



CRL MP(MD) NO. 6796 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05-06-2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CRL MP(MD) NO. 6796 of 2025

in CRL A(MD) NO. 555 of 2025

1.Jebaraj
2.Joshuaraj

Petitioner(s)/ A1 & A3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
The Inspector of Police,
All Women Police Station,
Thoothukudi District.
(Crime No.24 of 2019)

Respondent(s)

For Petitioner(s):
Mr.S.Micheal Heldon Kumar

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

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioners/A1 & A3 by the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi in Spl.S.C.No.88 of 2019 dated 08.04.2025



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and enlarge the petitioners on bail.

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2. The learned counsel for the petitioners/appellants submitted that the learned Special Judge, the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi had convicted the petitioners/A1 & A3 and sentenced them, which was tabulated herein under:

Appellants	Conviction U/s	Sentence	Fine amount
A1	Section 12 of POCSO Act, 2012 & Sections 294(b), 506(i) IPC	To undergo three years rigorous imprisonment and three months rigorous imprisonment each	To pay fine of Rs.2000/- (Rupees Two Thousand Only) in default one month simple imprisonment
A3	Sections 10 and 12 of POCSO Act, 2012 and Sections 294(b) and 506(i) IPC	To undergo five years rigorous imprisonment and three years rigorous imprisonment each	To pay fine of Rs.5000/- (Rupees Five Thousand Only) in default one month simple imprisonment

3. The learned counsel for the appellants submitted that the evidence of P.W.2 and P.W.3 is not clear as to the involvement of the accused 1 and 3. The trial court has convicted them on mere presumption. He further submitted that no independent witness has been examined and the victim children, who were examined as P.W.2 and P.W.3 have not stated anything clinching against the accused in order to convict them for the offences charged against them.



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4. The learned counsel for the petitioners/appellants also submitted that there are several infirmities in the prosecution case that there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. The learned Additional Public Prosecutor submitted that there are enough materials available on record against the petitioners/appellants as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case. Further, there is no previous case pending against the petitioners. However, he prays for dismissal of this petition.

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

7. The learned counsel for the petitioners/appellants pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars and there is no previous case pending against the petitioners.

8. 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 petitioners herein/appellants are entitled to the relief of grant of suspension of sentence.



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9. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioners/appellants are directed to be enlarged on bail on condition that on petitioners/appellants executing a separate 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 Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi and on further condition that the petitioners shall appear before the Trial Court once in a month on the 1st working day of every English Calender month at 10.30 a.m., until further orders.

sd/-
05/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

To

1.The Judge, Special Court for Exclusive Trial of Cases
under POCSO Act, Thoothukudi

2.The Superintendent,
Central Prison, Palaymkottai.

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



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3.The Inspector of Police,
The Inspector of Police,
All Women Police Station,
Thoothukudi District.

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

+1. C.C. to S.MICHEAL HELDON KUMAR Advocate SR.No.6038 Dated :
09/06/2025

ORDER
IN
CRL MP(MD) No.6796 of 2025
Date :05/06/2025

MK/09.06.2025 5P/6C

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