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Crl.M.P.No.17827 of 2024 in Crl.A.No.1582 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2025

CORAM:

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

Crl.M.P.No.17827 of 2024
in
Crl.A.No.1582 of 2024

Dinesh

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Singanallur Police Station,
Coimbatore City,
Crime No.1782/2020.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner/appellant by the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, in Spl.C.C.No.87 of 2020 by judgment dated 23.08.2024 and enlarge the petitioner/appellant on bail pending disposal of the above criminal appeal before this Court.

For Petitioner	: No appearance
For Respondent	: Mr.S.Rajakumar Additional Public Prosecutor



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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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, by an order dated 23.08.2024 in Spl.C.C.No.87 of 2020 and enlarge the petitioner on bail pending disposal of the above criminal revisions.

2. The case of the prosecution is that the petitioner was living in his aunt house near the house of the victim girl, aged about six years. On 17.09.2020, when the victim girl was playing near the petitioner's house, the petitioner took the victim girl into his house and made her to lay down by gagging her mouth and forced her and committed sexual intercourse. As that was not possible, the petitioner again folded the victim girl's hand behind her back and held the girl against the wall. When the victim girl cried, the petitioner hit her on the cheek and threatened her not to tell any one. It was intimated to the mother of the victim girl and thereafter, she lodged complaint and the same was registered in Crime No.1782 of 2020 on the file of the respondent police.



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3. After completion of enquiry, the respondent filed final report and the same has been taken cognizance in Spl.S.C.No.87 of 2020 on the file of the learned Principal Special Court for Exclusive Trail of Cases under POCSO Act, Coimbatore. After trial, the trial Court found the petitioner guilty of the offence under Sections 5(1), 5(m) & 6 of the POCSO Act and he has been convicted and sentenced to undergo twenty years rigorous imprisonment and to pay a fine of Rs.10,000/- in default, to undergo one year simple imprisonment and also awarded compensation to the victim girl. Aggrieved by the same, the petitioner filed the appeal along with the present petition.

4. The learned Senior Counsel appearing for the petitioner submitted that there are arguable points available in the Criminal Appeal and the petitioner/accused has 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 are ready to abide by any condition to be imposed by this Court.



5. Per contra, the learned Additional Public Prosecutor appearing for the respondent/State raised serious objection for allowing this petition.

Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

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

7. On perusal of records, it is revealed that the petitioner had committed very serious offence by committing penetrative sexual assault on the victim girl. There is a clinching evidence to prove the case of the prosecution and the prosecution had proved the case beyond the reasonable doubts. Further, the petitioner failed to make out *prima facie* case to suspend the sentence.



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WEB COPY 8. Accordingly, the Criminal Miscellaneous petition stands dismissed.

05.06.2025

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

rts

To

1. The Principal Special Court
for Exclusive Trail of Cases
under POCSO Act,
Coimbatore.

2. The Inspector of Police,
Singanallur Police Station,
Coimbatore City.

3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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