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Crl.M.P.No.20036 of 2025
in Crl.A.No.1645 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.20036 of 2025
in Crl.A.No.1645 of 2025

Vinodh

... Petitioner /Appellant

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Pattabiram, Crime No.14 of 2019
Tiruvallur District.

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS praying to suspend the substantive sentences imposed on the petitioner, viz., to suffer R1 for 10 years for the offence u/s 376(2)(n) IPC, R1 for 2 years for the offence u/s 506 (i) IPC, RI for 3 years for the offence u/s 11(i) r/w 12 POCSO Act, RI for 10 years for the offence u/s 5(1) r/w 6(1) POCSO Act and RI for 10 years for the offence u/s 5(n) r/w 6(1) POCSO Act by the Sessions Judge, Special Court for Exclusive Trial of POCSO Act Cases, Tiruvallur dated 17.09.2025 in SPL.S.C.No.21 of 2021 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.



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For Petitioner : Mr.A.M.Rahamath Ali
For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 17.09.2025 passed in Spl.S.C.No.21 of 2021 by the learned Sessions Judge, Special Court for Exclusive Trial of POCSO Act cases, Thiruvallur, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.S.C.No.21 of 2021 was convicted by the Trial Court by judgment dated 17.09.2025, for the offences under Section 372(2)(n), 506(i) IPC, 11(i) r/w 12, 5(l) r/w 6(l), 5(n) r/w 6(1) POCSO Act 2012 and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo three years simple imprisonment for the offence under Section 376(2)(n) IPC and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment for the offence under Section 506(i) of IPC and sentenced to undergo 3 years rigorous imprisonment and to



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pay a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment for the offence under Section 11(i) r/w 12 of the POCSO Act and sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for 3 years for the offence u/s 5(1) r/w 6(1) POCSO Act and also sentenced to undergo 10 years RI and to pay a fine of Rs.10,000/-, in default, to undergo three years simple imprisonment for the offence u/s 5(n) r/w 6(1) POCSO Act. Aggrieved by the same, he filed CrI.A.No.1645 of 2025 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3.The case of the prosecution is that the victim, who was aged about 15 years at the time of occurrence, was brought up by PW1, who is the victim's aunt, ever since her birth; that the appellant was the husband of PW1; that when PW1 was not in the house, the appellant had committed penetrative sexual assault on the victim on several occasions; that when PW1 came across a love letter in possession of the victim, she questioned the victim and the victim revealed that the appellant had committed penetrative sexual assaults on several occasions and hence, she lodged a complaint on 29.10.2019 and thus, the appellant committed the aforesaid offences.



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4.The learned counsel for the petitioner would submit that the allegations are false; that PW1 and the appellant had matrimonial differences; that after the appellant left for Dubai to pursue a job and did not return, PW1 had used the victim girl to prosecute the petitioner falsely; that the victim had committed suicide for some other reason and she was not examined during trial; that the medical evidence does not support the case of the prosecution; that the prosecution has not conclusively established the offences and hence, the sentence imposed on the petitioner be suspended.

5.The learned Government Advocate(Crl. Side) confirms that the fact that the victim died due to suicide and already a case was registered under Section 174 Cr.P.C., was closed; that the victim was not examined during the investigation of this case; and that the prosecution had established the case through the evidence of PW1 and medical evidence.

6.Admittedly, the victim has not been examined during trial. The medical evidence is of no avail to the prosecution as the Doctor had stated that there is no evidence suggestive of penetration of vagina or anus. That apart, it



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is seen that the victim did complain to PW1 about the alleged occurrence. PW1 had lodged the complaint after the matrimonial differences arose between her and the petitioner.

7.Considering the above facts and since the petitioner has made out a *prima facie* case for suspension of sentence and since the appeal is not likely to be taken in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

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:

- (i)The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of POCSO Act Cases, Thiruvallur;
- (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



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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

Tsg

Note: Issue order copy on 04.02.2026



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To

- 1.The Sessions Judge,
Special Court for Exclusive Trial of
POCSO Act, Cases, Thiruvallur.
- 2.The Superintendent,
Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
All Women Police Station,
Pattabiram.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

Tsg

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