



Crl.RC.No.386 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.RC.No.386 of 2022

Lakshmanan

...Petitioner

Vs.

The State represented by
Inspector of Police,
South All Women Police Station,
Tiruppur.
(Crime No.05 of 2019)

...Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w 401 of Code of Criminal Procedure, against the judgment dated 17.12.2021 made in Crl.A.No.49 of 2021 on the file of Principal Sessions Judge, Tiruppur confirming the judgment dated 30.07.2021 made in C.C.No.483 of 2019 on the file of Additional Mahila Court, (Magisterial Level), Tiruppur.

For Petitioner	: Mr.C.Prabakaran
For Respondent	: Mr.S.Vinoth Kumar
	Government Advocate (Crl.side)



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ORDER

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2. By the said judgement, the trial Court found the petitioner/accused guilty of an offence under section 354 (A)(1)(i) and 506(i) of Indian Penal Code. For the offence under Section 354 (A)(1)(i) and 506(i) of Indian Penal Code, the petitioner/accused was convicted and sentenced to undergo Rigorous Imprisonment for three years and to pay a fine of Rs.5,000/- and in default of payment of fine to undergo Simple Imprisonment for one month for offence under Section 354(A)(1)(i) and to undergo two years Rigorous Imprisonment for offence under Section 506(i) of IPC.

3. On 01.06.2019 at about 3:00 p.m., when P.W.8 was on duty at the All Women Police Station in Tiruppur South, P.W.1 came to the police station and lodged a complaint stating that he is married and lives with his wife, son, and daughter at the address mentioned in the complaint. He and his wife are



employed. His daughter, the victim in this case, was working as a labourer at the Hoseiry Company. On 24.05.2019, she drank poison and was admitted to the Government Hospital, Tiruppur. Initially, when questioned, she said that she took poison because her mother scolded her. However, later, when her mother cajoled her and questioned her again, she disclosed that the Hoseiry Unit's owner's son had sexually harassed her and also committed sexual violence. He then threatened her not to tell anyone. Unable to endure this, she consumed poison.

4. On the strength of the said allegations, a case was registered in Crime No.05 of 2019 for the offence under Section 354(A)(i) and 506(i) of Indian Penal Code, 1860. Thereafter, P.W.9, the Inspector of Police took up the case for investigation and completed the investigation and filed a final report, proposing the accused guilty of the aforesaid offences. On 07.09.2019, two charges for the aforesaid offence were framed and upon being questioned, the accused denied the charges as false and stood trial.

5. The prosecution, in order to prove the charges, examined P.W.1, the father of the victim, who testified about the contents of the complaint and the



incidents leading to the filing of the complaint. The victim was examined as

P.W.2. She described how she was sexually harassed and stated that around 1:00 PM in May 2019, on a Wednesday, when she reported for work, the accused took her inside the company behind the screen where there is a pooja room and misbehaved with her. He did this three times. Unable to bear this, she consumed poison. She was afraid to tell her parents about it, so she went to her aunt's house. Her aunt repeatedly asked if there were any problems at work, but she did not want to disclose the incident. She explained that she consumed poison because her mother scolded her. She was also cross-examined in detail. Thereafter, she disclosed the incident to her mother. The victim's mother was examined as P.W.3. She stated that she had to persuade her daughter to disclose the offence. The witness to the observation mahazar was examined as P.W.4. The witness to the rough sketch was examined as P.W.5. The victim's brother was examined as P.W.6, who stated that after learning about the incident, went to the workplace of the victim and that he and his friend was asked to go away. The friend of P.W.6 who accompanied him was examined as P.W.7. The Police Constable Grade-I who registered the First Information Report was examined as P.W.8. The Investigating Officer was examined as P.W.9.



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6. The complaint was marked as Ex.P1. The observation mahazar was marked as Ex.P2. The First Information Report was marked as Ex.P3 and rough sketch as Ex.P4. When the accused was questioned about the incriminating circumstances and material evidence on record, the accused denied them as false. Thereafter, no evidence was let in on behalf of the defence. The trial Court, thereafter, considered the case of the parties and found that the version of the prosecutrix P.W.2 is reliable and the prosecution has proved the charges beyond a reasonable doubt and held the accused guilty of the offences and punished as aforesaid. Aggrieved thereby, the petitioner/accused filed an appeal. The Appellate Court, on re-appreciation of evidence, once again confirmed the fine amount and the sentence as imposed by the trial Court. Aggrieved by which, the petitioner is before this Court.

7. Heard, Mr. C. Prabakaran, the learned Counsel appearing on behalf of the petitioner. The first contention of the learned Counsel for the petitioner is that when it is alleged that P.W.2 / victim had consumed poison and was admitted into the hospital, no evidence was produced by the



prosecution in this regard. The doctors who treated the victim or anyone connected with the treatment were not even examined by the Investigating Officer. The reason for consuming poison would have been recorded by the hospital authorities, which could have clarified the entire episode, but this was not produced by the prosecution.

8. Secondly, the way the victim describes the physical acts, along with the embellishments added by P.W.3 / mother of the victim, such as claiming there was bleeding, is hard to believe. From the evidence, it seems these embellishments were added later, as they were not mentioned in the initial complaint; this raises doubts about the episode itself. On behalf of the defence, P.W.1-the father of the victim girl—P.W.2, and P.W.3 were also cross-examined about enmity and rivalry in business between the accused and the victim's family. The defence argues that P.W.2, being of lesser intelligence, has been used by her family to settle scores. The learned counsel points out that if it is true that the accused misbehaved with the victim, she would have disclosed it at least after consuming poison. However, she only stated that her mother scolded her, which led her to consume poison. Naturally, she would have disclosed the episode, especially after such an act, but she did not.



WEB COPY 9. The learned counsel argued that this silence, combined with the delay in lodging the FIR, indicates possible fabrication or exaggeration of allegations. Furthermore, no other employee or independent witness was examined, and there is no supporting evidence besides the prosecutrix's statement, which is problematic given her low IQ. Considering these factors, it would be unsafe to convict the petitioner/accused. The trial Court and the lower appellate Court also failed to consider discrepancies in the testimony of the victim's mother and father, as well as the timing and location of the company, nor was the victim even taken for medical examination. In addition to the complaint, FIR, and rough sketch, the prosecution has presented no other documents. The father was cross-examined and admitted that even after the incident, she continued working in the company, raising doubts about the case.

10. Per contra, *Mr. S. Vinoth Kumar*, the learned Government Advocate appearing on behalf of the prosecution, submits that it can be seen that when the prosecutrix was working under the accused, he dragged her to a secluded place and indulged in the act. The severity of the impact on the prosecutrix can be gauged from her conduct. She was unable to hold herself and



ingested poison, and even thereafter, she did not reveal what happened until she was repeatedly prompted, after which she came out with the truth. There was no enmity between the prosecutrix's family and the accused's family, and from the cross-examinations of P.W.1 to P.W.3, the weakness of the defence becomes apparent. The victim was cross-examined in detail and withstood the questioning. The defence could not elicit any favourable answers even from P.W.1 and P.W.3. P.W.1 and P.W.3 corroborate the version of the prosecutrix. Considering the nature of the allegations, there was no necessity to examine the accused by medical experts. In fact, the victim should not be subjected to unnecessary detailed medical examinations. The fact that the incident occurred only during the lunch break should be taken into account, as should the other employees leaving early and arriving late, and the accused calling only the prosecutrix during that time for work, which indicates the intent behind the harassment. The absence of other evidence can also be inferred from the timings.

11. The Learned Government Advocate would submit that, considering all the above, since the prosecution has proved the offence beyond any reasonable doubt and both the trial Court and the first appellate Court, on proper appreciation of evidence, have confirmed the conviction and sentence,



there is no reason for this Court to interfere in its revisionary jurisdiction.

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12. I have considered the rival submissions made on either side and perused the material records of the case.

13. Firstly, the P.W.2 the prosecutrix has clearly and categorically spoken about the sexual abuse and harassment by repeatedly proposing to her, as if the accused is in love with her and intimidating her to come to a relationship, especially when the accused was a married man at the relevant point of time and living with his family and thereafter, the physical acts that were committed by the accused and the manner in which the accused as committed by taking her behind the screen, considering the age of the victim and also the fact that the parents themselves have deposed that she is slightly lesser on the IQ, there is no ground or circumstance to doubt the version of the prosecutrix. As a matter of fact, the very word harassment is used because of the trauma that is being undergone by the victims of sexually predatory behaviour. It is natural for the victim to keep quiet, cope, and swallow it within herself at first. Unable to do the same, she has resorted to consuming poison . Much later, she revealed the same to her mother, upon which the entire offence



came to light.

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14. Of course, when the mother testifies that the victim was bleeding due to the sexual act at her breasts, such a statement is not supported by any medical evidence, nor was it mentioned at the time of filing the complaint or in the earliest versions given to the prosecution. However, this mere statement does not cast doubt on the version of the prosecutrix, P.W.2, or on the rest of her account regarding the offence, as relayed to P.W.3, which remains corroborated by P.W.1 also.

15. The victim was 22 years old at the time of the offence and was unmarried. The accused was 36 years old at that time and reportedly living with his wife and children. The accused's physical and mental maturity relative to the victim must be considered. Therefore, I cannot accept the learned counsel for the petitioner's argument that there is any abnormality in the victim's behaviour or that the delay raises suspicion. In fact, during the cross-examination of P.W.1, the defence made a suggestion as if the accused's father and P.W.1 had prior enmity, implying that the complaint was fabricated. No specific details were provided. The manner in which this suggestion was made appeared



stereotypical and formal; it was also a half-hearted question posed to P.W.2, which she denied. Suddenly, during the cross-examination of P.W.3, it was alleged that the accused and P.W.1 had professional jealousy, which led to the false complaint. Again, no further details were given. Thus, the only defence presented was not only superficial but also inconsistent, and I therefore reject the contentions made by the learned counsel for the petitioner.

16. Further, as rightly contended by the learned Government Advocate (Crl.side), when the whole incident happened during the lunch break, the non-availability of any other witness cannot cast doubt on the version of the prosecutrix. Additionally, in this case, considering the nature of the physical and sexual acts alleged against the accused, there was no necessity to examine the victim by any doctor in detail. As a matter of fact, the complaint was not made on the same day as the incident, and therefore, no purpose would be served by subjecting her to further medical examination. The absence of examination by the doctor who treated the victim/P.W.2, when she underwent treatment for poisoning, also will not be fatal to the prosecution's case. Since the version of the prosecutrix that she did not disclose the sexual abuse to anyone cannot be doubted, her testimony commands the confidence of the Court. Therefore, there



was no prejudice to the case of the prosecution or the accused in not examining the doctor who treated the victim earlier, when she consumed poison. Thus, I am of the view that the grounds raised by the learned Counsel for the petitioner are untenable. Both the trial court and the appellate court have duly appreciated the evidence on record and arrived at a finding of guilt. Accordingly, I confirm the finding of guilt for the offences under Section 354A(1)(i) and 506(i) of the Indian Penal Code.

17. Considering the question of sentence, the following submissions are made:

- (i) the accused is now 42 years old and is the sole breadwinner of his family;
- (ii) the accused is a physically challenged person; his right leg has been amputated up to the knee due to an accident.
- (iii) the accused is willing to pay compensation to the victim.

18. When, upon directives of this Court, the Investigating Officer reached out to the victim, she clearly stated that she has since married and is living happily with her family, and she will not accept even a single pie from the accused. However, if any compensation comes from the Victim Compensation



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Fund or the Government alone, she will accept it and no other. In fact, her conduct in this case is commendable. Although she was initially unable to withstand the ordeal, she eventually gathered herself, ensured that the accused was punished, and then displayed sufficient courage to move on with her life and demonstrated an exemplary character by refusing any compensation from the accused. In my opinion, her response is the most significant punishment for the accused – “மோதி மதித்துவிடு பாப்பா அவர் முகத்தில் உமிழ்ந்துவிடு பாப்பா”,

19. Considering the fact and considering the submissions that are made by the learned Counsel for the petitioner and his physical disability, I am of the view that the sentence can be modified, so as to suit the facts and circumstances. It is stated that the accused has undergone imprisonment for 14 days. The victim is living in a different locality, and there is no chance for the accused and the victim to come into contact once again; this is also taken into account. The accused is now carrying on his business and is living with his wife and two children is also taken into account. As a matter of fact, the wife and children of this accused are also the unseen victims.



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WEB COPY 20. In view of the above, this criminal revision is partly allowed on the following terms:

(i) The finding of guilt of the petitioner/accused of the offences under Section 354 (A)(1)(i) and 506 (i) of IPC by the trial Court by judgment in C.C.No.483 of 2019 dated 30.07.2021 and by the appellate Court in C.A.No.49 of 2021 dated 17.12.2021 is confirmed;

(ii) The sentence, however, stands modified as the fine amount imposed by the trial Court for the offence under Section 354 (A)(1)(i) is enhanced from Rs . 5,000/- to Rs . 30,000/-.

(iii) The sentence of imprisonment is modified as one period already undergone.

(iv) Upon the application made by the victim to the jurisdictional District Legal Services Authority, the District Legal Services Authority shall endeavour to disburse compensation to the victim with the specific communication to the victim that the State pays the amount out of the Victim Compensation Fund and not from the money belonging to the accused.

17.11.2025

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Neutral Citation: Yes/No

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D.BHARATHA CHAKRAVARTHY, J.

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To

1. Inspector of Police,
South All Women Police Station,
Tiruppur.

2. The Principal Sessions Judge, Tiruppur.

3. The Additional Mahila Court, (Magisterial Level), Tiruppur.

4. The Public Prosecutor,
Madras High Court.

5. The Section Officer,
Criminal Section, Madras High Court.

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