



Crl.A.No.1319 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.A.No.1319 of 2025
and Crl.M.P.No.16038 of 2025

Manikandan

... Appellant/Accused

Vs.

The State rep. by
The Inspector of Police,
All women Police station
Kangeyam Police station
Tiruppur District.
Crime No.6 of 2021.

... Respondent

PRAYER: Criminal Appeal filed under Section 415 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to set aside the conviction and
sentence imposed on the appellant by the Judgment dated 03.07.2025
passed in Spl.SC.No.22/2022 on the file of learned Sessions, Mahalir
Needhimandram (Fast Track Mahila Court, Tiruppur).

For Appellant : Mr.K.Sudhakar

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

This appeal has been preferred against the judgment passed in Special S.C.No.22 of 2022 dated 03.07.2025 thereby, convicted the appellant for the offences under Sections 5(l) r/w 6 of POCSO Act, 2012, Section 5(j)(ii) r/w 6 of POCSO Act, 2012, Section 4(2) of POCSO Act, 2012.

2. The case of the prosecution is that the victim girl was aged about 14 years and the appellant fell in love with the victim girl and he committed penetrative sexual assault on her .Thereby, she got pregnant. After the delivery of a male child, a case has been registered against the appellant in Crime No. 6 of 2021 for the offences under Sections 5(l), 5(j)(ii) r/w 6 of POCSO Act, 2012 and subsequently, altered to Sections 376(3) of IPC and 4(2), 5(l), 5(j)(ii) r/w 6 of POCSO Act, 2012. After completion of investigation, the Investigation Officer filed a charge sheet before the concerned court and the same has been taken cognizance by the trial court. In order to prove the charges, on the side of the prosecution, PW1 to PW6 were examined and exhibits P1 to P15 were marked. On the side of the appellant/accused, no witnesses were



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examined and no documents were marked. Based on the oral and documentary evidence available on record, the trial court, convicted the appellant for the offences under Sections 5(l) r/w 6 of POCSO Act, 2012, 5(j)(ii) r/w 6 of POCSO Act, 2012 and Section 4(2) of POCSO Act and sentenced him to undergo (i) 20 years rigorous imprisonment and to pay a fine of Rs.5,000/- and in default, to undergo 3 months simple imprisonment for the offence under Section 5(l) r/w 6 of POCSO Act, 2012, (ii) to undergo 20 years rigorous imprisonment and to pay a fine of Rs.5,000/- and in default, to undergo 3 months simple imprisonment for the offence under Section 5(j)(ii) r/w 6 of POCSO Act, 2012, (iii) to undergo 20 years rigorous imprisonment and to pay a fine of Rs.5,000/- and in default, to undergo 3 months simple imprisonment for the offence under Section 4(2) of POCSO Act, 2012. Aggrieved by the same, the present appeal has been preferred.

3. The learned counsel for the Appellant submitted that the appellant and the victim girl got married and they have been living together happily. It is further submitted that the marriage was an arranged one. During the medical check-up owing to her pregnancy, a complaint was lodged at the instance of the doctor and without considering the



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above facts and circumstances, the trial court mechanically convicted the appellant.

4. Today, the victim girl and her mother appeared before this court and deposed that the victim girl is now aged about 18 years and she is living happily with the appellant. She further deposed that the appellant is the only person taking care of her and her entire family and due to his absence, she is struggling even for her livelihood along with her minor child. She has expressed that she has no objection to set aside the conviction since both of them are living happily together.

5. The learned Additional Public Prosecutor for the respondent police has also confirmed the above submissions. In view of the same, this Court is inclined to set aside the conviction. Accordingly, the judgment passed in S.C.No.22 of 2022 dated 03.07.2025 is hereby set aside and the Criminal Appeal stands allowed subject to the condition that the appellant shall register his marriage with the victim girl and produce the Marriage Registration Certificate before the respondent within a period of four weeks from the date of his release from prison.



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To

1. The Sessions Judge,
Mahalir Needhimandram (Fast Track Mahila Court), Tiruppur
2. The Inspector of Police,
All women Police station
Kangeyam Police station
Tiruppur District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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