



CRL MP(MD). No.2582 of 2026
in CRL A(MD) No.181 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25/02/2026

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THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.2582 of 2026
in
CRL A(MD)No.181 of 2026

Karuppaiah
Petitioner/Appellant

...

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Aruppukkottai All Women Police Station,
Virudhunagar District.
Crime No.9 of 2019.

... Respondent/ Respondent

PRAYER:- To Suspend the sentence imposed by the Special Court for the Exclusive Trial of POCSO Act Cases, Virudhunagar District at Srivilliputhur in Spl.S.C.No.27 of 2020, dated 21.09.2022 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.T.Jayanthi

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



CRL MP(MD). No.2582 of 2026
in CrL.A(MD) No.181 of 2026

ORDER

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in Spl.S.C.No.27 of 2020 on the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Virudhunagar District at Srivilliputhur, dated 21.09.2022, in respect of Crime No.9 of 2019 on the file of the Inspector of Police, Aruppukkottai All Women Police Station, Virudhunagar District, pending disposal of the above appeal.

2.The case of the prosecution is that the victim was residing in her aunt's house at Veerachozhan, Dharmam Village, Thiruchuzhi Taluk, Virudhunagar District, since her parents died. The victim was the neighbour of the appellant. While so, on 04.11.2018, at about 9.00 a.m, the victim went to the appellant's house for watching TV. The appellant who was alone in the house, taking advantage of the situation, threatened the victim and committed sexual assault on her. Thereafter, the appellant repeatedly committed sexual assault on the victim, which resulted in her pregnancy. Only after the victim found out about her pregnancy, she with the help of her aunt, filed a complaint before the Police Station. Based



CRL MP(MD). No.2582 of 2026
in CrL.A(MD) No.181 of 2026

on her complaint, an FIR in Crime No.9 of 2019, was registered on 14.05.2019, for the offences punishable under Sections 5(l) and 6 of POCSO Act and Section 506(i) of IPC. After filing of the final report by the respondent Police, the trial Court took the case on file in Spl.S.C.No. 27 of 2020.

3.Before the trial Court, on the side of the prosecution, 13 witnesses were examined as P.W.1 to P.W.13 and 19 documents were marked as Ex.P.1 to Ex.P.19. On the side of the accused, no witnesses were examined and no documents were marked.

4.The learned Sessions Judge, Special Court for the Exclusive Trial of POCSO Act Cases, Virudhunagar District at Srivilliputhur, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment, dated 21.09.2022, convicting and sentencing the petitioner as follows:

S.No.	Offence	Sentence
1	Section 506(i) IPC	2 years R.I. and to pay a fine of Rs.5,000/-, in default to undergo 3 months S.I.



2	Section 5(j)(ii) of POCSO Act, 2012	10 years R.I. and to pay a fine of Rs.10,000/-, in default to undergo 1 months S.I.
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4a. Aggrieved by the judgment of the Trial Court convicting and sentencing the petitioner as above, the petitioner preferred the criminal appeal along with the petition for suspension of sentence.

5. The respondent filed a detailed counter stating *inter alia* that in the absence of any illegality or perversity in the judgment of the trial Court, this Court could not interfere with the Trial Court's judgment. The respondent relied on the judgment in ***Omprakash Sahini Vs. Jai Shankar Chaudhary and another reported in (2023) 6 SCC 123*** and submitted that since the petitioner failed to establish any apparent or palpable error in the judgment of the trial Court. This Court should not re-appreciate the evidence at this stage and conduct a mini trial. Hence, the respondent prayed to dismiss the petition as meritless.

6. The learned counsel for the appellant submitted that the petitioner is suffering from 'chronic obstructive pulmonary disease' and



CRL MP(MD). No.2582 of 2026
in CrL.A(MD) No.181 of 2026

that the Doctor of the Central Prison, Madurai, issued a medical certificate stating that the petitioner's condition is very serious. The learned counsel submitted that if the petitioner is not enlarged on bail, he may probably die in the prison. The learned counsel further submitted that apart from the above, there were several infirmities, contradictions and inconsistencies in the prosecution's case and therefore, the petitioner was entitled to be enlarged on bail by suspending the sentence imposed on him. The learned counsel submitted that the petitioner would abide by any conditions, that may be imposed by this Court, for allowing the petition. The learned counsel for the petitioner further submitted that the petitioner had paid the fine amount.

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

8. The only ground, on which, the petitioner seeks suspension of sentence is his medical condition namely 'chronic obstructive pulmonary disease'. It is seen from the medical certificate issued by the Assistant Surgeon, Prison Hospital, Madurai, produced by the learned counsel for the petitioner that the petitioner is suffering from chronic obstructive



CRL MP(MD). No.2582 of 2026
in CrL.A(MD) No.181 of 2026

pulmonary disease for the past 20 years and that the disease was treated by using bronchodilators. In the certificate, it was further recorded that the petitioner was referred and admitted to Madurai Medical College Hospital and discharged on 12.04.2024. The Medical Certificate further reveals that the petitioner was sent to GRH on 26.12.2024, for breathing difficulty admitted on the same day and discharged on 31.12.2024. The Assistant Surgeon, certified that the petitioner was under observation by the prison authorities and was given oral medications for stroke and airway obstruction problem.

9.From the medical certificate, it is clear that the petitioner is under the care and treatment of the prison authorities for his medical condition namely 'chronic obstructive pulmonary disease'. As claimed by the learned counsel for the petitioner, in the certificate issued to the petitioner by the Assistant Surgeon, Prison Hospital, Madurai, it is not stated that the petitioner's health condition is serious. This Court finds that apart from the aforesaid medical grounds, the petitioner has not been able to establish any apparent error in the trial Court judgment, warranting suspension of sentence. As rightly pointed out by the learned



CRL MP(MD). No.2582 of 2026
in CrL.A(MD) No.181 of 2026

Additional Public Prosecutor, the other issues relating to the merits of the case are best left for consideration at the time of final disposal of the appeal. Therefore, this Court is not inclined to allow this application for suspension of sentence.

10. Accordingly, the Criminal Miscellaneous Petition is dismissed.

25.02.2026

Indu / AP

TO

1. The Inspector of Police,
Aruppukkottai All Women Police Station,
Virudhunagar District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL MP(MD). No.2582 of 2026
in CrL A(MD) No.181 of 2026

N.MALA,J

Indu / AP

CRL MP(MD) No.2582 of 2026
in
CRL A(MD)No.181 of 2026

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