



Crl.M.P.No.17875 of 2023

in

Crl.A.No.403 of 2020

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S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

[Order of the Court was made by S.S.SUNDAR,J.]

The petitioner is the sole accused who has been convicted for the offences under Sections 5(1) and 5(m) r/w Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 506 (1) of the IPC.

2. The case of the prosecution is that the accused is residing with his parents and running a provision shop in his house at Mannarpalayam; that the accused being a bachelor on seeing the victim girl, whenever she comes to shop, sexually assaulted her repeatedly on the minor girl; that he threatened her of dire consequences, if she reveals the acts of the accused. The conviction was based on the evidence of the victim girl.

3. The learned counsel appearing for the petitioner/accused, submitted that father of the victim girl and the neighbour who was examined to corroborate the



evidence of P.W.1 and P.W.2 turned hostile. He also pointed out that the evidence of the victim girl is contrary to what she has said in the chief examination and there are some discrepancies which were not explained by the prosecution.

4. The victim girl was studying seventh standard at the time of the occurrence and it is her version that she had been continuously subjected to sexual assault by the accused; and that she did not complain to anybody because of the threat given by the accused. The evidence of the victim girl is cogent and convincing, though during cross-examination, some suggestions were made and this Court is unable to reconcile the context in which such questions were put.

5. The learned counsel appearing for the petitioner tried to interpret the statement of victim as if she has gone back in her own statement in chief examination. We are not convinced with the submission. At this stage, this Court while examining a *prima facie* case is not required to re-appreciate the evidence. The evidence of the victim has been properly appreciated by the trial Court for convicting the petitioner.



6. This Court finds that there is no fair chance for the conviction being interfered by this Court in appeal. Hence, we are not inclined to suspend the sentence. Accordingly this criminal miscellaneous petition is dismissed.

7. Post the main appeal for “final hearing” on third week of January.

[S.S.S.R., J] [S.M., J]
13.12.2023

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Dated : 13.12.2023