



CRL MP(MD) NO. 782 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03-03-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 782 of 2025

in

CRL A(MD) No.62 of 2025

Ajith

S/o.Pandi, Dr.Ambedkar North Street, Allinagaram, Theni,
Now confined at Central Prison, Madurai.

Petitioner(s)

Vs

The State of Tamilnadu

Rep by The Inspector of Police, AWPS, Theni. Crime no.22 of
2020.

Respondent(s)

Prayer: Petition filed under Section 430 of BNSS to suspend the sentence imposed against the petitioner in Spl.SC.No.08 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi dated 28.11.2024 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner(s): Mr.M.Maran

For Respondent(s): Mr.P.Kottaichamy,

Government Advocate (Crl Side)



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ORDER

The petitioner / sole accused in SplSC.No.08 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Theni was found guilty, convicted and sentenced to undergo 10 years rigorous imprisonment with a fine of Rs.5,000/-, in default, to undergo 1 year rigorous imprisonment for the offence under Section 366 of IPC, sentenced to undergo 20 years rigorous imprisonment with a fine of Rs.10,000/-, in default, to undergo 2 years rigorous imprisonment for the offence under Section 4(2) of POCSO Act. As against the conviction, the petitioner has filed an appeal in CrlA(MD)No.62 of 2025 and it has been admitted by this Court. Along with the appeal, the petitioner has filed this miscellaneous petition to suspend the sentence pending the appeal.

2.The learned counsel for the petitioner submits that the prosecution's case is that the age of the victim girl at the time of occurrence was 16 years, but they have only marked a school certificate through the headmaster. However, they have not produced the birth certificate of the victim girl to prove the age. Further the evidence of PW1, PW2 and PW3 does not reveal that the victim girl was kidnapped by the petitioner. He further submits that there is an inordinate delay in lodging the complaint on 24.12.2020, when the incident had occurred on 28.10.2020. The trail



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Court has failed to consider all these facts. The petitioner is in jail from 02.07.2024.

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Therefore, the learned Counsel prayed that the sentence be suspended pending the appeal.

3.The learned Government Advocate (Crl Side) submits that the victim girl was 16 years at the time of occurrence and it is proved through Ex.P4 school certificate issued by the school headmaster. The trial Court has rightly found the petitioner guilty and imposed conviction on the petitioner. Therefore, he objects to suspend the sentence pending the appeal.

4.This Court considered the rival submissions made and perused the material placed on record.

5.Considering the period of incarceration of the petitioner, the petitioner is having some arguable points in the main appeal and the appeal could not be taken up for final disposal immediately, this Court is inclined to suspend the sentence pending the criminal appeal.

6. Accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Principal Special Court for Exclusive Trial of Cases under POCSO



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Act, Theni and the petitioner shall stay at Tiruppur and report before Tiruppur South

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Police Station daily at 10.30 am.

sd/-
03/03/2025

/ TRUE COPY /

05/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK
TO

1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT,
THENI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
AWPS, THENI.

4 THE INSPECTOR OF POLICE,
TIRUPPUR SOUTH POLICE STATION, TIRUPPUR.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

<https://www.hmc.tn.gov.in/judis>



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ORDER
IN
CRL MP(MD) NO. 782 of 2025
in
CRL A(MD) No.62 of 2025
Date :03/03/2025

SA/SA/SAR. /05.03.2025/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.