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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No.21030 of 2026
in
Crl.A.No.1373 of 2026

Sakthivel
S/o. Ganesan,
Keezhakadu Kuravapulam,
Vedaranyam Taluka,
Nagapattinam District.

...Petitioner/Appellant

Vs

The State Rep by
The Inspector of Police
All Women Police Station,
Vedaranyam,
Nagapattinam District.
Crime No.1 of 2020

...Respondent/Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 430 of B.N.S.S., Act, 2023, to suspend the sentence imposed in Spl.S.C.No.12 of 2020 on the file of the Special Court under the POCSO Act, Nagapattinam dated 09.09.2026 and enlarge the petitioner on bail pending disposal of the above appeal.

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For Petitioner : Mr.Gokulakrishnan T

For Respondent: Mr.R.Thirumoorthy
Additional Public Prosecutor

Assisted by
Mr.M.Arul Raj

ORDER

The criminal appeal challenges the Judgment passed in Spl.S.C.No.12 of 2020 dated 09.09.2026 by the learned Sessions Judge, Special Court under the POCSO Act, Nagapattinam, holding the petitioner/A1 guilty of the offence under Section 9(l) r/w 10 of the POCSO (Amendment) Act, 2019 and sentencing him to undergo five years SI and to pay a fine of Rs.2000/- i/d to undergo one year SI.

2. The case of the prosecution is that the petitioner/A1 on 18.03.2019 at about 12:30 hours, when the victim aged 12 years was on her way to a nearby shop, the petitioner brought her to his house and committed penetrative sexual assault; and that the petitioner had committed penetrative sexual assaults on several occasions.

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3. The Trial Court disbelieved the evidence of the prosecution as regards the offences under Sections 5(l) r/w 6, 11(v) r/w 12 of the POCSO (Amendment) Act, Section 366 of IPC, and Section 9 of the Prohibition of Child Marriage Act and held the petitioner guilty of the offence under Section 9(1) r/w 10 of the POCSO Act.

4. The learned counsel for the petitioner/A1 would submit that the Trial Court ought not to have held the petitioner guilty of the offence under 9(l) r/w 10 of the POCSO (Amendment) Act, 2019, having acquitted him of the offences under Sections 5(l) r/w 6, 11(v) r/w 12 of the POCSO (Amendment) Act, Section 366 of IPC, and Section 9 of the Prohibition of Child Marriage Act; and that there are several arguable points in the appeal which requires consideration and prayed for suspension of sentence pending disposal of the appeal.

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

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6. The petitioner is in custody from 09.09.2026. Considering the fact that the petitioner has raised substantive grounds in the above appeal, the appeal is not likely to be taken in near future, and since a fixed sentence has been imposed, 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 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 under the POCSO Act, Nagapattinam

(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

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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.

20-11-2026

Note: Issue order copy today

dk

To

1.The Sessions Judge,
The Special Court under the POCSO Act,
Nagapattinam

2. The Inspector of Police
All Women Police Station,
Vedaranyam,
Nagapattinam District.

3. The Cuddalore Jail.

4. The Public Prosecutor,
High Court of Madras.

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SUNDER MOHAN, J.

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