



Crl.M.P.No.15703 of 2024
in Crl.A.No.1374 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2025

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN**

Crl.M.P.No.15703 of 2024
in Crl.A.No.1374 of 2024

Vanitha

... Petitioner/A7

Vs.

State represented By
The Inspector Of Police,
W-13, AWPS Police Station,
Washermenpet, Chennai-21
(Crime No.18 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to suspend the sentence in Spl.S.C.No.12 of 2021 dated 26.09.2022 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and enlarge the petitioner on bail till the disposal of the appeal.



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Crl.M.P.No.15703 of 2024
in Crl.A.No.1374 of 2024

For Petitioner : Mr.A.Jabanesan
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem

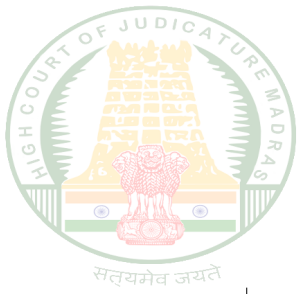
ORDER

(Order of the Court was made by *M.S.RAMESH. J.*)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner in Spl.S.C.No.12 of 2021 dated 26.09.2022 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and enlarge the petitioner on bail till the disposal of the appeal.

2. The petitioner herein is arrayed as A7. The learned Sessions Judge, Special Court of Exclusive Trial of cases under POCSO Act, Chennai in Spl.S.C.No.12 of 2021, has convicted the petitioner and sentenced him as follows:-

<i>Accused</i>	<i>Offence</i>	<i>Sentence</i>
A7	Section 5(1)(a)(i) of ITP Act	Life imprisonment and a fine of Rs.5,000/-, i/d. one month S.I
	Section 3(2) of ITP Act	2 years of imprisonment and a fine of



Crl.M.P.No.15703 of 2024
in Crl.A.No.1374 of 2024

WEB COPY

	Rs.2,000/-, i/d. one month S.I
Section 4(1) of ITP Act	10 years of imprisonment
Section 370 A(1) of IPC	Rigorous imprisonment for 7 years and a fine of Rs.5,000/-, i/d. one month S.I
Section 6 r/w Section 17 of POCSO Act	Imprisonment for the remainder of natural life and a fine of Rs.5,000/-, i/d. one month S.I

The sentences are ordered to run concurrently.

3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and he seeks for suspension of sentence and bail in the present miscellaneous petition.

4. It is the case of the prosecution that A1 to A5 are close relatives, and that A2 is the cousin sister of the victim child. The prosecution alleges that all the five accused, with an intention to earn money from prostitution, took the victim child from her parents on 29.08.2020 with a false promise to provide education to her, and involved her in prostitution and subjected her to have sexual intercourse with A10 to A22 from 29.08.2020 to 09.11.2020 and on various dates.



CrI.M.P.No.15703 of 2024
in CrI.A.No.1374 of 2024

WEB COPY

5. Heard Mr.A.Jabanesan, learned counsel appearing for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor, appearing for the respondent/Police.

6. The learned counsel for the petitioner submitted that though it is alleged that the petitioner [A7] along with the other accused compelled the victim to have sexual intercourse with A10 to A22, there is no evidence let in to establish the said allegation; that the victim herself had not deposed anything against the petitioner; that the petitioner is in custody from 2020; and since the appeal is not likely to be taken up in the near future, sentence may be suspended.

7. The learned Additional Public Prosecutor, per contra, submitted that it is the prosecution case that the petitioner, along with the other accused, compelled the victim to have sexual intercourse with strangers and that the trial court was right in convicting the petitioner and prayed for dismissal of the petitioner for suspension of sentence.



Crl.M.P.No.15703 of 2024
in Crl.A.No.1374 of 2024

WEB COPY

8. We have carefully considered the rival submissions and perused the records.

9. It is seen from the evidence of the victim, that apart from identifying the petitioner, she had not deposed anything against the petitioner. Admittedly, the petitioner was arrested on the confession of the co-accused, and there is no other evidence.

10. Considering the above facts, the fact that the petitioner is in custody from 2020, and the fact that the appeal is not likely to be taken up in the near future, we are inclined to grant the relief of suspension of sentence to the petitioner herein/A7.

11. Accordingly, this Criminal Miscellaneous Petition stands **allowed**, and the sentence imposed on the petitioner herein, is suspended on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties each, for a like sum to the satisfaction of the learned Sessions Judge,



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Crl.M.P.No.15703 of 2024
in Crl.A.No.1374 of 2024

Special Court for Exclusive Trial of Cases under
POCSO Act, Chennai;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 A.M., until the disposal of the 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 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.

(M.S.R, J.)

(V.L.N, J.)

31.07.2025

Index: Yes/No

Anu

Note: Issue order copy on 01.08.2025



Crl.M.P.No.15703 of 2024
in Crl.A.No.1374 of 2024

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To

- 1.The Sessions Judge, Special Court of Exclusive Trial of cases under
POCSO Act, Chennai
- 2.The Inspector Of Police,
W-13, AWPS Police Station,
Washermenpet, Chennai-21
- 3.The Superintendent,
Central prison, Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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Crl.M.P.No.15703 of 2024
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M.S.RAMESH, J.
and
V.LAKSHMINARAYANAN, J.

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