

CRL MP(MD) No.12.....
in Crl.A.(MD)No.969 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16-09-2025

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

CRL MP(MD) No.12456 of 2025

in

CRL A(MD) No.969 of 2025

Selvan

**Petitioner/
Appellant**

Vs

The State Tamil Nadu through
Inspector of Police,
Colachel All Women Police Station,
Kanyakumari District.
(Crime No.20 of 2018)

**Respondent/
Respondent**

Prayer in CRL MP(MD).12456 of 2025 : This Criminal Miscellaneous Petition filed under Section 430 B.N.S.S. praying to suspend the sentence imposed by the learned Special Court for Exclusive Trial of cases under the POCSO Act, Kanniyakumari District at Nagercoil in Spl.S.C.No.56 of 2019 dated 02.09.2025 and enlarge the petitioner on bail, pending disposal of the criminal appeal.

Prayer in CRL A(MD).969 of 2025 : This Criminal Appeal filed under Section 415(2) B.N.S.S. praying to call for the records and set aside the judgment passed in Spl.S.C.No.56 of 2019 dated 02.09.2025 on the file of the Special Court for Exclusive



CRL MP(MD) No.12.....
in Crl.A.(MD)No.969 of 2025

Trial of cases under the POCSO Act, Kanniyakumari District at Nagercoil and allow the criminal appeal.

WEB COPY

For Petitioner: Mr.S.Sivakumar

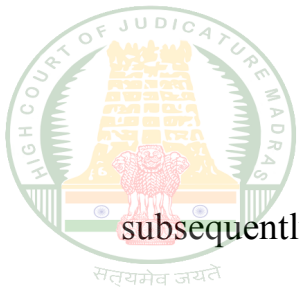
For Respondent: Mr.K.Gnanasekaran,
Government Advocate (Criminal Side)

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 Exclusive Trial of cases under the POCSO Act, Kanniyakumari District at Nagercoil, in Spl.S.C.No.56 of 2019 dated 02.09.2025, till the disposal of the appeal.

2. The case of the prosecution is that on 29.01.2014 at about 03.00 p.m., the petitioner, after taking the victim child to his house, pulled the dress of the victim child and touched her private parts and hence, FIR came to be registered in Crime No.20 of 2018 for the offences under Sections 9(m) and 10 of POCSO Act.

3. The respondent police, after completing the investigation, has filed a final report for the offences under Sections 9(m) and 10 of POCSO Act against the petitioner and the case was taken on file on the file of the Fast Track Mahila Court, Nagercoil and



CRL MP(MD) No.12.....
in Crl.A.(MD)No.969 of 2025

subsequently, the same was made over to the Special Court for Exclusive Trial of cases under the POCSO Act, Kanniyakumari District at Nagercoil in Spl.S.C.No.56 of 2019.

4. During trial, the prosecution examined 11 witnesses as P.W.1 to P.W.11 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 02.09.2025 convicting the petitioner for the offence under Section 354A(l)(i) IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a further period of three months. The Trial Court has already suspended the sentence imposed on the petitioner till 02.10.2025. Challenging the above said conviction and sentence, the accused has preferred the present Criminal Appeal along with the above miscellaneous petition for suspension of sentence.

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



CRL MP(MD) No.12.....
in Crl.A.(MD)No.969 of 2025

material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already paid the fine amount.

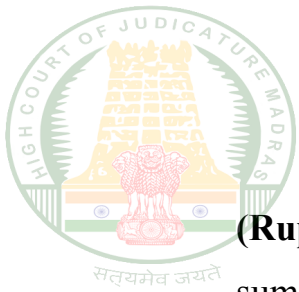
7. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

8. This Court has carefully considered the rival contentions 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 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, the Criminal Miscellaneous Petition is **ordered**. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of **Rs.25,000/-**



CRL MP(MD) No.12.....
in Crl.A.(MD)No.969 of 2025

WEB COPY

(Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Special Court for Exclusive Trial of cases under the POCSO Act, Kanniyakumari District at Nagercoil;

(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 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 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.

16-09-2025

CSM

To

- 1.The Sessions Judge,
Special Court for Exclusive Trial of cases under the POCSO Act,
Kanniyakumari District at Nagercoil.
- 2.Do through the Chief Judicial Magistrate,
Kanniyakumari District.

5/6



CRL MP(MD) No.12.....
in Crl.A.(MD)No.969 of 2025

3.The Inspector of Police,
Colachel All Women Police Station,
Kanyakumari District.

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