



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

WEB COPY

Crl.A(MD)No.179 of 2021

Ajith

: Appellant/Petitioner

Vs.

1.The Deputy Superintendant of Police,
Srivilliputtur, Virudhunagar District.

2.The Inspector of Police,
All Women Police Station,
Srivilliputtur,
Virudhunagar District.

In Crime No.02 of 2021.

: R1 and R2/Complainant

3.Mrs.Vellammal

: R3/De-facto complainant

Prayer: Criminal Appeal filed under section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018 against the order of the learned Special Judge, Special Court for POCSO Act Cases, Virudhunagar District at Srivilliputtur, dated 10.03.2021 made in Crl.MP No.224 of 2021.

For Appellant

: Mr.M.Jothi Basu

For R1 and R2

: Mr.A.Robinson
Government Advocate
(Criminal side)

For 3rd Respondent

: No appearance

O R D E R

This Criminal Appeal is directed against the order of the learned Special Judge, Special Court for POCSO Act Cases, Virudhunagar District at Srivilliputtur, dated 10.03.2021, made in Crl.MP No.224 of 2021.

2.According to the prosecution, the accused and the victim girl, who is aged about 16 years, are fell in love and on the pretext to perform marriage, the accused had sexual intercourse with the victim girl on several occasions and in consequence thereof, the minor victim girl became pregnant.



3.The learned counsel appearing for the appellant submitted that the appellant is an innocent person and he has been falsely implicated in this case and that the accused and the victim are lovers and further, on the pretext of performing marriage, the accused had sexual intercourse with the minor girl and both the accused and the victim are belong to Scheduled Caste Community and hence, the question of prosecuting the accused under the provisions of SC & ST (POA) Amendment Act, 2015 does not arise and in this case, DNA test was conducted and the investigation was completed and the appellant/accused is in jail since 30.01.2021 and prays that the criminal appeal has to be allowed.

4.Per contra, the learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 submitted that if the appellant/accused is released on bail, he will tamper the witnesses and prays for dismissal of the criminal appeal.

5.It is an admitted fact that at the time of occurrence, the victim is a minor. The accused, even though knew that the victim is a minor girl, he subjected her to sexual intercourse and due to it, the victim became pregnant and now, she gave birth to a female child. It is to be noted here that in this case, the consent of the minor is immaterial. Further, the offence is grave in nature. Hence, this court is of the considered view that the appellant/accused is not entitled for any relief as sought for in this criminal appeal.

6.In the result, this Criminal Appeal fails and the same is **dismissed**.

Sd/-

Assistant Registrar(CS-II)

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/ /2021

Sub Assistant Registrar(CS)

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To,

1.The Special Judge,
Special Court for POCSO Act Cases,
Virudhunagar District at Srivilliputtur,

2. The Superintendent, Central prison, madurai.



3.The Deputy Superintendant of Police,
Srivilliputtur, Virudhunagar District.

4.The Inspector of Police,
All Women Police Station,
Srivilliputtur,
Virudhungan District.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-16864[F] dated
21/04/2021)

Cr1.A(MD)No.179 of 2021
21.04.2021

pm(CO)

TR(03.05.2021) 3P 7C