



Crl.M.P.No.7511 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2026

CORAM:

THE HON'BLE MR. JUSTICE C.SARAVANAN

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in

Crl.A.No.537 of 2026

Saravanan, Son of Elumalai,
Presently confined in Central Prison, Vellore,
No.1340, F/3 RS Garden, EB Nagar,
Rattianmangalam Village, Arni Taluk,
Tiruvannamalai District.

... Petitioner/Appellant/Sole Accused

Vs.

State: Represented by
Inspector of Police,
Arni All Women Police Station,
Tiruvannamalai District.
Crime No.03 of 2023

... Respondent/Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, BNSS, 2023, praying to suspend the sentence imposed by the learned Sessions Judge, Special Court for the exclusive trial of POCSO Act cases, Tiruvannamalai, by a judgment dated 17.03.2026, made in Spl.S.C.No.29 of 2024 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.M.Mohamed Riyaz
Government Advocate (Criminal Side)



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ORDER

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This Criminal Miscellaneous Petition has been under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking suspension of the sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial of POCSO Act Cases, Tiruvannamalai, [hereinafter referred to as the “Trial Court”], by judgment dated 17.03.2026 made in Spl.S.C.No.29 of 2024, convicting the petitioner for the offence under Sections 9(f), 9(l) read with Section 10 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. By the Impugned Judgment, the Trial Court convicted the Petitioner/Appellant / Accused and sentenced him to undergo rigorous imprisonment for five years and to pay a fine of Rs.10,000/- (Rupees Ten thousand only), in default to undergo six months simple imprisonment for the offence under Sections 9(f) and 9(l) read with Section 10 of the POCSO Act.

3. The alleged occurrence took place during the intervening period of December 2022 and was followed by an incident on 01.03.2023. A complaint came to be lodged on 10.03.2023, pursuant to which an FIR was registered. During the course of investigation, PW11 and PW13, officials



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from the Child Welfare Department, visited and examined the victim (PW1). Certain other children were also examined, who corroborated the allegations of sexual assault.

4. The defence of the petitioner is that PW4, the victim's mother, had nursed animosity against the petitioner as the petitioner ensured that PW4 was appointed as the President of the Student Management Committee. However, the Trial Court, on appreciation of evidence, concluded that PW4 had not contested for the post and that PW11 has been unanimously elected as President. The Trial Court also found that minor discrepancies in dates during cross-examination were attributable to lapse of memory and did not affect the core prosecution case. Accordingly, the Trial Court held that the evidence of PW1, corroborated by other witnesses, established the guilt of the petitioner.

5. However, considering the petitioner's age, namely 55 years, and his medical ailments, as certified by the Assistant Surgeon, Central Prison Dispensary, Vellore, on 29.05.2026, I am of the view, that the sentence of imprisonment can be suspended.



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6. Accordingly, pending disposal of the appeal, the sentence is suspended and the Petitioner/Appellant/Accused shall be enlarged on bail, subject to the following conditions:-

(i) The petitioner/Accused 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, Special Court for the exclusive trial of POCSO Act cases, Tiruvannamalai;

(ii) The Petitioner/Appellant and the sureties shall affix their photographs and Left Thumb Impressions 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/Accused shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders.

7. Accordingly, the Criminal Miscellaneous Petition stands ordered.

8. List the main case on 17.08.2026.

15.06.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The learned Sessions Judge,
Special Court for the exclusive trial of
POCSO Act cases, Tiruvannamalai.
2. Inspector of Police,
Arni All Women Police Station,
Tiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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C.SARAVANAN, J.

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