



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2026

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

CRL MP(MD) No. 6341 of 2025

IN CRL A(MD) No. 551 of 2025

Chinnadurai

...Petitioner/Sole Accused

Vs.

The State of Tamil Nadu,

Represented by its

The Inspector of Police,

Pazhavor Police Station,

Tirunelveli District

(Crime No.203 of 2018)

... Respondent/complainant

PRAYER : This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS to suspend the sentence imposed against the petitioner by the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tirunelveli, in Spl.S.C.No.296 of 2019 dated 05.02.2025.

For Petitioner : Mr.R.Maheswaran

For Respondent : Mr.B.Nambi Selvan

Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the Sessions Judge, Special Court for Exclusive Trial of



Cases under POCSO Act, Tirunelveli, by judgment dated 05.02.2025 in Spl.S.C.No.296 of 2019 and enlarge him on bail pending disposal of the appeal.

2. The case of the prosecution is that on 22.09.2018, at about 2.30 a.m, when P.W.2 was sleeping at her grandmother's house, the accused trespassed into the house, carried her to a field behind the house and committed sexual assault on her.

3. On the complaint given by P.W.1, the mother of the victim, the case was registered and investigation was taken up. After investigation, a charge sheet for the offence under Section 447 IPC and Section 8 of POCSO Act was filed against the accused. The case was taken on file as Spl.S.C.No.296 of 2019 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tirunelveli.

4. Before the trial court, on the side of the prosecution, 15 witnesses were examined as P.W.1 to P.W.15 and 23 documents were marked as Ex.P.1 to Ex.P.23. On the side of the accused, no witness was examined and no document was marked.



WEB COPY

5. The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tirunelveli, upon considering the evidence both oral and documentary and on hearing the arguments on both sides, passed the impugned judgment dated 05.02.2025, convicted and sentenced the accused as follows:

Offence u/s	Punishment
9(k) r/w 10 of POCSO Act,2012	5 years (R.I), fine of Rs.10,000/- i/d six months (S.I)
448 IPC	Fine of Rs.1,000/- i/d 3 months(S.I)

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

7. The learned counsel for the petitioner submits that there is contradiction in the evidence of the victim girl and other witnesses with regard to the time and place of occurrence. The learned counsel for the petitioner further submits that P.W.2 admitted that the grand-mother tutored her to make the statement.

8. The learned counsel appearing for the petitioner would submit that there are several incongruities apart from the above in the prosecution case and further there are contradictions in material particulars in the evidences of the prosecution witnesses.



WEB COPY

9. 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.

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

11. As rightly contended by the learned counsel for the petitioner, there are inconsistencies in the evidence of the victim girl and the other witnesses with regard to the time and the place of occurrence. Further, the victim girl/ P.W.2 admitted that she was tutored by her grandmother to make the statement. This Court, therefore finds that a *prima facie* case has been made out for grant of suspension of sentence.

12. 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:

(1) The petitioner shall be enlarged on bail provided the petitioner pays the fine amount of Rs.11,000/-, within a period of two weeks from today.

(2) After the fine amount is received, the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum



of Rs.10,000/- (Rupees Ten 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tirunelveli;

(3) 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 ;

(4) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders 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 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.

CM

07.01.2026



N.MALA., J.

CM

WEB COPY

To,
1.The Inspector of Police,
Pazhavor Police Station,Tirunelveli District
(Crime No.203 of 2018)

2. The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act, Tirunelveli

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

CRL MP(MD) No. 6341 of 2025
IN CRL A(MD) No. 551 of 2025

07.01.2026