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Crl.M.P.(MD)No.15
in Crl.A.(MD)No.1137 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-10-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.15302 of 2025

in

CRL A(MD) No.1137 of 2025

N.Jeeva

**Petitioner/
Sole Accused**

Vs

1.State of Tamilnadu represented by
The Inspector of Police,
Ammayanaickanur Police Station,
Dindigul District.
(Crime No.191 of 2024)

**Respondent/
Complainant**

2.P.Meena

**Proposed 2nd Respondent/
Defacto Complainant**

Prayer in CRL MP(MD).15302 of 2025 : This Criminal Miscellaneous Petition filed under Section 430 B.N.S.S. praying to suspend the sentence imposed by judgment dated 24.09.2025 in S.C.No.152 of 2024 of the learned Special Court for Exclusive Trial of case under POCSO Act, Dindigul and enlarge the petitioner on bail pending disposal of the criminal appeal.

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Prayer in CRL A(MD).1137 of 2025 : This Criminal Appeal filed under Section 415(2) B.N.S.S. praying to allow the above appeal and call for the records set aside the conviction and sentence passed by judgment dated 24.09.2025 in S.C.No.152 of 2022 of the learned Special Court for Exclusive Trial of case under POCSO Act, Dindigul and acquit the appellant herein of all the charges.

For Petitioner: Mr.N.Mani Maran, Advocate

For Respondents: Mr.M.Vaikkam Karunanithi,
Government Advocate (Criminal Side) for R1

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 POCSO Act, Dindigul, in S.C.No.152 of 2024 dated 24.09.2025, till the disposal of the appeal.

2. The case of the prosecution is that for several times, the petitioner / sole accused had showed gesture by hand and winked eyes to the victim girl, who was a minor and when the same was questioned by the defacto complainant, who is the mother of the victim girl, the petitioner had abused in her filthy language and also threatened her with dire consequences and hence, FIR came to be registered in Crime No.191 of 2024.



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3. The respondent police, after completing the investigation, has filed a final report against the petitioner for the offences under Section 11(i)(iv) r/w 12 of the POCSO Act and Sections 296(b) and 351(3) BNS and the case was taken on file in S.C.No.152 of 2024 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Dindigul.

4. During trial, the prosecution examined 8 witnesses as P.W.1 to P.W.8, exhibited 9 documents as Ex.P.1 to Ex.P.9 and marked 2 material objects as P.M.O.1 and P.M.O.2. 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 24.09.2025 convicting the petitioner for the offences under Section 11(i)(iv) r/w 12 of the POCSO Act and Sections 296(b) and 351(3) BNS and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for one month for the offence under Section 11(i)(iv) r/w 12 of the POCSO Act, to undergo rigorous imprisonment for three months for the offence under Section 296(b) BNS and to undergo rigorous imprisonment for one year for the offence under Section 351(3) BNS. The trial Court has already



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suspended the sentence imposed on the petitioner till 24.10.2025. Aggrieved by the impugned judgment of 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 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



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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.

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 Special Court for Exclusive Trial of cases under POCSO Act, 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 at 10.30 a.m. on first and third Monday of every month 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.

28-10-2025

CSM



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To

- 1.The Sessions Judge,
Special Court for Exclusive Trial of cases under POCSO Act,
Dindigul.
- 2.The Inspector of Police,
Ammayanaickanur Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.