



CRL MP(MD). No.12474/2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27.01.2026

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THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.12474/2025

in

CRL A(MD)No.798/2024

M.Ajith Kumar

... Petitioner

Vs

State of Tamilnadu Rep by
The Inspector of Police,
Devakkottai All Women Police Station
Devakkottai, Sivagangai District.
Crime No.10/2018.

... Respondent

PRAYER :- To suspend the sentence passed by the Hon'ble Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Sivagangai, in Spl.SC.No.31/20190 dated 12.07.2024 and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.Ak.Azgar Sami

For Respondent : Mr.B.Nambi Selvan, APP

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Sessions Judge, Principal Special Court



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for Exclusive Trial of Cases under POCSO Act, Sivagangai, in Spl.SC.No.31/2019 dated 12.07.2024, and enlarge the petitioner on bail pending disposal of the appeal.

2.It is seen that the petitioner had filed an application in Crl.MP. (MD).No.10351/2024, seeking suspension of sentence. This Court, by order dated 22.10.2024, dismissed the said application stating that *prima facie* evidence was available against the accused and that, whether the evidence of the victim girl was reliable or not, was a matter to be considered in the main appeal.

3.The petitioner has now filed the second application for the same relief. It is seen that there is no new development or change in circumstances for this second application for suspension of sentence.

4.The Hon'ble Supreme Court, in the case of ***State of Maharashtra Vs. Buddhikota Subha Rao*** reported in ***AIR 1989 SC 2292***, laid down the criteria for considering subsequent bail application, which in my view, also applies to subsequent applications for suspension



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of sentence. The Apex Court laid down as follows:-

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"10....Once that application is rejected, there is no question of granting a similar prayer. That is virtually overruling the earlier decision without there being a change in the fact-situation. And, when we speak of earlier decision and not merely cosmetic changes which are of little or no consequence."

5.On the facts of this case, this Court finds no substantive change in circumstances, justifying the entertainment of this application. This Court is of the view that entertaining the present application, without a change in the circumstance, will amount to reviewing the earlier order, which is not permissible.

6.Hence, this Criminal Miscellaneous Petition is **dismissed**.

27.01.2026

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TO
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- 1.The The Inspector of Police,
Devakkottai All Women Police Station
Devakkottai, Sivagangai District.
- 2.The Sessions Judge
Principal Sepcial Court for Exclusive Trial of Cases
under POCSO Act, Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

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