



Crl.MP(MD) No.17491 of 2025 in
Crl.A(MD) No.1233 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.17491 of 2025

in

Crl.A(MD) No.1233 of 2025

Pandi

... Petitioner

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
Crime No.50/2020

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 to suspend the sentence imposed on the petitioner in SC.No.34 of 2023, dated 31.07.2025 on the file of the Special Court for exclusive trial of cases under POCSO Act, Dindigul and enlarge him on bail.

For Petitioner : Mr.R.Venkatesan
For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)



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Crl.MP(MD) No.17491 of 2025 in
Crl.A(MD) No.1233 of 2025

ORDER

The petitioner is the sole accused in SC.No.34 of 2023, on the file of the Special Court for exclusive trial of cases under POCSO Act, Dindigul. He was tried for the offence under Section 9(m) r/w 10 of POCSO Act that he has sexually abused the victim child, aged about 12 years. The trial Court has found the petitioner guilty, convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	Section 10 of POCSO Act	5 years Rigorous imprisonment	Rs.5,000/-	Six months simple imprisonment

As against the conviction and sentence imposed by the trial Court in SC.No.34 of 2023, dated 31.07.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.1233 of 2025 and the same was admitted by this Court, by order, dated 19.11.2025. Along with the appeal, the petitioner has also moved this petition seeking suspension



Crl.MP(MD) No.17491 of 2025 in
Crl.A(MD) No.1233 of 2025

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of sentence. Though the petitioner has filed this petition on 17.11.2025, he has not prosecuted the same for the past 1 ½ years. When this application was listed for hearing on 19.11.2025, there was a request and it has been adjourned to 09.12.2025 and again to 03.03.2026 and 04.03.2026. When this application is taken up for hearing today, the learned counsel appearing for the petitioner seeks further time that he has not fully prepared. However, considering the objections raised by the learned Government Advocate (Crl.side) that the Officer was made to wait for providing instructions for the last three hearings, this Court is not inclined to grant further time to the petitioner's counsel.

2.The main ground taken by this petitioner is that he is a disabled person with 55% of disability and the victim has not suffered any injury. This petitioner is in jail from 31.07.2025.



Crl.MP(MD) No.17491 of 2025 in
Crl.A(MD) No.1233 of 2025

WEB COPY

3.The learned Government Advocate (Crl.side) appearing for the respondent submits that the victim child was aged about 12 years at the time of occurrence and she was residing opposite to the house of the petitioner. The petitioner is a married man, having a child with the same age of the victim girl. Moreover, the victim girl is a friend of his daughter. On 19.03.2025 the victim girl went to the petitioner's house to play with her friend/the petitioner's daughter. Taking advantage of the same, the petitioner took the victim child to the toilet and made the victim child to sit on his lap and touched her private part. Annoyed over the conduct of this petitioner, this victim child cried and has also left the house by raising alarm and the same was witnessed by PW1/ the mother of the victim child and the neighbour /PW 4. Based on the complaint of the parents of the victim child, a case was registered as against this petitioner. The victim child has narrated the manner, in which, this petitioner has abused her and the manner, in which, she has left the house, which was also witnessed by the mother of the victim



Crl.MP(MD) No.17491 of 2025 in
Crl.A(MD) No.1233 of 2025

child as well as the neighbour/PW 4. The victim child was also examined by the doctor/ PW 9.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The victim child is aged about 12 years and also a friend of the petitioner's daughter. She has been sexually abused by the petitioner, when she came to his house to play with his daughter. The victim child has narrated the incident in a cogent manner in the statement recorded under Section 164 of Cr.P.C., and the same was witnessed by the mother of the victim girl and the neighbour/PW 4. Since the nature of abuse is that the petitioner has made the victim child to sit in his lap and touched the private part, there was no injury on the victim child. However, the victim child was examined by the doctor/ PW 9. The case of the prosecution has been established by adducing proper evidence. Considering the nature of allegations as



Crl.MP(MD) No.17491 of 2025 in
Crl.A(MD) No.1233 of 2025

against this petitioner, this Court is not inclined to entertain this application.

6. Accordingly, this Criminal Miscellaneous Petition is dismissed. Since this Court denied bail to this petitioner, the Registry is directed to prepare the typed set of papers and list the Criminal Appeal for final hearing.

27.03.2026

Index : Yes/No
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To

1. The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
2. The Superintendent,
Central Prison,
Madurai.



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Crl.MP(MD) No.17491 of 2025 in
Crl.A(MD) No.1233 of 2025

B.PUGALENDHI, J.,

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Order made in
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