



Crl.A.No.172 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.A.No.172 of 2023

Ramachandran

... Appellant

Vs.

The State Rep by
Inspector of Police,
Chidambaram Town Police Station,
Chidambaram,
Cuddalore District
crime No.747 of 2021

... Respondent

PRAYER: Criminal Appeal filed under Section 374(1) of Cr.P.C., praying to set aside the judgment passed in Spl.SC.No.70 of 2021 dated 20.01.2023 by the Special Court for Exclusive Trial of Cases under POCSO Act at Cuddalore and acquittal the appellant.

For Appellant : Mr.R.Sethuvarayar

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor

JUDGMENT

This Criminal Appeal has been preferred against the judgment passed in Spl.SC.No.70 of 2021 dated 20.01.2023 by the Special Court for Exclusive Trial of Cases under POCSO Act at Cuddalore.



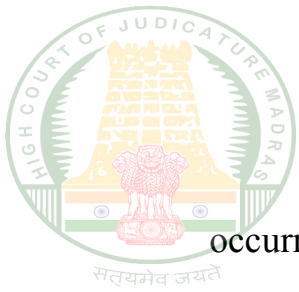
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2. The case of the prosecution is that the accused had shown his private part to the victim girl on three occasions. After completion of investigation, the respondent filed charge sheet for the offence punishable under Sections 11(1) & 12 of POCSO Act, 2012 and the same was taken cognizance by the trial court.

3. Before the trial court, prosecution had examined PW1 to PW4 and marked Ex.P1 to Ex.P15. On the side of the appellant, no one was examined and no documents were marked. On perusal of oral and documentary evidences, the trial court found the appellant guilty for the offence under Section 11(1) punishable under Section 12 of POCSO Act, 2012 and sentenced him to undergo rigorous imprisonment for a period of three years with fine of Rs.1,000/-, in default of which to undergo one month simple imprisonment. Aggrieved by the judgment of the trial court, this criminal appeal has been filed by the accused.

4. The learned counsel for the appellant would submit that the prosecution failed to prove the charges under Sections 11(1) & 12 of POCSO Act, 2012 beyond any doubt. Even then, the trial court convicted the appellant. PW4 and PW10, who were eye witnesses to the



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occurrence, turned hostile and did not support the case of the prosecution. Therefore, except PW1 to PW3, no independent witness was examined to bring the charges to home. Even then, the trial court convicted the appellant.

5. Heard, the learned counsel appearing on either side and perused, all the materials placed before this Court.

6. On perusal of records, it is revealed that when the victim girl was returning home from maths tuition centre on 18.08.2021 at about 5.50 a.m., the accused removed his dhoti and showed his private part to the victim girl. Immediately, it was informed to her mother. Her mother consoled her that the dhoti might have accidentally fallen down. Once again on 20.06.2021 and 24.08.2021, when the victim was returning home from tuition centre, the appellant showed his private part to her. Hence, the complaint was lodged. The above statement was also corroborated by her parents, who were examined as PW2 and PW3. Therefore, the prosecution proved the case beyond any doubt. Though PW4 and PW10 turned hostile, it would not come to rescue the appellant herein. Therefore, this Court is not inclined to interfere with the order of



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conviction rendered by the trial court for the offence punishable under

Section 11(1) punishable under Section 12 of POCSO Act, 2012.

However, considering the facts and circumstances and also the period of incarceration already undergone by the appellant, this Court is inclined to reduce the sentence alone. Accordingly, the judgment passed in Spl.SC.No.70 of 2021 dated 20.01.2023 by the Special Court for Exclusive Trial of Cases under POCSO Act at Cuddalore is modified as follows: The order of conviction for the offence under Section 11(1) punishable under Section 12 of POCSO Act, 2012 is confirmed. The period of sentence of imprisonment for the aforesaid conviction is reduced to the period of imprisonment which has already been undergone by the appellant. Therefore, the appellant/accused is directed to be set at liberty forthwith unless his custody is otherwise required in connection with any other case.

7. In the result, this criminal appeal stands partly allowed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok



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- 1.Special Court for Exclusive Trial of Cases under POCSO Act at
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- 2.Inspector of Police,
Chidambaram Town Police Station,
Chidambaram,
Cuddalore District
- 3.The Public Prosecutor,
Madras High Court.



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G.K.ILANTHIRAIYAN, J.
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