



CrIMP(MD)No.4988 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.4988 of 2026
in
Crl A(MD)No.290 of 2026**

Rajkumar

Vs

...Petitioner

**The State of Tamil Nadu rep by
the Inspector of Police,
All Women Poilce Station,
Papanasam Taluk, Thanjavur,
[Crime No.12 of 2022]**

... Respondent

PRAYER: Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence of imprisonment imposed on the petitioner in SplSC.No.35 of 2023 on the file of the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur dated 04.09.2023 and enlarge the petitioner on bail, pending disposal of the criminal appeal.

For Petitioner : Mr.S.Nirmal Aditya

**For Respondent : MrA.Robinson,
Government Advocate**



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ORDER

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The petitioner is the sole accused in SplSC.No.35 of 2023 on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur. By judgment dated 04.09.2023, the petitioner was found guilty, convicted and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.30,000/-, in default to undergo one year rigorous imprisonment for the offence under Section 10 of the POCSO Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrIa(MD)No.290 of 2026 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 02.03.2026.

2.The learned counsel for the petitioner submits that the documents relied on by the prosecution to prove the age of the victim in Ex.P2 and Ex.P6 are not in compliance with Section 94 of the Juvenile Justice (Care and Protection of Children) Act r/w section 35 of the Indian Evidence Act. The conviction is solely based on the statement of the victim and there is no other corroborating evidence. The age of the



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victim has not been established as per Section 34(1) of the POCSO Act.

He further submits that petition has already completed more than half of the sentence and he is in jail for three and a half years.

3.The learned Government Counsel submits that the prosecution has proved the case through the evidence of the victim and other witnesses and also through the exhibits. The trial court has considered the same and rightly convicted the petitioner.

4.This court has considered the rival submissions made.

5.The petitioner has been imposed with an imprisonment of five years and the petitioner has already completed half of the sentence. The petitioner has raised certain arguable points which can be appreciated only during the final hearing of the appeal. However appeal could not be taken up immediately for final hearing. Considering the period of sentence and the period of incarceration and that the appeal could not be taken up immediately for final hearing, this court is inclined to suspend the sentence pending the appeal.



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6. Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur.

(ii) The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty, will not indulge in any further offence, will not visit the occurrence place, pending the appeal.

(iii) The petitioner shall stay at Coimbatore and report before the Inspector of Police, E1 Singanallur Police Station daily at 10.30 am.

(iv) If the petitioner changes his residence, it shall be informed to the respondent police immediately.



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(v) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

16.06.2026

DSK

To

1. The Sessions Judge,
Principal Special Court for Exclusive
Trial of Cases under POCSO Act,
Thanjavur.
2. The Inspector of Police,
All Women Police Station,
Papanasam Taluk, Thanjavur,
3. The Superintendent,
Central Prison,
Tirhcy.
4. The Inspector of Police,
E1 Singanallur Police Station,
Coimbatore.

Copy to

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



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B.PUGALENDHI.J.,

DSK

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