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*Crl. M.P. No. 11075 of 2025
in Crl.A.No.628 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM:

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

Crl. M.P. No. 11075 of 2025

in

Crl. A. No. 628 of 2025

Sheik Sadham Ussain

...Petitioner

Vs.

State Rep By
The Inspector of Police,
Erode All Women Police Station,
Erode, Erode District.
Crime No. 11 of 2021

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of B.N.S.S., 2023, to suspend the sentence and enlarge the petitioner on bail imposed in Special Sessions Case No. 69 of 2021 dated 24.02.2025 on the file of the Special Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Erode pending disposal of the above criminal appeal.

For Petitioner : Mr. M. Vignesh

For Respondent : Mr. A. Gopinath,
Government Advocate



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Erode, in Spl.S.C.No.69 of 2021 dated 24.02.2025, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner, who is an accused in Spl.S.C.No.69 of 2021, was convicted and sentenced by the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Erode, vide judgment dated 24.02.2025, as follows:

Rank of the accused	Conviction under Section	Sentence awarded
Sole accused	5(I) r/w 6 of POCSO Act, 2012	to undergo rigorous imprisonment for a period of 20 years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of 3 months.
	451 of IPC	to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of 1 month.



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3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

4. This Court finds that the petitioner failed to make out the *prima facie* case for suspension of sentence. Further, the petitioner had committed very serious and heinous offence as against the minor victim girl. Therefore, this Court is not inclined to entertain this petition.

5. Learned counsel for the petitioner would submit that the petitioner already suffered with ailments and as such, he underwent operation for which, he is continuously taking medicines. However, the jail authorities does not permit the father of the accused to provide medicines to him.

6. In view of the above, the Superintendent of Central Prison, Coimbatore is directed to permit accused father to provide medicines as prescribed by the Doctor to the accused in the prison.



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7. In the result, the petition for suspension of sentence is dismissed.

02.07.2025
(2/2)

AT

To

1.The Sessions Judge,
Mahalir Neethimandram, (Fast Track Mahila Court),
Erode.

2.The Superintendent of Central Prison, Coimbatore.

3.The Inspector of Police,
Erode All Women Police Station,
Erode, Erode District.

4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

AT

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