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Crl.MP.No.14130/2023 in Crl.A.No.967/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP.No.14130/2023 in Crl.A.No.967/2023

Ajith Kumar

.. Petitioner

Versus

State represented by
Inspector of Police,
All Women Police Station,
Omalur, Salem District.
Cr.No.09/2019

.. Respondent

Prayer:-Civil Miscellaneous Petition filed under Section 389[1] of Cr.P.C., to suspend of the sentence imposed on the petitioner made in Spl.S.C.No.51 of 2020 dated 26.04.2023 on the file of the Sessions Judge, Principal POCSO Court, Salem and to release the petitioner on bail.

For Petitioner : M/s.K.R.Ramesh Kumar

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

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

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner vide judgement and order dated 26.04.2023 passed in Spl.S.C.No.51 of 2020 on the file of the Sessions Judge, Principal POCSO Court, Salem and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner is an accused in Special SC. No.51 of 2020 on the file of the learned Sessions Judge, Principal POCSO Court, Salem. The respondent Police prosecuted the petitioner for the offence under Section 5(k) r/w 6 and 5(n) r/w 6 of Protection of Children from Sexual Offences Act, 2012. After trial, the Trial Court found him guilty and imposed sentence to undergo Rigorous Imprisonment for life along with fine of Rs.5,000/- for each of the offences under Sections 5(k) r/w 6 and 5(n) r/w 6 of Protection of Children from Sexual Offences Act, 2012. In default of payment of fine, the accused has to undergo Additional Rigorous



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imprisonment for one year for each of the offences under Section 5(k) r/w 6 and 5(n) r/w 6 of Protection of Children from Sexual Offences Act, 2012.

3. Heard the learned Counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor.

4. The petition for suspension of sentence is made on the ground that the charge against the petitioner has not been proved. We have gone through the evidence of P.W.2, the victim minor girl. Her deposition is cogent and would reveal the alleged occurrence.

5. Therefore, we do not find any reason to suspend the sentence. The other grounds raised by the petitioner in the appeal are to be adjudicated on merits. However, we do not find any *prima facie* case for suspending the sentence, in view of the deposition of the minor victim girl.



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6. Accordingly, this Miscellaneous Petition stands **dismissed**.

[S.M.S., J.] [V.S.G., J.]
12.08.2024

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Internet: Yes

To

1. Inspector of Police,
All Women Police Station,
Omalur, Salem District.

2. The Sessions Judge,
Principal POCSO Court,
Salem.

3. The Central Prison,
Coimbatore.

4. The Additional Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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S.M.SUBRAMANIAM, J.

and

V.SIVAGNANAM, J.

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