



CRL MP(MD). No.16554 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.16554 of 2025

in

CRL A(MD)No.1187 of 2025

Rajendran

... Petitioner

Vs

State of Tamilnadu Rep by
Inspector of Police,
Kallal Police Station,
Sivagangai.
Crime No. 82 of 2018.

... Respondent

PRAYER:- To Suspend the sentence imposed on the petitioner/Appellant/Sole Accused in Spl.S.C.No.72 of 2018 dated 06.12.2024 on the file of the Learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Sivagangai and enlarge him on bail pending disposal of the appeal.

For Petitioner : Mr.R.Murugan

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor



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ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Sivagangai in S.C.No.72 of 2018 dated 06.12.2024 and enlarge him on bail pending disposal of the appeal.

2. The case of the prosecution is that on 20.05.2018, during the summer vacation, the victim child was playing along with others when she was called by the petitioner, who was residing opposite to the victim child's house. The petitioner sexually assaulted the victim in his residence and so, the mother of the victim child lodged a complaint against the petitioner. The charge sheet was laid for the offences under Section 5(m) r/w Section 6 of POCSO Act, 2012 and Section 376(AB) of IPC, against the petitioner and the case was taken on file in S.C.No.72 of 2018.



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3. The Trial Court after full fledged trial convicted the petitioner for offence under Section 5(m) r/w Section 6 of POCSO Act, 2012, and sentenced him to undergo 10 years Rigorous imprisonment along with fine of Rs.10,000/-, in default to undergo 6 years Simple Imprisonment.

4. Aggrieved by the judgment of the Trial Court convicting and sentencing the petitioner as above, the petitioner has preferred the criminal appeal along with the petition for suspension of sentence.

5. The learned counsel for the petitioner referring to the victim child's evidence and her statement made during cross examination submitted that her statements falsified the prosecution's case. The learned counsel submitted that the circumstances spoken to by the victim established that the offence could not have been committed. The learned counsel therefore submitted that this was a fit case for suspension of sentence imposed on the petitioner, pending appeal.

6. Heard both sides. Perused the records.



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7. P.W.3 is a child ocular witness, he was playing with the victim girl when she was called by the petitioner. P.W.3 clearly stated in his evidence that he saw the petitioner committing sexual assault on the victim child and that he complained the same to her mother. This Court finds absolutely no reason to disbelieve the evidence of P.W.3, who is a child eyewitness. The other contentions raised by the learned counsel for the petitioner can be considered only at the time of final disposal of the appeal.

8. Accordingly, this Court finds no error apparent in the judgment of the Trial Court for suspending the sentence. Hence, this Criminal Miscellaneous Petition is dismissed. It is made clear that the observations made herein are only for the purpose of deciding this application and the same shall not affect either party at the time of final disposal of the appeal.

12.02.2026

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TO

- 1.The Inspector of Police,
Kallal Police Station,
Sivagangai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

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ORDER
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