



WEB COPY



Crl.MP.No.6168 of 2024
in Crl.A.No.403 of 2024

**Crl.MP.No.6168 of 2024
in Crl.A.No.403 of 2024**

M.DHANDAPANI, J.

This criminal miscellaneous petition has been filed under Section 389(2) of Cr.P.C seeking to suspend the sentence of imprisonment imposed by the learned Sessions Mahila Court/Additional Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore in S.C.No.139 of 2022 dated 30.11.2023 and enlarge 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 Section 376(2)(1) r/w 511 of IPC and Section 342 of I.P.C and he was sentenced to undergo imprisonment for 10 years with fine of Rs.500/-, in default, to undergo simple imprisonment for six months for the offence under Section 376(2)(1) r/w 511 of IPC and in respect of the offence under Section 342 of I.P.C, he was sentenced to undergo imprisonment for one year. (Fine amount Rs.500/- under Section 428 of Cr.P.C. Ordered to



Crl.MP.No.6168 of 2024
in Crl.A.No.403 of 2024

WEB COPY

set-off previous in-duress period of accused during investigation, enquiry and trial. Both sentences shall run concurrently.)

4. It is pertinent to note that the accused had committed penetrative sexual assault on the victim women, who is a mentally retarded person 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.

5. Hence, this Court is not inclined to suspend the sentence of



Crl.MP.No.6168 of 2024
in Crl.A.No.403 of 2024

imprisonment against the petitioner in S.C.No.139 of 2022 dated 30.11.2023 and accordingly, this Criminal Miscellaneous Petition stands dismissed.

05.06.2024

msv

To

1. The Sessions Mahila Court/Additional
Special Court for Exclusive
Trial of cases under POCSO Act,
Coimbatore
2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.MP.No.6168 of 2024
in Crl.A.No.403 of 2024

M.DHANDAPANI, J.

msv

Crl.MP.No.6168 of 2024
in
Crl.A.No.403 of 2024

05.06.2024