



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.A(MD)No.376 of 2021

WEB COPY

Saravanakumar

...Appellant / sole Accused

Vs.

1.The State represented by
The Inspector of Police,
All women Police station
Fort
Trichy
(Crime No.9 of 2019)

...Respondent/Complainant

Prayer: This Criminal Appeal Petition filed under Section 378(3) Cr.P.C. to call for records and set aside the judgment and conviction imposed by the learned Mahila Court, Tiruchirapalli in Spl.S.C.40 of 2019 dated 27.07.2021 and allow the above criminal appeal.

For Petitioner : Mr.B.Jameel Arasu

For Respondent : Mrs.M.Aasha
Government Advocate (Criminal Side)

J U D G M E N T

The criminal appeal has been filed to set aside the conviction imposed and the order passed by the learned Mahila Court, Tiruchirapalli in Spl.S.C.40 of 2019 dated 27.07.2021.

2.The case of the prosecution is that a minor victim girl, aged about 6 years had enrolled in Mind Crew School of Dance, which had been run by the petitioner. On 01.05.2019, the victim was on her vacation hence she attended the classes between 5.00 p.m and 6.00 p.m. The defacto Complainant is the mother of the victim, she used to drop and pickup her child. On 30.05.2019, asusual the defacto complainant came to pickup her child. The mother generally enquired her child and came to know that the petitioner had asked the victim to lick his male reproductive organ and titillate the same by shaking it. The petitioner had thereafter asked the child to lie down on her back and he had lied down on her. Particularly, the petitioner had also informed the child that this was a game and this would also be continued tomorrow. Immediately, the defacto complainant informed her husband and lodged the complaint to the



respondent police on 31.05.2019 in Crime No.9 of 2019 for the offences under Section 5(m) r/w.6 of Protection of Children from Sexual Offences Act, 2012.

3. After investigation, the final report had been filed along with chargesheet against the petitioner before the Mahila Court, Tiruchirappalli in Spl.S.C.No.40 of 2019. In the prosecution, there were 14 witnesses I.e., PW 1 to PW 14, who were examined and 11 exhibits were marked. The defense had not led any witness nor marked any document. No material objects marked on behalf of either side.

4. The learned Counsel appearing for the petitioner stated that one boy child, aged about 6 years and two dance masters were available at the time of occurrence and they should also be enquired to unearth the truth. Further he stated that the petitioner is an innocent, he had not committed any offence and the petitioner did not show any adult content video clipping to the victim.

5. The learned Government Advocate (Crl.Side) appearing for the respondent stated that the victim herself admitted in her statement that the accused showed the adult content video clippings to her.

6. Therefore, the petitioner had committed a very serious and heinous offence as against the six year old minor girl. This Court finds no infirmity and illegality in the order passed by the learned Mahila Court, Tiruchirappalli in Spl.S.C.40 of 2019 dated 27.07.2021.

7. This Court is not inclined to allow this appeal. Accordingly, the criminal appeal is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

lr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Judge, Mahila Court, Tiruchirapalli.

2.The Inspector of Police,
All women Police station
Fort
Trichy

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.(2 copies)

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