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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No.21366 of 2026
in
Crl.A.No.481 of 2026

M.Selvadurai
S/o.Murugan,
No.6A, Kannan Street,
Korukkupet,
Chennai - 600 021.

...Petitioner(s)

Vs

The State Rep by
The Inspector of Police
W-13, All Women Police Station,
Washermenpet,
Chennai.
Crime No. 11/2019.

...Respondent(s)

Prayer: Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS to Suspend the Sentence against the Appellant/Accused imposed in the order in Special Sessions Case No.09 of 2020 passed by the learned Session Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai-600104 dated 15.12.2025, pending disposal of this Appeal.

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For Petitioner(s): Mr.P.Srinivasan
for
Mr.R.Ajith Kumar

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

ORDER

The Criminal Appeal challenges the Judgment passed in Spl.S.C.No.09 of 2020 by the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Chennai - 600 104, holding the petitioner guilty of the offence under Section 8 of the POCSO Act and sentencing him to undergo five years rigorous imprisonment and to pay a fine of Rs.1,000/- and in default, to undergo three months simple imprisonment.

2. It is the case of the prosecution that the petitioner knew the victim who was employed along with the petitioner in a shop; that on 09.05.2019 at about 5:30 p.m., he pulled the victim, laid himself over her and he pressed the private part of the victim, and thus committed the offence under Section 8 of the POCSO Act.

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3. The learned counsel appearing for the petitioner would submit that the petitioner is in custody from 15.12.2025 and has served almost one year as against the fixed sentence of five years; that the medical evidence does not corroborate the evidence of the victim; and that the impugned Judgment based on the sole testimony of the victim whose evidence does not inspire confidence, is liable to be set aside.

4. The learned Additional Public Prosecutor for the respondent, per contra submitted that the victim's evidence is cogent and convincing; and that there is no infirmity whatsoever in the judgment of the trial court.

5. The petitioner is in custody from 15.12.2025. As against the sentence of five years imposed by the trial Court, the petitioner has been custody for almost one year. The petitioner has raised substantial grounds in the above appeal which requires consideration. The appeal is not likely to be taken up in the near future.

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

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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-600 104;

(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.

12-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Note: Issue order copy today.
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To

1. The Sessions Judge,
   Special Court for Exclusive trail of cases under
   POCSO Act, Chennai-600104.

2. The Inspector of Police,
   W-13, All Women Police Station,
   Washermenpet,
   Chennai.

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

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

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SUNDER MOHAN, J.

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