



WEB COPY

CRL MP No. 8506 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 8506 of 2026

IN

CRL A NO. 629 OF 2026

Ravi
S/o. Subramani,
No.406, Ambedkar Nagar,
4th Cross Street,
Mudichur, Chennai-48.

..Petitioner(s)

Vs

State Rep by its
The Inspector of Police,
AWPS Tambaram Police Station,
Cr. No.20 of 2021

..Respondent(s)

CRL A No. 629 of 2026

Ravi
S/o. Subramani,
No.406, Ambedkar Nagar,
4th Cross Street,
Mudichur, Chennai-48.

..Appellant(s)

Vs

State Rep by its
The Inspector of Police,
AWPS Tambaram Police Station,
Cr. No.20 of 2021

..Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) & 483 of BNSS, 2023, praying to suspend the sentence imposed on the petitioner on the file of the Court of Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, at Chengalpattu in Spl.S.C.No.41 of 2023 on 18-03-2026



and enlarge him on bail, pending disposal of the Crl A.No.629 of 2026 on the file this Court.

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For Petitioner(s):

Mr.B.Shakthivel

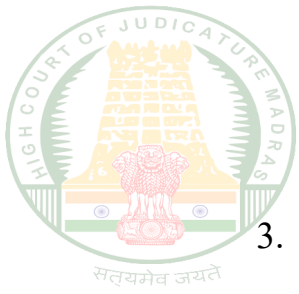
For Respondent(s):

Mrs.Sharada Vivek,
Government Advocate (Crl. Side)

ORDER

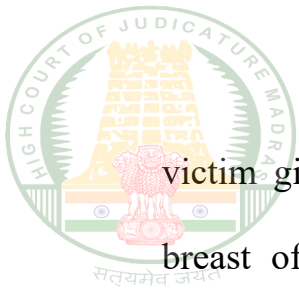
The petitioner/accused was convicted by the trial Court in Spl.S.C.No.41 of 2023 by a judgment dated 18.03.2026 for offence under Section 10 of POCSO Act, 2012 and sentenced to undergo five years imprisonment and directed to pay a fine of Rs.10,000/-. Aggrieved against the said conviction, the petitioner preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

2. The contention of the learned counsel for petitioner is that the petitioner and the de facto complainant are neighbours on the rear side. There is a drumstick tree between their houses and there was a dispute with regard to collection of drumsticks. According to the petitioner, the victim, who is the daughter of the de facto complainant, made as a tool to foist a false complaint against the petitioner as though he entered the house of the victim, gone to the terrace under the guise of collecting drumsticks and committed sexual assault on the victim by forcibly touching her breast.



3. The learned counsel further submitted that in this case, the victim admits that she was playing with her cousin sister and her aunt and grandmother available in the house. She informed about the incident to her aunt, but in this case neither the aunt and her children nor the grandmother examined as witnesses. It is projected as though in the late hours of 09.09.2021, when the de facto complainant returned home, she was informed by her sister about the occurrence, hence, the complaint lodged on the next day. Thereafter the petitioner was arrested in this case. He further submitted that apart from PW1 to PW3, who are victim's mother, victim and victim's father, no other witnesses supported the case of the prosecution. PW1 to PW3 are motivated witnesses and the petitioner has been falsely implicated in this case.

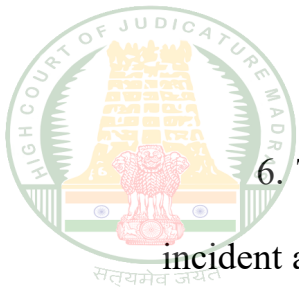
4. The learned Government Advocate (Crl. Side) filed counter affidavit and strongly opposed the petitioner's contention and submitted that the de facto complainant lodged a complaint before the respondent police. The de facto complainant is the mother of the victim girl, aged about 7 years and her date of birth is 13.06.2014. The petitioner is the neighbour of the victim girl. On 09.09.2021, the parents of the victim girl went to Koyambedu Market, leaving their daughter at home. On the said day, while the victim girl was playing in front of her house, the petitioner called the victim girl to come to the open terrace of her house stating that he would give drumsticks for her. When the



victim girl went to the open terrace of her house, the petitioner pressed the breast of the victim girl with sexual intent and committed the offence of aggravated sexual assault upon her, knowing that she is aged below 12 years.

Hence the present complaint has been filed.

5. She further submitted that based on the above complaint, a case was registered in W-3 All Women Police Station, Tambaram, in Crime No.20 of 2021, for offence under Section 8 of POCSO Act on 10.09.2021. PW10/Inspector of Police took up the case for further investigation. During the course of investigation, PW10 went to the scene of occurrence, prepared observation mahazar, drew the rough sketch in the presence of witnesses and also examined the witnesses and recorded their statements. On 10.09.2021, PW10 arrested the petitioner, recorded his confession statement and produced him before the learned Sessions Judge, Special Court for Exclusive Trial of Cases Under POCSO Act, Chengalpattu and remanded into Judicial custody. She further submitted that during trial, on the side of the prosecution, PW1 to PW11 examined and Exs.P1 to P13 marked. On the side of the defence, no witnesses examined and no documents marked. The statement of the victim, Doctor/PW9 and the medical report confirm the sexual assault committed by the petitioner. The Trial Court, on the evidence and materials produced, had rightly convicted the petitioner.



6. This Court finding that the victim is aged about 7 years at the time of incident and the petitioner is aged about 49 years. Whatever may be the motive, there is the evidence of the victim as well as the medical evidence of the Doctor against the petitioner.

7. When this Court was not inclined to entertain this petition, the learned counsel for petitioner sought permission of this Court to withdraw this petition. He has also made an endorsement in the petition to that effect.

8. In view of the above submission and endorsement made by the learned counsel for petitioner, this Criminal Miscellaneous Petition is dismissed as withdrawn.

9. Since the petitioner had already undergone more than six months in the prison and it will take some time for the appeal to be taken up in normal course, this Court directs the Registry to prepare typed set of papers and post the main appeal 'for final hearing' on 18.08.2026.

21-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RSI



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To

- 1.The Sessions Judge,
Special Court for exclusive trial of cases under
POCSO Act,
Chengalpattu.
- 2.The Inspector of Police,
AWPS Tambaram Police Station.
- 3.The Public Prosecutor,
High Court of Madras.

CRL MP No. 8506 of 2



M.NIRMAL KUMAR J.

RSI

**CRL MP No. 8506 of 2026
AND
CRL A NO. 629 OF 2026**

21-07-2026