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Crl.M.P. No. 136 of 2026
in
Crl.A. No. 6 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P. No. 136 of 2026

in

Crl.A. No. 6 of 2026

Hakeem Sait
S/o. Ibrahim,
No. 5/284, Kailash Nagar Koil,
Kovalam, Chennai – 603 112.

..Petitioner

Vs.

The State rep. By
The Inspector of Police,
W-5 All Women Police Station,
Pallikaranai, Selaiyur.
Crime No. 11 of 2023

..Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430 BNSS to
suspend the sentence imposed on the petitioner by judgment dated
05.08.2025 in Spl.S.C. No. 22 of 2024 by the learned Sessions Judge,



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Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu
and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner :: Mr.Sheikh Mehrunisa

For Respondent :: Mr.S. Balaji,
Govt. Advocate (Crl.Side)

O R D E R

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 05.08.2025 in Spl.S.C. No. 22 of 2024 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Chengalpattu, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused Spl. S.C. No. 22 of 2024 was convicted and sentenced by the Trial Court by judgment dated 05.08.2025 for the following offences:

Section of Offence

Section 366 IPC

Sentence imposed

7 years rigorous imprisonment and to pay a fine of Rs. 1000/- carrying a default sentence of simple imprisonment for a period of 6 months.



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Section 10 of POCSO Act, 2012

7 years imprisonment and to pay a fine of Rs. 1000/- carrying a default sentence of simple imprisonment for a period of 6 months.

Aggrieved by the same, he filed Crl.A.No.6 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3. It is the case of the prosecution that the petitioner was known to the victim; that the victim along with two other children went to the house of the petitioner; that the petitioner had switched off the light and removed the Jeans Pant of the victim girl; that when he attempted to remove her undergarment, the victim's friend, in order to prevent the same, attempted to bite the hand of the petitioner and thereafter, the victim along with the other two children came out of the house and informed her mother.

4. The learned counsel for the petitioner would submit that the complaint is false; that the victim had been tutored since there was some money dispute between the victim's parents and the petitioner; that the two friends of the victim girl, said to have witnessed the occurrence, were not



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examined by the prosecution. The learned counsel for the petitioner would submit that since the nature of the alleged sexual assault could not be corroborated by medical evidence and in fact, no external injuries had been found on the private parts of the victim by the Doctor, the impugned judgment is liable to be set aside and prayed for the relief of suspension of sentence.

5. The learned Government Advocate (Crl.Side), per contra, would submit that the judgment is justified; that the victim had made consistent statements before the Magistrate and in her deposition before the Court; that the prosecution had established the age of the victim and that the judgment cannot be faulted with merely because it is based on the sole testimony of the victim.

6. According to the prosecution, the alleged occurrence was witnessed by two friends of the victim. However, the prosecution had not chosen to examine them. The medical evidence suggests no injuries on the private parts of the victim. It is seen that the defence had suggested to the witnesses that there were monetary transactions between the petitioner and the victim's parents. From the evidence on record, this Court is of the



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view that the petitioner has raised substantial grounds, which require consideration and since the appeal is not likely to be taken up in the near future, 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:

- (i) 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 the POCSO Act, Chengalpattu;
- (ii) 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

SUNDER MOHAN,J.



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(iii)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.

03.02.2026

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To

1. The Sessions Judge,
Special Court for Exclusive Trial
of Cases under the POCSO Act,
Chengalpattu.
2. The Inspector of Police,
W-5 All Women Police Station,
Pallikaranai, Selaiyur.
3. The Superintendent,
Central Prison, Puzhal I, Chennai.
4. The Public Prosecutor,
High Court, Madras.

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