Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Case QR

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 20262 of 2026
in
CRL A NO. 1318 OF 2026

Paulraj
S/o Kuzhandai Yesu,
No.31/33, Veerappa Chathiram,
Kaveri Road, Erode District.
(Now confined at Central Prison, Puzhal, Chennai)

..Petitioner(s)

Vs

The State Represented By,
The Inspector of Police
W-22, All Women Police Station,
Mylapore, Chennai 600 004.
Crime NO. 15 of 2021

..Respondent(s)

Prayer : Criminal Miscellaneous Petition filed under Section 430(2) of BNSS, praying to suspend the sentence of imprisonment imposed on the petitioner/appellant by judgment dated 11-6-2026 passed in Spl SC No. 24 of 2023 on the file of the learned Additional Special Judge, Additional Special Court for Exclusive Trial of Cases under POCSO Act (Mahalir Neethimandram), Chennai, pending disposal of the above Criminal Appeal and enlarge the petitioner on bail.

For Petitioner(s): Ms.V.Priyanga

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

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The Criminal Appeal challenges the Judgment passed in Spl.S.C.No.24 of 2023 by the learned Sessions Judge, Additional Special Court for Exclusive Trial of Cases under POCSO Act (Mahalir Neethimandram), Chennai, holding the petitioner guilty of the offence under Section 4 of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as ***"the POCSO Act"***) and sentencing him to undergo ten years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment of six months for the aforesaid offence.

2. It is the case of the prosecution that the petitioner, aged about 27 years and the victim, aged about 17 years 4 months at the time of occurrence, were in a romantic relationship; that on the promise of marriage, the petitioner had committed penetrative sexual assault by making the victim to stay in a lodge.

3. The trial Court, believing the evidence adduced on the side of the prosecution, convicted the petitioner.

4. Learned counsel for the petitioner would submit that the allegations are false; that even according to the prosecution, the petitioner and the victim had a romantic relationship; that the victim had made several improvements in her

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statement made under Section 164 Cr.P.C. before the Magistrate and in her deposition; and that the victim's admission in the cross-examination belies the version that the appellant had sexual intercourse with her. Hence, he prayed for suspension of sentence imposed on the petitioner.

5. The learned Additional Public Prosecutor, *per contra*, would submit that the age of the victim had been proved by marking Ex.P1/birth certificate; that the consent is immaterial, since the victim was a minor and therefore, the trial Court was justified in recording the finding of guilt.

6. Admittedly, the petitioner and the victim had a consensual relationship. Though the victim had alleged that she was taken by the petitioner to a lodge and had sexual intercourse with him, in her cross-examination, she would state that she never met the petitioner outside her house. Therefore, it has to be examined in the above appeal as to whether the conviction can be sustained on the sole testimony of the victim, in the light of the above facts. The appeal is not likely to be taken up in the near future.

7. Considering all the above facts, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

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8. 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, Additional Special Court for Exclusive Trial of Cases under POCSO Act (Mahalir Neethimandram), 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

(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,
Additional Special Court for Exclusive Trial of Cases
under POCSO Act (Mahalir Neethimandram),
Chennai.

2.The Inspector of Police
W-22, All Women Police Station,
Mylapore, Chennai 600 004.

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.

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