



Crl.M.P.No.3982 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.3982 of 2026
in Crl.A.No.244 of 2026

O.Shanmugam

... Petitioner/Accused

Vs.

The State of Tamil Nadu,
Rep. By the Inspector of Police,
All Women Police Station,
Omalur, Salem District
(Crime No.15 of 2023)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS., pleaded to suspend the sentence imposed on the petitioner in Special Sessions Case No.220 of 2023 on the file of the Court of the learned Sessions Judge, Principal POCSO Court and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.S.Balaji

Government Advocate (Crl.Side)



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence, imposed by the learned Sessions Judge, Principal POCSO Court, Salem, vide judgment in Special S.C.No.220 of 2023 dated 07.02.2026.

2. The petitioner/accused in Special S.C.No..220 of 2023 was convicted by the Trial Court by judgment dated 07.02.2026 for the following offence:

<i>Under Section</i>	<i>Sentence</i>
9(m) r/w Section 10 of POCSO Act	R.I for 5 years and fine of Rs.2,000/-,i/d undergo S.I for 6 months

3. Aggrieved by the same, the petitioner has preferred Crl.A.No.244 of 2026 before this Court along with the instant criminal miscellaneous petition.

4. The case of the prosecution is that the petitioner and the victim girl, aged about 5 years, were neighbours; that the petitioner was running a provisions shop, and that when the victim visited the shop, the petitioner kept her in his lap, hugged and pinched her chest and thus, committed the



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aforesaid offence.

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5. The learned counsel for the petitioner/accused submitted that there is prior enmity between the petitioner and the victim's parents; that the statement of the victim girl recorded under Section 164 Cr.P.C., is contrary to her deposition made before the Court; that the petitioner has made out a *prima facie* case for grant of suspension of sentence and since the appeal is not likely to be taken up in the near future, prayed for suspension of sentence.

6. Heard the learned Government Advocate (Crl. Side) appearing for the respondent and perused the counter affidavit available on record.

7. It is seen from the statement of the victim girl recorded under Section 164 Cr.P.C. and her deposition before the Court that there are vital contradictions between the two versions. In her earlier statement, the victim had not stated anything about the petitioner touching her chest. It also appears that there exists prior enmity between the petitioner and the victim's parents. A fixed sentence of imprisonment has been imposed on the petitioner. Considering all the above facts and since the appeal is not likely to be taken up for hearing in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.



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8. 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/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Principal POCSO Court, Salem;
- 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.

27.02.2026

Anu

Note:Issue order copy on 27.02.2026

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To

1. The Sessions Judge, Principal POCSO Court, Salem
2. The Inspector of Police,
All Women Police Station,
Omalur, Salem District
3. The Superintendent,
Central Prison, Salem
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

Anu

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in
Crl.A.No.244 of 2026

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