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CRL MP No. 2977 of 2026 in CrI.A.No.197 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

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THE HON'BLE MR JUSTICE C. SARAVANAN

CRL MP No. 2977 of 2026

in

CrI.A.No.197 of 2026

Karthikeyan, S/o.Raju,
Keelanallampur Main Road,
Valangaiman (Via),
Ram Nagar, Thiruvarur District.

..Petitioner / Appellant /
Accused

Vs

The State Rep. by
The Inspector of Police,
Velur Police Station,
Namakkal District.
Crime No.1014/2010

..Respondent / Respondent /
Complainant

Prayer: Criminal Miscellaneous Petition is filed under Section 430 of the BNSS, pleased to suspend the operation of the sentence imposed upon the appellant/accused in Sessions Case No.45/2017 by the Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal vide Judgement dated 29.11.2024, pending disposal of the above Criminal Appeal, release the petitioner on bail.

For Petitioner(s): Ms.P.J.Anitha

For Respondent(s): Mr.M. Mohamed Riyaz,
Government Advocate (Criminal Side)



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ORDER

The petitioner has filed the present petition under Section 430 of the BNSS, seeking suspension of the sentence imposed by the Trial Court by Judgment dated 29.11.2024 in Sessions Case No.45 of 2017 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal.

2. By the impugned judgment, the petitioner was convicted for the offence punishable under Section 376 of the IPC and sentenced to undergo rigorous imprisonment for a period of ten years.

3. Assailing the conviction, the learned counsel for the petitioner (accused) submitted that, in the Medical Report, Accident Register, and the Final Opinion of PW7, the doctor who examined the victim child, the identity of the petitioner was not disclosed by PW1, who had taken the victim child to the hospital for examination immediately after the alleged occurrence.

4. It was further submitted that the alleged occurrence took place on 13.10.2010, much prior to the enactment of the Protection of Children from Sexual Offences Act, 2012. Therefore, the investigation was conducted for the

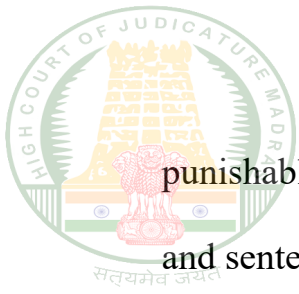


offences under Section 376 IPC and other relevant provisions. The medical evidence of PW7 and the medical records clearly indicate injuries in the private parts of the victim child, who was about three years old at the time of the occurrence.

5. There is no dispute that the petitioner / accused was present at the scene of occurrence on the date of the incident. It appears from the evidence that the petitioner had come to the house of the victim, where the victim, her mother (defacto complainant), junior grandmother (PW1), neighbour (PW2), and uncle (PW4) were present and conversing with one another.

6. The evidence of PW1, PW2 and PW4, namely the junior grandmother, neighbour, and uncle of the victim, respectively establishes that the victim child was found crying near the public toilet situated behind the house. These witnesses have consistently deposed that, upon hearing the cries of the child and rushing to the place, they found the victim lying on the ground with bleeding injuries in her private parts. The accused was also present at the scene.

7. The Trial Court, upon an appreciation of the oral and documentary evidence on record, came to the conclusion that the victim had sustained injuries in her private parts and had been subjected to penetrative sexual assault, attracting the ingredients of rape as defined under Section 375 IPC and



punishable under Section 376 IPC. Consequently, the petitioner was convicted and sentenced to undergo rigorous imprisonment for ten years.

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8. It is seen that the petitioner was convicted by the impugned judgment on 29.11.2024 and has undergone a substantial period of incarceration. However, considering the gravity and nature of the offence committed against a minor child aged about three years and upon a *prima facie* examination of the judgment of the Trial Court, this Court does not find any apparent irregularity, illegality or infirmity warranting interference at this stage.

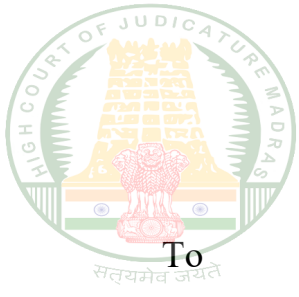
9. In such circumstances, this Court is not inclined to grant the relief of suspension of sentence as sought for by the petitioner. However, liberty is granted to the petitioner to approach this Court afresh in the event of any undue delay in the disposal of the appeal.

10. Accordingly, this Criminal Miscellaneous Petition is dismissed.

25-06-2026

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

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To

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1. The learned Sessions Judge, Magalir Neethimandram
(Fast Track Mahila Court), Namakkal
2. The Inspector of Police,
Velur Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.



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C.SARAVANAN, J.

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