



Crl.MP.No.148 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.MP.No.148 of 2026

in

Crl.A.No.900 of 2024

Shanmugam

...Petitioner

Vs.

State rep. by,
The Inspector of Police,
W 15, All Women Police Station,
Royapuram, Chennai.
Crime No.580 of 2014.

...Respondent

Criminal miscellaneous petition filed under Section 430(1) of BNSS, seeking to suspend the sentence imposed on the petitioner in Spl.S.C.No.6 of 2023 dated 23.05.2024 passed by the learned Sessions Judge, Special Court for trial of cases under POCSO Act, Chennai and enlarge him on bail, pending disposal of the above appeal in Crl.A.No.900 of 2024.

For Petitioner : Mr.T.Naveen Chandar

For Respondent : Ms.J.R.Archana, GA(Crl. Side)



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ORDER

The petitioner has filed the present petition seeking to suspend the sentence imposed on him by the learned Sessions Judge, Special Court for trial of cases under POCSO Act, Chennai, vide judgment dated 23.05.2024 made in Spl.S.C.No.6 of 2023.

2. The petitioner was convicted for offences under Section 366 of IPC and Sections 6 & 12 of the POCSO Act. In respect of the conviction under Section 366 of IPC, the petitioner was sentenced to undergo imprisonment for five years and was directed to pay a fine of Rs.5,000/-, in default to undergo one month simple imprisonment; in respect of the conviction under Section 6 of the POCSO Act, the petitioner was sentenced to undergo rigorous imprisonment for ten years and was directed to pay a fine of Rs.25,000/-, in default to undergo three months simple imprisonment and; in respect of the conviction under Section 12 of the POCSO Act, the petitioner was sentenced to undergo imprisonment for one year and was directed to pay a fine of Rs.5,000/-, in default to undergo two weeks simple imprisonment vide judgment dated 23.05.2024 in Spl.S.C.No.6 of 2023. Challenging the same the petitioner filed the above appeal along with this petition seeking suspension of sentence.



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3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and that he has been in prison from 23.05.2024 till date. He further submitted that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. Hence, he prays for suspension of sentence imposed on the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for respondent vehemently opposed for grant of suspension of sentence and submitted that the acts perpetrated by the petitioner against the victim are heinous in nature. She further submitted that this is the 3rd petition filed by the petitioner seeking suspension of sentence and this Court, vide orders dated 15.07.2024 and 27.06.2026 made in Crl.MP.Nos.10005 & 14058 of 2024 respectively, dismissed the earlier petitions filed by the petitioner seeking suspension of sentence on merits and that there is no change of circumstances.

5. This Court gave its careful consideration to the submissions advanced on either side and perused the materials available on record.



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6. A perusal of the order passed by the court below coupled with the complaint lodged in this regard reveals that there are allegations with regard to sexual assault against the petitioner, which are of serious nature and the same have to be tested at the time of final disposal of appeal and at the threshold, it cannot be held that there are no materials to brush the case aside. Though bail is the norm, however, the seriousness of the allegations and the nature and gravity of the offences alleged to have been committed by the petitioner had resulted in the court below convicting the petitioner for the aforesaid offences, which is based on cogent and convincing reasoning and the same does not require any interference at the hands of this Court.

7. Further, it is pertinent to note that two earlier applications filed by the petitioner seeking suspension of sentence were dismissed by this Court and as there is no change of circumstance to justify entertaining the present petition, this Court is not inclined to accede to the prayer sought by the petitioner.

8. For the reasons aforesaid, this criminal miscellaneous petition stands dismissed.



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9. Registry is directed to prepare the Paper book/typed set of papers and post the main appeal for hearing in the usual course.

04.03.2026

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To:

1. The Sessions Judge,
Special Court for trial of cases under POCSO Act, Chennai.
2. The Central Prison,
Puzhal.
3. The Inspector of Police,
W 15, All Women Police Station,
Royapuram, Chennai.
4. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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