



Crl.MP(MD) No.16752 of 2025 in
Crl.A(MD) No.1200 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.16752 of 2025

in

Crl.A(MD) No.1200 of 2025

Mathi

... Petitioner

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thirumayam AWPS,
Thirumayam Taluk,
Pudukkottai District.
Crime No.4 of 2023

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 to suspend the sentence imposed on the petitioner in Spl.SC.No.27 of 2023, dated 25.09.2025 on the file of the Mahila Court, Pudukkottai and enlarge him on bail.

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



WEB COPY



Crl.MP(MD) No.16752 of 2025 in
Crl.A(MD) No.1200 of 2025

ORDER

The petitioner is the sole accused in Spl.SC.No.27 of 2023 on the file of the Mahila Court, Pudukkottai. He was tried for the offence under Section 506(i) IPC & Sections 5(1), 5(m) r/w 6(1) of POCSO Act. The trial Court has found the petitioner guilty, convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	506(i) IPC	2 years Rigorous imprisonment	Rs.2,000/-	Three months simple imprisonment
2.	5(1), 5(m) r/w 6(1) of POCSO Act	20 years Rigorous imprisonment	Rs.10,000/-	Two years simple imprisonment

As against the conviction and sentence imposed by the trial Court in Spl.SC.No.27 of 2023, dated 25.09.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.1200 of 2025 and the same was admitted by this Court, by order, dated 12.11.2025. Along with the appeal, the petitioner has also moved this petition seeking suspension of sentence.



Crl.MP(MD) No.16752 of 2025 in
Crl.A(MD) No.1200 of 2025

WEB COPY

2. The learned counsel appearing for the petitioner submits that the statement of the victim girl under Section 164 of Cr.P.C., has not been properly recorded. According to him, at the time of recording the statement under Section 164 of Cr.P.C., the parents of the victim child were not present in the Court and therefore the statement cannot be considered as a valid one. Though the doctor has stated that the hymen was ruptured, according to the learned counsel, the rupturing of hymen may be due to various other reasons and that cannot be attributed to this petitioner. He also submits that the complaint has been lodged belatedly after 15 days. The prosecution has attempted to justify the delay that the father of the victim child was away, however, PW3, the grandmother of the victim child has stated in her statement that the father of the victim has reached the home immediately. Therefore, the above contradiction would disprove the case of the prosecution. According to the petitioner, the petitioner and the victim girl's family were doing nursery business jointly and they had a



Crl.MP(MD) No.16752 of 2025 in
Crl.A(MD) No.1200 of 2025

dispute with regard to the payment of electricity Bill and therefore, this case has been foisted as against him. The dispute between this petitioner and the complainant's family has been established by the prosecution by examining DW1 and DW2. The trial Court, without considering the evidence of DW 1 and DW 2 has simply relied upon the evidence of the prosecution witnesses alone and has imposed the punishment on the petitioner. He also pointed out that according to the victim, she was subjected for harassment only for one day. However, the prosecution has projected that this petitioner has abused the victim child twice. The learned counsel further submits that the age of the victim girl has not been substantiated by the prosecution.

3.The learned Government Advocate (Crl.side) appearing for the respondent submits that the victim child in this case is about eight years at the time of occurrence and this petitioner is aged about 42 years. The victim child has gone to the house of the petitioner to watch Television. At that time, the petitioner has abused the victim child by



Crl.MP(MD) No.16752 of 2025 in
Crl.A(MD) No.1200 of 2025

WEB COPY

committing penetrative sexual assault twice and the victim child has not even realized the act of this petitioner. The victim child was having some rashes on her thighs, which were noticed by her grandmother and thereafter, the victim girl has reported the incident to her grandmother, in turn, she has informed the same to the parents of the victim. Since the father of the victim was away and after his arrival, the complaint was lodged on 15.06.2023. Though there is some delay in reporting the incident, the reasons for the delay has been sufficiently established by the prosecution that the victim has not realised the offence committed by this petitioner. He further submits that the victim child was subjected for medical examination. The doctor, who examined the victim child has noticed that there were injuries on the victim child that the hymen was not intact. The learned counsel by referring to the statement recorded under Section 164 of Cr.P.C., from the victim child submits that the victim child has narrated the incident in a cogent manner. He further submits that though the petitioner/ accused has taken a plea that there was a motive, there was no previous complaint



Crl.MP(MD) No.16752 of 2025 in
Crl.A(MD) No.1200 of 2025

WEB COPY

prior to the incident. The witnesses/ DW1 and DW2, who were examined on the side of the defence side are the workers under this petitioner. The age of the victim child was only 8 years and it was proved by examining the Headmaster of the School, where the victim was studying. According to the learned Government Advocate, the prosecution has proved its case beyond all reasonable doubts and therefore, this petition is liable to be dismissed.

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

5.Admittedly, the victim girl's family is having some business relationship with the accused and therefore, the victim child has freely moved with the accused and also visited the accused's house for watching TV. At that time, it is reported that this petitioner has abused the victim child by penetrative sex. The victim child was not aware of the offence committed by this petitioner and it was repeated



Crl.MP(MD) No.16752 of 2025 in
Crl.A(MD) No.1200 of 2025

again. Since she suffered with some pain, she reported the same to her grandmother and there after it was revealed. The grandmother in her evidence has stated that there were rashes on the thigh of the victim child. The victim child was examined by the doctor.

6.The grounds raised by the petitioner can be appreciated only during the final hearing of the criminal appeal. In view of the above, this Criminal Miscellaneous Petition is dismissed. Since this Court has 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
vrn



Crl.MP(MD) No.16752 of 2025 in
Crl.A(MD) No.1200 of 2025

WEB COPY

To

- 1.The Inspector of Police,
Thirumayam AWPS,
Thirumayam Taluk,
Pudukkottai District.

- 2.The Superintendent,
Central Prison,
Trichy.



WEB COPY



Crl.MP(MD) No.16752 of 2025 in
Crl.A(MD) No.1200 of 2025

B.PUGALENDHI, J.,

vrn

Order made in
Crl.MP(MD) No.16752 of 2025
in
Crl.A(MD) No.1200 of 2025

27.03.2026