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Crl.MP.No.12842 of 2025

Crl.MP.No.12842 of 2025
in Crl.A.No.769 of 2025

G.K.ILANTHIRAIYAN, J.

At the instance of the learned counsel appearing for the petitioners, today this matter has been posted under the caption “for being mentioned”.

2. Heard, the learned counsel appearing for the petitioners.

3. On hearing the submissions of the learned counsel appearing for the petitioners, it is ordered that in the prayer portion, the first paragraph and the second paragraph of the order passed in Crl.MP.No.12842 of 2025 in Crl.A.No.769 of 2025 dated 03.07.2025, the words “**S.C.No.20 of 2018**” shall read as “**Spl.SC.No.20 of 2018**”.

4. Accordingly, the Registry is directed to issue a fresh order copy in Crl.MP.No.12842 of 2025 in Crl.A.No.769 of 2025 dated 03.07.2025 after making necessary corrections.

13.08.2025

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13.08.2025



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Crl.MP.No.12842 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.07.2025

CORAM:

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

Crl.M.P.No.12842 of 2025

in

Crl.A.No.769 of 2025

1. S.Vimal Jo
S/o. Sebastian

2. Sebastian
S/o. Kabiriyel,

Both residing at:
Nadutheru, Annamangalam,
Veppanthathai Taluk,
Perambalur District.

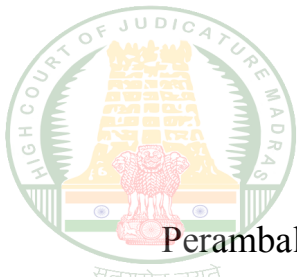
...Petitioners

Vs.

The State by its
The Inspector of Police,
Arumbavur Police Station,
Perambalur District.
(Crime No. 472 of 2017)

...
Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS 2023 to suspend the sentence imposed by the learned Mahila Court at



CrI.MP.No.12842 of 2025

Perambalur in S.C.No.20 of 2018 by judgment dated 12.05.2025 and enlarge the petitioners on bail pending disposal of the above appeal.

For Petitioners : Mr.S.Sabastian

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, to suspend the sentence imposed by the learned Mahila Judge, Perambalur in the judgment dated 12.05.2025 in S.C.No.20 of 2018 and enlarge the petitioners on bail pending disposal of the above appeal.

2. The petitioners herein are the accused in S.C.No.20 of 2018 on the file of the learned Mahila Judge, Perambalur. The first petitioner was found guilty and has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 9 of Tamil Nadu Prohibition of Child Marriage Act, 2006	To 2 years rigorous imprisonment along with fine of Rs.50,000/- and in case of default to undergo 2 years of rigorous imprisonment.



S.No.	Conviction	Sentence
2	Section 5(1) r/w. 6 of POCSO Act, 2012	To undergo 20 years rigorous imprisonment along with fine of Rs.50,000/- and in case of default to undergo two years of rigorous imprisonment
3	Section 306 IPC	To undergo 10 years of simple imprisonment and to pay fine of Rs.50,000/- and in case of default to undergo one year simple imprisonment

The second petitioner was found guilty and has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 306 IPC	To undergo 10 years of simple imprisonment and to pay fine of Rs.50,000/- and in case of default to undergo one year simple imprisonment

Aggrieved by the above judgment, the petitioners have preferred the present appeal along with a petition to suspend their sentence.

3. The learned counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Appeal and the petitioners/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. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal 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.

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

6. The first petitioner failed to make out a *prima facie* case and hence this Court finds no reasons to suspend the sentence of the first petitioner. In so far as the second petitioner is concerned, he has made out a *prima facie* case



and hence this Court is inclined to suspend the sentence imposed on the second petitioner alone.

7. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the second petitioner, and 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 imposed on the second petitioner alone can be suspended on certain conditions.

8. Accordingly, till the disposal of the Criminal Revision the substantive sentence of imprisonment of the second petitioner imposed by the learned trial Judge is alone suspended and bail is granted to the second petitioner alone on the following conditions:

(a) The second petitioner/accused is ordered to be released on bail, on his executing a separate 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 learned



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Mahila Court, Perambalur.

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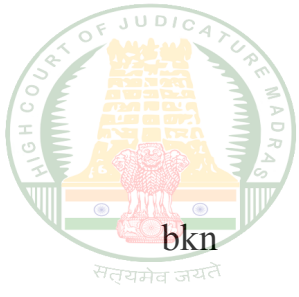
(b) The second petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The second petitioner shall appear before the Trial Court daily at 10.30 a.m., for a period of 30 days, and thereafter at 10.30 a.m. on the first working day of every month, until the disposal of the Criminal Appeal and if he is not able to appear before the trial Court on the said day, he 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.

9. With the above directions, this Criminal Miscellaneous Petition is allowed as against the second petitioner and dismissed as against the first petitioner.

03.07.2025

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



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To

1. The Judge, Mahila Court, Perambalur.
2. The Inspector of Police,
Arumbavur Police Station,
Perambalur District.
3. The Public Prosecutor,
Madras High Court,
Chennai.
4. The Superintendent,
Central Prison,
Tiruchirappalli.



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