



Crl.M.P.(MD)No.8476 of 2025

in Crl.A.(MD)No.790 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.8476 of 2025

in Crl.A.(MD)No.790 of 2023

Arun @ Arunkumar

... Petitioner

versus

State of Tamilnadu through,
The Inspector of Police,
Natham Police Station,
Dindigul District.

... Respondent

Petition filed under Section 430(1) of BNSS 2023, seeking to suspend the sentence imposed against the petitioner in Spl.S.C.No.22 of 2023 dated 20.07.2023 passed by the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.G.Karuppasamy Pandian

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



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Crl.M.P.(MD)No.8476 of 2025

in Crl.A.(MD)No.790 of 2023

ORDER

The petitioner is the sole accused in Spl.S.C.No.22 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 450 IPC and Sections 5(j)(ii), 5(m), (n) r/w. 6 of POCSO Act that he had sexually abused the victim child who was aged about 11 years, due to which, she became pregnant and gave birth to a girl baby on 23.02.2019. After the trial, the trial Court, by its Judgment dated 20.07.2023, found the petitioner guilty for the offence under Section 450 IPC and Section 6 of POCSO Act and convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	450 IPC	3 years rigorous imprisonment	Rs.500/-	3 months simple imprisonment
2.	6 of POCSO Act	10 years rigorous imprisonment	Rs.2000/-	One year simple imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.790 of 2023 and the same was



Crl.M.P.(MD)No.8476 of 2025

in Crl.A.(MD)No.790 of 2023

admitted by this Court on 04.09.2023. Earlier, the petitioner had moved two petitions in Crl.M.P.(MD)Nos.12671 of 2023 and 2768 of 2025 seeking to suspend the sentence imposed by the trial Court and the same were dismissed as withdrawn, by order dated 24.04.2024 and 04.04.2025. Now, the petitioner moved this 3rd petition on the ground that he is in jail for the past 997 days.

2. The learned counsel appearing for the petitioner submits that the victim child has lodged a complaint after a period of eight months and the DNA samples have not been properly taken and sent to the Forensic Science Laboratory. He further submits that P.W.3, who is the child line staff admitted that she and the Inspector of Police had examined the victim child and made a report to her superior officer, but, the said report has not been recovered by the investigation agency, nor produced before the trial Court. He further submits that the victim child categorically admitted that she was tutored by the police before entering into the witness box as to how she has to depose evidence. On this sole ground, the evidence of the victim child loses its importance and its intrinsic worth. Therefore, the petitioner is having certain arguable points in this appeal. However, the appeal has not been taken up for final disposal till date. Since the petitioner is in jail for the past 997 days, he seeks to suspend the



Crl.M.P.(MD)No.8476 of 2025

in Crl.A.(MD)No.790 of 2023

sentence imposed by the trial Court.

3. The learned Government Advocate (Crl. Side) submits that at the time of occurrence, the victim child was aged about 11 years. The petitioner is the uncle of the victim's father. On the date of occurrence, when the victim child was alone in her house, the petitioner, by taking advantage of the loneliness of the victim child, had sexually abused her. The victim child, on being afraid of the accused and the offence, has not disclosed the same to her parents. However, she got pregnant and therefore, it was detected. The prosecution has conducted DNA test, which has proved that the petitioner is the biological father of the fetus. The victim child gave birth to a female child and now, both are in the home.

4. Considering the age of the victim child and the manner in which, the victim child, who was aged about 11 years at the time of occurrence, was sexually abused by the petitioner, this Court is not inclined to suspend the sentence imposed by the trial Court.



Crl.M.P.(MD)No.8476 of 2025

in Crl.A.(MD)No.790 of 2023

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5. Accordingly, this Criminal Miscellaneous Petition is dismissed. Since the typed set of papers is made ready, the Registry is directed to list the main appeal for final disposal under the caption “accused in jail cases”.

24.03.2026

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To

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



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Crl.M.P.(MD)No.8476 of 2025

in Crl.A.(MD)No.790 of 2023

B.PUGALENDHI, J.

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Crl.M.P.(MD)No.8476 of 2025

in Crl.A.(MD)No.790 of 2023

24.03.2026