



Crl.M.P.No.7764 of 2023 in Crl.A.No.1330 of 2022

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

(Order of the Court was made by S.S.SUNDAR, J.)

The petitioner, being the sole accused in S.C.No.52 of 2021 on the file of the learned Sessions Judge, Fast Track Mahila Court, Ariyalur, stands convicted for the offence under Sections 376(2)(1), 450, 342 & 323 of IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs.50,000/-, in default to undergo 2 years imprisonment for the offence under Section 376(2)(1) of IPC; to undergo rigorous imprisonment for 5 years and to pay a fine of Rs.10,000/-, in default to undergo 1 year simple imprisonment for the offence under Section 450 of IPC; to undergo rigorous imprisonment for 1 year and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for 1 month for the offence under Section 342 of IPC; to undergo rigorous imprisonment for 1 year and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for 1 month for the offence under Section 323 of IPC, which are ordered to run concurrently, by the judgment dated 13.10.2022 passed by the trial Court. Challenging the said conviction and sentence, the petitioner has preferred the appeal. Pending the appeal, the petitioner has taken out the present application seeking to suspend the sentence and enlarge him on bail.

2. Heard both sides.



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3. The victim girl is a visually impaired person and was residing in the house of his brother. It is the case of the prosecution that when the victim girl was alone, on 02.04.2021, at about 5.30 p.m., the petitioner came to her house and asked for her brother. When the victim replied that her brother and others had gone for field work, the petitioner entered the house of the victim and had sexually assaulted the victim after shutting her mouth with a piece of cloth. It is also the case of the prosecution that when the victim's brother's daughter entered through backyard of the house, the petitioner escaped through that route after warning the victim that she should not disclose the incident to anyone.

4. Since this Court finds that the evidence of P.W.1, the victim girl is corroborated by the evidence of P.Ws.2, 3 & 4, who are none other than the blood relatives of the victim and the petitioner has not made out any prima facie case for suspension of sentence, this criminal miscellaneous petition stands dismissed.

(S.S.S.R.,J.) (S.M.,J.)
18.10.2023

SS



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