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CrI.O.P.No.20473 of 2024
in CrI.A.SR.No.35402 of 2024

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M.NIRMAL KUMAR, J.

The State filed this petition seeking leave to file an appeal challenging the judgment of acquittal dated 29.12.2023 rendered in Spl.S.C.No.35 of 2022 by the learned Sessions Judge, Fast Track Mahila Court, Ariyalur.

2.The contention of the learned Government Advocate is that in this case, P.W.1 is the victim and she is a minor aged about 17 years at the time of occurrence, age proved by the evidence of P.W.7/Head Master. The victim and the respondent are neighbours residing house opposite to each other. The respondent used to abuse, threaten and also exhibit his private parts to the victim girl on various occasions. The respondent entering the house of the victim on 10.12.2021 clearly spoken by P.W.1/victim, P.W.2 and P.W.3, her mother and sister. Hence, the trespass committed by the



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respondent is proved. Apart from the incident on 10.12.2021, three other incidents spoken by the victim. Whenever the victim was in the terrace, the respondent used to exhibit his private parts to the victim girl, thereby sexually abusing her. On one occasion, when the victim was in the terrace, the respondent, without dress having massage articles with him, calling the victim girl to do massage. On another occasion, when the victim girl was cleaning the front portion of her house, the respondent came there in his two wheeler exhibiting his private parts. The respondent followed the victim girl whenever she was to the School and sexually abused her. These incidents clearly narrated and spoken by P.W.1 which corroborated by P.W.2 and P.W.3, but the Trial Court disbelieved the evidence of P.W.1 for the reason that the terrace of P.W.1/victim is 3 feet higher than the respondent's terrace, hence visibility from the victim's terrace to the respondent's terrace is not possible and there is no evidence to this aspect. Further, on minor contradictions in the evidence of P.W.1, P.W.2 and P.W.3, the Trial Court had disbelieved the evidence of P.W.1, it is not proper. The minor contradiction would only confirm the truthfulness of the



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evidence of witness. In such circumstances, the Trial Court disbelieving the prosecution case and acquitting the respondent is not proper.

3.Finding reason in the submission of the learned counsel for the petitioner, this Court is inclined to grant leave. Accordingly, leave granted.

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

27.08.2024

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