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Crl.MP.No.18203 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

CORAM:

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

Crl.M.P.No.18203 of 2024

in

Crl.A.No.1030 of 2024

1.Surya
2.Barath
3.Muthu pandi

...Petitioners

Vs.

The State represented by
Inspector of Police,
W-20, All Women Police Station,
Saidapet, Chennai
(crime No.11 of 2018)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., praying to suspend the conviction and sentences imposed on the petitioners made in Special SC.No.61 of 2020 dated 25.04.2024, on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and to release the petitioners on bail.

For Petitioners : Mr.C.Prabakaran



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

ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the conviction and sentences imposed on the petitioners made in Special SC.No.61 of 2020 dated 25.04.2024, on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and to release the petitioners on bail.

2. The petitioners are the accused in Special SC.No.61 of 2020 on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai. By judgment dated, 25.04.2024, they have been convicted under Sections 366 of IPC(2 counts) and Section 6 of POCSO Act(2 counts). The sentences are as follows:

S.No.	Conviction	Sentence
1	Section 366 of IPC (2 counts)	to undergo imprisonment for a period of five years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for one month.(each count)
2	Section 6 of	to undergo rigorous imprisonment for a



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S.No.	Conviction	Sentence
	POCSO Act (2 counts)	period of ten years and to pay a fine of Rs.25,000/-, in default to undergo simple imprisonment for three months.(each count)

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

4. On perusal of records, this Court finds that the Trial Court has gone through the evidence in its entirety and convicted the petitioners. Further, the petitioners had committed unnatural sexual assault on two minor victims and also the petitioners failed to make out a prima facie case for suspension of sentence. As such, this Court is not inclined to entertain this petition.

5. Accordingly, this criminal miscellaneous petition is dismissed.

30.07.2025

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

G.K.ILANTHIRAIYAN, J.



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To
1.Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO
Act, Chennai
2.Inspector of Police,
W-20, All Women Police Station,
Saidapet, Chennai
3.The Pubic Prosecutor,
High Court of Madras

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