



**Crl.M.P.No.6406 of 2023
in Crl.A.No.519 of 2023**

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V. SIVAGNANAM, J.

This petition is filed to suspend the sentence imposed on the petitioner in S.C.No.45 of 2014 by the learned Sessions Judge, Mahalir Neethi Mandram (Mahila Court), Salem, vide judgment dated 30.01.2023 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The learned counsel for the petitioner would submit that the the respondent Police prosecuted the accused persons for the offences under Sections 366 I.P.C and 376(1) IPC. There are totally 2 accused in S.C.No.45 of 2014, in which, the petitioner is A1 and after trial, the Trial Court found guilty and sentenced the accused/A1 to undergo rigorous imprisonment for a period of 7 years and to pay a fine of Rs.1,000/- for the offence under Section 366 IPC and in fault, to undergo rigorous imprisonment for a period of 1 year and to undergo rigorous imprisonment for a period of 10 years and to pay a fine of



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Rs.5,000/-for the offence under Section 376(1) IPC and in fault, to undergo rigorous imprisonment for a period of 1 year. The trial Court found not guilty and acquitted A2 for the offence under Section 366 IPC. Challenging the conviction and sentence slapped by the Trial Court, the petitioner/A1 is before this Court. He further contended that there is a previous enmity between the victim girl and the accused persons. Further, no medical evidence is available in support of the case of the prosecution. He further submitted that there are arguable points in this appeal and the petitioner has every chance to succeed in this Criminal appeal. Thus, he prayed for suspension of sentence till the disposal of this Criminal appeal.

3. Heard Mr.J.Titus Enock, learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor appearing for the respondent.



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4. On perusal of the records and the impugned judgment, it is noticed that the victim girl was taken out of home by the accused persons on 25.03.2012 and the petitioner/A1 forcibly married the victim girl and after that, he had intercourse several times with her forcibly and refused to call her parents. Thereafter, the victim girl has been secured by the police and she deposed before the trial Court about the incident took place. Considering the gravity of the offence and the nature of allegations levelled against him, this court finds no reason to suspend the sentence imposed on the petitioner. Accordingly, this criminal miscellaneous petition is dismissed.

01.06.2023

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