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CRL A No. 852 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL A No. 852 of 2022

Sangiliappan
S/o. Ramasamy

..Appellant(s)

Vs

The Inspector Of Police
AWPS Udumalpet Police Station
Tirupur District.
Crime No.21 of 2021

..Respondent(s)

Prayer: Criminal Appeal filed under Section 374(2) Cr.P.C. seeking to set aside the Judgement passed in Spl.S.C.No.105 of 2021 dated 31.05.2022 on the file of the learned Sessions Judge Mahila Court (Fast Track Mahila Court).

For Appellant(s): Mr.K.Prabakar

For Respondent(s): Mr.S.Udayakumar
Government Advocate (Crl. Side)
Assisted by Ms.T.Harshana

JUDGMENT

The appellant / accused was convicted by the trial Court in Spl.S.C.No.105 of 2021 vide judgment dated 31.05.2022 and sentenced him to undergo five (5) years Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default six (6) months Simple Imprisonment for offence under Section 9(c) r/w 10 of POCSO Act and the appellant was acquitted for offence under Section 9 (l) r/w 10 of POCSO Act and Section 354(A)(I)(i) of IPC. Aggrieved against



the said order, the appellant preferred the present appeal. During trial, PW1 to PW7 examined, Ex.P1 to Ex.P8 and Ex.D1 and Ex.D2 marked.

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2.The contention of the appellant is that on 15.10.2021, the dog of the defacto complainant attempted to bite him and a complaint was lodged before the Udumalpet Police Station, in which it is projected as if compromise arrived in CSR No.420 of 2021 on 15.10.2021. To substantiate his case, the appellant marked the complaint in Ex.D1 and Ex.D2. The Investigating Officer, though admitted in his cross examination about the earlier incident, but failed to consider the motive of PW1 and PW2 in falsely implicating the appellant in the present case.

3.He further submitted that the POCSO Act has been misused by the complainant and the presumption under Section 29 and 30 had been rebutted and not been considered by the trial Court. The case projected in this case is that the victim PW1, aged about 12 years and the appellant one month preceding to 21.10.2021 misbehaved with her and attempted to undress her and the appellant exhibited his private part. This has been narrated and the complaint lodged. When there was a dispute and in the said complaint it has been stated that one month prior to 21.10.2021, earlier incident had taken place, the trial Court convicted the appellant for the incident which is said to have taken place one month prior 21.10.2021, which is without any details.



4. He further submitted that the appellant and the defacto complainant were residing in the same house, the appellant was residing in the first floor and the defacto complainant was residing in the ground floor, and it is a motivated complaint. The appellant was employed in a State Transport Corporation as driver, due to the conviction suffered in this case, he has lost his employment and his terminal benefits. The counsel submitted he is unable to contact the appellant and hence the appellant's death on 29.01.2026 was not informed to him. He further submitted that for this reason, he could not continue with the appeal by substituting the Legal Heirs. He submitted further that the rights of the Legal representatives cannot be denied. They can continue with the appeal to get the appellant's name erased from the criminal case and to claim the terminal benefits.

5. The learned Public Prosecutor submitted that the appellant's contention has already been considered during the trial and the trial Court by a well reasoned judgment convicted the appellant. In any event, now the appellant is no more and he passed away in Coimbatore Medical College Hospital on 29.01.2026. His wife's name viz. Rukmani also registered in the death certificate. The death certificate of the appellant produced and the same is scanned hereunder;



தமிழ்நாடு அரசு
GOVERNMENT OF TAMIL NADU

பொது சுகாதாரம் மற்றும் நோய்த் தடுப்பு மற்றும் தாது
DEPARTMENT OF PUBLIC HEALTH AND PREVENTIVE MEDICINE

கோம்புத்தூர் மருத்துவக் கல்லூரி மருத்துவமனை
COMBATORE MEDICAL COLLEGE HOSPITAL

இறப்பு சான்றிதழ் / DEATH CERTIFICATE

(இறப்பு மற்றும் இறப்பு பதிவு எட்டில், 1969ல் பதிவு 1217 மற்றும் தனித்தனியே இறப்பு பதிவு விதிகள் 2006 மதி ஏன். 8/13 இல்
பதிவு செய்யப்படுகிறது.)
(ISSUED UNDER SECTION 1217 OF THE REGISTRATION OF BIRTH & DEATHS ACT, 1969 AND RULE 8/13 OF THE TAMIL NADU
REGISTRATION OF BIRTH AND DEATHS RULES 2006.)

(தேவனா. தகவல் இந்தியை, தமிழ்நாடு மாநிலம், கோம்புத்தூர் மாவட்டம், கோம்புத்தூர் தெற்கு வட்டம், கோம்புத்தூர் மருத்துவக்
கல்லூரி மருத்துவமனை சென்ற ஆம் இறப்பு பதிவு எட்டில் பதிவு செய்யப்பட்ட தகவல் சமீபது அளிக்கப்படுகிறது.)
THIS IS TO CERTIFY THAT THE FOLLOWING INFORMATION HAS BEEN TAKEN FROM THE ORIGINAL RECORD OF DEATH WHICH IS THE
REGISTER FOR COMBATORE MEDICAL COLLEGE HOSPITAL, OF COMBATORE NORTH TALUK OF COMBATORE DISTRICT OF TAMIL NADU
STATE, INDIA.

NAME OF DECEASED / இறந்தவரின் பெயர் : SANGILIAPPAN / சங்கிலிப்பன்	SEX / பாலினம் : MALE / ஆண்
DATE OF DEATH / இறந்த தேதி : 29/01/2026 TWENTY NINE - JANUARY - TWO THOUSAND TWENTY SIX	UID NUMBER OF DECEASED / இறந்தவரின் ஆதார் எண் :
AGE OF DECEASED / இறந்தவரின் வயது : 80 YEARS	PLACE OF DEATH / இறந்த இடம் : COMBATORE MEDICAL COLLEGE HOSPITAL, COMBATORE - 641018
NAME OF MOTHER / தாயின் பெயர் : THIRUMALAJAMMAL / திருமலையம்மாள்	கோம்புத்தூர் மருத்துவக் கல்லூரி மருத்துவமனை, கோம்புத்தூர் - 641018
FATHER NAME / தந்தையின் பெயர் : RANASAMY / ரணசாமி	MOTHER'S UID NUMBER / தாயின் ஆதார் எண் :
HUSBAND / WIFE NAME / கணவர் / மனைவி பெயர் : RUMMANI / ருமணி	FATHER'S UID NO. / தந்தையின் ஆதார் எண் :
ADDRESS OF THE DECEASED AT THE TIME OF DEATH / இறப்பின் போது இறந்தவரின் முகவரி : 824, BETHA SETHURAYAR STREET, KOMARALINGAM, , TIRUPPUR NORTH, TIRUPPUR, TAMIL NADU	HUSBAND / WIFE UID NO. / கணவர் / மனைவி ஆதார் எண் :
824, பெத்த சேதுராயர் வீதி, கொமரலிங்கம், , திருப்பூர் தெற்கு, தமிழ்நாடு -	PERMANENT ADDRESS OF DECEASED / இறந்தவரின் திரும்ப முகவரி : 824, BETHA SETHURAYAR STREET, KOMARALINGAM, , TIRUPPUR NORTH, TIRUPPUR, TAMIL NADU
824, பெத்த சேதுராயர் வீதி, கொமரலிங்கம், , திருப்பூர் வட்டம், திருப்பூர், தமிழ்நாடு -	824, பெத்த சேதுராயர் வீதி, கொமரலிங்கம், , திருப்பூர் வட்டம், திருப்பூர், தமிழ்நாடு -

DATE OF REGISTRATION / பதிவு செய்த தேதி : 31/01/2026

Signature valid

Digitally Signed by K.KOTELAKARAN
Date: 06-Feb-2026 08:01:40

REGISTRATION NUMBER / பதிவு எண் :
0-2926/33-1999-000643

REMARKS (IF ANY) / குறிப்பு :

DATE OF ISSUE / வழங்கிய நாள் : 09/02/2026

இதன்மேல் AUTHORIZED மருத்துவ அதிகாரியின்
REGISTRAR (BIRTH & DEATH)
மருமன்ற (பிறப்பு & இறப்பு)
COMBATORE MEDICAL COLLEGE HOSPITAL
கோம்புத்தூர் மருத்துவக் கல்லூரி

THIS IS A COMPUTER GENERATED CERTIFICATE
THE GOVT OF INDIA MHC CIRCULAR NOTIFICATION DATED 25-JULY-2015 HAS
APPROVED THE CERTIFICATE AS A VALID LEGAL DOCUMENT FOR ALL OFFICIAL PURPOSES.
THE REGISTRATION NUMBER IS UNIQUE TO EACH BIRTH.

"பிறப்பு மற்றும் இறப்பு பதிவு செய்யப்படும் உறுதி செய்யப்படும் REGISTRATION OF EVERY BIRTH AND DEATH"

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6. In view of the above, keeping this appeal pending waiting for the Legal representatives of the appellant to get into the shoes of the appellant, would only add to the pendency of the case before this Court. As on date, no such petition seeking substitution to continue with the appeal is filed.

7. In light of the above, this Criminal Appeal stands closed as nothing survives for further adjudication. Liberty is granted to the legal heirs of the appellant to work out their remedy, if they desire to continue with the appeal at a later point of time, in accordance with law.

23-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

kas

To.

1. The Inspector Of Police
AWPS Udumalpet Police Station
Tirupur District

2. The Public Prosecutor
High Court of Madras
Chennai 600 104



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M.NIRMAL KUMAR, J.

kas

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