



Crl.M.P.No.3772 of 2024
in Crl.A.No.265 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Crl.M.P.No.3772 of 2024
in
Crl.A.No.265 of 2024

Velmuguran

...Petitioner

Vs.

State rep. by
Inspector of Police,
Thalaivaasal Police Station,
Salem District.

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., seeking to suspend the sentence imposed on the petitioner by the learned Special Court for Exclusive Trial of Cases under POCSO Act at Salem by judgment passed in Spl.S.C.No.7 of 2019 dated 29.12.2021 pending disposal of the criminal appeal.

For Petitioner : Mr.P.Balakrishnan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The petitioner herein, who was the sole accused before the Trial Court, has been convicted for the offence under Sections 5(k), 5(l) r/w 6 of POCSO Act and was sentenced to undergo life imprisonment along with a fine of Rs.25,000/-, in default to undergo 3 months simple imprisonment, through the judgment passed in Spl.S.C.No.7 of 2019 dated 29.11.2021.

2. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and seeks for suspension of sentence and bail in the present miscellaneous petition.

3. Heard Mr.P.Balakrishnan, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the respondent/Police.

4. Before the Trial Court, the victim girl, who was aged about 15 years at the time of occurrence, was examined as P.W.3. The Trial Court



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had placed reliance on the evidence of P.W.3, for the purpose of recording the guilt of the accused. However, we find from the records that P.W.3, during the course of cross examination, did not support the prosecution's case. On the other hand, she had deposed that she was in love with the accused, who was aged about 19 years at time of occurrence, and that they had sexual relationship with consensus. She had further stated that he was pressurized to depose before the Police, since both the petitioner and P.W.3 belong to different communities.

5. Since the Trial Court had predominantly placed reliance on the testimony of P.W.3 and recorded the finding of guilt, the judgment of the Trial Court may require interference, in view of the evidence of P.W.3. This aspect can be deliberated at a later stage. However, in view of the *prima facie* case made out, we are inclined to suspend the sentence.

8. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence imposed on the petitioner/accused, is suspended on the following conditions:-



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(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties each, for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act at Salem.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 A.M., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day, in lieu of the date of his absence, as directed by the Trial Court.

[M.S.R, J.] [V.L.N, J.]
12.06.2025

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Note: Issue Order Copy on 13.06.2025



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To

- 1.The Special Court for Exclusive Trial
of Cases under POCSO Act at Salem.
- 2.The Superintendent of Prisons,
Central Prison, Coimbatore.
- 3.The Inspector of Police,
Thalaivaasal Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

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