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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 22630 of 2026
in CRL A No. 116 of 2024

Sakthi

..Petitioner(s)

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Ooty Rural.
The Nilgiris.
Crime No.03 of 2021.

..Respondent(s)

Prayer: The Criminal Miscellaneous Petition is filed under Section 430 (1) of BNSS, 2023, to suspend the sentence imposed against the petitioner dated 30.11.2023 in Spl.C.C.No.21 of 2021 on the file of the learned Sessions Judge, Magalir Neethimandram (FTMC) Udhagamandalam, the Nilgiris and release the petitioner on bail till the disposal of the Criminal Appeal.

For Petitioner(s): Ms.Y.Gomathi
for Mr.P.Pugalenthi

For Respondent(s): Ms. Sharada Vivek,
Additional Public Prosecutor
Asst. by Mr.M.Arul Raj

ORDER

The petitioner challenges the Judgment passed in Spl.C.C.No.21 of 2021 holding the petitioner guilty of the offences under Section 342 IPC (3 counts)

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and Section 9(m) r/w 10 (3 counts) of the POCSO Act and sentencing him as below;

Conviction under Section	Sentence imposed
342 IPC (3 counts)	To undergo one year RI and to pay a fine of Rs.500/- (id) to undergo 3 months SI on each count
9(m) r/w 10 (3 counts)	To undergo seven years RI and to pay a fine of Rs.1,000/- (id) to undergo one year SI on each count

The sentences were ordered to concurrently.

2.It is the case of the prosecution that the petitioner had kidnapped the three victim girls and took them to his house and locked them inside the house, stood naked in front of the girls, hugged and kissed them, groped their breasts and private part and thus, committed the aforesaid offences. The trial Court had convicted the petitioner for the offences under Section 342 IPC (3 counts) and Section 9(m) r/w 10 (3 counts) of the POCSO Act and sentenced him as stated above.

3.The learned counsel for the petitioner would submit that the petitioner has raised substantial grounds in the above appeal; that the petitioner is in custody from 30.11.2023 as against the fixed sentence of 7 years imprisonment; and since the appeal is not likely to be taken up in the near future, prayed that the sentence may be suspended.

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

5.Admittedly, the petitioner is in custody from 30.11.2023 and was in custody for about two weeks during investigation. He 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 the fact that the petitioner has served almost half of the sentence of imprisonment, 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, Magalir Neethimandram (FTMC) Udhagamandalam, Nilgiris;

(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

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Bank pass Book and mobile numbers to ensure their identity; and

(c).The petitioner shall appear before the Trial Court on every Monday 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.

25-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

Note: Issue order copy on 25.11.2026.

To

1.The Inspector of Police,
All Women Police Station,
Ooty Rural.
The Nilgiris.
Crime No.03 of 2021.

2.The Sessions Judge,
Magalir Neethimandram (FTMC)
Udhagamandalam, the Nilgiris.

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
Madras High Court.

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SUNDER MOHAN, J.

TSG

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