

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL A No. 603 of 2026

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The State of Tamil Nadu Rep.by
The Inspector of Police,
All Women Police Station,
Tambaram, Cr.No.03/2019

Now Transferred to
The Inspector of Police,
W-3, All Women Police Station,
Vandalur.

..Appellant(s)

Vs

Arunkumar
S/o.Rajamuthu,
No.7, Nehru Street, Fathima Nagar,
Nemilichery, Chrompet,
Chennai - 44.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 419 of BNSS to call for the records and set aside the order of acquittal rendered in Judgment dated 16.04.2025 made in Spl.S.C.No.63 of 2020 on the file of Learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu by allowing this Criminal Appeal and convict the accused as charged and thus render justice.

For Appellant(s):

Mrs. SHARADA VIVEK
Counsel for Government of Tamil Nadu
(CRL. SIDE)



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JUDGMENT

The appellant/State of Tamil Nadu preferred an appeal against the judgement of acquittal rendered by the trial Court in Spl.C.C.No.63 of 2020 acquitting the respondent by judgement dated 16.04.2025.

2.The case of the prosecution is that defacto complainant, mother of the victim, lodged a complaint stating that the victim's date of birth is 15.11.2004 and aged about 14 years and studying in the 9th Std.,. The respondent, who is a Computer Teacher in the school from November, 2018 onwards, had been closely moving with the victim. On 13.02.2018, the respondent asked the victim whether he can give any gift for valentine's day, she refused. Thereafter, on 15.02.2019 at about 1.30 p.m. she was asked to come to the computer lab. When the victim went there, the respondent pulled her, hugged her and kissed her. Hence, complaint lodged.

3.Based on the complaint, a case for offences under Sections 9(f) r/w 10 of POCSO Act, 2012, registered by PW10, the Inspector of Police. She visited the scene of occurrence, prepared observation mahazer and rough sketch in the presence of PW5 & PW6. The accused was arrested and gave his confession in the presence of PW4. PW1 is victim's mother, PW2 is victim and PW3 is



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colleague of victim's father. Thereafter, both the accused as well as the victim were sent for medical examination and obtained necessary certificate. PW8 Headmistress gave the age certificate of the victim. Thereafter, PW11 took up investigation, completed investigation and filed final report.

4. During trial, PW1 to PW11 examined and Exs.P1 to P11 marked. On conclusion of the trial, the trial Court dismissed the case and discharging the respondent, against which, the present appeal has been filed.

5. The learned counsel for Government of Tamil Nadu for the appellant submitted that in this case, the victim clearly narrated about the incident, thereafter, the mother of the victim, on the same day, lodged complaint. The victim has no reason to falsely implicate the respondent. The victim is minor and 9th Std., student and the respondent is Computer Teacher, which are not disputed. The respondent earlier approached the victim in the classroom and asked to give gift for valentines day, she was refused. Thereafter, she was called to the computer lab, as she entered the lab, she was hugged and kissed. This evidence is sufficient. But the trial Court referred to the witnesses to the observation mahazer and rough sketch, PW 5 & PW6, who are the Gardner and Security of the school. They deposed that the observation mahazer and rough sketch were prepared in the science lab and not in the computer lab. Science lab



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is in the second floor and computer lab is in the first floor and in two block.

Further, they deposed with regard to the availability of CCTV camera in the School. Based on the contradiction in the lab and CCTV footage, the trial Court dismissed the case is not proper. When the victim PW2 and victim's mother PW1 and victim's father's colleague PW3, clearly deposed that the respondent hugged and kissed the victim, thereby, committing sexual assault.

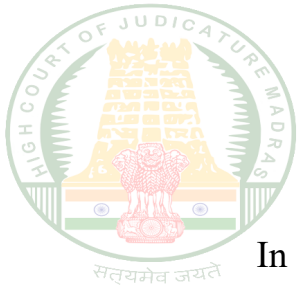
6. On the submissions made and on perusal of the materials available on record, it is seen that in this case, PW1 is victim's mother, PW2 is victim, PW3 is colleague of victim's father. PW1 & PW3 stated that they were informed about the occurrence through the victim. Looking at the victim's PW2 statement, it is seen that in her 164 statement marked as Ex.P2, which is short and crisp, it was only stated that when the victim entered the computer lab, she was hugged and kissed. There is nothing about the valentine's day gift and her refusal. Statement seems to be exaggerated.

7. Further, in this case, PW5 & PW6 are the observation mahazer and rough sketch witnesses, who are employed in the school clearly stated that the observation mahazer was prepared in the science laboratory and not in the computer laboratory. It is to be seen that science laboratory is in the second floor and computer laboratory is in the first floor. Added to it, the witnesses



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admitted that there has been CCTV camera in the School and the movement of Students and Teachers were recorded. PW10, who conducted substantial portion of the investigation admitted that there is CCTV camera but she had not collected the CCTV footage. Though there may not have been a CCTV camera inside the laboratory, at least the footage from the corridor would have shown the movement of the persons and whether, at tht point of time, the victim had gone to the computer lab. Since serious doubt has been caused, based on the evidence of PW 5 and PW 6, it is imperative for the investigating officer to collect the CCTV camera footage. It is to be seen that PW8 Headmistress was examined and marked Ex.P7 School certificate for the age of the victim. The Headmistress would have been the right person to depose with regard to the availability of CCTV cameras, whether any complaint made by the parents after the alleged incident and whether classmates of PW2 or any other school students given any complaint against improper behaviour of the respondent. No investigation carried out in this regard and evidence collected. Considering all these aspects, the trial Court found that prosecution failed to prove its case beyond reasonable doubt and Consequently, dismissed the case and acquitted the respondent.



In view of the above, this Court finds no reason to interfere with the Judgment dated 16.04.2025 passed in Spl.S.C.No.63 of 2020 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases Under POCSO Act, Chengalpattu and accordingly, the criminal appeal is dismissed. Consequently, connected miscellaneous petition, if any, is closed.

29-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
sms

To

Sessions Judge, Special Court for Exclusive Trial of Cases
under POCSO Act, Chengalpattu.



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M.NIRMAL KUMAR, J.

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