



Crl.MP.No.1501 of 2023
in Crl.A.No.120 of 2023

M.DHANDAPANI, J.

The present petition has been filed to suspend the sentence imposed in Spl.SC.No.27 of 2017 dated 21.12.2022 on the file of the learned Fast Track Mahila Court, Dharmapuri and enlarge the petitioner on bail.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

3. The case of the prosecution is that the petitioner is the first accused and he abducted the victim girl, who is aged about 14 years, at the time of the incident, to Chennai and Kerala and had sexual intercourse on many times and left her in Koyembedu Bus stand. Based on the complaint lodged by the mother and father of the victim, the respondent registered a case against the accused and another for the offence under Section 363 IPC and section 5(l) read with 6 of POCSO Act and filed charge sheet. The learned Judge, after examination of witness and documents, the petitioner was found guilty and convicted the petitioner for the offence under section 363 of IPC and sentenced to undergo three years RI and to pay a fine of Rs.5000/- in default, to undergo SI for two months and convicted for the offence under Section 5(l) read with Sec. 6 of POCSO Act, 2012 and sentenced to undergo 10 years RI and to pay a fine of Rs.25000/- in default, to undergo SI for six months. Challenging the same, the petitioner has filed the present petition seeking suspension of sentence.

4. The learned counsel for the petitioner submitted that he is an innocent and there is no foundational facts to prove the case. Hence, the learned counsel prays to grant of suspension of sentence.

5. The learned Additional Public Prosecutor vehemently opposed to allow this petition.



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6. This court perused the 164 statement, in which the victim girl has revealed that the first accused forced the victim girl and made sexual assault on her on many occasions. Considering the gravity of the offence committed by the petitioner, this Court is not inclined to entertain this petition.

7. Accordingly, this petition is dismissed.

22.07.2024

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