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CrL.M.P.No.901 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrL.M.P.No.901 of 2026
in CrL.A.No.52 of 2026

Sharukhkan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Perur Police Station,
Coimbatore District.
(Crime No.174 of 2022)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita/Section 389(1) of Cr.P.C., to suspend the sentence imposed in Spl.S.C.No.161 of 2022 dated 27.11.2025 on the file of the Principal Special Court for POCSO Act cases, Coimbatore and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Ms.S.Sengkodi

For Respondent : Mr.J.R.Archana
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed by the learned Sessions Judge, Principal Special Court for POCSO Act cases, Coimbatore, in Spl.S.C.No.161 of 2022, vide judgment dated 27.11.2025.



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2. The conviction and sentence imposed against the petitioner/appellant, vide impugned judgment are as follows:-

<i>Under Section</i>	<i>Sentence</i>
3(a) r/w 4(2) of the Protection of Children from Sexual Offences Act, 2012 and Section 376(3) of IPC	Twenty years of rigorous imprisonment and a fine of Rs.10,000/-, in default, to undergo one year simple imprisonment.
366A of IPC	Ten years of rigorous imprisonment and a fine of Rs.10,000/-, in default, to undergo one year simple imprisonment
342 of IPC	One year of simple imprisonment and a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment
The sentences shall run concurrently.	

3. The submissions of the learned counsel appearing for the petitioner/appellant are as follows:-

3.1 The petitioner/appellant and the victim girl were acquainted with each other and they were in love. On account of the same, the victim girl voluntarily came along with the petitioner.

3.2. The statement of the victim girl recorded under Section 164(5) Cr.P.C. was marked as Ex.C1. Even in the said statement, the victim girl has stated that apart from touching her bosom inappropriately, no other act was performed by the petitioner/appellant, much less penetrative sexual assault.



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3.3. The alleged occurrence took place on 09.05.2022 and she was subjected to medical examination on 13.05.2022 by the doctor examined as PW5, who opined that there was no material to suggest that the victim girl was subjected to sexual assault.

3.4. At the time of the occurrence, the petitioner/appellant was aged about 19 years. He was granted bail during the trial and had not misused the liberty granted to him. He has been in prison from the date of conviction. He has no previous criminal antecedents.

3.5. There are arguable points available in the Criminal Appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner/appellant has a fair chance of succeeding in the appeal. Hence, the sentence imposed on the petitioner/appellant may be suspended and he may be enlarged on bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent opposed for grant of suspension of sentence stating that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the petitioner/appellant guilty and convicted and sentenced him, as stated above.



5. Heard the learned counsel for the petitioner/appellant and Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record, including the statement recorded from the victim girl under Section 164(5) of Cr.P.C., which was marked as Ex.C1.

6. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side and taking note of the statement recorded from the victim girl that she was in love with the petitioner and had voluntarily accompanied the accused to Ooty and further noting that except for touching her bosom inappropriately while she and the petitioner/A1 were staying in a lodge, no other offence is alleged to have been committed by the petitioner/A1, this Court is inclined to suspend the sentence of imprisonment imposed on the petitioner. Accordingly, till the disposal of the appeal, suspension of sentence is granted to the petitioner/A1, subject to the following conditions:-

“(i) The petitioner/appellant is ordered to be enlarged on bail, on condition that he shall 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, Principal Special Court for POCSO Act cases, Coimbatore;



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(ii) The petitioner/appellant shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders.”

7. Accordingly, the Criminal Miscellaneous Petition stands ordered.

11.03.2026

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To

1. The Sessions Judge,
Principal Special Court for POCSO Act cases,
Coimbatore.
2. The Inspector of Police,
Perur Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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