



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL A NO.615 of 2017

Ramarajan

Petitioner(s)

Vs

The State Represented by
Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore District.
Crime No.24 of 2016.

Respondent(s)

PRAYER : Criminal Appeal is filed under Section 374(2) of Code of Criminal Procedure, to set aside the judgment and conviction dated 20.09.2017 made in Spl.C.C.No.20 of 2016 on the file of the Magalir Neethi Mandram, Coimbatore District.

For Petitioner : Mr.K.Murugesan,
Legal Aid Counsel

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor



ORDER

WEB COPY

The appellant was convicted vide judgment dated 20.09.2017 in Spl.C.C. No.20 of 2016 by the Magalir Neethi Mandram, Coimbatore District and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo one month rigorous imprisonment for offence under Sections 11(iv) read with 12 of POCSO Act. Challenging the same, present Criminal Appeal filed.

2. The case of the prosecution is that the victim in this case is aged about 14 years and she was studying 8th Standard in Government Middle School, Jadayampalayam. Four months prior to 20.05.2016, the appellant had been following the victim wherever she was going and passing lucid comments and attempted to talk to her. The victim refused and was avoiding the appellant. On 20.05.2016 at about 1.30 p.m., when the victim was alone at her house, the appellant entered the house in an inebriated condition and informed he is interested in her and he wants to marry her and also called her to be together. She refused and shouted at him. P.W.4, a neighbour, came to her to rescue and on seeing him,

Page 2 of 11



appellant escaped and jumped over the compound wall and fled from the scene.

3. P.W.2 and P.W.3, parents of the victim, found victim weeping, an enquiry, victim informed the act of the appellant. Thereafter, P.W.2, father of the victim called the appellant and enquired for his behaviour. The appellant showed no remorse instead abused and if anyone interfered, they would be harmed. Finding appellant continued his sexual assault and the victim father took the victim girl and lodged the complaint to P.W.7, who registered the FIR in Ex.P.8. Thereafter, the Investigating Officer enquired the victim, parents, and neighbours, visited the scene of occurrence, prepared observation mahazar and rough sketch in the presence of P.W.4 and P.W.5. The victim produced before the Magistrate, P.W.6, had given a statement in Ex.P.2 confirming her complaint in Ex.P.3. The victim's school certificate collected, confirming the date of birth as 05.09.2002, and she was a minor. Thereafter, the accused was arrested, sent for remand, on recording of statements, collection of materials and on completion of investigation.



WEB COPY

4. The Trial Court framed two charges against the petitioner, namely, charges under Section 11(iv) read with 12 of the POCSO Act and Section 506(1) of IPC. On conclusion of the trial, the Trial Court convicted the petitioner as stated above.

5. The learned counsel for the petitioner submitted that there are material contradictions between the evidence of P.W.1 and P.W.4. P.W.1, in her evidence, stated that on 20.05.2016, when she was alone at her house at about 1.30 p.m., the appellant entered the house and forced her to marry him and abused her. When she raised alarm, he had shut her mouth, at that time P.W.4 a neighbour come to her rescue. On the contrary P.W.4 in his evidence state that on 20.05.2016 at about 1.30 p.m., he saw the appellant entering the house of the victim and ten minutes later victim came to him crying, informing that the appellant forced love with the victim and she refused but appellant forced her to have love relationship, and he was sent out. Thus, there is vital contradiction which goes to the root of the case. In this case, the appellant had one-



sided love towards the victim and he was young at age, not knowing the seriousness and consequences, he continued to show interest on the victim. The parents coming to know about the love torture given to the victim had concocted the story as though the appellant entered the house and gave sexual harassment to the victim. The occurrence is said to have taken place on 20.05.2016, but complaint lodged with a delay of three days, i.e., on 23.05.2016, and no reason for the delay given either by the defacto complainant or the Investigating Officer. He further submitted that the appellant was arrested and he was detained in prison. He further submitted that the Trial Court disbelieved the evidence of the witnesses with regard to the allegation that the appellant threatening and causing criminal intimidation to the victim and acquitted appellant from the charge of Section 506(i) of IPC, but on the same set of evidence convicting him for other offences will be proper and hence prayed for allowing the appellant and acquitting from all charges.

6. The learned counsel further submitted that once such a finding is given, convicting the appellant for the offence under Section 11(iv) read with 12 of the POCSO Act would not arise, since both facts are one

Page 5 of 11



and the same. He further submitted that now the victim got married and she is living happily, and the appellant got married to another person and doing plumbing work maintaining his wife and children.

7. The learned Public Prosecutor further submitted that in this case, the defacto complainant is a minor aged about 12 years. The victim, in the complaint, clearly narrated how she was continuously followed for more than four months prior to 20.05.2016 whenever she was going to school. On 20.05.2016, the appellant, in an inebriated condition, entered into the house and forced the victim and caused sexual harassment. The complaint was lodged only on 23.05.2016, since the parents of the victim, namely P.W.2 and P.W.3, had earlier called the appellant and warned him not to interfere with their daughter. However, instead of heeding to the request and warning the appellant continued his act and threatened them, thereafter complaint was lodged.

8. On receipt of the complaint, P.W.7, the Investigating Officer, registered the FIR, visited the scene of occurrence, and prepared the rough sketch in the presence of P.W.4 and the observation mahazar in the

Page 6 of 11



WEB COPY

presence of P.W.5, the victim, and her parents. Statements were recorded, and the victim was produced before P.W.6, before whom she gave the statement under Section 164 Cr.P.C., confirming the complaint in Ex.P.2.

9. The Trial Court, on appreciation of the evidence of the witnesses and the victim, found that the appellant was aged about 22 years and observed that there was a possibility for the appellant to realise his mistake and move on to a new life. Though convicted under Section 12 of the POCSO Act, the appellant was sentenced to undergo two years of rigorous imprisonment.

10. The learned Public Prosecutor further submitted that the appellant was investigated and arrested and had remained in prison for a period of 40 days. She also produced the letter of the Superintendent of Prison, Coimbatore.

11. Considering the submissions, it is seen that the appellant, at the time of occurrence, was aged about 21 years and the victim was 14 years.

Page 7 of 11



WEB COPY

The victim was a school-going child. When the victim was alone, the appellant is said to have entered the house and made a proposal of love and marriage, expressing his interest in marrying her but in a forceful manner four months prior to the date of occurrence, the appellant is said to be following the victim, harassing her, and making love proposals, which the victim rejected.

12. The appellant entered the victim's house when she was alone, and when the victim raised an alarm, P.W.4, a neighbour, came to her rescue and confirmed that the appellant entered the house and caused sexual harassment. P.W.2 and P.W.3, the parents of the victim, were informed of the incident by the victim. The victim's 164 statement confirms that sexual harassment caused by the appellant.

13. The Trial Court, on the evidence of the victim P.W.1, corroborated by P.W.4, the neighbour, and the parents P.W.2 and P.W.3, and on consideration of Ex.P.2, the 164 statement, and other materials, has rightly acquitted the petitioner of the offence under Section 506(i) of



IPC and rightly convicted him under Section 11(iv) read with Section 12 of the POCSO Act.

WEB COPY

14. This Court, finding the appellant a adolescent age of 22 years, finds not understanding the seriousness of his actions, he had entered the house, expressed his interest, and following the victim with a love proposal and also forced her to marry, which is attributed to the physical and psychological changes at the adolescent age. It is also noted that the appellant has since married another girl, living separately with his family, and is continuing his work as a plumber. The appellant is not involved in any other case after this incident.

15. In view of the same, this Court confirms the conviction but modifies the sentence to the period already undergone. This Court appreciates the Legal Aid Counsel for thorough preparation and effectively arguing the case. The High Court Legal Aid is directed to pay the court fee to the counsel.



16. In the result, this Criminal Appeal is partly allowed.

WEB COPY

10-10-2025

drl

To

1. The Sessions Judge,
Magalir Neethi Mandram,
Coimbatore District.

2. The Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore District.

3. The Public Prosecutor
High Court of Madras.



WEB COPY



M.NIRMAL KUMAR, J.,

drl

CRLA NO.615 of 2017

10.10.2025