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Crl.M.P.No.15564 of 2024
in Crl.A.No.1360 of 2024

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the judgment dated 06.09.2024 passed in Spl.S.C.No.155 of 2023 by the learned Sessions Judge, Fast Track Court Exclusively to deal with the offences under the POCSO Act at Puducherry, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. It is the case of the prosecution that between 20.02.2022 and 25.02.2022 the victim girl was staying at the sister's residence of the de-facto complainant for pursuing her studies; that the petitioner/accused, who is a relative, used to visit the house frequently; that he developed close relationship with the victim and induced her under the pretext of love and promise of marriage to have sexual intercourse. It is also the case of the prosecution that the victim was aged 17 years 8 months at the time of



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occurrence and thereafter the victim became pregnant and on the complaint of the mother of the victim, the case was registered on 27.07.2022.

3. The petitioner/Accused in Spl.S.C.No.155 of 2023 was convicted by the Trial Court by the judgment dated 06.09.2024 for the offences under Section 6 of POCSO Act and sentenced to undergo 20 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for two months. Aggrieved by the same, he filed Crl.A.No.1360 of 2024 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.The learned counsel for the petitioner would submit that the petitioner and the victim admittedly had a love affair and the relationship was consensual; that the age of the victim has not been established by the prosecution in the manner known to law; that though the victim was studying in college, the prosecution had suppressed the matriculation certificate and



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they produced only the birth certificate, which was issued only at the instance of the police and that there are several arguable points in the above appeal, which requires consideration and prayed for granting suspension of sentence.

5.Heard the learned Additional Public Prosecutor (Puducherry), who strongly opposed the petition for suspension of sentence and submitted that the victim's evidence is cogent and convincing and considering the seriousness of the offence, the sentence imposed on the petitioner may not be suspended.

6.Admittedly, the petitioner was aged 17 years 8 months at the time of occurrence. The petitioner is closely related to the victim. The victim had not complained about the occurrence in February, 2022 to any one until her mother found out that she was pregnant and lodged a complaint during July, 2022. It is the case of a love affair and biological attraction towards each other. In any case, considering the age of the victim and the petitioner this



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Court has to examine in the above appeal whether the conviction can be sustained on the sole testimony of the victim. This Court also has to examine whether the prosecution had established the age of the victim in the manner known to law. The appeal is not likely to be taken up in the near future. Considering the above and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above Criminal appeal and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Court Exclusively to deal with the offences under the POCSO Act at Puducherry;



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(ii)The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii)The petitioner shall stay at Yanam and report before the Yanam Police Station everyday at 10.30 a.m. until further orders.

31.01.2025

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Issue order copy by 04.02.2025
Upload the order copy forthwith.



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To

- 1.The Sessions Judge,
Fast Track Court Exclusively to deal with the
offences under the POCSO Act at Puducherry.
- 2.The Inspector of Police,
Thavalakuppam Police Station,
Puducherry.
- 3.The Superintendent,
Central Prison,
Puducherry at Kalapet.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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31.01.2025