



CRL OP(MD). No.10707 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.06.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL OP(MD)No.10707 of 2026

in

CrI.A(MD)SR.No.22395 of 2026

State of Tamil Nadu Rep. by
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.

... Petitioner

Vs

Mutheeswaran

... Respondent

Petition filed under Section 419(4) of BNSS 2023, to grant leave to file an appeal before this Court against the judgment of acquittal passed by the Learned Special court for Exclusive Trial of cases under POCSO Act, Theni, in Spl.S.C. No. 86 of 2023 dt. 28.08.2025.

For Petitioner : Mr.A.Robinson,
Counsel for State of Tamil Nadu (CrI. Side)
For Respondent : Mr.Vijaya Prabhakaran



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ORDER

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The State has preferred a criminal appeal as against the Judgment of acquittal passed by the Special Court for Exclusive Trial of cases under POCSO Act, Theni, in Spl.S.C. No. 86 of 2023 dated 28.08.2025.

2. The respondent herein was prosecuted in connection with a case in Crime No.2 of 2022 for the offence punishable under Sections 341, 506(i) and 376(3) IPC and Sections 3 r/w. 4(2) of POCSO Act. The final report was filed before the Special court for Exclusive Trial of cases under POCSO Act, Theni and the same was taken on file in Spl.S.C.No. 86 of 2023. In conclusion of trial, the trial Court, by its Judgment dated 28.08.2025, acquitted the respondent/accused from the charges. Challenging the same, the State has preferred a criminal appeal and also filed this petition to grant leave for filing a criminal appeal.

3. The learned Counsel for State of Tamil Nadu (Crl. Side) submits that the trial Court has acquitted the accused/respondent only on the ground of delay. The victim was aged about 13 years at the time of occurrence. The occurrence had taken place on 11.12.2021. However,

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the complaint was lodged only on 16.01.2022. There was a delay of nearly one month in lodging the complaint. The reason assigned for the delay is that the mother of victim child was staying at Kerala and when she came to her village for Pongal festival on 15.01.2022, at that time, she noted down some difference in the activities of the victim child and she verified with the victim child and thereafter, she lodged the complaint. The victim child was produced before P.W.6-Doctor on 19.01.2022. The Doctor, who examined the victim child, noted down the hymen was not intact. However, the trial Court has acquitted the respondent/accused from the charges solely on the ground of delay.

4. Considering the said submission, this Court is inclined to allow this petition.

5. Accordingly, Leave is granted.

24.06.2026

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B.PUGALENDHI, J.

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