



Crl.A.(MD)No.308 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25.06.2026

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**Crl.A.(MD)No.308 of 2026**

Kanmani

... Appellant/  
Victim

versus

1. The Inspector of Police,  
All Women Police Station Karur Rural,  
Karur District.

... 1<sup>st</sup> respondent/  
Complainant

2. Bharath

... 2<sup>nd</sup> Respondent/  
accused

Criminal Appeal filed under Section 415 (2) of BNSS, to call for the records and set aside the Judgment passed by the learned Additional Sessions Judge (Fast Track Mahila Court), Karur in Spl.S.C.No.51 of 2024, vide Judgment dated 10.01.2025, by acquitting the 2<sup>nd</sup> respondent/accused from the charge under Section 6 of POCSO Act 2012 and consequently, convict the accused by imposing maximum punishment provided under the law.

For Appellant : Mrs.A.S.Rajeswari

For R1 : Mr.A.Robinson  
Counsel for State of Tamil Nadu  
(Crl. Side)



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For R2

: Mr.A.M.Senthil Kumar

### **JUDGMENT**

The appellant, who is the victim in Spl.S.C.No.51 of 2024, has filed this Criminal Appeal against the Judgment dated 10.01.2025, passed by the learned Additional Sessions Judge (Fast Track Mahila Court), Karur, in Spl.S.C.No.51 of 2024.

2. The second respondent herein was prosecuted in Spl.S.C.No. 51 of 2024 for the offence under Sections 5(1) and 6 of POCSO Act 2012. The said case was registered based on the complaint given by the mother of the appellant that the second respondent, by promising to marry her daughter, had committed repeated sexual assault on her. However, the appellant, who was examined as P.W.2, did not support the case of the prosecution. Therefore, the trial Court, by Judgment dated 10.01.2025, acquitted the second respondent from the charges levelled against him. Challenging the same, this Criminal appeal has been filed by the victim that the trial Court has failed to consider the evidence of her mother/P.W.1 and also failed to consider the presumption under Section 29 of POCSO Act.



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3. This criminal appeal is arising out of the Judgment of acquittal. The Hon'ble Supreme Court, in ***V.Sejappa v. State [(2016) 12 SCC 150]***, has laid down certain principles in deciding the appeal against acquittal, which reads as under:

*“23. ... (i) There is presumption of innocence in favour of an accused person and such presumption is strengthened by the order of acquittal passed in his favour by the trial court;*

*(ii) The accused person is entitled to the benefit of reasonable doubt when it deals with the merit of the appeal against acquittal;*

*(iii) Though, the powers of the appellate court in considering the appeals against acquittal are as extensive as its powers in appeals against convictions but the appellate court is generally loath in disturbing the finding of fact recorded by the trial court. It is so because the trial court had an advantage of seeing the demeanour of the witnesses. If the trial court takes a reasonable view of the facts of the case, interference by the appellate court with the judgment of acquittal is not justified. Unless, the conclusions reached by the trial court are palpably wrong or based on erroneous view of the law or if such conclusions are allowed to stand, they are likely to result in grave injustice, the reluctance on the part of the appellate court in interfering with such conclusions is fully justified; and*

*(iv) Merely because the appellate court on reappreciation and re-evaluation of the evidence is inclined to*



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*take a different view, interference with the judgment of acquittal is not justified if the view taken by the trial court is a possible view. The evenly balanced views of the evidence must not result in the interference by the appellate court in the judgment of the trial court."*

4. In the case of ***Chandrappa Vs State of Karnataka [(2007) 4 SCC 415]***, the Hon'ble Supreme Court has laid down the following general principles regarding powers of the appellate Court while dealing with an appeal against an order of acquittal:

*“(1) An appellate Court has full power to review, re-appreciate and reconsider the evidence upon which the order of acquittal is founded.*

*(2) The Code of Criminal Procedure, 1973 puts on limitation restriction or condition on exercise of such power and an appellate Court on the evidence before it may reach its own conclusion, both on questions of fact and of law.*

*(3) Various expressions, such as, 'substantial and compelling reasons', good and sufficient grounds', 'very strong circumstances', distorted conclusions', 'glaring mistakes', etc are not intended to curtail extensive powers of an appellate Court in an appeal against acquittal. Such phraseologies are more in the nature of 'flourishes of language' to emphasise the reluctance of an appellate Court to interfere with acquittal than to curtail the power*



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*of the Court to review the evidence and to come to its own conclusion.*

*(4) An appellate Court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent Court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial Court.*

*(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate Court should not disturb the finding of acquittal recorded by the trial Court.”*

5. Considering the ratio laid down by the Hon'ble Supreme Court, the case of the appellant has been considered.

6. Heard the learned counsel appearing for the appellant and this Court has also perused the materials placed on record.



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7. P.W.1, the mother of the appellant, has lodged a complaint before the respondent Police on 20.09.2024 that the second respondent, who is the friend of her son, made her daughter/appellant to believe that he is not a married man and he had a physical relationship with her in the year 2023 and on account of that, she became pregnant, however, the fetus was aborted. After the abortion, the second respondent has not responded to the appellant and therefore, the complaint was lodged.

8. The complaint was registered by P.W.4 on 20.09.2024 in Cr.No.10 of 2024 for the offence under Sections 5(l) and 6 of POCSO Act and the case was investigated by P.W.5 and the final report was also filed. During the trial, the appellant was examined as P.W.2 and she denied the allegation that she was in physical relationship with the accused. She also stated that she was compelled to say so before the learned Judicial Magistrate, when she was examined under Section 164 Cr.P.C.. Therefore, the trial Court has acquitted the second respondent that there is no concrete material against the second respondent other than the evidence of P.W.1. However, the appellant, for the reasons best known, now has changed her stand and filed this appeal as against the Judgment of acquittal.



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9. The alleged occurrence was in the month of November 2023.

However, the complaint was lodged on 20.09.2024. The appellant herself has deposed that the second respondent did not commit any sexual assault and she was compelled to give the statement before the learned Judicial Magistrate on the compulsion of her parents. Considering the evidence of the appellant, the trial Court has acquitted the second respondent. Therefore, this Court does not find any reason to interfere with the Judgment of acquittal passed by the trial Court.

10. Accordingly, this Criminal Appeal is dismissed, confirming the Judgment passed by the learned Additional Sessions Judge (Fast Track Mahila Court), Karur, in Spl.S.C.No.51 of 2024, dated 10.01.2025.

**25.06.2026**

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Index : Yes / No.

Internet : Yes / No.

NCC : Yes / No.



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- To
1. The Additional Sessions Judge  
(Fast Track Mahila Court),  
Karur.
  2. The Inspector of Police,  
All Women Police Station Karur Rural,  
Karur District.
  3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

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