subjected them to cruelty by not providing proper food to them, making them to eat filthy food, making



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them bonded labour to rear ducks day and night, and also by using them for illicit intercourse and other unlawful and immoral purposes; that the petitioner abated the other accused persons and also harassed the victim girls for a period of two years; when the same was informed to the Chairman of Child Welfare Committee, a case came to be registered in Crime No.187 of 2020, based on the complaint given by the Officer of the Child Welfare Committee, against all the accused persons.

3.The accused were tried by the learned Special Judge under the POCSO Act, 2012, (Principal Sessions Judge), Puducherry, in Spl.S.C.No.7 of 2021. The case was split up as against A6, as he was a juvenile. Ultimately, except A10, all other accused were convicted and sentenced and in particular, the petitioner/A2 was convicted and sentenced as follows :

<i>Conviction</i>	<i>Sentence</i>
Section 14(1) of Child Labour (Prohibition and Regulation) Act, 1986 (5 counts)	Rigorous Imprisonment for three months for each count
Section 341 r/w. 34 IPC (5 counts)	Rigorous Imprisonment for one month for each count
Section 344 r/w. 34 IPC (5 counts)	Rigorous Imprisonment for one month for each count and to pay fine of Rs.500/- for



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	each count, in default, to undergo Simple Imprisonment for one month for each count
Section 373 r/w. 34 IPC (5 counts)	Rigorous Imprisonment for two years for each count and to pay fine of Rs.1000/- for each count, in default, to undergo Simple Imprisonment for six months for each count
Section 374 r/w. 34 IPC (5 counts)	Rigorous Imprisonment for six months for each count
Section 3(1)(w)(i) of SC and ST (Prevention of Atrocities (Amendment)) Act, 2015 (2 counts)	Rigorous Imprisonment for six months for each count and to pay fine of Rs.500/- for each count, in default, to undergo Simple Imprisonment for one month for each count
Section 3(2)(v) of SC and ST (Prevention of Atrocities (Amendment)) Act, 2015 (2 counts)	Life Imprisonment for each count and to pay a fine of Rs.1000/- for each count, in default, to undergo Simple Imprisonment for three months for each count
Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 (5 counts)	Rigorous Imprisonment for six months for each count
Section 17 of POCSO Act, 2012	Rigorous Imprisonment for twenty years and to pay fine of Rs.1000/-, in default, to undergo Simple Imprisonment for six months
Section 16 of the Bonded Labour System (Abolition) Act, 1976 (5 counts)	Rigorous Imprisonment for three months for each count and to pay fine of Rs.500/- for each count, in default, to undergo Simple Imprisonment for three months for each count
Section 17 of the Bonded Labour System	Rigorous Imprisonment for one year for each count and to pay fine of Rs.1000/- for



(Abolition) Act, 1976 (5 counts)	each count, in default, to undergo Simple Imprisonment for six months for each count
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4.Challenging the above conviction and sentence, the petitioner/A2 has filed the above Criminal Appeal and she is seeking suspension of sentence and bail in the present miscellaneous petition.

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

6.The petitioner, who is the wife of A1, is also charged for specific offences as stated *supra*. The case of the prosecution appears to be one relating to child labour and subjecting minor children to sexual abuse and all sorts of exploitation and also denying them basic necessities such as food, etc. All the minor children were examined as witnesses and the trial Court has convicted and sentenced the petitioner/A2 for the offences under Sections 341, 344, 373 and 374 r/w. 34 IPC and also under the provisions of the SC and ST (Prevention of Atrocities (Amendment)) Act, 2015; POCSO Act, 2012; Bonded Labour System (Abolition) Act, 1976;



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and the Juvenile Justice (Care and Protection of Children) Act, 2015. The minor children were rescued after they being subjected to all sorts of cruelties and sexual abuses. Considering the statements of the victim girls, which were corroborated by the evidence of other witnesses and Exs.P1 to P16, the trial Court has convicted the accused persons, including the petitioner, who is the 2nd accused.

7.This Court finds no *prima facie* case atleast to foresee a possibility of this Court to interfere with the findings of the trial Court on facts. Therefore, finding that there is no *prima facie* case even in favour of the petitioner/2nd accused, who is unfortunately a lady, this Court is not inclined to entertain this petition for suspension of sentence.

8.Therefore, this Criminal Miscellaneous Petition is dismissed for want of merits.

(S.S.S.R., J.) (S.M., J.)
15.12.2023

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