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Crl.M.P.(MD)No.14
in Crl.A.(MD)No.1113 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-10-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.14858 of 2025

in

CRL A(MD) No.1113 of 2025

Nivashkumar

**Appellant/
Accused No.1**

Vs

1.State of Tamilnadu rep. by
The Inspector of Police,
All Women Police Station,
Karur District.
(Crime No.9 of 2024)

**Respondent/
Complainant**

2.Ruba

**Defacto Complainant/
P.W.1**

Prayer in CRL MP(MD).14858 of 2025 : This Criminal Miscellaneous Petition filed under Section 430 B.N.S.S. praying to suspend the sentence imposed by the learned Additional Session Judge, Karur Dt in Spl.S.C.No.43 of 2024 dated 12.09.2025 and enlarge the appellant on bail pending the disposal of the abovesaid criminal appeal.

1/6



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Prayer in CRL A(MD).1113 of 2025 : This Criminal Appeal filed under Section 415(2) B.N.S.S. praying to call for records and set aside the conviction order passed by the learned Additional Session Judge, Karur dt in Spl.S.C.No.43 of 2024 dated 12.09.2025.

For Petitioner: Mr.N.Balaji, Advocate

For Respondents: Mr.K.Gnanasekaran,
Government Advocate (Criminal Side) for R1

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner / first accused by the learned Additional Sessions Judge, Karur, in Spl.S.C.No.43 of 2024 dated 12.09.2025, till the disposal of the appeal.

2. The case of the prosecution is that on 25.03.2024 at about 11.45 a.m., when the victim girl was standing at Karur bus stand, the petitioner had kidnapped the victim girl and thereafter, with the help of the other accused, the petitioner had tied thali to the victim girl and had taken the victim girl to the house of one Lakshmi, where, the petitioner by compelling the victim girl had committed sexual assault on the victim girl, that on 26.03.2024, the petitioner sent the victim girl to her parents house as per the advice of the relatives and that on 14.06.2024, the petitioner had shouted in front of the victim girl's house that he would not allow her to live with anyone, otherwise he would tarnish her image and hence, FIR came to be registered in Crime No.9 of 2024 for the



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offences under Sections 354(A), 366 and 506(2) IPC, Sections 9(n), 10 and 17 of the POCSO Act and Sections 9 and 10 of Prohibition of Child Marriage Act.

3. The respondent police, after completing the investigation, has filed a final report against five persons including the petitioner and the case was taken on file in Spl.S.C.No.43 of 2024 on the file of the Additional Sessions Judge, Fast Track Mahila Court, Karur.

4. During trial, the prosecution examined 10 witnesses as P.W.1 to P.W.10, exhibited 20 documents as Ex.P.1 to Ex.P.20 and marked 1 material object as M.O.1. The defence 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 12.09.2025 convicting the petitioner for the offences under Sections 8 and 12 of the POCSO Act and sentenced him to undergo simple imprisonment for three years and to pay a fine of Rs.3,000/-, in default to undergo simple imprisonment for a further period of one month for the offence under Section 8 of the POCSO Act and to undergo simple imprisonment for three years and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for a further period of one month for the offence under



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Section 12 of the POCSO Act. The above sentences were ordered to be run concurrently. The trial Court has already suspended the sentence imposed on the petitioner till 12.10.2025. Aggrieved by the impugned judgment of 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 material particulars between the evidence of the prosecution witnesses.

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 has not paid the fine amount.

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



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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 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/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the Additional Sessions Judge, Karur District;
- (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 on the first working day of every week 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.

17-10-2025

CSM



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To

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