



WEB COPY



Crl.R.C.No.1828 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1828 of 2024
and
Crl.M.P.No.15048 of 2024

P.Vijayakumar

... Petitioner

Vs.

The Inspector of Police,
AWPS, Omalur, Salem City,
Salem District.

... Respondent

Prayer: Criminal Revision Petition filed under Sections 442 of BNSS, praying to call for the records relating to the proceedings of the order in Crl.M.P.No.945 of 2023 in Spl.S.C.No.22 of 2023 dated 24.08.2024 on the file of learned Special Judge for POCSO Cases, Salem, Salem District and set aside the same.

For Petitioner : Mr.R.Muruga Bharathi

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

The revision challenges the dismissal of the discharge petition filed by the petitioner, who has been charged for offence under Sections 9(f), (l) r/w 10 of the POCSO Act, 2012.



WEB COPY

2.The allegations against the petitioner is that he was working as Head Master at Senguthar Higher Secondary School and that the victim girls are studying in XI standard and they were also studying for NEET coach in the same school; that with an intention to sexually assault the victims, the petitioner had touched the victim's shoulder, hip and backside inappropriately and thereby committed the aforesaid offence.

3.The learned counsel for the petitioner would submit that he has been victimized and a false complaint has been lodged and hence, the impugned order, dismissing the discharge petition filed by the petitioner, has to be set aside.

4.The learned Government Advocate, on instructions, would submit that all the victims had made a statement under Section 164 of Cr.P.C. before the learned Magistrate and had disclosed the overt act committed by the petitioner and the said overt acts constitute offences under Sections 9(f), (l) r/w 10 of the POCSO Act, 2012.



Crl.R.C.No.1828 of 2024

5. It is well settled that at the stage of charge framing, grave suspicion is sufficient to frame charge. The probative value, the veracity and the effect of the evidence cannot be gone into at that stage. The probable defence of the accused on facts can only be decided in the trial.

6. Further, a perusal of the impugned order shows that the victims have stated about the occurrence before the learned Magistrate in their statement under Section 164 Cr.P.C.

7. The points raised by the petitioner is to urge this Court to disbelieve the statements made by the victims. That cannot be done at this stage. It is for the trial Court to adjudicate the probable defence of the petitioner.

8. Hence, this Court is not inclined to entertain this Criminal Revision and the same is dismissed. Consequently, connected criminal miscellaneous petition is closed.

10.12.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
rsi



WEB COPY



Crl.R.C.No.1828 of 2024

SUNDER MOHAN, J.

rsi

To

- 1.The Sessions Judge,
Principal POCSO Court,
Salem.
- 2.The Inspector of Police,
AWPS, Omalur, Salem City,
Salem District.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.1828 of 2024
and
Crl.M.P.No.15048 of 2024

10.12.2024