



Crl.A.No.180 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM:

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

Crl.A.No.180 of 2023

Pattusami

... Appellant

Vs.

1. State of Tamil Nadu
Rep. by Deputy Superintendent of Police,
Gingee Sub Division,
Villupuram District,
Crime No.1334 of 2020 on the file
of Valathy Police Station.

2. Vasanthi
R2 Impleaded as per order dated
01.03.2023 in Crl.M.P.No.2960
of 2023 in Crl.A.No.180 of 2023

... Respondents

PRAYER: Criminal Appeal filed under Section 374(2) of Cr.P.C., r/w Section 14A(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, to call for the records and set aside the judgement passed by the learned Sessions Judge, Special Court for Exclusive Trial Cases registered under Schedule Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989 Villupuram in Sessions Case No.54/2020.



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For Appellant : Mr.A.P.Pasupathy
For Respondents
For R1 : Mr.S.Raja Kumar
Additional Public Prosecutor
For R2 : No appearance

JUDGMENT

This Criminal Appeal has been filed as against the order dated 25.01.2025, passed by the learned Sessions Judge, Special Court for Exclusive Trial Cases registered under Schedule Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, Villupuram, in Sessions Case No.54 of 2020, thereby convicted the appellant for the offences under Sections 448 & 354(A) of IPC and Sections 3(1)(w)(i), 3(2)(va) of the Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred to as “the SC/ST Act”)

2. The case of the prosecution is that on 09.10.2020 at about 7.30 p.m., when the victim was in her house along with her son, the accused had knocked the door of the victim. Thereafter, he entered into her house and gave Rs.1,000/- and called the victim to share her bed and also pulled her hands to come out from her house. When the victim refused to come out, the accused abused her by using her caste name. On receipt of the complaint, the first respondent registered the FIR in Crime



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No.1334 of 2020 for the offence punishable under Sections 448, 354A and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i) & 3(2)(va) of the SC/ST Act.

After completion of investigation, the first respondent filed final report and the same has been taken cognizance by the trial Court in Sessions Case No.54 of 2020.

3. On the side of the prosecution, they had examined P.W.1 to P.W.14 and marked documents in Ex.P.1 to Ex.P.9. On the side of the appellant, no one was examined and no document has been marked. On perusal of oral and documentary evidence, the trial Court found the appellant guilty for the offences under Sections 448 & 354(A) of IPC and Sections 3(1)(w)(i) & 3(2)(va) of the SC/ST Act and sentenced him to undergo one year simple imprisonment for the offences under Section 448 of IPC and to undergo one year rigorous imprisonment for the offence under Section 354(A) of IPC and Sections 3(1)(w)(i) & 3(2)(va) of SC/ST Act, each and also imposed fine of Rs.5,000/- in default to undergo three months rigorous imprisonment. Further, the sentences are ordered to run concurrently.

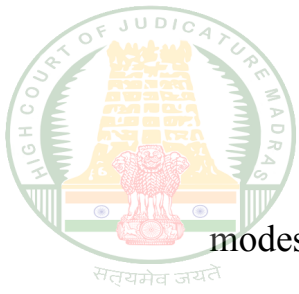


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4. The learned counsel appearing for the appellant submitted that though the prosecution specifically alleged that the appellant trespassed into the house of the victim and gave a sum of Rs.1,000/- to her son and insisted her to share her bed, the prosecution failed to examine the victim's son and there was no recovery of Rs.1,000/-, in order to bring the charges into home. He further submitted that admittedly, the occurrence took place inside the house of the victim and not in public view and therefore the offences under Sections 3(1)(w)(i), 3(2)(va) of the SC/ST Act are not at all attracted against the appellant. Further according to the case of the prosecution, the accused insisted the victim to share her bed, who examined as P.W.1. However there was a contradiction in the evidence of P.W.1 and there was no independent witness examined to prove the prosecution. There was an enmity between P.W.2 and the appellant since, the appellant refused to give his daughter to P.W.2's son. Therefore, the present false case has been foisted as against the appellant.

5. The learned Additional Public Prosecutor appearing for the respondent submitted that the appellant trespassed into the victim's house and insisted the victim to share her bed. Therefore, it would destroy the

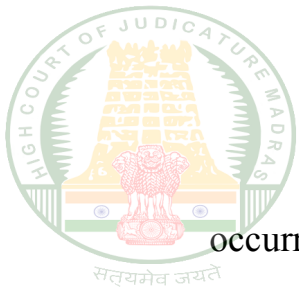


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modesty of the victim and the Section 354(A) of IPC is very much attracted. Accordingly, the trial Court rightly convicted the appellant for the offence under Sections 3(1)(w)(i), 3(2)(va) of the SC/ST Act. Further, the occurrence had happened in the house of the victim and the appellant insulted the victim in the place of the public view. Therefore, the conviction imposed on the appellate did not warrant any interference by this Court.

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

7. The appellant is the sole accused. The victim was examined as P.W.1. On perusal of the evidence of P.W.1, it is revealed that the appellant trespassed into the house of the victim and gave a sum of Rs.1,000/- to her son and insisted her to share her bed. He also pulled her hand to come out from the house. However, in order to corroborate the said evidence, the prosecution failed to examine the son of the victim. The respondent also failed to recover the sum of Rs.1,000/- from the victim. The relative of the appellant is examined as P.W.2. She is only hear-say witness and she deposed that P.W.1 informed about the



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occurrence and after warning the appellant, they lodged the complaint.

She was also cross-examined to the extent that she had enmity with the appellant. When she offered her daughter to the appellant's son, it was refused by the appellant. Therefore, non-examination of the victim's son and not recovery of Rs.1,000/- are fatal to the case of the prosecution. The prosecution mainly relied upon the alleged fact that the appellant trespassed into the house of the victim and gave a sum of Rs.1,000/- by insisting the victim to share bed with the appellant. Therefore, the prosecution miserably failed to prove the charge under Section 354(A) of the IPC.

8. Insofar as the offences under Sections 3(1)(w)(i), 3(2)(va) of the SC/ST Act are concerned, according to the prosecution case, the appellant abused the victim by using his caste name. Admittedly, the occurrence allegedly happened inside the house of the victim and not in the public place. Therefore, no offence is made out under the SC/ST Act, hence the prosecution failed to bring the charges to home. In view of the above, the conviction and sentence imposed on the appellant for the offences under Sections 448 & 354(A) of IPC and Sections 3(1)(w)(i) & 3(2)(va) of the SC/ST Act, are liable to be set aside.



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9. Accordingly, this Criminal Appeal is allowed and the conviction and sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial Cases registered under the SC/ST Act, Villupuram District in Sessions Case No.54 of 2020 dated 25.01.2023 for the offence under Sections 448 & 354(A) of IPC and Sections 3(1)(w)(i) & 3(2)(va) of the SC/ST Act, are hereby set aside. The appellant/accused is acquitted of all charges in Sessions Case No.54 of 2020 on the file of the learned Sessions Judge, Special Court for Exclusive Trial Cases registered under the SC/ST Act, Villupuram. Fine amount, if any paid, shall be refunded to the appellant forthwith. Bail bonds, if any executed, shall stand cancelled.

06.06.2025

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

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G.K.ILANTHIRAIYAN, J.

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To

1. The Sessions Judge,
Special Court for Exclusive Trial
Cases registered under
Schedule Castes and Schedules
Tribes (Prevention of Atrocities) Act,
Villupuram

2. The Deputy Superintendent of Police,
Gingee Sub Division,
Villupuram District.

3. The Public Prosecutor,
Madras High Court,
Chennai.

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