



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 22651 of 2025

AND

CRL A No. 1821 of 2025

Sadhasivam

S/o.Ponnu Swamy,

Kamban Kollai Street

Vadapathi, Mannargudi

Thiruvarur District

..Appellant(s)

Vs

State rep by the Inspector of Police

Thalayamangalam Police Station, Mannargudi

Taluk, Thiruvarur District

Cr.No.45/2019

..Respondent(s)

To suspend the sentence imposed on the petitioner/appellant in the judgement made in Spl.SC.No.40 of 2019 on the file of the court of Sessions Judge, Mahila Fast Track Court, at Thiruvarur, Thiruvarur District dated 27.01.2025 pending disposal of this appeal

For Appellant(s):

Mr.C.Venkatesan

For Respondent(s):

Mr.V.Meganathan,

Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner,



seeking suspension of sentence imposed by the learned Sessions Judge, Mahila Fast Track Court, Thiruvapur, Thiruvapur District, in Spl.S.C.No.40 of 2019 dated 27.01.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.40 of 2019 on the file of the learned Sessions Judge, Mahila Fast Track Court, Thiruvapur, Thiruvapur District. He was found guilty of the offences under Section 3(a) r/w 4(II), 5(m) r/w 6, 5(k) r/w 6, 7 r/w 8, 9 r/w 10, 9(k) r/w 10, 5(1) r/w 6, 5(m) r/w 6, 5(k) r/w 6 of POCSO Act and he has been convicted and sentenced as under:-

S.No.	Conviction	Sentence
1	Section 3(a) r/w 4(II) of POCSO Act.	to undergo rigorous imprisonment for a period of 20 years and to pay fine of Rs.3,000/-, in default to undergo simple imprisonment for six months.
2	Section 3(a) r/w 6 of POCSO Act.	to undergo rigorous imprisonment for a period of 20 years and to pay fine of Rs.3,000/-, in default to undergo simple imprisonment for six months.
3	Section 5(k) r/w 6 of POCSO Act.	to undergo rigorous imprisonment for a period of 20 years and to pay fine of Rs.3,000/-, in default to undergo simple imprisonment for six months.
4	Section 7 r/w 8 of POCSO Act.	to undergo rigorous imprisonment for a period of 3 years and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for two



S.No.	Conviction	Sentence
		months.
5	Section 9 r/w 10 of POCSO Act.	to undergo rigorous imprisonment for a period of 5 years and to pay fine of Rs.1,500/-, in default to undergo simple imprisonment for three months.
6	Section 9(k) r/w 10 of POCSO Act.	to undergo rigorous imprisonment for a period of 5 years and to pay fine of Rs.1,500/-, in default to undergo simple imprisonment for three months.
7	Section 5(1) r/w 6 of POCSO Act.	to undergo rigorous imprisonment for a period of 10 years and to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for four months.
8	Section 5(m) r/w 6 of POCSO Act.	to undergo rigorous imprisonment for a period of 10 years and to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for four months.
9	Section 5(k) r/w 6 of POCSO Act.	to undergo rigorous imprisonment for a period of 10 years and to pay fine of Rs.1,500/-, in default to undergo simple imprisonment for four months.

Aggrieved by the same, the petitioner had filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that he has been falsely implicated in this case as if he had committed sexual assault



to the victim girl, but in fact he has not committed any offence as alleged against him. He would submit that before conviction, he is in custody for 10 months and after the conviction, he is in custody from the date of judgment i.e. on 27.01.2025 for more than 11 months. He would also submit 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 is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition and contended that the petitioner is a married man and both the victim girl and the petitioner were living in the same locality. Further, he would contend that when the victim girl playing out of her house, he brought her and committed sexual assault to her. He would submit that he has no bad antecedents and 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.

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



6. On seeing the facts, it reveals that both the victim and the petitioner were belong to same locality and he is a married man and having family, due to his incarceration, his family is struggling for their livelihood and he is in custody from the date of judgment i.e. on 27.01.2025 for more than 11 months, he is aged about 65 years, he has no bad antecedents and now victim girl is under the care of her parents and he is ready to abide any condition imposed by this court. Considering that and 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, **in which one surety must be a blood surety**, for a like sum to



the satisfaction of the **learned Sessions Judge, Mahila Fast Track Court, Thiruvarur, Thiruvarur District.**

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(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) **The petitioner shall appear before the Trial Court as and when required until the disposal of the Criminal Appeal and he shall not have any communication with the victim girl and her family** 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.

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

27-11-2025

RPP

To

1. Sessions Judge, Mahila Fast Track Court, Thiruvarur, Thiruvarur Dt.

2. Inspector of Police, Thalayamangalam Police



Station, Mannargudi Taluk, Thiruvarur District

3. The Superintendent of Prison, Central Prison, Trichy.

4. The Public Prosecutor, High Court, Madras

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T.V.THAMILSELVI, J.

RPP

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