



WEB COPY



Crl.O.P.No.22827 of 2024
in Crl.A.SR.No.40546 of 2024

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SUNDER MOHAN, J.

The State has preferred the instant appeal challenging the acquittal of the respondent for the offence under Section 10 of the POCSO Act.

2.The learned Government Advocate (Crl. Side) pointed out to the evidence of PW2 and submitted that it is her consistent version that she was subjected to sexual assault by the respondent and that the question as to whether her version and the evidence of her mother/de-facto complainant/PW1 can be believed has to be considered in the above appeal and sought for leave.

3.Mr.A.Padmanabhan, learned Senior Counsel appearing for the respondent however would point out the various contradictions in the evidence of PW1 and PW2; and submitted that the trial Court had considered



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all these aspects and found that the evidence of PW1 and PW2 cannot be believed; and that since it is a well considered judgment of acquittal, this Court may not interfere in the appeal.

4.Considering the rival submissions, this Court is of the view that considering the evidence pointed out by the learned Government Advocate the appeal cannot be dismissed at this stage and the ground raised by the State has to be necessarily adjudicated. Hence, leave is granted.

29.11.2024

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Note: Registry is directed to number the appeal, if it is otherwise in order and post the same for Admission on 03.12.2024.

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