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Crl.M.P.No.9826 of 2024
in
Crl.A.No.877 of 2024

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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 (Fast Track Mahila Court), Tiruppur, in Special Sessions Case No.35 of 2022 dated 31.10.2022 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 Section 3 r/w. 4 of POCSO Act and Sections 363 and 376(3) IPC and in respect of Section 3 r/w. 4 of POCSO Act, he was sentenced to undergo rigorous imprisonment for seven years with a fine of Rs.1,000/-, in default, to undergo simple imprisonment for three months and in respect of Section 363 IPC, he was sentenced to undergo rigorous imprisonment for a period of



Crl.M.P.No.9826 of 2024
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WEB COPY

seven years with a fine of Rs.1,000/-, in default, to undergo simple imprisonment for three months and in respect of Section 376(3) of IPC, the petitioner was sentenced to undergo rigorous imprisonment for twenty years with a fine of Rs.2,000/-, in default, to undergo simple imprisonment for three 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 and sexual offences against women, more particularly, girl child are 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



Crl.M.P.No.9826 of 2024
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Crl.A.No.877 of 2024

prayer of the appellant seeking suspension of sentence.

5. Hence, this Court is not inclined to suspend the sentence of imprisonment against the petitioner in Special Sessions Case No.35 of 2020 dated 31.10.2022 and accordingly, this criminal miscellaneous petition stands dismissed.

09.07.2024
(1/2)

ssb

To

1. The learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur.
2. The Public Prosecutor,
High Court of Madras.



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(2/2)**