

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.11.2017

DELIVERED ON : 05.12.2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HON'BLE MR.JUSTICE N.SESHASAYEE

Criminal Appeal No.179 of 2017

A.Thanseer,
S/o.Abdul Majith. ...Appellant/Accused No.1

Vs.

State Represented by:
The Inspector of Police,
All Women Police Station,
Gopichettipalayam,
Erode District.
Crime No.7/2015 ...Respondent/Complainant

Prayer: Appeal filed under Section 374 of the Code of Criminal Procedure against the judgment dated 15.03.2016 made in Spl.C.C.No.34 of 2015 on the file of the Court of Sessions, Mahila Fast Track Court, Erode.

For Appellant : Mr.R.Marudhachalamurthy

For Respondent: Mr.R.Ravichandran
Government Advocate (Crl.Side)

J U D G M E N T

M.SATHYANARAYANAN, J.

The appellant is the first accused (A1) and his wife, namely Raseetha Banu is the second accused (A2) in Spl.C.C.No.34/2015 on the file of the Court of Sessions, Mahila Court (Fast Track Court), Erode. The appellant/A1 was charged for the commission of offences under Section 6 of the Protection of Children from Sexual Offences Act, 2012 [in short "POCSO Act"] and Section 506 (ii) I.P.C and A2, wife of A1, was charged for the commission of offence under Section 323 I.P.C. The Trial Court, vide impugned judgment dated 15.03.2016, has convicted the appellant/A1 for the commission of the above said offences and sentenced him to undergo life imprisonment with a fine of Rs.5,000/-, in default to undergo 2 years simple imprisonment for the offence under Section 6 of the POCSO Act and sentenced to undergo 7 years rigorous imprisonment with a fine of Rs.5,000/-, in default to undergo 2 years simple imprisonment for the offence under Section 506(ii) I.P.C. The appellant/A1 was also granted set off under Section 428 CrPC. A2, wife of the appellant/A1, was

acquitted for the commission of offence under Section 323 I.P.C. and the State did not prefer any appeal challenging the acquittal of A2. The appellant/A1, aggrieved by the conviction and sentence passed by the Trial Court, vide impugned judgment, has filed this appeal.

2. Facts leading to the filing of this appeal relevant and necessary for disposal of this appeal is as follows:

2.1. Victim Girl - PW2 is the daughter of PW1 and they are the residents of one of the six houses bearing Door No.43/33, Slater House Street, Gobichettipalayam Town, belonging to one Arumugam. PW2/victim girl was studying X standard in Palaniammal High School, Gobichettipalayam and she was born on 01.10.2000 and was aged about 15 years. The appellant/A1 and his wife/A2 are also one of the residents of six houses and their house lies adjacent to the house of PW1- mother of PW2/victim girl. Two bathrooms are located for the use of residents of the six houses. The bathroom located on the north west of PW1's house was used by her family.

2.2. On 07.07.2015 at about 7.00 a.m. and on 06.08.2015 at about 7.30 a.m., PW2/victim girl went to the bathroom for taking bath and on those two occasions, the appellant/A1 was hiding inside the said bathroom with a view to commit the act of rape and put his hand on her month and forcibly committed sexual assault on her. The appellant/A1 also threatened PW2/victim girl by stating that if she disclosed the said fact, she will be murdered. A2, wife of A1, at about 8.00 p.m. on 7.08.2015 supported her husband/A1 and slapped PW2/victim girl on her left cheek and caused pain.

2.3. PW1, mother of PW2/victim girl, out of wedlock begot 3 sons and 1 daughter (PW2) and the sexual assault on two occasions was informed by PW2/victim girl to PW3- neighbour with a request not to disclose the same to her mother- PW1. PW3, on enquiry with PW2/victim girl, came to know about the illegal act of the appellant/A1 and informed the same to PW1 and also aware of the slap on the left cheek by A2. PW1 also made enquiries with her daughter and became aware of the same and the said fact was also disclosed by PW3 and therefore, PW1 lodged a complaint under Ex.P1 to PW13 - Sub-Inspector of Police attached to All Women Police Station, Gobichettipalayam and based on the complaint/Ex.P1, PW13 registered a case in Crime No.7/2015 under Section 6 of POCSO Act and Sections 323 and 506(ii) I.P.C. at about 5.00 a.m. on 12.08.2015 against both the accused. The printed F.I.R. was marked as Ex.P9. PW13 forwarded the original complaint as well as the F.I.R. to the jurisdictional Magistrate Court.

2.4. PW16 was in-charge of Gobichettipalayam All Women Police Station and on receipt of F.I.R. on 12.08.2015, registered by PW13, took up the investigation and recorded the statements of PW2/victim girl under Section 161(3) CrPC and thereafter sent PW2 along with PW10/Women Constable to Government Hospital, Gobichettipalayam for medical examination. On the same day at about 8.15 a.m., PW16 went to the scene of

occurrence and in the presence of PW4 and one Murugesan, prepared Observation Mahazar and Rough Sketch, marked as Exs.P3 and P14 respectively and also examined PW1 and PW3 and recorded their statements.

2.5. At about 11.00 a.m. on 12.08.2015, PW16 effected the arrest of A1 as identified by PW4 and A1 voluntarily came forward to give confession statement, which was recorded in the presence of PW5 and another. PW16 also examined PW4 and PW5 and recorded their statements. At about 2.30 p.m. on the same day, she sent A1/appellant for medical examination through one Prabhudoss/Special Sub-Inspector and PW9/Head Constable to Gobichettipalayam Government Hospital.

2.6. PW11 was the Senior Civil Surgeon and the Casualty Medical Officer attached to Gobichettipalayam Government Hospital and on 12.08.2015, A1 was brought with a requisition to do medical examination and he examined A1 and gave his opinion under Ex.P8 stating that he cannot say that A1/appellant is impotent and cannot say that he is unfit for sexual intercourse and no external injuries were marked. The Accident Register was marked as Ex.P7.

2.7. PW14 was the Senior Civil Surgeon attached to Gobichettipalayam Government Hospital and while he was on duty on 12.08.2015 at about 1.30 p.m. PW2/victim girl was produced for medical examination and when she enquired her, she told that on 06.08.2017 at 7.30 a.m. A1/appellant committed sexual assault on her and after 44 days she got her mensurated. PW14 examined PW2/victim girl and found that hymen was found in torn condition and there was no external injuries and was not pregnant and till the date of examination, as she was having mensus, vaginal smear was not taken and she was sent to Radiologist to ascertain her age. PW14 gave her final opinion, marked as Ex.P12, opining that "Hymen not intact. No external injuries. She may be used in the act of coitus. No semen was detected in pubic hair". The Accident Register was marked as Ex.P11. As per Ex.P4 given by Dr.K.Kalyani, Radiologist, the victim girl has completed 15 years of age and not completed 17 years of age radiologically on the date of examination.

2.8. PW16 continued with the investigation and made a request for biological examination in respect of A1 and altered the Sections to Section 6 of POCSO Act and Section 506(ii) I.P.C and the Alteration Report was marked as Ex.P18 and on transfer, handed over the investigation to PW17-Inspector of Police, All Women Police Station, Gobichettipalayam.

2.9. PW17, Inspector of Police, All Women Police Station, Gobichettipalayam, continued with the investigation on 25.08.2015 and went to the scene of occurrence and recorded the statements of PWs.1 to 3 and during the course of investigation, PW2/victim girl stated that she was slapped by A2, but he did not state so to the earlier Investigation Officer. PW1 produced the Birth Register of her daughter and in that process, she examined Ramakrishnan, Health Inspector, Corporation of Madurai

and also recorded the statement of Tmt.Vasanthamani, Headmistress of Palaniammal School in which PW2/victim girl studied. PW17 recorded the statement of PW14, Doctor who conducted medical examination on PW2 and also examined Dr.K.Kalyani, Radiologist, who examined PW2.

2.10. PW17 also examined PW11, Doctor who conducted medical examination on A1/appellant and recorded his statement. PW17 also examined the police officials, namely Karuppasamy/PW8, Arivazhagan/PW9, Tamilzhselvi/PW20, Jayapal/PW12, Prabhudoss-Special Sub-Inspector of Police and Tmt.Nagamani/PW13, Sub-Inspector of Police who registered the F.I.R. and recorded their statements and after receipt of Biological Report and after completion the investigation, filed a Final Report charging the accused for the commission of offences under Section 6 of POCSO Act and Sections 323 and 506(ii) I.P.C. on the file of the Court of Sessions, Mahila (Fast Track Court), Erode, which was taken on file in Spl.C.C.No.34/2015.

2.11. The Trial Court issued summons to both the accused and on their appearance, furnished copies of the documents under Section 207 CrPC and also framed charges against A1 for the commission of offence under Section 6 of POCSO Act and Section 506(ii) I.P.C. and against A2 for the commission of offence under Section 323 I.P.C. and questioned them and they pleaded not guilty to the charges framed against them.

2.12. The prosecution, in order to sustain their case, examined PWs.1 to 17, marked Exs.P1 to P18 and also marked M.O.1-X Ray Series. All the accused were questioned under Section 313 (1)(b) CrPC with regard to incriminating circumstances made out against them in the evidence rendered by the prosecution and they denied it as false. On behalf of the accused, no witness was examined and no document was marked.

2.13. The Trial Court, on consideration and appreciation of oral and documentary evidence and other materials, convicted and sentenced A1/appellant as stated above and acquitted A2, against which no appeal has been preferred by the State. The appellant/A1, aggrieved by the conviction and sentence passed by the Trial Court, vide impugned judgment, has filed this appeal.

3. Mr.R.Marudhachalamurthy, learned counsel appearing for the appellant/A1 made the following submissions:

(i) Insofar as the alleged commission of offences said to have taken place on 07.07.2015 and 06.08.2015, there are contradictions between the testimonies of PW1-mother of the PW2/victim girl, PW2/victim girl and PW3/neighbour and as such, it is wholly unsafe to rely on their testimonies to record conviction.

(ii) The offence against the appellant/A1 falls under Section 5(1) of the POCSO Act and however no specific charge has been framed and what was invoked was merely a penal provision and as such, the appellant/A1 was put to grave prejudice.

(iii) It was also admitted by PW1-mother of PW2/victim girl that the family of the victim and family of the accused used to have cordial relationship and whenever PW1-mother of PW2/victim girl goes out, PW2/victim girl would be with A1 and A2 and it was also admitted by PW1 that more than her, her daughter/PW2 was looked after by A1 and A2 and in the light of the said admission, the case projected by the prosecution that the appellant/A1 has committed the offences, is wholly unsustainable.

(iv) PW1 had admitted that she was not aware of the contents of the complaint and as such, commencement of investigation and progress look place, which led to the filing of the final report charging the appellant/A1 for the commission of the offences, is also unsustainable.

(v) The version spoken to by PW2/victim girl as to the occurrence of the second incident, have not been corroborated by the testimonies of PWs.1 and 3 and as such, it is wholly unsafe to record conviction based on the sole testimony of PW2/victim girl.

(vi) Alternatively, insofar as the second incident said to have been took place on 06.08.2015, absolutely there is no evidence except the sole testimony of PW2/victim girl and in that event, the case of the prosecution falls within the scope of Section 3 of POCSO Act and as such, prays for alteration of conviction and sentence of imprisonment.

4. Per contra, Mr.R.Ravichandran, learned Government Advocate (Crl.Side) appearing for the respondent/State would submit that the ingredients of Section 5 of POCSO Act has been clearly made out especially Section 5(1) for the reason that PW2/victim has spoken about sexual assault on two occassions on 07.07.2015 and 06.08.2015 and though the penal provision, namely Section 6 of POCSO Act has been framed as a charge, the case as against the appellant/A1 would squarely fall within the ambit of Section 5(1) of the said Act. Insofar as the submission of the learned counsel appearing for the appellant/A1 as to non-framing of specific charge, it is the submission of the learned Government Advocate (Crl.Side) that any objection or prejudice on account of non-framing of specific charge ought to have been raised at the earliest stage of the proceedings in terms of Section 464 CrPC and at the time of progress of trial, the appellant/A1 did not raise any such objection. Further attention of this Court was drawn to Section 464 CrPC and would submit that unless non-framing of charge itself is a failure of justice and that too ought to have been raised at the earliest point of time, it cannot be said that the appellant has been put to grave prejudice. The learned Government Advocate (Crl.Side), on the merits of the case, would contend that it is enough to record conviction based on the sole testimony of the prosecutrix if the said testimony is having credibility and believable and

in the case on hand, the testimony of PW2/victim girl is amply corroborated by her mother/PW1 and PW3/neighbour and also supported by medical evidence and the Trial Court has taken into consideration totality of the facts and circumstances and on proper appreciation of oral and documentary evidence, has rightly recorded conviction and imposed the maximum sentence, so that it should act as a deterrent in cases of such nature, especially if the accused happen to be a married man having children and hence, prays for dismissal of this appeal. The learned Government Advocate (Crl.Side), in support of his submissions, relied upon the decision in State of Himachal Pradesh v. Sanjay Kumar alias Sunny [(2017) 2 SCC 51].

5. This Court paid it's best attention and anxious consideration to the rival submissions and also perused the oral and documentary evidence and also the decision relied on by the learned Government Advocate (Crl.Side).

6. The following questions arises for consideration:

1. Whether the testimony of PW2/victim girl is having credence, believable and trustworthy?
2. Whether the sentence of imprisonment awarded by the Trial Court requires modification?

Question No.1

7. It is an admitted that the appellant/A1 and his wife/A2 were neighbours to the victim family and are well known to each other. It is also the evidence of PW1-mother of PW2/victim girl that whenever she goes out in connection with her job or avocation, she used to entrust the custody of her daughter/victim girl to the appellant/A1 and his wife/A2 and they also used to look after her well, in fact better attention than devoted by her. PW1 would also depose that the fact of sexual assault was revealed to PW3/neighbour by her daughter, who in-turn told her and thereafter, she enquired her daughter and she revealed the incident and after consulting with her husband and relatives, lodged a complaint on 12.08.2015 to PW13, who registered the F.I.R. PW1, in the cross examination, would depose that she is an illiterate and the complaint was written by Amsaveni, sister of PW3 and she was not fully aware of the contents of the complaint.

8. It is the submission of the learned counsel appearing for the appellant/A1 that in the light of the admission on the part of PW1 in the cross examination that she was not fully aware of the contents of the complaint which was written by Amsaveni, sister of PW3, the entire foundation laid by the prosecution got shakened. In the considered opinion of the Court, the said submission is liable to be rejected for the reason that the F.I.R., based on the complaint, is not an encyclopedia of all details and events and the lodging of the F.I.R. enabling the prosecuting agency to commence investigation and the materials collected during investigation which are laid before the Court forms the basis for appreciation and adjudication.

9. PW2 is the victim girl and she was born on 01.10.2000 and Ex.P4-X-Ray Report and Ex.P5/Birth Certificate evidencing her date of birth coupled with the testimony of PW1 had established the fact that she was aged about 15 years at the time of commission of offences on 07.07.2015 and 06.08.2015. As per Section 2(d) of POCSO Act, "child" means any person below the age of eighteen years and since the victim girl was aged about 15 years on the date of commission of offences, she falls within the ambit of the said definition. The Trial Court, after complying with Section 33 of POCSO Act, had questioned the victim girl/PW2 and after ascertaining her mental and other capabilities to give evidence, has certified that she is competent to give evidence.

10. PW2/victim girl, in the chief examination, would depose about the sexual assault inflicted by the appellant/A1 on 07.07.2015 and 06.08.2015 and immediately after the second incident, she raised alarm and on hearing it, PW3 came and she narrated the said incident to her and also told her that the appellant/A1 also threatened her that if she disclose the said fact, he will finish off her as well as her mother and also requested PW3 not to reveal to her mother/PW1. PW2/victim girl, in the cross examination, would depose that whenever her mother used to go for job by 10.00 a.m. and return by 10.00 p.m., till her return, she used to be attended by the appellant/A1 and his wife/A2 and they also used to take her to "Dharga" and were moving with her nicely and the appellant/A1 also used to render necessary help to them. Insofar as raising alarm after the second incident is concerned, PW2 admitted that she did not state so in the statement recorded under Section 164 CrPC by the Jurisdictional Magistrate, marked as Ex.P2 and would further state that if she commits mistake, the appellant/A1 and his wife/A2 used to castigate her.

11. PW3 was the neighbour to whom PW2/victim girl had spoken about the misdeeds/sexual assault by A1 immediately after the second incident on 06.08.2015 and her chief examination is in conformity with the evidence of PW2/victim girl. PW3 in the cross examination would depose among other things that whenever PW1-mother of PW2 goes out in connection with her avocation, PW2 was looked after by the appellant/A1 and his wife/A2.

12. PW16/Investigation Officer was cross examined with regard to contraction elicited during the course of evidence of PWs.1 to 3 and in the cross examination would further state that during the course of investigation PW1 did not state that PW2 has informed PW3 about the first incident on 07.07.2015 and in-turn PW3 told her. As regards contradiction elicited during the course of evidence of PW3, PW16 would state that PW3, during the course of investigation, did not state anything as to when she was waiting outside the bathroom and she did not state that on hearing the alarm raised by the victim, she came to the spot and further that PW3 did not state about the fact revealed by PW2 to her mother/PW1 and further PW3 did not state that after the second incident, PW2 wept and came out.

13. No doubt, PW3, during the course of her evidence, had made very many improvements from that of her statement recorded under Section 161 CrPC during investigation.

14. In State of Himachal Pradesh v. Sanjay Kumar [(2017) 2 SCC 51], relied on by the learned Government Advocate (Crl.Side) pertains to commission of offence of rape under Section 375 I.P.C. and imposition of punishment under Section 376 I.P.C. and it is relevant to extract paras 30 and 31 of the said judgment:

"30. By no means, it is suggested that whenever such charge of rape is made, where the victim is a child, it has to be treated as a gospel truth and the accused person has to be convicted. We have already discussed above the manner in which testimony of the prosecutrix is to be examined and analysed in order to find out the truth therein and to ensure that deposition of the victim is trustworthy. At the same time, after taking all due precautions which are necessary, when it is found that the prosecution version is worth believing, the case is to be dealt with all sensitivity that is needed in such cases. In such a situation one has to take stock of the realities of life as well. Various studies show that in more than 80% cases of such abuses, perpetrators have acquaintance with the victims who are not strangers. The danger is more within than outside. Most of the time, acquaintance rapes, when the culprit is a family member, are not even reported for various reasons, not difficult to fathom. The strongest among those is the fear of attracting social stigma. Another deterring factor which many times prevent such victims or their families to lodge a complaint is that they find whole process of criminal justice system extremely intimidating coupled with absence of victim protection mechanism. Therefore, time is ripe to bring about significant reforms in the criminal justice system as well. Equally, there is also a dire need to have a survivor centric approach towards victims of sexual violence, particularly, the children, keeping in view the traumatic long lasting effects on such victims.

31. After thorough analysis of all relevant and attendant factors, we are of the opinion that none of the grounds, on which the High Court has cleared the respondent, has any merit. By now it is well settled that the testimony of a victim in cases of sexual offences is vital and unless there are compelling reasons which necessitate looking for corroboration of a statement, the courts should find no difficulty to act on the testimony of the victim of a sexual assault alone to convict the accused. No doubt, her testimony has to inspire confidence. Seeking corroboration to a statement before relying upon the same as a rule, in such cases, would literally amount to adding insult to injury. The deposition of the prosecutrix has, thus, to

be taken as a whole. Needless to reiterate that the victim of rape is not an accomplice and her evidence can be acted upon without corroboration. She stands at a higher pedestal than an injured witness does. If the court finds it difficult to accept her version, it may seek corroboration from some evidence which lends assurance to her version. To insist on corroboration, except in the rarest of rare cases, is to equate one who is a victim of the lust of another with an accomplice to a crime and thereby insult womanhood. It would be adding insult to injury to tell a woman that her claim of rape will not be believed unless it is corroborated in material particulars, as in the case of an accomplice to a crime. Why should the evidence of the girl or the woman who complains of rape or sexual molestation be viewed with the aid of spectacles fitted with lenses tinged with doubt, disbelief or suspicion? The plea about lack of corroboration has no substance {See Bhupinder Sharma v. State of Himachal Pradesh [(2003) 8 SCC 551]}. Notwithstanding this legal position, in the instant case, we even find enough corroborative material as well, which is discussed hereinabove."

The Hon'ble Apex Court, in the above said decision in para 31, has laid down the proposition that "The deposition of the prosecutrix has, thus, to be taken as a whole. Needless to reiterate that the victim of rape is not an accomplice and her evidence can be acted upon without corroboration. She stands at a higher pedestal than an injured witness does. If the Court finds it difficult to accept her version, it may seek corroboration from some evidence which lends assurance to her version. To insist on corroboration, except in the rarest of rare cases, is to equate one who is a victim of the lust of another with an accomplice to a crime and thereby insult womanhood".

15. The testimony of PW2/victim girl would disclose that she exhibited fairness and in fact admitted that whenever her mother goes out, she was looked after by the appellant/A1 and his wife/A2 and if she commits mistake, they used to castigate her also and they also used to take her to "Dharga". PW1, mother of PW2/victim girl has also deposed in same lines and also the neighbour/PW3. PW2/victim girl, having stated so the above said generosity exhibited by the appellant/A1 and his wife/A2, had clearly spoken about the sexual assault committed by the appellant/A1 upon her on two occasions on 07.07.2015 and 06.08.2015 and the said fact being brought to the knowledge of her mother/PW1, who made enquiries with her daughter and found that she was subjected to sexual assault and after consulting with her husband and relatives, lodged the complaint on 12.08.2015.

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16. A faint attempt was also made by the learned counsel appearing for the appellant as to the belated lodging of the

complaint nearly after 6 days from the date of the second incident and however, in the considered opinion of the Court, delay is not fatal to the case of the prosecution for the reason that cases of this nature involve reputation and honour of the family and more particularly the victim girl like PW2 and it is also having social and other ramifications and as such, delay cannot be construed as fatal to the prosecution case.

17. No doubt, there is little contradiction in the evidence of PW3 as to her presence near the bathroom and narration of events happened on 06.08.2015, as spoken to by PW2/victim girl to her and passing on her information to PW1, mother of PW2. However, in the considered opinion of the Court, the evidence of PW2 is believable and trustworthy and the scientific evidence in the form of testimony of PW14/Doctor and Ex.P12 issued by her, sustain the case of the prosecution.

18. The Medical Certificate under Ex.P8 issued by PW11/Senior Civil Surgeon, Government Hospital, Erode also evidence the fact that the appellant is fit for sexual intercourse. No doubt, Charge No.1 framed by the prosecution did not specifically state about the commission of offence under Section 5(1) of POCSO Act. However, it is to be pointed out at this juncture that no prejudice has been expressed by the appellant during the course of trial and the testimonies of the witnesses would clearly disclose that the appellant/A-1 was aware of the specific charge as to the sexual assault inflicted on PW2/victim girl on 07.07.2015 and 06.08.2015 and hence, it can be said that he has not put to any prejudice.

19. Insofar as the threat wielded out by the appellant/A1 to PW2/victim girl is concerned, she spoken that the appellant threatened her that he would kill her and her mother, if the said fact was revealed to anybody else.

20. Thus, the prosecution was able to prove the ingredients of Section 6 of POCSO Act and Section 506(ii) I.P.C. and the reason assigned by the Trial Court for convicting the appellant/A1 cannot be construed to be perverse.

21. Therefore, Question No.1 is answered in affirmative in favour of the prosecution.

Question No.2

22. This Court, in the earlier paragraphs, had found that PWs.1 to 3 had spoken about the care taken by the appellant/A1 and his wife/A2 on PW2/victim girl, whenever her mother/PW1 attends her job/avocation and in fact PW1 also deposed that more than her, PW2 was looked after by the appellant and his wife and whenever the appellant/A1 and his wife/A2 goes to "Dharga", they used to take PW2 also. PW2 also deposed so and it is also corroborated by PW3 and despite that, the appellant/A1, who is a married man having family consist of his wife/A2 (acquitted), two sons and a daughter, has committed the said offences and the appellant/A1, at the commission of offence, was aged about 29 years. In the light of the family circumstance and there is

every possibility that he would realise his mistake and there is possibility of his reformation also, especially for the reason that he himself is a father of a girl child and admittedly the appellant/A1 and his wife/A2 showed affection and compassion to PW2/victim girl whenever her custody was entrusted to them by her mother/PW1 and it was confirmed through the testimonies of PWs.1 to 3, especially the victim herself/PW2 and therefore, the sentence of imprisonment for life under Section 6 of POCSO Act requires modification.

23. Hence, Question No.2 is answered in affirmative in favour of the accused.

24. In the result, this Criminal Appeal is dismissed, confirming the conviction of the appellant/A1, vide judgment dated 15.03.2016 made in S.C.No.34/2015 on the file of the Court of Sessions, Mahila Court (Fast Track Court), Erode. However, the sentence of imprisonment for the offence under Section 6 of POCSO Act is modified from rigorous imprisonment for life to ten years rigorous imprisonment. In all other respects viz., sentence of 7 years rigorous imprisonment awarded for the offence under Section 506(ii) I.P.C., fine amount and default sentences awarded by the Trial Court are confirmed. The sentences are ordered to run concurrently and the appellant/A-1 is entitled to Set off under Section 428 CrPC.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

jvm

To

- 1.The Principal District and Sessions Judge,
Erode District.
- 2.The Sessions Judge, Mahila (Fast Track Court),
Erode District.
- 3.The Superintendent of Prison, Central Prison,
Coimbatore.
- 4.The Inspector of Police,
All Women Police Station, Gopichettipalayam,
Erode District.Crime No.7/2015.
- 5.The Public Prosecutor, High Court, Madras.
6. The Section Officer, Criminal Section, High Court, Madras.

+ 2 ccs to Mr. R. Marudhachalamuthy, Advocate SR.86558, 86649

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RR (CO)

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EU (18/12/2017)