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CRL MP(MD) No.17911 of 2025
in Crl.A.(MD)No.1254 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-11-2025

**CORAM
THE HONOURABLE MR JUSTICE K.MURALI SHANKAR**

CRL MP(MD) No.17911 of 2025
in
CRL A(MD) No.1254 of 2025

Vinothkumar : Petitioner/Appellant
Vs

State of Tamil Nadu rep by
The Inspector of Police,
Dindigul Rural All Women Police Station,
Dindigul District. : Respondent/Respondent

Prayer in CRL MP(MD).17911 of 2025 : This Criminal Miscellaneous Petition filed under Section 430(1) B.N.S.S. praying to suspend the sentences passed in Spl.S.C.No.154 of 2024, dated 10.10.2025 on the file of the Fast Track Mahila Court, Dindigul and enlarge the petitioner on bail pending disposal of the above said criminal appeal.

For Petitioner : Ms.P.Krishnaveni,

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/accused by the learned Sessions Judge, Fast



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Track Mahila Court, Dindigul, in Spl.S.C.No.154 of 2024, dated 10.10.2025, till the disposal of the appeal.

2. The case of the prosecution is that the petitioner and the victim girl were in love; that the petitioner, by giving false promise to marry her, had taken her to Velankanni; that thereafter, she returned to her home; that on 07.04.2024, the complainant, along with his sister and the victim, went to the complainant's husband graveyard and that when they reached near the petitioner's house, the petitioner pushed the victim's hands and misbehaved with her. When the victim shouted, the petitioner slapped on her cheek and hence, FIR came to be registered in Crime No.15 of 2024 for the offences under Sections 363 and 323 of IPC and Section 8 of POCSO Act.

3. The respondent police, after completing the investigation, has filed a final report and the same was taken on file in Spl.S.C.No.154 of 2024 on the file of the learned Sessions Judge, Fast Track Mahila Court, Dindigul.

4. During trial, the prosecution examined 8 witnesses as P.W.1 to P.W.8, exhibited 16 documents as Ex.P.1 to Ex.P.16. The accused has adduced neither oral nor documentary evidence.



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5. The learned trial Judge, upon considering the evidence, both oral and documentary and on hearing the arguments on both the sides, has passed the impugned judgment dated 10.10.2025 convicting the petitioner/accused for the offence under Section 8 of POCSO Act and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default to undergo three months simple imprisonment and acquitted him for the offence under Sections 363 and 323 of IPC. The trial Court suspended the sentence till 10.11.2025. Challenging the above said conviction and sentence, the accused has preferred the present Criminal Appeal along with the above miscellaneous petition for suspension of sentence.

6. The learned Government Advocate (Criminal Side) appearing for the first 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.

7. 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.

8. This Court has carefully considered the rival contentions put forward by the learned counsel for the petitioner and the learned Government Advocate (Criminal side) appearing for the State and also perused the materials available on record.

9. The learned counsel appearing for the petitioner would point out that certain 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 considering the health issues, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

10. In the result, the Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions :

(i) the petitioner is directed to 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, Fast Track Mahila Court, Dindigul ;



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(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 in alternative weeks ie., on the first and third Monday of every 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 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.

24-11-2025

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K.MURALI SHANKAR,J

das

To

- 1.The Sessions Judge, Fast Track Mahila Court,
Dindigul.
- 2.The Inspector of Police,
Dindigul Rural All Women Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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