



WEB COPY



Crl.M.P.No.7203 of 2024
in
Crl.A.No.641 of 2023

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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 Sessions (Fast Track Mahila) Judge, Namakkal in Special C.C.No.34 of 2020 dated 01.10.2021 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 offence under Section 366 of IPC and Section 5(m) r/w 6 of POCSO Act, 2012 and in respect of the conviction imposed under Section 366 of IPC, he was sentenced to undergo rigorous imprisonment for ten years years with a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months and with regard to the conviction imposed under Section 5(m) r/w 6 of POCSO



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Act, 2012, he was sentenced to undergo rigorous imprisonment for a period of twenty years with a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months.

4. It is pertinent to note that the appellant / accused tried to misbehave with the victim girl was aged about 6 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 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 appellant seeking suspension of sentence.

5. Hence, this Court is not inclined to suspend the sentence of



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imprisonment against the petitioner / accused in Sessions C.C.No.34 of 2020 dated 01.10.2021 and accordingly, this criminal miscellaneous petition stands dismissed.

6. Post the main appeal in the usual course.

30.04.2024

vji

To

1. The learned Sessions (Fast Track Mahila) Judge,
Namakkal.
2. The Central Prison,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras.



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