

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.A.No.201 of 2016

Kalaivani

...Appellant

-Vs-

State Represented by
The Inspector of Police,
All Women Police Station (East)
Coimbatore.

...Respondent/Complainant

This Criminal Revision Petition is filed under Sections 374 of Cr.P.C. to set aside the order of conviction and sentence made in Spl.CC.No.8 of 2015 on the file of the Sessions Judge, Mahila Court, Coimbatore dated 04.03.2016.

For Petitioner : Mr. A. E. Ravi Chandran

For Respondent : Mr.R. Ravichandran(Crl side)

ORDER

This criminal appeal has been filed to set aside the order of conviction and sentence made in Spl.CC.No.8 of 2015 on the file of the Sessions Judge, Mahila Court, Coimbatore, dated 04.03.2016.

2. The appellant herein was P.W.1 and based on the complaint given by her, the respondent police registered a F.I.R against one Muthusamy for the offence under section, 7 r/w 8 of Protection of Children from Sexual Offences Act and after investigation, prosecution has filed a charge sheet u/s 5(m) r/w 6 of Tamil Nadu Protection of Children from Sexual Offences Act, 2012, which was taken on file as S.C.C.No. 8 of 2015.

3. In order to prove the case of the prosecution, before the Trial Court P.W.1 to P.W.5 were examined, Ex.P1 to Ex.P14 were marked and M.O.1 and M.O.2 were exhibited. On the side of the defence, no witness was examined and no document was marked.

4. During the Trial the appellant herein was examined as P.W.1. Though she supported the case of the prosecution, during the cross examination, she turned hostile and not supported the case of the prosecution and reported that she filed a false case against the accused. Therefore, the learned Sessions Judge, by judgment dated 04.03.2016, convicted the appellant/PW.1 herein u/s 22(3) of Protection of Children from sexual offences Act 2012, and sentenced to undergo three months simple imprisonment and imposed a fine a sum of Rs.1,000/- .

5. Aggrieved against the said Judgment of conviction, the appellant has preferred the present criminal appeal.

6. The learned counsel for the appellant would submitted that the appellant herein was examined as P.W.1 in the Trial Court and the learned Sessions Judge, without following the procedures contemplated under the Criminal Procedure code has convicted the appellant/PW.1 under u/s 22(3) of Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo three months simple imprisonment and fine a sum of Rs.1,000/-.

7. Heard the arguments and perused the materials available on record.

8. It is seen from records that no procedures has been followed as contemplated under procedures established by law and without framing charge and without giving opportunity, the learned Sessions Judge, Mahila Court, Coimbatore, convicted the appellant/PW1 under section 22(3) of the Act. Therefore, the learned Judge is directed to dispose the case after giving opportunity to both the parties and dispose the case in accordance with law as expeditiously as possible.

9. With the above observations, the criminal appeal is allowed and the order 04.03.2016 passed by the Sessions Judge, Mahila Court, Coimbatore, in Spl.CC.No.8 of 2015 is set aside and the above said case is remitted to the special Court for disposal in accordance with law.

25.04.2019

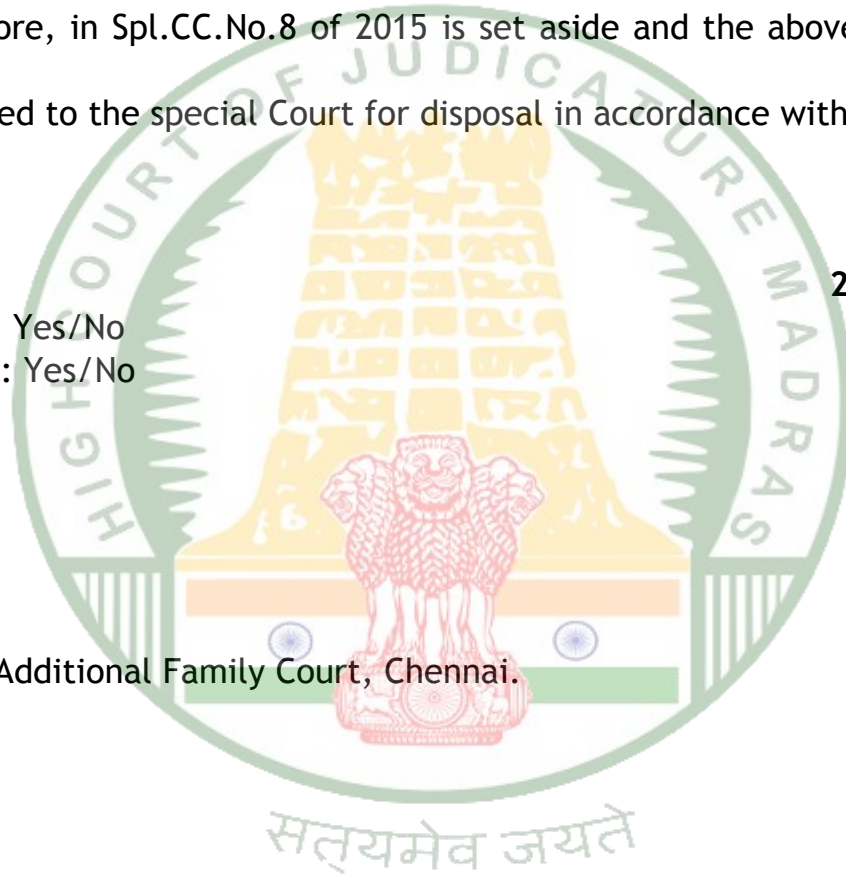
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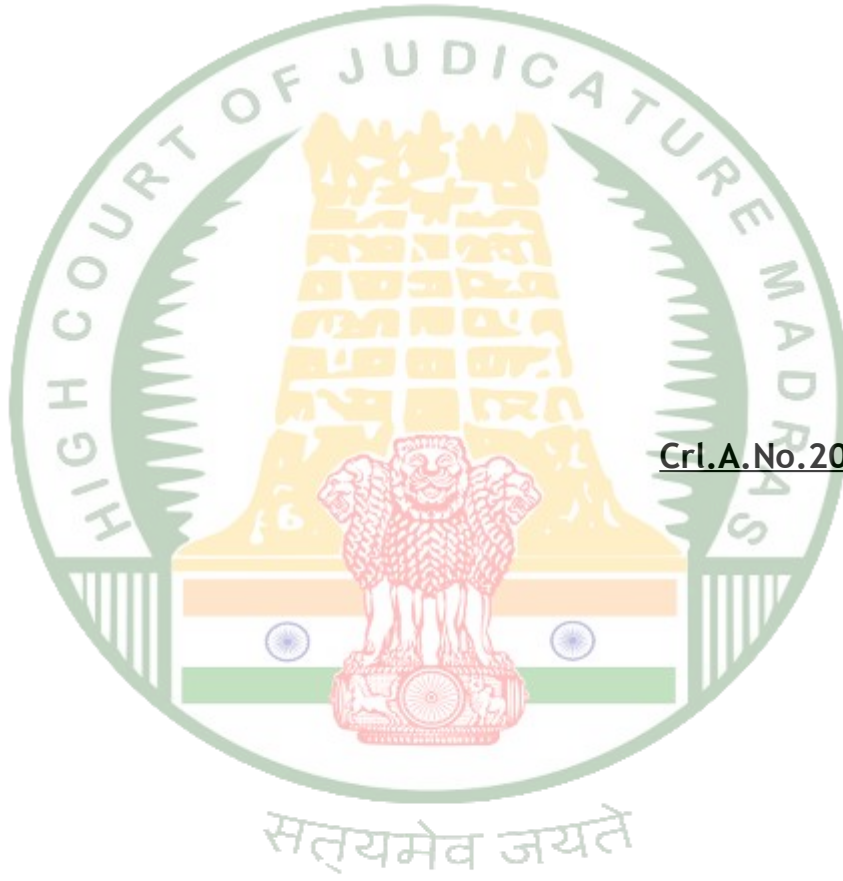
The 3rd Additional Family Court, Chennai.



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P.VELMURUGAN, J.,

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