



Crl.M.P.(MD)No.1696 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.1696 of 2025

in Crl.A.(MD)No.956 of 2024

Wills

S/o.Thangaiyan,

Pilangalavilai Veedu,

Idaikodu Post, Nagercoil.

Petitioner(s)

Vs

State Represented by

The Inspector of Police,

AWPS, Marthandam,

Kanniyakumari District.

Respondent(s)

For Petitioner(s):

Mr.V.Kathirvelu, Senior Counsel
for Mr.K.Prabhu, Advocate

For Respondent(s):

Mr.P.Kottaichamy,
Government Advocate (Crl. side)

ORDER

The petitioner is the accused in Spl.C.No.89 of 2019 on the file of the learned Sessions Judge, Special Court for POCSO Act, Fast Track Mahila Court, Nagercoil, Kanniyakumari District. After the trial, the trial Court, by its Judgment dated

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



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24.10.2024, found the petitioner guilty for the offence under Sections 9(1), 10, 11(iv) and 12 of POCSO Act and convicted and sentenced him as follows:

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(i) for the offence under Sections 9(1) and 10 of POCSO Act, to undergo 5 years rigorous imprisonment and to pay a fine of Rs.5,000/-, with the default sentence of 6 months simple imprisonment;

(ii) for the offence under Sections 11(iv) and 12 of POCSO Act, to undergo 2 years rigorous imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of 3 months simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.956 of 2024 and the same was admitted by this Court on 11.11.2025. Now, the petitioner has moved this petition seeking suspension of sentence.

2. The learned Senior Counsel appearing for the petitioner submits that the case of the prosecution is that the petitioner alleged to have shown some obscene videos to the victim girl through his mobile phone and attempted to misbehave with the victim girl, who is aged about 17 years. Though the investigating agency has projected that the petitioner has shown obscene videos through his mobile phone, the mobile phone of the petitioner was not recovered by the prosecution. The learned Senior Counsel further submits that the petitioner is an Administrator of the CSI Church at Idaikodu



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and the mother of the victim girl is also an Administrator of the Church. According to the learned Senior Counsel, they had some issues with the administration of the church and therefore, this case has been foisted against the petitioner.

3. The learned Senior Counsel further submits that the charge as against the petitioner is that he misbehaved with the victim girl in the tuition centre, but, as per the evidence of the victim girl, the occurrence had taken place in the house of the petitioner. Further, the complaint was lodged after four months. Since the petitioner is having arguable points to succeed in the appeal, he seeks for suspension of sentence.

4. The learned Government Advocate (Crl. Side) submits that the petitioner has taken private tuition for the victim girl. During such time, the petitioner has misbehaved with the victim girl. Therefore, the minor contradiction, whether the occurrence had taken place in the house of the petitioner or in the tuition centre, is not a material evidence, which can affect the prosecution case.

5. This Court considered the rival submissions and perused the materials placed on record.

6. Considering the period of incarceration and since the petitioner is having arguable points in this appeal and there is no likelihood of listing the criminal appeal for final hearing in the near future, this Court is inclined to suspend the sentence



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imposed on the petitioner.

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7. Accordingly, 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 learned Sessions Judge, Special Court for POCSO Act, Fast Track Mahila Court, Nagercoil, Kaniyakumari District and on further condition that the petitioner shall stay at Thoothukudi and appear before the Thoothukudi South Police Station daily at 10.30 a.m. until further orders.

sd/-
24/02/2025

/ TRUE COPY /

24/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO
1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT,
FAST TRACK MAHILA COURT, NAGERCOIL,
KANNIYAKUMARI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.



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3 THE INSPECTOR OF POLICE,
AWPS, MARTHANDAM,
KANNIYAKUMARI DISTRICT.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-2004[I] dated 24/02/2025)

ORDER
IN
Crl.M.P.(MD)No.1696 of 2025
in Crl.A.(MD)No.956 of 2024
Date :24/02/2025

SA/SAR. /24.02.2025/5P/6C

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