



WEB COPY



*Crl.M.P.No.10193 of 2025
in Crl.A.No.546 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2025

CORAM:

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

Crl.M.P.No.10193 of 2025

in

Crl.A.No.546 of 2025

Jagabur Sadiq @ Asaar

... Petitioner

Vs.

The State Rep. by its
The Inspector of Police,
All Women Police Station,
Thiruthuraipoondi,
Thiruvarur District.
(Crime No.6 of 2020)

... Respondent

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 528 of BNSS, to suspend the sentence imposed against the petitioner by the learned Sessions Judge, Magalir Neethimandram, (FTMC), Thiruvarur, at Thiruvarur District in Special Sessions Case No.20 of 2020 dated 09.01.2025 and release the petitioner on bail till the disposal of criminal appeal on the file of this Court.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)



*Crl.M.P.No.10193 of 2025
in Crl.A.No.546 of 2025*

WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Magalir Neethimandram, (FTMC), Thiruvarur, in Special Sessions Case No.20 of 2020, dated 09.01.2025, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The case of the prosecution is that the victim girl was residing along with her parents and while she was travelling in bus, the petitioner followed the victim girl and tortured her to love him. On 25.11.2019, when the victim girl was alone in her home, the petitioner trespassed into her house and forcibly had intercourse with her. Thereafter, the petitioner had committed the same offence on several occasions, due to which the victim girl got pregnant. Further alleged that the petitioner kidnapped her and also tied Thali. On the complaint, the respondent register the FIR in Crime No.06 of 2020 for the offences punishable under Sections 5(l), 5(j)(i), 5(j) (ii) r/w Section 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as “the POCSO Act”) and Section 9 of the Prohibition of Child Marriage Act, 2006. After completion of investigation,



*Crl.M.P.No.10193 of 2025
in Crl.A.No.546 of 2025*

WEB COPY

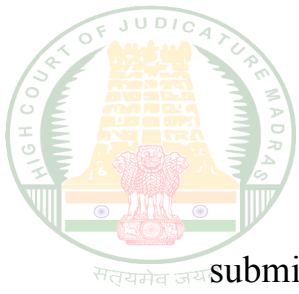
the respondent filed final report and the same has been taken cognizance by the trial Court in Special Sessions Case No.20 of 2020 on the file of the learned Sessions Judge, Magalir Neethimandram, (FTMC), Thiruvavarur.

3. After full fledged trial, the trial Court found the petitioner guilty for the offences punishable under Sections 5(l), 5(j)(ii) r/w Section 6 of the Protection of Children from Sexual Offences Act, 2012 and convicted and sentenced him as under:

S.No.	Conviction	Sentence
1	Sections 5(l) r/w Section 6 of POCSO Act	to undergo rigorous imprisonment for a period of twenty year and to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for six months.
2	Sections 5(j)(ii) r/w Section 6 of POCSO Act	to undergo rigorous imprisonment for a period of twenty year and to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for six months.

The sentences are ordered to run concurrently. Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petitions.

4. The learned Senior Counsel appearing for the petitioner



*Crl.M.P.No.10193 of 2025
in Crl.A.No.546 of 2025*

WEB COPY

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.

5. Per contra, the learned Government Advocate (Crl. Side) 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.



Crl.M.P.No.10193 of 2025
in Crl.A.No.546 of 2025

WEB COPY

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 dismissed.

16.06.2025
(2/2)

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

To
1. The Sessions Judge,
Magalir Neethimandram, (FTMC),
Thiruvarur.
2. The Inspector of Police,
All Women Police Station,
Thiruthuraipoondi,
Thiruvarur District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



*Crl.M.P.No.10193 of 2025
in Crl.A.No.546 of 2025*

G.K.ILANTHIRAIYAN, J.
rts

Crl.M.P.No.10193 of 2025
in Crl.A.No.546 of 2025

16.06.2025
(2/2)