



WEB COPY



Crl.M.P.No.6258 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2026

CORAM:

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

Crl.M.P.No.6258 of 2026

in

Crl.A.No.420 of 2026

Sivasankari

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W-22, All Women Police Station,
Mylapore, Chennai.

(Crime No.09 of 2024)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence of the petitioner to undergo five years rigorous imprisonment for the offence under Section 10 r/w 17 of the Protection of Children from Sexual Offences Act, 2012 and two months rigorous imprisonment for the offence under Section 21(1) of the POCSO Act, imposed by the judgement dated 12.11.2025 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, in Spl.S.C.No.259 of 2024 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.P.Thinesh

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



ORDER

WEB COPY

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, in Spl.S.C.No.259 of 2024, vide judgment dated 12.11.2025.

2. The brief facts of the case are as follows:-

2.1. The case of the prosecution arises from a complaint lodged by one Kameshwari, stating that her daughter, Sivasankari (petitioner herein) was married to one Govindarajan and that two female children, aged about 3 ½ years and 1 year, were born through the said wedlock. Subsequently, the petitioner left the matrimonial home and was residing separately in the vicinity of her parental house. During the said period, the petitioner developed a relationship with one Tamil (A1) and started residing with him. While so, on 15.08.2024, during the course of a quarrel, A1 is alleged to have bitten the petitioner's 2nd daughter (Layasri), causing injuries for which she was taken to the hospital and treated. The further case of the prosecution is that as A1 continued to subject Layasri to cruelty, the neighbours alerted the emergency helpline (1098). Upon receipt of information, the de facto complainant intervened and subsequently,



admitted the child to the Kellies Children Home on 31.08.2024. Thereafter, on the advice of authorities, the de facto complainant lodged a complaint against her daughter (A2) and A1. Based on the said complaint, a case in Crime No.9 of 2024 was registered by the respondent police for the offences punishable under Sections 5(l), 5(m), 5(n), 6, 17 and 21(1) of POCSO Act and Section 131 of the BNS.

2.2. During the course of investigation, the case was altered against A1 for the offences under Sections 9(I)(m)(n)(i) r/w 10 of POCSO Act and A2 for the offences punishable under Sections 21(1), 10 r/w 17 of POCSO Act.

2.3. After completion of investigation, the investigating officer filed a charge sheet before the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the POCSO Act, Chennai and the same was taken on file as Spl.S.C.No.259 of 2024.

2.4. On issuance of summons, the accused appeared before the Court and in compliance of Section 207 of Cr.P.C., copies of relied upon documents were furnished to them.

2.5. After hearing the counsel on both sides, charges were framed against the accused. During initial questioning in respect of the incriminating materials, the accused denied the charges and sought trial.



2.6. On the side of the prosecution, P.W.1 to P.W.9 were examined and Exs.P1 to P13 were marked. On the side of defence, the petitioner examined herself as D.W.1 and marked the statement recorded from the de facto complainant under Section 180 of BNS as Ex.D1.

2.7. The trial Court, after hearing the arguments on both sides and upon consideration of the entire materials on record, convicted and sentenced them vide judgment dated 12.11.2025 as follows:-

<i>Rank</i>	<i>Under Section</i>	<i>Sentence</i>
A1	10 of the POCSO Act	Seven years rigorous imprisonment and fine of Rs.50,000/-, in default, to undergo one month simple imprisonment.
A2	10 r/w 17 of the POCSO Act	Five years rigorous imprisonment and fine of Rs.2,000/-, in default, to undergo one month simple imprisonment.
	21(1) of the POCSO Act	Two months rigorous imprisonment
	The sentences were ordered to run concurrently.	

2.8. While, thereagainst, A2 has preferred the instant appeal along with an interim application seeking suspension of sentence.



3. The learned counsel for the petitioner submitted that even taking into consideration the entire materials available on record, the essential ingredients constituting the offences under Sections 10, 17 and 21(1) of the POCSO Act cannot be made out against the petitioner/accused. It is further submitted that the alleged act attributed to A1 pertains to biting the victim on the left hand, left leg below the knee and right thigh during a quarrel, which, in the absence of any sexual intent, would not attract the provisions of the POCSO Act. In such circumstances, A2 cannot be said to have abetted the commission of any offence. There is no material evidence on record to establish that the alleged act was committed with a sexual intent. Hence, the offences alleged against the petitioner cannot be made out. He further submitted that the petitioner, being the mother of the victim, has been in incarceration for a period of five months. He also submitted that 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 she released on bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent filed a detailed counter and submitted that the petitioner



was earlier married to one Govindarajan and after separation from her husband, was living in a relationship with A1. During the course of such relationship, A1, in an inebriated condition, frequently quarreled with the petitioner and on the date of occurrence, caused injuries to the victim by biting her on various parts of her body, including the left hand, left leg below the knee and right thigh. She further submitted that P.W5 and P.W.6 have corroborated the injuries sustained by the victim. She also submitted that the trial Court, after taking into consideration the oral and documentary evidence adduced by the prosecution, rightly found the accused guilty and convicted and sentenced them, as stated above.

5. In reply, the learned counsel for the petitioner submitted that nowhere, it has been stated that A1 had committed the act with a sexual intention.

6. Heard the learned counsel for the petitioner/appellant and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials on record.

7. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side, this Court



Crl.M.P.No.6258 of 2026

is inclined to suspend the sentence of imprisonment imposed on the petitioner/appellant and also grant bail to her. Accordingly, till the disposal of the appeal, the reliefs of bail and suspension of sentence are granted to the petitioner/appellant, subject to the following conditions:-

“(i) The petitioner/appellant shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties, each for a like sum, to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai;

(ii) 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/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.”

8. Accordingly, the Criminal Miscellaneous Petition stands ordered.

20.04.2026

vkrr



WEB COPY



Crl.M.P.No.6258 of 2026

A.D.JAGADISH CHANDIRA, J.

vk

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Chennai.
2. The Inspector of Police,
W-22, All Women Police Station,
Mylapore, Chennai.
3. The Public Prosecutor,
High Court of Madras.

***Crl.M.P.No.6258 of 2026
in Crl.A.No.420 of 2026***

***20.04.2026
2/2***