

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM:

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

CRL.A.NO.293 OF 2017

AND

CRL.M.P.NO.7004 OF 2017

Karthick

.. Appellant/Accused

/versus/

State rep.by
The Inspector of Police,
All Women Police Station,
Sankari,Salem District.
(Crime No.1 of 2016)

.. Respondent/Complainant

Prayer: Criminal Appeal has been filed under Section 374(2) of Criminal Procedure Code praying to set aside the order of conviction and sentence passed in Special S.C.No.28 of 2016, Mahila Court, Salem, dated 17.05.2017 and consequentially acquit the appellant / accused of the charges.

For Appellant : Mr.M.Rajeev Gandhi for
Mr.S.Kaithamalaikumaran

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

J U D G M E N T

This appeal is preferred against the conviction and sentence of 5 years Rigorous Imprisonment and fine of Rs.12,000/- or a default of 6 months Simple Imprisonment for the offence punishable under Section 10 read with Section 9(m) of POCSO Act 2012, passed in Special S.C.No.28 of 2016 , dated 17.05.2017 by Mahila Court Salem.

2. The learned Government Advocate (Criminal Side) appearing for the respondent states that the accused has already completed the term of imprisonment and has been discharged from

prison and even on merits, the judgment of conviction and sentence requires no interference, since the offence under sections 9 and 10 (aggravated sexual assault on a minor child) has been well established.

3. The evidence of the victim minor child /P.W.2 as well as her mother P.W.1, who saw the accused running out of her house, when she returned home from grocery shop and to whom the victim minor child aged 7 narrated the sexual assault committed by the accused, corroborated by the medical evidence which discloses injury on the private part of the victim child. Taking note of all these facts and the evidence adduced by the prosecution, the judgment of the Trial Court is confirmed.

4. Accordingly the appeal is dismissed. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge,
The Mahila Court, Salem.
2. The Inspector of Police,
All Women Police Station,
Sankari, Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court, Madras.

Copy To

The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.S.Kaithamalaikumaran, Advocate, S.R.No.38639

Crl.A.No.293 of 2017

MG(CO)
RLP(12/07/2022)