



Crl.M.P.No.24640 of 2025
in Crl.A.No.1945 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.24640 of 2025
in Crl.A.No.1945 of 2025

Subash Chandra Doss

... Petitioner /Appellant

Vs.

The State rep. By
The Inspector of Police,
K10, All Women Police Station,
Chennai.
(Crime No.337 of 2023)

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS, praying to suspend the sentence passed in Judgment dated 25.11.2025 in Special Sessions Case No.219 of 2023 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and enlarge him on bail.

For Petitioner : Mr.G.Punniakoti

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor



Crl.M.P.No.24640 of 2025
in Crl.A.No.1945 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 25.11.2025 passed in Spl.S.C.No.219 of 2023 by the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Chennai, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in Spl.S.C.No.219 of 2023 was convicted by the Trial Court by judgment dated 25.11.2025, for the offences under Sections 366 IPC and Section 6 of POCSO Act and sentenced him undergo 3 years rigorous imprisonment and to pay a fine of Rs.1000/-, in default, to undergo one month simple imprisonment for the offence under Section 366 IPC and also sentenced him to undergo twenty years rigorous imprisonment and to pay a fine of Rs.50,000, in default, to undergo six months simple imprisonment for the offence under Section 6 of POCSO Act. Aggrieved by the same, he filed Crl.A.No.1945 of 2025 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.



Crl.M.P.No.24640 of 2025
in Crl.A.No.1945 of 2025

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3.The gist of the prosecution is that the appellant is the landlord of the premises in which the victim's mother/PW1 was a tenant; that the victim was aged about 5 years at the time of the occurrence; that on 07.07.2023, the petitioner lured the victim girl by offering a chocolate and took her to his house and committed penetrative sexual assault by applying his mouth to the private part of the victim and her chest and the same was witnessed by the victim's grandmother and on the information given by the victim's grandmother to PW1, PW1 lodged the complaint on the next day at about 10.00 a.m.

4.The learned counsel for the petitioner would submit that the allegations are false, that the petitioner and PW1 had a prior dispute; that the petitioner being the landlord of PW1 had asked PW1 not to keep the gate open beyond 11.00 p.m. and to enter the house before that, to ensure the safety of the other tenants; that Aggrieved by the same, PW1 lodged the instant complaint; that there are contradictions in the evidence of the victim and the evidence of PW3, the grandmother; that there is delay in lodging of the complaint; that even if the evidence of the victim is accepted to be true, it only suggests that the petitioner had committed sexual assault and not penetrative sexual assault as claimed by the prosecution. Considering the above facts and



CrI.M.P.No.24640 of 2025
in CrI.A.No.1945 of 2025

the period of incarceration, the sentence imposed on the petitioner may be suspended.

5. Heard the learned Government Advocate(Crl. Side) for the respondent and perused the counter filed by the respondent.

6. It is seen from the records that there are contradictions between the evidence of PW2, the victim and PW3, the grandmother of the victim as regards the manner in which the alleged sexual assault was committed by the petitioner. The victim's evidence does not support the prosecution case as regards penetrative sexual assault. The petitioner is the landlord of PW1 and it appears that they had a prior dispute. Considering the above facts, this Court is of the view that the petitioner has made out a *prima facie* case for grant of the relief of suspension of sentence.

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 and the petitioner is ordered to be released on bail on the following conditions:



Crl.M.P.No.24640 of 2025
in Crl.A.No.1945 of 2025

- (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, Exclusive Court for the Trial of cases under POCSO Act, Chennai;
- (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
- (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.

28.01.2026

Tsg

Note: Issue order copy on 29.01.2026

To

- 1.The Sessions Judge,
Exclusive Court for the Trial of cases under POCSO Act, Chennai.
- 2.The Superintendent,
Central Prison, Puzhal, Chennai.



CrI.M.P.No.24640 of 2025
in CrI.A.No.1945 of 2025

3.The Inspector of Police,
K10, All Women Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.



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CrI.M.P.No.24640 of 2025
in CrI.A.No.1945 of 2025

SUNDER MOHAN, J.

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CrI.M.P.No.24640 of 2025
in CrI.A.No.1945 of 2025

28.01.2026