



Crl.MP.No.9940 of 2024

Crl.MP.No.9940 of 2024

in

Crl.A.No.1453 of 2023

WEB COPY

M.DHANDAPANI, J.

This Criminal Miscellaneous petition has been filed under Section 389(1) of Cr.P.C to suspend the sentence imposed in Spl.SC.No.49 of 2021 on the file of the Sessions Judge, Fast Track Mahila Court, Ariyalur, vide judgment dated 06.11.2023 and to enlarge the petitioner on bail, pending disposal of the above criminal appeal.

2. The case of the prosecution is that, the petitioner and the victim girl had love affair and the petitioner/A1, his family members/A2 to A4 and the village heads/A5 to A10 forced the victim girl who is a minor child to marry the petitioner and thereby, the petitioner and the victim girl got married on 23.05.2021. After marriage, since, the petitioner and his family members continuously harassed the victim girl, she left the matrimonial house. Hence, the complaint.



Crl.MP.No.9940 of 2024

3. Learned counsel for the petitioner submitted that, the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that, the sentence imposed on the other accused persons was suspended by this Court, vide order dated 05.03.2024 and the petitioner is now confined in Central prison, Trichy. Accordingly, he prayed for appropriate orders.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that, the petitioner forcefully married the victim girl, who was a minor aged about only 15 years at the time of occurrence and had sexual intercourse with her. Hence, he vehemently opposed for allowing this petition.

5. Heard learned counsel on either side and perused the materials placed on record.

6. A perusal of the order of conviction dated 06.11.2023 made in Spl.SC.No.49 of 2021 reveals that, the petitioner/appellant was convicted for offence under Section 9 of PCM Act and Section 6(1) of POCSO Act and in respect of the conviction under Section 9 of PCM Act, the petitioner was



Crl.MP.No.9940 of 2024

sentenced to undergo rigorous imprisonment for two years and was ordered to pay a fine of Rs.5,000/- and in default of payment of fine amount, to undergo simple imprisonment for a further period of six months and in respect of the conviction under Section 6(1) of POCSO Act, the petitioner was sentenced to undergo rigorous imprisonment for 20 years and was ordered to pay a fine of Rs.10,000/- and in default of payment of fine amount, to undergo simple imprisonment for a further period of one year.

7. It is pertinent to note that the victim girl was aged about only 15 years at the time of occurrence and the petitioner and other accused persons forced the minor victim girl to marry the petitioner and subsequently, as the petitioner and his family members harassed the victim girl, she left the matrimonial house and thereby, filed the present complaint. It is pertinent to note that 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

3/5



Crl.MP.No.9940 of 2024

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, as the offences committed by the petitioner are of heinous in nature. Therefore, this Court is not inclined to accede to the prayer of the petitioner/appellant seeking suspension of sentence.

8. Hence, this Court is not inclined to suspend the sentence of imprisonment imposed on the petitioner in Spl.SC.No.49 of 2021 dated 06.11.2023 and accordingly, this Criminal Miscellaneous petition stands dismissed.

9. Post the main case as per seriatum.

12.07.2024

skt

M.DHANDAPANI, J.

4/5



WEB COPY



Crl.MP.No.9940 of 2024

skt

Crl.MP.No.9940 of 2024
in
Crl.A.No.1453 of 2023

12.07.2024