



Crl.M.P.(MD)No.7485 of 2023

in Crl.A.(MD)No.402 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2026**

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.7485 of 2023

in Crl.A.(MD)No.402 of 2023

Karuppaiah

... Petitioner

versus

State represented by
The Inspector of Police,
Keelasevelpatti Police Station,
Sivagangai District.

... Respondent

Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by the Principal Special Court for Exclusive Trial of cases under the POCSO Act, 2012, Sivagangai, by the Judgment dated 27.02.2023 made in Special Sessions Case No.16 of 2019, and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.A.Murali Kumar

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



WEB COPY



Crl.M.P.(MD)No.7485 of 2023

in Crl.A.(MD)No.402 of 2023

ORDER

The petitioner is the sole accused in Spl.S.C.No.16 of 2019 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Sivagangai. He was tried for the offence under Section 4 r/w. 3(a) of POCSO Act 2012 that he has committed oral sex on the victim boy, who was aged about 8 years. After the trial, the trial Court, by its Judgment dated 27.02.2023, found the petitioner guilty under Section 4 r/w 3(a) of POCSO Act and convicted and sentenced him to undergo seven years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment. Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.402 of 2023 and the same was admitted by this Court on 07.07.2023. Along with this appeal, the petitioner has moved this petition seeking to suspend the sentence.

2. The learned counsel appearing for the petitioner submits that there was a dispute between the petitioner and the father of the victim boy and therefore, this case has been foisted against him. According to the prosecution, the



Crl.M.P.(MD)No.7485 of 2023

in Crl.A.(MD)No.402 of 2023

alleged occurrence had taken place on 09.06.2019, whereas, the complaint has been lodged after two days, i.e. on 11.06.2019. He further submits that the complaint was not written by the defacto complainant/P.W.1 and therefore, she was not aware of the content of the complaint.

3. The learned Government Advocate (Crl. Side) opposed this petition that the victim boy/P.W.2, who was aged about 8 years old, was abused by the petitioner and he was compelled to do oral sex. The father of the victim boy was in abroad and after getting permission from the father of the victim boy, the complaint has been lodged and therefore, there was some delay in preferring the complaint and it is not a material delay in this nature of case. Admittedly, the complaint was written by a relative of the defacto complainant. P.W.1, in her evidence, has stated that on her dictation, the complaint was written by her relative since she was not in a position to prepare the complaint.

4. This Court considered the rival submissions made.

5. Though this petition was filed on 16.05.2023, it has not been prosecuted by the petitioner for the past three years. In the meantime, the



Crl.M.P.(MD)No.7485 of 2023

in Crl.A.(MD)No.402 of 2023

Registry has prepared the typed set of papers and the case is ripe for final disposal. Therefore, this Court is not inclined to entertain this petition.

6. Accordingly, this Criminal Miscellaneous Petition is dismissed. Since the appeal is of the year 2023 and the typed set of papers is also made ready, the Registry is directed to list the main appeal under the caption “accused in jail cases”.

25.03.2026

ogy

To

1. The Inspector of Police,
Keelasevelpatti Police Station,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.M.P.(MD)No.7485 of 2023

in Crl.A.(MD)No.402 of 2023

B.PUGALENDHI, J.

ogy

Crl.M.P.(MD)No.7485 of 2023

in Crl.A.(MD)No.402 of 2023

25.03.2026