



Crl.Appeal.No.134 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRLA No. 134 of 2023

Singaravel

.. Appellant

Vs.

State through the
Inspector of Police,
Salavakkam Police Station,
Chengalpattu District
(Crime No.508 of 2015)

..... Respondent

Prayer: This Criminal Appeal is filed Under Section 374 of Cr.Pc.to set aside the conviction and sentence imposed in New Spl. S.C.No. 31 of 2019 on the file of Special Court under POCSO Act, Chengalpattu.

For appellant : Mr.R.Sankarasubbu

For Respondents : Mr.V.Meganathan,

Government Advocate

JUDGMENT

This Criminal Appeal is filed against the Judgment and conviction imposed by the learned Judge Special Court under POCSO Act, Chengalpattu in Spl. S.C.No. 31 of 2019.

2. The case of the prosecution is that the sister of the victim/P.W.1 is the defacto complainant. The victim in this case was aged about 17 to 18 years at



the time of occurrence. It is alleged that when the victim went to attend his nature call, the accused committed penetrative sexual assault on her and after committing the sexual assault on the victim girl the accused threatened her with dire consequence. Hence, the respondent police has registered a case against the accused. Thereafter, the case was taken on file in Spl. S.C.No. 31 of 2019 on the file of learned Judge Special Court under POCSO Act, Chengalpattu, who has convicted the accused under Section 354(b) and Section 4 of POCSO Act,2012 on 23.01.2023. Against which the present appeal has been filed.

3. On the side of the Prosecution P.W.1 to P.W.18 witnesses has been examined and Exs.P.1 to 16 documents have been materials. On the side of the accused no documents or witness has been marked.

4. Even though as many witnesses has been marked it would suffice to deal only about the vital witness relating to this case.

5. P.W.1/sister of the victim is the defacto complainant in this case and she had deposed that the accused has committed penetrative sexual assault on the victim girl. It is pertinent to note that the Principal of the Audura School has also examined as P.W.3. P.W.4 and P.W.6 are the mother and uncle of the victim.



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6.P.W.1,P.W.3, P.W.4 and P.W.6 has deposed that the accused has committed penetrative sexual assault on the victim girl.

7. P.W.10/Head master of the school has deposed that the date of birth of the victim girl is 04.04.1998 as per records. P.W.12/Doctor has deposed that the victim girl was a mentally retarded person. P.W.17/Doctor who examined the victim girl when she was admitted in the hospital has deposed that there is no injury found either in the vagina or in her body also.

8.This Court has also perused the documents produced on the side of the prosecution Exs.P 1 to 16.

9. I have carefully perused the entire oral and documentary evidence let in by the prosecution in this case. Only legally permissible evidence shall go to the record of the evidence. The evidence which cannot be admitted shall not form part of the record of evidence.

10. On considering the oral and documentary evidence the learned trial Judge found the accused person guilty u/s 354(b) and Section 4 of POCSO Act. He was sentenced to undergo 10 years R.I and imposed a fine of Rs.10,000/- under Section 4 of POCSO Act. Further he was sentenced five year imprisonment and a fine of Rs.15,000/- under section 354(b). Both the sentences shall run concurrently. Against the conviction and sentence imposed the Judgment of Trial Court, the accused has filed this Criminal appeal.



WEB COPY 11.This Criminal Appeal revolves around three aspects. First one whether the victim girl is the minor or not whether she is a mentally retarded person or not, whether the prosecution has proved the case beyond reasonable doubt.

12.As per the school register which is marked as Ex.P.2 certificate given by P.W.10/Head master of the school the age of the victim girl is 04.04.1998. Hence P.W.1's age would be between 17 to 18 years. With regard to the fact whether the she is a mentally retarded person or not, no documents was produced. Hence, it is made clear that the prosecution has not proved the case beyond reasonable doubt.

13. Further the prosecution has not disproved the case of the appellant. One important fact which is necessary to decide in this appeal is that the Doctor who examined the victim child, after made examination has not referred the child for and through the radiological method. Her age is not determined.

14. This Court has observed that P.W.1/victim girl who has deposed her statement through the Principal of the Audura School had stated that there was only a bad touch. It was further stated that the accused had misbehaved only on the date of occurrence and previously there was no incidents as such. It is



also pertinent to note that there is no medical evidence to prove that the girl was sexually assaulted. P.W.17/ Doctor who examined the victim girl has stated that there is no injury in the vagina .

15. Therefore, the absence of her injury on her private part or any other part creates a suspicion that the accused has committed penetrative sexual assault on the victim girl or not.

16.Thus from the careful and anxious consideration of the findings found in this case shows that the charges against the accused who is a appellant before this Court had not been proved by the prosecution beyond all reasonable doubt.

17.The Trial Court overlooked this aspect and without properly appreciating the evidence found the accused guilty and hence, the judgment has to be set aside and the accused is entitled for benefit of doubt. In this case, the prosecution failed to prove the charges against the appellant/accused beyond all reasonable doubts and hence, the accused is entitled for acquittal by giving benefit of doubt and the finding of the Trial Court is liable to be set aside.



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WEB COPY 18. Hence, the Judgment passed by the learned Judge in New Spl.

S.C.No. 31 of 2019 on the file of Special Court under POCSO Act, Chengalpattu is hereby set aside and the accused is acquitted from the charges. Accordingly, this Criminal appeal stands allowed.

09.10.2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To

1. Inspector of Police,

Salavakkam Police Station,
Chengalpattu District.

2.The learned Judge, Special Court under POCSO Act, Chengalpattu.

3. The Central Prison, Puzhal – 1, Chennai -66



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T.V.THAMILSELVI,J.

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