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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 14845 of 2026
in CRL A No.992 of 2026

Murali

..Petitioner(s)

Vs

The State rep. by
The Inspector of Police,
Walajabad Police Station,
Kancheepuram,
Crime No.364 of 2017.

..Respondent(s)

Prayer: The Criminal Miscellaneous Petition is filed under Section 430 of BNSS, 2023, to pass an order by suspend the sentence imposed in Spl.S.C.No.30 of 2025 on the file of learned Special Court for the exclusive trial of the cases under the POCSO Act/Principal District and Sessions Judge, Kancheepuram and to enlarge the petitioner on bail pending disposal of the above Appeal.

For Petitioner(s): Mr. N. Nagarjuna
for Ms.Bakiyalakshmi

For Respondent(s): Mr. R. Thirumoorthy,
Additional Public Prosecutor

ORDER

The appeal challenges the Judgment passed in Spl.S.C.No.30 of 2025 holding the appellant guilty of the offences under Section 4(2) and Section 5(i)(l)(m) r/w 6 of the POCSO Act and sentencing him to undergo twenty years

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rigorous imprisonment and to pay a fine of Rs.50,000/- and in default, to undergo one year rigorous imprisonment.

2.It is the case of the prosecution that the petitioner is the victim's karate teacher; that the victim was aged about 8 years at the time of occurrence; that the petitioner had committed sexual assault on the victim girl in the year 2017 by manipulating his finger into the vagina of the victim girl; and thereafter threatened her of dire consequences. The trial Court convicted the petitioner for the offences under Section 4(2) and Section 5(i)(l)(m) r/w 6 of the POCSO Act and sentenced him as stated above.

3.The learned counsel for the petitioner would submit that the complaint, which is the earliest version, is contrary to the case of the prosecution; that the alleged occurrence took place in the year 2017, however, the complaint was filed only in the year 2019; that the medical evidence does not corroborate the evidence of the victim; that there are arguable points in the above appeal, which requires consideration; and prayed for suspension of sentence.

4.Heard the learned Additional Public Prosecutor, who would submit that the victim was aged 8 years at the time of occurrence; that the delay in lodging the complaint is immaterial; and prayed for dismissal of the petition.

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5.As rightly contended by the learned counsel for the petitioner, the complaint relates only to sexual assault committed by the petitioner and not penetrative sexual assault. The complaint was filed 1 ½ years after the alleged occurrence. There is no corroboration from the medical evidence as well. Therefore, the petitioner has made out a *prima facie* case for suspension of sentence.

6.The petitioner is in custody from 02.06.2026. The appeal is not likely to be taken up in the near future. Considering all the above facts, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7.Accordingly, this criminal miscellaneous petition stands allowed, and the sentence imposed on the petitioner is suspended till the disposal of the above criminal appeal, on the following conditions:

(a).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 Principal District and Sessions Judge, Special Court for the exclusive trial of the cases under the POCSO Act, Kancheepuram;

(b).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

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(c).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.

23-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

Note: Issue order copy on 23.11.2026.

To

1.The Inspector of Police,
Walajabad Police Station,
Kancheepuram,
Crime No.364 of 2017.

2.The Principal District and Sessions Judge,
Special Court for the exclusive trial
of cases under the POCSO Act,
Kancheepuram.

3.The Superintendent,
Central Prison, Puzhal.

4.The Public Prosecutor,
Madras High Court.

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SUNDER MOHAN, J.

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