

*Crl.MP(MD) No.5280 of 2025 in
Crl.A(MD) No.470 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.5280 of 2025
in Crl.A.(MD)No.470 of 2025

Vijay @ Kutti Vijay

... Petitioner

Vs.

State of Tamil Nadu,
The Inspector of Police,
Pattukkottai Town Police Station,
Thanjavur District.
Crime No.123/2020

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed by the Principal Special Court for Exclusive trial of cases under POCSO Act, Thanjavur in Spl.S.C.No.16 of 2021, dated 29.08.2023 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mrs.M.Krishna Veni

For Respondent : Mrs.V.Moushica,
Government Advocate (Crl. Side)



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ORDER

The petitioner, sole accused in Spl.S.C.No.16 of 2021, on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases Under POCSO Act, Thanjavur was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	6 of POCSO Act	25 years RI	Rs.20,000/-	1 year RI
2	361 r/w 363 IPC	5 years RI	Rs.5,000/-	6 months RI
3	9 of Prohibition of Child Marriage Act	1 year RI	Rs.5,000/-	2 months RI

As against the conviction and sentence imposed by the trial Court in Spl.S.C.No.16 of 2021, dated 29.08.2023, the petitioner has filed a Criminal Appeal in CrI.A(MD)No.470 of 2025 and the same was admitted by this Court on 22.04.2025. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.



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2. The case of the prosecution is that the petitioner and the victim girl were known to each other for some time. On 24.03.2020 at about 10.30 am, when the victim girl was standing in front of her house, the petitioner induced her, taken her to Coimbatore, where he married the victim girl on 27.03.2020 at about 11.00 am. They lived as husband and wife, due to which, the victim girl got pregnant. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner and the victim child are close relatives. The petitioner was 21 years old and the victim child was 16 years old at the relevant point of time. The petitioner and the victim loved each other and the parents of the victim girl have objected for the same. Therefore, the victim child has eloped with the petitioner to Coimbatore. Without knowing the consequences, they married, lived together for a period of nine months and during such period, the victim child has also become pregnant. Pursuant to the complaint lodged by the parents of the victim child, the respondent police secured the victim child from Coimbatore and brought her to the police station. Thereafter, the parents of the victim child filed a separate application seeking abortion. Accordingly, the fetus was aborted pursuant



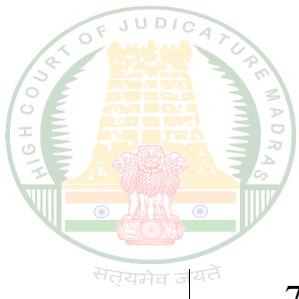
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to the directions of this Court. Therefore, according to the learned counsel, this is a case arising out of a love affair without knowing the consequences. According to him, the petitioner has been in jail from the date of conviction, i.e., 29.08.2023, nearly three years.

4. The learned Government Advocate appearing for the respondent submits that the victim child was 16 years old at the relevant point of time. According to him, the petitioner is a history-sheeted rowdy involved in several cases. The details of the cases against the petitioner have been furnished before this Court and the same are extracted below:-

S. No.	Police Station	Crime No. & Sections of Law	Stage
1.	PKT Town PS	Cr.No.307/2016, u/s 147, 148, 302 IPC @ 147, 148, 341, 302, 120(B) IPC	PT
2.	PKT Town PS	Cr.No.65/2017, u/s 341, 324, 336, 392, 307 IPC r/w 3(1) of PDL Act	NTF
3.	PKT Town PS	Cr.No.242/2017, u/s 147, 148, 323, 324, 307 IPC	PT
4.	PKT Town PS	Cr.No.133/2018, u/s 147, 148, 294(b), 323, 324, 506(ii) IPC	UI
5.	PKT Town PS	Cr.No.141/2018, u/s 399 IPC	UI
6.	PKT Town PS	Cr.No.323/2018, u/s 294(b), 341, 323, 324, 506(i), 307 IPC	NTF



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7.	PKT Town PS	Cr.No.183/2019, u/s 386, 506(ii) IPC	NTF
8.	PKT Town PS	Cr.No.123/2020, Girl Missing @ Section 366(A) IPC @ POCSO Act	Con
9.	PKT Town PS	Cr.No.2031/2020, u/s 147, 148, 324, 506(ii) IPC r/w Section 25(1A) of the Arms Act	PT
10.	Edaiyur PS	Cr.No.21/2023, u/s 379 IPC	NTF
11.	Usilampatti Town	Cr.No.124/2023, u/s 20(b)(ii) (B), 25, 8(c) of the NDPS Act	NTF

5. This Court considered the rival submissions made and also perused the materials placed on record.

6. Though the petitioner has made out a case that, without knowing the consequences, he had a physical relationship with the victim child, who was aged 16 years, considering the antecedents of the petitioner, this Court is not inclined to suspend the sentence imposed on him. The cases against the petitioner are pending either for trial or under investigation. The murder case registered against the petitioner in the year 2016 has been pending trial for the past 10 years. Considering his involvement in several cases, which are serious in nature, and the fact that



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the trials are pending, this Court is not inclined to suspend the sentence of this petitioner.

7. Accordingly, this Criminal Miscellaneous Petition is dismissed.

14.07.2026

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To

- 1.The learned Sessions Judge,
Principal Special Court for Exclusive
Trial of Cases Under POCSO Act,
Thanjavur.
- 2.The Inspector of Police,
Pattukkottai Town Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.,

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