



WEB COPY



Crl.M.P.No.7202 of 2024
in
Crl.A.No.913 of 2023

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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 learned Sessions Judge, Magalir Neethimandram (FTMC), Udthagamandalam in Special Calendar Case No.23 of 2018 dated 13.10.2022 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 Sections 5(1), 5(j)(ii) r/w. 6 of POCSO Act, 2012 and Section 3(1)(w)(i) of SC/ST (POA) Amendment Act, 2015 and in respect of the conviction imposed under Sections 5(1), 5(j)(ii) r/w. 6 of POCSO Act, 2012, he was sentenced to undergo rigorous imprisonment for twenty years with a fine of Rs.10,000/-, in default, to undergo simple imprisonment for six months and with regard to the conviction imposed under Section 3(1)(w)(i) of SC/ST



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(POA) Amendment Act, 2015, he was sentenced to undergo rigorous imprisonment for a period of three years with a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months.

4. It is pertinent to note that the accused committed penetrative sexual assault on the victim girl, who was aged about 13 years at the time of occurrence, due to which, she became pregnant 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 Special Calendar Case No.23 of 2018 dated 13.10.2022 and accordingly, this criminal miscellaneous petition stands dismissed.

06.06.2024

ssb

To

1. The learned Sessions Judge, Magalir Neethimandram (FTMC),
Udhagamandalam.
2. The Public Prosecutor,
High Court of Madras.

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