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CRL.MP.No.3212 of 2024
in CRL.A.No.209 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH
and
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

CRL.MP.No.3212 of 2024
in CRL.A.No.209 of 2024

Veni

...Petitioner

vs.

The Inspector of Police,
Anaimalai Police Station,
Coimbatore,
Crime No:174/2019

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C, to suspend the sentence passed by the Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Coimbatore in Spl.C.C.No.10/2010 dated 16.10.2020, pending disposal of the appeal.

For Petitioner : Mr.T.Saravanan

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



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ORDER

(made by **N.Senthilkumar, J.**)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by the learned Learned Sessions Judge, Special Court for exclusive trial of Cases under POCSO Act, Coimbatore on 16.10.2020 passed in Spl.C.No.10 of 2010 and enlarge the petitioner/appellant on bail.

2. The learned special Judge has convicted the petitioner and sentenced her as follows:-

<i>Offence</i>	<i>Sentence</i>
Section 21(1) and 16 r/w.17 of POCSO Act, 2012	Life imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one year rigorous imprisonment.

3.Learned counsel appearing for the petitioner confined his arguments to suspension of sentence by taking note of the incarceration from the date of arrest i.e. on 09.06.2019.



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4. Learned Additional Public Prosecutor contended that the Trial Court had convicted the petitioner based on the evidence of the victim girl and other witnesses, who have supported the prosecution case. The learned Additional Public Prosecutor had pointed out that the victim girl had given a statement under Section 164 Cr.P.C. before the Magistrate on 23.06.2019 which is marked as Ex.P2.

5. Heard Mr.T.Saravanan, learned counsel appearing for the petitioner, Mr.S.Raja Kumar, learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6. The evidence of the prosecutrix had made specific allegations against A1 and A2, who are none other than the father and mother. When A1 had repeatedly committed the aggravated penetrative sex against the victim girl, when it was informed to A2, wife and mother of victim PW1, the mother/A2 did not take serious steps to protect PW1 and in spite of scolding A1 in a mild and lethargic way, which paved A1 to commit the offence repeatedly on the innocent victim, who is daughter of A1 and A2.



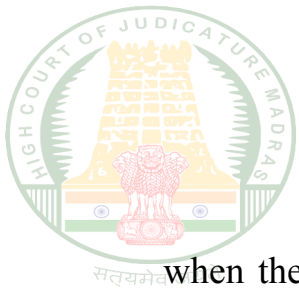
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7. The evidence of PW1 has been corroborated by PWs.2 to 4. PW2 is none other than the grandmother of PW1. When the accused had committed the crime on the particular date of occurrence, PW1 was crying and coming out of her house and when it was questioned by PW2, PW1 has narrated the entire sequence of offence committed by A1 and abetted by A2 and then immediately PW2 had informed the respondent police and a case was registered under Ext.P9, FIR. PWs.3 and 4 have witnessed when PW1 had narrated the said incident to PW2. Therefore, the prosecution has not only proved the case beyond reasonable doubt. As per the prosecution, the evidence of PWs.1 to 3 cannot be put to challenge.

8. Apart from this, PW13, the learned Judicial Magistrate I, Pollachi had recorded the statement of the victim girl under Section 164 Cr.P.C., which was marked as Ext.P2. Her evidence had not elicited anything contra to the deposition before the trial court as well as before the statement recorded by the learned Magistrate.

9. The contention of the learned Additional Public Prosecutor is that



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when the evidence of PWs.1 to 3 are unshakeable, coupled with the fact that the statement recorded by the learned Magistrate under Section 164 Cr.P.C, who was examined as PW13 and the said statement was marked as Ext.P2, there is no necessity to disbelieve the evidence of prosecution.

10. For the foregoing reasons and considering the gravity of the offence, we are not inclined to suspend the sentence passed in Spl.C.C.No.10 of 2020 dated 16.10.2020 by the learned Special Judge, Special Court for exclusive trial of cases under POCSO Act, Coimbatore. However, considering the continuous incarceration from the date of arrest on 09.06.2019, we deem it fit to take up the appeal for final hearing in the month of June, 2025.

11. In the result, the Criminal Miscellaneous Petition is dismissed. Registry is directed to list the Criminal Appeal for hearing in the month of June, 2025.

(M.S.R.,J) (N.S.,J)
26.02.2025

Index: yes/no
Speaking order:yes/no
Neutral Citation:yes/no



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M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

Asr

To

- 1) The Sessions Judge, Special Judge for exclusive trial of POCSO Cases,
Coimbatore
- 2) The Inspector of Police,
Anaimalai Police Station,
Coimbatore,
Crime No:174/2019
- 3) The Public Prosecutor, High Court, Madras

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