



WEB COPY



Crl.MP.No.10431 of 2024

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in

Crl.A.No.1024 of 2023

M.DHANDAPANI, J.

This Criminal Miscellaneous petition has been filed under Section 389(1) of Cr.P.C to suspend the sentence of imprisonment imposed on the petitioner in Spl.SC.No.29 of 2021 on the file of the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri, vide judgment dated 22.08.2023 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 22.08.2023 made in Spl.SC.No.29 of 2021 reveals that, the petitioner/appellant was convicted for offence under Section 6(1) of the POCSO Act and was sentenced to undergo rigorous imprisonment for twenty years and was ordered to pay a fine of Rs.25,000/- and in default of payment of fine amount, to undergo simple imprisonment for a further period of one year.



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4. It is pertinent to note that the victim girl is a mentally retarded person and was aged about only 16 years at the time of occurrence and sexual offences against women, more particularly, minor child and mentally retarded person 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.29 of 2021 dated 22.08.2023. Accordingly, this Criminal Miscellaneous petition is dismissed.

25.07.2024

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