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Crl.M.P.No.17497 of 2024 in Crl.A.No.1536 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 31.01.2025

PRONOUNCED ON : 10.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.17497 of 2024

in

Crl.A.No.1536 of 2024

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... Petitioner/Sole Accused

Vs.

The Inspector of Police,
All Women Police Station,
Mangalamedu, Perambalur District.
(Cr.No.13/2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS, to suspend the sentence imposed in Spl.S.C.No.37 of 2020 dated 21.11.2024 on the file of the learned Sessions Judge, Mahila Court, Perambalur and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.V.Balu

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner/accused by judgment and order dated 21.11.2024 passed in Spl.S.C.No.37 of 2020 on the file of the learned Sessions Judge, Mahila Court, Perambalur and to enlarge the petitioner on bail pending disposal of the appeal.

2. The case of the prosecution is that the petitioner and the victim belonged to the same village; that the petitioner had committed penetrative sexual assault on the victim, who was aged about 12 years; and that on 22.06.2020, the petitioner asked the victim to go with him, took her to a secluded place, slapped her, made her lie on the floor, kissed her, fondled her breasts and thereafter, committed penetrative sexual assault.

3. The trial Court convicted the petitioner for the offences under Section 3 r/w 4 POCSO and sentenced him to undergo rigorous imprisonment for ten years and to pay a fine of Rs.1,00,000/-, in default to undergo rigorous imprisonment for one year.



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4. Heard Mr.V.Balu, learned counsel for the petitioner/accused and Dr.C.E.Pratap, learned Government Advocate (Crl.Side) appearing for the respondent/State.

5. The learned counsel appearing for the petitioner would submit that the complaint is false; that the petitioner is sought to be implicated only because, he had lodged a complaint against the victim's cousin brother that he had smuggled river sand illegally, as a result of which, the victim's cousin brother had to pay a fine of Rs.2 Lakhs and aggrieved, the family members of the victim conspired and had lodged a false complaint against the petitioner; that the medical evidence would show that the victim had no external injuries; and that therefore, he prayed for grant of suspension of sentence to the petitioner.

6. Heard the learned Government Advocate (Crl. Side) who opposed the grant of suspension of sentence to the petitioner.

7. The main submission of the petitioner is that the complaint is false and has been made only because the petitioner had earlier given a



complaint against the victim's cousin brother and he had also examined DW1. In fact, the victim herself had admitted that her cousin brother had paid fine for illegal transport of sand. However, considering the other evidence on record including the deposition of the victim, this Court is of the view it would be too early to consider the prayer for suspension of sentence imposed on 21.11.2024.

8. With the above observations, this Criminal Miscellaneous Petition stands dismissed.

10.02.2025

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To

- 1.The Sessions Judge,
Mahila Court, Perambalur.
2. The Inspector of Police,
All Women Police Station,
Mangalamedu, Perambalur District.
3. The Superintendent of Prisons,
Central Prison, Tiruchirapalli.
4. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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Pre-delivery order in
Crl.M.P.No.17497 of 2024
in Crl.A.No.1536 of 2024

10.02.2025