



Crl.M.P.No.14560 of 2025 in Crl.A.No.1086 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

CORAM:

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

Crl.M.P.No.14560 of 2025
in Crl.A.No.1086 of 2025

Karthick

... Petitioner

Vs

The State Represented by,
Inspector of Police (Law and Order),
Odiansalai Police Station,
Puducherry.
(Crime No.198 of 2022)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 438(1) of BNSS, 2023, to suspend the sentence imposed in the judgment dated 07.03.2025 in Spl.S.C.No.192 of 2023 on the file of the Fast Track Court Exclusively to Deal With Offences Under the POCSO Act at Puducherry, pending disposal of the Crl.A.No.1086 of 2025.

For Petitioner : Mr.G.Vinodhkumar

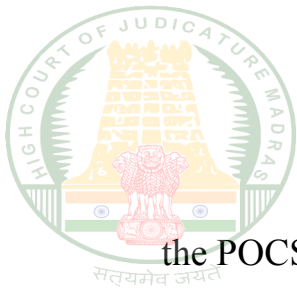
For Respondent : Mr.K.S.Mohandass

Public Prosecutor (Pondy)

assisted by M/s N.Danaloutchmy

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in Spl.S.C.No.192 of 2023 dated 07.03.2025 by the Fast Track Court Exclusively to Deal With Offences Under



the POCSO Act at Puducherry and enlarge the petitioner on bail.

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2. The petitioner is an accused in Spl.S.C.No.192 of 2023 on the file of the Fast Track Court Exclusively to Deal With Offences Under the POCSO Act at Puducherry. He was found guilty for the offences punishable under Sections and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Section 366 of IPC	to undergo ten years rigorous imprisonment and to pay a fine of Rs.1000/-, in default to undergo three months simple imprisonment.
2.	Section 6 of POCSO Act	to undergo twenty years rigorous imprisonment and to pay a fine of Rs.1000/-, in default to undergo three months 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. He would submit that the petitioner is ready to abide the condition imposed by this Court.



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4. Heard the learned counsel appearing for the petitioner and perused the materials placed on record.

5. A perusal of documents revealed that the victim eloped with the appellant and stayed at Tambaram for 23 days. There they had physical relationship. At the time of the said occurrence, the victim was aged about 17 ½ years old. On the complaint lodged by the parents of the victim, the victim girl was secured and FIR has been registered as against the appellant. After full-fledged trial, the petitioner was convicted and he is in imprisonment. However, the appellant is ready and willing to marry the victim. Therefore, the victim was directed to appear before this Court.

6. Today, the victim appeared before this Court and stated that she is not interested to marry the accused. She further stated that she did not lodge any complaint. Only on the complaint lodged by her parents, the petitioner is in imprisonment.

7. 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, 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.

8. 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 Fast Track Court Exclusively to Deal With Offences Under the POCSO Act at Puducherry.

(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 30 days and thereafter, on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 of BNSS, 2023 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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9. With the above directions, this Criminal Miscellaneous Petition is
ordered.

30.07.2025
(2/2)

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Fast Track Court Exclusively to Deal
With Offences Under the POCSO Act
at Puducherry.
2. The Inspector of Police (Law and Order),
Odiansalai Police Station,
Puducherry.
3. The Superintendent of Prison,
Central Prison, Pondicherry.
4. The Public Prosecutor,
High Court, Madras.

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