



WEB COPY



Crl.A.No.1617 of 2023

Crl.MP.No.5846 of 2024

in

Crl.A.No.1617 of 2023

M.DHANDAPANI, J.

This Criminal Miscellaneous petition has been filed under Section 389(1) of Cr.P.C to suspend the sentence of imprisonment imposed on the petitioner in Spl.SC.No.43 of 2020 on the file of the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Nagapattinam, vide judgment dated 19.10.2023 and to enlarge the petitioner on bail, pending disposal of the above criminal appeal.

2. Heard learned counsel on either side.

3. A perusal of the order of conviction dated 19.10.2023 made in Spl.SC.No.43 of 2020 reveals that, the petitioner/appellant was convicted for offence under Section 6 r/w 5(m), (1) of POCSO (Amendment) Act, 2019 and was sentenced to undergo Rigorous imprisonment for 20 years and was ordered to pay a fine of Rs.20,000/- and in default of payment of fine amount, he was sentenced to undergo simple imprisonment for a further period of one year.

4. It is pertinent to note that the victim girl was aged about only 16



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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 imposed on the petitioner in Spl.CC.No.43 of 2020 dated 19.10.2023 and accordingly, this Criminal Miscellaneous petition stands dismissed.

25.06.2024

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M.DHANDAPANI, J.

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