Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

Crl.M.P.No.3756 of 2025
in Crl.A.No.227 of 2025

J.Somra Oraon ..Petitioner(s)

Vs

State rep. by,
The Inspector of Police
All Women Police Station,
Ooty Rural,
Nilgiris District.

(Crime No. 03 of 2023) ..Respondent(s)

PRAYER: Criminal Miscellaneous Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence made in Spl.SC No.02/2024, on the file of the learned Sessions Judge, Magalir Needhimandram (FTMC), Udhagamandalam, The Nilgiris, vide judgment dated 06.09.2024 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner(s): Mr.P.Dinesh Kumar

For Respondent(s): Mr. C.R.Malarvannan
Additional Public Prosecutor

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(Made by A.D.JAGADISH CHANDIRA J.)

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant seeking suspension of the sentence imposed on him by the learned Sessions Judge, Magalir Needhimandram (FTMC), Udhagamandalam, The Nilgiris, in Spl.S.C.No.2 of 2024, vide judgment dated 06.09.2024.

2. Learned counsel for the petitioner submitted that the provisions and rules of the Protection of Children from Sexual Offences Act, 2012, regarding the recording of evidence, have been infracted, which has vitiated the trial and hence, the petitioner may be granted the relief of suspension of sentence.

3. Learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner/appellant did not raise these objections at the time of recording of the evidence and therefore, he cannot raise the same at this stage.

4. On perusal of the materials available on record and considering the submissions made by the learned counsel on either side, we are of the opinion that these are grounds to be raised at the time of final hearing. Consequently, we do not find this to be a fit case for granting the relief of suspension of sentence.

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5. Accordingly, this Criminal Miscellaneous Petition is dismissed. However, liberty is granted to the petitioner/appellant to raise all such grounds at the time of final hearing of the appeal.

(A.D.J.C.,J.) (B.K.,J.)

04-11-2026

Neutral Citation: Yes/No

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1. The Sessions Judge,
   Magalir Needhimandram (FTMC),
   Udhagamandalam,
   The Nilgiris,

2. The Inspector of Police
   All Women Police Station,
   Ooty Rural,
   Nilgiris District.

3. The Public Prosecutor,
   High Court of Madras.

4. The Superintendent,
   Central Prison,
   Coimbatore.

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A.D.JAGADISH CHANDIRA, J.
AND
B.KARTHIKEYAN, J.

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