



Crl.M.P.No.3291 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.No.3291 of 2024

in

Crl.A.No.222 of 2024

Perumal

...Petitioner/Appellant

Vs.

State Rep.Inspector of Police,
Vishnukanchi Police Station,
Kancheepuram.
Cr.No.419/2018

...Respondent/Respondent

Prayer :

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence during the pendency of appeal against the conviction judgment passed against the appellant by the Session Judge, Special Court for exclusive trial of POCSO act cases, Chengalpattu in Special Sessions Case New No.124 of 2019 and Special Sessions Case Old No.80 of 2018 Judgment dated 05.01.2024 and the appellant may be released on bail pending disposal of Criminal Appeal.

For Petitioners : M/s.A.Antony Robson

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

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This miscellaneous petition is filed to suspend the sentence of imprisonment imposed in the Judgment dated 05.01.2024 passed by the Session Judge, Special Court for exclusive trial of POCSO act cases, Chengalpattu in Special Sessions Case New No.124 of 2019 and Special Sessions Case Old No.80 of 2018 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2. The Appellant was convicted for the offence under Sections 450 of I.P.C, 366 of I.P.C and Section 10 r/w 9(m) of the POCSO Act 2012 and was sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.5,000/- for the offence under Section 450 of I.P.C., in default to undergo simple imprisonment for a period of six months and to undergo seven years rigorous imprisonment and pay a fine of Rs.5,000/- for the offence under Section 366 of I.P.C., in default to undergo simple imprisonment for a period of six months and further sentenced to undergo five years rigorous imprisonment and to pay of Rs.5,000/- for the offence under Section 10 r/w 9(m) of the POCSO Act 2012, in default to undergo



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six months rigorous imprisonment under judgment in S.C.New No.124 of 2019 S.C.Old No.80 of 2018 dated 05.01.2024 on the file of the Session Judge, Special Court for exclusive trial of POCSO act cases, Chengalpattu. Hence, the present criminal appeal has been filed along with the petition seeking suspension of sentence.

3. 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 however, without appreciating the materials in proper perspective, the Trial Court has convicted and sentenced the appellant and if the sentence is not suspended grave prejudice will be caused and there are arguable points and the appellant stands a better chance of acquittal. Therefore, he prays for grant of suspension of sentence.

4. On the above contention, this Court heard the submissions of the learned Additional Public Prosecutor.



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5. The appellant has been convicted for the offences under Sections 450 & 366 of I.P.C and Section 10 r/w 9 (m) of POCSO Act 2012 which pertains to House trespass, kidnapping, abducting or inducing woman to compel her marriage. The offences alleged against the appellant are very grave in nature. Though it is the contention of the appellant that there are contractions in the evidence and therefore, sentence be suspended but, the same can be appreciated only during the hearing of the appeal and all contractions cannot be a ground for grant of suspension of sentence. Therefore, having regard to the gravity and nature of offences committed by the appellant, this Court is not inclined to grant suspension of sentence as prayed for in this petition.

6. Accordingly, the Criminal Miscellaneous Petition stands dismissed.

18.04.2024

NHS

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

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To

1. The learned Session Judge,
Special Court for exclusive trial of POCSO act cases,
Chengalpattu
2. The Inspector of Police,
Vishnukanchi Police Station,
Kancheepuram.
3. The Central Prison,
Puzhal-I,
Chennai.
4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

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