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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

CORAM :

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

Crl.A.(MD)No.239 of 2018

Paranthaman

... Appellant/Sole Accused

versus

The State of Tamil Nadu
rep., by the Inspector of Police,
All Women Police Station,
Nilakkottai, Dindigul District.
Crime No.21 of 2015

... Respondent/Complainant

Prayer : Criminal Appeal filed under Section 374(2) r/w 382 of the Code of Criminal Procedure, to set aside the order of conviction and sentence dated 06.04.2018 passed by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, in Spl.S.C.No.9 of 2016 convicting the appellant for offence under Section 376(1) and 366 IPC and sentencing to undergo 7 years rigorous imprisonment and fine of Rs.2,000/- for the offence under Section 376(1) IPC and to undergo 3 years rigorous imprisonment and fine of Rs.1,000/- for the offence under Section 366 IPC respectively with default stipulation and acquit the appellant.

For Appellant : Mr.D.Shanmugaraja Sethupathy

For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)



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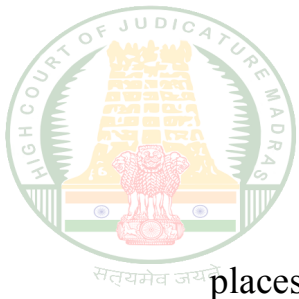
JUDGMENT

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This criminal appeal has been preferred challenging the judgment of the learned Sessions Judge, Fast Track Mahila Court, Dindigul, dated 06.04.2018, made in Spl.S.C.No.9 of 2016.

2. The appellant is the sole accused, who was found guilty for the offences under Sections 376(1) and 366 IPC and convicted and sentenced to undergo 7 years rigorous imprisonment and fine of Rs.2,000/-, in default to undergo rigorous imprisonment for a further period of one year for the offence under Section 376(1) IPC: and to undergo 3 years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo rigorous imprisonment for a further period of six months for the offence under Section 366 IPC. The sentences were ordered to run concurrently.

3. The case of the prosecution is that on 25.10.2015, at about 08.00, pm., when the victim child was going from her house to her relative's house, the accused unlawfully restrained her and kidnaped her to a dilapidated house, beat on her cheeks, administered her to drink colour and committed an offence of penetrative sexual assault on her. The mother of the victim, P.W.1, has searched the victim girl in several



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places. After three days, she had seen the victim girl, P.W.2, was coming in a very pathetic condition and that P.W.1 and her brother took her to their house. The victim was not able to talk clearly and after sometime, she told her mother about the occurrence. The victim girl was taken to the hospital for treatment. After receiving the complaint/ statement from the mother of the victim, an FIR in Crime No.21 of 2015 was registered for the offences under Sections 342 and 366A IPC and Sections 3 and 4 of POCSO Act on the file of the All Women Police Station, Nilakottai. After completion of investigation, charge sheet has been filed against the appellant for the offences under Sections 342, 366(A), 323, 376(2)(f) IPC and Section 4 of POCSO Act and the same was taken on file in Spl.S.C.No.9 of 2016 and after completing the legal mandates of furnishing copies and all other formalities, the learned trial Judge framed charges against the appellant for the offences under Sections 342, 366(A) IPC r/w 366, 376(2)(f) IPC r/w Section 4 of POCSO Act. When the accused was questioned, he denied the same and claimed to be tried.

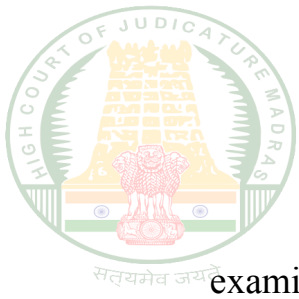
4. During trial, on the side of the prosecution, P.W.1 to P.W.16 were examined and Exs.P1 to ExP16 were marked. On the side of the defence, no oral and documentary evidence was let in.



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5. After conclusion of trial, based on the oral and documentary evidence, the learned trial Judge has convicted and sentenced the appellant as stated supra. Aggrieved over the same, this appeal has been preferred.

6. The learned counsel for the appellant submitted that there are material contradictions between the testimonies of P.W.1 and P.W.2; There is no detail in the evidence of P.W.1 as to when the victim girl regained consciousness and informed about the alleged incident; Despite the victim girl was missing, there was no complaint filed for three days; In Ex.P.6, Accident Register, there was an alteration found in the date and time; In the statement recorded under Section 164 of Cr.P.C., the victim stated that she returned home after two days, however there is a contradiction with regard to the actual date of her return; in the evidence of P.W.2, she stated that she regained conscious only on 28.10.2015; after the occurrence, the victim was allegedly found just 100-200 ft away from the place of occurrence; despite this being a main road, the police failed to examine any persons, who could have taken notice of the victim girl at the relevant point of time, during investigation; P.W.1's brother, who had accompanied P.W.1 at the time when the victim girl was found, was not



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examined as a witness; P.W.3, grandmother of the victim, stated in her evidence that on Wednesday the victim was found in a fainted state near Ramalingam shop and they saw her face with the help of torch light and that denote that the victim was found during night hours. The investigating officer stated in his evidence that he enquired some of the nearby residents, but they have stated that they did not know the occurrence.

7. The learned Government Advocate (Crl.side) submitted that the testimony of victim is clear and consistent with regard to both the identity of the accused and his involvement in the alleged offence and even the robust cross-examination did not shake her evidence concerning the occurrence of rape and the involvement of the accused therein. The alleged contradictions pointed out by the learned counsel for the appellant are not material or significant enough to affect the case of the prosecution. There was no motive established to show against the complainant and the victim girl to foist a false case against the accused.

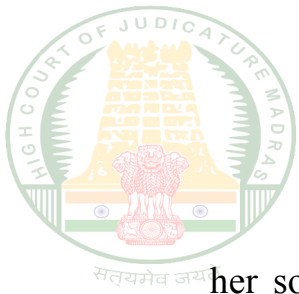
8. This Court gave its anxious consideration to the submissions made on either side and carefully perused the materials available on record.



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9. The foremost point that was taken by the learned counsel for the appellant is the delay in lodging the complaint by the mother of victim. The very allegation of the complaint under Ex.P.1, is that the victim girl was studying in 10th standard by staying in hostel and she used to visit her house during holidays. In the evening, on 25.10.2015, she was found missing. After searching for her at several places, without success, P.W.1 and her brother proceeded towards N.Panchampatti to continue the search. At that time, on the way they found the victim walking with difficulty near a petty shop at Kottaipatti Division. On enquiry, the victim stated that the accused took her to a colony house and compelled her to consume a drink and thereafter, raped her. She was raped for three days and when she came out by weeping, she was traced by P.W.1 and her brother. The complaint is said to have been given on 28.10.2015. No doubt, in the complaint, there is some alteration with regard to the time, even though the date is clear. Whether such an alteration casts grave doubt on the prosecution's has to be seen in the light of the evidence adduced by the witnesses before the Court.

10. P.W.1, who is the complainant and mother of the victim, stated in her evidence that on 25.10.2015 when she returned home, after leaving



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her son in the hostel, she found that her daughter was missing. They continued searching for the victim at various places, including her relative houses. After three days, she found the victim walking with difficulty near Ramalingam's petty shop. She further stated that the victim was initially unable to speak clearly and after she became normal, she told that the accused had taken her to the house of one Vellaisamy, where he confined her and compelled her to consume drinks and raped her.

11. During the cross-examination of P.W.1, she was questioned regarding the delay in lodging the complaint and the distance between her house and her brother's house. In reply, P.W.1 stated that she did not give complaint immediately, because the family members were engaged in searching for the victim at several places. She further stated that she had seen the victim approximately 100-200ft from the place of occurrence and that she was walking with difficulty. The evidence of P.W.1, in the absence of any motive against the accused, does not create any doubt nor render her evidence unreliable. She further stated that there was a contusion on the neck of P.W.2/victim.



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12. One of the arguments advanced on the side of the appellant is despite the statement of P.W.1 that she spotted the victim near a shop which is situated on a public road, no independent witness from the vicinity was examined to corroborate the presence of the victim in such a distressed condition at that particular place. The investigating officer, P.W.16, was also confronted on this aspect during his cross-examination. She has stated that the bottle contained the drink given to the victim by the accused was not recovered and that the persons, who are residing in the nearby houses, were not enquired. However, she stated the names of persons whose houses are situated near the place, where the victim was spotted. But, those witnesses did not know about the occurrence and hence, their statements have not been recorded.

13. The doctor, examined as P.W.14, who issued Ex.P11 stating that it was alleged to be a case of sexual assault by a known person at about 08.00pm., on 25.10.2015 at an old house in old Vatlakundu and the victim was semiconscious till Monday evening. She stated in her evidence that on examination of victim, it is seen that the hymenal membrane was ruptured. In the said document, Ex.P11, the date and time has been clearly typed as 28.10.2015 at about 07.10 pm.

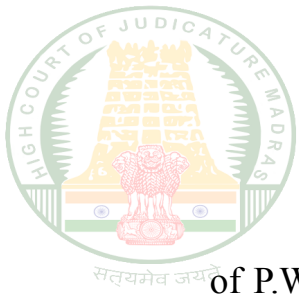


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14. Much ado was made with regard to the entries by P.W.12, Doctor, who has done the radiological examination and issued Ex.P.7, certificate. In Ex.P.7 also, the date and time have been clearly noted and there was no over writing. The Doctor, P.W.12, has given opinion that the victim could have been 18 to 21 years at the time her examination.

15. Even though it is stated that the victim had been studying in 10th standard at the relevant point of time, for the reasons best known to the prosecution, she was subjected to medical examination, instead of producing documentary evidence to establish her date of birth. Since the medical opinion suggested that the victim was above 18 years of age, the learned trial Judge has given the benefit of doubt to the accused and held that the prosecution has not proved that the victim was minor, thereby treated her a major.

16. The another doctor, examined as P.W.11 and has issued Ex.P.6, has also stated the same facts stated by P.W.14, in her evidence. Though there is some alteration in the date and time in Ex.P.6, P.W.14, doctor, is the one, who had examined the victim at the first instance at 07.30 pm., itself so subsequently, the victim could have been examined by the another doctor, P.W.11. It could have been a genuine mistake on the part



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of P.W.11, doctor, to correct the mistake in the date and time written by her. As there is no overwriting or confusion in the entries made by P.W. 14 in Ex.P.11, the alteration made by the subsequent doctor, P.W.11, in the date and time cannot be given any significance.

17. The doctor, who examined the accused, has also given an opinion stating that 'it cannot be stated that there are no signs of recent sexual activity'.

18. The victim was examined as P.W.2 and she has stated in her evidence that on 25.10.2015, she was preparing to return to her hostel by packing her belongings. As she had left her slippers at her uncle's house, she went there at about 07.00 pm., on her way, the accused restrained her and dragged her. Despite her resistance, he took her to a dilapidated house of one Vellaisamy and tried to administer cool drinks to her. When she refused, the accused slapped her and made her to drink it. In fact, the victim was subjected to a robust cross-examination and was asked many inappropriate questions. Nevertheless, P.W.2 asserted that on the date of the occurrence, she was raped by the accused and did not remember what happened thereafter. She regained conscious only on 28.10.2015. As there was no one around, she started to walk on her own and she was



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intercepted by her mother and uncle who took her back to her house.

19. During the cross-examination, when she was questioned as to how the accused had called her, she has stated that he had closed her mouth and forcibly pulled her. It was suggested to her once again that she was stating such facts only during cross-examination and not in her 164 statement as well as police enquiry, with an idea to convey it as a contradiction. Such advantage cannot be taken by the defence. Because the victim is stating certain facts for the first time and it can neither be considered as contradictions for the very reason that it was obtained during her cross-examination by the accused by putting his own questions. In fact, the cross examination and the evidence of the victim very much tallies with the medical evidence and other corroborative evidences available on record. Even though several questions have been taken as to the details of the question by the prosecution, no motive has been suggested that she has given a false complaint with any ulterior motive.

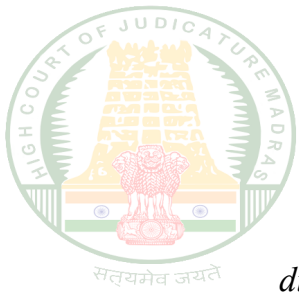
20. P.W.3 is the grandmother of P.W.2. She has stated about the facts how the victim went missing, after she went to her uncle's house and thereafter, she was found after three days. Though there are some



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minor contradictions, they are not strong enough to reject the full-fledged evidence of P.W.1 and P.W.2. With regard to the evidentiary value of the evidence of victim, the law is well settled by the ***Hon'ble Supreme Court*** in the case of ***State of Punjab vs., Gurmit Singh*** reported in ***1996 (2) SCC 384***. The relevant paragraphs of the said judgment are extracted hereunder:

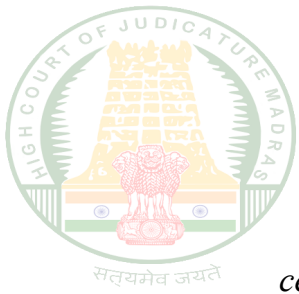
“8. The courts must, while evaluating evidence, remain alive to the fact that in a case of rape, no self-respecting woman would come forward in a court just to make a humiliating statement against her honour such as is involved in the commission of rape on her. In cases involving sexual molestation, supposed considerations which have no material effect on the veracity of the prosecution case or even discrepancies in the statement of the prosecutrix should not, unless the discrepancies are such which are of fatal nature, be allowed to throw out an otherwise reliable prosecution case. The inherent bashfulness of the females and the tendency to conceal outrage of sexual aggression are factors which the Courts should not over-look. The testimony of the victim in such cases is vital and unless there are compelling reasons which necessitate looking for corroboration of her statement, the courts should find no difficulty to act on the testimony of a victim of sexual assault alone to convict an accused where her testimony inspires confidence and is found to be reliable. Seeking corroboration of her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury. Why should the evidence of a girl of a woman who complains of rape or sexual molestation, be viewed with doubt,



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disbelief or suspicion? The Court while appreciating the evidence of a prosecutrix may look for some assurance of her statement to satisfy its judicial conscience, since she is a witness who is interested in the outcome of the charge levelled by her, but there is no requirement of law to insist upon corroboration of her statement to base conviction of an accused. The evidence of a victim of sexual assault stands almost at par with the evidence of an injured witness and to an extent is even more reliable. Just as a witness who has sustained some injury in the occurrence, which is not found to be self inflicted, is considered to be a good witness in the sense that he is least likely to shield the real culprit, the evidence of a victim of a sexual offence is entitled to great weight, absence of corroboration notwithstanding. Corroborative evidence is not an imperative component of judicial credence in every case of rape. Corroboration as a condition for judicial reliance on the testimony of the prosecutrix is not a requirement of law but a guidance of prudence under given circumstances. It must not be over-looked that a woman or a girl subjected to sexual assault is not an accomplice to the crime but is a victim of another persons's lust and it is improper and undesirable to test her evidence with a certain amount of suspicion, treating her as if she were an accomplice. Inferences have to be drawn from a given set of facts and circumstances with realistic diversity and not dead uniformity lest that type of rigidity in the shape of rule of law is introduced through a new form of testimonial tyranny making justice a casualty. Courts cannot cling to a fossil formula and insist upon corroboration even if, taken as a whole, the case spoken of by the victim of sex crime strikes the judicial mind as probable.....

21.OF late, crime against women in general and rape in particular is on the increase. It is an irony that while we are



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celebrating women's rights in all spheres, we show little or no concern for her honour. It is a sad reflection on the attitude of indifference of the society towards the violation of human dignity of the victims of sex crimes. We must remember that a rapist not only violates the victim's privacy and personal integrity, but inevitably causes serious psychological as well as physical harm in the process. Rape is not merely a physical assault - it is often destructive of the whole personality of the victim. A murderer destroys the physical body of his victim, a rapist degrades the very soul of the helpless female. The Courts, therefore, shoulder a great responsibility while trying an accused on charges of rape. They must deal with such cases with utmost sensitivity. The Courts should examine the broader probabilities of a case and not get swayed by minor contradictions or insignificant discrepancies in the statement of the prosecutrix, which are not of a fatal nature, to throw out an otherwise reliable prosecution case. If evidence of the prosecutrix inspires confidence, it must be relied upon without seeking corroboration of her statement in material particulars. If for some reason the Court finds it difficult to place implicit reliance on her testimony, it may look for evidence which may lend assurance to her testimony, short of corroboration required in the case of an accomplice. The testimony of the prosecutrix must be appreciated in the background of the entire case and the trial court must be alive to its responsibility and be sensitive while dealing with cases involving sexual molestations. “

21. It has been repeatedly held in several judgments that the evidence of victim should be evaluated on par with that of an injured



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witness and this evidence is reliable and no corroboration is necessary.

The testimony of the victim has to be appreciated in the background of entire case. If the version of the prosecutrix is unsupported by any medical evidence or the the whole surrounding circumstances are highly improbable, the Court must look for corroborative evidence.

22. In the case on hand, not only the evidence of prosecutrix inspires confidence, but also the corroborative evidence of mother and grandmother of the victim and the medical evidence strengthened the prosecution's case. The insignificant contradictions or infirmities pointed out by the defence do not carry sufficient weight to discredit the unshakable testimony of P.W.2 as placed before the Court.

23. The trial Court, upon a detailed analysis of the evidence placed before it, found no reason to disbelieve the statement of victim. If the concrete evidence of victim/ P.W.2 about the occurrence and the involvement of the accused as to how she was taken and raped by him is discredited due to any insignificant omission or exaggeration, no one case of this nature can end in conviction and all the accused will escape from the clutches of law.



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24. It is not the defence story that the victim was in love with the accused and that she had voluntarily gone with him. It is neither the contention of prosecution that the accused was not known to the victim and hence, there is no possibility for any wrong identity. As the accused also belonged to the same place, it is not difficult for P.W.2 to identify him by recalling his identity from her memory. In fact, in the complaint itself, the name of the accused has been mentioned and that would show that the victim was enquired by her mother and other relatives to know the name of the perpetrator before giving the complaint.

25. The latest judgment of the Supreme Court in ***Manak Chand @ Mani vs., State of Haryana***, the Court has once again emphasized the significance of the quality of the evidence of the prosecution, which needs to inspire the confidence of the Court and in that case, the Court shall not look for any corroboration.

26. Even in the citation referred by the learned counsel for the defence in the case of ***Vimal Suresh Kamble Vs., Chaluverapinake Apal S.P and another*** reported in (2003) 3 SCC 175, it is held that the sole testimony of the prosecutrix is acceptable provided her evidence inspires



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confidence and appears to be natural and truthful. In the present case for the reasons stated already, the evidence of prosecutrix is natural and truthful and it corroborates the other materials.

27. In view of the above, I do not find any reason to discredit the evidence of prosecutrix/victim/P.W.2, which remained unshakable despite she was subjected to a robust cross-examination. Hence, I feel that the judgment of trial Court does not warrant any interference.

28. Accordingly, this Criminal Appeal is Dismissed.

19.08.2025

Index : Yes/No
NCC : Yes/No
Rmk

To

- 1.The Sessions Judge, Fast Track Mahila Court, Dindigul.
- 2.The Inspector of Police,
All Women Police Station,
Nilakkottai, Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 4.VR Section.
Madurai Bench of Madras High Court,



Madurai.
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R.N.MANJULA, J.,

Rmk

Crl.A.(MD)No.239 of 2018

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