



WEB COPY

CRL MP No. 10547 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 10547 of 2026

in Crl.A.No.967 of 2023

Ajith Kumar
S/o. Sambu,
Rajamannar Colony,
Sunnambu Soolai,
Danishpettai,
Kadayampatti Taluk,
Salem District.

..Petitioner(s)

Vs

The State Rep.by, The Inspector of Police,
All Women Police Station,
Omalur,
Salem District.
Cr.No.09 of 2019.

..Respondent(s)

Petition filed under Section 430(1) of BNSS, praying to suspend the sentence imposed in the Judgment dated 26.04.2023 in Spl.S.C.No.51 of 2020 on the file of the Sessions Judge, Principal Pocco Court, Salem, Salem District, pending disposal of the Crl.A.No.967 of 2023.

For Petitioner(s):

Mr.S.Suresh
for Mr.M.Marudhachalam

For Respondent(s):

Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Crl. Side)

**ORDER****(Order of the Court was made by Dr.Anita Sumanth J.)**

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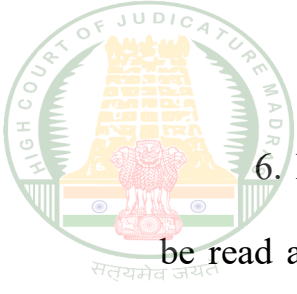
This is a petition seeking suspension of judgment and order passed by the Sessions Judge, Principal POCSO Court, Salem, Salem District, in Spl.S.C.No.51 of 2020 dated 26.04.2023.

2.The petitioner was found guilty of offences under Section 5(k) r/w. Section 6 and 5(n) r/w. Section 6 of the Protection of Children from Sexual Offences Act, 2012 and convicted and sentenced to life imprisonment and additional rigorous imprisonment that were directed to be run concurrently along with fine.

3.We heard Mr.S.Suresh, learned counsel for petitioner and Mr.C.R.Malarvannan, learned Government Counsel for respondent

4.The petitioner is none other than the maternal uncle of the victim. When the matter was called for hearing, learned counsel for petitioner would submit that the petitioner is keen on marrying the victim who is his niece. He has also filed an affidavit dated 03.07.2026 to this effect.

5. Since the judgment records that the victim is mentally retarded, we had requested Dr.V.Venkatesh Kumar, Professor of Psychiatry, Institute of Mental Health, Kilpauk, Chennai to assess her intelligence and determine whether the victim was aware of the consequences of the proposal now put forth by the petitioner.



6. Report dated 02.07.2026 has been received from the Doctor and may be read as part and parcel of this order. The Report is the result of a detailed psychiatric analysis of the mental and cognitive abilities of the victim, and is in question and answer form. The answers of the victim reveal that she is inclined to marry the petitioner and she states so categorically.

7. The relevant questions and answers are extracted below:

உங்க மாமாவை பிடிச்சி தான் கல்யாணம் பண்ண போறீங்களா ?
ஆமாம்.
மாமா இல்லாமல் வேறு யாரையாவது கல்யாணம் பண்ணிப்பீங்களா ?
வேண்டாம்.
கல்யாணத்திற்கு பிறகு மாமாவை பிடிக்கலெனா என்ன பண்ணுவீங்க ?
அம்மா வீட்டிற்கு வந்துவிடுவேன்.
சின்ன வயதில் மாமாவைப்பற்றி எதோ தவறு சென்னீங்களா ?
நான் சொல்லவில்லை. அம்மா அப்பாதான் சண்டை போட்டுக்கிட்டாங்க.

நீங்க மாமாவை கல்யாணம் பண்ணிகினானா என்ன ஆகம் ?
மாமா ஜெயிலில் இருப்பார்.

மாமாவை அம்மா அப்பா சொல்லித்தான் கல்யாணம் பண்ணிக்கபோறீங்களா ?
இல்லை இல்லை எனக்கு மாமாவை பிடிக்கும்.

குழந்தை பிறந்தால், குழந்தைக்கு என்ன சாப்பிட கொடுப்பீங்க ?
குழந்தைக்கு உறாரலிக்ஸ் கொடுப்பேன்

8. The victim has been found to be of subnormal intelligence. However, the Doctor has opined that on questioning, she has expressed a desire to marry her uncle who is the Petitioner herein. A careful perusal of the Report and the responses of the victim, especially the exchange extracted above indicates to us as well, that she has understood the questions posed to her and the proposal of the petitioner to marry her. In fact, she appears to be keen on marrying the petitioner and appears fully aware of the consequences of her decision.



9. There is thus everything to be gained in accepting the affidavit filed by the petitioner on condition that he honours the commitment made thereunder. In light of the above discussion, we suspend the sentence imposed on the petitioner under judgment dated 26.04.2023 in Spl.S.C.No.51 of 2020 on the file of the learned Sessions Judge, Principal POCSO Court, Salem, Salem District, for a period of two months and grant interim bail to the petitioner between 13.07.2026 and 15.09.2026.

10. The authorities are directed to release the petitioner on interim bail on Monday i.e., 13.07.2026 imposing the following conditions, and he shall surrender to the authorities on 15.09.2026 by 10.30 a.m. The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties each, of whom, one should be a blood relative, for a like sum to the satisfaction of the learned Sessions Judge, Principal POCSO Court, Salem, Salem District.

11. The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar Card or Bank Pass Book and mobile number to ensure their identity.

12. The petitioner shall marry the victim in line with the affidavit dated 03.07.2026 where he has undertaken to marry her and where he states that his decision is without any undue influence. The marriage shall be registered and registration certificate be filed along with an affidavit from the petitioner as soon as the marriage and registration thereof take place.



13. Barring 3 days prior to, and after the date of the wedding, the petitioner shall report every alternate day to the All Women Police Station, Omalur, Salem District. He shall ensure scrupulous compliance with the Prison and other applicable Rules.

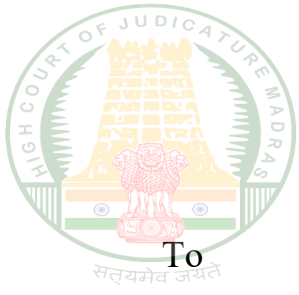
14. List the appeal on 16.09.2026.

(A.S.M.,J.) (S.M.,J.)
08-07-2026

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

DP

Note: Issue order copy on 10.07.2026



To

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- 1.The Sessions Judge, Principal Pocsu Court,
Salem, Salem District.
- 2.The Superintendent of Central Prison,
Coimbatore.
- 3.The Inspector of Police,
All Women Police Station,
Omalur,
Salem District.
- 4.The Public Prosecutor,
Madras High Court.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

DP

**CRL MP No. 10547 of 2026
in CrI.A.No.967 of 2023**

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