



Crl.M.P.No.16237 of 2023
in
Crl.A.No.1089 of 2023

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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, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, in Special Sessions Case No.64 of 2022 dated 18.08.2023 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 Sections 6 and 12 of POCSO Act and Sections 366 and 506(ii) IPC and in respect of Section 6 of POCSO Act, he was sentenced to undergo rigorous imprisonment for twenty years with a fine of Rs.50,000/-, in default, to undergo simple imprisonment for six months and with regard to Section 12 of POCSO Act, he was sentenced to undergo imprisonment for a period of



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three years with a fine of Rs.5,000/-, in default, to undergo simple imprisonment for one month and in respect of Section 366 of IPC, the petitioner was sentenced to undergo imprisonment for five years with a fine of Rs.5,000/-, in default, to undergo simple imprisonment for one month and in respect of Section 506(ii) IPC, he was sentenced to undergo imprisonment for three years.

4. It is pertinent to note that the accused committed penetrative sexual assault on the victim girl, who was aged about 16 years at the time of occurrence and sexual offences against women, more particularly, girl child is 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



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the society. Therefore, this Court is not inclined to accede to the 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.64 of 2022 dated 18.08.2023 and accordingly, this criminal miscellaneous petition stands dismissed.

05.07.2024

ssb

To

1. The learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.
2. The Public Prosecutor,
High Court of Madras.



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