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Crl.R.C.No.32 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.32 of 2025

and

Crl.M.P.No.202 of 2025

S.Ravichandran

... Petitioner/sole accused

Vs.

The State,

Rep. by the Inspector of Police

AWPS, Dharmapuri.

(Crime No.07/2022)

...Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to call for the records in Spl.S.C.No.24 of 2023 pending on the file of the learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri and set aside the order dated 25.09.2023.

For Petitioner : Mr.S.Sathiaseelan

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



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ORDER

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The revision challenges the order dated 25.09.2023 passed by the learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri against the petitioner, who is facing trial for the alleged offences under Sections 9(l) and (f) r/w 10 of POCSO Act, 2012.

2.The allegation against the petitioner is that he was working as a Physical Education Teacher in a school in which, the victim was studying in the 9th standard; that between 07.02.2022 and 11.02.2022, on a particular date at about 11.00 a.m. the petitioner, on seeing the victim coming out of the class, had touched the victim inappropriately on the shoulder and on the breast and thereby committed the above offence.

3.The learned counsel for petitioner would submit that an enquiry was conducted by the Child Welfare Committee, Social Welfare Department, who found that the complaint is false and that the attendance register filed by



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the prosecution along with the final report would show that the petitioner did not attend the school during the dates, in which, the alleged occurrence is said to have been taken place and that the petitioner has been falsely implicated on account of prior personal enmity with the Head Master of the school and therefore prayed for setting aside the impugned order.

4.This Court is of the view that the points raised by the petitioner are matters to be adjudicated in the trial. It is well settled that at the stage of charge framing, grave suspicion is sufficient to frame charge. The probative value, the veracity and the effect of the evidence cannot be gone into at that stage. The probable defence of the accused on facts can only be decided in the trial.

5.Therefore, this Court is of the view that the revision cannot be entertained. However, the petitioner is at liberty to raise all the points before the trial Court and it is needless to say that the trial Court would consider the



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same on merits without being influenced of the observations made in this
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order or in the order refusing to discharge the petitioner.

6.With the above observation, the Criminal Revision Case is
dismissed. Consequently, the connected Criminal Miscellaneous Petition is
closed.

09.01.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

rsi

To

1.The Inspector of Police,
AWPS, Dharmapuri.

2.The Special Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Dharmapuri.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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