



Crl.MP(MD) No.12972 of 2025 in
Crl.A(MD) No.987 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.12972 of 2025

in

Crl.A(MD) No.987 of 2025

Mani

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station
Kanyakumari District.
(In Crime No.11 of 2017)

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023, to suspend the sentence imposed against the petitioner in Spl.S.C.No.17 of 2019, dated 30.05.2025, on the file of the Sessions Judge, Special Court for POCSO Act Cases, Kanyakumari, and enlarge him on bail.

For Petitioner : Mr.B.Janarth Kumar

For Respondent : Mr.A.S.Abdul Kalaam Azad
Government Advocate (Crl.side)



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ORDER

The petitioner is an accused and he was tried in Spl.S.C.No. 17 of 2019, for the offence under Section 5(I), 5(j)(ii) r/w 6 of the POCSO Act, 2012, by the learned Sessions Judge, Special Court for POCSO Act Cases, Kanyakumari, where he was found guilty, convicted and sentenced by judgment dated 30.05.2025 as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	5(I), 5(j) (ii) r/w 6 of POCSO Act	Twenty years Rigorous imprisonment	Rs.1,000/-	Six months Simple imprisonment

As against the conviction and sentence imposed by the trial Court in Spl.S.C.No.17 of 2019, dated 30.05.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.987 of 2025 and the same is admitted by this Court on 27.10.2025. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.



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2.The case of the prosecution is that the petitioner is the friend/co-worker of the mother of the victim and the petitioner has illegal intimacy with her. Taking advantage of the same, the petitioner has abused the victim girl/P.W.1, due to which the victim girl, who was aged about 16 years, got pregnant and that was noticed by her mother and the pregnancy was confirmed on medical examination and a complaint was lodged as against the petitioner accused.

3.The learned counsel appearing for the petitioner submits that there is a delay in reporting the incident, the mother of the victim was not examined during trial and though the prosecution has projected the case that this petitioner has impregnated the victim girl, the prosecution has failed to conduct DNA test. Therefore, he is having a good case in the appeal. According to him, the petitioner is in jail from 30.05.2025. Hence, he prays to consider for suspension of sentence.



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4.The learned Government Advocate (Crl.side) appearing for the respondent submits that the petitioner who was working as Scavanger had illegal intimacy with the mother of the victim and taking advantage of the same, he has exploited the victim girl and made her pregnant. It is further submitted that DNA test could not be conducted since the child was given for adoption to a stanger and during the trial, the mother of the victim died and therefore, she was not examined.

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

6. Considering the above facts and circumstances of the case and the nature of the offence committed by the petitioner and also the sentence imposed by the Trial Court, this Court is not inclined to suspend the sentence imposed on the petitioner. Hence, this Criminal Miscellaneous Petition is dismissed.



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7. Registry is directed to list the appeal for final disposal in the second week of April, 2026 under the caption 'accused in jail cases'.

17.03.2026

Index : Yes/No

Internet : Yes/No

apd

To

1.The Sessions Judge,
Special Court for POCSO Act Cases, Kanyakumari.

2.The Inspector of Police,
All Women Police Station
Kanyakumari District.



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B.PUGALENDHI, J.,

apd

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