



Crl.A.No.163 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 07.07.2025

CORAM :

THE HON'BLE **MR.JUSTICE SUNDER MOHAN**

Crl.A.No.163 of 2016

Mrs.Gandhimathi

...Appellant/P.W.2/Victim

vs.

1. Sasikumar,

2. Lingasamy

... Respondents 1 and 2

3. The Inspector of Police

Vellakovil Police Station,

Tiruppur District.

(Crime No.290/2013)

...3rd Respondent/I.O.

Criminal Appeal filed under Section 372 of Criminal Procedure Code, against the Judgment dated 10.09.2015 passed in S.C.No.26 of 2014 on the file of the Mahila Court (Fast Track Mahila Court), Tiruppur District acquitting the respondents 1 and 2.

For Appellant : Mr.S.Sriram
for Mr.K.Govi Ganesan

For Respondents

R1 : Ms.V.Janaranjani
for Mr.M.Karthik

R2 : No Appearance

R3 : Mr.L.Baskaran



Crl.A.No.163 of 2016

Government Advocate (Criminal Side)

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JUDGMENT

The victim/P.W.2 aggrieved by the Judgment of acquittal has preferred the instant appeal.

2(a). It is the case of the prosecution that P.W.2/appellant/victim was abducted by the accused in a car bearing Reg.No.TN 47 AA 5888 from her residence on 20.09.2013 at about 8.00 p.m., and was subjected to harassment and thus the accused committed the offences under Sections 448, 352 and 364-A of the Indian Penal Code, 1860 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998.

(b) The complaint was lodged by P.W.1/husband of the victim at 10.00 p.m., on 20.09.2013, alleging that the victim/P.W.2 was taken in the car and on hearing the cry of the lady inside the car, P.W.1, along with his friend/P.W.3, had stopped the car and thereafter, the accused fled from that place after pushing the lady out of the car and they could not note the registration number of the car.



Crl.A.No.163 of 2016

WEB COPY (c) P.W.10/Sub-Inspector of Police registered the FIR in Crime No.290 of 2013 for the offences under Sections 363, 511, 352 and 323 of the IPC. P.W.12/Inspector of Police, conducted an investigation, arrested the accused two days later and after examination of the other witnesses, filed the Final Report against the accused for the offences under Sections 448, 352 and 364-A of the Indian Penal Code, 1860, and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998.

(d) On the appearance of the accused/the respondents 1 and 2, the provisions of Section 207 Cr.P.C. were complied with, and the case was committed to the Court of Sessions in [S.C.No.26](#) of 2014 and was made over to the learned Sessions Judge, Mahila Court (Fast Track Mahila Court), Tiruppur District for trial. The trial Court framed charges under Sections 448, 352 and 364-A of the IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, against the accused and when questioned, the accused pleaded 'not guilty.'



Crl.A.No.163 of 2016

(e) To prove the case, the prosecution examined 12 witnesses as

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P.W.1 to P.W.12, marked 16 documents as Exs.P1 to P16 and four material objects as M.O.1 to M.O.4. When the accused were questioned, u/s.313 Cr.P.C., on the incriminating circumstances appearing against them, they denied the same. On the side of the defence, no oral or documentary evidence was let in.

(f) The trial Court found that the prosecution had not established its case beyond reasonable doubt and acquitted the respondents 1 and 2/accused of all the charges.

3. Mr.S.Sriram, the learned counsel for the appellant/victim/P.W.2, submitted that the complaint was lodged immediately after the occurrence; that P.W.1 and P.W.2 have clearly stated about the involvement of the accused; that P.W.4, who is a villager, had seen the accused driving a Scorpio car bearing Reg.No.TN 47 AA 5888 at the time of occurrence at 8.30 p.m., on 20.09.2013; and that the trial Court had not considered the evidence of P.W.4 and therefore, the Judgment of the trial Court is perverse



and calls for interference.

WEB COPY



Crl.A.No.163 of 2016



Crl.A.No.163 of 2016

WEB COPY 4. Mr.L.Baskaran, the learned Government Advocate (Crl.Side) for the third respondent, would submit that though the prosecution had not filed an appeal, the evidence would suggest that the prosecution had established its case beyond reasonable doubt and therefore, the Judgment has to be set aside.

5. Ms.V.Janaranjani learned counsel for the first respondent, *per contra*, submitted that the trial Court had appreciated the evidence in the proper perspective and found that the version of the victim/P.W.2 and her husband/P.W.1, were improbable; that the victim had stated before the doctor that she was attacked by two unknown persons at her residence which is totally contrary to the prosecution case; that the defence had elicited the fact that A2 was known to the witnesses and therefore, their version that they were attacked by two unknown person is falsified for that reason also and submitted that in any case, the Judgment of acquittal does not suffer from any perversity warranting an interference in an appeal against acquittal.



WEB COPY 6. As stated earlier, the prosecution examined twelve witnesses.

P.W.1 is the husband of P.W.2, the victim. P.W.3 is said to have accompanied P.W.1 and intercepted the car in which the accused had allegedly abducted P.W.2/victim. As stated earlier, P.W.4 is one of the villagers who had seen A1 driving the car bearing Reg.No.TN 47 AA 5888. P.W.5 also claims that he saw the car and thereafter saw P.W.2 lying on the road with an injury. P.W.6 is a witness to the observation mahazar, arrest and confession. P.W.7 is a witness to the seizure mahazar. P.W.8 an employee in a textile shop had identified the cloths purchased from his shop and used by the accused to gag the mouth of the victim/P.W.2. P.W.9 is the registered owner of the car, which is said to have been used by the accused for the occurrence. P.W.10 is the Sub Inspector of Police who registered the FIR. P.W.11 is the doctor who had made entries in the accident register/Ex.P9 and had treated the victim/P.W.2. P.W.12 is the Inspector of Police who conducted the investigation.

7. From the above narrative, it would be clear that the prosecution

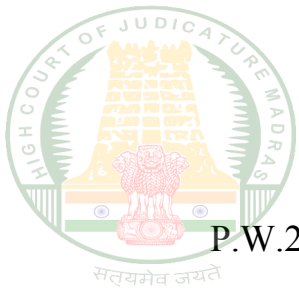


Crl.A.No.163 of 2016

WEB COPY

case primarily rests on the evidence of P.W.1 to P.W.5. As stated earlier, it is the case of the prosecution that P.W.1 and P.W.3, who were travelling in another vehicle heard the cry of a lady in a car and stopped it; that thereafter the accused pushed the victim/P.W.2 out of the car and fled from the occurrence. Admittedly, P.W.1 and P.W.3 did not see as to who was inside the car. They could also not identify the registration number of the car. According to P.W.2/victim after she was rescued, she had narrated the incident to P.W.1. P.W.2 states that she had informed P.W.1 about the involvement of A1, who is closely related to both P.W.1 and P.W.2. The FIR was lodged two hours later, namely at 10.00 p.m., on the same day. However, it is seen in the FIR that there is no reference to the involvement of any known person by P.W.1.

8. That apart, it is seen from the entries in the accident register/Ex.P9, which was recorded at 1.00 a.m., on 21.09.2013 that the doctor had stated that P.W.2 informed him about an assault by two unknown persons by hands and that there was an attempted robbery at 7.00 p.m. There is no reference to any alleged abduction. Further, if A1 was the uncle of



Crl.A.No.163 of 2016

P.W.2/victim, there was no reason why P.W.2 had to inform the doctor that she was assaulted by two unknown persons.

9. Therefore, the trial Court was right in disbelieving the version of P.W.1 and P.W.2 and that of P.W.3 as regards the manner in which the alleged occurrence took place. P.W.4 had allegedly seen the car at 8.30 p.m. on the date of the occurrence but does not refer to the presence of the victim. Therefore, his evidence is of no avail to the prosecution. The trial Court also found that the seizure of the mobile phone from A2 is also of no avail to the prosecution since the prosecution had not examined the employer of A2, who is said to have handed over the SIM card to A2.

10. The Trial Court also had referred to the non-examination of one Mr.Karthick, who is said to have taken the vehicle from its registered owner and handed over the same to the accused. Therefore, the prosecution had failed to establish as to how the accused had taken possession of the car from the registered owner. This Court finds that the reasons assigned by the trial Court for acquittal are justified.



Crl.A.No.163 of 2016

WEB COPY 11. This Court finds that the Judgment acquitting the respondents 1 and 2 does not suffer from any perversity warranting interference in an appeal against acquittal and hence, this Court is not inclined to interfere with the Judgment passed by the learned Sessions Judge, Mahila Court, (Fast Track Mahila Court), Tiruppur District, dated 10.09.2015, made in S.C.No.No.26 of 2014.

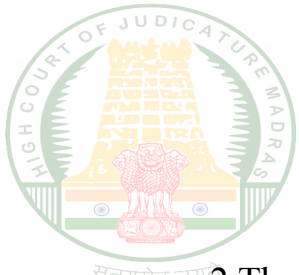
12. Accordingly, the Criminal Appeal is dismissed.

07.07.2025

Index : yes/no
Neutral citation : yes/no
Speaking/Non-speaking order
dk

Copy to:

1.The Sessions Judge,
Mahila Court (Fast Track Mahila Court),
Tiruppur District.



Crl.A.No.163 of 2016

2. The Inspector of Police
Vellakovil Police Station,
Tiruppur District.

3. The Public Prosecutor,
High Court, Madras.



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Crl.A.No.163 of 2016

SUNDER MOHAN,J.

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Crl.A.No.163 of 2016

07.07.2025