



CRL MP(MD) No.12502 of 2025
in Crl.A.(MD)No.970 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16-09-2025

**CORAM
THE HONOURABLE MR JUSTICE K.MURALI SHANKAR**

CRL MP(MD) No.12502 of 2025

in

CRL A(MD) No.970 of 2025

1.Thangamani @ Thangammal

2.Alagar

3.Elumalai

4.Radha

5.Gowri @ Gowthami

6.Kumar @ Rajkumar

**Petitioners/
Appellants**

Vs

State of Tamilnadu represented by,
The Inspector of Police,
Keeranur All Women Police Station,
Pudhukottai District.
(Crime No.10 of 2016)

**Respondent/
Respondent**

Prayer in CRL MP(MD).12502 of 2025 : This Criminal Miscellaneous Petition filed under Section 430(1) B.N.S.S. praying to suspend the sentence imposed against the



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petitioner in Spl.S.C.No.13 of 2017 dated 29.08.2025 passed by the learned Sessions Judge, Mahila Court, Pudhukottai and enlarge the petitioners on bail pending disposal of the above appeal.

Prayer in CRL A(MD).970 of 2025 : This Criminal Appeal filed under Section 415(2) B.N.S.S. praying to call for the records in Spl.S.C.No.13 of 2017 dated 29.08.2025 passed by the learned Sessions Judge, Mahila Court, Pudhukottai and to set aside the same.

For Petitioners: Mr.G.Karuppasamy Pandiyan

For Respondent: Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioners / accused 2 to 7 by the learned Sessions Judge, Mahila Court, Pudhukottai, in Spl.S.C.No.13 of 2017 dated 29.08.2025, till the disposal of the appeal.

2. The case of the prosecution is that the first accused, by threatening the victim girl, who is aged 14 years, had committed penetrative sexual assault on her several times, for which, the victim girl became pregnant and the first accused had taken the victim girl to his house and in the presence of the petitioners, the first accused had tied thali to the victim girl, who is a minor and hence, FIR came to be registered in Crime No.10 of 2016.



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3. The respondent police, after completing the investigation, has filed a final report for the offences under Sections 363, 343 and 506(1) IPC, Sections 6 r/w 17 and 5(j)(ii) of POCSO Amendment Act and Sections 9 and 11 of Prohibition of Child Marriage Act and the case was taken on file in Spl.S.C.No.10 of 2016 on the file of the Mahila Court, Pudhukottai.

4. During trial, the prosecution examined 9 witnesses as P.W.1 to P.W.9 and exhibited 14 documents as Ex.P.1 to Ex.P.14. The accused 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 29.08.2025 convicting the petitioners for the offences under Section 343 IPC and Section 11 of Prohibition of Child Marriage Act and sentenced them to undergo simple imprisonment for one year and to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for a further period of one month for the offence under Section 343 IPC and to undergo rigorous imprisonment for two years and to pay a fine of Rs.2,000/- each, in default to undergo simple imprisonment for a further period of two months for the offence under Section 11 of Prohibition of Child Marriage



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Act. The above sentences were ordered to be run concurrently. The Trial Court has already suspended the sentence imposed on the petitioners till 28.09.2025. Challenging the above said conviction and sentence, the accused 2 to 7 have preferred the present Criminal Appeal along with the above miscellaneous petition for suspension of sentence.

6. The learned counsel appearing for the petitioners 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 petitioners have already paid the fine amount.

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.

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

9. The learned counsel appearing for the petitioners would point out certain



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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 final hearing in the near future and as such, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

10. In the result, the Criminal Miscellaneous Petition is **ordered**. Accordingly, the relief of suspension of sentence is granted to the petitioners on the following conditions:-

(i) 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 the satisfaction of the Sessions Judge, Mahila Court, Pudhukottai;

(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 petitioners shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at **10.30 a.m., until further orders** and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 355 B.N.S.S. and shall appear before the trial



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Court on any other day in lieu of the date of their absence, as directed by
the trial Court.

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CSM

To

- 1.The Sessions Judge,
Mahila Court,
Pudhukottai.
- 2.Do through the Chief Judicial Magistrate,
Pudhukottai District.
- 3.The Inspector of Police,
Keeranur All Women Police Station,
Pudhukottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.