



Crl.M.P.No.7086 of 2024 in Crl.A.No.477 of 2024

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M.DHANDAPANI, J.

This Criminal Miscellaneous Petition has been filed u/s 389(3) r/w 439 of Cr.P.C, seeking to suspend the sentence imposed on the petitioner herein by the learned Sessions Judge (Special Judge for POCSO Act cases), Thiruvannamalai, Thiruvannamalai District made in Special Sessions Case No.42 of 2019 by judgment dated 29.12.2022 and enlarge him on bail pending disposal of the above appeal on the file of this court.

2. Heard learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing on the respondent police.

3. A perusal of the order of conviction dated 29.12.2022 made in Spl.S.C.No.42 of 2019 reveals that, the petitioner/appellant was convicted for the offence u/s 375(B) r/w Section 376 of IPC and Section 3(b) r/w Section 4 of POCSO Act, 2012 and was sentenced to undergo rigorous imprisonment for 10 years with a fine of Rs.5,000/- and in default of payment of the said fine amount, the petitioner was further sentenced to



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undergo simple imprisonment for one year.

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4. It is seen from the records that the victim and her have clearly spoken about the acts perpetrated by the petitioner against the victim, which included sexual abuse and the same is heinous in nature. It is pertinent to note that the victim girl was a minor at the time of occurrence and sexual offences against women, more particularly, girl 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 against the petitioner in Spl.S.C.No.42 of 2019 dated



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29.12.2022 and accordingly, this Criminal Miscellaneous Petition stands dismissed.

6. Post the main Criminal Appeal as per seriatum.

19.06.2024

sp

To

- 1.The Sessions Judge (Special Judge for POCSO Act cases),
Thiruvannamalai, Thiruvannamalai District.
- 2.The Inspector of Police,
All Women Police Station,
Thiruvannamalai.
- 3.The Public Prosecutor,
High Court of Madras.



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