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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Case QR

CRL MP No. 19935 of 2026
AND
CRL A NO. 1294 OF 2026

Karthick
S/o.George,
No.22A/89, 3rd Floor,
Solai 3rd Street, Ayanavaram,
Chennai – 600 023.

..Petitioner(s)

Vs

State Rep.by,
The Inspector of Police,
W-6, All Women Police Station,
Ayanavaram, Chennai.

..Respondent(s)

Prayer : Criminal Miscellaneous Petition filed under Section 430(2) of BNSS, praying to suspend the sentence imposed in Spl.S.C.No.283 of 2025 dated 23.07.2025 on the file of Court of learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

For Petitioner(s): Mr.R.Muthukumar

For Respondent(s): Ms. Sharada Vivek,
Additional Public Prosecutor

Order

The Criminal Appeal challenges the Judgment passed in Spl.S.C.No.283 of 2025 by the learned Sessions Judge, Special Court for Exclusive Trial of

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Cases under POCSO Act, Chennai, holding the petitioner guilty of the offence under Section 9(l)(n) r/w 10 of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as ***"the POCSO Act"***), and sentencing him to undergo 5 years of rigorous imprisonment and to pay a fine of Rs.200/- in default to undergo simple imprisonment of one month for the aforesaid offence.

2. The case of the prosecution is that the petitioner is the step father of the victim girl, aged about 14 years; that on 28.07.2025 at about 6:30 p.m., when the victim was alone at home, the petitioner approached the victim, inappropriately touched her breast and attempted to kiss her and thus, committed the offence. The trial Court, believing the evidence of the victim, had convicted the petitioner as stated above.

3. Learned counsel for the petitioner would submit that as regards the fixed sentence of five years imprisonment, the petitioner was incarcerated for more than one year and three months during the investigation and after conviction; that the petitioner has raised substantial grounds, which requires consideration, and that the sentence imposed on the petitioner may be suspended.

4. Heard the learned Additional Public Prosecutor and perused the counter affidavit.

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5. Admittedly, the petitioner was in custody for nearly one year and three months. The petitioner has raised substantial grounds, in as much as, in the earliest complaint given by the victim's mother to the police, she had only referred to the dispute between the de facto complainant and her husband. There is no reference to any alleged sexual assault. The appeal is not likely to be taken up in the near future.

6. Considering the fact that the petitioner has raised substantial grounds in the above appeal which require consideration and all the above aspects, 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, and the petitioner is ordered to be released on bail 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai;

(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.

04-11-2026

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

Note: Issue order copy on 05.11.2026

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To

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

2.The Inspector of Police,
W6, All Women Police Station,
Ayanavaram, Chennai.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

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

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SUNDER MOHAN J.

RSI

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