

*Crl.MP(MD) No.12748 of 2026 in
Crl.A(MD) No.749 of 2026*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.12748 of 2026
in Crl.A.(MD)No.749 of 2026

Mahalingam

... Petitioner

Vs.

State of Tamil Nadu,
The Inspector of Police,
AWPS Paramakudi,
Ramanathapuram District.
Crime No.15/2020

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed on the petitioner / appellant passed in Spl.S.C.No.13 of 2021, dated 24.12.2025, on the file of the learned Mahalir Neethimandram (Fast Track Mahila Court), Ramanathapuram, pending disposal of the Criminal Appeal.

For Petitioner : Mr.S.Srikanth

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



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ORDER

The petitioner, an accused in Spl.S.C.No.13 of 2021, on the file of the learned Mahalir Neethimandram (Fast Track Mahila Court), Ramanathapuram was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	5(l), 5(j)(ii) r/w 6 of POCSO Act, 2012	20 years RI	Rs.5,000/-	1 year SI

As against the conviction and sentence imposed by the trial Court in Spl.S.C.No.13 of 2021, dated 24.12.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.749 of 2026 and the same was admitted by this Court on 08.07.2026. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that on 25.05.2020, at about 09.00 a.m., when the victim girl had gone to help one Ramalakshmi / mother of the petitioner, by fetching water, the petitioner threatened her at



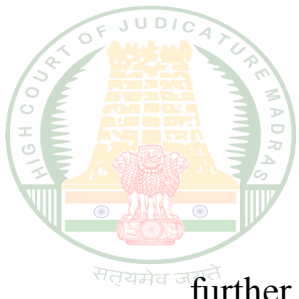
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knife point and forcibly raped her. The petitioner continued to do so on subsequent occasions, as a result of which the victim girl became pregnant. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the victim girl is the relative of the petitioner. The petitioner and the victim girl loved each other and without knowing the consequences, they had physical relationship. He further submits that there is an inordinate delay of four months in reporting the incident. According to him, the occurrence took place on 25.05.2020, whereas the complaint came to be lodged only on 19.09.2020. The delay in lodging the complaint has not been properly explained. Moreover, the prosecution has not established the age of the victim girl before the Trial Court, as her Birth Certificate was not produced. The learned counsel also submits that some of the material witnesses have not been examined.

4. The learned Government Advocate appearing for the respondent submitted that the victim girl in the present case was aged 14 years at the time of the occurrence. She is a neighbour of the petitioner. It is



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further submitted that the petitioner's mother, being a physically challenged woman, had requested the victim girl to fetch water. Taking advantage, this petitioner had induced her and had physical relationship, due to which, the victim girl became pregnant. Thereafter, the parents of the victim girl came to know about the occurrence and lodged the complaint on 19.09.2020. The victim girl was not aware of the offence and it was revealed only through the pregnancy. It is further submitted that the 14-year-old victim girl underwent medical termination of pregnancy, and the foetus was preserved. It is further submitted that the DNA analysis established the paternity of the petitioner. Therefore, a clear case has been made out against the petitioner. She further submitted that, with regard to the age of the victim girl, the School Certificate was marked as Ex.P3 through the evidence of the Headmaster, examined as PW4. The Doctor, examined as PW8, also confirmed that the victim girl was only 14 years old at the time of the occurrence.

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



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6. The petitioner has made a 14-year-old child pregnant and the DNA report is also against him. Therefore, this Court is not inclined to entertain this petition. Hence, this Criminal Miscellaneous Petition is dismissed.

**08.07.2026
(2/2)**

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To

1.The learned Mahalir Neethimandram
Fast Track Mahila Court,
Ramanathapuram.

2.The Inspector of Police,
AWPS Paramakudi,
Ramanathapuram District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.,

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