



WEB COPY



Crl.M.P.No.17515 of 2023
in Crl.A.No.1244 of 2023

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in

Crl.A.No.1244 of 2023

S.M.SUBRAMANIAM, J.

AND

R.SAKTHIVEL, J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner vide judgement dated 28.02.2023 in S.C.No.200 of 2016 by the Sessions Judge, Special Court for Exclusive Trial of cases under Pocso Act, Chennai and enlarge the petitioner on bail, pending disposal of the appeal.

2.Mr.M.Sathish Kumar, the learned counsel for the petitioner would submit that the Birth Certificate of the victim girl had not been produced by the prosecution. Even during the examination of the witnesses, the age of the victim girl has not been established and therefore, the present petition seeking suspension of sentence is to be considered.

3.The learned Additional Public Prosecutor Mr.S.Rajakumar would oppose



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by stating that the victim girl herself deposed about the scene of occurrence. The victim girl has specifically named the petitioner/A3 during her examination. When the petitioner/A3 has been specifically named by the victim girl in her evidence, the present petition is to be rejected.

4. With reference to the contention of the petitioner that the Birth Certificate has not been produced by the prosecution, the learned Additional Public Prosecutor would submit that the birth certificate has been marked as Ex.P.3.. however, the name of the victim girl has not been mentioned. We are of the opinion that it is an arguable point, which is to be considered during the course of hearing of the main appeal and the ground raised by the petitioner would be insufficient to suspend the sentence. Thus, the Criminal Miscellaneous Petition stands dismissed.

5. List the Criminal Appeal after two weeks for final hearing.

[S.M.S., J.] [R.S.V., J.]

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