



Crl.MP(MD) No.7114 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :06.04.2026

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

Crl.MP(MD) No.7114 of 2025

in

Crl.A(MD) No.738 of 2024

Venni @ Ayyanar

... Petitioner

Vs.

State of Tamil Nadu represented by  
The Inspector of Police,  
All Women Police Station,  
Rajapalayam,  
Virudhunagar District,  
[Crime No.10 of 2018]

... Respondent

Prayer: Petition filed under Section 430 of BNSS, to suspend the sentence imposed by the Special Court for Exclusive Trial under Protection of Children from Sexual Offences Act, 2012, Virudhunagar district @ Srivilliputhur in Special SC.No.4 of 2019 on 25.03.2022 and release the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.A.S.Abul Kalaam Azad,  
Government Advocate



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## **ORDER**

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The petitioner is sole accused in SplSC.No.4 of 2019 Special Court for Exclusive Trial under Protection of Children from Sexual Offences Act, 2012, Virudhunagar district @ Srivilliputhur. He was tried and by judgment dated 25.03.2022, he was found guilty, convicted and sentenced to undergo ten years imprisonment with a fine of Rs.1000/- in default to undergo six months simple imprisonment for the offence under Section 6 of the POCSO Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl A(MD)No.738 of 2024 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 10.09.2024.

2.The learned counsel appearing for the petitioner submits that the trial court has convicted this petitioner based on the evidence of PW1/ victim, who is a mentally retarded child. The Doctor / PW12, who examined the victim has also stated that the victim is a mentally retarded child. The mental condition of the victim was also placed before the trial court in ExP.19. However, the trial court has convicted and sentenced this petitioner for ten years based on the evidence of the victim. The learned



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counsel has also pointed out that there was a delay in reporting the incident.

He has also attributed motive for this complaint.

3.The learned Government Advocate (Crl Side) appearing for the respondent submits that the victim girl is a mentally retarded child and she was examined in the presence of an expert.

4.This court has considered the rival submissions made and also perused the materials placed on record.

5.The petitioner was found guilty and convicted by judgment dated 25.03.2022 and from then he is in jail for nearly four years. Admittedly the victim child is mentally retarded and she is in a home at present. The petitioner has raised certain arguable points, which can be appreciated only during the final hearing of the appeal, however, the appeal could not be taken up for final hearing, for want of time. Considering the period of incarceration and that the appeal could not be taken up for hearing immediately, this court is inclined to suspend the sentence pending the appeal.



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8. 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.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial under Protection of Children from Sexual Offences Act, Virudhunagar district @ Srivilliputhur.

(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 village and will not disturb the victim and her mother, pending the appeal.

(iii) The petitioner shall stay at Chennai and report before the Inspector of Police, F4 Thousand Lights Police Station daily at 10.30 am.

(iv) 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.

06.04.2026

DSK



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To

- 1.The Inspector of Police,  
All Women Police Station,  
Rajapalayam,  
Virudhunagar District,
- 2.The Sessions Judge,  
Special Court for Exclusive Trial  
under POCSO Act,  
Virudhunagar district @ Srivilliputhur.
- 3.The Superintendent,  
Central Prison,  
Madurai.

Copy to

- 1.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
- 2.The Inspector of Police,  
F4 Thousand Lights Police Station,  
Chennai.



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**B.PUGALENDHI, J.,**

DSK

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