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Crl.M.P.No.24416 of 2025
in Crl.A.No.1939 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.24416 of 2025
in Crl.A.No.1939 of 2025

Tamizharasan @ Selvamani

...Petitioner /Appellant

Vs.

The State,
Rep. By the Inspector of Police,
Jayakondam Police Station,
Jayakondam,
Ariyalur District.
Crime No.131/2022

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS praying to suspend the sentence imposed on the petitioner/appellant in Judgment made in Special Sessions Case No.55 of 2022 before the learned Sessions Judge (FAC), Fast Track Mahila Court, Ariyalur dated 10.05.2024 and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.C.Venkatesan

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)



Crl.M.P.No.24416 of 2025
in Crl.A.No.1939 of 2025

ORDER

WEB COPY This matter is posted today before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the petitioner.

2. The learned counsel appearing for the petitioner submitted that in the order dated 12.01.2026 passed in the above Criminal Miscellaneous Petition, there are certain typographical errors. The Special Sessions Case number is wrongly mentioned as “Sessions Case No.55/2022” instead of “***Special Sessions Case No.55/2022***” in the prayer and in paragraphs 1 and 2. Similarly, the ***Crime No.131/2022*** has not been mentioned in the cause title. Thus, he prayed for suitable directions.

3. Considering the submissions made by the learned counsel for the petitioner, the Registry is directed to issue the order copy afresh forthwith by making necessary corrections in the order dated 12.01.2026 made in Crl.M.P.No.24416 of 2025 in Crl.A.No.1939 of 2025.

30.03.2026

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Note : Upload the order copy forthwith



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SUNDER MOHAN, J.
dk

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.24416 of 2025
in Crl.A.No.1939 of 2025

Tamizharasan @ Selvamani

... Petitioner /Appellant

Vs.

The State,
Rep. By the Inspector of Police,
Jayakondam Police Station,
Jayakondam,
Ariyalur District.

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS praying to suspend the sentence imposed upon the petitioner by the learned Sessions Judge, Fast Track Mahila Court, Ariyalur in Sessions Case No.55 of 2022 order dated 10.05.2024.

For Petitioner : Mr.C.Venkatesan

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)



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in Crl.A.No.1939 of 2025

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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 10.05.2024 passed in Sessions Case No.55 of 2022 by the learned Sessions Judge, Fast Track Mahila Court, Ariyalur, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in S.C.No.55 of 2022 was convicted by the Trial Court by judgment dated 10.05.2024, for the offence under Sections 366(A), 354A of IPC and Sections 7, 11(vi) r/w 8, 12 of the POCSO Act and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 5 years simple imprisonment and to pay a fine of Rs.5,000/- for the offences under Section 8 of the POCSO Act. Aggrieved by the same, he filed Crl.A.No.1939 of 2025 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3.The gist of the allegation is that the petitioner and the victim girl had love affair; that on the promise of marriage, the petitioner took the victim girl



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and thereafter, kissed her with the sexual intention and that a complaint was lodged at the instance of the victim's father.

4.The learned counsel for the petitioner would submit that the allegations are false; that the victim on her own volition, had gone with the petitioner; that even assuming the prosecution case is true, there was a love affair between the petitioner and the victim. Considering that there are contradictions in the evidence and the petitioner raised substantial ground in the above appeal, he prayed for suspension of sentence imposed on the petitioner.

5.The learned Government Advocate (Crl. Side), per contra, opposed the grant of suspension of sentence stating that the victim was aged about 13 years at the time of occurrence and her consent is immaterial. Therefore, the trial Court was justified in finding that the petitioner was guilty of the aforesaid offence.

6.Heard the learned counsels on either side and perused the materials available on record.



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7.It is seen that the petitioner is in custody from 10.05.2024. The petitioner has raised substantial grounds in the above appeal. The evidence prima facie discloses that the alleged occurrence took place due to the innocence of two youngsters and mutual attraction towards each other. Hence, considering that the petitioner has raised substantial grounds, the fact that the appeal is not likely to be taken up in the near future and all the above referred facts, 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, Fast Track Mahila Court, Ariyalur;
- (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.

12.01.2026

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To

- 1.The Sessions Judge,
Fast Track Mahila Court, Ariyalur.
- 2.The Superintendent,
Central Prison, Trichy.
- 3.The Inspector of Police,
Jayakondam Police Station,
Jayakondam, Ariyalur District.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

vkr

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12.01.2026