

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.A.No.844 of 2018

Ganesan

...Petitioner/Accused

-Vs-

State rep. by its
Inspector of Police,
All Woman Police Station,
Pennagaram,
Dharmapuri,
(Crime No.2 of 2016)

...Respondent

Criminal Appeal filed under Section 374(2) of Cr.P.C. to set-aside the conviction and sentence made in Special S.C.No.9 of 2016 dated 31.10.2018 on the file of Fast Track Mahila Court, Dharmapuri and thus allow the criminal appeal.

For Petitioner : Mr.M.Damodharan
for appellant
(Legal Aid Counsel)

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

JUDGMENT

The respondent Police registered a case against the accused for the offence punishable under Section 7 r/w 8 of POCSO Act, 2012. The learned Fast Track Mahila Judge, Dharmapuri convicted the accused under Section 7 r/w 8 of POCSO Act, 2012 and sentenced him to undergo 3 years rigorous imprisonment with fine of Rs.5,000/-in default to undergo 6 months imprisonment.

2. Challenging the same, the accused preferred the present revision petition before this Court.

3. The case of the prosecution is that the victim was studying 5th standard at the time occurrence. The accused tried to harass her sexually. Therefore, she immediately run away from

that place and came out.

4. The learned Legal Aid counsel appearing for the appellant would submit that the accused is a poor person. He is unable to pay the compensation of Rs.1,00,000/- to the victim girl and pleaded leniency of this Court to set aside the sentence of compensation awarded by the trial court. Taking into consideration the nature of offence and the compensation awarded by the Trial Court, insofar as the sentence directing the appellant to pay the compensation of Rs.1,00,000/- is concerned the same is modified to the effect that the compensation amount shall be paid by the State to the victim girl if state finds that the accused has got sufficient means the same can be recovered from the appellant under Revenue Recovery Act. The sentence of conviction with regard to imprisonment remains unaltered. In the result, the Criminal Appeal is partly allowed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The learned Fast Track Mahila Court,
Dharmapuri
2. Inspector of Police,
All Woman Police Station,
Pennagaram, Dharmapuri.
- 3.The Chief Judicial Magistrate,
Dharmapuri.
- 4.The Superintendent,
Sub Jail,Dharmapuri.
- 5.The Public Prosecutor, High Court, Madras.

+1cc to Mr.M.Damodharan, Advocate, S.R.No. 42077

+1cc to Mr.I.Abrar, Advocate, S.R.No. 42819

Cr1.A.No.844 of 2018

SVI (CO)
GN(12/12/2019)