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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.01.2026

CORAM

**THE HONOURABLE MRS. JUSTICE N.MALA**

**CRL MP(MD). No.12747/2025**
**in**
**CRL A(MD)No.980/2025**

A.Abdul Samad ... Petitioner

Vs

State of Tamilnadu Rep by
The Inspector of Police,
Karur All Women Police Station
Karur District.
[Crime No.14/2021] ... Respondent

PRAYER :- Criminal Miscellaneous Petition filed under section 430[1] of BNSS to suspend the sentence imposed against the petitioner/sole accused in Spl.SC.No.68/2022 dated 16.04.2025 passed by the learned Additional Sessions Judge, Karur and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.P.Vetrivel

For Respondent : Mr.M.Karunanithi, GA [Crl.Side]



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**ORDER**

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Additional Sessions Judge, Karur, in Spl.SC.No.68/2022 dated 16.04.2025, and enlarge the petitioner on bail pending the disposal of the appeal.

2. The case of the prosecution is that the petitioner/sole accused, aged 60 years at the time of occurrence, was the neighbour of the victim girl, who was studying 12th standard at the relevant time. The petitioner befriended the victim girl's family. During 2021, the petitioner brought the victim girl to his house, gave sedative drink and thereafter, committed sexual assault on her. The petitioner also took videograph of the same and threatened the victim with dire consequences and committed the offence of sexual assault repeatedly until 14.07.2021. Due to the heinous act of the petitioner, the victim girl became pregnant. Hence, the complaint.

3. Before the Trial Court, on the side of the prosecution, 16 witnesses were examined as P.W.1 to P.W.16 and 23 documents were



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marked as Ex.P.1 to Ex.P.23. Neither any witness was examined nor any document was marked on the side of the petitioner.

4. The learned Additional Sessions Judge, Karur, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment dated 16.04.2025, convicting the petitioner as follows:

| S.No. | Offence | Sentence |
|---|---|---|
| 1 | Section 6 of POCSO Act | 20 years R.I. |
| 2 | Section 12 of POCSO Act | 3 years R.I. |

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 would submit that there are several incongruities in the prosecution case and further there are contradictions in material particulars in the evidences of the prosecution witnesses and hence, prayed for suspension of sentence.



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7. The learned Additional Public Prosecutor appearing for the State would submit that there are enough materials available on record against the petitioner. The learned Additional Public Prosecutor submitted that due to the act of the petitioner, the victim girl is facing embryonic degeneration and the DNA test also revealed that the petitioner is the biological father of the child and hence, he vehemently opposed the grant of suspension of sentence.

8.This Court after carefully considering the rival contentions put forward by either side and also perusing the materials available on record, finds that *prima facie* case is not made out for grant of suspension of sentence.

9.Hence, the criminal miscellaneous petition is **dismissed.**

10.Post the main Criminal Appeal for final disposal on ***13.02.2026.***

**09.01.2026**



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TO

1.The Inspector of Police,
Karur All Women Police Station
Karur District.

2.The Additional Sessions Judge
Karur.

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



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**N.MALA,J**

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