



Crl.MP.No.10844 of 2024
in Crl.A.No.101 of 2024

M.DHANDAPANI, J.

The present petition has been filed to suspend the sentence imposed by the learned Sessions Judge, Mahila Court, Salem in Spl. SC.No.83 of 2016 dated 14.05.2019 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 accused and he kidnapped the victim girl, aged about 14 years, who is studying in 9th standard and had sexual intercourse with her. Based on the complaint lodged by the mother of the victim, the respondent police filed a case against the petitioner and subsequently filed charge sheet. The trial Court has found the petitioner guilty for the offence under Section 363, 366(A) IPC and Section 6 of POCSO Act 2012 and sentenced him to undergo RI for four years and to pay fine of Rs.5,000/- for the offence under Section 363 IPC; convicted to undergo 7 years RI with fine of Rs.5000/- for offence under Section 366 of IPC and convicted to undergo 10 years RI with fine of Rs.5000/- for the offence under Section 6 of POCSO Act and to sentenced to undergo the imprisonment concurrently. Challenging the same, the petitioner has filed the present appeal along with the petition seeking suspension of sentence.

4. The learned counsel for the petitioner submitted that he is an innocent and the petitioner and the victim had loved each other. Hence, the learned counsel prays to grant of suspension of sentence.



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5. The learned Additional Public Prosecutor submitted that in the 164 statement, the victim had clearly deposed that the petitioner had sexual intercourse with her. Hence, she vehemently opposed to allow this petition.

6. This Court perused the 164 statement. 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.

01.08.2024

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Crl.MP.No.10844 of 2024
in Crl.A.No.401 of 2024