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*Crl.M.P.No.12527 of 2025
in Crl.A.No.1173 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

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

Crl.M.P.No.12527 of 2025
in
Crl.A.No.1173 of 2024

Surya Prakash

... Petitioner

Vs.

The State through
The Inspector of Police,
Moolanur Police Station,
Thiruppur District.
(Crime No.635 of 2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed against the petitioner in Spl.S.C.No.94 of 2021 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court, Tiruppur dated 16.10.2023 and release the appellant on bail till the disposal of the main criminal appeal.

For Petitioner : Dr.R.Alagumani

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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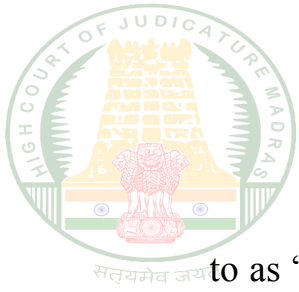
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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, in Spl.S.C.No.94 of 2021, dated 16.10.2023, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The case of the prosecution is that the victim girl and the petitioner are known each other through instagram and it is alleged that the petitioner insisted the victim girl to love him. On 13.09.2021, when the victim girl came out of her house, the petitioner had taken her to Rettaimalai Ondikaruppan Temple and tied Thali. Thereafter, the petitioner had taken her to his friend's house and forcibly had intercourse with her on several occasions. Hence the complaint.

3. On the complaint, the respondent register the FIR in Crime No.635 of 2021 for the offences punishable under Sections 5(l) r/w 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred



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to as “the POCSO Act”) and Section 9 of the Prohibition of Child Marriage Act, 2006. After completion of investigation, the respondent filed final report and the same has been taken cognizance by the trial Court in Special Sessions Case No.94 of 2021 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, for the offences under Sections 366 & 342 of IPC and Section 5(1) r/w 6 of POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

4. After full fledged trial, the trial Court found the petitioner guilty for the offences punishable under Sections 366 & 342 of IPC and Section 5(1) r/w 6 of POCSO Act and Section 9 of the Prohibition of Child Marriage Act and convicted and sentenced him as under:

S.No.	Conviction	Sentence
i	Section 5(1) r/w Section 6 of POCSO Act	to undergo rigorous imprisonment for a period of twenty years and to pay fine of Rs.1,500/-, in default to undergo rigorous imprisonment for one year.
ii	Section 9 of the Prohibition of Child Marriage Act	to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1,000/-, in default to undergo rigorous imprisonment for six months.



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S.No.	Conviction	Sentence
iii	Section 366 of IPC	to undergo rigorous imprisonment for a period of seven years and to pay fine of Rs.1,000/-, in default to undergo rigorous imprisonment for six months.
iv	Section 342 of IPC	to undergo rigorous imprisonment for a period of one year.

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

5. 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.

6. 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



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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.

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

8. 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.

9. Accordingly, the Criminal Miscellaneous petition stands dismissed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

rts

To

1. The Sessions Judge,
Magalir Neethimandram
(Fast Track Mahila Court),
Tiruppur.

2. The Inspector of Police,
Moolanur Police Station,
Thiruppur District.

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

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