



CRL MP(MD). No.1422 of 2026
in CrL.A(MD) No.109 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.1422 of 2026
in
CRL A(MD)No.109 of 2026

Karuppaiah

... Petitioner/Appellant

Vs

The State rep by
The Inspector of Police,
All Women Police Station,
Aranthangi, Pudukkottai District.
(Crime No.9 of 2018)

... Respondent

PRAYER :- To suspend the sentence imposed on the petitioner/appellant in Spl.S.C.No.4 of 2019, on the file of the learned Sessions Judge, Mahila Court, Pudukkottai, dated 05.10.2020 and enlarge him on bail pending disposal of the instant Criminal Appeal.

For Petitioner : Mr.S.Nirmal Aditya

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 on the petitioner/appellant in Spl.S.C.No.4 of 2019, on the file of the learned Sessions Judge, Mahila Court, Pudukkottai, dated 05.10.2020 and enlarge him on bail pending disposal of the instant Criminal Appeal.

2.The case of the prosecution in brief is that, P.W.1 defacto complainant is the father of P.W.2 / victim, who is a person with intellectual disability, aged about 16 years. P.W.2 is residing along with her family in Kooganur Kudiyruppu, within the limits of Nagudi Police Station, and the accused is also residing in the same village. The victim P.W.2, being a child with intellectual disability, registered in the Department for the Welfare of the Differently Abled, in Pudukkottai District with I.D.No.15915 and is receiving Rs.1500/- p.m. from the Government. On 08.12.2018, when the victim child was grazing goats in the agricultural field in Kooganur kudiyruppu, around 12.00 noon, the accused/petitioner with the culpable intention of committing sexual



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harassment, committed an obscene act, called the victim girl to have sex, but she ran away. On 09.12.2018, when the victim was alone in her house, the accused went to her house and committed aggravated penetrative sexual assault. Again, on 10.12.2018, when the victim child was grazing goat in the field of one Chinnaiah, at around 10.00 a.m., the accused once again committed penetrative sexual assault on the victim child. Thereafter, the father of the victim namely P.W.1 lodged a complaint against the petitioner for the offence under Sections 5(k), 5(l), 6 of POCSO Act, 2012. After completion of enquiry and filing of charge sheet, the case was taken on file in Spl.S.C.No.4 of 2019 by the learned Mahila Judge, Pudukkottai.

3.Before the trial Court, on the side of the prosecution, 11 witnesses were examined as P.W.1 to P.W.11 and 11 documents were marked as Ex.P.1 to Ex.P.11. One material object was marked as M.O.1.

4.The learned Mahila Judge, Pudukkottai, upon considering the evidence both oral and documentary and on hearing the arguments on



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both the sides, passed the impugned judgment, dated 05.10.2020, convicting and sentencing the petitioner as follows:

S.No.	Offence	Sentence
1	Section 5(l) r/w. 6 of POCSO Act	Ten years R.I and to pay a fine of Rs.5,000/-, in default, to undergo one month S.I.
2	Section 5(k) r/w. 6 of POCSO Act	Ten years R.I. and to pay a fine of Rs.5,000/-, in default, to undergo one month S.I.

Further, it was ordered that the sentences of imprisonment would run concurrently.

5. 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.

6. The learned counsel for the petitioner primarily contented that there is no clarity on the age of the victim girl and the documents produced in support of her age viz. Ex.P.2 and Ex.P.11 were erroneously relied on by the trial Court. He further submitted that the Headmistress, P.W.2 namely, Shanthi, clearly admitted that she did not issue the



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Transfer Certificate to the victim and that she was not aware of the date of birth of the victim, since the P.W.1 did not submit the birth certificate of the victim child at the time of her admission. The learned counsel for the petitioner further submitted that the trial Court also relied upon Ex.P.11, the radiological report, without adhering to the settled principles governing the admissibility and proof of such medical documents. The learned counsel for the petitioner referred to the various inconsistencies and contradictions in the prosecution witnesses, testimony and submitted that the prosecution failed to establish the offence committed by the petitioner beyond reasonable doubt. The learned counsel concluded by submitting that the petitioner had already undergone 7 years of imprisonment, which was about 70% of the sentence period imposed on him and therefore, the petitioner was entitled to be enlarged on bail by suspending the sentence.

7. The respondent filed a detailed counter narrating the entire facts leading upto the conviction and sentence of the petitioner. The respondent contended that the judgment of the Trial Court did not warrant interference, since the Trial Court after careful consideration and



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elaborate discussion of the materials place on record had given clear and cogent findings for its determination that the accused committed the offences and that the prosecution had proved its case beyond doubt. The respondent also contended that the petitioner had committed a grave offence and therefore in the absence of any palpable error in the trial Court judgment, the petitioner was not entitled for the relief of suspension of sentence. The respondent contented that this Court might not conduct a mini trial at this stage. The respondent, in support of its contentions that the sole testimony of the victim child was sufficient for conviction, relied on the judgments in ***State of Punjab Vs. Gurmit Singh reported in (1996) 2 SCC 384, State of H.P. Vs. Raghubir Singh reported in (1993) 2 SCC 622 and further, judgement of the Supreme Court in Phool Singh Vs. State of M.P. reported in (2022) 2 SCC 74.***

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

9. It is seen that the trial Court relying upon Ex.P.2 and Ex.P.11 and the evidence of P.W.11, found that the victim was a minor at the time of occurrence. Since the trial Court had determined the age of the victim



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on the basis of the above documents, this Court is of the view that an enquiry into reliability and the credibility of those documents need not be gone into at this stage. The other contention raised by the learned counsel for the petitioner regarding the contradictions in the evidence of prosecution witnesses is concerned, this Court is of the view that the said contentions can be considered only at the time of final disposal of the appeal, since at this stage, this Court cannot conduct a mini trial. Further, in the statement of the victim girl recorded with aid of special instructor under Section 164 of Cr.P.C., she has clearly identified the accused and depicted the nature of the offence committed by him. Hence, this Court does not find any apparent or palpable error in the trial Court judgment. The submission of the learned counsel for the petitioner that since the petitioner has already undergone 7 years imprisonment, which is 70% of the sentence period, the sentence should be suspended, is unacceptable, since this Court is of the view that the petitioner has committed a very heinous and grave nature of crime and that too on a intellectually disabled child.

10. Considering the nature and the manner, in which the crime has



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been committed, this Court is not inclined to exercise its discretion for suspending the sentence imposed upon the petitioner. Hence, this Court finds no merits in the petition.

11. Accordingly, this Criminal Miscellaneous Petition is dismissed.

20.02.2026

Indu

To

- 1.The Inspector of Police,
All Women Police Station,
Aranthangi, Pudukkottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

Indu

ORDER MADE IN

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