



Crl.M.P.No.6566 of 2023
in Crl.A.No.64 of 2022

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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 by the Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Erode, in Spl.S.C.No.10 of 2018, by judgment dated 25.10.2019 and to enlarge the petitioner/accused on bail pending disposal of the above Criminal Appeal.

2.The case of the prosecution is that, on 04.04.2017, the victim girl studying 7th Std. (12 years old) was found to be dull in the class by her Social Teacher; that, on enquiry by the teacher, the child was initially afraid to come out with the truth, however, later, she came out and revealed that her father, the petitioner herein, committed penetrative sexual assault continuously on her and that the Headmistress of the School, in which the victim girl was studying, lodged a complaint.



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3.The case was tried by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Erode, in Spl.S.C.No.10 of 2018, and ultimately, the petitioner/accused was convicted for the offence under Section 5(n) r/w. 6 of POCSO Act and sentenced to undergo Life Imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo Simple Imprisonment for three months.

4.Challenging the above conviction and sentence, the petitioner/accused has filed the above Criminal Appeal and he 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.Learned counsel for the petitioner submitted that there is a strong motive for the victim girl against her father, as he forced her for child marriage.



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7.This Court is unable to accept the case of the petitioner that there is motive. Having regard to the statement of the victim girl and the nature of evidence as against the petitioner/accused, this Court is unable to find a *prima facie* case to suspend the sentence imposed on the petitioner. Therefore, this Criminal Miscellaneous Petition is dismissed.

(S.S.S.R., J.) (S.M., J.)
06.11.2023

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