

Crl.A.(MD)No.624 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.08.2025

CORAM :

THE HONOURABLE **Dr. JUSTICE R.N.MANJULA**

Crl.A.(MD)No.624 of 2025
and Crl.M.P(MD).No.6824 of 2025

Arjun @ Muthukaruppan

... Appellant/Sole Accused

vs.

State of Tamil Nadu through
The Inspector of Police,
Dindigul Town North Police Station,
Dindigul District.
(In Crime No.287/2022)

... Respondent/Complainant

Prayer : Criminal Appeal filed under Section 415 of BNSS, 2023, to call for the records and set aside the judgment and conviction dated 26.12.2024 by the Special Court for exclusive trial of cases under POCSO Act, Dindigul, in Spl.S.C.No.176 of 2023 and acquit the appellant.

For Appellant : Mr.R.Sundar

For Respondent : Mr.K.Gnanasekaran
Government Advocate (Crl.side)

JUDGMENT

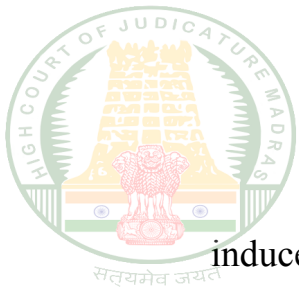


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The present appeal has been filed against the Judgment of the learned Sessions Judge, Special Court for POCSO Cases, Dindigul, dated 26.12.2024, made in Spl.SC.No.176 of 2023.

2. The appellant is the sole accused, who has been found guilty for the offence under Section 366 IPC and Section 4 of POCSO Act and convicted and sentenced to undergo five years rigorous imprisonment along with fine of Rs.10,000/- in default to undergo imprisonment for 6 months simple imprisonment for the offence under Section 366 IPC and sentenced to undergo 20 years rigorous imprisonment along with fine of Rs.50,000/- in default to undergo one year simple imprisonment for the offence under Section 4 of POCSO Act. The sentences were ordered to be run concurrently.

3. The case of the prosecution is that the victim child was studying in a Higher Secondary School and she was going for a private tuition. During that time the accused, who was also juvenile at that point of time, expressed his love to the victim and they were in love with each other thereafter. On coming to know about the affair, the girl's parents discontinued her education and they were making arrangements to get her married to someone else. When the victim child revealed this to the accused, he



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induced her to come out of her house in order to marry him by going somewhere. Accordingly, on 23.05.2022 after she had completed her 12th standard Board Examination the victim contacted the accused and along with him she went to his house. During her stay with the accused he had committed penetrative sexual assault on her by convincing her that he would marry her.

4. Based on the complaint given by the mother of the victim girl, an FIR has been registered in Cr.No.287 of 2022 and the case was taken up for investigation. After completion of investigation, charge sheet has been filed for the offence under Section 3(a) r/w 4 of POCSO Act. As the accused was a juvenile, an order has been passed under Section 15 of Juvenile Justice Act, 2015 and the case was transferred to the trial Court for conducting trial. After furnishing copies to the accused, charges have been framed by the trial Court for the offence under Section 366 IPC and Section 3(a) r/w 4 of POCSO Act. As the accused denied his involvement and claimed to be tried, trial was conducted. At the conclusion of trial he was found guilty for the offence under Section 366 IPC and Section 4 of POCSO Act and he was convicted and sentenced as stated *supra*.

5. The learned counsel for the appellant submitted that the accused



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was a juvenile and it was a case of love affair. The accused did not have any intention to commit any offence and what had happened between the victim and the accused is just an action out of love. Subsequently, the accused had married the victim and now they are living happily with one male child born to them. Though the trial Court has observed the same, by considering the nature of the non-compoundable nature of the offence, proceeded to convict the accused.

6. The learned Government Advocate (Crl.side) submitted that the defacto complainant and the victim have given evidence in support of the prosecution and the learned trial Judge has rightly considered the same and found the accused guilty for the offence under Section 366 IPC and Section 4 of POCSO Act.

7. On perusal of the records, especially, the evidence of P.W.2, victim, she has stated she had gone with the accused on her own volition. Though in her chief examination she had stated that herself and the accused were in the terrace and did something wrong, in her cross examination as well as in the 164 statement recorded before the Court, but nowhere she had stated that the accused had sexually assaulted her.



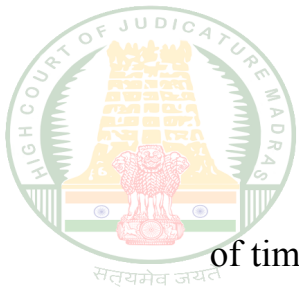
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8. Today i.e., 21.08.2025, the defacto complainant and the victim were present and stated that the victim got married to the accused and they have a child and are living as a peaceful family. The victim girl appears to have been married after attaining the age of majority. The victim has also asserted that she wants to continue her life with the accused and that if the accused is imprisoned in the name of the punishment, she and her child would be left without support and could end up on the street. The victim appears to be a matured individual, who was conscious of events around her.

9. Apart from the above submissions now made by the victim and her mother, in the cross-examination of P.W.2, she had only stated that her mother used to scold her and that she would report the same to the accused and she only persuaded the accused to take her elsewhere. The evidence of victim does not have any unequivocal statement about the commission of penetrative sexual assault her, when she had gone along with him in the year 2022. At that time itself the victim was 17 years old and she appears to be a person, who is capable of making her decision.

10. Even though the consent of victim is immaterial, the circumstances would show that the accused was also juvenile at that point



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of time and it was love between two minor persons.

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11. Taking into consideration of the strange situations surrounding the case and the lack of evidence to find the accused guilty for the offence under Section 366 IPC and Section 4 of POCSO Act and in the light of the inconsistencies found in the evidence of prosecution witness, which create rebuttal circumstances in favour of the accused to rebut the initial presumption that would have been drawn under Section 29 and 30 of the POCSO Act, I feel the judgment of trial Court deserves a reversal.

12. In fine,

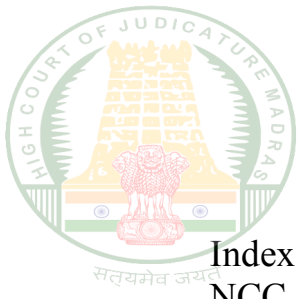
(i) This Criminal Appeal stands allowed.

(ii) The judgment of the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Dindigul, in Spl.S.C.No.176 of 2023, dated 26.12.2024, is hereby set aside.

(iii) The appellant is acquitted of all charges framed against him.

(iv) The fine amount, if already paid, shall be refunded to the appellant.

Consequently, connected Miscellaneous Petitions are closed.



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Index : Yes/No
NCC : Yes/No.
Rmk

To

1.The Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Dindigul,

2.The Inspector of Police,
Dindigul Town North Police Station,
Dindigul District.

3. The learned Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

R.N.MANJULA, J.,

Rmk



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