

Crl.M.P.(MD)No.13
in Crl.A.(MD)No.1059 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13-10-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.13751 of 2025

in

CRL A(MD) No.1059 of 2025

Iyyappan

**Petitioner/
Appellant/
Accused No.1**

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Ottanchathiram,
Dindigul District.
(Crime No.33 of 2023)

**Respondent/
Respondent/
Complainant**

Prayer in CRL MP(MD).13751 of 2025 : This Criminal Miscellaneous Petition filed under Section 430(1) B.N.S.S. praying to suspend the execution of sentence for the order passed on the file of the learned Sessions Judge cum Mahila Fast Track Court, Dindigul made in Special S.C.No.65 of 2024 dated 11.08.2025 pending disposal of the criminal appeal.



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Prayer in CRL A(MD).1059 of 2025 : This Criminal Appeal filed under Section 415(2) B.N.S.S. praying to call for the records of the judgment passed by the learned Sessions Judge cum Mahila Fast Track Court Dindigul in Special S.C.No.65 of 2024 dated 11.08.2025 and set aside the judgment by allowing this appeal.

For Petitioner: Mr.S.Karthik, Advocate

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 / first accused by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, in Spl.S.C.No.65 of 2024 dated 11.08.2025, till the disposal of the appeal.

2. The case of the prosecution is that the second accused, who is the mother of the victim girl, had illegal affair with the petitioner, who is the distant relative of the first accused and that on 12.11.2023, the second accused forced the victim girl to sexual intercourse with the petitioner and the petitioner had sexually assaulted the victim girl and also threatened her not to disclose the same and hence, FIR came to be registered in Crime No.33 of 2023.

3. The respondent police, after completing the investigation, has filed a final



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report for the offences under Sections 8, 17 and 10 of POCSO Act and Section 506(1)

IPC against two persons including the petitioner and the case was taken on file in Spl.S.C.No.65 of 2024 on the file of the Fast Track Mahila Court, Dindigul.

4. During trial, the prosecution examined 9 witnesses as P.W.1 to P.W.9 and exhibited 21 documents as Ex.P.1 to Ex.P.21. The accused examined 3 witnesses as D.W.1 to D.W.3 and exhibited 6 documents as Ex.D.1 to Ex.D.6.

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 11.08.2025 convicting the petitioner for the offence under Section 8 of POCSO Act and sentenced him to undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a further period of six months. The trial Court has already suspended the sentence imposed on the petitioner till the filing of the appeal. Challenging the above said conviction and sentence, the first 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



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

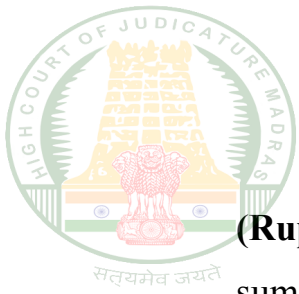
7. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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/-**



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(Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge cum Mahila Fast Track Court, Dindigul;

(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.

13-10-2025

CSM

To

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

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