



Crl.O.P.No.18973 of 2024 in
Crl.A.SR.No.31962 of 2024

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M.NIRMAL KUMAR, J.

This petition has been filed seeking to grant leave to the petitioner to prefer the above criminal appeal against the judgment of acquittal dated 29.09.2023 passed in the Court of Sessions Judge, Fast Track Mahila Court, Ariyalur District in Special S.C.No.19 of 2021.

2. In this case totally 9 witnesses have been examined and 12 documents have been marked as Ex.P1 to Ex.P12 on the side of the prosecution and the court side marked one document as Ex.C1. PW1 is the Victim girl. PW2 is the Mother of the victim girl. PW3 is the friend of the victim. PW4 is the Doctor, who examined the victim girl and Ex.P2 - Accident register of victim girl issued by her. Ex.P3 is the Medical opinion of victim girl given by PW4. PW5 is the victim's school headmistress who has issued Ex.P4-Education certificate of the victim girl and Ex.P5 - Transfer certificate of victim girl confirm the age of the victim. PW6 is the



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doctor who examined the accused and who conducted potential test for the accused. PW7 is the witness to prove place of occurrence and confession statement of the accused. PW8 is the Sub inspector of Police, who received the complaint from PW1 and marked Ex.P1, complaint based on which she registered the FIR, marked as Ex.P10. PW9 is the Investigation officer, who proceeded to the scene of occurrence, prepared rough sketch and sent the victim girl, for medical examination. After investigation, PW9 filed charge sheet.

3. The case of the prosecution is that the victim girl and the accused had a love affair and they conversed through the mobile phone of PW3. According to the prosecution, the accused, on the pretext of marrying the victim girl, had committed aggravated penetrative sexual assault on false representation and on misconception on various occasion, due to which the victim got pregnant. When the pregnancy of the victim girl came to the knowledge of her mother, PW2 lodged a complaint. In the complaint, the date of occurrence was given as 22.03.2021. On the subsequent date, the Doctor examined the victim and stated that she was two months pregnant.



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But, PW4, Doctor has stated in her deposition that the victim, informed that she had sexual contact with the accused on 24.04.2021. She also deposed that as per the fetus age, the victim approximately should have intercourse in the last week of February 2021. Even in the DNA Test report, Ex.P12, the accused was excluded as the biological father of the fetus. The trial court also pointed out the delay in registering the FIR and acquitted the accused.

4. The learned Public Prosecutor submitted that the trial Court failed to consider important evidence adduced in the case. The victim has clearly deposed about her relationship with the accused. Further, the victim was a minor as on the date of occurrence. Therefore, the sole testimony of the victim is sufficient to convict the accused. The learned counsel for the petitioner further submitted that mere delay in giving a complaint in a case of this nature cannot be a reason to acquit the accused.

5. Finding reason and force in the petitioner's submission, this Court is inclined to grant leave. Accordingly, leave is granted.



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6. The Registry is directed to number the appeal and post for admission, if it is otherwise in order.

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