



WEB COPY



CRL.M.P.(MD) No. 1281 of 2026
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2026

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

CRL MP(MD) No. 1281 of 2026
IN CRL A(MD) No. 97 of 2026

Balasubramaniyan

Appellant / Sole Accused

Vs

State Rep. By
The Inspector of Police,
AWPS Pabanasam Police Station,
Tanjavur District
(Crime No. 23/2022)

Respondent/Respondent

For Petitioner(s):

Mr.S.Balaji Nivas

For Respondent(s): Mr.B.Nambi Selvan

Additional Public Prosecutor

Prayer: This petition is filed under Section 430(1) of BNSS to Suspend the sentence imposed on the petitioner by the Special Court for the Exclusive Trial of POCSO Act Cases, Tanjavur in Spl.S.C.No.18 of 2024 dated 10.12.2025 and enlarge the Appellant /accused on bail pending disposal of the main appeal.



ORDER

WEB COPY

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the Special Court for the Exclusive Trial of POCSO Act Cases, Tanjavur in Spl.S.C.No.18 of 2024 dated 10.12.2025 and enlarge him on bail pending disposal of the appeal.

2. The case of the prosecution is that the petitioner, being the Social Science Teacher, taking advantage of his position, committed sexual harassment on the victim children. A case was registered in Crime No.23 of 2022 for the offences punishable under Sections 11(1), 12 of POCSO Act. After completion of investigation, charge sheet has been filed and taken on file in Spl.S.C.No.18 of 2024 on the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Tanjavur.

3. During trial, the prosecution examined 13 witnesses as P.W.1 to P.W.13, exhibited 15 documents as Ex.P.1 to Ex.P.15. On the side of the defence, no witness was examined and no document was marked.

4. The Special Court for the Exclusive Trial of POCSO Act Cases, Tanjavur, upon considering the evidence, both oral and documentary and



on hearing the arguments on both sides, passed the impugned judgment in Spl.S.C.No.18 of 2024 dated 10.12.2025 convicting the petitioner/accused and sentencing him as follows:

Offences	Sentence
Section 12 of POCSO Act	3 years R.I and a fine of Rs.2,000/- i/d S.I for 6 months (3 counts)

Further, it was ordered that the period of imprisonment in respect of each count shall run concurrently.

5. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. The learned counsel appearing for the petitioner would submit the trial court has granted interim suspension till 10.02.2026 on the conditions imposed therein. He would further submit that the petitioner has already paid the fine amount of Rs.6000/-. The learned counsel for the petitioner also submits that there are contradictions and incongruities in the evidence of P.W.2, P.W.3, P.W.5, P.W.6 and P.W.13 regarding the place of occurrence.



WEB COPY

7. The learned Additional Public Prosecutor appearing for the State would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed the grant of suspension of sentence.

8. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

9. The learned counsel appearing for the petitioner pointed out the incongruities, inconsistencies and contradictions in material particulars in the prosecution's case, which establish that there are certain arguable points in the criminal appeal. However, the criminal appeal is not likely to be taken up for final hearing in the proximate future.

10. Considering the above stated facts and considering the fact that the trial court has suspended the sentence till 10.02.2025, this Court is of the considered view that the petitioner herein is entitled for the relief of suspension of sentence.

11. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following directions:



WEB COPY

(i) the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, within a period of 10 days from the date of receipt of a copy of this order, each for a like sum to the satisfaction of the Special Court for the Exclusive Trial of POCSO Act Cases, Tanjavur.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) The petitioner shall appear before the trial Court weekly once i.e every Monday at 10.30 a.m., until further orders. 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 of Cr.P.C (355 of BNSS) 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.

23-01-2026

CM



To,

1. The Inspector of Police,
AWPS Pabanasam Police Station,
Tanjavur District
(Crime No. 23/2022)

2. The Special Court for the Exclusive Trial of POCSO Act Cases,
Tanjavur

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



N.MALA., J.

CM

CRL MP(MD) No. 1281 of 2026
IN CRL A(MD) No. 97 of 2026

23.01.2026