



CRL MP(MD). No.2067 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05/02/2026

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THE HONOURABLE MRS. JUSTICE N.MALA

**CRL MP(MD). No.2067 of 2026
in
CRL A(MD)No.1071 of 2025**

Ananthakumar

... Petitioner

Vs

1.The State of Tamilnadu Rep by,
Inspector of Police,
AWPS, Tirunelveli Town Police Station,
Tirunelveli District.
Crime No.05 of 2020.

2.K.Jeyalakshmi

... Respondents

PRAYER:- To Suspend the Sentence of Imprisonment imposed in Spl.C.C.No.57 of 2020 on the file of the Special Court for POCSO Act Cases, Tirunelveli, Tirunelveli District dated 07.08.2025 and enlarged on bail pending disposal of the above said Criminal Appeal.

For Petitioner : S.Sathyachidambaram

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

For R2 : Mr.I.Pinaygash



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ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner in Spl.C.C.No.57 of 2020 dated 07.08.2025 by the Special Court for POCSO Act Cases, Tirunelveli, Tirunelveli District and enlarged him on bail pending disposal of the appeal.

2.Earlier, the petitioner had filed an application in Crl.M.P(MD)No.13887 of 2025, seeking suspension of sentence. This Court, by order dated 28.11.2025, dismissed the said application and directed the petitioner to surrender before the concerned Court.

3.The petitioner has now filed the second application for the same relief. It is seen that there is no new development or change in circumstances for this second application for suspension of sentence.

4.The Hon'ble Supreme Court, in the case of *State of Maharashtra Vs. Buddhikota Subha Rao* reported in *AIR 1989 SC*



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2292, laid down the criteria for considering subsequent bail application, which in my view, also applies to subsequent applications for suspension of sentence. The Apex Court laid down as follows:-

"10....Once that application is rejected, there is no question of granting a similar prayer. That is virtually overruling the earlier decision without there being a change in the fact-situation. And, when we speak of earlier decision and not merely cosmetic changes which are of little or no consequence."

5.On the facts of this case, this Court finds no substantive change in circumstances, justifying the entertainment of this application. This Court is of the view that entertaining the present application, without a change in the circumstance, will amount to reviewing the earlier order, which is not permissible.

6.Hence, this Criminal Miscellaneous Petition is dismissed.

05.02.2026

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TO

- 1.The Special Court for POCSO Act Cases,
Tirunelveli, Tirunelveli District.
- 2.The Inspector of Police,
AWPS, Tirunelveli Town Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

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ORDER
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