



Crl.M.P.No.10166 of 2025 in Crl.A.No.397 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.10166 of 2025
in Crl.A.No.397 of 2025

S.Sudarson

... Petitioner

Vs

The State of Tamilnadu,
Rep. By the Inspector of Police,
All Women Police Station,
West-Coimbatore City.
(Crime No.1440/2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023, to suspend the sentence of imprisonment imposed in the judgment dated 24.03.2025 made in SPL.CC.No.60 of 2021 passed by the Learned Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore and enlarge the petitioner on bail pending disposal of the above Criminal Appeal No.397 of 2025 by this Hon'ble Court.

For Petitioner : Mr.R.Johnsathyan, Senior Counsel
for Mr.S.V.Drajendra Prasad

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the Principal Special Court for



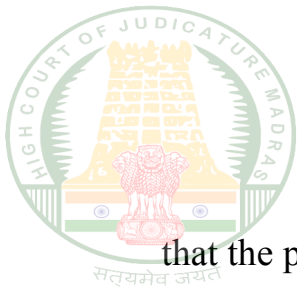
Exclusive Trial of cases under POCSO Act, Coimbatore in SPL.CC.No.60 of 2021 dated 24.03.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in SPL.CC.No.60 of 2021 on the file of the Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore. He was found guilty for the offence under Section 8 of the POCSO Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 8 of POCSO Act	to undergo rigorous imprisonment for a period of three years and to pay fine of Rs.10,000/-, in default of payment of fine to undergo threemonths of simple imprisonment.

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

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. Further it is his specific submission that at the time of pronouncing judgment, the trial Court has suspended the sentence till 03.06.2025. He would submit



that the petitioner is ready to abide the condition imposed by this Court.

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4. 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.

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

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.



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7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court daily at 10.30 a.m., for a period of thirty days. Thereafter, report before the Trial Court once in 15 days until the disposal of the Criminal Appeal and if he is not able to appear before the trial Court on any day, they 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.



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8. With the above directions, this Criminal Miscellaneous Petition is ordered.

03.06.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Principal Special Court for Exclusive Trial of cases under POCSO Act,
Coimbatore.
2. The Inspector of Police,
All Women Police Station,
West-Coimbatore City.
3. The Public Prosecutor,
High Court, Madras.

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