



CRL MP(MD) No.18290 of 2025
in Crl.A.(MD)No.1269 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26-11-2025

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

CRL MP(MD) No.18290 of 2025
in
CRL A(MD) No.1269 of 2025

L.Ramasubbu

: Petitioner

Vs

State of Tamil Nadu rep by
The Inspector of Police,
All Women Police Station,
Kanniyakumari District.
Crime No.60 of 2018.

: Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 430(1) B.N.S.S. praying to suspend the sentence passed in Spl.S.C.No.21 of 2019, dated 10.11.2025 on the file of the Fast Track Mahila Court/Additional Special Court for Exclusive trial of cases under POCSO Act 2012, Kanniyakumari at Nagarcoil and enlarge the petitioner on bail pending disposal of the above said criminal appeal.

For Petitioner : Mr.P.T.Ramesh Raja,

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Criminal Side)



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner/accused by the learned Sessions Judge, Additional Special Court for Exclusive Trial of cases under POCSO Act 2012, Kanniyakumari at Nagercoil, in Spl.S.C.No.21 of 2019, dated 10.11.2025, till the disposal of the appeal.

2. The case of the prosecution is that on 07.12.2018, when Christmas celebration was held at school, the victim boys along with other two school going boys decided not to attend the school, they were roaming in and around at Anna Bus stand, while they were proceeding near Anna Stadium, they saw the accused at Chithra Library; that the accused asked them as to whether they had taken food for which, they had replied in negative; that the accused lured them by saying he would arrange food for them and called the victims inside the library and that thereafter, he suddenly touched the private parts of the victims with sexual intent; that the victims pushed him and ran away from the place of occurrence. Hence, FIR came to be registered in Crime No.60 of 2018 for the offences under Sections 8 r/w 7 (2 counts) of Protection of Children from Sexual Offences Act 2012.



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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.21 of 2019 on the file of the learned Sessions Judge, Additional Special Court for Exclusive Trial of cases under POCSO Act, Kanniyakumari at Nagarcoil.

4. During trial, the prosecution examined 13 witnesses as P.W.1 to P.W.13 and exhibited 17 documents as Ex.P.1 to Ex.P.17. The accused has adduced neither oral nor documentary evidence.

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 10.11.2025 convicting the petitioner/accused for the offence under Section 8 r/w 7 (2 counts) of POCSO Act and sentenced him to undergo three years rigorous imprisonment for each count and to pay a fine of Rs.1,000/-, (each count) in default to undergo six months simple imprisonment (each count). The trial Court suspended the sentence for a period of one month. 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.



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6. 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.

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 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.



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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, Additional Special Court for Exclusive Trial of cases under POCSO Act, Kanniyakumari at Nagarcoil ;

(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.

26-11-2025

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K.MURALI SHANKAR,J

das

To

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

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