



BAIL SLIP

The Appellants/Accused No.1 to 3 viz., 1)Saravanamuthu, Male aged about 26 years/17, S/o.Shamugavel, 2)Selvam, Male aged about 39 years/17 S/o.Muniasamy and 3)Lakshmanakumar, Male, aged 25 years/17 S/o.Soundarapandiyan were directed to release on bail as per order of this Court, dated 12.04.2017 made in Crl MP(MD)Nos.2579,2581 and 2583 of 2017 on the file of this Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 08.03.2021

Pronounced on : 27.05.2021

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No. 120 of 2016

1.Saravanamuthu

2.Selvam

3.Lakshmanakumar

: Appellants / A1 to A3

Vs.

State rep. by

The Deputy Superintendent of Police,

Thoothukudi Town Sub Division,

Thalamuthu Nagar Police Station,

Tuticorin.

(Crime No. 332 of 2013)

: Respondent / complainant

PRAYER:- Criminal Appeal filed under Section 374(2) Cr.P.C., to call for the records and to set aside the Judgment passed by the II Additional District and Sessions Judge, Thirunelveli, Thirunelveli District in S.C.No.158 of 2014 dated 15.03.2016.

For Appellants : Mr.V. Kathirvelu

Senior Counsel for Mr. K. Prabhu.

For respondent : Ms. S.E. Veronica Vincent

Government Advocate (Crl. side)

JUDGMENT

"Indian Women with disabilities are often doubly discriminated against - as women and as people with disability."

2.The Criminal Appeal is directed against the Judgment of conviction passed in S.C.No. 158 of 2014, dated 15.03.2016 on the file of II Additional District and Sessions Judge, Thirunelveli.

3. The appellants are the accused Nos. 1 to 3 in S.C.No.158 of 2014 on the file of the II Additional District and Sessions Court, Thirunelveli.

4. The case of the prosecution as evident from the final report is that the defacto complainant and his daughter (victim) belong to

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Hindu Arunthathiyar Community, that the first accused belongs to Chettiyar Community and the accused Nos. 2 and 3 belong to Thevar Community, that the accused are friends themselves, that on 18.11.2013 at about 2.30 hours, when the daughter of the defacto complainant went to graze goats and to pluck Athalakkai, the accused persons cupped her mouth and attempted to commit rape on her, that they pushed away two children, who tried to resist them, that the first accused had closed the mouth of the said girl, that the second accused went on to hold her hands and the third accused raised her garments thereby to commit rape and that thereby, the accused had committed the offences punishable under Sections 354 (a), 376 r/w. 511 IPC and Section 3(1)(XI) of SC/ST (POA) Act, 1989.

5. The learned Judicial Magistrate has taken the case on file in P.R.C.No. 52 of 2014 and furnished the copies of records under Section 207 Cr.P.C., on free of costs. The learned Judicial Magistrate, finding that the offences under the provisions of SC/ST (POA) Act, are exclusively triable by the Special Court to try the offences under the SC/ST (POA) Act, after the compliance under Sections 208 and 209 Cr.P.C., has committed the case to the Special Court and the case was taken on file in S.C.No. 158 of 2014 on the file of the said Court.

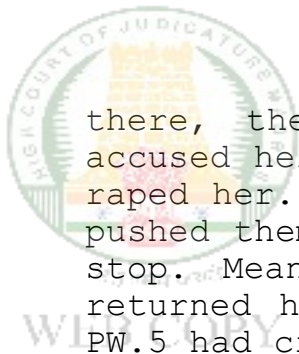
6. After appearance of the accused, the Sessions Court, on hearing both sides and on perusal of the records, being satisfied that there existed a prima facie case against the accused, framed charges under Sections 354, 342, 376 r/w. 511, 323 (2 counts) of IPC and Section 3(1)(XI) and 3(2)(V) of SC/ST (POA) Act, against the accused and the same were read over and explained to them and on being questioned, all the three accused denied the charges and pleaded not guilty.

7. The prosecution, in order to prove its case, had examined 11 witnesses as PW.1 to PW.11 and exhibited 9 documents as Exs.P1 to P9.

8. The case of the prosecution emerging from the evidence adduced on their side is as follows:

(a) PW.1 Sakthivel, the defacto complainant is the father of PW.3 victim, PW.4 and PW.5 are his grand children. He had four daughters and one son and they were all married. PW.3 is a deaf and dumb by birth and was given in marriage to her maternal uncle, being the brother-in-law of P.W.1 and has a 7 year old son. Subsequently, her husband had died due to illness. Thereafter, PW.3 and her son are under the care and protection of PW.1. PW.3 does the household chores and would graze goats, being her daily routine.

(b) on 18.11.2013, PW.3 went to graze the goats along with PW.4 and P.W.5. After plucking Athalakkai, when PW.3 was grazing the goats near Conisapuram at about 2.30 p.m., all the three accused came



there, the first accused closed the mouth of PW.3, the second accused held her hands and the third accused moved her garments and raped her. When P.W.4 and P.W.5 tried to obstruct them, the accused pushed them away. Immediately, PW.4 and P.W.5 ran to Gomuspuram bus stop. Meanwhile, PW.1 after noticing that PW.3 to PW.5 had not returned home, was proceeding near Gomuspuram bus stop. PW.4 and PW.5 had cried and informed PW.1 that three persons had dragged PW.3 behind the bushes. Immediately, PW.1 and PW.6, who was grazing his goats had rushed to that place. PW.1 started shouting when he saw the accused Selvam holding the hands of P.W.3 accused Saravanan had closed her mouth and the accused Lakhsmanakumar was raping her. The three accused had run away from that spot leaving behind P.W.3. On questioning, P.W.3 narrated through signs and gestures, that the accused had raped her. Since all the accused persons belonged to the very same village, P.W.1 had gone to the police station, after getting the complaint prepared by his brother, Chinnapandi P.W.10.

(c) PW.9 Santhi Selvi, the then Sub Inspector of Police, Thalaimuthu Nagar Police Station, who was duty on 18.11.2013, received the complaint from PW.1 at 4.00 p.m., and registered a case in Crime No. 332 of 2013 for the offences under Sections 354(a), 376 r/w. 511 IPC and Section 3(1)(XI) of SC/ST (POA) Act and prepared the First Information Report under Ex.P6. Thereafter, she sent the original complaint and First Information Report to the Court of Judicial Magistrate No.II, Tuticorin and copies to the higher officials.

(d) PW.11- Xavier Francis Beski, the then Deputy Superintendent of Police, Tuticorin Sub Division, has taken up the case for investigation as per the orders of the Superintendent of Police under Ex.P7 and inspected the scene of occurrence in the presence of PW.7 - Mariappan and one Thangaraj and prepared the observation Mahazar under Ex.P2 and drew a Rough Sketch under Ex.P8. He examined the witnesses and PW.9 - Sub Inspector of Police and recorded their statements. When he attempted to arrest the accused 1 and 2 at about 18.30 hours near Mappillaioorani Village, they had tried to escape and while chasing them, the accused Selvam fell down and sustained injuries. On 19.11.2013 at 11.30 a.m., he arrested the third accused at Thalamuthu Nagar, Iyyanarpuram Bus stop and sent him to remand. Since the victim is a deaf and dumb person, he examined her with the help of PW.2 - David Jeyasekar, who is a Teacher at Good Shepherd School for the deaf and dumb, recorded the statement of the victim and also the interpreter. Since PW.11 was transferred, PW.12 Chakkaravarthy has taken up the case for further investigation, as per the orders of the Superintendent of Police under Ex.P9. He examined the witnesses PW.1 to PW.10 and since all the witnesses had reiterated the same statements, he has not recorded their statements again. He obtained the community certificates for the accused and the victim under Exs.P3 to P5 and examined PW.8 - Thasildar and recorded his statement. After completing the investigation, he laid a final report on 12.01.2014



against the accused. With the examination of P.W.12, the prosecution has closed their side evidence.

9. When the accused were examined under Section 313(1)(b) Cr.P.C., with regard to the incriminating aspects found against them, they denied the same as false and stated that a false case was foisted against them. The accused have not adduced any oral evidence, but exhibited two documents as Exs.D1 (Accident Register Extract) and Ex.D2 (causality OP sheet), both relating to the treatment given to accused Selvam, during the cross examination of P.W.11.

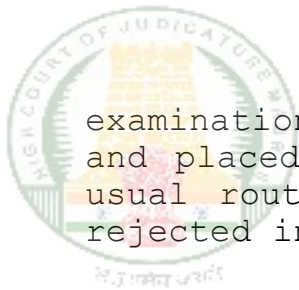
10. I have heard Mr.V. Kathirvelu, learned Senior counsel appearing for the appellants and Ms. S.E. Veronica Vincent, learned Government Advocate (Crl. Side) appearing for the respondent.

11. Whether the impugned Judgment of the conviction and sentence imposed in S.C.No. 158 of 2014, dated 15.03.2016 on the file of the II Additional District and Sessions Court, Thirunelveli is liable to be set aside? is the point for consideration.

12. The prosecution case is that on 18.11.2013 at about 2.30 p.m., when PW.3 was grazing her goats near Gomuspuram, all the three accused had dragged her behind the bushes and attempted to commit rape on her. The relationship of the victim (P.W.3) to that of the defacto complainant (P.W.1) and the other witnesses is not in dispute. PW.3 victim is the daughter of PW.1, that PW.4 is the paternal grand daughter and PW.5 is the maternal grand son of PW.1, that PW.10 - Chinnapandi is the brother of PW.1 and that PW.6 - Arumugam is also a relative of PW.1 - Sakthivel. It is not in dispute that PW.3 victim is a deaf and dumb person since birth, is a widow, has a seven year old son Ravikumar, after the death of her husband, she along with her son are under the care and protection of P.W.1, as her daily routine, she grazed the four goats owned by her father and did the household chores.

13. Motive - attributed by the defence for implicating the accused.

The defence of the accused is that while the accused 1 and 2 were standing in the bus stop, they were directed by the police to stand as witnesses for some other case, that since the accused 1 and 2 refused to oblige to the directions of the Police, they were brought to the police station, were beaten, due to which the accused 1 and 2 had sustained injuries and thereafter, they were falsely implicated along with the third accused in the present case. No doubt, during the cross examination of PW.1, PW.9 and PW.11 the theory as propounded by the defence was suggested to them, which has been specifically denied by all three witnesses. Except for the suggestion, the defence has not produced any material or evidence nor elicited anything from the witnesses during their cross



examination to prove the alleged motive. The theory even suggested and placed on the side of the defence, is hard to believe and an usual routine theory spun up to avoid the consequences and is rejected instantaneously.

14. Test Identification Parade - Whether the evidence of PW.3 in identifying the accused before the Court for the first time is inadmissible, as no Test Identification Parade was conducted?.

a) The learned counsel for the defence would submit that PW.1, PW.3, PW.5 and more particularly PW.3 victim does not know the accused prior to the occurrence, that the accused were total strangers, that since the occurrence has taken place in flash of seconds there was no occasion or chance for the witnesses to imprint the image of the accused on their minds, that the investigating officer ought to have taken steps for conducting the Test Identification Parade and that in the absence of Test Identification Parade, the evidence of PW.3 identifying the accused before the trial Court cannot be believed and is totally inadmissible.

b) It is necessary to refer the decision of the Hon'ble Supreme Court in **Rabindra Kr. Pal @ Dara Singh Vs. Republic of India Panel** in Crl.A.No.1259 of 2007, dated 21.01.2011.

"It is trite to say that the substantive evidence is the evidence of identification in court. Apart from the clear provisions of Section 9 of the Evidence Act, the position in law is well settled by a catena of decisions of this Court. The facts, which establish the identity of the accused persons, are relevant under Section 9 of the Evidence Act. As a general rule, the substantive evidence of a witness is the statement made in court. The evidence of mere identification of the accused person at the trial for the first time is from its very nature inherently of a weak character. The purpose of a prior test identification, therefore, is to test and strengthen the trustworthiness of that evidence. It is, accordingly, considered a safe rule of prudence to generally look for corroboration of the sworn testimony of witnesses in court as to the identity of the accused who are strangers to them, in the form of earlier identification proceedings. This rule of prudence, however, is subject to exceptions, when, for example, the court is impressed by a particular witness on whose testimony it can safely rely, without such or other corroboration. The identification parades belong to the stage of investigation, and there is no provision in the Code which obliges the investigating agency to hold or confers a right upon the accused to claim a test identification parade. They do not constitute substantive evidence and these parades are essentially governed by Section 162 of the Code. Failure to hold a test identification parade would not make inadmissible the



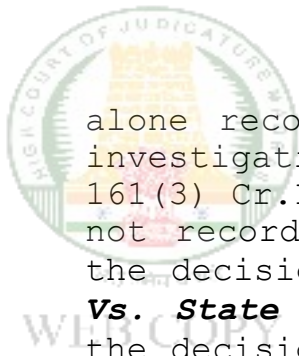
evidence of identification in court. The weight to be attached to such identification should be a matter for the courts of fact. In appropriate cases it may accept the evidence of identification even without insisting on corroboration."

c) It is pertinent to note that the evidence gathered through the Test Identification Parade is not substantive evidence and the same can only be used to corroborate substantive evidence, if any, available in the case. Moreover, conducting of Test Identification Parade is part of the investigation and it is for the Investigating Officer to decide as to whether the Test Identification Parade is necessary or not. Generally, the Test Identification Parade is conducted so as to ascertain or verify whether the investigation is proceeding in proper direction or not. No doubt, admittedly, Test Identification Parade was not conducted in the case on hand. But, it is not the case of the defence that the police had shown the accused or the photos of the accused to the victim before trial. Moreover, when PW.3 was in witness box, no such suggestions were made.

d) No doubt, PW.3 in her cross examination would say that the accused were not known to her prior to the occurrence. But, PW.1 in his chief examination itself would say that since the accused were belonging to his street, he had directly proceeded to the police station. Further, in the cross examination, he would say that the accused were residing in the nearby village since their childhood. PW.4 and PW.5 in their evidence would categorically depose that all the accused were known to them even prior to the occurrence. During the cross examination, both of them would say that they had seen the accused sipping Tea in the nearby village Tea Shop while proceeding to the house of their grand father. Though the defence has alleged that the alleged occurrence has been completed within a flash of time, the Investigating Officer, during his cross examination, would say that the occurrence was over in five minutes. Considering the above, it is very much clear that PW.1, PW.4 and PW.5 had acquaintance with the accused prior to the occurrence. Hence, the objection of the defence with respect to the non conducting of Test Identification Parade, is devoid of merits, is also liable for rejection.

15. Evidence of Deaf and dumb witness through signs and gestures- Whether the evidence of PW.3, who is a deaf and dumb person, is liable to be excluded from consideration, as signs and gestures shown by PW.3 were not recorded and only interpretation of the signs and gestures were recorded?

a) The learned counsel for the defence would strongly contend that the evidence of PW.1 cannot be looked into as the signs and gestures shown by her were not at all recorded and the interpretation of her signs and gestures by PW.2 interpreter were



alone recorded. The very same procedure was also followed by the investigating officer while recording the statement under Section 161(3) Cr.P.C, of the victim (P.W.3) and her signs and gestures were not recorded. To impress upon this aspect, the defence, relied on the decision of Himachal Pradesh High Court rendered in **Sunil Kumar Vs. State of Himachal Pradesh** reported in **2012 Cr1.L.J. 1743** and the decision of the Hon'ble Supreme Court in **State of Rajasthan Vs. Dharsan Singh @ Darshan Lal** reported in **2012(5) SCC 789**.

b) It is necessary to refer the decision of Hon'ble Judge of this High Court **Mr.Justice.P.N.Prakash** in **Mariyadoss Vs. State by Inspector of Police, All Women Police Station, Kumbakonam** passed in **Cr1.R.C(MD).No. 718 of 2007, dated 18.06.2014**, while dealing with a similar case.

9.The next argument advanced by the learned counsel for the accused is that the trial Court had failed to record the signs and gestures. In this regard, he relied upon the judgment of the Hon'ble Supreme Court in *State of Rajasthan v . Darshan Singh alias Darshan Lal [2012 C r 1 . L . J . 2908]* . The Hon'ble Supreme Court in para 18 has held as follows:

"18. ... When a deaf and dumb person is examined in the court, the court has to exercise due caution and take care to ascertain before he is examined that he possesses the requisite amount of intelligence and that he understands the nature of an oath. On being satisfied on this, the witness may be administered oath by appropriate means and that also be with the assistance of an interpreter. However, in case a person can read and write, it is most desirable to adopt that method being more satisfactory than any sign language. The law required that there must be a record of signs and not the interpretation of signs."

10.That was a case filed by the State of Rajasthan against the acquittal of accused and the Hon'ble Supreme Court has refused to interfere with the acquittal. The Supreme Court has noted that the trial Court had used the service of the victim's father as an interpreter for interpreting the signs and gestures of the dumb witness. The Court below had held that the father being an interested witness ought not to have been used as an interpreter. In the light of those facts, the Supreme Court did not interfere with the acquittal of the accused. The facts obtaining in this case is different. Right from the time of investigation the police had taken the service of Bhuvaneshwari (P.W.7) a teacher who was specially trained to decipher the language of the mute. The



Court had also requisitioned the service of Bhuvaneshwari (P.W.7) to interpret the evidence of P.W.2 in the Court. At that time no exception was taken by the accused for this procedure. Both of them were administered oath by Court. Bhuvaneshwari (P.W.7) assisted the Court in interpreting the signs and gestures of P.W.2. Thereafter, Bhuvaneshwari was examined as P.W.7. in order to prove the fact that she had assisted the police during investigation. It is not the case of the accused that Bhuvaneshwari was in any way related to the victim's family or known to them. The police and the Court had requisitioned her service from a Special School for this singular purpose. The learned counsel for the accused relied upon the judgment of Himachal Pradesh High Court in *Sunil Kumar V. State of Himachal Pradesh* [2012 CrI.L.J. 1743] in which the High Court had acquitted the accused on the ground that the trial Court had not recorded the signs made by the dumb witness but had only recorded the interpretation of the signs. The Himachal Pradesh High Court also found other grounds, apart from this, for acquitting the accused in that case. In any event the judgment of the Himachal Pradesh High Court is only of persuasive value and does not bind this Court. In my opinion, for the failure of the Court to record the actual signs of the dumb witness the accused cannot be acquitted. We cannot forget the maxim *actus curiae neminem gravabit* which means the act of Court should not prejudice any party. In our judicial system the Presiding Officer is the master of his Court and if for reasons, be it out of ignorance or on account of supine indifference or otherwise, if he fails to perform his duty in the manner known to law that cannot inure to the advantage of any party unless grave prejudice is shown to have been caused. In this case, the accused was represented by a lawyer in the trial Court and he has used the same interpreter for cross-examining P.W.2. He did not complain that his questions were being misinterpreted and erroneously recorded by the trial Court. Thus, after the acquiescence to it and participating in the proceedings, one cannot reprobate it at the revisional stage."

c) It is necessary to refer Section 119 (A) of the Evidence Act, which came into force from 15.03.2013, and reads as follows ;

"119.A witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open



Court, evidence so given shall be deemed to be oral evidence: Provided that if the witness is unable to communicate verbally, the Court shall take the assistance of an interpreter or a special educator in recording the statement, and such statement shall be videographed."

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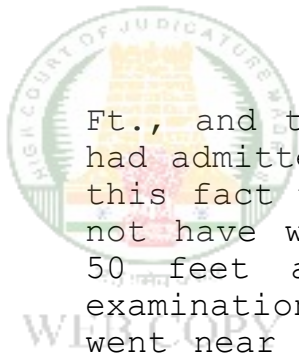
d) In the case on hand, admittedly, the signs and gestures shown by PW.3 were not recorded and the evidence given by PW3 was also not Videographed. As rightly observed by the Hon'ble Judge of this Court, in the above mentioned decision, in the present case also, the accused have taken part in the trial proceedings and they have not raised any objection for the manner in which, the evidence of PW.3 was recorded. More importantly, they have cross examined the victim PW.3, utilizing the service of the same PW.2 interpreter. It is not the case of the defence that they have raised their objection for not recording the signs and gestures shown by PW.3, but the same was rejected by the trial Court. Considering the above, the contention of the defence that the evidence of PW.3 is liable to be eschewed from consideration is liable to be rejected.

16. Assuming for the sake of arguments that the evidence of PW.3, on the ground that the signs and gestures shown by her were not recorded by the trial Court, is to be excluded from consideration, as rightly contended by the learned Government Advocate (Crl. Side), the evidence of PW.1 and PW.4 to PW.6 are very much available. PW.4 and PW.5 in their evidence would say that the accused came to the occurrence place and dragged PW.3 towards bushes, that both of them had attempted to obstruct the accused, but the accused have pushed them down and that thereafter, both of them ran away from the occurrence place. PW.1 in his evidence would say that after coming to know about the incident, he rushed to the place along with PW.4 to PW.6 and he had seen the victim, mouth was closed by first accused, her hands was held by second accused and the third accused by raising her saree had raped her.

17. No doubt, the complaint was preferred by PW.1 as if the accused had attempted to commit rape on PW.3, but while giving evidence before the Court, he has given evidence as if the rape was committed by the accused on PW.3.

18. The learned Government Advocate (Crl. Side) has fairly conceded that there is no evidence to show that the offence of rape was committed and PW.1 being father of the victim had indeed exaggerated the occurrence, of attempt to rape to commission of rape.

19. No doubt, PW.1 in his cross examination would admit that he was aged 70 years at that time, he does not wear spectacles, his eye sight is very good, that he can see everything at a distance of 50



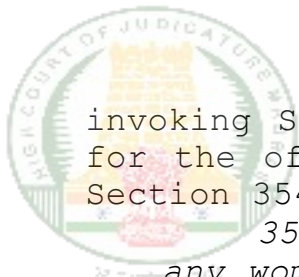
Ft., and that his long sight would be dull. Since PW.1 initially had admitted that he had seen the accused at a distance of 150 Ft., this fact was stressed upon by the defence to contend that he could not have witnessed the occurrence, which allegedly occurred beyond 50 feet and more particularly 150 feet. PW.1 in his cross examination would say that he had seen the accused and that after he went near the occurrence place, all the accused ran away from that place. As rightly contended by the learned Government Advocate (Crl. side), PW.1 would only admit that initially he had seen the accused and the occurrence at the distance of 150 feet and thereafter, when he proceeded towards the occurrence place, the accused on hearing his shouting had fled from that place.

20. Now, coming to the evidence of PW.3, as already pointed out, she had clearly identified the accused and in the chief examination, she would say that three persons came to the occurrence place, had closed her mouth and the children ran away, that the first accused has closed her mouth, that the second accused caught hold of her hands and that the third accused had raised her garments. In cross examination, she would say that her father came to the occurrence place and had seen the accused.

21. As rightly contended by the learned Government Advocate (Crl. Side), there is no evidence or materials to show that PW.3 has any motive to falsely implicate the accused. PW.6, who was grazing the cattle had also accompanied PW.1 to the occurrence place and had seen the accused running from that occurrence place and PW.3 was found weeping. In cross examination, he would reiterate that after seeing him, the accused ran away from that place. The above evidence of PW.1, PW.4 to PW.6 are reliable and are corroborate the evidence of PW.3 victim.

22. The learned Senior counsel for the appellants would submit that PW.1, PW.4 to PW.6 are related to each other and are interested witnesses and that therefore, no value or weightage can be given to their evidence. Generally, related witness cannot be equated with the interested witness. The witness may be called "interested" only when he or she derives some benefit from the result of a litigation in the decree in a civil case or in seeing an accused person punished and a witness who is a natural one and is the only possible eyewitness in the circumstances, of a case cannot be called as interested. In this case, PW.4 and PW.5 had accompanied PW.3 for grazing goats and after coming to know about the incident, PW.1 had accompanied PW.4 and PW.5 to the occurrence place and all of them had seen the accused. As already pointed out, the defence has not attributed any personal motive or any previous animosity for the above said witnesses to implicate the accused. Hence, the above objection of the defence has to necessarily fail.

23. As already pointed out, though the accused were charged for the offence under Sections 376 r/w. 511 of IPC, the trial Court by



invoking Section 222 Cr.P.C.,. has rightly convicted the accused for the offence under Section 354B IPC. It is necessary to refer Section 354B IPC.

354B: Any man who assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.

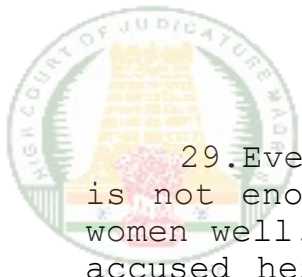
24. No doubt, as rightly pointed out by the learned Government Advocate (Crl. Side), there is ample evidence to show that the third accused had raised the garments of PW.3 and the other two accused had abetted the same by closing her mouth and by holding her hands, which gets attracted Section 354 of IPC. Since the prosecution has proved that PW.3 was wrongfully confined in the place of occurrence by the accused through the evidence of PW.1, PW.3, PW.4, PW.5 and PW.6, the trial Court has rightly convicted the accused for the offence under Section 342 IPC also.

25. Considering the above, the finding of the trial Court that the accused are guilty of the offences under Sections 354B and 342 IPC cannot be found fault with and this Court is entire agreement with the finding recorded by the trial Court.

26. Now, turning to the punishment imposed, as already pointed out, the learned trial Judge has sentenced the accused to undergo 7 years Rigorous Imprisonment and to pay a fine of Rs.1,00,000/- each in default to undergo Simple Imprisonment for 18 months for the offence under Section 354B IPC and sentencing them to undergo one year Rigorous Imprisonment and to pay a fine of Rs.1,000/- in default to undergo 2 months Simple Imprisonment for the offence under Section 342 IPC., and directed the sentences to run consecutively.

27. It is pertinent to mention that the victim is a deaf and dumb lady and taking advantage of her physical challenge, all the three accused had the tenacity to commit the sexual assault. As rightly contended by the learned Government Advocate (Crl. Side), if PW.1 and others had not intervened, the accused would have committed gang rape. The defence has not shown any other special or mitigating circumstances to modify or reduce the punishment imposed.

28. Despite the imposition of severe punishments, the attitude of society towards women is not changed completely. Violence is something she is born with, from womb till grave. In the present case, the victim is a woman with speech and hearing disability, considering the nature and seriousness of the offence committed against the hapless lady, the punishment imposed cannot be said to be excessive.



29. Every one accepts that we are to treat women well. But that is not enough. It's time to work, to make sure that all men treat women well. With the fond hope that this happens in our society, the accused herein cannot be dealt with leniently and accordingly, the Criminal appeal stands dismissed.

30. In the result, the Criminal Appeal is dismissed and the Judgment of conviction and sentence imposed on the accused by the learned II Additional District and Sessions Judge, Thirunelveli, Thirunelveli District in S.C.No.158 of 2014 dated 15.03.2016 is hereby confirmed. The trial Court is directed to take necessary steps to secure the accused to undergo the remaining period of sentence, if any.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp/das

To

1. The II Additional District and Sessions Judge,
Thirunelveli, Thirunelveli District.
2. The Deputy Superintendent of Police,
Thoothukudi Town Police Station,
Thalamuthu Nagar Police Station,
Thoothukudi District.
Cr No.332 of 2013
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai. (2c)

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27.05.2021

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