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Crl.M.P.No.4104 of 2023

Crl.M.P.No.4104 of 2023 in
Crl.A.No.176 of 2023

V.SIVAGNANAM, J.

This petition has been filed by the petitioner, seeking to suspend the conviction and sentence of imposed on him vide judgment dated 29.12.2022 in Spl.S.C.No.38 of 2020 by the learned Judge, Special Court (POCSO) Act, Cuddalore District and enlarge him on bail, pending disposal of the above appeal.

2. When the matter is taken up, the learned Addl.Public Prosecutor appearing for the respondent would object to grant suspension of sentence and submit that the petitioner is a rowdy sheeter, having 12 criminal previous cases.

3. However, the learned counsel for the petitioner would submit that even though there were previous cases against the petitioner, but later he was acquitted in 10 cases and in one case, he was imposed fine and only one



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case is pending against him and the petitioner has been in judicial custody from 29.12.2022 and hence he seeks to suspend the sentence.

4. On a perusal of the records placed before this Court, it reveals that the petitioner along with another have been prosecuted by the respondent police for the offences under Section 4 of Women Harassment Act, 9(g) r/w 10 of POCSO Act, 294(b) IPC, 506(ii) and 341 IPC and the trial Court, on consideration of both oral and documentary, found the accused guilty for the offences under Section 4 of Women Harassment Act, 9(g) r/w 10 of POCSO Act and 294(b) IPC and convicted and sentenced them to undergo 3 years and 7 years rigorous imprisonment and to pay a fine of Rs.500/- each respectively and acquitted them from the charges under Section 506(ii) and 341 IPC. On going through the judgment, it is noticed that on the date of occurrence, the petitioner along with another accused (A1) went to the house of the victim girl threatened and assaulted the mother of the victim girl and abused the victim girl and forced her to share her bed with the 1st accused and attacked the father of the girl and they also committed sexual assault on



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her, which prompted the victim girl to take extreme decision and out of sheer frustration, she committed suicide and the trial Court, after analyzing the evidence placed on record in a very elaborate manner, convicted the petitioner and other accused. Considering the same, I do not find any ground to suspend the sentence and there is no merit to entertain the present petition.

5. Accordingly, this Criminal Miscellaneous Petition stands dismissed.

Dn

27.03.2023



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