



WEB COPY



Crl.M.P.No.5110 of 2024

in

Crl.A.No.333 of 2024

M.DHANDAPANI, J.

This Criminal Miscellaneous Petition has been filed u/s 389(1) of Cr.P.C, seeking to suspend the sentence imposed in judgment by the learned Session Judge (Fast Track Mahila Court) Nagapattinam in S.C.No.94 of 2013 on 22.10.2021 and enlarge the petitioner on bail, pending disposal of the above appeal.

2. Heard learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent police.

3. A perusal of the order of conviction passed by the learned Sessions Judge, (Fast Track Mahila Court), Nagapattinam dated 22.10.2021 made in S.C.No.94 of 2013 reveals that, the petitioner/appellant was convicted for the offence under Section 376 of IPC and was sentenced to undergo rigorous imprisonment for 10 years with a fine of Rs.10,000/-, in default, to undergo simple imprisonment for a further period of 3 months.



4. It is pertinent to note that the victim girl was aged about only 6 years at the time of occurrence and sexual offences against women, more particularly, girl child is increasing. 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 petitioner/appellant seeking suspension of sentence.

5. Hence, this Court is not inclined to suspend the sentence of imprisonment against the petitioner in S.C.No.94 of 2013 dated 22.10.2021 and accordingly, this Criminal Miscellaneous Petition stands dismissed.

6. Post the main appeal in Crl.A.No.333 of 2024 as per seriatum.

02.08.2024

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To

1. The Sessions Judge,
(Fast Track Mahila Court),
Nagapattinam.

2. The Public Prosecutor,
High Court of Madras.



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