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Crl.M.P.(MD)No.6
in Crl.A.(MD)No.546 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-11-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.6298 of 2025

in

CRL A(MD) No.546 of 2025

Sankar

**Petitioner/
Appellant/
Accused No.1**

Vs

The State of Tamilnadu represented by
The Inspector of Police,
Chathirapatti Police Station,
Dindigul District.
(Crime No.641 of 2020)

**Respondent/
Respondent/
Complainant**

Prayer in CRL MP(MD).6298 of 2025 : This Criminal Miscellaneous Petition filed under Section 430(1) B.N.S.S. praying to suspend the sentence imposed by the learned Sessions Judge, Special Court for POCSO Act cases, Dindigul District in Spl.S.C.No.50 of 2023 by the judgment dated 09.12.2024 pending the disposal of the main criminal appeal.

Prayer in CRL A(MD).546 of 2025 : This Criminal Appeal filed under Section 415(2) B.N.S.S. praying to call for the entire records pertaining to the judgment rendered by



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the learned Sessions Judge, Special Court for POCSO Act cases, Dindigul District in Spl.S.C.No.50 of 2023 vide judgment dated 09.12.2024 and set aside the same and consequently acquit the appellant.

For Petitioner: Mr.R.L.Dhilipan Pandian, Advocate

For Respondent: Mr.K.Gnanasekaran,
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner / second accused by the learned Sessions Judge, Special Court for POCSO Act cases, Dindigul, in Spl.S.C.No.50 of 2023 dated 09.12.2024, till the disposal of the appeal.

2. The case of the prosecution is that on 11.10.2020 at about 01.00 p.m., when the victim boys were playing near Karuppana Swamy, Samiyarputhur, the petitioner / first accused along with other accused had abused the victim boys in filthy language and when the same was questioned by the victim boys, the accused attacked them and made the victim boys to lick their private part by threatening them and also videographed the victim boys and sent the same to the people in the locality and hence, FIR came to be registered in Crime No.641 of 2020.



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3. The respondent police, after completing the investigation, has filed a final report for the offences under Sections 294(b), 323 and 506(1) IPC and Section 11(1) r/w 12 of the POCSO Act and the case was taken on file in Spl.S.C.No.50 of 2023 on the file of the Special Court for POCSO Act cases, Dindigul.

4. During trial, the prosecution examined 29 witnesses as P.W.1 to P.W.29, exhibited 37 documents as Ex.P.1 to Ex.P.37 and marked 2 material objects as M.O.1 and M.O.2. The accused adduced neither oral nor documentary evidence.

5. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, passed the impugned judgment dated 09.12.2024 convicting the petitioner for the offences under Section 323 IPC and Section 12 of the POCSO Act and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for three months for the offence under Section 323 IPC and to undergo rigorous imprisonment for three years and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for six months for the offence under Section 12 of the POCSO Act. Challenging the above said conviction and sentence, the first accused has preferred the present Criminal Appeal along with the above miscellaneous petition for



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suspension of sentence.

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6. The learned counsel appearing for the petitioner would submit that on the date of judgment, the petitioner moved an application for suspension of sentence and the learned Sessions Judge suspended the sentence for a period of one month, that before the expiry of the said period, the petitioner filed an appeal and the same was numbered and that subsequently, the petitioner surrendered before the concerned Court on 06.11.2025 and is in judicial custody till now.

7. The learned counsel appearing for the petitioner would further submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has paid the fine amount.

8. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner has not surrendered before the concerned Court after the expiry of suspension period and that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence. He would admit that the petitioner is not having any previous cases.



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9. This Court has carefully considered the rival contentions put forth by either side and also perused the materials available on record.

10. The learned counsel appearing for the petitioner would point out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

11. In the result, this Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act cases, Dindigul District;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and



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(iii) The petitioner shall appear before the trial Court on the first and third Monday of every month at **10.30 a.m., until further orders** 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 355 B.N.S.S. 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.

21-11-2025

CSM

To

- 1.The Sessions Judge,
Special Court for POCSO Act cases,
Dindigul District.
- 2.The Superintendent,
Central Prison,
Madurai.
- 3.The Inspector of Police,
Chathirapatti Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.