



Crl.A(MD)No.1129 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2026

CORAM:

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

**Crl.A(MD)No.1129 of 2025
and
Crl.M.P(MD)No.15211 of 2025**

D.Ravi

... Appellant/ Sole Accused

Vs.

The State rep. By
The Inspector of Police,
All Women Police Station,
Tirunelveli Town,
Tirunelveli District.
(Crime No.7 of 2017)

... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 372 (2) of Criminal Procedure Code, to call for the records in Spl.S.C.No.62 of 2019 dated



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22.06.2023 on the file of the Sessions Judge, Special Court for Trial of Cases under POCSO Act, Tirunelveli, and set aside the same and allow the Criminal Appeal.

For Appellant : M/s.W.Pamelin
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

JUDGMENT

(Judgment of the Court was delivered by R.POORNIMA, J.)

This Criminal Appeal is filed against the conviction and sentence passed against the appellant/accused in the judgment dated 22.06.2023 made in Spl.S.C.No.62 of 2019 on the file of the Special Court for Trial of Cases under POCSO Act, Tirunelveli, in which judgment, accused had been convicted for offences punishable under Section 506(i) IPC and Section 6 of POCSO Act and sentenced to undergo 6 months rigorous imprisonment for the offence under Section 506(i) IPC and to undergo life imprisonment and to pay a fine of



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Rs.50,000/- in default to undergo three years rigorous imprisonment for the offence under Section 6 of POCSO Act.

2. The case of the prosecution in brief is as follows :

(a) The complaint was lodged by one Uma (P.W.1), a neighbour of the victim with the following allegations :

She is a resident of Meenakshipuram, Annanagar in a rental house. The accused was occupying the house situated opposite to the house of the complainant along with the victim's child. When the complainant enquired about the victim girl, the accused informed that she was the daughter of his concubine. He further informed that the mother of the victim girl had died about one month back and therefore, he had brought the child to live with him. Every night, the complainant heard the victim girl raising an alarm. The next morning, when the complainant inquired the victim girl, the victim informed her that her father misbehaved with her and raped her. The same was recorded and therefore, she and other neighbours advised the victim girl to lodge a complaint with the police. However, the victim girl informed that if she



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lodge a complaint, the accused would kill her.

(b) On 22.10.2017 night, the victim girl came to the house of the complainant. The accused came there and quarrelled with the complainant and insisted that the victim girl be sent with him. Immediately, the owner of his house, Smt.Ponnukutty intervened and asked the accused to vacate the house immediately. The accused absconded from the place. Thereafter, the complainant took the victim girl to the All Women Police Station and lodge the complaint (Ex.P1).

(c) P.W.16 Tmt.Sathyavani Muthu, Inspector of Police, All Women Police Station, received the complaint (Ex.P1) and registered FIR (Ex.P28) in Crime No.7 of 2017 for the offences under Section 506(i) IPC and Section 6 of POCSO Act. She sent the FIR and complaint to the Court through the Constable and other copies to the higher officials. She enquired about the victim girl and recorded her statement. Thereafter, she sent the victim girl through a Grade-I Constable for medical examination.

(d) P.W.9 Dr.Kavitha Paranthaman, after examining the victim girl, issued an accident register (Ex.P10) in which it was stated that on



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enquiry, the victim girl informed that a known person had sexual intercourse with her by force and under threat that if she revealed the same to anybody, he would kill her. Her hymen is not intact.

(e) The investigation officer went to the place of occurrence and prepared observation mahazar (Ex.P29) and rough sketch (Ex.P30) and recorded the statement of important witnesses. She sent a requisition letter (Ex.P31) to the Chief Judicial Magistrate, to record the statement of the victim girl under Section 164 Cr.P.C. Based on the order (Ex.P32) issued by the Chief Judicial Magistrate, the statement of the victim girl was recorded.

(f) On 11.11.2017, she arrested the accused and also sent the accused for medical examination. The accused was examined by P.W.10 Dr.Prasanna, who opined that there is no evidence to say that he is impotent.

(g) On 01.12.2017, to ascertain the age of the victim girl, she sent a requisition letter (Ex.P33 and Ex.P34) to the Radiologist. She obtained a radiological report regarding age of the victim (Ex.P9) from P.W.8 Dr.Prince Jeba Anand and recorded his statement.



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(h) After investigation, she filed the final charge sheet against the accused for the offences under Section 506(1) IPC and Section 6 of the POCSO Act.

3. On receipt of the records, the Special Court for Trial of Cases under the POCSO Act, Tirunelveli, took up the case in Spl. S.C.No.62 of 2019 and issued a summons to the accused. After the appearance of the accused, copies of the entire records were furnished to him free of cost under Section 207 Cr.P.C.

4. The learned Session Judge framed charges against the accused under Section 506(1) IPC and Section 6 of the POCSO Act. The charges were read over and explained to the accused. The accused denied the charges and claimed to be tried. Therefore, the case was posted for trial.

5. On the side of the prosecution, P.W.1 to P.W.16 were examined and Ex.P1 to Ex.P36 were marked. Material Object M.O.1 was



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produced. On the side of the accused, neither oral evidence nor documentary evidence was marked.

6. On conclusion of trial, the learned Sessions Judge, Special Court for Trial of Cases under POCSO Act, Tirunelveli, convicted the accused by judgment dated 22.06.2023, against which, the present Criminal Appeal has been filed by the appellant/accused.

7. M/s.W.Pamelin, learned counsel appearing for the appellant assailing the judgment of conviction and sentence made the following submissions:

(i) The trial Court failed to take into consideration the fact that since no one was available to take care of the victim's child, the accused took her and treated her as his own child. Therefore, the victim girl, after the demise of her mother, without going to other relatives including her sister, came to live with him by stating that she will live only with the accused and hence, there is no possibility of sexual attack on the girl.

(ii) None of the relatives of the minor girl came forward to take



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the girl under their custody and she was kept only in the Children's home.

(iii) None of the witnesses who were residing close to the house where the Appellant and the girl were residing says anything about the alleged sexual harassment meted out to the girl.

(iv) The initial complaint lodged by P.W.1 and P.W.14 was suppressed.

(v) The trial Court failed to consider the chemical analysis report Ex.P13, it has been clearly stated that no Spermatozoa were detected on the smears on item no. 1. Semen was not detected in item no. 2, and also P.W.9, the Doctor stated that “there is no evidence to say that there is recent sexual intercourse”. Hence, the evidence of P.W.1 and P.W.14 fails and ought to have been rejected.

(vi) The investigating agency did not examine the close relatives of the victim girl. The birth certificate and transfer certificate were not obtained and the age of the victim was not properly examined and assessed by the investigating officer.

(vii) The prosecution failed to prove the case against the accused and hence, he prayed to set aside the judgment of the trial Court



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and to acquit the accused of all charges.

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8. The learned Additional Public Prosecutor appearing for the State contended that the victim girl who has been examined as P.W.14 clearly narrated the offence committed by the accused. Further, the statement of the victim girl recorded under Section 164 Cr.P.C., before the Judicial Magistrate, as well as her statement given before the Police, clearly speaks about the offence committed by the accused. There is no contradiction in the evidence and the same is supported by the medical evidence and records. The trial Court after considering the entire material available on record found that there was no enmity for the witnesses to falsely foist a case against the accused. Though the accused claimed that he is the guardian of the minor girl, but he sexually assaulted her. The trial Court properly appreciated the evidence and convicted the accused and therefore, there is no strong reason to set aside the order of the trial Court and the Criminal Appeal lacks merit and is liable to be dismissed.

9. Heard the learned counsel on either side and perused the



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materials available on record.

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10. On perusal of the records, it is seen that during the trial, P.W.1 who is the complainant, P.W.2, P.W.3, P.W.4, P.W.5 and P.W.6 who are all neighbours of the victim, had not supported the prosecution case. However, the victim alone has spoken in detail about the occurrence.

11. The victim girl was examined as P.W.14. During her chief examination, she stated that after the death of her father, she and her mother came to reside at Tirunelveli. She further stated that she has elder sister who is 15 years older than her. The accused was staying with her mother and they were living in a separate house at Meenakshipuram. The accused is a married man having a daughter. Since her sister disliked her mother living with the accused, she went to stay at her uncle's house. The victim alone was staying with her mother. The accused introduced himself to her mother stating that he would help her to get the widow's pension. At that time, the victim was studying upto 10th standard at Tirunelveli Middle School and her Date of Birth is 09.08.2001. The



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accused kept all her educational certificates in his custody due to which she was unable to continue her studies. Subsequently, her mother died. Thereafter, the accused took a house on rent and they came to Meenakshipuram. Even prior to the death of her mother, he tried to misbehave and therefore, she informed the same to her mother and her mother quarrelled with him. The victim was advised by her mother to address the accused as father. After the death of her mother, her sister came and attempted to admit her in hostel. However, as the victim believed that the accused was her father, she expressed her desire to continue staying with him. Subsequently, she attained puberty and the function was celebrated in his uncle's residence. The accused took her to his house and sent her to work in a mill. On one occasion, she sustained an injury and returned to the house. As she was suffering from sinus problem, the accused gave her some tablet stating that they were for sinus. After consuming the tablet, she fell asleep. When she woke up, she felt pain over her private part and all over the body. As she was having continuous headache, the accused asked her to consume tablet continuously. Subsequently, when she realised that the accused



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continuously misbehaved with her, on one occasion, she deliberately did not take the tablet and realised that the accused removed all his dresses, used condom and committed penetrative sexual assault. When she questioned his conduct, he threatened her that if she disclosed the same to anyone, he would kill her. Due to the continuous physical and sexual abuse, she used to cry every night in pain and repeatedly, pleaded him to leave her. Whenever he became angry, he assaulted her brutally by banging her head against the grinder and stamped on her private parts. Due to the pain and suffering caused by the accused, she used to cry frequently. On hearing her cries, the neighbour Usha questioned her as to why she was crying and consoled her. When the complainant enquired further and took care of her, she revealed the acts committed by the accused against her. After coming to know that she had disclosed the incident, the accused attacked her. Fearing for her safety, she left accused and went to stay in the house of the complainant. The accused subsequently came there and quarrelled with the complainant. The complainant informed the incident to the owner of the house and learning about the conduct of the accused, the house owner directed them to



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14. The complaint was lodged on 23.10.2017. As per the date of birth mentioned in the school records, the victim had not completed 18 years of age as on the date of the complaint. The victim girl clearly stated in her evidence that the accused had committed the offence four years prior to the date of the complaint, which would be from the year 2013 onwards. Therefore, it is evident that at the time of the occurrence also, the victim was a minor and had not attained the age of 18 years, and the accused had committed the offence against a minor girl under Section 6 of the POCSO Act.

15. Though P.W.1, the complainant, and the other witnesses did not support the case of the prosecution, it is not uncommon for witnesses to turn hostile due to fear of the accused or because they have been won over by him. However, in cases involving sexual offences, the evidence of the victim alone is sufficient to sustain a conviction, if it is found to be cogent and reliable.

16. In the present case, the accused is none other than the



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paramour of the victim's mother. It is also in evidence that the mother of the victim girl died due to ill-health. Taking advantage of the pathetic situation of the victim girl, who had lost her parents and was living without any support, the accused subjected her to aggravated sexual assault without her consent. Apart from that, he also attacked her, threatened her with dire consequences and thereby committed a serious offence. The prosecution, through the oral and documentary evidence, has proved the case against the accused beyond a reasonable doubt.

17. The trial Court, after appreciating the oral and documentary evidence in proper perspective, rightly found the accused guilty of the offences and convicted him accordingly. This Court finds no infirmity or illegality in the judgment of the trial Court. Hence, there is no merit in this criminal appeal and the same is liable to be dismissed.

18. In the result, this Criminal Appeal is dismissed and the Judgment dated 22.06.2023 passed in Spl.S.C.No.62 of 2019 on the file of the Special Court for Trial of Cases under POCSO Act, Tirunelveli, is



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hereby confirmed. Consequently, connected miscellaneous petition is closed.

**[G.K.I.J.,] & [R.P.J.,]
03.02.2026**

NCC :Yes/No
Index :Yes/No
Internet :Yes
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1.The Sessions Judge,
Special Court for Trial of Cases under POCSO Act,
Tirunelveli,

2.The Inspector of Police,
All Women Police Station,
Tirunelveli Town,
Tirunelveli District.

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



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AND

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