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Crl.R.C.No.1565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.R.C.No.1565 of 2024
and Crl.M.P.No.13018 of 2024

Ramesh

.... Petitioner

Vs

State rep. by
Station House Officer
AWPS
Cuddalore District
(Cr.No.27/2020)

.... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to set aside the Order passed in Crl.M.P.No.1619 of 2022 in Spl.S.C.No.62 of 2022 dated 14.08.2024 on the file of the Special Court for Trial of Cases under POCSO Act, Cuddalore and consequently allow the same.

For Petitioner : Mr.N.U.Pressanna

For Respondent : Dr.C.E.Pratap
Government Advocate (Criminal Side)



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ORDER

WEB COPY This Criminal Revision Case is filed by the petitioner to set aside the order passed in Crl.M.P.No.1619 of 2022 in Spl.S.C.No.62 of 2022 dated 14.08.2024 on the file of the Special Court for Trial of Cases under POCSO Act, Cuddalore and to allow the same.

2.Learned counsel for the petitioner submitted that the petitioner filed a Criminal Miscellaneous Petition in Crl.M.P.No.1619 of 2022 under Section 227 of Cr.P.C. to discharge him from the case. He also submitted that there are no sufficient materials to frame charges against the petitioner and the occurrence took place prior to two years but the complaint was lodged only on 03.11.2020 for which no explanation was given.

2.1.Learned counsel for the petitioner further submitted that the victim has not stated even in her 164 statement that the accused had sent SMS that he would upload the morphed images of the victim child in social media. The prosecution examined 3 witnesses who are none other than blood relatives of the victim.

2.2.He further submitted that the victim girl completed 19 years and was running 20 years. Hence, the POCSO Act would not be

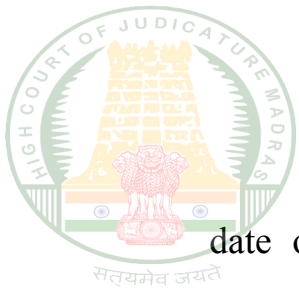


applicable. It is submitted that so called SMS stated to have been sent to the victim's father does not contain any obscene words or images and hence does not attract the relevant provision in the circumstances and the petitioner may be discharged from the offences.

3.Learned Government Advocate (Criminal Side) for the respondent Police submitted that against the petitioner, a case has been registered by the respondent Police for offence under Sections 294(b), 503, 506(i) of IPC r/w. Sections 9(1), 10, 13 of POCSO Act r/w Section 67 of IT Act. The case was taken on file on 07.06.2022 for offence under Sections 503, 506(i) of IPC & Section 11(v) r/w 12 & 13(c) of POCSO Act & Section 67 of IT Act.

3.1.Learned Government Advocate (Criminal Side) for the respondent further submitted that from the statement of the victim girl revealed that it was continuing offence made by the accused and the statement of witnesses also reveals that there was threat made by the accused to commit suicide. Merely because they are related witnesses, their statements cannot be rejected.

3.2.He further submitted that the SMS messages produced by the prosecution was a recovered data from the mobile of the accused and the



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date on which the victim was sent a message, also revealed in the statements. The offence being the running offence stated to have been happening even during the school days of the victim girl clearly establishes that the occurrence was taking place even before the victim girl completed the age of 18 years. Hence, he raised strong objections for allowing this criminal revision.

4.Heard learned counsel for the petitioner, learned Government Advocate (Criminal Side) for the respondent and perused the materials available on record.

5.On perusal of records, it is seen that Trial Court held that the materials placed on record including the statement of witnesses and the documents annexed in the charge sheet, shows that there are prima facie materials and grounds to frame charge against the petitioner. The Trial Court further held that the delay in the complaint by itself would not be a reason to discharge the accused since the victim was a child and the reason for delay could be established only at the time of trial and accordingly, dismissed the petition.



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6.Considering the above facts and circumstances of the case and

submission made by the learned counsel on either side, this Court does not find any grounds to interfere with the order passed by the The Special Court for Trial of Cases under POCSO Act, Cuddalore in Crl.M.P.No.1619 of 2022 in Spl.S.C.No.62 of 2022 dated 14.08.2024 and accordingly, this Criminal Revision is dismissed. Consequently, connected miscellaneous petition is closed.

7.If the petitioner is aggrieved, he may work out the remedy before the Trial Court.

02.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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T.V.THAMILSELVI, J.

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To

- 1.The Special Court for Trial of Cases under POCSO Act,
Cuddalore.
- 2.The Station House Officer,
AWPS,
Cuddalore District.
(Cr.No.27/2020)
- 3.The Public Prosecutor,
High Court of Madras.

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