



Crl.M.P.No.3231 of 2024 In Crl.A.No.214 of 2024

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Crl.A.No.214 of 2024

M.DHANDAPANI,J.

The petitioner/ appellant is the accused in Special S.C.No.16 of 2016 on the file of the learned Sessions Judge, Fast Track Mahila Court, Ariyalur and he was convicted for the offences punishable under Sections 366, 342, 506(i) of I.P.C., 6 of the POCSO Act and was sentenced to undergo rigorous imprisonment for a period of five years and fine of Rs.1,000/- in default to undergo simple imprisonment for a period of six months for the offence under Section 366 of I.P.C.; to undergo rigorous imprisonment for a period of six months and fine of Rs.500/- in default to undergo simple imprisonment for a period of one month for the offence under Section 342 of I.P.C.; to undergo rigorous imprisonment for a period of one year and fine of Rs.1,000/- in default to undergo simple imprisonment for a period of two months for the offence under Section 506 (i) of I.P.C.; and to undergo rigorous imprisonment for a period of thirty years and fine of Rs.5,000/- in default to undergo simple imprisonment for a period of one year for



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the offence under Section 6 of the POCSO Act. The period of imprisonment already undergone by the petitioner was ordered to be set off under Section 428 of Cr.P.C. Hence, the appellant seeks suspension of sentence.

2.The learned counsel for the appellant would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable.

3.Heard the submissions made by the learned Additional Public Prosecutor appearing for the respondent.

4.Perusal of the statement of the victim recorded under Section 164 of Cr.P.C. reveals that the petitioner had taken the victim child, closed her mouth with cloth, tied her hand and had sexual relationship with the victim.

5.Considering the fact that the offence committed by the petitioner is heinous offence, this Court is not inclined to grant the relief sought for by the petitioner in this petition. Accordingly, this criminal miscellaneous petition is dismissed.

31.07.2024

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