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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No.19858 of 2026
in
Crl.A.No.1287 of 2026

Sathishkumar @ Kunjan
S/o Eswaran,
Ambethkar Street,
Kulathur, Neelampur,
Coimbatore.

..Petitioner/Appellant

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Perur,
Coimbatore District.

...Respondent/Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the sentence imposed on the Petitioner/Appellant in Spl.S.C.No.30 of 2022 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, dated 01.04.2025 and enlarge the Petitioner on bail pending the disposal of the Criminal Appeal.

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For Petitioner: Mr.P.Krishnamoorthy

For Respondent: Ms.Sharada Vivek
Additional Public Prosecutor

ORDER

The Criminal Appeal challenges the Judgment passed in Spl.S.C.No.30 of 2022, dated 01.04.2025, by the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, holding the petitioner guilty of the offences under Section 5(l) r/w 6(1) of the POCSO Act, 2012, and Sections 376(3), 363, and 450 of the IPC and sentencing him as follows:

Offence under Section	***Sentence imposed***
5(l) r/w 6(1) of POCSO Act, 2012, and Section 376(3) of the IPC	To undergo rigorous imprisonment for a period of twenty years and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for further period of one year.
363 of IPC	To undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a further period of one month.

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450 of IPC	To undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a further period of one month.
The sentences were ordered to run concurrently.	

2. Aggrieved by the same, the petitioner has preferred Crl.A.No.1287 of 2026 before this Court along with the instant criminal miscellaneous petition.

3. It is the case of the prosecution that the petitioner/appellant/accused, who was aged 35 years at the time of occurrence, had committed penetrative sexual assault on the victim girl aged about 12 years at the time of the occurrence and thus committed the aforesaid offences.

4. The learned counsel for the petitioner would submit that the petitioner is an unmarried person and had a love affair with the victim girl; and that the victim had consented to their relationship and prayed for suspension of sentence pending disposal of the appeal.

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5. Heard the learned Additional Public Prosecutor for the respondent and perused the counter-affidavit.

6. It is seen from the impugned Judgment that the age of the petitioner and the victim is not in dispute. The victim had deposed about their relationship, which is corroborated by the medical evidence.

7. Considering the age of the petitioner and the victim, it cannot be said that they had a romantic relationship so as to warrant leniency. Since the petitioner has not made out any case for suspension of sentence, this Criminal Miscellaneous Petition stands dismissed.

30-10-2026

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To

1. The Sessions Judge,
   Principal Special Court for Exclusive Trial of
   Cases under POCSO Act,
   Coimbatore.

2. The Inspector of Police,
   All Women Police Station,
   Perur,
   Coimbatore District.

3. The Public Prosecutor,
   High Court of Madras,
   Chennai – 600 104.

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SUNDER MOHAN, J.

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