



Crl. A(MD)No.614 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.06.2026

CORAM:

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

Crl. A. (MD) No.614 of 2025

Sam Rohith

: Appellant(s)

Vs.

State Represented by
The Inspector of Police
AWPS - Dindigul,
Dindigul District.
Crime No.8 of 2023

: Respondent(s)

PRAYER: Criminal Appeal is filed under Section 374(2) of the Code of Criminal Procedure, to call for records in Special S.C.No.263 of 2023 dated 22.10.2024 passed by the learned Special Court (POCSO Act Cases), Dindigul, and to set aside the same and consequently acquit the appellant.

For Appellants
For Respondent

: Mr.P.Manikandan
: Mr.C.Christopher
Counsel for State of TN
(Crl.Side)



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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 accused has assailed the judgment and order passed by the learned Sessions Judge, Special Court (POCSO Act Cases), Dindigul, made in Special S.C. No. 263 of 2023, dated 22.10.2024, wherein he was convicted for offence under Section 5(l), 5(j)(ii) read with Section 6 of “the Protection of Children from Sexual Offences (POCSO) Act, 2012”, (for brevity, hereinafter referred to as the “Act”) and was sentenced to undergo life imprisonment and to pay a fine of Rs.1 lakh and in default, to undergo one year simple imprisonment.

2. The case of the prosecution is that the victim girl is a minor who was born on 29.03.2008. She was studying in 10th Standard. During 2022, the accused person is said to have called the victim girl over phone and asked her to come to a remote place. He is said to have committed penetrative sexual assault on the victim girl. He repeated the same act even subsequently. The victim girl became sick and therefore she was taken to the hospital on 24.04.2023, at which point of time, it came to



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light that she was pregnant. At Dindigul Government Medical College and Hospital, the victim girl was admitted and on 29.04.2023 at about 7.05 PM, based on consent given, the foetus was aborted and the Products of Conception was retrieved and sent to the Forensic Science Laboratory for paternity testing.

3. PW17, who is the Sub Inspector of Police at All Women Police Station, Dindigul, received information from the Government Hospital and the statement of the victim girl and her mother PW1 was taken, based on which FIR (Exhibit P15) came to be registered in Crime No. 8 of 2023 for offence under Section 5(l), 5(j)(ii) read with Section 6 of the Act.

4. The investigation was taken over by PW18, who recorded the statements of the victim girl and her mother under Section 161(3) of Cr.P.C. The Investigation Officer went to the scene of crime on 25.04.2023 at about 20.00 hours and prepared Observation Mahazar (Exhibit P16) and Rough Sketch (Exhibit P17).



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5. The accused person was arrested next day, at 4.00 AM. After subjecting him to potency test done by PW14, medical certificate (Exhibit P13) was issued. The accused person was remanded to judicial custody.

6. The Investigation Officer recorded the statements of the witnesses under Section 161(3) of Cr.P.C. Steps were also taken to record the statement of the victim girl under Section 164(5) of Cr.P.C. (Exhibit P3). The victim girl was also subjected to medical examination and the certificate was issued by PW10 (Exhibit P7).

7. The Investigation Officer collected the relevant reports, which includes the DNA report (Exhibit P18) and on completion of investigation, the police report came to be filed before the trial Court.

8. The copies were served under Section 207 of Cr.P.C. to the accused person and charges were framed for offence under Section 5(l), 5(j)(ii) read with Section 6 of the Act.



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9. The prosecution examined PW1 to PW21 and marked Exhibits P1 to P18.

10. The incriminating circumstances and evidence was put to the accused person when he was questioned under Section 313(i)(b) of Cr.P.C. and he denied the same as false.

11. The accused did not examine any witnesses nor relied upon any documents.

12. The trial court, on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to the conclusion that the prosecution has established the case against the accused person and accordingly convicted and sentenced him in the manner stated supra.

13. Aggrieved by the same, the present appeal has been filed before this Court.



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14. The appellant moved Crl.M.P.(MD). No. 8395 of 2025 before this Court seeking for suspension of sentence and the matter came up for hearing on 20.04.2026. Upon hearing both sides, this Court passed the following order:

“This petition has been filed seeking for suspension of sentence imposed on the petitioner in the judgment made in Spl.S.C. No. 263 of 2023, dated 22.10.2024, passed by the Special Court (POCSO Act cases), Dindigul and to enlarge the petitioner on bail.

2. Heard the learned counsel on either side.

3. The petitioner was convicted and sentenced by the Special Court (POCSO Act Cases), Dindigul, made in Spl.S.C. No. 263 of 2023, by judgment dated 22.10.2024, for the offence under Section 6 of the POCSO Act and sentenced to undergo life imprisonment and to pay a fine of Rs. 1,00,000/- in default to undergo one year simple imprisonment.

4. The petitioner had earlier filed a petition for suspension of sentence in Crl.M.P.(MD).No.6725 of 2025 and this petition came to be dismissed as withdrawn by this Court by an order dated 27.01.2026. This is the second petition seeking for the very same relief.



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5. *When the matter came up for hearing, the learned counsel appearing for the petitioner / appellant submitted that the petitioner and the victim girl are related and that they had a love affair and now that the victim girl has crossed 18 years, both the families have decided to get the petitioner married to the victim girl. The learned counsel further submitted that the victim girl and her parents are also present before the Court.*

6. *In the light of the above submission, we enquired the victim girl and her parents. The victim girl stated that she had a love affair with the petitioner. The parents stated that the petitioner is related and that they are willing to get their daughter married to the petitioner.*

7. *In our considered view, since the relationship between the petitioner and the victim girl is not in dispute and it is not within the prohibited degree and the parents of the victim girl want their daughter to get married to the petitioner and considering the age of the petitioner and also considering the fact that he has undergone sentence from 22.10.2024 onwards, we are inclined to suspend the sentence and accordingly, the Criminal Miscellaneous Petition is*



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allowed, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Special Curt (POCSO) Act Cases, Dindigul.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

8. Registry is directed to list the main appeal under the caption “For Orders” on 27.04.2026. On that day, the petitioner along his parents and the victim girl along with her parents shall be present before the Court. In the mean time, Registry is directed to make the paper book ready.”

15. Pursuant to the above order, the matter was again listed for hearing on 27.07.2026 and the following order came to be passed by this Court:

“Pursuant to the earlier order passed on 20.04.2026, the boy and his father were present before the Court. The father stated that already arrangements are being made to



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get the boy married to the victim girl. The mother of the victim girl was also present. She also stated that arrangements are being made to fix a date for the marriage.

2. In view of the above, post this case under the caption 'for orders' on 17.06.2026."

16. When the matter was taken up for hearing today, it was brought to the notice of this Court that the accused person and the victim girl got married on 28.05.2026 at St. Antony's Church, Muthalagupatti, Dindigul District. The extract from the Register of Marriages was also placed before this Court. The accused person was present along with his father and the victim girl was present along with her mother. They confirmed the fact that the marriage has taken place with the consent of both parties and their families and that the victim girl has turned a new leaf in her life and she is living with the appellant and his family.

17. As observed in the earlier order passed on 20.04.2026, it is seen that there was a love affair between the appellant and the victim and this has now fructified into a marriage.



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18. In the light of this development, no useful purpose will be served in continuing the prosecution against the appellant. This is a fit case where this Court can invoke its jurisdiction under Section 528 of BNSS and compound the offence. Even in non-compoundable offence, it can be compounded in extraordinary cases. Useful reference can be made to the judgment of the Apex Court in ***Prabhatbhai Aahir & Ors., v. State of Gujarat and Ors.***, reported in (2018) 1 MLJ (Cr.) 262. This jurisdiction can be exercised even post conviction. Useful reference can also be made to the judgment of the Apex Court in ***Ramgopal & Ors., v. The State of Madhya Pradesh***, reported in 2021 (6) CTC 240.

19. In view of the above, this Court is inclined to exercise its jurisdiction under Section 528 of BNSS and the conviction and sentence imposed against the appellant in Special S.C.No.263 of 2023, dated 22.10.2024, passed by the learned Special Court (POCSO Act Cases), Dindigul, is hereby set aside and the entire criminal proceedings stand quashed.



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20. Accordingly, this criminal appeal stands allowed.

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[N.A.V., J.] [K.K.R.K., J.]
17.06.2026

Index : No
Internet : Yes
Neutral Citation : Yes
PKN

To

1.The Special Court (POCSO Act Cases), Dindigul.

2.The Inspector of Police
AWPS - Dindigul,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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