



Crl.A.No.251 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATE : 18.09.2025

CORAM:

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

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Mohandas

... Appellant/Accused

Versus

State by

The Inspector of Police,  
W-9, AWPS, Villivakkam,  
Chennai.

(Crime No.1/2015).

... Respondent/Complainant

PRAYER : Criminal Appeal filed under Section 374(2) of Cr.P.C., praying to set aside the judgment passed by the learned Sessions Judge, Mahila Court, Chennai (Mahalir Neethimandram, Chennai) dated 16.02.2018 convicted him under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and he is sentenced to undergo three months simple imprisonment and also imposed a fine of Rs.10,000/-, in default, to undergo further period of two months simple imprisonment for the charge under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and to set aside the conviction against him.

Appellant : No appearance  
For Respondent : Mr.Leonard Arul Joseph Selvam  
Additional Public Prosecutor



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## **JUDGMENT**

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The Criminal Appeal has been filed by the appellant/accused seeking to set aside the judgment of conviction passed by the learned Sessions Judge, Mahila Court, Chennai in Sessions Case No.137 of 2015 dated 16.02.2018.

2. This Court, on 29.08.2025, had passed the following order:

*“The appellant/accused in S.C.No.137 of 2015 was convicted by the trial Court by the judgment dated 16.02.2018 for the offences under Section 12 of the Protection of Children from Sexual Offences Act (hereinafter 'POCSO Act'), 2012 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and sentenced to undergo 3 months simple imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo further period of 2 months simple imprisonment for the offence under Section 12 of POCSO Act and sentenced to undergo 3 months simple imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo further period of 2 months simple imprisonment for the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. On his conviction, the petitioner had preferred the above appeal along with suspension of sentence petition in Crl.M.P.No.5843 of 2018. This Court, by the*



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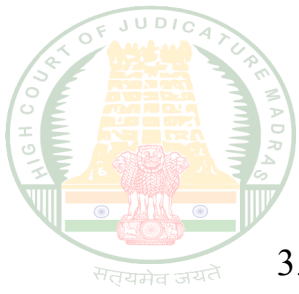
*order dated 17.04.2018 had suspended the sentence and granted bail to the petitioner. Thereafter, when the appeal was listed for final hearing on 05.08.2024, brother N.Seshasayee, J. (Retired) had recorded that the counsel Mr.N.Sudharsan, who had filed an appeal, not received any instructions from his client and the counsel had given a letter dated 24.07.2024 to the Registry to that effect. Hence, this Court on 05.08.2024, dropped the name of Mr.N.Sudharsan, counsel on record for the appellant from the cause list.*

*2.Today, when the case was called, there is no representation for the appellant either in person or through his counsel.*

*3.The learned Additional Public Prosecutor reports no instructions as to whether the appellant has been regularly appearing before the trial Court on the first working day of every month at 10.30 a.m.*

*4.In view of the above, the respondent police is directed to serve notice to the appellant informing about the pendency of the appeal before this Court. Keeping the appeal without any progress due to non co-operation of the appellant will add up to the pendency of cases. Hence, the respondent is directed to ensure the presence of the appellant before this Court on the next hearing date.*

*5.Post on 18.09.2025.”*



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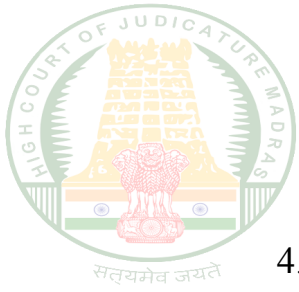
3. In continuation and conjunction to the earlier order passed by this Court on 29.08.2025, the learned Additional Public Prosecutor submitted that the appellant was released after serving his sentence. He has also produced a report submitted by the Superintendent, Central Prison, Chennai, which is extracted hereunder:

தமிழ்நாடு சிறைகள்துறையின் சீர்திருத்தப்பணிகள்துறை  
மத்திய சிறை-1, சென்னை  
பிரித்தெடுப்பு நகல்

|                                   |                                                                                                                                                                                                                                                                                                      |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| சிறைவாசியின்                      | CT.NO. 6996                                                                                                                                                                                                                                                                                          |
| சிறையில் அனுமதிக்கப்பட்டுள்ள நாள் | 06.04.2018 (தண்டனை சிறைவாசியாக அனுமதிக்கப்பட்டார்)                                                                                                                                                                                                                                                   |
| சிறைவாசி பெயர்                    | கோமகந்தாஸ்                                                                                                                                                                                                                                                                                           |
| சிறைவாசியின் தந்தை பெயர்          | சீமான் குரைக்கண்ணு                                                                                                                                                                                                                                                                                   |
| சிறைவாசியின் வயது                 | 39/2018                                                                                                                                                                                                                                                                                              |
| சிறைவாசியின் முகவரி               | எண்.39, 4 <sup>th</sup> கடற்கரை சாலை<br>ஹாப்ஸ், சென்னை                                                                                                                                                                                                                                               |
| காவல் நிலையம்                     | W-9 வில்லிவாக்கம் காவல் நிலையம்                                                                                                                                                                                                                                                                      |
| குற்ற எண்                         | 01/2015                                                                                                                                                                                                                                                                                              |
| சட்ட பிரிவு                       | u/s 12 of Pocsò Act, 4 of TNPHW Act                                                                                                                                                                                                                                                                  |
| நீதிமன்றம்                        | VII Additional Sessions Mahila Court ,<br>Chennai (Sc.No.137/2015)                                                                                                                                                                                                                                   |
| தண்டனை விவரம்                     | U/s 12 of Pocsò Act – Simple Imprisonment<br>for 3 months and fine of Rs.10000/- in<br>default simple imprisonment for 2 months<br><br>u/s 4 of TNPHW Act - Simple Imprisonment<br>for 3 months and fine of Rs.10000/- in<br>default simple imprisonment for 2 months<br><br>Remand Period : 33 days |
| விடுதலை செய்யப்பட்ட நாள்          | 02.06.2018 அன்று தண்டனை காலம்<br>முடிவற்று விடுதலை செய்யப்பட்டார்.                                                                                                                                                                                                                                   |

காணியப்பாளர் அலுவலகம்  
29 AUG 2025  
மத்திய சிறை-1, சென்னை-600096  
பெறுந் தலை - சென்னை-600096  
காவல் ஆய்வாளர்  
W9 அனைத்து மகளிர் காவல் நிலையம்  
வில்லிவாக்கம், சென்னை-49

சிறைகண் காணியப்பாளருக்காக  
மத்திய சிறை-1, சென்னை  
29/8/25



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4. Since the appellant had already served the sentence and released on

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02.06.2018, nothing survives for adjudication in the above appeal.

5.Hence, the Criminal Appeal is dismissed as infructuous.

18.09.2025

Index : Yes / No

Internet : Yes/No

Neutral citation : Yes/No

Speaking / Non-speaking order

rsi

To

1.The Sessions Judge,  
Mahila Court, Chennai.

2.The Inspector of Police,  
W-9, AWPS, Villivakkam,  
Chennai.

3.The Public Prosecutor,  
High Court, Madras.



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**M.NIRMAL KUMAR, J.**

rsi

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