



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

**CRL MP No. 9680 of 2026
in Crl.A.No.708 of 2026**

Aravind
S/o. Antony,
No.172, Mettu Street,
Kilpakkam, Arakkonam, Ranipettai District.

..Petitioner(s)

Vs

State Represented by Inspector of Police
AWPS Tambaram Police Station,
Chengalpattu District.

..Respondent(s)

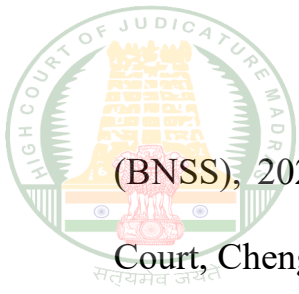
PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the appellant in Spl SC No.146 of 2023 by an order dated 29.01.2026 on the file of the Learned Sessions Judge, Mahila Court, Chengalpattu and enlarge the appellant on bail and pass such further or other order as this Honorable Court.

For Petitioner(s): Mr.D.Padmanabhan

For Respondent(s): Mr.M. Mohamed Riyaz
Govt. Advocate (Crl.Side)

ORDER

This application has been filed for the suspension of sentence under Section 430(1) read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita



(BNSS), 2023, pursuant to the judgment of the learned Sessions Judge, Mahila Court, Chengalpattu, dated 29.01.2026 in Spl.S.C.No.146 of 2023.

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2.The Petitioner is the accused in the aforementioned case. He has been convicted by the Trial Court for offences under Sections 366 of the Indian Penal Code (IPC), 1860, and Sections 5(1) read with 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

3.The punishments imposed on the Petitioner/Appellant by the Trial Court vide its conviction dated 29.01.2026 are as follows:

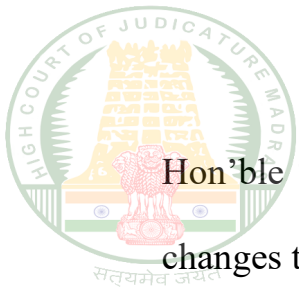
Sections under which the Petitioner/Appellant-Accused is convicted	Punishment
Sections 366 of the Indian Penal Code, 1860	Rigorous Imprisonment for a period of 7 years and fine of Rs.1,000/-, failing which Simple Imprisonment for a period of 1 month
Section 5(1) r/w Section 6 of POCSO Act	Rigorous Imprisonment for a period of 10 years and fine of Rs.1,000/-, failing which Simple Imprisonment for a period of 1 month



4. The Petitioner was aged about 19 years at the time of the alleged commission of the offence on 08.07.2022. According to the prosecution, the victim was 17 years and 6 months old at the time of the offence, whereas the case of the Petitioner is that victim was not a child within the meaning of Section 2(d) of the POCSO Act.

5. In this connection, the learned counsel for the Petitioner has drawn attention to the statement made by the victim before the Respondent police station, wherein she stated her date of birth was 06.02.2003. Conversely, the prosecution has relied upon Ex.P7, which is a certificate issued by her school stating that the victim was born on 05.09.2004.

6. The records *prima facie* reveal that the Petitioner and the victim became acquainted through Instagram and developed an affection for each other, which subsequently led to physical intimacy. The records also reveal that when the statement under Section 164 of the Code of Criminal Procedure (Cr.P.C) was recorded before the Magistrate, it was assumed that the victim was a child within the meaning of Section 2(d). Consequently, no questions were raised regarding her age. During cross-examination, the Petitioner attempted to elicit contradictions regarding the victim's age. The learned counsel also cited the decision of the Hon'ble Supreme Court in ***P.Yuvaprakash Vs. State Represented by Inspector of Police***, reported in 2023 OMSC 626, wherein the



Hon'ble Supreme Court requested the legislature to consider suitable statutory changes to address age determination issues under the Act.

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7. Having considered the submissions made by the learned counsel for the Petitioner and the learned Government Advocate (Crl.Side), it is observed that Ex.P7, marked by the prosecution, is a bonafide certificate and not a birth certificate or a matriculation certificate as contemplated under Section 94 of the Juvenile Justice (JJ) Act. Furthermore, taking note of the fact that the victim had already completed her matriculation and could have been in possession of a Matriculation Certificate confirming her date of birth, and considering the possibility of a false case being foisted against the Petitioner due to differing social and economic status of the families, this Court finds that the conviction warrants a deeper scrutiny in this appeal.

8. Therefore, taking into consideration the ages of both the Petitioner and the victim, I am inclined to order the suspension of sentence. The Petitioner/Appellant is therefore granted bail subject to certain conditions. Accordingly, pending disposal of the criminal appeal, the substantive sentence of imprisonment is suspended, and the Petitioner/Appellant shall be enlarged on bail, subject to the following conditions:

(i) The petitioner/Accused shall execute a bond for a sum of



Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Chengalpattu.

(ii) The Petitioner/Appellant and the sureties shall affix his photographs and Left Thumb Impressions in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iii) The Petitioner/Appellant shall appear before the office of the Inspector of Police, AWPS Tambaram Police Station, Chengalpattu District, on every Friday at 10.30 a.m., till the final disposal of the appeal.

(iv) In breach of the conditions above, the Passport and Aadhar Card of the Petitioner/Appellant shall be surrendered to the learned Special Judge / Trial Court.

9. Accordingly, the Criminal Miscellaneous Petition stands ordered.

25-06-2026

GBI

To

- 1.The Inspector of Police
AWPS Tambaram Police Station, Chengalpattu District.
- 2.The Sessions Judge, Mahila Court, Chengalpattu.
- 3.The Superintendent, Puzhal Prison I, Chennai.
- 4.The Public Prosecutor, High Court of Madras.



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CRL MP No. 9680 of 2



C.SARAVANAN, J.

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