



Crl.M.P.No.6218 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2026

CORAM:

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

Crl.M.P.No.6218 of 2026
in Crl.A.No.417 of 2026

Vinoth

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Katpadi, Vellore District.
(Crime No.15 of 2024)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed against the petitioner dated 25.03.2026 in Spl.S.C.No.6 of 2025 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Vellore.

For Petitioner : Mr.R.Thirumoorthy

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

ORDER

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, Vellore in Spl.S.C.No.6 of 2025, vide judgment dated 25.03.2026.



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2. The conviction and sentence imposed against the petitioner/appellant, vide impugned judgment are as follows:-

<i>Under Section</i>	<i>Sentence</i>
11(i) read with 12 of POCSO Act (3 counts)	Two years rigorous imprisonment with fine of Rs.10,000/-, in default, to undergo three months rigorous imprisonment (each count).
351(3) of BNS	One year rigorous imprisonment with fine of Rs.1,000/-, in default, to undergo one month simple imprisonment

The aforesaid sentence was ordered to run consecutively.

3.1. Learned counsel for the petitioner would submit that the trial court failed to take into consideration the complaint given by the petitioner (Ex.D1) and the inconsistent stand taken by the prosecution witnesses. He would further submit that the petitioner/appellant belongs to one community, while the victims and other witnesses belong to another community, and all of them are neighbours. On 16.07.2024 at about 9.45 p.m., a quarrel arose between P.W.1, the mother of the victims, and the petitioner. Following the said quarrel, P.W.1, along with P.Ws.7, 8, 5 and one Vicky, brutally assaulted the petitioner with an iron rod, as a result of which, the petitioner sustained grievous injuries and was admitted to the Government Hospital, Adukkamparai, Vellore.



3.2. On 17.07.2024, the Sub-Inspector of Police attached to Viruthampet Police Station visited the petitioner while he was undergoing treatment and recorded his statement. However, though a case in Crime No.236 of 2024 under Sections 191(2), 191(3), 329(4), 127(2), 296(a), 296(b), 115(2), 118(1), 308(2) and 351(3) of the BNS was eventually registered, the same was done only on 04.09.2024, after an inordinate delay. Knowing that the Sub-Inspector of Police, Viruthampet Police, had recorded the statement of the petitioner, the de facto complainant, as a counterblast, falsely alleged that the petitioner had sexually harassed the victim's three minor children by exposing his private parts, and lodged a complaint before the Inspector of Police, All Women Police Station, Katpadi, Vellore District. Based on the said complaint, a case in Crime No.15 of 2024 came to be registered against the petitioner.

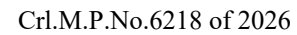
3.3. He would further submit that it is an admitted case of P.W.1 that she had given the complaint on 17.07.2024, subsequent to the statement recorded from the petitioner at the Government Hospital, Adukkamparai, Vellore, which clearly indicates that the entire case has been foisted as a counterblast. He would also submit that the trial court failed to properly appreciate the inconsistencies and contradictions in the prosecution case. According to the learned counsel, there are substantial and arguable points available in the criminal appeal, which is unlikely to be taken up for final



hearing in the near future the petitioner has a fair chance of succeeding in the appeal. He would also submit that the petitioner was on bail during the trial and did not misuse the liberty granted to him and at present, he is confined in the Central Prison, Vellore and seek to suspend the sentence imposed on the petitioner and enlarge him on bail.

4.Learned Government Advocate (Criminal Side) appearing for the respondent police has filed a counter affidavit. She opposed for grant of suspension of sentence stating that the petitioner and the victims (minor children) are neighbours and the petitioner had harassed the de facto complainant/P.W.1's children, who are P.Ws.2, 3 and 4 by exposing his private parts. She further submitted that the trial Court, after taking into consideration the oral and documentary evidence adduced by the prosecution, rightly found the petitioner guilty and convicted and sentenced him consecutively, as stated above.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials on record, including the counter affidavit filed by the respondent police.



(iii)The petitioner shall not communicate with the victims or their relatives.”

16.04.2026

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A.D.JAGADISH CHANDIRA, J.

raa

To

1. The Special Judge for Exclusive Trial of Cases
under POCSO Act, Vellore.
2. The Inspector of Police,
All Women Police Station,
Katpadi, Vellore District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

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