



Crl.M.P.(MD)No.6501 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.05.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

Crl.M.P.(MD)No.6501 of 2025

in Crl.A.(MD)No.585 of 2025

Munichamy

Appellant / Sole Accused

Vs.

The State of Tamil Nadu,
Rep. by The Inspector of Police,
Poovanthi Police Station, Sivagangai District.
Crime No.39 of 2021.

Respondent / Complainant

For Petitioner(s):

Mr.N.Mohideen Basha

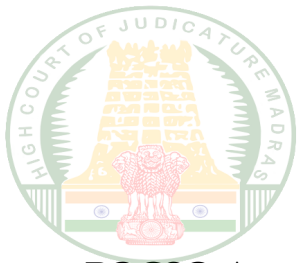
For Respondent(s):

Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner/sole accused by the Principal POCSO Court, Sivagangai in Spl.S.C.No.21 of 2021 dated 25.04.2025 and enlarge him on bail.

2. The learned counsel appearing for the petitioner submits that the petitioner is the sole accused in Spl.S.C.No.21 of 2021 on the file of the Principal POCSO Court, Sivagangai. The petitioner was found guilty for the offence under Section 7 r/w of



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POCSO Act, 2012 by the Principal POCSO Court, Sivagangai, by its Judgment, dated 25.04.2025 and he was convicted and sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.5,000/-, with the default sentence of six months rigorous imprisonment. Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.585 of 2025 along with the petition for suspension of sentence.

3. Further, the learned counsel for the petitioner/appellant submitted that the petitioner/appellant is in custody from the date of judgment. There are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4. The learned Additional Public Prosecutor submitted that there are enough materials available on record against the petitioner/appellant as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and prays for dismissal of this petition.

5. This Court has carefully considered the contentions made and also perused the materials available on record.

6. The learned counsel for the petitioner/appellant pointed out that certain infirmities and inconsistencies in the prosecution case and also certain contradictions in material particulars.



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7. Considering the fact 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, this Court is of the considered view that the petitioner herein/appellant is entitled to the relief of grant of suspension of sentence.

8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner/appellant is directed to be enlarged on bail on condition that on petitioner/appellant executing 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 Principal POCSO Court, Sivagangai and on further condition that the petitioner shall appear before the said trial Court once in a month on the 1st working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-

14/05/2025

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/05/2025

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

BTR



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To

1. The Principal POCSO Court, Sivagangai.
2. The Inspector of Police, Poovanthi Police Station, Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL MP(MD) No.6501 of 2025
IN CRL A(MD) No.585 of 2025
Date :14/05/2025

PP/15.05.2025 4P/4C

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