



Crl.A(MD)No.224 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

Crl.A(MD)No.224 of 2024

Kuzhanthaivel

... Appellant/sole accused

Vs.

The State rep. By

The Inspector of Police,

Viralimalai Police Station,

Pudukottai District.

(in Cr.No.573 of 2021)

...Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374(2) of the Criminal Procedure Code to call for the entire records connected to the judgment in Spl.S.C.No.11 of 2022 on the file of the Sessions Judge, Mahila Court Pudukkottai, dated 29.09.2022 and set aside the conviction and sentence imposed against the appellant.



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For Appellant : Mr.T.Lenin Kumar

For Respondent : Mr.E.Antony Sahaya Prabahar

Additional Public Prosecutor

JUDGMENT

(Judgment of this Court was delivered by **R.POORNIMA, J.**)

This Criminal Appeal is filed against the conviction and sentence passed against the accused/sole appellant in the judgment dated 29.09.2022 passed by the Sessions Judge, Mahila Court, Pudukkottai, in S.C.No.11 of 2022 by convicting and sentencing the appellant for the offence punishable under Sections 454, 342, 506(i) IPC and 5(l), 5(j)(ii) r/w.6(1) of POCSO Act and sentenced to undergo rigorous imprisonment for three years and to pay a sum of Rs.30,000/- in default to undergo six month rigorous imprisonment under Section 454 IPC and to undergo rigorous imprisonment for one year and to pay a sum of Rs.1,000/- in default to undergo three months rigorous imprisonment under Section 342 IPC and to undergo rigorous imprisonment for two years and to pay a sum of Rs.20,000/- in default to undergo six month rigorous imprisonment under Section 506(i) IPC and to undergo imprisonment for life and to pay a sum of Rs.2,00,000/- and in default to undergo one year rigorous imprisonment under Section 5(l), 5(j)(ii) r/w.6(i) of POCSO Act.



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2. The case of the prosecution is as follows :

(a) The complainant is the mother of the victim girl XX. She was studying 10th standard. She had not attended her menstrual cycle and when the same was questioned, she did not answer properly. Thereafter, on 09.11.2021 she informed her that due to rain, the school was on leave. She had been at home and on that morning, at about 11.00 a.m., when she was alone in her house, the accused trespassed into the house illegally. After which he locked the door and had wrongfully confined the victim child. He then pushed her onto the cot, lifted her nightie, removed her underwear and closed her mouth. Followed by which he removed his dress and committed penetrative sexual assault on the victim child, and had taken the panties of the victim child XX along with him. Again on 17.11.2021 at about 11.30 a.m. when the victim child XX was alone, the accused had entered the house illegally, forced the victim child XX and again committed penetrative sexual assault on her. Further he threatened her that if she revealed the same, he would put her to shame by telling that she had only committed the wrong and in spite of that if she reveal the same to anyone, he would kill her. Therefore, the victim girl did not reveal the same to anyone. The victim girl XX narrated the entire story



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while weeping. Due to fear, the complainant informed to one Banupriya, who is a Nurse, she revealed that her daughter had become pregnant. She had gone to the house of the accused, but he was not available. Hence, the complaint.

(b) After receipt of the complaint Ex.P1, P.W.9 Tmt.Yuvarani, Sub Inspector of Police, registered FIR Ex.P9 in Crime No.573/2021 for the offence under Sections 506(ii) IPC and 5(l), 5(j)(ii) r/w.6(1) of POCSO Act. She had sent the FIR to the Judicial Magistrate Court, Ilupur and the copies to the Inspector of Police and other officials for necessary action.

(c) P.W.10 Tmt.Padma, Inspector of Police, had taken up the case for investigation. On the same day at about 9.30 hours she had gone to the place of occurrence, prepared observation mahazar Ex.P3 and rough sketch Ex.P.10 in the presence of witnesses Raja and Krishnan.

(d) She examined the victim child XX, witnesses Banupriya, Raja, Krishnan, and recorded their statements.



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(e) Based on the statement of victim child XX, she altered the section of law from Sections 506(ii) IPC and 5(l), 5(j)(ii) r/w.6(1) of POCSO Act to Sections 342, 450, 506(ii) IPC and 5(l), 5(j)(ii) r/w.6(1) of POCSO Act in the section alteration report Ex.P11 and the same was sent to the Court.

(f) Thereafter, in the presence of Tmt.Jeevanandam, Village Administrative Officer, Tmt.Saroja, Village Assistant, she had arrested the accused on the same day at about 15.00 hours, recorded his confession statement Ex.P.4 in the presence of the witness and recovered material objects under a recovery mahazar Ex.P5. She examined the witnesses, thereafter, she had sent the accused for remand and material objects in Form 95 under Ex.P12 to the Court.

(g) On the same day, she sent the victim girl for medical examination through women Head Constable 952 Tmt.Nagalakshmi and in order to verify the attendance register and to obtain school certificate of the victim girl, she had sent a requisition letter to the School Headmaster. On 28.12.2021 obtained the School Certificate under Ex.P6 and attendance register under Ex.P13. Later, she enquired the



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headmistress and recorded her statement.

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(h) On 03.01.2022, to preserve the foetus of the victim girl, the same was forwarded through women Head Constable-952 Tmt.Nagalakshmi to the Forensic Laboratory, Chennai.

(i) In order to conduct medical examination for the accused, on 29.12.2021 she had submitted a requisition to the Judicial Magistrate. Upon receiving the orders, the accused was produced before the Pudukkottai Government Hospital on 04.01.2022 for medical examination.

(j) P.W.7 Dr.Tamizhmani who had conducted medical examination on the accused issued certificate Ex.P7 with the following observation.

“The person was first seen by the undersigned at 02.30 14 on 04.01.2022 and the examination was commenced at 02.30 PM on 04.01.2022 and the following were noted.

ON EXAMINATION:

The person examined is of normal physical and mental development of his stated age. No external



injury. His primary and secondary male sexual characters are normal. No neurological deficit. No external evidence of venereal diseases. No injury or stain seen in his private parts. Penis normal, circumcised, Both testis-normal.

OPINION:

I AM OF THE OPINION THAT THERE IS NOTHING TO SUGGEST HE IS IMPOTENT.”

(k) On on 08.01.2022, the Investigating Officer examined P.W.8 Dr.Divya who had conducted medical test of the girl and recorded her statement and obtained accident register Ex.P8 which reads as follows:

“Nature of Injury and Treatment:

(State simple, grievous or opinion reserved)

Alleged H/O. Sexual assault (Intercourse) with a known person (neighbour- Kuzhandhaivelu, 46yr/M) on 09.11.2021 & 15 days later (2 times) at her home.

H/O. 45 days of amenorrhea. LMP: 30/10/2021

H/O. regular cycles.

H/O. Nausea (+)

H/O, VUJ calculus- vesiculus lithotomy done @ 10 years of age.

Not a known DM/HTN/TB/epilepsy/Thyroid / Heart disease.



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O/E. Patient afebrile.
Not anemic
PR: 86/min
BP: 100/60mmHg
CVS-S1S2(+)
RS-NVBS(+)
P/A. Soft.
Oblique scar (+) in RIF
P/V. Cx Ut AV 8 wks size
FF OS closed
No abnormal discharge PV.
L/E. Breast normal
No injuries / bite marks
No injuries noted in external genitalia.
UPT- +ve/Positive
USG @ LW
CRL 8 wks 3 days
To do
Expert USG and pelvis"

(l) Thereafter, P.W.10, the Investigating Officer submitted a requisition to the Judicial Magistrate, Keeranur to record the statement of the victim girl XX under section 164 Cr.P.C. The Judicial Magistrate recorded the statement of the victim girl XX Ex.P2 and issued Ex.P14 CD containing the 164 Cr.P.C statement. In Ex.P2 statement under 164



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Cr.P.C the victim girl XX stated the same facts as in the statement which was given before the police officials and before the Court.

(m) P.W.10, the Investigating Officer obtained the certificate Ex.P15 from the President of Nambamnatti Panchayath in order to show the employment of P.W.1.

(n) She examined the complainant and the victim girl and recorded their statement. She had completed the investigation and laid a final report against the accused for the offence under Sections 342, 454, 506(ii) IPC and 5(l), 5(j)(ii) r/w.6(1) of POCSO Act.

(o) She submitted a requisition to the Mahila Court to collect blood samples of the victim girl as well as the accused and to obtain FTA cards from the Chennai Forensic Science Laboratory. Then the blood sample of the accused was collected at the Pudukkottai Government Hospital and the same was sent to the Forensic Sciences Department, Chennai. DNA report was received from the Forensic Laboratory by the Judicial Officer. DNA report has been marked as Ex.P16.



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3. After receipt of the charge-sheet, the Sessions Judge, Mahila Court, Pudukottai, took the case on file in Spl.S.C.No.11 of 2022, issued summons to the accused and after appearance of the accused, furnished copies of all the prosecution documents.

4. After hearing both sides, the Sessions Judge framed charges against the accused under Sections 342, 454, 506(ii) IPC and 5(l), 5(j)(ii) r/w.6(1) of POCSO Act. The charges were explained to the accused and the accused denied the charges and claimed to be tried. Hence the matter was posted to trial.

5. On the side of the prosecution, PW1 to PW10 were examined Ex.P1 to Ex.P16 were marked and M.O.1 was produced. On the side of the defence, no witness was examined and no document was marked.

6. After full trial, the learned Sessions Judge, Mahila Court, Pudukkottai, in S.C.No.11 of 2022, vide judgment dated 29.09.2022, held the accused guilty of offence and convicted the appellant for the



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offence punishable under Sections 454, 343, 506(i) IPC and 5(l), 5(j)(ii) r/w.6(i) of POCSO Act and sentenced to undergo rigorous imprisonment for three years and to pay a sum of Rs.30,000/- in default to undergo six month rigorous imprisonment under Section 454 IPC and to undergo rigorous imprisonment for one year and to pay a sum of Rs.1,000/- in default to undergo three months rigorous imprisonment under Section 342 IPC and to undergo rigorous imprisonment for two years and to pay a sum of Rs.20,000/- in default to undergo six month rigorous imprisonment under Section 506(i) IPC and to undergo imprisonment for life and to pay a sum of Rs.2,00,000/- and in default to undergo one year rigorous imprisonment under Section 5(l), 5(j)(ii) r/w.6(i) of POCSO Act, against which the present Criminal Appeal has been filed with the following among other grounds:

a) That the judgment of the Trial Court is contrary to law, weight of the evidence and all probabilities of the case.

b) That the Trial Court ought to have seen that the evidence of PW-1 did not corroborate with the evidence of PW-10. PW-1 in her deposition stated that the appellant voluntarily surrendered before the



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respondent police. Contrary to the above statement, the PW-10 deposed that she arrested the appellant when he was hiding in a thorny bush. As the evidence of PW-1 is not trustworthy, the trial court ought to have acquitted the appellant.

c) The Trial Court miserably failed to see that the evidence of PW-1 is farfetched because PW-1 in her deposition stated that the PW-2 informed her that the appellant had sexual intercourse with her for the second time after 15 days from the date of 1st occurrence. But PW-2 in total contrary deposed that she never informed her mother about the second occurrence. The evidence of PW-1 & PW-2 plays a crucial role in the judgment of the trial court to convict the appellant. But, the evidence of PW-1 & PW-2 are contradictory to each other. When the evidence of PW-1 & PW-2 did not support the prosecution case, the appellant is entitled for acquittal.

d) That the Trial Court ought to have seen that absolutely there is no material whatsoever was produced by the prosecution to substantiate that the PW-4 accompanied PW-10 while arresting the appellant and while recovering the material object. In absence of valid



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material to substantiate the arrest and recovery, the prosecution case is liable to be brushed aside.

e) That the evidence of PW-8 would demonstrate the stage managed story of the prosecution. PW-8 who conducted medical test of PW-2 deposed that at the time she had a foetus aged 8 weeks and 3 days in her womb. It is the definite case of the prosecution that on 09.11.2021, the appellant had sexual intercourse with PW-2 for the first time. PW-10 took PW-2 for medical examination on 31.12.2021 and on the very same date she was subjected to medical examination. From the above particulars, it can be understood that there was an interval of 48 days in between the date of sexual intercourse and the date of medical examination. When thus being so, it is contradictory to the report of PW-10 that PW-2 had a foetus aged 8 weeks and 3 days in her womb. As the days between the occurrence and medical examination does not tally with the age of the foetus as mentioned in the report, the Trial Court ought not to have given much credibility to the Ex.P-7. Hence, the appellant is entitled for acquittal.

f) That the Trial Court ought to have seen that PW-3 is an



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interested witness because he is the brother of PW-1. Already there existed a land dispute between him and the appellant which led him to give false evidence against the appellant.

g) That the Ex.P-16/DNA test report cannot be the sole criteria for convicting the appellant. The Hon'ble Apex Court in numerous judgments had held that the report of the DNA Test should corroborate with other evidences. In spite of it, the Trial Court convicted the appellant.

h) That Ex.P-16 did not reveal about the biological mother of the child. When the DNA Test report is silent about the biological mother of the child, the Trial Court ought to have pushed aside the report and acquitted the appellant.

(i) That there is a delay of 13 hours in sending Ex.P-1 and Ex.P-9 to the Jurisdictional Magistrate Court. It is an admitted fact that the jurisdictional Magistrate is situated within a travelling distance of 20 minutes from the respondent police station. In spite of it, there was a delay of 13 hours in sending the Ex.P-1 and Ex.P-9 to the Court. The



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Hon'ble Apex Court time and again held that when the prosecution fails to explain the delay in sending the FIR, the appellant is entitled for acquittal.

Hence, he prayed to set aside the judgement of the trial court and to acquit the accused from all charges.

7. The Additional Public Prosecutor appearing for the State, argued that the offence against the accused was proved by the prosecution beyond all reasonable doubt and that the medical evidence namely, the DNA report had also corroborated with that of the evidence of the victim girl. Hence, he prayed for dismissal of the Criminal Appeal.

8. Heard the learned counsel on either side and perused the evidence on record.

9. Now this court has to decide whether the judgement rendered by trial Court is proper or liable to be set aside ?



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10. The prosecution case unfolds from the evidence of PW1 to PW10 are as follows:

(a) P.W.1 complainant deposed that she is the resident of Kavarapatti Village, Virali Malai Taluk. The victim girl is aged about 15 years and is her daughter. She had been studying 10th standard. Her husband does Coolie work. Last year her daughter was said to be found in a sad mental state, but her daughter did not reveal anything at first. Later she vomited and the complainant called the neighbour Banupriya, who is a Nurse to inform about her daughter's condition. The said Banupriya came to her home and took urine sample of her daughter and after testing informed that her daughter was pregnant. She enquired her daughter. She told her that when both the complainant and her husband had gone to work, it was raining, that the School had declared a holiday. At that time when she was lying on the cot, reading, the accused came and closed the door. She questioned him but the accused covered her mouth with a piece of cloth and raped her. He threatened that if she revealed the incident to anyone he would humiliate her and later took her panties with him. He further threatened that if she told to her parents, he would bring the firewood and kill her entire family. Due to fear, her



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daughter did not reveal about anything to her. Her daughter further stated to her that when P.W.1 had gone for work once again when the victim girl was lying in the rope cot alone, the accused had come to her house and raped her under coercion.

(b) P.W.2, victim girl XX also corroborated the evidence of P.W.1, she deposed that the accused is her neighbour. She stated that the accused used to buy food and give it to the children on the street. Her mother addressed him as her brother, she also called him as Uncle. He gave her snacks. On 09.11.2021, it was raining and her School declared a holiday. She changed her uniform to night dress and was lying on the rope cot and was reading, at about 11.00 hours the accused came to her house and locked the door, when she asked him why he was closing the door and tried to go out, the accused had pushed her onto a rope cot and had lifted her nightie, removed her panties and had sexual intercourse with her. He then threatened her that if she revealed the incident to anyone, he would kill her when she was returning from School nearby the thorny bushes. He further threatened her that he would keep her panties in his possession. On 17.11.2021 she had been watching a cartoon, when the accused came to her house and told her that



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she was a 10th standard student and thereby should not be watching cartoon . At that moment, nobody else was there, so she stepped outside, but the accused threatened her by stating that he was in possession of her panties and if she did not come back inside the house then he would reveal everything and put her to shame. After which he sexually assaulted her again. Thereafter when she vomited, her mother asked her why she had not gotten her periods. Thereafter, her mother had gone to the house of Banupriya, a Nurse and requested to check upon her daughter. Since the said nurse was working in the hospital, she had card with her. She took her urine sample, got it checked and told that she was pregnant, immediately, her mother had enquired her and she narrated the entire episode and thereafter, her mother lodged the complaint.

(c) P.W.3 Thiru.Raja deposed that the Investigating Officer had visited the place of occurrence and prepared the observation mahazar and rough sketch.

(d) PW4 Tmt.Jeevanantham, Village Administrative Officer, deposed about the arrest, confession and recovery of material objects.



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(e) P.W.5 Banu Priya deposed that on 26.12.2021 at about 7.00 hours, P.W.1, had come to her house and informed that her daughter did not get her periods and she was looking tired. Therefore P.W.1 had requested her to come and enquire. She had gone to her house and enquired the victim girl, she informed that she was nauseous and was unable to eat. Since she had the test card in her house she brought the same, collected the urine sample of the victim girl and got it tested and the result was positive. Therefore, she informed to P.W.1 that the victim girl was pregnant and requested to enquire her. Thereafter when she was enquired the victim girl told her that the accused had raped her.

(f) PW6 Thiru. Rajagopal, who is the Assistant Headmaster of Kavarapattai Government Higher Secondary School deposed about the issuance of bonafide certificate and attendance register of the victim girl.

(g) P.W.9 Tmt.Yuvarani, Sub Inspector of Police deposed about the registration of FIR.

(h) P.W.10 Tmt.Padma, Inspector of Police deposed about the investigation, arrest, confession, recovery and laying of final report.



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11. Now we have to decide whether the prosecution has proved the guilt of the accused beyond all reasonable doubt ?

12. At the time of occurrence the victim girl was 15 years old. The accused was 46 years old. He is the neighbour of her and he was acquainted with the family of the victim, that he used to give snacks to the victim girl XX. Without suspecting his character, he was permitted to enter into the house of the victim girl by P.W.1. The victim girl clearly stated that the sexual assault committed by the accused was forced. The accused not only committed the grave offence of rape but also put her in fear to conceal his crime. Taking advantage of her fear, he once again committed the same offence by threatening her.

13. The evidence of the victim girl supported the medical evidence. The victim girl was examined by P.W.8 Dr.Divya who had confirmed that she was pregnant by eight weeks and three days. P.W.8, categorically stated that when she examined the victim girl, the girl reported that a known person, her neighbour namely the accused had raped her at her residence. She further stated that on 31.12.2021 her pregnancy was naturally aborted. She sent the fetus for DNA testing.



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14. Ex.P.2 is the statement of victim which was recorded by

Judicial Magistrate under section 164 Cr.P.C. The victim girl clearly stated about the crime committed by the accused. The complaint, evidence adduced by the victim girl before the Court, and statement recorded under section 164 Cr.P.C and the statement by the Doctor corroborated with each other. Further, the medical records also supported the ocular evidence, Ex.P16 DNA report dated 25.07.2022 confirmed paternity of the accused.

15. The learned counsel for the appellant argued that DNA report Ex.P16 is silent about the biological mother of the child, the argument advanced by the learned counsel is not correct. In Ex.P16, pages 2 to 4, the names of both the biological father and the mother were mentioned. But the appellant falsely stated that there was no detail about the biological mother.

16. The age of the victim, at the time of occurrence was 15 years, as from the certificate Ex.P6. The attendance register Ex.P13 issued by the school authorities shows that the victim girl was studying 10th standard at Government Higher Secondary School, Kavarapattai.



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17. The age of the accused was 46 years at the time of occurrence. Ex.P7 is the certificate of examination on the accused by Dr.Tamizhmani P.W.7. On examination of the accused person, the Doctor certified that there is nothing to suggest that he is impotent.

18. The learned counsel for the appellant argued that the victim girl stated in her evidence that the first sexual assault happened on 09.11.2021, followed by a mother on 17.11.2021 during which the accused once again threatened her and committed penetrative sexual assault. P.W.8 who conducted medical test to the victim girl XX deposed that when she conducted medical test, the victim girl had eight weeks three days fetus in her womb. It is the definite case of the prosecution that the appellant had sexual intercourse with PW2 on 09.11.2021, the days between the current date of medical examination did not get tallied with the age of the child in the womb mentioned in the report. The trial court ought not to have given credibility to Ex.P7 and hence, the appellant is entitled for acquittal.



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19. It is true that from the date of first occurrence to the date of examination of the witness by the Doctor the time calculates to one month and 22 days, roughly about seven weeks and one day. However, according to the medical report, the age of the fetus in the womb was eight weeks and three days. To clarify the matter, we had a discussion with the women Doctor attached to the Court who informed us that the age of the fetus in the womb is referred to gestational age is calculated by counting the weeks from the first day of the mothers last menstrual period (LMP), not from the date of conception, which is usually around two weeks later, and this is considered the most accurate way to measure pregnancy progression, even though the exact consumption date is unknown.

20. In Ex.P8, LMP date is mentioned as 30.10.2021. The duration from LMP (last menstrual period) to medical test is from the date of medical test viz., 30.10.2021 to 27.12.2021, is 58 days viz., eight weeks and three days. Therefore, the plea of the learned counsel for the appellant that the victim girl XX falsely implicated the accused is improper and not sustainable.



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21. The learned counsel for the appellant argued that there is delay of 13 hours in sending the Ex.P1 and Ex.P9 to the jurisdictional Magistrate Court. It is admitted fact that the Jurisdictional Magistrate Court is situated within 20 minutes travelling distance from the Police Station, in spite of it, there was a delay of 13 hours in sending the Ex.P1, Ex.P9 to the Court. The prosecution failed to explain the delay in sending the FIR to the Court.

22. We carefully perused the records, the complaint was lodged on 27.12.2021 at 8.00 hours. Soon after the complaint, the FIR was registered without any delay, but there was delay in sending the same to the Judicial Magistrate Court, Keeranoor. The delay in sending the FIR to the Judicial Magistrate alone is not fatal to the prosecution case, if the case of the prosecution proved by other records.

23. The victim girl's statement is trustworthy. She categorically narrated about the sequence of assault committed by the accused. P.W.1 her mother, P.W.5 her neighbour also narrated what happened. P.W.8, Dr.Divya clearly revealed that when she had examined the victim girl she informed that she was sexually assaulted by the



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accused twice, she had also further stated that the victim girl became pregnant and the fetus was sent for DNA test. The accused was examined by P.W.7 Dr.Tamizhmani clearly stated that he is not an impotent. The statement of the victim girl (Ex.P.2) was recorded by the Judicial Magistrate, Keeranoor and in the statement also the victim clearly stated that the accused is the culprit. DNA test clearly proved the accused is the biological father of the fetus/child in womb of the victim girl which was subsequently aborted. The arrest, confession, recovery of the accused proved. The victim girl and P.W.1 had no previous enmity to foist a false case against him. The prosecution clearly proved the guilt of the accused beyond all reasonable doubt.

24. On careful scrutiny of the entire records, the prosecution clearly proved that the accused ruined the future of the victim who was like his daughter but taking advantage of her parents' absence and threatening her with dire consequences. The poor and innocent child was unable to reveal the truth to her parents due to fear, shame and she may not know her rights, due to guilt and other reasons, remained silence until her mother noticed the physical changes in her, after that she finally disclosed the truth.



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25. The accused not only inflicted physical violence, but also caused mental agony to the victim child. Recent Research on sexually assaulted children reveals a range of physiological, emotions and physical symptom, some common symptoms include :-

1. Emotional & Psychological Symptoms:

- * Anxiety & Depression - Persistent sadness, withdrawal, or excessive worry*
- * Post-Traumatic Stress Disorder (PTSD) - Flashbacks, nightmares, and hyper vigilance*
- * Fear & Phobias - Fear of certain places, people, or situations*
- * Guilt & Shame - Self-blame and feelings of worthlessness*
- * Mood Swings & Aggression - Irritability, anger, or sudden outbursts*

2. Behavioral Symptoms:

- * Regressive Behavior Bed wetting, thumb-sucking, or clinging to caregivers*
- Sexualized Behavior - Inappropriate sexual knowledge or actions*
- * Self-Harm - Cutting, burning, or other forms of self-injury*
- * Avoidance - Trying to stay away from certain people, places, or topics*



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Substance Abuse - Increased risk of using drugs or alcohol as a coping mechanism

3. Physical Symptoms:

** Unexplained Injuries - Bruises, bleeding, or pain in private areas*

** Frequent Illness - Headaches, stomachaches, or chronic pain with no medical cause*

** Sleep Disturbances – Nightmares, insomnia, or excessive sleep*

** Eating Disorders - Loss of appetite, binge eating, or sudden weight changes*

4. Academic & Social Symptoms:

** Decline in School Performance - Trouble concentrating, missing school, or lower grades*

** Difficulty in Relationships - Trouble trusting others, social withdrawal, or aggression towards peers*

26. Since the prosecution proved the guilt of the offence against the accused beyond all reasonable doubt, the trial judge properly imposed punishment against the accused and also imposed compensation, which needs no interference.

27. We conclude that on careful perusal of entire records there is no material available to interfere with the judgment of the trial



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Court. The Criminal Appeal has no merit and hence, the Criminal Appeal is liable to be dismissed.

28. Accordingly, the Criminal Appeal stands dismissed. The judgment, dated 29.09.2022 passed by the Sessions Judge, Mahila Court, Pudukkottai, in S.C.No.11 of 2022 is confirmed.

(G.R.S., J.) & (R.P., J.)
31.01.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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To

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- 1.The Sessions Judge,
Mahila Court
Pudukkottai,
- 2.The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.R.SWAMINATHAN, J.
AND
R.POORNIMA, J.

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Judgment in
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