



Crl.MP.No.15455 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 13.08.2025

CORAM:

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

Crl.M.P.No.15455 of 2025

in

Crl.A.No.830 of 2025

Ganesh @ Rajaganesh

...Petitioner

Vs.

The State Rep. By its,
The Inspector of Police,
All Women Police Station,
Salem Town, Salem District
(crime No.35 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the sentence imposed on the petitioner by the Sessions Judge, Principal POCSO Court, Salem in Spl.SC.No.35 of 2021 dated 27.02.2025 and enlarge the petitioner on bail pending disposal of the above criminal appeal on the file of this Court.



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For Petitioner : Mr.S.Esakkimuthu

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

ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the sentence imposed on the petitioner by the Sessions Judge, Principal POCSO Court, Salem in Spl.SC.No.35 of 2021 dated 27.02.2025 and enlarge the petitioner on bail pending disposal of the above criminal appeal on the file of this Court.

2. The petitioner herein is the accused in Spl.SC.No.35 of 2021 on the file of the Sessions Judge, Principal POCSO Court, Salem. He was found guilty of the offences under Sections 366 & 342 of IPC and Section 5(1) r/w 6 of POCSO Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 366 of IPC	to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.1,000/-, in default to undergo rigorous



S.No.	Conviction	Sentence
		imprisonment for one year
2	Section 342 of IPC	to pay a fine of Rs.1,000/-, in default to undergo additional rigorous imprisonment for six months.
3	Section 5(1) r/w 6 of POCSO Act	to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.1,000/-, in default to undergo additional rigorous imprisonment for one year.

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

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

4. On perusal of records, it is revealed that the petitioner failed to make out prima facie case since he committed very serious and heinous offence against the minor victim girl on the pretext of marriage. As such, this Court is not inclined to entertain this petition.

5. Accordingly, this miscellaneous petition is dismissed



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



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To

- 1.The Sessions Judge, Principal POCSO Court, Salem
- 2.The Inspector of Police,
All Women Police Station,
Salem Town, Salem District
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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