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Crl.M.P.No.7618 of 2024

in

Crl.A.No.566 of 2024

M.DHANDAPANI, J.

This Criminal Miscellaneous Petition has been filed u/s 389(1) of Cr.P.C, seeking to suspend the sentence imposed vide judgment of conviction and sentence dated 05.04.2024 in S.C.No.71 of 2021 on the file of the Additional Mahila Court at Villupuram.

2. Heard learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on the first respondent police.

3. A perusal of the order of conviction passed by the Additional Mahila Court at Villupuram dated 05.04.2024 made in S.C.No.71 of 2021 reveals that, the petitioner/appellant was convicted for the offence under Section 417 of IPC and was sentenced to undergo rigorous imprisonment for 1 year with a fine of Rs.2,000/- in default to undergo simple imprisonment for 1 month and was further convicted for the offence under Section 376 of IPC and was sentenced to undergo rigorous imprisonment for 10 years with a fine of Rs.10,000/- in default to undergo simple imprisonment for 3



months.

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4. A perusal of the order passed by the court below reveals that there are allegations with regard to sexual assault against the petitioner, which is of serious in nature and the same has to be tested at the time of final hearing and even at the threshold it cannot be held that there are no materials to brush the case aside.

5. It is pertinent to note that sexual offences against women 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. Though bail is the norm, however, the seriousness of the allegation and the nature and gravity of the offence alleged to have been committed by the petitioner had resulted in the court below in convicting the petitioner, which



is based on cogent and convincing reasoning and the same does not require any interference at the hands of this Court. Therefore, this Court is not inclined to suspend the sentence of imprisonment against the petitioner.

6. Accordingly, this Criminal Miscellaneous Petition stands dismissed.

7. Post the main appeal in Crl.A.No.566 of 2024 as per seriatum.

10.07.2024

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To

1. The Additional Mahila Court at Villupuram

2. The Public Prosecutor,
High Court of Madras.



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