



Crl.MP.No.10470 of 2024

Crl.MP.No.10470 of 2024
in Crl.A.No.892 of 2023

WEB COPY

M.DHANDAPANI, J.

This Criminal Miscellaneous petition has been filed under Section 389(3) of Cr.P.C to suspend the sentence of imprisonment imposed on the petitioner in Spl.SC.No.81 of 2019 on the file of the learned Special Judge, Puducherry vide judgment dated 08.02.2023 and to enlarge the petitioner on bail, pending disposal of the above appeal.

2. Heard learned counsel on either side.

3. A perusal of the order of conviction dated 08.02.2023 made in Spl.SC.No.81 of 2019 reveals that, the petitioner/appellant was convicted for offence u/s 6 of POCSO Act, 2012 and Section 376 of IPC and in respect of the conviction u/s 6 of POCSO Act, 2012, the petitioner was sentenced to undergo rigorous imprisonment for ten years and was ordered to pay a fine of Rs.1,000/- and in default of payment of fine, to undergo rigorous imprisonment for a further period of one year and no separate sentence was imposed on the petitioner for the conviction u/s 376 of IPC.

4. It is pertinent to note that the victim girl was aged about only 9



Crl.MP.No.10470 of 2024

years at the time of occurrence and sexual offences against women, more particularly, minor 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.

5. Hence, this Court is not inclined to suspend the sentence of imprisonment imposed on the petitioner in Spl.SC.No.81 of 2019 dated 08.02.2023. Accordingly, this Criminal Miscellaneous petition is dismissed.

25.07.2024

skt

M.DHANDAPANI, J.

2/3



WEB COPY



Crl.MP.No.10470 of 2024

skt

Crl.MP.No.10470 of 2024
in
Crl.A.No.892 of 2023

25.07.2024