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Crl.M.P.No.9030 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. M.P. No. 9030 of 2026

in

Crl. A. No. 657 of 2026

Saravanan

... Petitioner

Vs.

The State by
The Inspector of Police,
Vellore North Police Station,
Vellore, Vellore District.
(Crime No. 2 of 2024)

... Respondent

To suspend the sentence passed in the judgment dated 05.03.2026 passed in Spl.S.C.No.39 of 2024 by the learned Sessions Judge, Special Court for Prevention of Children from Sexual offences Act, 2021 Vellore, Vellore District by enlarging him on bail pending disposal of the criminal appeal.

For Petitioner : Mr. G. Udayashankar
for Ms. S. Shantha Kumari

For Respondent : Ms. Sharada Vivek,
Government Advocate



ORDER

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The petitioner was convicted by the trial Court in Spl. S.C. No.39 of 2024 by judgment dated 05.03.2026 and sentenced to undergo 10 years RI for the offence under Section 3(a) r/w Section 4(2) of the POCSO Act and to pay a fine of Rs.5,000/-. He was further sentenced to undergo 5 years RI for the offence under Section 366 IPC and 1 year RI for offence under Section 9 of Child Marriage Act and to pay a fine of Rs.5,000/-. The sentences were directed to run concurrently. Aggrieved by the said judgment of conviction and sentence, the present petition has been filed.

2. The learned counsel for the petitioner contended that the petitioner was about 19 years of age, while the victim girl was about 15 years of age and that they had been in a love relationship for the preceding two years. Upon the victim's parents and family members coming to know of the relationship, she was prevented from attending school and was thereafter kept under confinement at home. Subsequently, she joined a tailoring course but continued her relationship with the petitioner.

2.1. It is further submitted that on 01.01.2024, the victim contacted the petitioner and insisted that he take her away, threatening to end her life



otherwise, as her mother was making arrangements for her marriage against her wishes. Left with no other option, the petitioner accompanied the victim and both of them went to KGF, where they stayed together for six day. Thereafter, on being contacted by the petitioner's mother, they returned and near the Vellore bus stand, they were secured by the Vellore police and subsequently handed over to the Gudiyatham police, pursuant to which the present case came to be registered.

2.2. The learned counsel for the petitioner further submitted that the undisputed fact is that the petitioner and the victim were in a love relationship for more than two years and that, at the insistence of the victim, the petitioner accompanied her. The victim herself has stated that she came to know the petitioner when she visited her grandmother's house and that they subsequently developed a relationship. It is therefore contended that the petitioner has been prosecuted solely because the victim was a minor.

3. Per contra, the learned Government Advocate strongly opposed the petition and submitted that the victim being a minor is an undisputed fact. It was further submitted that the petitioner had taken the victim to KGF, where they stayed in the house of A2, underwent a marriage ceremony in a temple



and thereafter the petitioner committed penetrative sexual assault on the victim. They remained together for six days. Subsequently, while returning to Gudiyatham, they were intercepted near the Vellore bus stand and secured by the police.

3.1. It was further submitted that the victim's statement was recorded and she was subjected to medical examination. PW1, doctor, Abirami, attached to the Government Vellore Medical College Hospital, examined the victim and issued the medical report, which was marked as Ex.P9. The petitioner was arrested and subject to potency examination through PW10, and the potency certificate was marked as Ex.P8.

3.2. It was further submitted that the statements of the witnesses were recorded and the victim was also produced before the learned Magistrate, where her statement under Section 164 Cr.P.C., marked as Ex.P3, was recorded. In her statement, the victim confirmed the love relationship with the petitioner and stated that the petitioner had forcibly taken her to KGF, tied thali in temple under the guise of marriage and thereafter committed penetrative sexual assault on her.

3.3. During the trial, the prosecution examined PW1 to PW13 and marked Exs.P1 to P14, while the defence examined DW1 and DW2. Upon



conclusion of the trial, the trial Court acquitted A2, holding that the charge of abetment not proved against him.

4. Considering the submissions and upon perusal of the materials, it is seen that PW2, the victim girl, admit she was in a love relationship with the petitioner for more than two years. PW1, the mother of the victim, has deposed that, on coming to know of the relationship, she discontinued the victim's studies and confined her to the house. Thereafter, the victim contacted the petitioner, and both of them left together. It is the prosecution case that, during the said period, the petitioner committed penetrative sexual assault on the victim.

5. In this case, both the petitioner and the victim were in their teens, and the petitioner was about 19 years of age at the relevant point of time. The victim was medically examined by Dr.Abirami, who issued the medical report marked as Ex.P9. The medical report records that no external injuries were found on the body of the victim, including her private parts, though the hymen was found to be not intact. When a specific question was put to the doctor as to whether there were any signs of penetrative sexual assault, the



opinion stated was that no such injuries were found. The medical evidence further indicates that the condition of the hymen may be attributable to various reasons and the appellant has made a case for appeal. Hence, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

6. Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.

7. Further, the petitioner shall appear before the Trial Court once in three months at 10.30 a.m. on the first working day of the month, until the disposal of the appeal and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence as directed by the Trial Court.



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8. Accordingly, this Criminal Miscellaneous Petition is ordered.

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Neutral Citation: Yes/No
AT

Note: Issue order copy on 08.07.2026

To

1.The Sessions Judge, Special Court for Prevention of Children from Sexual Offences Act, 2021 Vellore.

2.The Inspector of Police,
Vellore North Police Station,
Vellore, Vellore District.

3.The Central Prison,
Vellore.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

AT

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