



WEB COPY

Crl.A.No.45



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.12.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.A.No.450 of 2019 and
Crl.M.P.No.12622 of 2024

Arunkumar

.. Appellant

Vs.

The State by Inspector of Police
All Women Police Station (North)
Tiruppur District
Crime No.4 of 2016

.. Respondent

Criminal Appeal filed under Section 374(2) of Cr.P.C. to set aside the conviction and sentence imposed in Spl.S.C.No.45 of 2016 dated 17.12.2018, on the file of the Magalir Neethimandram (Fast Track Mahila Court), Tiruppur.

For Appellant : Mr.S.Manoj Vasanth

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem



ORDER

(The Order of the Court was made by P.Velmurugan, J)

This Criminal Appeal has been filed to set aside the judgment of conviction and sentence imposed in Spl.S.C.No.45 of 2016 dated 17.12.2018, by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur.

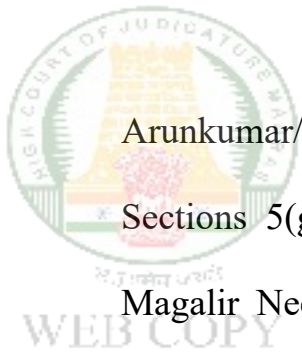
2. The case of the prosecution is that the victim who was aged about 15 years was residing at Erasakkanayakanur, Theni District, along with her mother and studying 9th std. The father of the victim was working in a Baniyan Company in Tiruppur. During school vacation, the victim came to Tiruppur to visit her father and was staying with her father. During that period, the victim fell in love with the one Mukesh, who is the neighbour of his father. On 24.05.2016, Mukesh took the victim in his bike to a thorny bushes near Radhanagar and was speaking with her. At that time, one Pandi, Balaji and Arun/appellant herein came there in a drunken mood and on seeing the victim and Mukesh, they snatched the shawl of the victim and tied a stone in the shawl and assaulted Mukesh with the same. At that time, one of the juvenile accused Pandi @ Pandian snatched the cell phone from Mukesh. The other juvenile accused Bala @ Balaji took the key from Mukesh's pocket and took his motor cycle. The appellant snatched the bracelet of Mukesh. In continuation of the said occurrence, the appellant along with the juvenile accused Pandi and Bala tied the victim's mouth with the shawl, took her near the thorny bushes and repeatedly committed penetrative sexual assault on the victim one after another. Subsequently the victim became unconscious. Later, when she

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regained conscious, the accused Pandi was sitting nearby and her dress was lying near her. She took and wore her dress. When she asked the accused Pandi to take her to his house, at first he refused the same. At that time, a lady was going by that side. The victim asked her to take her to her house. At that time, the accused Pandi told the victim that he would take her to her house. Thereafter, while they were proceeding by walk towards the house of the victim, the accused Pandi threatened the victim that he would kill the victim if she discloses the incidence to anyone. When she reached her home, she informed about the incidence to her mother and father. Thereafter, she went to the police station along with her parents and lodged the complaint.

3. Based on the complaint lodged by the victim, the respondent police registered a case in Crime No.4 of 2016 against the appellant and two others initially for the offences under Sections 294(b), 323, 341, 352, 506(2) of IPC and Sections 5(g), 6, 9(g) and 10 of POCSO Act and after recording statements from some of the witnesses, altered the Section of offences from Sections 294(b), 323, 341, 352, 506(2) of IPC and Sections 5(g), 6, 9(g) and 10 of POCSO Act into Sections 294(b), 323, 341, 352, 506(2) and 394 of IPC and Sections 5(g), 6, 9(g) and 10 of POCSO Act and subsequently altered to Sections 394 read with 397, 294(b), 323, 506(ii) IPC and Sections 5(g) read with Section 6 of POCSO Act. The respondent police, after completion of investigation, found that two of the accused namely Pandi @ Pandiyan and Bala @ Balaji are juveniles and therefore, they referred the matter to the Juvenile Justice Board insofar as the juvenile accused are concerned and filed the charge sheet only against the accused

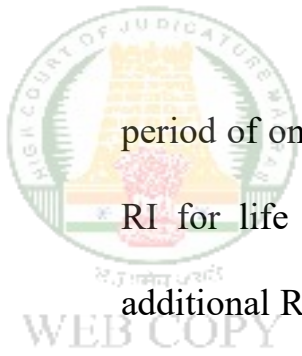


Arunkumar/appellant herein for the offences under Section 394 read with 397 IPC and Sections 5(g) read with 6 of PCOSO Act, 2012 read with 376(D) IPC, before the Magalir Neethimandram (Fast Track Mahila Court), Tiruppur since the offences are against a child and the same was taken on file in Spl.S.C.No.45 of 2016. The learned Sessions Judge, after completing the formalities and perusal of records, found that prima facie case was made out and thereby, framed the charges against the appellant for the offences under Sections 394 read with 397 IPC and Sections 5(g) read with 6 of POCSO Act, 2012 and the matter was posted for trial.

3. During trial, in order to substantiate the charges against the appellant, on the side of the prosecution, totally 14 witnesses were examined as P.W.1 to P.W.14 and 18 documents were marked as Exs.P.1 to P.18, besides 9 material objects were exhibited as M.O.1 to M.O.9.

4. On completion of examination of prosecution witnesses, incriminating materials appeared against the appellant were culled out from the prosecution witnesses and put before the appellant by questioning under Section 313 Cr.P.C. for which, the appellant denied as false. However, on the side of the defence, no oral and documentary evidence was let in.

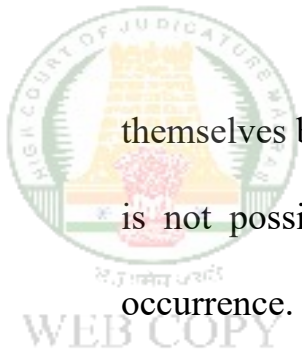
5. After completion of trial and hearing of the arguments advanced on either side and perusal of records, the trial Court found the guilt of the accused/appellant herein for the charged offences and thereby, convicted him and sentenced him to undergo 10 years RI with fine of Rs.5,000/-, in default to pay the fine amount, to undergo RI for additional



period of one year for the offence under Sections 394 read with 397 IPC and to undergo RI for life with fine of Rs.25,000/- in default to pay the fine amount, to undergo additional RI for one year for the offence under Section 5(g) read with 6 of POCSO Act, 2012. The sentences were ordered to run consecutively and the period of sentence already undergone by the accused during custody, was ordered to be set off under Section 428 of Cr.P.C. Further, taking into account the gravity of the offence and considering the mental trauma undergone by the victim, the trial Court recommended for compensation for the victim.

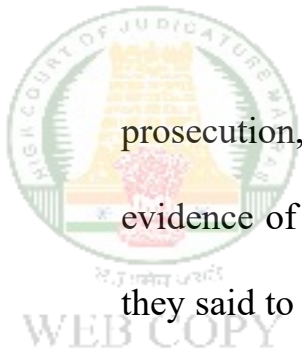
6. Aggrieved by the judgment of conviction and sentence, the accused has filed the present appeal.

7. The learned counsel for the appellant submitted that there is no connection between the appellant and the other juvenile accused persons, but the trial court disbelieved the same. The appellant had only gone to rescue the victim girl, but he has been made as an accused and has been victimized. Further, the alleged occurrence took place at about 10 p.m. nearby a thorny bushes and there was no light in the surrounding place in Radha Nagar. Hence, there is no possibility for the victim/P.W.1 to identify the accused since they are not known persons. Further, the trial Court failed to note that the appellant was arrayed as A3 in the FIR. When the victim is utter stranger to the occurrence place, there is no possibility for the victim to mention the name of the accused persons in the complaint, which creates strong suspicion in the case of the prosecution. Further, the observation of the trial Court that all the accused called



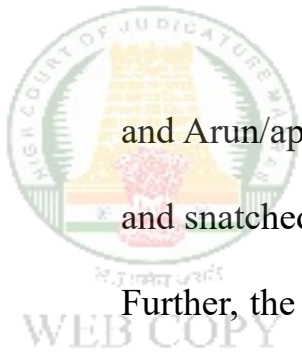
themselves by their names and based on which, the victim identified them by their name, is not possible at all when the victim was in allegedly unconscious at the time of occurrence. The trial Court also failed to note that P.W.2 had accompanied P.W.1/victim at about 10 p.m. nearby a thorny bushes and though P.W.2 is said to have been assaulted by the accused persons, P.W.2 has nowhere lodged a complaint with regard to the same and he has also not raised any alarm about the occurrence in the public, which would go to show that the prosecution has not come with a true story and it has implicated the innocent appellant. Further, the parents of the victim have deposed that on the date of occurrence the victim was found missing from there house and therefore, they lodged a complaint before Anuparpalayam Police Station, however no material was produced with regard to the same and therefore, the victim was missing on the date of occurrence itself is doubtful and the trial Court failed to consider the same.

7.1. The learned counsel for the appellant further submitted that the trial Court failed to note that P.W.2 is the real accused for taking the minor girl/P.W.1 to a remote place nearby a thorny bushes and in fact the it is P.W.2 who committed the sexual offence against the victim. However, in order to escape from the clutches of law, P.W.2 has been safeguarded by the victim P.W.1 The appellant who had gone as a rescuer, has been made as an accused in this case. The trial Court failed to note that a false criminal case has been filed against the innocent appellant with some ulterior motive of making P.W.2 to escape from this case. Further, the trial Court failed to note that the material object said to have been used by the accused was never ever attempted to produce by the



prosecution, which creates suspicion on the case of the prosecution. Further, the evidence of P.W.1 and P.W.2 itself is with material contradictions to each other, though they said to have been eyewitnesses to the occurrence. He further submitted that without prejudice to the other contentions, the sentence imposed against the appellant is very excessive and the appellant was only aged about 20 years at the time of alleged occurrence. The over all evidence of the prosecution did not prove the guilt of the accused beyond reasonable doubt. Therefore, the benefit of doubt should have been extended to the appellant and he ought to have been acquitted from all charges. The entire case foisted on the appellant is based on surmises and conjecture and the same was not proved by the prosecution beyond all reasonable doubt. The reasons given by the trial Court are not correct and unsustainable in law. Therefore, the appeal has to be allowed and the appellant has to be acquitted.

8. The learned Additional Public Prosecutor appearing for the respondent submitted that the victim/P.W.1, who was aged about 15 years, was residing at Erasakkanayakanur, Theni District, along with her mother and studying 9th std. The father of the victim was working in a Baniyan company in Tiruppur. During school vacation, she came to Tiruppur to visit her father and was staying with her father. During such period, the victim fell in love with the one Mukesh/P.W.2, who is the neighbour of his father. On 23.05.2016, P.W.2 had bought a second hand bike and to celebrate the same, on 24.05.2016, P.W.2 took the victim girl in his bike to a thorny bushes near Radhanagar and was speaking with her. At that time, the accused namely Pandi, Balaji



and Arun/appellant herein who came there in a drunken mood, saw them standing together and snatched the shawl of the victim and tied the shawl with a stone and assaulted P.W.2.

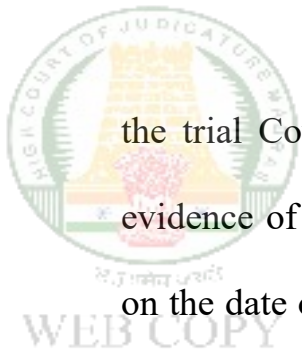
Further, the accused snatched the cellphone, bracelet and also the motor cycle key from P.W.2. In continuation of the said occurrence, the accused, tied the victim's mouth with the shawl, pulled her near the thorny bushes and committed penetrative sexual assault one after another due to which, the victim fainted. Next day morning, when she regained conscious, she found her dress lying nearby and she wore her dress. At that time, one of the accused namely Pandi was sitting beside her. When she requested him to take her to her house, at first he refused the same. Thereafter, he took the victim girl to her home and while they were proceeding by walking, the accused Pandi threatened her that if she discloses about the occurrence to anybody, he would take away her life. On reaching her house, Pandi left that place and the victim girl informed about the occurrence to her mother and father. Thereafter, the victim girl along with her parents went to the police station and lodged a complaint based on which, the FIR in Crime No.4 of 2016 came to be registered against the appellant and two others. During the course of investigation, the respondent police found that two of the accused namely Pandi and Bala were juveniles and thereby, they filed a separate report against them to the Juvenile Justice Board and subsequently, the juvenile Justice Board completed the proceedings and disposed of the matter. The charge sheet was filed only against the appellant before the concerned Court.



8.1 The learned Additional Public Prosecutor further submitted that during the course of investigation, the victim and her boy friend Mukesh who accompanied the victim girl at the time of occurrence were produced before the Magistrate for recording statement and the learned Magistrate also recorded their statement under Section 164 Cr.P.C. and the same was marked as Ex.P.15 Series. Further, the statement of the accused/appellant herein was also recorded by the Magistrate under Section 164 Cr.P.C. and the same was marked as Ex.P.16.

8.2. The learned Additional Public Prosecutor further submitted that the victim girl/P.W.1, P.W.2 and the appellant were produced before the doctors for medical examination. The doctor/P.W.8 who examined the victim has clearly opined that the victim girl has been subjected to forcible sexual assault. The doctor/P.W.9 who examined P.W.2 has deposed that P.W.2 had sustained scratch injuries in both hands and issued Ex.P.8/Accidental Register along with his Opinion that the injuries sustained by P.W.2 was simple injuries. The doctor/P.W.10 who examined the appellant has issued a medical certificate/Ex.P.9 stating that there is no anatomical reason to say that the patient/appellant is impotent.

8.3 The learned Additional Public Prosecutor further submitted since the accused persons were strangers to the victim, identification parade was conducted and the victim girl identified the accused persons. Further, P.W.2 also identified the accused persons. After completing the identification parade, the victim, her boy friend, the parents of the victim, witnesses to the mahazar and doctors were examined by the prosecution before

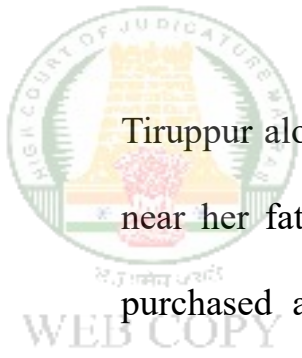


the trial Court. From the evidence of the parents of the victim/P.W.3 and P.W.4 and evidence of P.W.5/house owner of the father of the victim, the prosecution proved that on the date of occurrence, the victim girl was missing from her house. Further, from the evidence of P.W.1/victim, P.W.2/boy friend of the victim, the statements recorded from the P.W.1 and P.W.2 by the Magistrate under Section 164 Cr.P.C. and the evidence of the doctor/P.W.8 and also medical records and identification parade report, the prosecution proved its case beyond all reasonable doubt that the victim was subjected to forcible penetrative sexual assault by the accused persons and the appellant is one of the accused who is also involved in the offence. Further, from the evidence of P.W.2 and recovery of the belongings of P.W.2, the prosecution proved the charge for the offence under Sections 394 read with 397 IPC. The trial Court rightly appreciated the oral and documentary evidence and found that the prosecution proved its case beyond all reasonable doubt and convicted the appellant herein. Therefore, there is no merit in the appeal and the same is liable to be dismissed.

9. Heard and perused the materials available on record.

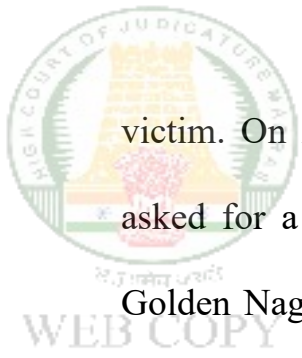
10. During trial, in order to prove the case of the prosecution, on the side of the prosecution, totally 14 witnesses were examined as P.W1 to P.W.14 out of which, the victim was examined as P.W.1.

11. P.W.1/victim in her evidence has clearly stated that at the time of occurrence, she was residing at Erasakkanayakanur with her mother, sister and grandparents and was studying 9th std. and her age was 15 years. 25 days prior to the occurrence, she came to



Tiruppur along with her mother and sister to visit her father. One Mukesh was residing near her father's house at Tiruppur and she fell in love with him. One day, Mukesh purchased a bike and stated that he would take her for a round in his bike. On 24.05.2016 at 7 p.m., Mukesh took her in his bike and by parking the bike near a thorny bushes at Radhanagar, they were chatting with each other. At that time, Arunkumar, Pandi and Balaji came there by walk. Pandi snatched her shawl and tied a stone in the shawl and assaulted Mukesh with the same. Pandi took her to thorny bushes by pulling her hair and when she raised alarm, he abused her with obscene words and removed her dress and inserted his private part into her private part and she sustained pain. Thereafter, Arun came and did the same for about 10 minutes and later, Balaji also did the same for about 10 minutes. Subsequently she fainted and when she regained conscious, she found her dress was lying nearby and she wore the same. At that time, Pandi was sitting beside her. When she requested him to take her to his house, at first he refused. At that time, a lady came on that way and the victim requested her to take her to her house, but Pandi stated the victim that he would take her to her house. When they both were proceeding by walking towards her house, Pandi threatened to kill her if she discloses about the occurrence to anyone. Thereafter, when she reached her home, she informed about the incident to her mother and father. Thereafter, they lodged the complaint.

12. The boy friend of the victim who accompanied the victim at the time of occurrence, was examined as P.W.2 and he has deposed that he fell in love with the



victim. On 23.05.2016, he had bought a second hand bike for which, the victim had asked for a treat. On 24.05.2016, at about 7 p.m., he took the victim in his bike to Golden Nagar, near K.S. Theater and Kanjampalayam ground. At that place they were taking to each other and later when they were about to move from the said place, Arun/appellant, Pandi and Bala came from the thorny bushes. Bala took the victim's shawl, tied a stone in the shawl and assaulted him and when he raised alarm, Arunkumar threatened him not to shout. He has further deposed that when Arunkumar and Bala were attacking him, Pandi took the victim to the thorny bushes. Though he pleaded him to leave her, he did not leave her. After Pandi came out of the bushes, Arunkumar and Bala went into the bushes. Arunkumar and Pandi snatched the silver bracelet and cell phone from him. His bike was also seized from him. P.W.2. left that place stating that all will search for him and on his way, he met his friend Guna and informed about the incident, for which, he replied that all are searching for him. P.W.2 went to police station and informed about the occurrence. They took him to the occurrence place, but no one was there. Therefore, he was brought to police station again.

13. The mother and father of the victim were examined as P.W.3 and P.W.4 and they have deposed that they have got two daughters and at the time of occurrence, the victim was aged 15 years and studying 9th std. in Erasakkanayakanur. The victim had come to Tiruppur to visit her father who was working in a Baniyan Company at Tiruppur. Their daughter was found missing about 6 p.m. on 24.05.2016. They searched

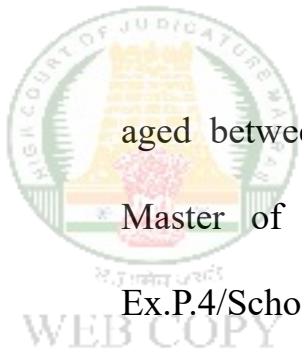


for her in many places, however, they could not trace her. Hence, they lodged a complaint before Anuparpalayam Police Station. On the next day morning, their daughter was brought by one Pandi and when they enquired, the victim had informed them that one Mukesh had taken her in his bike to a thorny bushes at Radhanagar and when they were speaking, three persons came there and one of the persons attacked Mukesh with stone and took their daughter to the bushes and raped her and thereafter, the other two persons raped their daughter. Hence, they lodged a complaint.

14. The owner of the house in which the father of the victim was staying was examined as P.W.5 and he has deposed that on 24.05.2016, he was informed that the victim was found missing and hence, he also searched for the victim along with the parents of the victim. Therefore, the evidence of P.W.3, 4 and 5 clearly shows that on the date of occurrence, the victim was found missing from her house.

15. Insofar as the age of the victim is concerned, the Head Master of the School in which the victim had studied was examined as P.W.6 and he has deposed that based on the records maintained in their school, he issued the certificate/Ex.P.4 stating that the victim girl studied IX Std. in their school during the academic year 2015-2016 and her date of birth is 17.04.2002.

16. The date of occurrence is on 24.05.2016. As per the school certificate, the date of birth of the victim is 17.04.2002. Therefore, the victim was aged about 15 years at the time of occurrence. Further, P.W.12/Radiologist who conducted radiological test on the victim girl has issued a age certificate to the victim/Ex.P.11 stating that the victim is



aged between 15 to 17 years. Therefore, the evidence of P.W.1/victim, P.W.10/Teacher Master of the school in which the victim studied and P.W.12/Radiologist and Ex.P.4/School Certificate, Ex.P.11/age certificate clearly shows that at the time of occurrence the victim was a minor and had not completed the age of 18 years. Therefore, this Court finds that at the time of occurrence, the victim was a child as per Section 2(d) of POCSO Act.

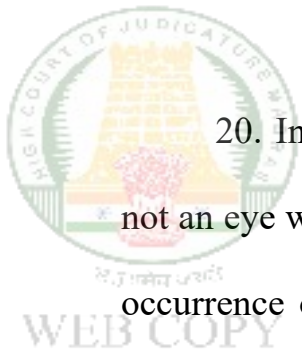
17. As far as the commission of charged offence under Section 5(g) read with Section 6 of POCSO Act is concerned, the victim/P.W.1 in her evidence has clearly stated that on 24.05.2016 at 7 p.m., Mukesh took her in his bike and by parking the bike near a thorny bushes at Radhanagar, they were chatting with each other. At that time, Arunkumar, Pandi and Balaji came there by walk. Pandi, snatched her shawl and tied a stone in the shawl and assaulted Mukesh with the same. Pandi took her to thorny bushes by pulling her hair and when she raised alarm, he abused her with obscene words and removed her dress and inserted his private part into her private part. Thereafter, Arun came and did the same for about 10 minutes and later, Balaji also did the same for about 10 minutes.

18. P.W.3 mother of the victim has clearly stated that she was residing with their family members in Erasakkanayakanur and her husband was working in Tiruppur. At the time of occurrence the victim was aged 15 years and was studying 9th std. in Erasakkanayakanur. During summer vacation, her daughter came to Tiruppur to visit her father. On 24.05.2016, at about 7 p.m., her daughter was found missing. Though they



searched for her in several places, they could not trace her. Hence, they lodged a complaint before Anuparalayam Police Station. Next day morning at about 5 a.m., her daughter was brought to her house by one Pandi and when they enquired the victim, she informed them that Mukesh had taken her in his bike and when they were chatting near a thorny bushes at Radhanagar, three persons came there and one of them, attacked Mukesh with stone and took her near the thorny bushes and raped her. Thereafter, the other two person also raped her. Hence, they took the victim to Anuparalayam Police Station to lodge a complaint wherein they asked them to go to Tiruppur (North) AWPS. Thereafter, they lodged a complaint before Tiruppur (North) AWPS/the respondent police herein. The evidence of the mother of the victim that her daughter was found missing on the date of occurrence and on the next day, the victim had informed that she was raped by three persons, is corroborated with the evidence of P.W.4/father of the victim.

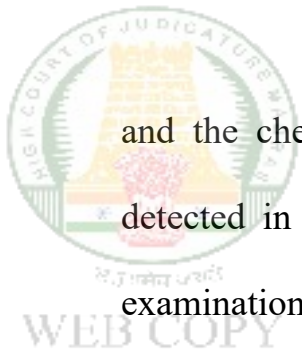
19. P.W.2 who is the boy friend of the victim has also stated that he fell in love with the victim girl and on the date of occurrence, at about 7 p.m. he took the victim to the occurrence place and when they were talking by parking his two wheeler, Arun/appellant came there along with Pandi and Bala from the thorny bushes nearby. Pandi took the victim's shawl, tied a stone in the shawl and assaulted him with the same. When P.W.2 shouted, Aarunkumar threatened him not to raise the voice. When Arunkumar and Bala were attacking him, Pandi took the victim to the thorny bushes. After Pandi came out of the bushes, Arunkumar and Bala went into the bushes.



20. In the cases of this nature, there cannot be any eyewitness. Though not an eye witness for the penetrative sexual assault, however, he is an eyewitness to the occurrence of the juvenile accused Pandi pulling the victim to the thorny bushes and after Pandi came out from the bushes, the appellant and other juvenile accused Bala went to the bushes one after another. Therefore, the statement of P.W.1 that the appellant and 2 other accused pulled her to the thorny bushes and committed penetrative sexual assault on her one after another, is corroborated with the evidence of P.W.2.

21. Though P.W.2 did not inform about the occurrence immediately to the police, obviously, when a person takes a minor girl outside without the knowledge of her parents, would afraid of the consequences. Therefore, mere non-informing to the parents or giving complaint is not fatal to the case of the prosecution. However, the victim who is the injured witness has clearly spoken about the incident.

22. Further, the doctor who conducted medical examination on the victim girl was examined as P.W.8 and she has stated that on examination of the victim, she found 2 reddish abrasions 1x1/4 cm over her left knee; a reddish abrasion 1x1 cm was found in front of her right leg; hymen was not intact and her vagina easily admitted 1 finger, contusion was seen over her vagina and the tip of the vagina was found to be swollen, smelling discharge was seen coming out of her vagina and there was a vertical tear in the ureteral hole of 1x1/4 cm. 2 transverse tear were found on the right side of the hymen and no active bleeding was seen at the time of her examination. She has further deposed that the vaginal smear was collected from the victim and sent for chemical examination



and the chemical examination report was received stating that no spermatozoa was detected in the vaginal smear sent for chemical examination. Based on her medical examination, she has given final opinion that the victim girl was being subjected to forcible sexual intercourse thereby, leading to injury to her genitalia. The medical certificate issued to the victim was marked as Ex.P6 and the Chemical Examination report issued to the victim along with the final opinion of the doctor was marked as Ex.P.7. The doctor who made entry in the Accidental Register was examined as P.W.11 and he has deposed that the victim had informed him that on 24.05.2016 at 8 p.m., she was subjected to penetrative sexual assault by three person at Muthukadu, Radhanagar. Therefore, the evidence of the boy friend of the victim/P.W.2, the evidence of the doctors/P.W.8 and P.W.11 corroborated with the evidence of P.W.1/victim that the victim was subjected to forcible sexual assault. Therefore, from the evidence of P.Ws.1 to P.W.4, P.W.8 and P.W.11 and also medical reports viz., Exs.P.6, 7 and 10 it is clear that the victim was subjected to forcible penetrative sexual assault by three persons. As already stated above that at the time of occurrence, the victim was aged about 15 years and she was a child under the definition of POCSO Act and hence, the offence committed by the appellant along with other accused, falls under Section 5(g) punishable under Section 6 of PCOSO Act.

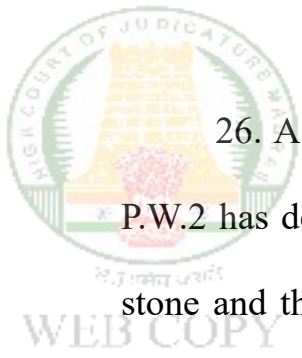
23. As far as the identification of the accused is concerned, during trial, identification parade was conducted and both the victim girl and P.W.2 have clearly identified the appellant and the juvenile accused who committed penetrative sexual



assault on her. The identification parade report was marked as Ex.P.17. Though the accused persons are strangers to the victim, the victim in her cross examination has clearly stated as to how she came to know the name of the accused persons that the accused were speaking to each other by calling their names at the time of occurrence. Further, she has stated that at the time of occurrence she saw the faces of the accused and it was not so dark as if she could not see the faces of the accused. Obviously when a person commits such an offence closely face to face for about 10 minutes, the girl could easily identify the person. Therefore, while conducting the identification parade, the victim girl was able to identify the accused persons.

24. In the cases of this nature, no other eyewitness can be expected. The victim is also a injured witness. If the evidence of the victim/injured witness inspires the confidence of the Court, the Court can rely on the evidence of injured witness/victim and convict the accused. Further, in the cases of this nature, the Court has to see the quality of evidence and not the quantity of evidence/witness.

25. The medical evidence and the evidence of P.W.1 and P.W.2 are reliable and there is no reason to discord the evidence of the sole witness/P.W.1 who was subjected to forcible penetrative sexual assault. The evidence of P.W.1/victim which supported with medical evidence, is cogent, consistent and reliable.

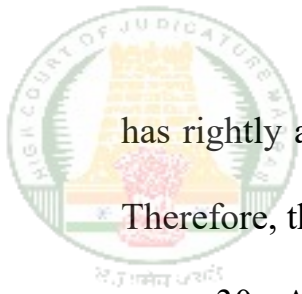


26. As far as the charge under Section 394 read with Section 397 is concerned, P.W.2 has deposed that at the time of occurrence, the accused-Pandi attacked him with stone and the other accused Arunkumar and Bala also attacked him and they snatched his Silver Bracelet, Cell Phone and bike. The doctor/P.W.9 who examined P.W.2 has deposed that P.W.2 had sustained scratch injuries in both hands and he has issued Ex.P.8/Accidental Register with his Opinion that the injuries sustained by P.W.2 was simple injuries. Further, the prosecution proved its case through recovery of Material Objects viz. M.O.6/Nokia Cell Phone, M.O.7/ TVS Appachi Motor Cycle TN 66 Q 3983 and M.O.8/Silver Bracelet.

27. Though the learned counsel for the appellant pointed out some discrepancies and contradictions, however, on a reading of the entire materials, this Court finds that the prosecution has proved its case and the appellant is liable to be punished. The discrepancies and contradictions taken by the appellant are only minor contradictions which will not go into the root of the case of the prosecution.

28. Therefore this Court finds that the evidence of the victim in this case is very reliable which inspires the confidence of this Court. This Court finds no reason to discord the evidence of the victim/P.W.1 and to extend the benefit of doubt in favour of the appellant. The grounds taken by the appellant are not sustainable.

29. This Court as a final Court of fact finding while re-appreciating the entire evidence, finds that the appellant has committed the charged offences. The trial Court



has rightly appreciated the oral and documentary evidence and convicted the appellant.

Therefore, there is no merit in this appeal and the same is liable to be dismissed.

30. Accordingly, this Criminal Appeal is dismissed. Consequently, the connected

Miscellaneous Petition is closed.

(P.V., J) (M.J.R., J)
16.12.2025

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To

1. The Magalir Neethimandram (Fast Track Mahila Court),
Tiruppur.
2. The Inspector of Police
All Women Police Station (North)
Tiruppur District
3. The Central Prison, Coimbatore
4. The Public Prosecutor,
High Court, Madras.



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Crl.A.No.45
P.VELMURUGAN, J

and

M.JOTHIRAMAN, J

ksa-2

Crl.A.No.450 of 2019

16.12.2025