



WEB COPY

CRL A No. 812 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL A No. 812 of 2017

Manikandan

Appellant(s)

Vs

State by
The Inspector of Police,
Mohanur Police Station,
Mohanur, Namakkal District.
Cr.No.16 of 2016.

Respondent(s)

PRAYER: Criminal Appeal filed under Section 374(2) of Code of Criminal Procedure, to set aside the conviction and sentence imposed on the appellant passed in Spl.C.C.No.17 of 2016, dated 17.11.2017 on the file of the Sessions (Fast Track Mahila), Namakkal, Namakkal District and pass such further or other orders.

For Appellant(s): Mr.V.R.Balasubramaniam
for Mr.C.Prakasam

For Respondent(s): Mr.L.Baskaran
Government Advocate (Crl.Side)



ORDER

This Criminal Appeal has been preferred challenging the judgment passed in Spl.C.C.No.17 of 2016, dated 17.11.2017 on the file of the Sessions (Fast Track Mahila) Judge, Namakkal, Namakkal District, whereby convicted the accused for the offence under Section 366(A) IPC and Section 5(1) r/w 6 of POCSO Act, 2012.

2. The case of the prosecution is that the victim girl, Nerosha aged about 14 years, studying Xth standard in a private school at Aniyapuram was kidnapped by the accused. The accused is a distant relative to the father of the victim and he used to visit the victim's village frequently since he has relative there and acquainted with the victim. He kidnapped the victim on 15.01.2016 at about 6.45 p.m., near the house of the victim situated at Thorriyapatty, on promise that he would marry her and thereafter, he took the victim girl to Muniyandi Vilas Hotel at Thogaimalai, where both of them had stayed for two days. During that time, the accused had sexual intercourse with the victim girl twice with the false promise that he would convince his parents to arrange for marriage. On the complaint, the respondent police has registered an FIR in Crime No.16 of 2016 for the offence under Section 366-A IPC, 5(1) r/w 6 of POCSO Act.



3. After completion of investigation, the case was taken cognizance by the trial Court and framed charges as against the accused under Section 366-A IPC, 5(1) r/w 6 of POCSO Act.

4. In order to bring home the charges, the prosecution had examined PW1 to PW17 and marked Exs.P1 to P12. On the side of the accused, no documents were marked to disprove the charges.

5. Upon consideration of the oral and documentary evidence, the trial Court found the accused guilty for the offence under Section 366-A IPC, 5(1) r/w 6 of POCSO Act, the accused was convicted and sentenced to undergo 7 years RI with fine of Rs.1,000/- in default of payment of fine 3 months RI and for the offence under Section 5(1) r/w 6 POCSO Act 2012, the accused is convicted and sentenced to 10 years RI along with fine of Rs.1,000/- in default of payment of fine 3 months RI. Aggrieved by the same, the present Criminal Appeal has been filed.

6. The learned counsel for the petitioner submits that, after the conviction, the victim has once again eloped with the accused and got married. Therefore, another FIR came to be registered and after completion of investigation, it has



taken cognizance in Spl.C.C.No.15 of 2018 on the file of the Magalir Neethimandram (Fast Track Mahila Court), Namakkal. The victim had deposed as PW1 and later she turned hostile before the trial Court and in fact her parents also turned hostile before the trial Court. Further, he submitted that the victim girl got married to another person and the accused also got married to another person. Therefore, the trial Court had acquitted the accused. In the subsequent occurrence, the victim eloped with the accused and thereafter, she turned hostile. Therefore, he submitted that no purpose would be served if the conviction and the sentence is allowed to stand. However, the victim girl has committed suicide along with her husband and both died. Further, he submitted that in view of the settlement between the parties, the conviction and the sentence imposed on the petitioner before the trial Court in Spl.C.C.No.17 of 2016 cannot be sustained and the same is liable to be set aside.

7. Mr.L.Baskaran, learned Government Advocate appearing for the respondent submitted that after the conviction in the present case in Spl.C.No.17 of 2016 on the file of District Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal, once again the victim girl eloped with the accused and another complaint was lodged and the same has been registered in Crime No.441 of 2016 under Section 366(A) of IPC on the file of the respondent police. After completion of the trial, the trial Court in Spl.C.C.No.15



of 2018 vide judgment dated 29.10.2024, has acquitted the accused from all the charges for the offences under Section 363 of IPC and Section 5(1) read with Section 6 of Protection of Children from Sexual Offences Act, 2012. Further, he also confirmed that the victim girl and her husband died by committing suicide.

8. In view of the settlement between the parties, the conviction and sentence imposed on the petitioner before the trial Court in Spl.C.C.No.17 of 2016, dated 17.11.2016 on the file of the District Sessions Judge Magalir Neethimandram (Fast Track Mahila) cannot be sustained and the same is liable to be set aside.

9. In the result, the Criminal Appeal is allowed.

04-03-2026

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

To
1. The District Sessions Judge,
Magalir Neethimandram (Fast Track Mahila Court), Namakkal.

2. The Inspector of Police,
Mohanur Police Station,
Mohanur, Namakkal District.

3. The Public Prosecutor,
Madras High Court, Chennai.



WEB COPY

CRL A No. 812 of 2017



G.K.ILANTHIRAIYAN J.
jd

CRL A No. 812 of 2017

04-03-2026