



WEB COPY

CRL MP(MD) NO. 17228 of 2025



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18-11-2025

CORAM

THE HONOURABLE MR JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 17228 of 2025

IN

CRL A(MD) NO. 1221 OF 2025

1. XXX

(Step father of the Victim Child)

S/o. (Fathers name and address not stated)

Thanjavur District. (Now confined at Central Prison

Trichy)

Petitioner(s)

Vs

1. State Of Tamilnadu Rep By Inspector Of Police, Awps-Thiruvaiyaru

Thanjavur.

Cr. No. 13 of 2021.

Respondent(s)

For Petitioner(s):

Mr.B.Sekar

Tk. Siddharthan

R. Selvaganesh

Yogakrishnan .P

R. Branav

For Respondent(s):Mr.B.Nambi Selvan

Addl.Public Prosecutor

PRAYER: Civil Miscellaneous Petition filed under Section 374(2) of Cr.P.C to suspend the sentence imposed upon the petitioner in the judgment in Spl.SC.No.4/2022 dated 08.05.2025 by Sessions Judge, The Principal Special Court for Exclusive Trial of cases under POCSO Act, Thanjavur, Pending disposal of this Crl.A.



ORDER

(Order of the Court was made by **P.VELMURUGAN.,J.**)

WEB COPY This Petition is filed to suspend the sentence imposed upon the petitioner in the judgment in Spl.SC.No.4/2022 dated 08.05.2025 by Sessions Judge, The Principal Special Court for Exclusive Trial of cases under POCSO Act, Thanjavur, pending disposal of this Criminal Appeal.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The learned counsel for the appellant/Petitioner would submit that the appellant is not the biological father of the victim and that the victim is not in his custody. Further the learned counsel for the Petitioner has not filed the proof for the age and occurrence was also not proved. Therefore the offence alleged to have been committed by the appellant is neither false under Section 5(1) or 5(n) of the POCSO Act and as such there is no aggravated penetrative sexual assault punishable under Section 6 of the POCSO Act.

4.Since there is arguable points in the appeal to be decided by this Court and further the allegation of the prosecution is that the appellant is the father and the victim is under the custody of the appellant. Therefore this Court is not inclined to suspend the sentence, considering the serious nature of the offence and the age of the victim and as such, the Petitioner for suspension of sentence deserves dismissal.



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vsn

5. Accordingly, this Petition for suspension of sentence stands dismissed.



(P.VELMURUGAN J.) (L.VICTORIA GOWRI J.)
18-11-2025

To

1. The Sessions Judge,
Principal Special Court for Exclusive trial of Cases under POCSO Act,
Thanajvur.
2. The Jail Superintendent,
Central Prison,
Trichy.



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P.VELMURUGAN, J.
and
L.VICTORIA GOWRI, J.



vsn

ORDER MADE IN

CRL MP(MD) NO. 17228 of 2025

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CRL A(MD) NO. 1221 OF 2025

18.11.2025