



Crl.M.P.(MD)No.14439 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

Crl.M.P(MD)No.14439 of 2025
in Crl.A(MD)No.1100 of 2025

T.Ramasamy

: Petitioner/Appellant

Vs.

State Rep. by
The Inspector of Police,
All Women Police Station,
Vallioor
Crime No.09 of 2022.

: Respondent /Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to enlarge the petitioner on bail by suspending the sentence imposed on him in respect of Spl.C.C.No.71 of 2022 on the file of the Sessions Judge, Special Court, for POCSO Act cases, Tirunelveli, dated 17.09.2025 pending disposal of the above appeal.

For Petitioner
For Respondent

: Mr.H.Elango
: Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

This petition is filed to suspend the sentence passed by the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, on



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17.09.2025 in Spl.C.C.No.17 of 2022 convicting and sentencing the petitioner for the offence under Section 9(m) r/w 10 of POCSO Act for five years rigorous imprisonment with a fine of Rs.5,000/- in default to undergo imprisonment for one year. The trial court awarded a compensation of Rs.1 lakh to the victim girl to be paid by the Government.

2. The case of the prosecution in brief is that on 16.05.2022 at 1.30 p.m, the appellant, taking advantage of the victim girl's solitary presence, entered into the house of the victim and under the pretext of delivering the flowers committed aggravated penetrative sexual assault on the victim girl, aged about 12 years, by touching her breast and abdomen. The mother of the victim girl, P.W.1, lodged a complaint before the Valliyoor All Women Police Station, and thereafter a case was registered for the offences under Section 9(m) r/w 10 of POCSO Act.

3. The prosecution, in support of its case, examined 17 witnesses as P.W.1 to P.W.17 and marked 22 documents as Ex.P.1 to Ex.P.22 and no material objects were marked. On the side of the defense, neither any witness was examined nor any exhibit was marked.



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4. After a full-fledged trial, the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, convicted and sentenced the petitioner as above.

5. Aggrieved by the conviction and sentence, the petitioner has filed the above appeal along with the petition for suspension of sentence.

6. The learned counsel for the petitioner, relying on the FIR dated 06.06.2022, submitted that as per the FIR, the statement of the accused was recorded in Government Hospital, Koodankulam on 16.05.2022 at 12.30 hours. The learned counsel therefore submitted that the case of the prosecution that the occurrence took place on 16.05.2022 at 1.30 p.m, was a concocted version. The learned counsel submitted that the petitioner was falsely implicated in the case and therefore, prayed for suspension of sentence.

7. The learned Additional Public Prosecutor, submitted that FIR dated 06.06.2022 in Crime No.240 of 2022, was not filed before the trial court and based on the said document, this Court should not grant suspension of



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sentence since the document was neither marked nor proved and further the prosecution had no opportunity to dispute the document.

8. Heard both sides and perused the materials available on record.

9.As rightly contended by the learned Additional Public Prosecutor the referred document was neither produced before the court nor did the prosecution have an opportunity to dispute it. Therefore, at this stage, this Court cannot place any reliance on the said document. The other grounds raised by the learned counsel for the petitioner relate to the merits of the case and are best left for consideration at the time of final disposal of the appeal. This Court finds no apparent or palpable error in the judgment of the trial Court. Therefore, this Court finds no compelling reasons for granting suspension of sentence. Hence, this petition is dismissed.

24.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To,

1.The Inspector of Police,
All Women Police Station,
Vallioor
Crime No.09 of 2022.

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



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N.MALA, J.

CM

Order made in

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in
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