



*Crl.M.P.(MD)No.13896 of 2025
in Crl.A.(MD)No.1074 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 25.10.2025

Pronounced on : 21.11.2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.13896 of 2025

in

CRL A(MD) No.1074 of 2025

Shanmugaraja

**Petitioner/
Appellant**

Vs

The State represented by its
The Inspector of Police,
All Women Police Station,
Tirunelveli Rural,
Tirunelveli District.
(Crime No.15 of 2020)

**Respondent/
Respondent**

Prayer in CRL MP(MD).13896 of 2025 : This Criminal Miscellaneous Petition filed under Section 430(1) B.N.S.S., praying to suspend the sentence imposed in Spl.C.C.No.63 of 2021 on the file of the learned Sessions Judge, Special Court for POCSO Act cases, Tirunelveli and enlarge the petitioner / accused on bail pending disposal of the above criminal appeal.

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Prayer in CRL A(MD).1074 of 2025 : This Criminal Appeal filed under Section 415(2) B.N.S.S., praying to call for the entire records relating to the judgment dated 03.01.2025 made in Spl.C.C.No.63 of 2021 on the file of the learned Sessions Judge, Special Court for POCSO Act cases, Tirunelveli and set aside the same by allowing the present criminal appeal.

For Petitioner: Mr.PR.Boomeerajan, Advocate

For Respondent: Mr.M.Vaikkam Karunanithi,
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner / sole accused by the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, in Spl.C.C.No.63 of 2021 dated 03.01.2025, till the disposal of the appeal.

2. The case of the prosecution is that the petitioner / sole accused is having the habit of homosexual with boys, that the petitioner with sexual intent showed his naked body to the two victim boys and that on the basis of the complaint lodged by the defacto complainant, who is the mother of the victim boys, FIR came to be registered in Crime No.15 of 2020 on 23.10.2020 for the offences under Sections 11(1) and 12 of Protection of Child from Sexual Offences Act, 2012.



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3. The respondent police, after completing the investigation, has filed a final report and the case was taken on file in Spl.C.C.No.63 of 2021 on the file of the Special Court for POCSO Act Cases, Tirunelveli.

4. During trial, the prosecution examined 19 witnesses as P.W.1 to P.W.19, exhibited 31 documents as Ex.P.1 to Ex.P.31 and marked 2 material objects as M.O.1 and M.O.2. The defence 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 03.01.2025 convicting the petitioner for the offence under Section 11(i)(2 counts) r/w 12 of POCSO Act and sentenced him to undergo rigorous imprisonment for three years for each count and to pay a fine of Rs.1,000/- for each count, in default to undergo simple imprisonment for six months. The above sentences were ordered to be run concurrently. Aggrieved by the impugned judgment of conviction and sentence, the accused has preferred the present Criminal Appeal along with the above miscellaneous petition for suspension of sentence.



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6. The learned counsel appearing for the petitioner would 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 is in prison from 03.01.2025.

7. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence. He would further submit that the victim boys were aged 12 years and 13 years at the time of the alleged occurrence.

8. This Court has carefully considered the rival contentions putforth by either side and also perused the materials available on record.

9. 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



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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.

10. 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, Tirunelveli;

(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

(iii) The petitioner shall appear before the trial Court at 10.30 a.m. on every Monday 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



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To

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