



CRL MP(MD). No.18950/2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 28.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.18950/2025

in

CRL A(MD)No.1296/2025

Pandi

... Petitioner

Vs

State of Tamilnadu Rep by
The Inspector of Police,
All Women Police Station
Devakkottai, Sivagangai District.
Crime No.1/2025.

... Respondent

PRAYER :- Petition filed u/s.430[1] of BNSS to suspend the sentence imposed, in Spl.SC.No.22/2025 dated 16.09.2025 on the file of the Special Court for the Exclusive Trial of POCSO Act Cass, Sivagangai, and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.V.Vishnu

For Respondent : Mr.B.Nambi Selvan, APP



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence imposed on him by the learned Sessions Judge, [FAC], Special Court for Exclusive Trial of POCSO Act Cases, Sivagangai, in Spl.SC.No.22/2025, dated 16.09.2025, pending disposal of the appeal.

2.The gist of the prosecution case is that on 26.01.2025, when the victim girl, after celebrating Republic Day celebrations, came to her house and was resting, the petitioner who was working downstairs, on coming to know that the victim was alone, went upstairs and committed sexual assault on her. Hence, a case was registered in Crime No.1/2025, for the offences under Section 7 read with Section 8 of the POCSO Act and u/s.332[b] of BNS. On completion of investigation and filing of the Final Report, the case was taken up on file in Spl.SC.No.22/2025 by the learned Sessions Judge, [FAC], Special Court for the Exclusive Trial of Cases under the POCSO Act, Sivagangai.

3. Before the Trial Court, on the side of the prosecution, 9 witnesses were examined as P.W.1 to P.W.9 and 6 documents were



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marked as Ex.P.1 to Ex.P.6. On the side of the accused, neither any witness was examined nor any document was marked.

4. The Trial Court, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment dated 16.09.2025, convicting the petitioner as follows:

S.No.	Offence under Section	Sentence
1	7 read with 8 of POCSO Act	5 years R.I. and to pay a fine of Rs.10,000/-, in default to undergo 6 months S.I
2	332[b] of BNS	2 years R.I. and to pay a fine of Rs.5,000/-, in default to undergo 6 months S.I

5.Challenging the above said conviction and sentence, the appellant has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6.The learned counsel appearing for the petitioner submitted that based on the circumstantial evidence, the petitioner was convicted and therefore, the conviction deserved to be set aside. The learned counsel further submitted that there are contradictions with respect to the presence of the petitioner in the house of the victim at the relevant time, since PW3 and PW5, who are co-workers of the petitioner, gave contradictory statements by stating that PW5 is Welder and PW5, in his



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statement, stated that he is a Supervisor. The learned counsel therefore submitted that, considering the inconsistencies and contradictions in the prosecution case, the petition for suspension of sentence, may be allowed.

7. The learned Additional Public Prosecutor, appearing for the State, on the other hand, submitted that the prosecution had proved its case beyond doubt and that the statement of the victim is very clear and unequivocal and that the victim girl had identified the petitioner. The learned Additional Public Prosecutor, further submitted that when the victim girl raised an alarm, her mother, PW2 went to the scene and saw the petitioner near the victim's cot and that, on seeing PW2, the petitioner ran away. The learned Additional Public Prosecutor, therefore submitted that there is no merit in the petition and the same deserve to be dismissed.

8. This Court has carefully considered the rival contentions of both sides counsels and also perused the materials available on record.

9. The Trial Court relied on the evidence of PW1-victim girl and PW2-mother of PW1, to return a finding that the petitioner was present in the victim's house at the relevant time and that the mother [PW2] also saw the petitioner. While so, the submission that the petitioner was not



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presence in the scene of occurrence, cannot be countenanced. The submission of the learned counsel for the petitioner that there was contradiction in the evidence of PW3 and PW5, need not be gone into at this stage, since from the evidence of PW1 and PW2, the sexual assault and the identity of the petitioner are proved.

10.This Court therefore finds no merit in the petition and hence, the same is **dismissed**.

11.The observations made above, are restricted to the present application and shall not be taken into consideration while hearing the criminal appeal.

28.01.2026

AP

Internet: yes

TO

- 1.The The Inspector of Police,
All Women Police Station
Devakkottai, Sivagangai District.
- 2.The Sessions Judge, [FAC]
Special Court for the Exclusive Trial
of POCSO Act Cass, Sivagangai,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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N.MALA,J

AP

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