



WEB COPY



Crl.MP.No.12358 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2026

CORAM:

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

Crl.MP.No.12358 of 2024

in

Crl.A.No.1112 of 2024

Ramamoorthy Arumugapillai

...Petitioner

Vs.

State rep. by,
The Inspector of Police,
W-13, All Women Police Station,
Washermenpet, Chennai.

...Respondent

Criminal miscellaneous petition filed under Section 430 of BNSS, seeking to suspend the sentence imposed on the petitioner/appellant by the learned Session Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chennai – 104 in Spl.S.C.No.225 of 2023 by judgment dated 26.07.2024 and enlarge the petitioner/appellant on bail pending disposal of the above criminal appeal before this Court.

For Petitioner : Mr.P.Syed Abdul Mashood

For Respondent : Ms.J.R.Archana, GA(Crl. Side)

ORDER

The petitioner has filed the present petition seeking to suspend the sentence imposed on him by the learned Sessions Judge, Special Court



Crl.MP.No.12358 of 2024

for Exclusive Trial of cases under POCSO Act, Chennai, vide judgment dated 26.07.2024 made in Spl.S.C.No.225 of 2023.

2. Vide impugned judgment dated 26.07.2024, the petitioner was convicted for offence under Section 6 of the POCSO Act and was sentenced to undergo rigorous imprisonment for a period of twenty years and was directed to pay a fine of Rs.5,000/-, and in default of payment of fine, to undergo one month simple imprisonment. Challenging the same the petitioner filed the above appeal along with this petition seeking suspension of sentence.

3. Learned counsel for the petitioner submitted that the petitioner, a sexagenarian, is an innocent person and he has been falsely implicated in this case and that he has been in prison for about three years. He further submitted that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable and that there are arguable points 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 the petitioner/appellant may be enlarged on bail.



Crl.MP.No.12358 of 2024

WEB COPY

4. Per contra, the learned Government Advocate (Crl. Side) appearing for respondent vehemently opposed for grant of relief of suspension of sentence to the petitioner and submitted that the acts perpetrated by the petitioner against the victim are heinous in nature and the trial court, relying upon the materials on record and cogent evidence adduced by the prosecution, had rightly convicted the petitioner for the aforementioned offence, which cannot be termed erroneous or unsustainable.

5. This Court gave its careful consideration to the submissions advanced on either side and perused the materials available on record.

6. A perusal of the order passed by the court below coupled with the complaint lodged in this regard reveals that there are allegations with regard to sexual assault against the petitioner, which are of serious nature and the same have to be tested only at the time of final disposal of appeal and at the threshold, it cannot be held that there are no materials to brush the case aside. Though bail is the norm and jail is an exception, however, the seriousness of the allegations and the nature and gravity of the offence alleged to have been committed by the petitioner had resulted in the court



Crl.MP.No.12358 of 2024

below convicting the petitioner for the aforesaid offence, which is based on cogent and convincing reasoning and the same does not require any interference at the hands of this Court.

7. In view of the above, this Court is not inclined to accede to the prayer sought by the petitioner and accordingly, this criminal miscellaneous petition stands dismissed.

8. Registry is directed to prepare the Paper book/typed set of papers and post the main appeal for hearing in the usual course.

23.03.2026

skt

To:

1. The Sessions Judge,
Special Court for Exclusive Trial of cases under POCSO Act,
Chennai – 104.
2. The Central Prison,
Puzhal – I, Chennai.
3. The Inspector of Police,
W-13, All Women Police Station,
Washermenpet, Chennai.
4. The Public Prosecutor,
Madras High Court.

4/5



WEB COPY



Crl.MP.No.12358 of 2024

A.D.JAGADISH CHANDIRA, J.

skt

Crl.MP.No.12358 of 2024

in

Crl.A.No.1112 of 2024

23.03.2026