



CRL MP(MD). No.10077/2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.02..2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.10077/2025

in

CRL A(MD)No.817/2025

Solaimurugan

... Petitioner

Vs

State of Tamilnadu Rep by
The Inspector of Police,
Sattur Taluk Police Station
Virudhunagar District.
[Cr.No.96/2023]

... Respondent

PRAYER :- Petition filed under Ssection 430[1] BNSS, to grant an order of suspension of sentence imposed in the conviction judgment passed in Spl.SC.No.113/2023 dated 15.07.2025 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Virudhunagar District, at Srivilliputhur, and enlarge the petitioner/appellant on bail, pending disposal of the criminal appeal.

For Petitioner : Mr.R.Yashwanth

For R1 : Mr.B.Nambi Selvan, APP



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence imposed on him by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Virudhunagar District at Srivilliputhur, in SC.No.113/2023 dated 15.07.2025, and to enlarge him on bail pending the disposal of the appeal.

2. The case of the prosecution in brief, is that two years prior to the occurrence, the victim girl aged about 17 years, fell in love with the petitioner and on 22.05.2023, at 11.00 a.m., she left the house and went along with the petitioner to Odaipatti Pillaiyar Kovil, and got married with the petitioner. The petitioner and the victim girl took a house on rent and started their marital life. The petitioner, pursuant to the said marriage, had sexual intercourse with the victim girl at various times. Under the circumstances, the father of the victim girl lodged a complaint before the respondent police and a case in Crime No.96/2023 came to be registered for the offences u/s.9 of Prohibition of Child Marriage Act,



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2006 and u/s.5[1] r/w 6 of POCSO Act, 2012. The case was taken up on file by the Trial Court in Spl.SC.No.113/2023.

3.Before the Trial Court, on the side of the prosecution, 13 witnesses were examined as P.W.1 to P.W.13 and 15 documents were marked as Ex.P.1 to Ex.P.15. On the side of the accused, neither any witness was examined nor document was marked.

4. The Trial Court, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment dated 24.12.2025, convicting the petitioner as follows:

S.No.	Offence	Sentence
1	Section 9 of Prohibition of Child Marriage Act	1 year R.I. and to pay a fine of Rs.1,000/-, in default to undergo 1 month S.I
2	Section 5[1] read with 6 of POCSO Act	20 years R.I. and to pay a fine of Rs.1,000/-, in default to undergo 1 month S.I



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5.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.

6.The learned counsel appearing for the petitioner submitted that it was a case of romantic affair of the petitioner and the victim girl, which is the evidence of PW9 and PW13. The learned counsel submitted that the Trial Court, overlooked the evidence of PW13, that the victim girl refused to go along with her parents after securance and so, she was directed to be kept in a Home. The learned counsel further states that the statement of the victim girl was recorded by PW9 while she was kept in the Home. The learned counsel therefore submitted that the petitioner has a fair chance of success in the appeal and hence, prayed that the petition be allowed.

7.The learned Additional Public Prosecutor appearing for the State submitted that the Trial Court appreciated the evidence in proper perspective and the issues raised by the petitioner in the present petition,



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can be decided at the time of final disposal of the appeal and hence, submitted that the petition lacks merit and deserves to be dismissed.

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

9.Even according to the prosecution case, the victim girl had a romantic affair with the petitioner, two years prior to the occurrence. On 22.05.2023, she left her parental home and went with the petitioner to Odaipattai Pillaiyar Koil, got married and settled down at Chennai. It was on the complaint filed by the father of the victim girl, that the girl was secured. It appears that on being secured, the girl refused to go along with her parents and therefore, she was housed in a Home. It was only from the Home that her statement was recorded by PW9. This Court is of the view that the petitioner has made out a *prima facie* case and that there are arguable points in favour of the petitioner, which may result in his acquittal.



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10. 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:

(i) The petitioner shall pay the fine amount of Rs.2,000/- [Rupees Two Thousand only] within a period of two weeks from today ;

(ii) Upon payment of the fine amount and filing of the receipt, the petitioner shall be enlarged on bail on condition that she shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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, Virudhunagar District, at Srivilliputhur ;

(iii) 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 ;

(iv) The petitioner shall appear before the trial Court ***on every alternate Mondays of the English Calendar month*** at 10.30 a.m., pending disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application



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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.

11.It is made clear that the observations made by this Court in this order, are only for the purpose of granting the relief of suspension of sentence to the petitioner and this order, shall have no bearing at the time of final disposal of the appeal.

04.02.2026

AP
Internet : Yes

TO

1.The Inspector of Police,
Sattur Taluk Police Station
Virudhunagar District.

2.The Sessions Judge, Special Court for Exclusive Trial of Cases under
POCSO Act, Virudhunagar District, at Srivilliputhur.

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



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N.MALA,J

AP

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