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Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2026

CORAM :

THE HON'BLE MR. JUSTICE P.VELMURUGAN
and
THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

Manigandan @ Adamani ... Appellant in
Crl.A.No.915 of 2022 / A1

Sakthivel @ Kozhi @ Sakthi ... Appellant in
Crl.A.No.492 of 2023 / A2

Vs.

State by the Inspector of Police,
Vellore North Police Station,
Vellore District.
(Crime No.39/2020) ... Respondent / Complainant

PRAYER: Criminal Appeals filed under Section 374(2) of Criminal Procedure Code, 1973 praying to set aside the judgment of conviction and sentence dated 26.04.2022 in S.C.No.37 of 2020 on the file of the learned Sessions Judge, Magalir Needhimandram (Fast Track Magila Court), Vellore District.

For Appellants

Crl.A.No.915 of 2022 : M/s.E.Kannadasan

Crl.A.No.492 of 2023 : M/s.V.Parthiban

For Respondent : Mr.A.Damodaran

Additional Public Prosecutor

Assisted by
Ms.M.Arifa Thasneem



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

COMMON JUDGMENT

(Judgment of the Court was made by M.Jothiraman, J.)

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These Criminal Appeals have been preferred by A1 and A2 out of 3 accused, challenging the judgment dated 26.04.2022 in S.C.No.37 of 2020, in and by which they were convicted and sentenced as under:

Accused Rank	Charges framed by the Trial Court	Conviction under Section imposed by the Trial Court	Sentence of Imprisonment imposed by the Trial Court
A1 & A2	368 IPC	368 IPC	3 years rigorous imprisonment with a fine of Rs.5,000/- each in default to undergo 3 months simple imprisonment.
	392, 394r/w. 397 IPC (2 counts)	392, 394r/w. 397 IPC (2 counts)	7 years rigorous imprisonment for 2 counts each for each accused 14 years and a fine of Rs.5,000/- (2 counts Rs.10,000/-) each together for these offences, in default they shall undergo 3 months simple imprisonment.
	506(ii) IPC	506(ii) IPC	One year rigorous imprisonment and they shall pay a fine of Rs.1,000/- each in default to undergo 1 month simple imprisonment
	376(D) IPC	376(D) IPC	Life Imprisonment and they shall pay fine amount of Rs.10,000/- each.



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

2. Brief case of the prosecution is as follows;

2.1. PW1/ defacto complainant / Prosecutrix was working as Sales Woman in a Textile Showroom, Vellore. She was in love with PW2-Ajith, who is a co-worker in the textile showroom. Being lovers, while so, on 18.01.2020 at about 9.00 p.m., after working hours, they wanted to spend time and to have intimate talk and hence, they went to the Vellore Fort Park and sat opposite of the 3rd Kerb wall and were chatting. Suddenly, A1, A2 and one other Ajith (A4) – Juvenile accused)- Child in Conflict with law came near, brandished knives – M.Os.8 and 10 and they robbed the bag containing IDBI ATM Card, PAN Card, ESI Card, purse with a cash of Rs.30/-, Redmi Mobilephone from PW1 and a bag containing ICICI ATM card, India Post ATM card, purse with a cash of Rs.300/-, Samsung Mobile phone at knife point by instant fear of danger from PW2.

2.2. Then A1 called A3 through mobile phone to come and join with them and told him that “Panni Moonjiyum Dappavum Eduthuvitten”. After a short time, A3 came there and collected all the robbed items from A1 and left from that place. Thereafter, A1, A2 and the said Juvenile Accused committed sexual assault on PW1 and committed gang rape on



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

her in the presence of PW2 and they also intimidated them with dire consequences of death if they revealed what was happened to them.

2.3. Thereafter, PW1 gave a statement / complaint under Ex.P1 before PW21 – Tmt.Umarani, Women Sub-Inspector of Police, Vellore North Police Station, who registered a case in Crime No.39/2020. The FIR registered is Ex.P25. PW21 placed the same before PW22- Tmt.Punitha, Inspector of Police for further investigation.

2.4. PW22 took up the case for investigation on 19.01.2020. She has inspected the Sub Inspector of Police and recorded her statement on the same day at 5.30 p.m. PW22 went to the hospital and examined PW1 and PW9- Malliga – mother of PW1 and recorded her statement and also recovered M.Os.1 to 6 i.e., cloth with blood stains viz., Chudithar, Honey top, panty and brasier respectively belonging to PW1 through Form 95 – Ex.P26.

2.5. PW22 examined PW3-Silambarasan, who is the cousin brother of PW1 and PW17-Dr.Karimullah, who medically examined the Prosecutrix and gave first aid and registered Accident Register on the



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

same day at 8.00 to 8.45 a.m. PW22 visited the scene of occurrence and

prepared Observation Mahazars in Exs.P5 and P6 and drawn Rough Sketch – Exs.P27 and P28 respectively in respect of PW7- Village Administrative Officer and PW8- Village Assistant. PW22 also made arrangements for taking photographs through PW11- Manimaran / Photographer. She has recovered M.O.14 to M.O.16 namely 3 pieces of Cigarette buds, a white-coloured plastic button used in stud and a black colour tik tok hairpin respectively through Seizure Mahazar – Ex.P7 and prepared Form 95 in this regard under Ex.P29. She has also examined PW2 and recorded his statement.

2.6. PW9- Malliga / mother of PW1 deposed that PW1 is working as Saleswomen in a private textile shop in Vellore and last year, when she returned back from the shop at night 10.00 p.m., she noticed that her daughter's face was found swelling and she enquired. PW1 narrated the occurrence. PW9 immediately called PW3. PW3 came and after seeing, informed PW9 that first they will go to the hospital for taking treatment and thereafter, they decided to lodge the complaint.



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

2.7. Pws.1, 3 and 9 went to Vellore Medical College Hospital,

Adukkamparai through two wheeler. Doctor enquired PW1 and she narrated the same to the doctor. On the same day early morning 4'O Clock, police came to the hospital and recorded the statement from PW1 and obtained her signature. Police also obtained thump impression of PW9 in the said statement, which is marked as Ex.P8.

2.8. PW17- Dr.Karimullah, deposed that while he was on duty in Vellore Government Medical College Hospital, on 19.01.2020 at early morning hours on 1.20 a.m., PW1 came to hospital for treatment. He noticed that pulse, heart beat and respiration are normal and at the same time, in her face, stomach and her private part, there are injuries and swelling in her lips. When PW17 lightly pressed her stomach with hands, PW1 expressed heavy pain. PW1 also narrated the occurrence held on 18.01.2020 at 9.30 p.m. He referred for further treatment to the concerned Gynecologist. He has issued Accident Register – Ex.P17.

2.9. PW18- Dr.Uma Maheswari, deposed that while she was working in Government Medical College Hospital in Vellore in OG Department, on 19.01.2020 early morning hours at 1.30 a.m., PW1 was



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

brought by Women Constable 3576- Sathyakala. PW1 was also

accompanied by PW9. PW1 narrated the occurrence held on 18.01.2020 at 9.30 p.m. in the Vellore Fort. On medical examination, PW18 noticed that PW1's hymen was not intact and there is a blood injury. She has taken blood samples, vaginal smear, pubic hair sample for forensic examination. She has also noticed swelling on the lips of PW1 and recommended to take Ultrasound Scan and X-Ray. She gave medical opinion under Ex.P18 that PW1 was subjected for rape and penetrative sexual assault.

2.10. PW2 deposed that he is the lover of PW1 and he has also narrated the occurrence on similar lines as that of PW1.

2.11. PW6-Tr.Anbarasu is the supervisor of the textile showroom where PW1 and PW2 were working and he speaks about the nature of work assigned to PW1, work timings of shop, the time of PW1 coming and leaving the shop. PW6 deposed that on 18.01.2020, PWs.1 and 2 have attended their shop and they left the shop at 9.00 p.m and whenever workers leave the office, he used to make entries in the relevant register.



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

2.12. PW22- Inspector of Police, in continuation of her

investigation, on 20.01.2020 at about 17.00 hours near Veterinary Hospital, Vellore, she arrested A1 to A3 and on enquiry, PW22 called PW10- Tr.Vijay- Village Administrative Officer to be a witness. On enquiry, A1 to A3 voluntarily gave confession statement and the same has been recorded in the presence of PW10 and his Assistant one Anandan. The admissible portion of the confession statement of A1 to A3 are marked as Exs.P13 to P15 respectively. In pursuance to the confession statement, A1 has identified and handed over M.O.7, M.O.8, M.O.17 and M.O.18, namely Stainless steel button knife, one pair of gold ear rings, Kaaki colour Pant, colour checked full hand shirt respectively. The above said material objects were recovered under Seizure Mahazar-Ex.P10. She has also prepared Form-95 under Ex.P30. On the same day at 19.30 hours, in pursuance to the admissible portion of confession statement, A2 handed over M.Os. 10, 11, 19, 20 and 21, namely Stainless Steel Button Knife, Samsung Light Blue Colour Galaxy Mobile Phone, stained Blue Colour Inner wear, Dark Blue Colour Inner Banian without collar. The above material objects were seized under Mahazar- Ex.P11 and also prepared Form 95 – Ex.P31. On the same day at 20.30 hours, in pursuance to the admissible portion of confession statement, A3 has handed over robbed



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

cash of Rs.180/- in a black colour bag - M.O.12, which was recovered under Seizure Mahazar-Ex.P9 and Ex.P12 and she has also prepared Form 95 under Exs.32 to 33.

2.13. Thereafter, A1 to A3 were sent to Judicial Custody. PW22 obtained permission from the learned Chief Judicial Magistrate, Vellore for conducting Test Identification Parade. PW20- Deenadayalan, Judicial Magistrate, Walajahpet conducted Test Identification Parade on 24.01.2020 and issued Identification Report under Ex.P24. The letter addressed to the Prison Authorities is Ex.P23 and the proceedings of the CJM, Vellore is Ex.P22. Further, he has sent A1 and A2 to the Government Medical College Hospital for ascertaining the sexual competency test under Ex.P19.

2.14. PW19- Dr.Nagendirakumar examined A1 and A2 and issued opinion under Exs.P0 & 21 respectively and opined that there is nothing to suggest that they are impotent. PW22 gave letter to the learned Judicial Magistrate for recording statement under Section 164 CrPC from PW1 and PW2 separately. Accordingly statements were recorded by the learned Judicial Magistrate, Arakkonam and the statement of PW1 is Ex.P2 and



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

the statement of PW2 is Ex.P4. PW22 further examined the witnesses.

After completion of investigation, he has laid down final report.

2.15. The prosecution, in order to prove the guilt of the accused, examined PW1 to PW24, marked Exs.P1 to P40 documents and produced 21 material objects. After completion of prosecution side evidence, the accused 1 to 3 were questioned under Section 313(1)(b) CrPC with regard to incriminating materials appeared against them, they denied the same as false. No oral and documentary evidence was adduced on the side of the defence. The Court below, on appreciation of oral and documentary evidence adduced on behalf of the prosecution, found the appellants / accused 1 and 2 guilty and convicted and sentenced them as stated above. Aggrieved over the same, A1 has preferred Crl.A.No.915 of 2022 and A2 has preferred Crl.A.No.492 of 2023.

3. The learned counsel appearing for the appellant in Crl.A.No.915 of 2022 / A1 would put forth the following contentions:

3.1. The evidence of PWs.1 and 2 is not supported by eye witnesses PWs.4 and 5. There are material contradictions between Ex.P17 – Copy of



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

Accident Register used by the Doctor who examined initially the victim

girl / PW1 and Ex.P25 – FIR regarding the name of the accused who committed forcible sexual intercourse with the victim and both documents are contradictory to each other.

3.2. There are material contradictions between the evidence of PWs.17 and 18 namely the doctors who given treatment to the victim / PW1 regarding the place of occurrence and accompanied by the police while at the time of examination of victim / PW1 by them.

3.3. The Identification Parade conducted by PW20 as per the directions of CJM, Vellore, the mode of identification parade adopted against only unknown persons, but on the contrary, FIR contains the names of the accused while at the time of registration of the case.

3.4. The Court below failed to see that Ex.P25 – copy of the FIR contained the names of the accused and there was no explanation from the prosecution that how their names identified before registration of the case. Therefore, conviction and sentence imposed by the Trial Court is liable to be set aside.



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

4. The learned counsel appearing for the appellant in Crl.A.No.492

of 2023 / A2 would put forth the following contentions:

4.1. There are material contradictions between the evidence of PWs.17 and 18, namely doctors who gave treatment to the victim / PW1 regarding the place of occurrence and accompanied by police at the time of examination of the victim / PW1 by them.

4.2. PW6 was examined as Supervisor of the showroom where PWs.1 and 2 were working and PW6 has not produced any documentary evidence as to the employment of PWs.1 and 2 such as attendance sheet etc., to prove that they were working and were on duty on the date of occurrence. There is no material produced by the prosecution that PWs.1 and 2 have travelled by bus from their working place to Vellore Fort on the alleged date of occurrence. Hence it is doubtful that both Pws.1 and 2 have really went to the Vellore Fort park or not. No one is allowed in the Vellore Fort beyond 8.00 p.m. to avoid criminal offences like in this case. When it is so, it is false to state that the accused were seen smoking there as stated by Pani Puri sellers, namely PWs.4 and 5. They have not identified the accused.



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

4.3. The alleged place of occurrence is an open ground grass surfaced and 100 feet from there is surrounded by iron fencing nearby Traffic police booth with vehicle movements and the victim girl / PW1 could have shouted for seeking the help of others.

4.4. The complaint has been given with the names of the accused and without knowing them, how such complaint can be given with the names of the accused. These aspects raises serious doubt about the prosecution case. PW1 admits that the Vellore North Police Station is near to the Vellore Fort and despite such harms to her, why she has not preferred any complaint immediately to the police station, which is very near to the place of occurrence. PW1 stated that her mother signed in the complaint at the Government Hospital, whereas PW21 has stated that the FIR produced in the Court was recorded by her, which creates serious doubt about the registration of the case.

4.5. The evidence of PW2 is unclear with inconsistencies. When the alleged occurrence took place at dark night, how they have identified the accused in the Test Identification Parade, it is suspected that the accused could have been shown to PWs.1 and 2 in the police station so as



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

to enable them to identify them in the Test Identification Parade. PWs.1

and 2 identified the accused wrongly, which was recorded by the Magistrate, which creates doubt whether the occurrence has been really happened or not ?

4.6. The police has also not stated as to the reason for which forensic examination was sought when they sent the stained clothes. The knife which was recovered from the accused were not recovered in the presence of PW2.

4.7. The prosecutrix did not lodge complaint immediately before police station, instead she has stated that she went to the Government Hospital Vellore along with his cousin brother and if at all she is the victim of such crimes, why she has not preferred complaint to the police at the first instance.

4.8. PW17 Doctor deposed that PW1 was sexually assaulted by three unknown persons, but the said doctor has not recorded the details of persons, who brought the prosecutrix to the hospital. PW17 has stated that he has inadvertently written the date of AR as 19.01.2020, therefore, it



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

cannot be said that the injuries caused to the prosecutrix were caused by the accused alone. PW18- Doctor, who medically examined PW1 has not explained about the injuries in the lips of PW1.

4.9. PW19 has not stated anything about the collection of blood and sperm samples from the accused, when he had examined them.

4.10. PW21- Sub Inspector of Police, has deposed that when she recorded the statement of PW1 under Ex.P1, it has been stated about an unknown Auto Driver, whereas in the printed FIR format, it is not known how the names of all the accused got mentioned. The prosecution has failed to prove the case beyond all reasonable doubt and therefore, the conviction and sentence imposed by the Court below is liable to be set aside.

5. *Per contra*, learned Additional Public Prosecutor appearing for the respondent / State would submit that the guilt of the accused stands proved by the evidence of the victim girl / PW1 and her lover / PW2, who is also a victim of the crime and the other evidences corroborated the evidence of the victims clearly and cogently and they clearly identified the



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

accused in the Test Identification Parade. Rape was proved by the medical evidence and the report of the forensic authorities corroborating the evidence of the prosecutrix and her lover and also through their statements recorded under Section 164 CrPC. The prosecution has proved the case beyond all reasonable doubt and prays for dismissal of these criminal appeals.

6. We have considered the rival submissions and carefully perused the entire materials available on record.

7. The prosecution has relied upon the following circumstances:

a) Victim Evidence and Eye witnesses

b) Recovery of Material Objects

c) Medical Evidence

VICTIM EVIDENCE AND EYE WITNESS

8. The crucial witness / prosecutrix – PW1 deposed that she is working as Sales woman in a private textile showroom, Vellore for the past 4 years and on the date of the alleged occurrence, she used to go to her work daily by bus and return back home by 9.00 p.,m. She had been



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

in love with PW2, who is her co-worker. Being lovers, PW1 and PW2

often meet in lonely places and spend their free time. On 18.01.2020 at about 9.00 p.m., when PWs.1 and 2 after their working hours went to Vellore Fort Park in a lonely place and were chatting. A1 and A2 along with one Juvenile accused went near PWs.1 and 2 and each of them brandished their knives towards them and robbed from PW1 a bag containing IDBI ATM Card, Pan Card, ESI Card, a purse with cash of Rs.30/- and Redmi Mobile Phone and from her lover / PW2, a bag containing ICICI ATM Card, Indian Post ATM Card, Aadhaar Card, a purse with cash of Rs.300/-, Samsung Mobile Phone at knight point by causing instant fear of danger. PW1 further deposed that A1 informed / called A3 through his mobile phone and informed that “Panni Moonjiyum Dappavum Eduthuvitten”. After a short time, A3 came there and collected all the robbed items from A1 and left from that place.

9. It is the further deposition of the Prosecutrix / PW1 that in furtherance of the same transaction at the same time and place, A1 caught hold of her hair and took her forcibly along with her lover to about 200 feet distance on knife point. While her lover Ajith tried at that time, the accused A1 noticed the gold earrings of the victim girl and asked her to



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

give it to him, when she refused to give the gold earrings, the A1 forcibly fisted with his hand on her mouth and when PW2 intervened to rescue the Prosecutrix, Juvenile accused removed PW2's shirt and rounded on the neck of PW2 and made him unable to move further. Then A1 asked A2 to stand at a distance of 10 feet and to watch the movements of public, the said Juvenile accused had caught hold the lover of the victim girl to prevent him from moving anywhere, A1 went near the victim girl, slapped on her left cheek and made her fell down, removed her under garment and raped her. Then A1 called A2 to rape the Prosecutrix / PW1 and A1 went to see if anyone was coming, then A2 committed rape on PW1. Finally, A2 caught hold the lover of the victim and to enable the said Juvenile accused who has also had forcible sexual intercourse on the victim girl. Thereafter, A1 to A3 threatened PWs.1 and 2 with dire consequences of death, if they reveal the same to anyone.

10. PW1 deposed that when PW1 reached home, her mother- PW9 notice swelling on her face and therefore, enquired PW1. PW1 narrated the occurrence. PW9 immediately called PW3. PW3 came and after seeing, informed PW9 that first they will go to the hospital for taking treatment and thereafter, they decided to lodge the complaint. Pws.1, 3 &



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

9 went to Vellore Medical College Hospital, Adukkamparai through two

wheeler. Doctor enquired PW1 and she narrated the same to the doctor.

On the same day early morning 4'O Clock, police came to the hospital and recorded the statement from PW1 and obtained her signature. Police also obtained thumb impression of PW9 in the said statement, which is marked as Ex.P8.

11. PW1 further deposed that PWs.1, 3 and 9 went to the hospital, since she got severe pain over her private part. She explained the same to the Doctor, who informed the same to the police on 19.01.2020 at 3.00 a.m. PW21, Sub-Inspector of Police has arrived the hospital and recorded the statement / complaint from PW1 under Ex.P1. PW21 recovered M.Os.1 to 6 belonging to PW1.

12. PW2 deposed that at the relevant point of time, he was studying B.A. Economics and was working part-time in a textile showroom for the past three years. PW1, a resident of Idayanchathu Village, was working in the same showroom, and they had been acquainted with each other for about two years and had been in love for the past one year. They used to go out together and usually returned to their respective homes by 9.00



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

p.m. On 18.01.2020, at about 9.00 p.m., after finishing their work, they

went to Vellore Fort in order to have a private conversation. They climbed over the iron fence of Vellore Fort at the third bend and sat there talking. At that time, three persons, who were smoking cigarettes, came near them. They were Accused Nos.1 to 3, whom PW2 identified before the Court. The accused brandished knives and robbed their belongings. Thereafter, A1 to A3, by brandishing knives, took PW1 and PW2 to a place about 200 feet away. A1 kicked PW1 on her mouth and asked her to remove her gold earrings. When PW1 shouted to PW2 for help, A3 wrapped PW2's shirt around his neck, brandished a knife and threatened him not to move. A1 instructed A2 to stand at a distance of about 10 feet and watch whether anyone was approaching, and directed A3 to hold PW2 as such. When PW1 repeatedly pleaded with them to let them go so that they could return home, A1 pushed PW1 to the ground, removed her chudithar pant and panty, and committed rape on her. Thereafter, A1 asked A2 to sexually assault PW1 and A1 went aside to see whether anyone was coming. After A2 committed rape on PW1, A3 also committed rape on her. Thereafter, A1 to A3, by brandishing knives, threatened PW1 and PW2 not to disclose the incident to anyone, warning them of dire consequences. Subsequently, PW1 and PW2 returned to their respective homes.



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13. The entry of Prosecutrix / PW1 along with her lover / PW2 on the date of occurrence ie., 18.01.2020 at 9.30 p.m. at the Vellore Fort Park has been corroborated by the evidence of PW4 and PW5, who are pani puri sellers. They have noticed the presence of A1 and A2 on the date of occurrence. PW4 has identified A1 and A2 in the Court and further he has also stated the same during investigation by the police. PW5 in his evidence specifically stated that he has seen a couple entering the park around 9.00 p.m. on 18.01.2020 by jumping over iron fence and the same is also corroborated by the version of PW2 that he along with PW1 entered the park by jumping over the fence.

14. The evidence of the eye witnesses are precise and corroborative. The Prosecutrix has narrated what has happened subsequently after the occurrence cogently right from the enquiry by her mother – PW9 as to the missing earrings and injury in the lip of PW1, treatment taken in the Government Hospital with the help of PW3 / her brother and the investigation by the police. There are no contradictions or inconsistencies found in the evidence of PWs.1 and 2 and nothing was elicited in favour of the defense during cross examination. Thus the evidence of the



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

prosecutrix / PW1 and PW1 coupled with the evidence of PW4 and PW5

is very cogent and clear with regard to the case of the prosecution.

RECOVERY OF MATERIAL OBJECTS

15. PW22- Inspector of Police arrested A1 to A3 on 20.01.2020 at about 17.00 hours near Veterinary Hospital, Vellore in the presence of PW10- Tr.Vijay- Village Administrative Officer, who happens to be a witness for arrest and recovery. PW22 deposed that on enquiry, A1 to A3 voluntarily gave confession statement and the same has been recorded in the presence of PW10 and his Assistant one Anandan. The admissible portion of the confession statement of A1 to A3 are marked as Exs.P13 to P15 respectively. In pursuance to the confession statement, A1 has identified and handed over M.O.7, M.O.8, M.O.17 and M.O.18, namely Stainless steel button knife, one pair of gold ear rings, Kaaki colour Pant, colour checked full hand shirt respectively. The above said material objects were recovered under Seizure Mahazar-Ex.P10. On the same day at 19.30 hours, in pursuance to the admissible portion of confession statement, A2 handed over M.Os. 10, 11, 19, 20 and 21, namely Stainless Steel Button Knife, Samsung Light Blue Colour Galaxy Mobile Phone, stained Blue Colour Inner wear, Dark Blue Colour Inner Banian without



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

collor. The above material objects were seized under Mahazar- Ex.P11.

On the same day at 20.30 hours, in pursuance to the admissible portion of confession statement, A3 has handed over robbed cash of Rs.180/- in a black colour bag - M.O.12, which was recovered under Seizure Mahazar- Ex.P9 and Ex.P12. PW10 has also corroborated the evidence of PW22 with regard to recovery of the material objects - M.Os.7, 8, 11, 12 and 17 to 21. Thus the prosecution has proved the recovery of materials objects in pursuance to the admissible portion of confession statements of the accused through the evidence of PW10-VAO and his assistant.

16. The prosecution has examined PW7-VAO and his Assistant PW8 for the recovery of material objects from the scene of occurrence. In their evidence, they have admitted their signatures in the Observation Mahazars under Exs.P5 and P6 prepared by PW4 / I.O. They have also signed in the Recovery Mahazar under Ex.P7 for the recovery of cigarette buds-M.O.14, ear ring button – M.O.15 and black colour hairpin – M.O.16 from the scene of occurrence. The Photographs taken by PW11 – Photographer from the scene of occurrence also tallies with the Observation Mahazar under Ex.P6.



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

MEDICAL EVIDENCE

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17. The prosecution has examined PWs.17 to 19 with regard to medical evidence. PW17-Dr.Karimullah, emergency treatment doctor, who issued the Accident Register under Ex.P17 at Vellore Government Medical College Hospital has deposed about the preliminary medical examination conducted by him on PW1 on 19.01.2020 and about the version of PW1 as to the sexual assault committed to her, as informed by PW1 to him. PW17 also deposed about the injuries found in the lips of PW1, his diagnosis as to the sexual assault and his referral of PW1 for further treatment and medical examination by the Obstetrics and Gynaecology Department of the said Government Hospital.

18. PW18- Dr.Uma Maheswari, who had medically examined the victim, has categorically deposed about the medical examination conducted by her on PW1 and she deposed that, on enquiry PW1 had told her about he sexual assaults committed against her by the accused. PW18 have final opinion under Ex.P18 as to the forcible penetrative sexual assault committed on PW1 and also the swelling of lips of PW1 by her examination after being referred by PW17.



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

19. PW19 – Dr.Nagendrakumar, who examined the potency of the

accused 1 and 2, as per the orders of the learned Judicial Magistrate, Vellore under Ex.P19, issued medical certificates under Exs.P20 and P21 for A1 and A2 respectively opining that there is nothing to suggest that they are impotent.

20. Further PW23 – Tr.P.Xavier Nithyanandan, Junior Scientific Officer, Forensic Department Chennai gave opinion and reports under Ex.P36 about the existence of semen / seminal stains in the clothe / inner wears of the prosecutrix / PW1 on the date of occurrence and also in the certain cloths / under garments stated to have been worn by the accused on the day of occurrence. PW24-Dr.Thilaga, Assistant Director of Forensic Science Department, Chennai has categorically deposed about the forensic analysis including the DNA analysis and profiling conducted in her department in respect of samples containing the semen / seminal stains, blood etc., as referred to by PW3 and issuance of Exs.P39 – Requisition Letter and P40 - Report. The said reports in the form of expert opinion amply corroborates the evidence of PW18 as to the possibility of forcible sexual assault on PW1.



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

21. In the light of the above discussions, this Court is of the view

that the prosecution has proved the case beyond all reasonable doubt through the testimonies of witnesses and the Trial Court, on a proper consideration of oral and documentary evidences, has rightly convicted and sentenced the accused as stated above, which does not warrant any interference. There is no merit in these appeals and the same are liable to be dismissed.

22. In the result, *these Criminal Appeals stand dismissed*, confirming the judgment of conviction and sentence dated 26.04.2022 in S.C.No.37 of 2020 passed by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Vellore.

(P.V.,J.) (M.J.R.,J.)
07.01.2026

Jvm
Index : Yes / No
Internet : Yes / No
Speaking /Non speaking Order

To
1.The Inspector of Police,
Vellore North Police Station,
Vellore District.



Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

2.The Sessions Judge,
Mahalir Needhimandram,
Fast Track Mahila Court, Vellore.

3.The Public Prosecutor,
High Court, Madras.



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Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

P.VELMURUGAN, J.
and
M.JOTHIRAMAN, J.

Jvm

Crl.A.No.915 of 2022
and Crl.A.No.492 of 2023

07.01.2026