



Crl.A(MD)No.19 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2026

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

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Devakumar

... Appellant/sole accused

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Alangulam,
Tirunelveli District.
(Crime No.24 of 2017)

... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C to call for the records and set aside the conviction and sentence passed by the Sessions Court (Special Court for POCSO Act Cases), Tirunelveli in Spl.S.C.No.70 of 2019, dated 29.11.2022.



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For Appellant : Mr.T.Lenin Kumar

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

JUDGMENT

**(Judgment of the Court was delivered by
G.K.ILANTHIRAIYAN, J.)**

This appeal arises out of the Judgment passed in Spl.S.C.No.70 of 2019, dated 29.11.2022, on the file of the Sessions Court (Special Court for POCSO Act Cases), Tirunelveli, thereby convicting the appellant for the offences punishable under Section 341 of IPC and Section 6 of POCSO Act, 2012.

2. The case of the prosecution is that the accused, being a relative of the victim girl, used to visit her house frequently and speak with her. On 16.02.2027, at about 08.00 p.m., when P.W.2 and P.W.3 were not at home, he wrongfully restrained the victim girl from going out and kept her in the bedroom and raped her. Two days later, at 8:00 p.m., and then once a week in March 2017, on



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Thursdays at 8:00 p.m., he took advantage of the victim girl's being alone at home and raped her several times. On the complaint lodged by the victim girl, the respondent registered an F.I.R in Crime No.24 of 2017 for the offences punishable under Sections 341 of IPC and Section 6 of POCSO Act, 2012 against the appellant. After completion of investigation, a final report was filed and the same has been taken cognizance by the trial Court. The Trial Court framed charges for the offences punishable under Section 341 of IPC and Section 6 of POCSO Act.

3.In order to bring the charges to home, the prosecution had examined P.W.1 to P.W.16 and marked Ex.P.1 to Ex.P.31. On the side of the accused, no witnesses were examined and no documents were produced before the trial Court. Material Object M.O.1 was marked.



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4. On perusal of oral and documentary evidence, the Trial Court found the appellant guilty for the offences punishable under Section 341 of IPC and Section 6 of POCSO Act. He was sentenced to undergo one month rigorous imprisonment for the offence under Section 341 of IPC. He was also sentenced to undergo Life Imprisonment and imposed a fine of Rs.25,000/- in default, to undergo rigorous imprisonment for one year for the offence under Section 6 of POCSO Act. The trial Court directed the Government to pay a sum of Rs.7,00,000/- as compensation to the victim girl under Compensation Scheme for Women Victims/Survivors of Sexual Assault / other Crimes 2018. Aggrieved by the same, the present appeal has been filed by the appellant.

5. Heard the learned counsel appearing on either side and perused the materials available on record.



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6. Pending appeal, the sentence of the appellant was suspended. Today, the appellant and the victim girl present before this Court and the victim girl has no objection to set aside the conviction and sentence since the appellant married the victim girl on 24.07.2024 and they are living together happily. The appellant registered their marriage with the victim before the registering authority. Today, the certificate of their marriage registration has been produced before this Court.

7. In this regard, it is relevant to rely upon the Judgment of the Hon'ble Supreme Court of India in the case of ***Mahesh Mukund Patel Vs. State of Uttar Pradesh and others [2025 SCC Online SC 614]***, wherein, it is held that in a case of this nature, where the victim, after attaining majority has married the accused and their marriage is also registered, no useful purpose would be served by continuing the prosecution and that it would cause undue hardship to all the parties concerned.



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8. Now, the learned Additional Public Prosecutor appearing for the respondent confirmed that both the appellant and the victim girl have married, their marriage was duly registered with the registering authority and they are living happily.

9. In view of the above, in order to meet the ends of justice, if the conviction is allowed to stand, no useful purpose would be served. Therefore, the order of the conviction and sentence imposed on the appellant in Spl.S.C.No.70 of 2019, dated 29.11.2022, on the file of the Sessions Court (Special Court for POCSO Act Cases), Tirunelveli, cannot be sustained and are liable to be set aside.

10. In the result, this Criminal Appeal is allowed and the Judgment made in Spl.S.C.No.70 of 2019, dated 29.11.2022, on the file of the Sessions Court (Special Court for POCSO Act Cases), Tirunelveli, is hereby set aside. The appellant is acquitted of all the



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charges. The bail bond, if any, executed by the appellant shall stand cancelled. The fine amount, if any paid, shall be refunded to the appellant.

[G.K.I.J.] & [R.P.J.]
25.02.2026

NCC :Yes/No
Index :Yes/No
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To

- 1.The Sessions Court
(Special Court for POCSO Act Cases),
Tirunelveli
- 2.The Inspector of Police,
All Women Police Station,
Alangulam,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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