



CRL MP(MD). No.19955 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 15/12/2025

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THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.19955 of 2025

in

CRL A(MD)No.1350 of 2025

Muthupandi

... Petitioner

Vs

State of Tamilnadu,
Rep by Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.
Crime No.21 of 2023.

... Respondent

PRAYER :- To Suspend the Sentence imposed upon the petitioner in Sessions Case No.15 of 2024 on the file of the Learned Sessions Judge(FAC) Special Court for POCSO Cases, Virudhunagar District at Srivilliputhur, dated 25.11.2025 pending disposal of the main Criminal Appeal.

For Petitioner : M/s.V.Muthulakshmi

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



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the Learned Sessions Judge(FAC) Special Court for POCSO Cases, Srivilliputhur, Virudhunagar District, in S.C.No.15 of 2024, dated 25.11.2025, and enlarge the petitioner on bail pending the disposal of the appeal.

2. Based on the complaint lodged, enquiry was conducted. After completion of enquiry, FIR was registered in Crime No.21 of 2023 for the offence punishable under Sections 11 (i), 11(v) read with Section 12 of POCSO Act, 2012, 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(FAC) Special Court for POCSO Cases, Srivilliputhur, Virudhunagar District, in S.C.No.15 of 2024.



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3. The case of the prosecution is that on 07.08.2023, at about 08.30 a.m., when the victim was proceeding to her school, the accused called to her and when she turned back the accused looked away. On several subsequent days, the accused had called out the victim in the same manner. The mother of the victim and the accused were acquainted with each other and had disputes between them. On 19.09.2023, the accused again called out to her and the victim ran away. On 20.09.2023, the accused had commented on her physical appearance. On 01.10.2023, the victim narrated all the above said harassment to her Aunt and another relative namely Seethalakshmi. At around 04.50 p.m, when the victim went to the bus stop to send off her aunt, the accused took photos of the victim, which was noted by her aunt. Hence, the complaint.

4. During trial, the prosecution examined 10 witnesses as P.W.1 to P.W.10, marked 13 documents as Ex.P.1 to Ex.P.13. One material object was marked as M.O.1. On the side of the defence, one witness was examined and three documents are marked as Ex.D1 to Ex.D3.



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5. The learned 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
Sec. 11(i) r/w 12 of POCSO Act	3 years R.I and a fine of Rs. 5,000/- i/d R.I for 6 months
Sec. 11(v) r/w 12 of POCSO Act	3 years R.I and a fine of Rs. 5,000/- i/d R.I for 6 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.



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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.

9. The learned counsel appearing for the petitioner pointed out the infirmities, inconsistencies 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



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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 POCSO Cases, Srivilliputhur;

(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.

15.12.2025

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- 1.The learned Sessions Judge (FAC),
Special Court for POCSO Cases,
Srivilliputhur, Virudhunagar District,
- 2.The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

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