

Crl.M.P.(MD)No.13
in Crl.A.(MD)No.1048 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13-10-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.13601 of 2025

in

CRL A(MD) No.1048 of 2025

Suresh

**Petitioner/
Appellant**

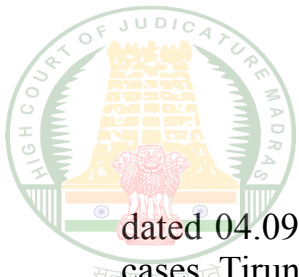
Vs

State of Tamilnadu represented by
The Inspector of Police,
Tirunelveli Town All Women Police Station,
Tirunelveli Town.
(Crime No.1 of 2021)

**Respondent/
Respondent**

Prayer in CRL MP(MD).13601 of 2025 : This Criminal Miscellaneous Petition filed under Section 430(2) B.N.S.S. praying to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Special Court for POCSO Act cases, Tirunelveli in Spl.C.C.No.105 of 2021 by the judgment dated 04.09.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

Prayer in CRL A(MD).1048 of 2025 : This Criminal Appeal filed under Section 415(2) B.N.S.S. praying to call for records in Spl.C.C.No.105 of 2021 relating to the judgment



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dated 04.09.2025 passed by the learned Sessions Judge, Special Court for POCSO Act cases, Tirunelveli, Tirunelveli District and to set aside the judgment of conviction on the appellant / accused.

For Petitioner: Mr.N.Pragalathan, 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 / sole accused by the learned Sessions Judge, Special Court for POCSO Act cases, Tirunelveli, in Spl.C.C.No.105 of 2021 dated 04.09.2025, till the disposal of the appeal.

2. The case of the prosecution is that for several times, the petitioner had approached the victim girl, who was a minor, and proposed love to her and insisted that she should marry him and thereby caused mental agony to the victim girl and hence, FIR came to be registered in Crime No.1 of 2021 for the offences under Section 341 IPC and Section 11 r/w 12 of POCSO Act.

3. The respondent police, after completing the investigation, has filed a final report for the offences under Section 341 IPC, Sections 12 and 11(iv) of POCSO Act and Section 4 of TNPHW Act against the petitioner and the case was taken on file in



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Spl.C.C.No.105 of 2021 on the file of the Special Court for POCSO Act cases,
Tirunelveli.

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4. During trial, the prosecution examined 13 witnesses as P.W.1 to P.W.13 and exhibited 11 documents as Ex.P.1 to Ex.P.11. 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 04.09.2025 convicting the petitioner for the offences under Sections 354A(1) and 341 IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.5,000/-, in default to undergo rigorous imprisonment for a further period of three months for the offence under Section 354A(1) IPC and to pay a fine of Rs.500/-, in default to undergo rigorous imprisonment for 10 days for the offence under Section 341 IPC. Challenging the above said conviction and sentence, the sole 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. He would further submit that the petitioner is having three previous cases, in which, one case for the offence under Section 302 IPC.

8. The learned counsel appearing for the petitioner would further submit that the trial Court has suspended the sentence imposed on the petitioner and subsequently the petitioner moved an extension petition and the same was allowed and suspension of sentence was extended till 17.10.2025.

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

10. The learned counsel appearing for the petitioner would point out certain infirmities and inconsistencies in this case and also certain contradictions in material



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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.

11. 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/- (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 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



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To
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- 1.The Sessions Judge,
Special Court for POCSO Act cases,
Tirunelveli.
- 2.Do through the Chief Judicial Magistrate,
Tirunelveli District.
- 3.The Inspector of Police,
Tirunelveli Town All Women Police Station,
Tirunelveli Town.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.