



Crl.M.P.No.17205 of 2023
in
Crl.A.No.388 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 on the petitioner by the learned Sessions Judge, Special Court for Exclusive Trial of POCSO Cases, Villupuram in Spl.S.C.No.83 of 2020 dated 16.03.2023 and release the petitioner / appellant on bail pending disposal of the appeal.

2. Heard learned counsel on either side.

3. The petitioner / appellant was convicted for the offence under Section 323 of IPC and Section 5(m) r/w. Section 6 of POCSO Act, 2012. In respect of Section 5(m) r/w. Section 6 of POCSO Act, 2012, the petitioner / accused was sentenced to undergo rigorous imprisonment for



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twenty years and to pay a sum of Rs.10,000/- towards fine, in default to undergo simple imprisonment for three months and in respect of Section 323 of IPC, the petitioner has not been awarded any punishment.

4. It is pertinent to note that the petitioner / accused tried to misbehave with the victim girl was aged about 11 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 the society. Therefore, this Court is not inclined to accede to the prayer of the petitioner seeking suspension of sentence.



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5. Hence, this Court is not inclined to suspend the sentence of imprisonment imposed on the petitioner in Spl.S.C.No.83 of 2020 dated 16.03.2023 and accordingly, this Criminal Miscellaneous Petition stands dismissed.

16.07.2024

vji

To

1. The learned Sessions Judge,
Special Court for Exclusive Trial
of POCSO Cases,
Villupuram.
2. The Inspector of Police,
Vaavanoor Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court of Madras.



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