



Crl.M.P.(MD)No.15350 of 2025

in Crl.A.(MD)No.1140 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.04.2026**

CORAM

**THE HONOURABLE MR JUSTICE B.PUGALENDHI**

**Crl.M.P.(MD)No.15350 of 2025**

**in Crl.A.(MD)No.1140 of 2025**

David Sivagnanam

... Petitioner

versus

The State rep. by  
Inspector of Police,  
Natham Police Station,  
Dindigul.

... Respondent

Petition filed under Section 430 of BNSS 2023, to suspend the sentence imposed on the petitioner by the Special Court for Exclusive Trial of Cases (Under POCSO Act Case) Dindigul, dated 27.02.2024 made in Special SC No. 281 of 2023 and release the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.K.Muthu Ganesa Pandian

For Respondent : Mr.S.Prakash  
Government Advocate (Crl. Side)



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### **ORDER**

The petitioner is the sole accused in Special SC No.281 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul. He was tried for the offence under Section 10 of POCSO Act (19 counts) that he made sexual abuse on the girl students. After the trial, the trial Court, by its Judgment dated 27.02.2024, found the petitioner guilty for the offence under Section 10 of POCSO Act and convicted and sentenced him to undergo five years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment. Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.1140 of 2025 and the same was admitted by this Court on 25.10.2025. Along with the appeal, the petitioner has moved this petition seeking to suspend the sentence.

2. The learned counsel appearing for the petitioner submits that there are several irregularities and illegalities in lodging the complaint and there was a delay of 8 months in lodging the complaint and there was a delay of 10 days in the FIR reaching the Court. However, there was no proper explanation on the side of the prosecution. The entire prosecution is based on 19 written



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complaints from 19 victim students, however, none of the 19 complaints were marked during the trial. He further submits that P.W.1- Headmaster of the school is said to have given a complaint to P.W.2-Block Education Officer, who is said to have given a complaint to the respondent Police on 14.03.2022, but, the said Block Education Officer was not examined as a witness. Further, the complaint of P.W.1 was also not marked during the trial. He further submits that according to the prosecution, there were 57 students in 6<sup>th</sup> to 8<sup>th</sup> standard and the alleged incident had occurred after sending the boys out of the class to attend the garden work in the school premises, but, none of the boys was examined. Therefore, there are certain arguable points in favour of the petitioner. Since the petitioner is in jail from the date of conviction and he was also in jail for 10 months during the trial, he seeks to suspend the sentence imposed by the trial Court.

3. The learned Government Advocate (Crl. Side) submits that in this case, totally, there are 19 victim students, who were studying 6<sup>th</sup> to 8<sup>th</sup> standard at the time of occurrence. The petitioner, a Teacher, alleged to have made sexual abuse on 19 girl students. During the trial, the victim students have also been examined as P.W.3 to P.W.12 and in their evidence, they have clearly



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narrated the offence committed by the petitioner.

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

5. The petitioner, a Teacher, has made sexual abuse on the girls students aged about 12 to 14 years at the time of occurrence. Totally, 19 students have deposed as against the petitioner. Apart from that, the case has been strengthened by P.W.2, a Teacher working in that School.

6. Considering the nature of offence and also considering the manner in which the petitioner has abused the girl students, this Court is not inclined to entertain this petition. Accordingly, this Criminal Miscellaneous Petition is dismissed. Since the petitioner is in jail, the Registry is directed to prepare the typed set of papers and list the main appeal for final disposal under the caption “accused in jail cases”.

**08.04.2026**

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To

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1. The Inspector of Police,  
Natham Police Station,  
Dindigul.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

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