



Crl.M.P. Nos. 1753 & 1754 of 2026
in
Crl.R.C. No. 247 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P. Nos. 1753 & 1754 of 2026

in

Crl.R.C. No. 247 of 2026

Moses

..Petitioner

Vs.

State rep. By
Sub Inspector of Police,
All Women Police Station,
Thirupathur, Vellore District.

..Respondent

Prayer in Crl.M.P.: No. 1753 of 2026: Criminal Miscellaneous Petition filed under Section 438 r/w 442 of BNSS to suspend the substantive sentence imposed on the petitioner by judgment dated 14.08.2024 passed in C.C. No. 102 of 2022 by the learned Judicial Magistrate No.1, Thirupathur and confirmed by judgment dated 06.01.2026 passed in Crl.A. NO. 26 of 2024

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by the learned Principal District and Sessions Judge at Thirupathur and

enlarge the petitioner on bail.

Prayer in Crl.M.P. No. 1754 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS to exempt the petitioner from surrendering pursuant to the judgment dated 14.08.2024 passed in C.C. No. 102 of 2022 by the learned Judicial Magistrate No.1, Thirupathur and confirmed by judgment dated 06.01.2026 passed in Crl.A. No. 26 of 2024 by the learned Principal District and Sessions Judge at Thirupathur, pending disposal of the criminal revision.

For Petitioner :: Mr.K. Suthan

For Respondent :: Mr.R. Vinothraja,
Govt. Advocate (Crl.Side)

O R D E R

The petitioner has filed the above revision challenging the judgment dated 06.01.2026 passed in Crl.A. No. 26 of 2024 by the learned Principal District and Sessions Judge, Thirupathur, confirming the judgment dated 14.08.2024 passed in C.C. No. 102 of 2022 by the learned Judicial Magistrate No.1, Thirupathur, by which the petitioner was convicted and sentenced as hereunder:



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Section of Offence

Sentenced Imposed

Section 354(A)(1)(i) of IPC

To undergo rigorous imprisonment for one year

Section 354(D) of IPC

To undergo simple imprisonment for one year together with a fine of Rs.10,000/- and in default, to undergo simple imprisonment for one month.

The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt him from surrendering before the Trial Court, pending disposal of the revision.

2. The case of the prosecution is that the petitioner was working as a Secretary of an Association; that the victim was an inmate in the hostel run by the said Association; that the petitioner had caused harassment to the victim girl by sending inappropriate messages through whatsapp; that on the date of occurrence on 11.11.2020, the petitioner had called the victim to his room, kissed her and attempt to molest her; that the victim slapped the petitioner and left his room and thereafter, gave a complaint on 26.11.2020.

3. Learned counsel for the petitioner would submit that the complaint had been lodged belatedly, ie., two weeks after the alleged occurrence; that the prosecution had not produced any evidence to show that



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the petitioner had sent inappropriate messages to the victim; that the victim had made improvements in her statement at every stage during investigation and in her deposition before the Court; that in the complaint she had not stated about any alleged act of the petitioner kissing her, but in the statement given during investigation, she had made improvement in her version, which is also contrary to her deposition before the Court and therefore, considering the age of the petitioner, prayed for suspension of sentence.

4. Heard the learned Government Advocate (Crl.Side), who concedes that the mobile phone of the petitioner was not seized and that the prosecution had not established that any message was sent by the petitioner to the victim.

5. Considering the fact that the complaint was lodged belatedly; the fact that the prosecution had not established that the petitioner sent messages to the petitioner and there are several improvements made by the victim in her version at every stage, this Court is of the view that the petitioner has made out a *prima facie* case to suspend the sentence.

6. Accordingly, the sentence imposed on the petitioner is suspended and he is also exempted from surrendering before the Trial Court,



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till the disposal of the above criminal revision 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/-,
(Rupees Ten Thousand only) with two sureties, each for a like
sum to the satisfaction of the learned Judicial Magistrate No.1,
Thirupathur;
- (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 revision 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.

7. The criminal miscellaneous petitions are ordered accordingly.

11.02.2026

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SUNDER MOHAN,J.

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To

1. The Principal District and Sessions Judge,
Thirupathur District.
2. The Judicial Magistrate No.1,
Thirupathur.
3. Sub Inspector of Police,
All Women Police Station,
Thirupathur, Vellore District.
4. The Public Prosecutor,
High Court, Madras.

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