



**Crl. M.P. No.16755 of 2023
in Crl. A. No.762 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.)

Seeking suspension of sentence imposed by the Sessions Judge, Special Court for POCSO Cases, Thiruvannamalai vide judgment dated 09.06.2023 in Spl.S.C. No.102 of 2020, the petitioner/A1 has filed this petition.

2. By the aforesaid judgment, the petitioner/A1 was convicted and sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo one year simple imprisonment for the offence under Section 366 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.5,00,000/- in default to undergo one year simple imprisonment for the offence under Section 376 (DA) IPC and Sections 5(g), 5(i) r/w 6 of POCSO Act, 2012.

3. The crux of the argument of the learned counsel for the petitioner is that the co-accused viz., A2 and A3 were acquitted by the Trial Court.



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4. We see that there is some difficulty in identification of the accused and the acquittal of A2 and A3 is due to the fact that they have not been identified by the victim. We are unable to find any discrepancy in the statement of the victim. The victim girl is known to the accused as the accused is one of the friends of the victim girl's brother.

5. Having regard to the sequence of evidence, this Court finds that a case against the accused is established and there is no prima facie case for suspension of sentence. Therefore, this petition is dismissed.

(S.S.S.R.,J.) (S.M.,J.)
07.11.2023

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