



Crl.MP(MD) No.13896 of 2023 in
Crl.A(MD) No.892 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.13896 of 2023

in

Crl.A(MD) No.892 of 2023

A.Senthil Kumar

... Petitioner

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Pudukkottai,
Pudukkottai District.
Crime No.7 of 2022

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner in Spl.SC No.43 of 2022, dated 06.01.2023, on the file of the District Mahila Court, Pudukkottai and enlarge him on bail.

For Petitioner : Mr.M.Sheik Abdullah
For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)



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ORDER

The petitioner is the sole accused in Spl.SC No.43 of 2022 before the District Mahila Court, Pudukkottai. He was tried for the offence under Sections 5(m), 6(1) of POCSO Amendment Act, 2019 that this petitioner has misbehaved with the victim child, aged about 4 years and he was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	6(1) of POCSO Amendment Act, 2019	20 years Rigorous imprisonment	Rs.1,50,000/-	One year Rigorous imprisonment

As against the conviction and sentence imposed by the trial Court in Spl.SC.No.43 of 2022, dated 06.01.2023, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.892 of 2023 and the same was admitted by this Court, by order, dated 29.09.2023. Along with the appeal, the petitioner has moved this application, seeking suspension of sentence.



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2.The learned counsel appearing for the petitioner submits that the trial Court has convicted the petitioner based on the evidence of the child. The child can be swayed and therefore, more weightage cannot be given to the evidence of the child. Moreover, the mother is also an interested person and therefore the judgment of the trial Court, based on the evidence of the victim child and her mother cannot be taken into account. According to the learned counsel, he is having a good case in the appeal and the petitioner is also in jail for more than three years. Therefore, the petitioner may be considered for grant of suspension of sentence.

3.The learned Government Advocate (Crl.side) appearing for the respondent has opposed for grant of suspension of sentence that the victim child is about 4 years and the petitioner is 46 years old at the time of occurrence. On 14.03.2022, when the child was playing, the petitioner has taken her inside the house and has inserted his finger in her private part. The victim child cried and therefore the mother



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rushed into the house and found that this petitioner has misbehaved with her daughter. Immediately a complaint has been lodged and the child was also subjected for medical examination. The doctor has found that there was a mild abrasion 1x1 cm near her labia majora. Therefore, according to the learned Government Advocate, a clear case has been made out as against this petitioner and the case has also been supported by the evidence of PW 1 and PW 2.

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

5.As pointed out by the learned Government Advocate (Crl.side), the victim child was taken to the hospital on 15.03.2022, immediately after the incident and the doctor, who examined the victim child has recorded in the Accident Register that the accused has inserted his finger to vagina of the victim girl, while she was playing on 14.03.2022. The child cried, shouted and therefore, her mother



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rushed into the house and found that this petitioner has abused the child. The doctor has also recorded that there was a mild abrasion 1x1 cm near her labia majora. Therefore, a complaint was lodged. The child has also clearly stated in her statement recorded under Section 164 of Cr.P.C., the manner, in which, she was abused by the petitioner, which also strengthened the case of the prosecution. Therefore, this is not a fit case for suspending the sentence imposed on this petitioner. It is also reported that the typed set of papers is made ready.

6.In view of the above, this Criminal Miscellaneous Petition is dismissed. Registry is directed to list the Criminal appeal under the caption "accused in jail cases".

24.03.2026

Index : Yes/No
vrn



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To

- 1.The Inspector of Police,
All Women Police Station,
Pudukkottai,
Pudukkottai District.
- 2.The Superintendent,
Central Prison,
Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.,

vrn

Order made in
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in
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