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Crl.M.P.No.6029 of 2024
in
Crl.A.No.395 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 Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu in Spl.S.C.No.26 of 2019 dated 28.02.2023 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 offence under Sections 450, 363 of IPC and Section 5(M) r/w 6 of POCSO Act, 2012 and in respect of the conviction imposed under Section 5(M) r/w 6 of POCSO Act, 2012, he was sentenced to undergo rigorous imprisonment for ten years with a fine of Rs.10,000/-, in default, to undergo simple imprisonment for two years and with regard to the conviction imposed under Section 450 of



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IPC, he was sentenced to undergo rigorous imprisonment for a period of five years with a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months and under Section 363 of IPC, he was sentenced to undergo rigorous imprisonment of seven years with a fine of Rs.5,000/-, in default, to undergo simple imprisonment of one year.

4. It is pertinent to note that the 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



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seeking suspension of sentence.

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5. Hence, this Court is not inclined to suspend the sentence of imprisonment against the petitioner in Spl.S.C.No.26 of 2019 dated 28.02.2023 and accordingly, this criminal miscellaneous petition stands dismissed.

04.06.2024

msv

To

1. The Judge,
Special Court for Exclusive
Trial of cases under POCSO Act,
Chengalpattu

2. The Public Prosecutor,
High Court of Madras.

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