



Crl.MP(MD)No.14224 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED :25.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD)No.14224 of 2025

in

Crl.A(MD)No.1093 of 2025

J.Christober

... Petitioner

Vs.

State of Tamil Nadu rep by
the Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
[Crime No.225 of 2019]

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed against the petitioner in SplSC.No.46 of 2020 dated 19.09.2025 passed by the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.Karuppasamy Pandian.G

For Respondent : Mr.S.Prakash,
Government Advocate



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ORDER

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The petitioner is sole accused in SplSC.No.46 of 2020 on the file of the Special Court for POCSO Act Cases, Tirunelveli. He was tried, convicted and sentenced to undergo five years of rigorous imprisonment with a fine of Rs.5,000/- and in default to pay the fine, to undergo one year rigorous imprisonment for the offence under Section 10 r/w 9(m) of the POCSO Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrlA(MD)No.1093 of 2025 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 04.11.2025.

2.The learned counsel appearing for the petitioner submits that the entire case is based on the CCTV footage. Though PW1 / mother of the victim in her chief examination stated that the victim girl has identified the accused through face book, in cross examination she admitted that police only informed the accused after verifying the CCTV footage. However, this CCTV footage has not been produced. PW3/ victim's father categorically stated that the victim has identified the accused through face book.



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3.He further submits that the complaint was lodged only on 19.07.2019 after 10 days delay. The trial court has failed to consider the non-compliance of Indian Evidence Act with regard to the examination of child witness. The trial court did not pose any preliminary questions to the victim girl before she was examined. The accused is unknown to the victim. However no identification parade is conducted. Therefore, the complicity of the petitioner in the offence is not proved. The non-production of CCTV footage and the face book material creates serious doubt on the prosecution case. He also submits that the petitioner is in jail from 19.09.2025.

4.The learned Government Advocate opposed this application that the prosecution has established its case through the victim girl, teacher and secretary of the parents teachers association that the accused has abused the victim child aged about 11 years.

5.This court has considered the rival submissions made.

6.The petitioner is said to have been identified through a CCTV footage and how this petitioner has been fixed as accused is doubtful.



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The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner and that the appeal could not be taken up immediately and the petitioner's period of incarceration, this Court is inclined to allow this petition.

7. Accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal on the following conditions:

(i)The petitioner is ordered to be enlarged on bail on executing a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli

(ii)The petitioner shall file an affidavit before the respondent police that he will not misuse this liberty and will not indulge in any further offence.

(iii)The petitioner shall report before the Inspector of Police, Uppiliyapuram Police Station, Trichy District daily at 10.30 am.



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(iv) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

25.03.2026

DSK

To

- 1.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
- 2.The Sessions Judge,
Special Court for POCSO Act Cases,
Tirunelveli.
- 3.The Superintendent,
Central Prison,
Palayamkottai.

Copy to

- 1.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 2.The Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.



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B.PUGALENDHI, J.,

DSK

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