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Crl.A(MD)No.157 of 2017



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 30.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.A.(MD)No.157 of 2017

P.Manjula ... Appellant/P.W.1

vs.

1.The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli District.
(Crime No.13 of 2011). ... 1st Respondent/Respondent

2.Rajendran ... 2nd Respondent/Accused (Single)

PRAYER : Criminal Appeal has been filed under Section 372 of Cr.P.C., to set aside the Judgment passed by the Mahalir Neethimandram, Tirunelveli in S.C.No.192 of 2015, vide Judgment dated 16.02.2017 and consequently convict the accused in all charges mentioned in the aforesaid case by imposing maximum punishment provided under the law.

For Appellant : Mr.R.Anand

For R - 1 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

For R - 2 : Mr.A.Jayarama Chandran



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JUDGMENT

This Criminal Appeal has been preferred as against the order of acquittal passed in S.C.No.192 of 2015, dated 16.02.2017, on the file of the Mahalir Neethimandram, Tirunelveli.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.The second respondent has been acquitted from the charges under Sections 450, 417, 376(1) and 506(i) of I.P.C. However, the trial Court found that the second respondent is the biological father of the child born to the appellant herein. Therefore, the trial Court concluded that the appellant is entitled for compensation to be paid by the Government. However, the trial Court failed to issue any direction to the second respondent to pay compensation, since he only committed the offence. Though the second respondent was acquitted on the ground that the prosecution failed to prove its case beyond any doubt, he is being the biological father of the child born to the appellant, he is duty bound to maintain the appellant as well as the girl baby born to him.



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4.As directed by this Court, the appellant along with the minor child and the second respondent are present before this Court.

5.The second respondent agreed to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) as full quit in favour of the appellant by way of Demand Draft.

6.Considering the above facts and circumstances, this Criminal Appeal is disposed of with the following direction:-

“The second respondent shall pay a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) in favour of the appellant herein by way of Demand Draft on or before 28.07.2023”.

30.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
ps



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To

- 1.The Mahalir Neethimandram,
Tirunelveli.
- 2.The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli District.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN , J.

ps

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