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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-12-2025

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THE HONOURABLE MRS JUSTICE N. MALA

CRL MP(MD) NO. 20154 of 2025
IN CRL A(MD) NO. 1359 OF 2025

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Petitioner(s)

Vs

State Of Tamilnadu Rep By
Inspector Of Police, All Women Police Station,
Colachel,
Kanniyakumari District.
(Crime No.18/2019)

Respondent(s)

For Petitioner : Mr.K.Vamanan

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

Prayer: This petition is filed under Section 430(1) of BNSS to Suspend the sentence and release the petitioner/appellant on bail in the conviction and sentence passed in the judgment dated 25.11.2025 in Special SC No.45/2019 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari District at Nagercoil, pending disposal of the above appeal.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Sessions Judge, Special Court Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari District at Nagercoil, and enlarge the petitioner on bail pending the disposal of the appeal.

1/6



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2. Based on the complaint lodged, enquiry was conducted. After completion of enquiry, FIR was registered in Crime No.18 of 2019 for the offence punishable under Section 7 and 8 of POCSO Act, and Section 506(i) IPC against the accused. The respondent police completed the investigation and thereafter obtained permission from the competent authority to file a charge sheet. After obtaining permission, charge sheet had been filed. The same was taken cognizance by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari District at Nagercoil, in Spl.S.C. No.45 of 2019.

3. The case of the prosecution is that the victim girl approached the accused for making a call to her mother, at that time, the accused touched her stomach and also caught her breast. Hence, the complaint.

4. During trial, the prosecution examined 10 witnesses as P.W.1 to P.W.10, exhibited 8 documents as Ex.P.1 to Ex.P.8. On the side of the defence, one witness was examined as D.W.1 and no documentary evidence was produced.

5. The learned Sessions Judge, upon considering the evidence, both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment, dated 25.11.2025 convicting the petitioner/accused and



sentencing him as follows:

Offences	Sentence
Section 7 r/w 8 of POCSO Act	3 years R.I and a fine of Rs.2,000/- i/d S.I for 6 months
Section 506(i) IPC	1 year R.I and a fine of Rs.1000/- i/d S.I for 3 months

Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking 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 Additional Public Prosecutor appearing for the State 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 put forward by either side and also perused the materials available on record.



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9. The learned counsel appearing for the petitioner pointed out the infirmities, incongruities and certain contradictions in material particulars in the case. It is seen that there are certain arguable points involved in the criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future. Hence, this Court is of the considered view that the petitioner herein is entitled for the relief 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 to enlarge him on bail until disposal of the above appeal, on the following conditions:-

(i) the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees Ten 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, Kanniyakumari District at Nagercoil;

(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 once in a month i.e.,



on the first working day of every English calendar 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.

17-12-2025

CM

To,
1. Inspector Of Police,
All Women Police Station,
Colachel,
Kanniyakumari District.
(Crime No.18/2019)

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA., J.

CM

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