



Crl.MP(MD)No.3424 of 2024 in Crl.A(MD)No.344 of 2022

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G.ILANGOVAN, J

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Sessions Judge, Fast Track Mahila Court, Dindigul, in Special SC No.10 of 2019, dated 15/03/2022 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The case of the prosecution brief:-

The victim boy was aged about 13 + on the date of the occurrence. He was playing with his friends in the nearby place where the petitioner was working as Railway Gate Keeper. He was taken forcibly by the petitioner to his room where he misbehaved with the victim boy. He was also criminally intimidated and threatened. The above said misbehaviour was informed to the parents. On the basis of the above said occurrence, the case was registered. After completing the formalities of investigation, charge sheet was filed against the accused for the offence punishable under section 9(k) r/w 10 of the Protection of Children from Sexual Offences Act, 2012.

3.During the process of trial, on the side of the prosecution, 26 witnesses were examined and 16 documents marked. On the side of the accused, neither oral nor documentary evidence was adduced.



4.At the conclusion of the trial, the trial court found that the charge under section 9(k) r/w 10 of Protection of Children from Sexual Offences Act stands proved against the petitioner and accordingly, convicted and sentenced him to undergo 5 years rigorous imprisonment and imposed a fine of Rs.5,000/- with default clause.

5.Challenging the above said judgment of conviction and sentence, the accused preferred appeal. Pending appeal, this miscellaneous petition has been filed seeking suspension of sentence.

6.The earlier two applications came to be dismissed by this court. Repeatedly this sort of applications have been filed without any change of circumstances. In the last order, it was noted by this court that there is no change of circumstances. Alibi plea that was taken by the petitioner at the time of the first petition, was considered by me when I was in the roster. Now the petition is filed on the ground that ever-since from the date of judgment namely 15/03/2022, he is in custody. Half of the sentence period is spent by him. Since the typed set of papers also made ready, the petitioner is at liberty to argue the main appeal itself without repeatedly filing the suspension petitions.



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7.In the result, this Criminal Miscellaneous
Petition is **dismissed**.

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03/09/2024

Index : Yes/No
Internet: Yes/No

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To,

- 1.The Sessions Judge,
Fast Track Mahila Court,
Dindigul.
- 2.The Inspector of Police,
Railway Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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