



Crl.M.P.No.121 of 2025 in Crl.A.No.842 of 2024

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SUNDER MOHAN, J.

The learned counsel for the petitioner would submit that the observation made by this Court while suspending the sentence in Crl.M.P.No.11772 of 2024 in Crl.A.No.842 of 2024 on 11.09.2024 would make it clear that the conviction cannot be sustained and hence, sought for suspension of conviction on the ground that the petitioner has been dismissed from service and he is unable to make both ends meet.

2.This Court while granting suspension of sentence had made the following observation:

“5.Considering the submissions and on perusal of the materials, it is seen that the petitioner joined the school in the year 2014 as English teacher and after he joined the school, the students improved themselves and the school achieved 100% pass. The petitioner was recognized for his hard work and achievements. The Lower Court discarding the report (Ex.D1) and evidence of DW2 is not proper. In the present case, the prosecution not examined the class students of the



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school who are named in the report (Ex.D1) which was immediately after the occurrence. The witness examined are the family members and known persons to the victim girl/PW2. From Ex.D1, it is seen that the petitioner is an Achiever and no other students have complained against the petitioner. There is no reason for the petitioner to suddenly have a different behaviour and action. On considering the report (Ex.D1) and the evidence of DW1, this Court finds the conviction of the petitioner needs reconsideration.”

3.In view of the aforesaid observation and in view of the submission made by the learned counsel for the petitioner, this Court is of the view that the appeal can be taken up for final hearing at the early stage. However, the prayer for stay of conviction cannot be entertained in this case.

4.Hence, Registry is directed to make the typed set ready and list it for final hearing on 05.02.2025. In view of the same, the petition to stay the judgment of conviction is dismissed.

08.01.2025

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