



Crl.M.P.No.6019 of 2024
in
Crl.A.No.394 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 on the petitioner vide order dated 29.09.2022 in Spl.S.C.No.27 of 2019 on the file of the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri District and release the petitioner on bail.

2. Heard learned counsel on either side.

3. The petitioner / appellant was convicted for the offence Sections 5(i) and 6 of POCSO Act, 2012 and was sentenced to undergo rigorous imprisonment for 10 years with fine of Rs.20,000/-, in default, to undergo simple imprisonment for six months.



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4. It is pertinent to note that the accused committed penetrative sexual assault on the victim girl, who was aged about 14 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.



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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.27 of 2019 dated 29.09.2022 and accordingly, this criminal miscellaneous petition stands dismissed.

13.06.2024

ssb

To

1. The learned Sessions Judge, Fast Track Mahila Court, Dharmapuri District.
2. The Public Prosecutor,
High Court of Madras.



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