



Crl.M.P.No.5376 of 2024
in Crl.A.No.351 of 2024

WEB COPY

M.DHANDAPANI, J.

This Criminal Miscellaneous Petition has been filed u/s 389(1) of Cr.P.C, seeking to suspend the execution of the sentence imposed by the order passed against the petitioner/appellant in Spl.S.C.No.16 of 2022 on 01.02.2024 by the learned Session Judge, Magalir Neethimandram, Fast Track Mahila Court at Tiruppur and enlarge on bail, pending disposal of the above said criminal 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 judgment passed by the trial court dated 01.02.2024 made in Spl.S.C.No.16 of 2022 reveals that, the petitioner/appellant was convicted for the offence u/s 5(l), 5(j)(ii) r/w 6 of POCSO Act and was sentenced to undergo rigorous imprisonment for 20 years with a fine of Rs.10,000/-, in default, to undergo rigorous imprisonment for a further period of 3 months.



WEB COPY

4. It is alleged that the petitioner and the father of the victim girl were friends and the petitioner was running a company, in which, the father of the victim girl joined the victim girl to work due to their financial crisis. During the course of her employment, the petitioner had aggravated sex with the victim girl at his company, thereby he committed the alleged offence. Thereafter, on 26.02.2022, a boy child was born to the victim girl and DNA test conducted by the prosecution has also proved that the father and mother of the boy child was the petitioner and the victim girl.

5. It is seen from the records that the victim girl had clearly spoken about the acts perpetrated by the petitioner against her, which included sexual assault committed by the petitioner and the same is heinous in nature. Further, it is pertinent to note that the victim girl was aged about only 16 years at the time of occurrence and thereafter, a boy child was born to her 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,



WEB COPY

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.

6. Hence, this Court is not inclined to suspend the sentence of imprisonment against the petitioner in Spl.S.C.No.16 of 2022 dated 01.02.2024 and accordingly, this Criminal Miscellaneous Petition stands dismissed.

7. Post the main appeal in Crl.A.No.351 of 2024 as per seriatum.

02.08.2024

sp

To

- 1.The Session Judge, Magalir Neethimandram, (Fast Track Mahila Court), Tiruppur.
- 2.The Public Prosecutor, High Court of Madras.



WEB COPY



M.DHANDAPANI, J.

sp

Crl.M.P.No.5376 of 2024
in
Crl.A.No.351 of 2024

02.08.2024