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*Crl.M.P.Nos.9939 & 9941 of 2025
in Crl.A.No.464 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.Nos.9939 & 9941 of 2025
in
Crl.A.No.464 of 2025

Nandhakumar

... Petitioner

Vs.

The State Rep. by its
The Inspector of Police,
Gobichettipalayam All
Women Police Station,
Erode District.
(Crime No.6 of 2022)

... Respondent

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 528 of BNSS, to suspend the sentence against the judgment passed in Spl.S.C.No.36 of 2022 on the file of the Court of Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Erode and to enlarge the petitioner on bail and to exempt the petitioner from surrendering.

In both MPs.

For Petitioner : Mr.I.Abrar Mohamed Abdullah

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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COMMON ORDER

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These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Erode, in Spl.S.C.No.36 of 2022 dated 27.02.2025, and to exempt the petitioner from surrendering and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner is an accused in Spl.S.C.No.36 of 2022 on the file of the learned Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Erode. He was found guilty of the offences punishable under Sections 11(iv), 11(v), 12 of the Protection of Children from Sexual Offences Act, 2012 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Sections 11(iv), 11(v), 12 of POCSO Act, 2012	to undergo simple imprisonment for a period of one year and to pay fine of Rs.3,000/-, in default to undergo simple imprisonment for three months.

Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petitions.



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3. Heard the learned counsel appearing on either side and also perused the materials placed on record.

4. It is seen that the petitioner was convicted for the offences punishable under Sections 11(iv), 11(v), 12 of the Protection of Children from Sexual Offences Act and sentenced to undergo one year simple imprisonment. However so far, the petitioner did not surrender before the trial Court in order to comply the order passed by the trial Court. Therefore, suspension of sentence does not arise. The trial Court is directed to take appropriate steps to secure the petitioner in order to comply the judgment rendered by the trial Court.

5. Accordingly, both the Criminal Miscellaneous Petitions are dismissed.

02.06.2025
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
rts



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G.K.ILANTHIRAIYAN, J.

rts

To

1. The Sessions Judge,
Magalir Neethi Mandram,
Fast Track Mahila Court,
Erode

2. The Inspector of Police,
Gobichettipalayam All
Women Police Station,
Erode District.

3. The Public Prosecutor,
Madras High Court,
Chennai.

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