

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 23209/2023

(Arising out of impugned judgment and order dated 20-09-2022 in CRLA No. 553/2021 passed by the High Court of Judicature at Madras)

SRINIVASULU

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU

Respondent(s)

(FOR ADMISSION and I.R. and IA No.176228/2023-CONDONATION OF DELAY IN FILING and IA No.176230/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.176229/2023-EXEMPTION FROM FILING O.T. and IA No.176231/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 19-10-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Harinder Mohan Singh, AOR
Ms. Shabana, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

We have heard Mr. Harinder Mohan Singh, learned counsel appearing for the petitioner.

Noticing the age of the minor victim, we see no reason to disturb the concurrent judgment of conviction, against the petitioner.

However, learned counsel for the petitioner points out that sentencing provisions, under the Protection of Children from Sexual Offences Act, 2012 (for short, the "POCSO Act") was amended only on

16.08.2019 and since the incident here is alleged to have occurred on 28.04.2018 - at pre-amendment stage, the High Court erred in noting the minimum and maximum sentence punishable under Section 4 of the POCSO Act. He submits that prior to the amendment, the minimum punishment prescribed for conviction under Section 4 is seven years which may extend upto imprisonment for life.

While rejecting the challenge to the verdict of conviction, considering the submission on the issue of sentence only, let notice, returnable in six weeks, be issued to the respondent.

The petitioner is permitted to serve Dasti notice additionally, on the Standing Counsel for the State of Tamil Nadu.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR