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CRL MP(MD) NO. 1 3952 of 2025
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18-12-2025

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THE HONOURABLE MRS JUSTICE N. MALA

CRL MP(MD) No. 13592 of 2025

IN CRL A(MD) No. 1046 of 2025

Seetharaman
S/o. Aththiyappan
at present confined at Central Prison
Palayamkottai
As a convict prisoner.

Appellant(s)

Vs

The State Of Tamilnadu Rep By
Inspector Of Police,
Munneerpallam Police Station
Tirunelveli District.
(Crime No. 206 of 2019)

Respondent(s)

For Appellant : Mr.P.Suresh
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

Prayer: This petition is filed under Section 430(2) of BNSS to Suspend the sentence imposed by the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli in Spl.C.C. No.126 of 2021 dated 18.06.2025 and enlarge the petitioner/appellant on bail pending disposal of the main appeal.



ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli in Spl.C.C. No.126 of 2021 dated 18.06.2025, and enlarge him on bail pending the disposal of the appeal.

2. The case of the prosecution is that the victim girl, 9th Standard student, aged about 16 years at the time of the incident, was found missing, that the father of the victim girl (P.W.1) lodged a complaint on 09.06.2019, before Munneerpallam Police Station and a case was registered in Crime No.206 of 2019 under the caption "girl missing". After completion of investigation, final report was filed and case was registered in Crime No.206 of 2019 under Sections 417 and 376 IPC and Section 4 of POCSO Act. Subsequently, the case was taken on file as Spl.C.C.No.126 of 2021 on the file of the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli. T

3. In order to prove its case, the prosecution examined 15 witnesses as P.W.1 to P.W.15 and 22 documents were marked as Ex.P.1 to Ex.P.22. On the side of the defense, no witness was examined and no document was marked.



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4. The Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli in Spl.C.C. No.126 of 2021 upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment dated 18.06.2025, convicting and sentencing the petitioner as follows:

S.No.	Offence	Sentence	Fine	In default sentence
1.	366 IPC	5 years R.I	Rs.5,000/-	One year R.I

5. Challenging the above said conviction and sentence, the appellant preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. The petitioner in his affidavit filed in support of the petition states that he was falsely implicated in the case and he was the only breadwinner of his family and is having aged parents and his family is suffering in poverty. It is further stated in the affidavit that the pursuant to the judgment of conviction, the petitioner has been in jail since 18.06.2025. The petitioner therefore seeks for suspension of sentence.



7. The respondent has filed a counter stating that the grounds raised by the petitioner seeking suspension of sentence are unsustainable and that the petitioner is not entitled to any relief as prayed for by him.

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

9. This Court has perused the statement of the victim girl (P.W.3) recorded under Section 161 Cr.P.C, which was marked as Ex.P.22 and the statement of the victim girl(P.W.3) recorded under Section 164 Cr.p.C, which was marked as Ex.P.3. The victim girl in Ex.P.22 has not named the petitioner and not whispered about any kidnapping. On a perusal of the aforesaid documents, it prima facie appears that the petitioner's contention that he was falsely implicated in this case cannot be ruled out. This Court is therefore inclined to grant suspension of sentence to the petitioner.

10. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following directions:



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(i) the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, within a period of 10 days from the date of receipt of a copy of this order, each for a like sum to the satisfaction of the 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 learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) The petitioner shall appear before the trial Court daily 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 317 of Cr.P.C (355 of BNSS) 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.

18-12-2025

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To,

1.The Inspector Of Police,
Munneerpallam Police Station
Tirunelveli District.
(Crime No. 206 of 2019)

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



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N.MALA., J.

CM

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