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*Crl.M.P.No.10076 of 2025
in Crl.A.No.433 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2025

CORAM:

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

Crl.M.P.No.10076 of 2025
in
Crl.A.No.433 of 2025

R.Prabhu

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
A.W.P.S.,
Mayiladuthurai,
Cr. No.17/2018

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the appellant by order dated 24.03.2025 passed by the learned District and Sessions Judge, Mayiladuthurai in Spl.S.C.No.19 of 2024 pending disposal of the above Criminal appeal and enlarge the appellant on bail.

For Petitioner	: Mr.R.Shivakumar For M/s.K.M.Vijayan Associates
For Respondent	: Mr.S.Rajakumar Additional Public Prosecutor

ORDER

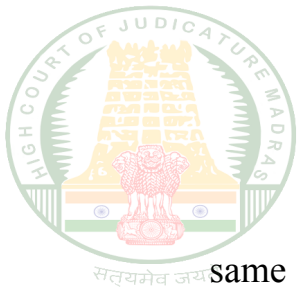


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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned District and Sessions Judge, Mayiladuthurai, by an order dated 24.03.2025 in Spl.S.C.No.19 of 2024 and enlarge the petitioner on bail pending disposal of the above criminal revisions.

2. The case of the prosecution is that the victim girl and the petitioner were residing in the same area. The victim girl was residing along with her parents and she was studying 10th standard during the occurrence. It is alleged that the petitioner was a tractor driver and he followed the victim girl and tortured her to love him. After completion of school, the petitioner took her to hotels and park and gifted her according to the needs of the victim girl. Likewise the victim girl also met the petitioner near her house during night hours. By utilizing the opportunity, the petitioner had committed aggravating penetrative sexual assault against the victim girl several times. On 12.11.2018, while the petitioner had committed penetrative sexual assault against the victim girl, the mother of the victim girl arrived there and caught the petitioner red handed. It was intimated to the father of the victim girl and thereafter, they lodged complaint and the



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same was registered in Crime No.17 of 2018 on the file of the respondent police.

3. After completion of enquiry, the respondent filed final report and the same has been taken cognizance in Spl.S.C.No.19 of 2024 on the file of the learned District and Sessions Judge, Mayiladuthurai. After trial, the trial Court found the petitioner guilty of the offence under Sections 6 r/w 5(1) of POCSO Act and he has been convicted and sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.5,000/- in default, to undergo three months rigorous imprisonment and also awarded compensation to the victim girl. Aggrieved by the same, the petitioner filed the appeal along with the present petition.

4. The learned Senior Counsel appearing for the petitioner submitted that there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner are ready to abide any condition to be imposed by this Court.



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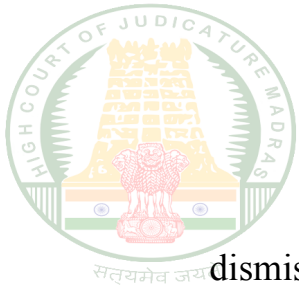
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5. Per contra, the learned Additional Public Prosecutor appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

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

7. On perusal of records, it is revealed that the petitioner had committed very serious offence by committing penetrative sexual assault on the victim girl. There is a clinching evidence to prove the case of the prosecution and the prosecution had proved the case beyond the reasonable doubts. Further, the petitioner failed to make out *prima facie* case to suspend the sentence.

8. Accordingly, the Criminal Miscellaneous petition stands



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dismissed.

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

rts

To

1. The District and Sessions Judge,
Mayiladuthurai

2. The Inspector of Police,
A.W.P.S.,
Mayiladuthurai.

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



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G.K.ILANTHIRAIYAN, J.
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