



Crl.M.P.No.6856 of 2024
in
Crl.A.No.467 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 by the Special Court of Exclusive Trial of Cases under POCSO Act, Dharmapuri, in Spl.S.C.No.240 of 2023 dated 22.02.2024 and release the petitioner on bail till the disposal of the appeal.

2. Heard learned counsel on either side.

3. The petitioner / appellant was convicted for the offence under Section 366 IPC and Sections 5(i) and 6(1) of POCSO Amendment Act, 2019 and in respect of the conviction made under Section 366 IPC, he was sentenced to undergo rigorous imprisonment for five years with fine of Rs.5,000/-, in default, to undergo simple imprisonment for three months and with regard to the conviction made under Sections 5(i) and 6(1) of POCSO Amendment Act, he was sentenced to undergo rigorous imprisonment for 20



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years with fine of Rs.20,000/-, in default, to undergo simple imprisonment for six months. The petitioner was acquitted from the offence under Section 5(g) of POCSO Amendment Act, 2019.

4. It is pertinent to note that the accused committed penetrative sexual assault on the victim girl, who was aged about 16 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.240 of 2023 dated 22.02.2024 and accordingly, this criminal miscellaneous petition stands dismissed.

06.06.2024

ssb

To

1. The Special Court of Exclusive Trial of Cases under POCSO Act, Dharmapuri.
2. The Public Prosecutor,
High Court of Madras.

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