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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 20815 of 2026
in
Crl.A.No.1358 of 2026

Shanmuganathan V
S/o. Velu,
No.175 A Block, CR Colony,
Perumathur, Neyveli,
Cuddalore – 607 801,
Now confined at Puzhal Central Prison

..Petitioner(s)

Vs

State represented by its
Inspector of Police,
W-1, All Women Police Station,
Thousand Lights East, Chennai
Crime No.07 of 2025.

..Respondent(s)

Prayer : The Criminal Miscellaneous Petition is filed under Section 430 of BNSS, 2023, to suspend the sentence imposed against the petitioner by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act at Chennai District in Special Sessions Case No.222 of 2025 dated 30.09.2026 and release the petitioner on bail till the disposal of the appeal.

For Petitioner: Mr.S.Arivazhagan

For Respondent: Mr.R.Thirumoorthy,
Additional Public Prosecutor

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ORDER

The appeal challenges the Judgment passed in Spl.S.C.No.222 of 2025, dated 30.09.2026 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai District, holding the petitioner/appellant guilty of the offence under Section 9(m) r/w 10 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 one month simple imprisonment.

2. It is the case of the prosecution that the petitioner was working as a watch man in an apartment; that when the victim, aged about 11 years, was returning home after purchasing milk, he took him to a room and inappropriately kissed him, touched his chest and his private part and thus committed the aforesaid offence.

3.The learned counsel for the petitioner would submit that the allegations are false; that the petitioner has raised substantial grounds in the above appeal, which requires consideration, and that the appeal is not likely to be taken up in the near future; and prayed for suspension of sentence.

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

5. The petitioner has raised substantial grounds in the above appeal, which requires consideration. The petitioner is in custody from 30.09.2026. The appeal is not likely to be taken up in the near future. Considering the nature of the allegation, the fixed sentence of imprisonment imposed on him, and all the above facts, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

6.Accordingly, this criminal miscellaneous petition stands allowed, and the sentence imposed on the petitioner is suspended till the disposal of the above criminal appeal, 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 at Chennai District;

(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

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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.

24-11-2026

Note: Issue order copy today.

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To

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

2. The Inspector of Police
   W-1, All Women Police Station,
   Thousand Lights East, Chennai

3. The Superintendent,
   Central Prison Puzhal.

4. The Public Prosecutor,
   Madras High Court.

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SUNDER MOHAN, J.

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in
Crl.A.No.1358 of 2026

24-11-2026

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