



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 13-11-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CRL MP No. 16777 of 2025**

**AND**

**CRL A NO. 522 OF 2023**

1. Jose @ Luvica Joswa  
S/o. Late Francis, No.60/43, Erimedu,  
Ammankulam, Sowripalayam Road,  
Coimbatore.

Petitioner(s)

Vs

1. The State Rep by, Inspector of  
Police,  
Ramanathapuram Police Station,  
Coimbatore City, Coimbatore.  
Cr.No.455/2019.

Respondent(s)

**CRL MP No. 16777 of 2025**

**PRAYER**

To suspend the sentence imposed on the petitioner in spl.SC.No.105 of 2019 passed by the Learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore by an order dated 27.03.2023 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.



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For Petitioner(s): S. Ilamuhil  
J.Deliban-ms/3790/2011  
Tamizhanban V.-ms/2951/2016  
M.Gopi

For Respondent(s): Public Prosecutor

**ORDER**

This petition has been filed to suspend the sentence imposed on the petitioner in spl.SC.No.105 of 2019 passed by the Learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore by an order dated 27.03.2023 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

2. The petitioner herein was convicted for the offence punishable under Sections 5(1) of POCSO Act and sentenced him to undergo Ten Years Imprisonment and to pay a fine of Rs.10,000/-, in default to undergo Simple Imprisonment for six months and for the offence under Section 366 IPC, sentenced the petitioner to undergo 5 five years Rigorous Imprisonment and to pay a fine of Rs.5,000/- and in default, to undergo Six Months Simple



Imprisonment and for the offence under Section 343 IPC sentenced him to undergo 2 years Rigorous Imprisonment. Aggrieved over the petitioner filed the appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as if he abducted the victim girl along with other accused and committed penetrative sexual assault. In fact, the petitioner was working along with another victim girl's father at that time victim girl developed intimacy with another boy, later she gave false information against this petitioner. Further, the petitioner is in jail for the last three years. Now, the petitioner is ready to abide with any conditions. Hence, he prays to allow this petition.

4. The learned Government Advocate (Crl. Side ) submits that at the time of occurrence the victim girl was aged about 15 years, who was forcefully taken away by the petitioner and absconded. Thereafter, they found the victim girl. Further, he submits that the victim got married. The petitioner is having 27 previous cases, hence, he raised objection to suspend the sentence.



5. According to the learned counsel for the petitioner, the petitioner was acquitted in 7 cases out of 27 IPC cases. 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 and the learned Government Advocate (Crl. Side) appearing for the respondent police, 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.

7. 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 their 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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and



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the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities. Further, The petitioner shall not have any communication with the victim girl.

(c) The petitioner shall appear before the Trial Court twice in a week at 10.30 a.m., until the disposal of the Criminal Appeal and if there are not able to appear before the trial Court on any day, they 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.

8. With the above directions, this Criminal Miscellaneous Petition is ordered.

**13-11-2025**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.
2. The Central Prison, Coimbatore.
3. The Inspector of Police,  
Ramanathapuram Police Station, Coimbatore City.
4. The Public Prosecutor, High court, Madras.



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**T.V.THAMILSELVI J.**

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