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Crl.M.P.No.3441 of 2024
in
Crl.A.No.237 of 2024

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M.DHANDAPANI, J.

This criminal miscellaneous petition has been filed under Section 389(1) of Cr.P.C seeking to suspend the sentence of imprisonment imposed by the learned Magalir Neethimandram, Tiruppur, in Spl.S.C.No.71 of 2022 dated 06.11.2023 and release the petitioner / appellant on bail pending disposal of the appeal.

2. Heard learned counsel on either side.

3. The petitioner / appellant was convicted for the offences under Section 5(m) of POCSO Act, 2012 and under Section 366 of IPC. In respect of the conviction imposed under Section 5(m) of POCSO Act, 2012, he was sentenced to undergo rigorous imprisonment for twenty years with a fine of Rs.2,000/-, in default, to undergo rigorous imprisonment for three months



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and with regard to the conviction imposed under Section 366 of IPC, he was sentenced to undergo rigorous imprisonment for a period of five years with a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for three months. The above sentences are ordered to be run concurrently. The period of detention undergone by the accused from 07.12.2021 to 19.02.2022 are ordered to be set off against the sentence of imprisonment under Section 428 of Cr.P.C.

4. It is pertinent to note that the accused tried to misbehave with the victim girl was aged about 8 years at the time of occurrence and sexual offences against women, more particularly, girl child is increasing in the society. The menace to the society by such unscrupulous elements is more and whenever suspension of sentence is sought for this Court has to be very circumspect in granting suspension. Suspension has to be granted only if a *prima facie* case is made out, where contradictions, which are crucial in nature are pointed out. In the case on hand, such crucial contradictions have not been pointed out and in such view of the matter, suspending the



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sentence, as a matter of course, will set a bad precedent in the society.

Therefore, this Court is not inclined to accede to the prayer of the petitioner /
appellant seeking suspension of sentence.

5. Hence, this Court is not inclined to suspend the sentence of imprisonment against the petitioner in Spl.S.C.No.71 of 2022 dated 06.11.2023 and accordingly, this Criminal Miscellaneous Petition stands dismissed.

6. Post the main appeal in the usual course.

20.06.2024

vji

To

1. The learned Magalir Neethimandram,
Tiruppur.
2. The Public Prosecutor,
High Court of Madras.

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