



WEB COPY



Crl.MP.No.5898 of 2024

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in

Crl.A.No.383 of 2024

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 Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chennai in S.C.No.70 of 2020 dated 29.02.2024 and release the petitioner/appellant on bail pending disposal of the appeal.

2. Heard learned counsel on either side.

3. A perusal of the order of conviction dated 29.02.2024 made in S.C.No.70 of 2020 reveals that, the appellant was convicted for offence under Section 6 of POCSO Act 2012 @ Section 10 of POCSO Act 2012 and Section 506(ii) of IPC and with respect to conviction under Section 10 of POCSO Act 2012, he was sentenced to undergo imprisonment for 5 years with a fine of Rs.5,000/- in default to undergo simple imprisonment for 1 month and with respect to the conviction under Section 506(ii) of IPC, he was sentenced to undergo imprisonment for 3 years.

4. It is pertinent to note that the victim girl was aged about only 5



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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 appellant seeking suspension of sentence.

5. Hence, this Court is not inclined to suspend the sentence of imprisonment against the petitioner in S.C.No.70 of 2020 dated 29.02.2024 and accordingly, this Criminal Miscellaneous petition stands dismissed.

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To

1. The Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chennai.
2. The Public Prosecutor,
High Court of Madras.

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