



Crl.A.No.460 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATE : 22.09.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.460 of 2018

S.Gnanavel

... Appellant/Accused

Versus

State Rep by its,
The Inspector of Police,
W-9, All Women Police Station,
Villivakkam,
Chennai – 600 049.
(Crime No.3/2015).

... Respondent/Complainant

PRAYER : Criminal Appeal filed under Section 374(2) of Cr.P.C., praying to set aside the judgment of conviction, convicting the appellant for the offence under Sections 6 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 67B of Information Technology Act, 2000 and sentenced to undergo 10 years rigorous imprisonment and imposed with a fine of Rs.10,000/-, in default, to undergo 6 months rigorous imprisonment for offence under Section 6 of The Protection of Children from Sexual Offences Act, 2012, sentenced to undergo 3 years simple imprisonment and imposed with a fine of Rs.10,000/-, in default, to undergo 6 months simple imprisonment for offence under Section 12 of The Protection of Children From Sexual Offences Act, 2012 and sentenced to undergo 5 years simple imprisonment and imposed with a fine of Rs.1,00,000/-, in default, to undergo 1 year simple imprisonment for offence under Section 67B of Information Technology Act, 2000.



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Appellant : Mr.S.Mayilnathan
Legal Aid Counsel
For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

JUDGMENT

The appellant/Accused in S.C.No.100 of 2016 was convicted by the trial Court by the judgment dated 03.07.2018 for the offences under Sections 6 and 12 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter 'POCSO Act') and Section 67B of Information Technology Act, 2000 and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 6 months rigorous imprisonment for offence under Section 6 of POCSO Act, sentenced to undergo 3 years simple imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 6 months simple imprisonment for offence under Section 12 of POCSO Act and sentenced to undergo 5 years simple imprisonment and to pay a fine of Rs.1,00,000/-, in default, to undergo 1 year simple imprisonment for offence under Section 67B of Information Technology Act, 2000. The sentences were



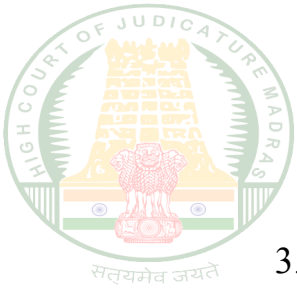
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ordered to run concurrently. The appellant was acquitted for the charge under

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Section 506(i) of I.P.C.

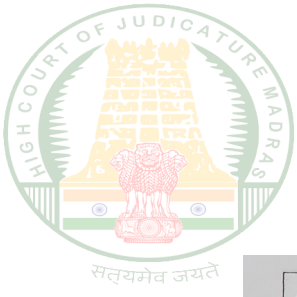
2. Aggrieved against the said conviction, the appellant preferred an appeal before this Court in Crl.A.No.460 of 2018 through his counsels, Mr.M.Murugesan, Mr.V.Srikanth, Mr.P.Suriyanarayanan, Mr.A.Kalidas, Mr.P.Palanisamy and Ms.P.Sudha. When the appeal was listed for final hearing, there was no representation for the appellant. After giving sufficient opportunity, this Court on 24.04.2024 appointed Mr.S.Mayilnathan, Enroll No.541/2009 as Legal Aid Counsel for the appellant. The Legal Aid Counsel was taking steps to contact the appellant for instructions. At that time, on 09.09.2025, the appellant S.Gnanavel had sent a letter to the Legal Aid Counsel that on 29.10.2024, he was released under remission rules. This Court enquired the learned Additional Public Prosecutor, how a person convicted under POCSO Act will benefit under remission rules and entitled for premature release.



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3.Today, the learned Additional Public Prosecutor produced a report submitted by the Superintendent, Central Prison, Chennai, which is extracted hereunder:

தமிழ்நாடு சிறைகள் மற்றும் சீர்திருத்தப் பணிகள்துறை மத்திய சிறை-1, சென்னை பிரித்தெடுப்பு நகல்	
சிறைவாசி எண்	CT.No.7103
சிறையில் அனுமதிக்கப்பட்ட நாள்	03.07.2018
சிறைவாசி பெயர்	ஞானவேல்
சிறைவாசியின் தந்தை பெயர்	சாமிநாதன்
சிறைவாசியின் வயது	35/2018
சிறைவாசியின் முகவரி	எண்.1/7 அபிராமி நகர் வில்லிவாக்கம், சென்னை.49
காவல்நிலையம்	W 9 வில்லிவாக்கம் காவல் நிலையம்
குற்றஎண்	03/2015
சட்டப்பிரிவு	U/s 6 Pocso Act, 12 of Pocso Act, 67 B of IT Act.
நீதிமன்றம்	Sessions Mahalir Neethimandram , Chennai Sc.No.100/2016
தண்டனை விவரம்	U/s 6 Pocso Act - Rigorous Imprisonment for 10 years and fine of Rs.10,000/- In default Simple Imprisonment for 6 months U/s 12 of Pocso Act - Simple Imprisonment for 10 years and fine of Rs.10,000/- In default Simple Imprisonment for 6 months 67B of IT Act - Simple Imprisonment for 03 years and fine of Rs.1,00,000/- In default Simple Imprisonment for 6 months



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சிறைவாசியின் விசாரணை நாட்கள்	102 Days
விடுதலை செய்யப்பட்ட நாள்	29.10.2024 Released under Remission Rules having 1295 Days of Remission.

சிறை கண்காணிப்பாளருக்காக
மத்திய சிறை-1, சென்னை

11.9.25

பெறுநர்
காவல் ஆய்வாளர்
W9 அனைத்து மகளிர் காவல் நிலையம்
வில்லிவாக்கம், சென்னை 49

11 SEP 2025

4.The learned Additional Public Prosecutor further submitted that after issuance of G.O.(Ms).No.61, Home (Prison-V) Department, dated 04.02.2025, the Government had issued an amendment to the Tamil Nadu Prison Rules, 2024, specifying that prisoners convicted for sexual offences or under the POCSO Act shall not be considered for premature release. As regards the petitioner, he was released under remission rules prior to the

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issuance of Government Order. G.O.(Ms).No.61 dated 04.02.2025 is

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extracted hereunder:


ABSTRACT

Prisons and Correctional Services – Premature release of Prisoners – Amendment to rule 348 of the Tamil Nadu Prison Rules, 2024 – Orders – Issued.

HOME (PRISON-V) DEPARTMENT

G.O.(Ms).No. 61	Dated: 04.02.2025 குரோதி வருடம், தை 22, திருவள்ளூர் ஆண்டு 2056
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Read:-

1. G.O.(Ms).No.589, Home (Prison-V) Department, dated 21.10.2024.
2. Government Gazette Notification No.46A Part-III Section 1(a), dated 20.11.2024.
3. From the Director General of Prisons and Correctional Services letter No.TNPCS/133/PS-1/2025, dated 08.01.2025.

ORDER:

The Director General of Prisons and Correctional Services in the letter third read above, has sent a proposal to Government for amending the Rule 348 of the Tamil Nadu Prisons Rules, 2024, effecting that the persons convicted for sexual offences and Under the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012), shall not be granted remission. The Government have examined the proposal of the Director General of Prisons and Correctional Services and decided to issue suitable amendment to rule 348 of the Tamil Nadu Prisons Rules, 2024.

2. Accordingly, the following Notification shall be published in the Tamil Nadu Government Gazette:-

NOTIFICATION.

In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (Central Act IX of 1894), and all the powers hereunto enabling, the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Prison Rules, 2024:-



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AMENDMENTS.

In the said Rules, in rule 348,-

(1) in sub-rule(1), in clause(iii),-

(a) the term "rape" shall be omitted;

(b) the following proviso shall be added, namely:-

"Provided that the prisoners convicted for sexual offences or under the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012) shall not be considered for premature release.";

(2) in sub-rule(2),-

(a) the term, "rape" shall be omitted;

(b) the following proviso shall be added, namely:-

"Provided that the prisoners convicted of sexual offences or under the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012) shall not be considered for premature release.".

(BY ORDER OF THE GOVERNOR)

**DHEERAJ KUMAR
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT**

To

- ✓ The Director General of Prisons and Correctional Services, Chennai-8.
- The Works Manager, Government of Central Press, Chennai-79.
- (for publication in Tamil Nadu Government Gazette).
- All Deputy Inspector General of Prisons of Range.
- All Superintendents of Central Prisons and Special Prisons for Women.

Copy to:

- The Senior Personal Assistant to Hon'ble Minister (Law), Chennai-9.
- All Sections in Prison Wing.
- Stock File / Spare copy.

// FORWARDED BY ORDER //

SECTION OFFICER

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5. In view of the above, nothing survives for adjudication in the above appeal and the same is dismissed as infructuous.

22.09.2025

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, All Women Police Station,
Villivakkam,
Chennai – 600 049.

3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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