



Crl. A(MD)No.223 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

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Jegajothimani @ Mani

: Appellant(s)

Vs.

**The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar, Virudhunagar District.
(Crime No.59 of 2022)**

: Respondent(s)

PRAYER: Criminal Appeal is filed under Section 372 of the Code of Criminal Procedure, to call for records and allow this appeal and set aside the judgment and conviction dated 10.01.2023 passed by the Special Court for POCSO Act cases, Virudhunagar District at Srivilliputhur in Special S.C.No.144 of 2022 and acquit the appellant.

For Appellant

: Mr.N.Pragalathan

For Respondent

**: Mr.A.Thiruvadi Kumar
Additional Public Prosecutor**



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J U D G M E N T

**(Judgment of the Court was
delivered by N.ANAND VENKATESH, J)**

The sole appellant has assailed the judgment passed in Special S.C.No. 144 of 2022, dated 10.01.2023, on the file of the Special Court for POCSO Act cases, Virudhunagar District at Sriviliputhur, wherein the appellant was convicted and sentenced in the following manner.

<i>Provision under which convicted</i>	<i>Sentence</i>
Sec. 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as “POCSO Act” for brevity)	Imprisonment for the remainder of natural life of the appellant and fine of Rs.1000/-, in default to undergo two years simple imprisonment
Sec. 506(i) of IPC	2 years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo 3 months simple imprisonment.

The above sentences were ordered to run concurrently.

2. The case of the prosecution is that the victim girl, who was studying in 9th standard and was aged about 14 years, was present in her home at about 12 noon and the accused person, who is the father of the victim girl, is said to have sexually abused the victim girl and thereafter,



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removed the dress of the victim girl and committed aggravated penetrative sexual assault on the victim girl. The further case of the prosecution is that such offence was committed repeatedly on the victim girl.

3. The above incident came to light when the victim girl wrote two letters, marked as Ex.P1 and Ex.P2, describing about the incident and which fortunately went into the hands of the school headmaster and the school headmaster summoned the mother of the victim girl (PW2) and informed about the incident. Based on the same, PW2 gave a complaint (Ex.P4) to PW6 on 29.04.2022 at 20.00 hours and based on the same, an FIR (Ex.P8) was registered in Crime No. 59 of 2022 for offences under Sections 506 (i) of IPC and Section 5(l)(n) read with Section 6, Section 7 read with Section 8 of the POCSO Act.

4. The investigation was taken up by PW7 who went to the place of occurrence and prepared the observation mahazar (Ex.P5) and the rough sketch (Ex.P9).

5. The victim girl was sent for medical examination to Kovilpatti Government Hospital and the victim girl was examined by the doctor



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(PW5). The doctor gave the certificate (Ex.P7) with the following findings:

- “1. வண்புனர்ச்சி செய்யப்படவில்லை எனக் கூற இயலாது.
2. பிறப்புறுப்பு மற்றும் மார்பகங்கள் நகக்கீரல்கள் மற்றும் காயங்கள் எதுமில்லை.
3. கன்னித்திரை உள்ளது.
4. சமீபத்தில் உடலுறவு கொள்ளப்பட்ட அறிகுறி எதுவும் இல்லை.
5. கர்ப்பம் தரிக்கவில்லை.
6. Cervical swab சேகரிக்கப்பட்டுள்ளது.
7. வெஜனா ஓர் சுண்டு விரல் அளவு vagina விரிந்துள்ளது.”

6. The accused person was arrested by PW7 on 30.04.2022 at about 5 AM and he was sent for medical examination to PW4, who issued the certificate marked as Ex.P6. Thereafter, he was produced before the concerned court and remanded to judicial custody.

7. PW7 took steps to record the statement of the victim girl and the headmaster under Section 164 of CrPC.

8. The material collected from the victim girl and the accused person was sent for chemical analysis and the report was received



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(Ex.P12 to Ex.P14).

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9. On completion of recording the statements of the witnesses and on collecting all the relevant materials and reports, the final report was filed before the Special Court.

10. The Special Court framed charges against the accused person for offences under Section 7 read with Section 8 of the POCSO Act, Section 5(l) read with Section 6 of the POCSO Act, Section 5(n) read with Section 6 of the POCSO Act, Section 3 read with Section 4(2) of the POCSO Act and Section 506(i) of IPC. The accused person denied the charges.

11. The prosecution examined PW1 to PW7 and marked Exhibits P1 to P14.

12. The incriminating evidence and circumstances was put to the accused person while he was questioned under Section 313(1)(b) of CrPC and he denied the same as false.



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13. The accused did not examine any witnesses nor did he rely upon any documents.

14. The trial court, on considering the facts and circumstances of the case and on appreciation of evidence, reached the finding that the prosecution has made out a case and laid the foundational facts under Sections 29 and 30 of the POCSO Act and that the accused person has not rebutted the legal presumption. Accordingly, the accused person was convicted and sentenced in the manner stated supra. Aggrieved by the same, the present appeal has been filed before this Court.

15. This Court has carefully considered the submissions made on either side and the materials available on record.

16. The victim girl was examined as PW1. Her date of birth is 21.08.2007 and this was established by marking Ex.P11. At the time of occurrence, she was hardly aged about 14 years and was studying in 9th standard. The trial court, after assessing the capability of the victim girl to understand the questions that were put to her and to answer the same in an intelligible manner, proceeded to record the evidence of PW1. The victim girl identified the accused person, who is none other than her



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father. She explained the manner in which the accused person sexually abused her and committed penetrative sexual assault. She also spoke about the threat exerted by the accused person, stating that she must not reveal this to anyone. The victim girl speaks about the letters that were written by her about the incident, which were marked as Exhibits P1 and P2. She originally intended to give it to her mother, but ultimately it reached the hands of the headmaster of the school. The mother was summoned to the school and she was informed about the offence perpetrated by the accused person.

17. The evidence of PW1 is cogent and clear and her evidence has not been discredited in the cross-examination.

18. PW2 is the mother of the victim girl. She admits the fact that she only gave the complaint to the police against the accused person. She also talks about going to the school after being called by the headmaster and the headmaster handing over the letters written by the victim girl. Unfortunately, she refused to speak anything more than that and hence was treated as a hostile witness. Even though PW2 was treated as hostile witness, the fact remains that she was called by the school headmaster and she was shown the letters written by the victim girl and she also



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admits giving the complaint to the police. To that extent, her evidence corroborates the evidence of PW1.

19. The next witness is PW5, who is the doctor who examined the victim girl. The evidence of the doctor and the report marked as Ex.P7 may not reveal that there was penetrative sexual assault committed against the victim girl, since the hymen was intact and no apparent injuries were traced. However, PW5 had clearly stated that she cannot rule out the fact that the victim girl was subjected to sexual assault by the accused person.

20. The learned counsel for the appellant submitted that except for the evidence of PW1, there is absolutely no material to conclude that the appellant had committed aggravated penetrative sexual assault on the victim girl.

21. It is now too well settled that in a case of sexual violence, it is not necessary for the courts to go in search of corroboration when the evidence of the victim girl is believable.



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22. There was no need for the victim girl, who is none other than the daughter of the accused person, to make false allegations against him. She was hardly aged 14 years when the incident took place. Unfortunately, PW2, who is the mother, instead of supporting the daughter, had turned hostile. However, as stated supra, her evidence actually corroborates the evidence of PW1.

23. The amount of mental trauma undergone by the victim girl is able to be seen from the letters written by her, which were marked as Exhibits P1 and P2. On reading these documents, it is quite clear that the accused person had, in fact, committed sexual assault and penetrative sexual assault on the victim girl and the victim girl describes about the pain undergone by her due to the act perpetrated by the accused person.

24. The age of the victim girl has also been established through Ex.P11.

25. The trial court has properly appreciated the entire evidence and had reached the conclusion that the victim girl was subjected to penetrative sexual assault. The said finding does not suffer from any illegality or perversity.



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26. The foundational facts were clearly laid down by the prosecution and as a result, the legal presumption under Sections 29 and 30 of the POCSO Act came into play. However, the accused person has not rebutted the presumption. In the case in hand, the prosecution has actually proved the case beyond reasonable doubts.

27. In the light of the above, this Court does not find any ground to interfere with the judgment passed by the Special Court for POCSO Act cases, Virudhunagar District at Srivilliputhur in Special S.C.No.144 of 2022, dated 10.01.2023 and hence, the same is hereby confirmed and this criminal appeal stands dismissed.

[N.A.V., J.] [K.K.R.K., J.]
23.03.2026

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
PKN



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To

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- 1.The Special Court for POCSO Act cases,
Virudhunagar District at Srivilliputhur.
- 2.The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar, Virudhunagar District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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