



WEB COPY



Crl.M.P.No.7786 of 2024 in Crl.A.No.594 of 2024

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Crl.A.No.594 of 2024

M.DHANDAPANI, J.

This Criminal Miscellaneous petition has been filed u/s 389(1) of Cr.P.C, 1973, seeking to suspend and enlarge on bail imposed in Special S.C.No.42 of 2023 on the file of the learned Fast Track Court exclusively to deal with offences under the POCSO Act at Puducherry, against the petitioner/appellant/accused, pending disposal of the above criminal appeal on the file of this court.

2. Heard learned counsel on either side.

3. A perusal of the order of conviction dated 12.01.2024 made in Spl.S.C.No.42 of 2023 reveals that, the petitioner/appellant was convicted for the following offence :-

(i) convicted u/s 393 of IPC and he was sentenced to undergo rigorous imprisonment for 3 years with a fine of Rs.1,000/- and in default to pay the fine amount, he was sentenced to undergo simple imprisonment for a further period of 2 months ;

(ii) convicted u/s 343 of IPC and he was sentenced to undergo



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rigorous imprisonment for 2 years with a fine of Rs.1,000/- and in default to pay the fine amount, he was sentenced to undergo simple imprisonment for a further period of 2 months ;

(iii) convicted u/s 6 of POCSO Act, 2012 and he was sentenced to undergo rigorous imprisonment for 10 years with a fine of Rs.2,000/- and in default to pay the fine amount, he was sentenced to undergo simple imprisonment for a further period of 3 months.

4. The case of the prosecution is that, the petitioner/accused is the husband of P.W.1's elder sister's daughter. On 09.12.2018, the petitioner kidnapped the victim girl and had aggravated sex with her at various occasions and he had also committed penetrative sexual intercourse with the victim, thereby he committed the alleged offence. Based on the complaint given by P.W.1/mother of the victim girl, the law enforcing agency had lodged the complaint as against the petitioner.

5. It is seen from the records that the victim and her mother have clearly spoken about the acts perpetrated by the petitioner against the victim, which included sexual assault committed by the petitioner and the same is heinous in nature. It is pertinent to note that the victim girl was aged about



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only 16 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 petitioner/appellant seeking suspension of sentence.

6. Hence, this Court is not inclined to suspend the sentence of imprisonment against the petitioner in Special Sessions Case No.42 of 2023 dated 12.01.2024 and accordingly, this Criminal Miscellaneous Petition stands dismissed.



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7. Post the main appeal in Crl.A.No.594 of 2024 for final hearing as per seriatum.

31.07.2024

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To

1.The Fast Track Court exclusively to deal with offences under the POCSO Act, Puducherry.

2.The Public Prosecutor, High Court of Madras, Chennai.

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