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CRL RC Nos. 2838 & 2841 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 26-02-2026

PRONOUNCED ON: 04-03-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC Nos. 2838 & 2841 of 2025

and

CRL MP Nos. 24564, 24571 & 24573 of 2025

Crl.RC.No.2838 of 2025

Seema Begum

..Petitioner/A6

Vs

1. State rep. by
The Assistant Commissioner of Police
Vepery, Chennai.
2. State rep. by
The Inspector of Police
K-3 Aminjikarai police Station,
Chennai - 600 029.
Crime No. 652/2024.

..Respondents

Prayer: Criminal Revision Cased filed under Section 438 r/w 442 of BNSS to call for the records in Spl.S.C.No. 28/2025 and set aside the Charges framed by the Learned Special Judge for Exclusive Trial of Cases under POCSO Act, Sessions Judge, Chennai on 09.12.2025.



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CRL RC Nos. 2838 & 2841 of 2025

For Petitioner:

Mr.N.R.Elango
Senior Counsel
for Mr.Agilesh Kumar. S

For Respondents:

Mr.R.Vinothraja
Government Advocate(Crl.Side)

Crl.RC.No.2841 of 2025

Seema Begum

..Petitioner/A6

Vs

1. State rep. by,
The Assistant Commissioner of
Police,
Vepery, Chennai.
2. State rep. by,
The Inspector of Police,
K-3 Aminjikarai Police station,
Chennai-600 029.
Cr.No.652/2024.
3. Sharfudeen
4. S.Usha

..Respondents

Prayer: Criminal Revision Cased filed under Section 438 r/w 442 of BNSS to call for records in Crl.MP.No.1655 of 2025 in Spl.SC.No.28 of 2025 on the file of the learned Special Judge for Exclusive trial of cases under POCSO Act, Sessions Judge, Chennai and set aside the order dated 05.12.2025.



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For Petitioner:

Mr.N.R.Elango, Sr. Counsel
for Mr.Agilesh Kumar. S

For Respondent:

Mr.R.Vinothraja (for R1 & R2)
Government Advocate (Crl. Side)

Ms.Deepika Murali (for R4)

Common Order

The above revisions have been filed by the petitioner, who is arrayed as A6 in Spl.S.C No. 28 of 2025 and facing prosecution for the offence under Sections 143(4) BNS, 103(1) r/w 49 BNS, 61 r/w 238(a) r/w 103(1) BNS, 16 r/w 20 of the Bonded Labour System (Abolition) Act 179, 3 r/w 14 of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, 3(1)(h), 3(2)(v) & (vi) of SC/ST Act.

2. Crl.R.C.No.2838 of 2025 has been filed challenging the framing of charges by the trial Court. Crl.R.C.No.2841 of 2025 has been filed against the dismissal of the discharge petition.

3 (i) The case of the prosecution is that the victim girl, aged about 16 years, was employed in the house of A2, who is the brother of the



petitioner herein, as a domestic help; that the victim girl was subjected to penetrative sexual assault by A2 and his friend A3; that A1, who is the wife of A2 and A4, who is the wife of A3, on coming to know that the victim had sexual intercourse with their respective husbands, had committed harassment in various ways; that thereafter, in conspiracy with the remaining accused, they had caused the death of the victim girl by beating her severely and then screening the offence; and that the petitioner was actively involved in the conspiracy in causing the death of the victim.

(ii) It is the further case of the prosecution that the petitioner was instrumental in the victim being employed in the house of A2 and that she had abetted the other accused in the commission of the murder and was also involved in the conspiracy to screen the offence. The petitioner had filed a petition for discharge, which came to be dismissed by the impugned order in Crl.R.C.No. 2841 of 2025.

4 (i) Mr. N. R. Elango, learned senior counsel for the petitioner, would submit that he is not pressing the revision challenging the



dismissal of the discharge petition, as charges have been framed and the petitioner has challenged the framing of charges in CrI.RC.No. 2838 of 2025.

(ii) The learned senior counsel submitted that a total of 10 charges were framed against the accused and charge Nos. 1, 5, 6, 7, 8, 9 and 10 (seven) have been framed against the accused either individually or along with the other accused and that there is no *prima facie* evidence to frame any of the charges against the petitioner.

(iii) As regards the first charge, viz., the charge under Section 143(4) BNS [Section 370 IPC], the learned senior counsel submitted that there is no evidence to show that the victim was procured only for the purpose of trafficking and that the evidence disclosed that the victim was brought for domestic help. He relied upon the judgment of the Hon'ble Supreme Court in *Ajay Malik v. State of Uttarakhand and another*, reported in **2025 SCC OnLine SC 185** and the statement of the victim's mother and her deposition in Court, in support of his submissions.



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(iv) As regards the fifth charge, viz., the charge under Section 103(1) r/w 49 BNS [Section 109 r/w 302 IPC], relating to abetment to commit the murder, the learned senior counsel submitted that the only evidence relied upon by the prosecution is that when the petitioner came to know that the victim had suffered injuries, she had instigated the other accused to do whatever is required to ensure that the victim does not go out and complain about them and if she is done to death, no one would question them; that to prove the said allegation, the prosecution relies upon the confession statement of the accused and the co-accused; that the only other material relied upon by the prosecution to prove the said charge is the statement of the victim's sister, who had stated that the victim was slapped by the petitioner six months before the occurrence; and that therefore the said charge on such slender evidence cannot be sustained;

(v) As regards the sixth and seventh charges, which are under Section 61 r/w 238(a) BNS [Section 120B r/w 201 IPC] and under Section 103 r/w 238(a) BNS [Section 302 r/w 201 IPC], the learned



senior counsel submitted that the prosecution relied upon the statement of the neighbours; that their evidence is of no avail to the prosecution as none of them saw the petitioner and have stated that they saw a burqa-clad woman outside the house of A1 and A2 on 31.10.2024; and that one of the witnesses had in his further statement stated that he saw the petitioner on 31.10.2024, which is an afterthought; that therefore, it cannot be said that the petitioner was at the house of A1 and A2 on the day of the occurrence, i.e., 31.10.2024; and that, consequently, the sixth and seventh charges against the petitioner are misconceived.

(vi) As regards the eight and ninth charges, viz., Sections 3(2)(v) & 3(2)(vi) of the SC/ST (POA) Act, the learned senior counsel submitted that the said charges also would not lie if the other offences are not made out.

(vii) Finally, as regards the 10th charge, viz., Section 3 r/w 14 of the Child and Adolescent Labour Act, the learned senior counsel submitted that said charge also would not be made out, as the said Act is meant to curb child labour in establishments and not in private houses. Therefore,



for all the above reasons, he would submit that the charges have to be set aside and the petitioner ought to be discharged.

5. The learned Government Advocate (Crl.Side), *per contra*, submitted that the case is based on circumstantial evidence; that the circumstances cannot be viewed in isolation at this stage; that the prosecution must be allowed to prove all the circumstances; that thereafter it has to be seen whether the circumstances form a complete chain pointing out to the guilt of the accused; and that besides the statement of witnesses, several electronic documents containing the conversation between the petitioner and A2, on the date of occurrence, have been collected during the investigation and all that has to be proved and it cannot be said that the charges framed cannot be sustained.

6 (i) Ms. Deepika Murali, the learned counsel who appeared for the victim's mother/defacto complainant submitted that the major charges against the petitioner is for the abetment to commit murder and for the offence of criminal conspiracy to cause death and to screen the offence; that as regards the abetment to cause the death, there is overwhelming



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evidence collected during the investigation; that the petitioner had knowledge of the abuse; that the post-mortem report would indicate that there is no presence of food in the stomach of the victim, which corroborates the prosecution case that the victim was made to starve at the instigation of the petitioner; that abetment can be in one of the three ways, viz., engaging in conspiracy, instigation and intentionally aiding; and that in a case based on circumstantial evidence, it is impossible to list out the circumstances that would be proved at this stage; that the prosecution must be allowed to prove the circumstances; that the cumulative effect of all the circumstances proved has to be assessed only at the end of the trial; that as regards the screening of the offence, there is electronic evidence to prove the communication between A2 and A6; that there are statements of the neighbours to indicate the presence of the petitioner at the scene of crime on 31.10.2024; and that the WhatsApp conversations between the petitioner and A1 would also reveal the petitioner's complicity in the crime in screening the offence.

(ii) The learned counsel further submitted that the trial has commenced and three witnesses have already been examined and



therefore, the prosecution must be allowed to prove their case and discharging the petitioner (A6) at this stage would not be in the interest of justice.

7. As stated earlier, out of ten charges, seven charges were framed against the petitioner. The major charges against the petitioner are under Section 49 r/w 103(1) BNS, Section 61 r/w 238(a) BNS and Section 103 r/w 238(a) BNS. The charges under the SC/ST (POA) Act would not be made out if the other offences are not made out. The other two charges are for the offence under Section 143 [4] BNS and Section 3 r/w 14 of the Child and Adolescent Labour Act.

8. As regards abetment for the offence of murder and the screening of the offence, the prosecution seeks to establish its case through the circumstantial evidence. The prosecution relies upon the statement of the victim's mother, the victim's sister, the medical evidence and other circumstances to prove that the victim was done to death.



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9. Some of the circumstances pointed out by the prosecution and the counsel for the victim are that the petitioner had introduced the victim to A2 as the victim's sister was working with the petitioner and that therefore, the petitioner was fully aware of the offences committed against the victim and the harassment caused to the victim by all the accused. The statement of the victim's sister would indicate that the victim was subjected to harassment and also was beaten up by the accused. The medical evidence also suggests that the victim had injuries and she could have been subjected to harassment.

10. The prosecution seeks to rely upon the fact that the petitioner was present in the house on the date of the occurrence, viz., 31.10.2024, and that she had knowledge and abetted the murder of the victim and had conspired with the other accused to screen the offence. It is the primary contention of the learned senior counsel for the petitioner that the only evidence as against the petitioner is that she had beaten up the victim six



months prior to the occurrence, which is spoken to by the victim's sister and that all other allegations are found only in the confession statements.

11. This is a case based on circumstantial evidence. The circumstances that the prosecution seeks to rely upon cannot be assessed at this stage. The prosecution relies upon certain conversations between the petitioner and A2 and the petitioner and A1 besides the statements of some of the neighbours who, though, would state that they saw a burqa-clad woman except for one witness who would say that he saw the petitioner. The conduct of the accused may also be one of the circumstances relied upon by the prosecution. Therefore, in a case of this nature, the Court cannot hold that there is no material to frame charges as the cumulative effect of all the circumstances that the prosecution seek to prove can only be assessed at the end of the trial. It is well settled that at this stage grave suspicion is sufficient to frame charges.

12. Hence, this Court is of the view that framing of charges for the offence of conspiracy to cause death and the screening of the offence and



the abetment for the commission of murder cannot be faulted. For the same reasons, this Court cannot hold that the offences under the SC/ST (POA) Act are not made out, as those two charges under Sections 3(2)(v) and 3(2)(vi) of the SC/ST (POA) Act are offences that depend on the commission of the other offence.

13. The two other charges are under Section 143(4) BNS [370 IPC] and Section 3 r/w 14 of the Child and Adolescent Labour Act. As regards the offence under Section 143(4) BNS [370 IPC], it is the specific case of the petitioner that the petitioner did not intend to bring the victim for trafficking purposes and she was brought for domestic help. Though the learned senior counsel may be justified as regards this charge under Section 143(4) BNS based on the judgment of the Hon'ble Supreme Court in *Ajay Malik's case* [cited supra], this Court leaves it open to the trial judge to consider the said submission on its merits based on the evidence recorded at the conclusion of the trial.

14. Further, for the very same reason, even as regards the charge under Section 3 r/w 14 Child and Adolescent Labour Act, this Court is of



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the view that the said charge can be dealt with by the trial Court based on the evidence adduced and the legal position.

15. Therefore, this Court is not inclined to entertain the above revisions and consequently, both the Criminal Revision Cases are dismissed. The connected Criminal Miscellaneous Petitions are closed.

04-03-2026

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

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To

1. The Special Judge for Exclusive trial of cases under POCSO Act, Sessions Judge, Chennai.
2. The Assistant Commissioner of Police, Vepery, Chennai.
3. The Inspector of Police, K-3 Aminjikarai Police station, Chennai-600 029.
4. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN J.

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**Pre-delivery common order in
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