



CRL MP(MD). No.7331 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Dated : 23/07/2025

CORAM

THE HONOURABLE DR. JUSTICE R.N.MANJULA

CRL MP(MD). No.7331 of 2025
in Crl.A(MD) No.657 of 2025

1. Durai Pandi

2. Chinnapandi

... Petitioners

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Poovanthi Police Station,
Poovanthi, Sivagangai District.
Crime No.36 of 2021.

... Respondent

PRAYER :-

This Criminal Miscellaneous Petition is filed to Suspend the sentence imposed as per the judgment of the Learned Sessions Judge, Special Court for Executive trial under POCSO Act cases, Sivagangai in Spl.S.C.No.22 of 2021 dated 24.04.2025 pending disposal of the above Criminal appeal.

For Petitioners : Mr.C.Jeganathan,

For Respondent : Mr.A.Albert James
Government Advocate (Crl.Side)

ORDER

The Criminal Miscellaneous Petition is filed for suspension of sentence



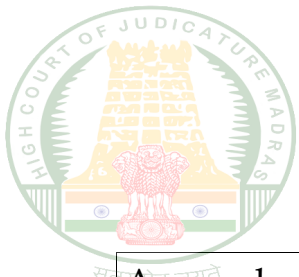
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imposed by the learned Sessions Judge, Special Court for exclusive trial of cases
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under POCSO Act, Sivagangai in Spl.S.C.No.22 of 2021, dated 24.04.2025.

2. The case of the prosecution is that on 02.03.2021, the parents of the victim had gone to their work; the victim's younger sister had gone out to play; and the victim was alone at home. During that time, the accused came there saying that they have to do cable wire works. While the victim was doing some household chores, A1 all of a sudden closed the door and pulled the hands of the victim, kissed her and fondled her back with sexual intention. A2 has sexually assaulted the victim by pressing her breast. The victim pushed them away and reported the matter to her relatives. During that time, A1 and A2 had run out of their house.

3. Subsequently, the mother of the victim girl has given a complaint and the same has been registered in Crime No.36 of 2021 of Poovanthi Police Station for the offences punishable under Section 7 r/w Section 8 of POCSO Act, 2012.

4. After conclusion of Trial, the Trial Court has convicted and sentenced the petitioners/appellants as follows.

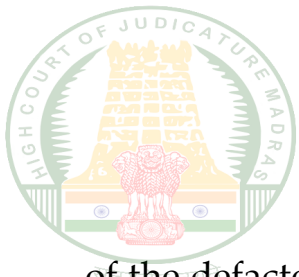


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Accused	Offences under Sections	Punishment	Fine	In default Sentence
A1	451 IPC	Rigorous Imprisonment for 2 years	to pay a fine of Rs.1,000/-	Rigorous Imprisonment for 1 month
	7 r/w 8 of POCSO Act	Rigorous Imprisonment for 5 years	to pay a fine of Rs.1,000/-	Rigorous Imprisonment for 1 month
	354(A)	No Separate punishment		
A2	451 IPC	Rigorous Imprisonment for 2 years	to pay a fine of Rs.1,000/-	Rigorous Imprisonment for 1 month
	7 r/w 8 of POCSO Act	Rigorous Imprisonment for 5 years	to pay a fine of Rs.1,000/-	Rigorous Imprisonment for 1 month
	354(A)	No Separate punishment		

5. The learned counsel for the petitioners/appellants submitted that the petitioners/appellants are brothers and on earlier occasion, they have been attacked by victims's father and in order to escape from the consequence of that occurrence, the present case has been foisted against the petitioners/appellants. Eye witnesses PW6 and PW7 have not supported the case of the prosecution.

6. Mr.A.Albert James, learned Government Advocate (Crl. Side) appearing for the respondent submitted that the Trial court has given due credence to the evidence



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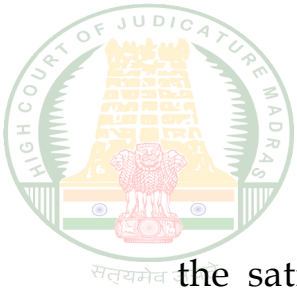
of the defacto complainant and victim and also the medical evidence and arrived at
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a right conclusion.

7. At this juncture, the learned counsel appearing for the petitioners/appellants submitted that PW2 Cable TV Operator has stated in his evidence that he did not engage the services of the petitioners/appellants and hence the probability that the petitioners/appellants could have been present at the time of occurrence on the pretext of cable TV work is less.

8.The appeal has already been admitted as the petitioners/appellants have made some grounds for detailed hearing. Considering the fact that there are arguable points involved in this criminal appeal and there is no possibility to take up the appeal immediately, I feel it is appropriate to suspend the sentence of imprisonment alone on conditions.

9.Accordingly, the substantive part of the sentence alone is suspended till the disposal of the appeal on the following conditions:

- i. that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to



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the satisfaction of the learned Sessions Judge, Principal Special Court for

Exclusive Trial of cases under the POCSO Act, 2012, Sivagangai;

ii. that the petitioners shall appear before the trial Court on all working days at 10.30a.m., till the disposal of the appeal.

10. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-
23/07/2025

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25/07/2025
Sub-Assistant Registrar
()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. The Sessions Judge,
Principal Special Court for Exclusive Trial of cases
under the POCSO Act, 2012, Sivagangai District.

2. The Inspector of Police,
Poovanthi Police Station,
Poovanthi, Sivagangai District.



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3.The Superintendent,
Central Prison, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.JEGANATHAN, Advocate (SR-7957[I] dated 23/07/2025)

ORDER
IN
CRL MP(MD) No.7331 of 2025
Date :23/07/2025

SBN/25.07.2025 6P/6C

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