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*Crl.M.P.No.15390 of 2025 in
Crl.A.No.437 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2025

CORAM:

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

Crl.M.P.No.15390 of 2025
in
Crl.A.No.437 of 2023

Santhosh

... Petitioner

Versus

1.State by

The Deputy Superintendent of Police,
All Women Police Station,
Polur, Thiruvannamalai District.
(Crime No.11 of 2018)

2. Anitha

... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) r/w 483 of Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, to suspend the sentence imposed against the petitioner in Spl.S.C.No.9 of 2020 on the file of the Special Court (under POCSO Cases), Thiruvannamalai, and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr. E. Kannadasan

For Respondent : Mr. A. Gopinath,
Government Advocate (Crl.side)



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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 Special Judge, Special Court (under POCSO Cases), Thiruvannamalai in Spl.S.C.No.9 of 2020 dated 23.02.2023, and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner is the accused in Spl.S.C.No.9 of 2020, was convicted and sentenced by the learned learned Special Court (under POCSO Cases), Thiruvannamalai, vide Judgment dated 23.02.2023, as follows:

Conviction	Sentence
Section 376(AB) of IPC and Section 6 r/w 5(m) of the POCSO Act, 2012	To undergo rigorous imprisonment for a period of 20 years, along with a fine of Rs.5,000/-, and in default of payment of the fine, to undergo simple imprisonment for a further period of one year as default sentence.

Aggrieved by the same, the petitioner has filed the present petition.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondent.

4. Considering the facts and circumstances of the case, this Court is



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of the view that the petitioner has failed to make out a *prima facie* case for granting suspension of sentence. The petitioner has been convicted for having committed a very serious and heinous offence against the victim child, who was about 5 years old at the time of occurrence. Therefore, this Court is not inclined to suspend the sentence imposed on the petitioner by Trial Court.

5. Accordingly, the petition for suspension of sentence is dismissed.

12.08.2025

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

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To

- 1.The Special Court (under POCSO Cases), Thiruvannamalai.
- 2.The Superintendent of Police, Central Prison, Vellore.
- 3.The Public Prosecutor, High Court of Madras, Chennai.
4. The Deputy Superintendent of Police,
All Women Police Station, Polur, Thiruvannamalai District.



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G.K.ILANTHIRAIYAN, J.

klr

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