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CRL OP No. 9780 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-04-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

**CRL OP No. 9780 of 2025 in
CRL A SR No.15553 of 2025**

State Of Tamil Nadu Represented By
The Inspector of Police
Wellington Police Station, Wellington,
The Nilgiris. Crime No.419 Of 2020 Petitioner(s)

Vs

VIJAYAKUMAR
S/o.Murali,
D.No.6/156B, Hosatty, Aruvankadu,
Coonoor. Respondent(s)

PRAYER: Criminal Original Petition filed under Section 379 (3) Cr.P.C/ 419 (4) of B.N.S.S. to grant leave to file an appeal to this Court against the acquittal judgment passed in the court of "The Sessions Judge, Magalir Neethimandram, (FTMC) Udhagamandalam at Nilgiris in Special Calendar Case No.33 of 2021 dated 30.11.2022.

For Petitioner(s): Mrs.G.V.Kasthuri
Additional Public Prosecutor

For Respondent(s): Mr.T. Shanmugam



ORDER

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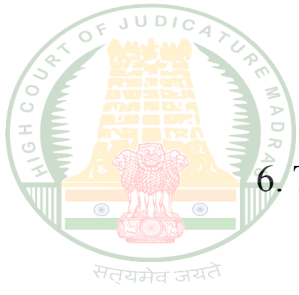
This Criminal Original Petition has been filed by the State/Complainant to grant leave to file an appeal before this Court against the judgement of acquittal passed by the Sessions Judge, Magalir Neethimandram, (FTMC) Udthagamandalam at Nilgiris, in Special Calendar Case No.33 of 2021 dated 30.11.2022.

2. Heard and perused the materials available on record.

3. It is seen from the records that the petitioner/State registered a case against the respondent for the offence under Sections 5(l) read with 6 of POCSO Act and Sections 363, 343 of IPC and filed a final report and the same was taken on file in Special Calendar Case No.33 of 2021 on the file of the Sessions Judge, Magalir Neethimandram, (FTMC) Udthagamandalam at Nilgiris. On conclusion of trial, though the trial Court acquitted the respondent from the charges under Sections 5(l) read with 6 of POCSO Act, convicted him for the IPC offences.

4. Challenging the judgment of conviction and sentence, the respondent/accused has filed an appeal before this Court in CrI.A.No.56 of 2023. Now the prosecution has filed the appeal in CrI.A.SR.No.15553 of 2025 challenging the judgment of acquittal from the POCSO offences along with the present petition seeking leave to file the above appeal.

5. It is seen from the grounds of appeal and also from the statement recorded from the victim girl under Section 164 Cr.P.C. that there are prima facie materials and also there are arguable points in the appeal.



6. Therefore, leave is granted.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note: Registry is directed to take the appeal on file if the papers are otherwise in order and list both the appeals **on 16.04.2025.**

To

1. The Sessions Judge,
Magalir Neethimandram, (FTMC)
Udhagamandalam at Nilgiris

2. The Inspector of Police
Wellington Police Station,
Wellington, The Nilgiris.

3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN,J.

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CRL A SR No.15553 of 2025**

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