



WEB COPY

CRL MP No. 1150 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 1150 of 2026

and

CRL A No. 73 of 2026

Vijayakumar

...Petitioner

Vs.

The Inspector of Police,
W-9, All Women Police Station,
Villivakkam.

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 430 of BNSS, to suspend the sentence imposed by the Special Court to deal with cases related to POCSO Act at Chennai in Spl.S.C.No.7 of 2021 of Special POCSO Court at Chennai by the Judgment dated 07.01.2026.

For Petitioner(s): Mr.C.S.S.Pillai
for Ms.A.Anuradha

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence passed by the the learned Sessions Judge, the Special Court for Exclusive Trial of Cases under POSCO Act, Chennai in Spl.S.C.No.7 of 2021 dated 07.01.2026 pending disposal of the above criminal appeal.



2. The petitioner/Accused in Spl.S.C.No.7 of 2021 was convicted by the Trial Court by judgment dated 07.01.2026 for the offences under Section 10 of POCSO Act and sentenced to undergo seven years rigorous imprisonment and directed to pay a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment. Aggrieved by the same, the petitioner filed CrI.A.No.73 of 2026 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

3. The case of the prosecution is that the petitioner, who is the stepfather of the victim girl had committed sexual assault on the victim girl by inappropriately touching her breasts and thus committed the offence.

4. The learned counsel for the petitioner would submit that the victim has made contrary statements; that during the investigation, the victim has stated that she falsely accused the petitioner for the alleged offence since the petitioner was in the habit of fighting with her mother; that she had also accused her brother for the commission of offences under the POCSO Act and that in light of the above evidence, the petitioner has made out prima facie case for suspension of sentence and and the petitioner is in custody from 07.01.2026.

5. The learned Government Advocate (CrI. Side) for the respondent, per



contra, would submit that though the petitioner had made contrary statements, her deposition in the Court has to be accepted and therefore, the impugned judgment is not liable to be set aside.

6. Admittedly, the victim had made a statement before the learned Magistrate, which is contrary to her deposition. In her statement before the learned Magistrate, she had stated that she had made false allegations against the petitioner. Hence, this Court is of the view that the petitioner has made out a prima facie case for suspension of sentence.

7. Accordingly, this 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/ Special Court to deal with cases related to POCSO Act, Chennai ;
- (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.

09-02-2026

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To

1. The Special Court to deal with cases related to POCSO Act, Chennai
2. The Inspector of Police
W-9, All Women Police Station,
Villivakkam
3. The Public Prosecutor,
High Court of Madras, Madras.
4. The Central Prison-I, Puzhal, Chennai



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SUNDER MOHAN J.

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