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*Crl.M.P. No. 235 of 2026*  
*in*  
*Crl.A. No. 14 of 2026*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2026

CORAM

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

Crl.M.P. No.235 of 2026

in

Crl.A. No. 14 of 2026

Thirumal,  
S/o. Chinnasamy,  
Pikkampatti Village,  
Pennagaram Taluk,  
Dharmapuri District.

..Petitioner

Vs.

State rep. By  
Inspector of Police,  
Pennagaram Police Station,  
Dharmapuri District.  
(Crime No. 164 of 2014)

..Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) r/w  
483 of BNSS to suspend the sentence imposed on the petitioner by judgment  
dated 26.12.2025 passed in Spl. S.C. No. 95 of 2023 by the learned Sessions



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Judge (FAC), Special Court for Exclusive trial of cases under POCSO Act, Dharmapuri and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner            ::            Mr.V. Sakkarapani  
For Respondent        ::            Mr.S. Balaji,  
Govt. Advocate (Crl.Side)

### O R D E R

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 26.12.2025 passed in Spl.S.C.No. 95 of 2023 by the learned Sessions Judge (FAC), Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.S.C.No. 95 of 2023 was convicted and sentenced by the Trial Court for the following offences:

| <b><i>Section of offence</i></b>                     | <b><i>Sentence imposed</i></b>                                                                                                       |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Section 363 IPC                                      | To undergo 7years rigorous imprisonment and to pay a fine of Rs.3000/-, in default to undergo simple imprisonment for one year.      |
| Section 5(1) punishable under Section 6 of POCSO Act | To undergo 10 years rigorous imprisonment and to pay a fine of Rs. 10,000/-, in default to undergo simple imprisonment for one year. |



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Aggrieved by the same, he filed Crl.A.No.14 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3. The gist of the prosecution case is that the victim girl was aged about 15 years at the relevant point of time; the petitioner/accused, under the pretext of loving her, had enticed the victim girl, kidnapped her, took her to Bangalore and committed sexual assault on several occasions and thus, committed the aforesaid offences.

4. Learned counsel for the petitioner would submit that though the FIR was registered in the year 2014, the final report was filed only in the year 2020, which was taken on file in 2023; that the investigation was conducted only in the year 2020, as could be seen from the Observation Mahazar, which was prepared in the year 2020; that the victim herself had given statements before the Investigating Officer, which were contrary to her deposition in Court; that the victim had admitted that she had gone voluntarily with the petitioner and in view of the same, the petitioner is entitled to the relief of suspension of sentence.



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5. Heard the learned Government Advocate (Crl.Side) for the respondent and perused the counter affidavit.

6. It is seen from the cross-examination of the victim that the victim has made several inconsistent statements. Even according to her, she had voluntarily gone with the petitioner. As rightly pointed out by the learned counsel for the petitioner, no investigation was conducted for a period of 6 years after the registration of FIR.

7. Considering all the above facts, the submissions of the learned counsel for the petitioner and since the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

8. Accordingly, the criminal miscellaneous petition stands allowed and the sentence imposed on the petitioner is suspended till the disposal of the above criminal appeal and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge (FAC), Special Court for Exclusive



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(ii)The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii)The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal 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 Cr.P.C. 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.

27.01.2026

Neutral Citation: Yes/No

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To

1. The Sessions Judge (FAC),  
Special Court for Exclusive Trial  
of Cases under POCSO Act,  
Dharmapuri.

2. The Superintendent,

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Central Prison, Salem.



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**SUNDER MOHAN,J.**

nv

3. The Inspector of Police,  
Pennagaram Police Station,  
Dharmapuri District.
4. The Public Prosecutor, High Court,  
Madras.

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