



CRL.A(MD).No.370 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:20.11.2024

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL.A(MD).No. 370 of 2020

Anthony Raj

... Appellant

Vs.

The Inspector of Police,
Nalattinpudur Police Station,
Thoothukudi District.
In Crime No.34 of 2013

... Respondent

Prayer : This Criminal Appeal has been filed under Section 374 of Cr.P.C., to call for the records relating to the judgment dated 16.10.2019 made in S.C.No.201 of 2014 on the file of the learned Sessions Judge, (Fast Track Mahila Court), Thoothukudi and set aside the same by allowing this criminal appeal.

For Appellant : Mr.A.Mohan

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)



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JUDGMENT

The appellant, who is the sole accused in S.C.No.201 of 2014 on the file of the learned Sessions Judge, (Fast Track Mahila Court), Thoothukudi, has filed this criminal appeal challenging the conviction and sentence imposed against him by the learned Sessions Judge, (Fast Track Mahila Court), Thoothukudi. The learned trial Judge has passed the impugned judgment, dated 16.10.2019 and found the appellant guilty, convicted and sentenced them as detailed below:

<i>Accused Rank</i>	<i>Convicted under Section</i>	<i>Sentence of Imprisonment/ fine imposed</i>
Sole Accused	Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998	Rigorous Imprisonment for 3 years and to pay fine of Rs. 10,000/- in default to undergo SI for six months
	Section 324 of IPC	Rigorous Imprisonment for 3 years
		Run concurrently

2.The brief facts of the case:

In this case, both P.W.1 and the appellant were residing in the same village. On 13.03.2013 at about 3.30 p.m., when P.W.1 was walking in front of the house of the appellant to buy milk, the appellant grabbed the hand of P.W.1 and forcibly took her to his house and attempted to commit sexual assault. At that time, she cried for help. Due to which, the



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appellant is said to have abused her in filthy language and also assaulted her with knife/M.O.1 and she was able to escape from murderous attack and sustained simple injuries. Thereafter, P.W.1 gave a complaint to the respondent Police. On the basis of the complaint given by P.W.1, the respondent Police registered a case in Crime No.34 of 2013 for the offence under Sections 376, 511 and 506(ii) of IPC. After completion of investigation, the respondent police filed a final report for the offence under Sections 294(b), 324 and 307 of IPC and Section 4 of TNPWH Act, 1998. The same was taken on file in S.C.No.201 of 2014 by the learned Sessions Judge, (Fast Track Mahila Court), Thoothukudi. The learned trial Judge issued summons to the accused and after his appearance, served the copies under Section 207 Cr.P.C. Thereafter, he framed necessary charges and questioned the accused. The accused pleaded not guilty and hence he stood trial.

3.To prove the case, the prosecution examined P.W.1 to P.W.7 and exhibited 12 documents as Ex.P.1 to Ex.P.12 and produced 1 material object as M.O.1. The learned trial Judge thereafter questioned the accused under Section 313 Cr.P.C proceedings by putting incriminating materials available against him. The accused denied the same as false and thereafter,



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the case was posted for defence evidence. The appellant neither produced any documents nor examined any witnesses on his side.

4.The learned trial Judge, on considering the evidence of witnesses, convicted and sentenced the appellant for the offence under Section 324 of IPC and 4 of TNPWH Act, 1998. Aggrieved over the same, the appellant preferred this appeal.

5.The learned counsel appearing for the appellant would submit that there are lot of infirmities between the evidence of P.W.1 and other prosecution witnesses and there is no corroboration in the documentary evidence. He would further submit that the appellant had already undergone the period of sentence imposed by the learned trial Judge. Hence, he seeks to allow this appeal.

6.The learned Government Advocate (Crl. Side) would submit that the incident happened due to the sexual assault committed by the appellant. The same was properly proved through the evidence of P.W.1 and Ex.P.6. The learned trial judge considered all the aspects and correctly convicted the appellant. Hence, there are no infirmities in the judgment of the Court



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below. Hence, the judgment of the conviction and sentence passed against the appellant by the trial Court has to be confirmed.

7.This Court considered the rival submissions made by the learned counsel appearing on either side and also perused the materials available on record.

8.From the perusal of the records, it is seen that the evidence of P.W. 1 is cogent and trustworthy. She deposed that on 13.03.2013 at 3.30 p.m., the appellant forcibly took her into his house and attempted to commit sexual assault and also caused injuries by using M.O.1. The learned trial Judge correctly appreciated the evidence of P.W.1 and the same has been corroborated by the medical evidence. P.W.6/doctor has testified about the said injuries and the use of weapon/M.O.1. P.W.1 also identified M.O.1. The learned trial judge, in all aspects, considered the same and correctly convicted the appellant. Hence, this Court finds no merit in the submission of the learned Counsel and there is no need to interfere in the conviction and sentence.



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9. Accordingly, this Criminal Appeal is dismissed and the conviction and Sentence passed against the appellant in S.C.No.201 of 2014, dated 16.10.2019, by the learned Sessions Judge, (Fast Track Mahila Court), Thoothukudi, is confirmed. The period of imprisonment imposed by the learned trial Judge has already been undergone by the appellant/accused. Hence, there is no need to pass any order or sentence of imprisonment.

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NCC : Yes /No
Index : Yes / No
Internet : Yes / No
vsg



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To
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- 1.The learned Sessions Judge,
(Fast Track Mahila Court),
Thoothukudi.
- 2.The Inspector of Police,
Nalattinpudur Police Station,
Thoothukudi District.
- 3.The Superintendent of Police,
Central Prison, Trichy.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
5. The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.



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vsg

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