



CrI.A(MD)No.1173 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.02.2026

CORAM:

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

CrI.A(MD)No.1173 of 2025
and
CrI.M.P(MD).No.16103 of 2025

Arjunan

... Appellant

Vs.

State Represented by
The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

... Respondent

PRAYER: Criminal Appeal filed under Section 374 of the Criminal Procedure Code to call for the records pertaining to the order passed by the learned Sessions Judge, Fast Track Court Mahila, Sivagangai in S.C.No.52 of 2022 dated 08.03.2024 and set aside the same as illegal.

For Appellant : Mr.Mr.Sakthi Rao

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor



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JUDGMENT

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

This Criminal Appeal is filed against the conviction and sentence passed against the appellant/sole accused in the judgment dated 08.03.2024 passed by the learned Sessions Judge, Fast Track Court Mahila, Sivagangai, in S.C.No.52 of 2022 by convicting the appellant for the offence punishable under Section 452 of IPC and sentenced to undergo three years rigorous imprisonment and to pay a sum of Rs. 2000/- as fine in default, to undergo three months, under Section 354 of IPC and sentenced to undergo five years rigorous imprisonment and to pay a sum of Rs.3000/- as fine in default, to undergo three months and under Section 376(2)(1) of IPC and sentenced to undergo imprisonment for life and to pay a sum of Rs.5000/- as fine in default, to undergo six months Simple imprisonment.

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

The appellant, an electrician and father of two female children, came to Vempani Village on 07.07.2021 to perform electrical



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work. At that time, the victim girl, who is mentally disordered was alone in her house and her mother had gone to work, at 1:30 p.m., the appellant trespassed into the victim's house and locked the door and committed the penetrative sexual offence and also caused injuries to the victim's cheek, lips, and breast. Upon hearing the victim's cries, the neighbours, namely, Suresh, Mookan, Dinesh, and Muthusamy broke open the door and found the victim lying on the floor, with the appellant on top of her. The appellant was undressed and the victim girl dress are improper. The neighbours assaulted the appellant and the victim was taken to the hospital for treatment.

3. After recording the statement from the victim girl, FIR was registered by the respondent police in Crime No.337 of 2021 for the offences under Sections 452, 356 (2)(1) and 354 (A) of IPC. The investigating officer went to the place of occurrence and prepared a Mahazar (Ex.P3) and rough sketch (Ex.P.11) and in the presence of the witnesses, she questioned the victim girl recorded her statement and also recovered the victim's clothing.



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4. The identification card of the victim girl issued by the Government for the mentally disordered was marked as Ex.P5. Her statement was recorded under Section 164 of the Cr.P.C. through the special teacher, and the accused was also sent for a medical examination. P.W.17, Jeyarani, took up the case, enquired the witnesses recorded their statements and also obtained the forensic lab report and thereafter, filed the final report before the learned Sessions Judge, Fast Track Mahila Court as S.C.No.52 of 2022 for the offences under Sections 376(2)(1), 452, 354-A and 376 (E) IPC.

5. Dr.Rajeshwari, who stated that the semen was not intact and that the victim had injuries on her lips. She also certified that the victim was a deaf and dumb by birth. Additionally, Dr.Rajeshwari confirmed that the accused/appellant was not impotent.

6. On receipt of the records, the Judicial Magistrate, Melur, took up the case in P.R.C.No.3 of 2022 and issued summons to the accused. After appearance of the accused, copies of the entire records were furnished to him free of cost under Section 207 Cr.P.C.



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7. Since the offence was exclusively triable by the Sessions Court, the learned Judicial Magistrate committed the case records to the learned Sessions Judge, Fast Track Court Mahila, Sivagangai, under Section 209(A) Cr.P.C. for further action.

8. The learned learned Sessions Judge, Fast Track Court Mahila, Sivagangai, received the case records, numbered it as S.C.No.52 of 2022 and took up the case for disposal according to law. After receipt of the case records, the learned Sessions Judge, Fast Track Court Mahila, Sivagangai framed charges against the accused under Sections 452, 376(2)(1) and 354A of IPC. 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.

9. On the side of the prosecution, P.W.1 to P.W.17 were examined and Ex.P1 to Ex.P.15 were marked. Material Objects M.O.1 to M.O.8 were produced. On the side of the accused, no witness was examined.



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10. After a full trial, the trial Court convicted the accused for the offence punishable under Section 452 of IPC and sentenced to undergo three years rigorous imprisonment and to pay a sum of Rs.2000/- as fine in default, to undergo three months, under Section 354 of IPC and sentenced to undergo five years rigorous imprisonment and to pay a sum of Rs.3000/- as fine in default, to undergo three months and under Section 376(2)(1) of IPC and sentenced to undergo imprisonment for life and to pay a sum of Rs.5000/- in default, to undergo six months Simple imprisonment, against which, the present Criminal Appeal has been filed on the following among other grounds :-

(a) The learned trial Judge failed to consider that in the cross examination, P.W.2 has stated that there was a previous enmity between the complainant and the accused. Then how she find the narrative version, this witness purely untrustable and the trial Court failed to go on that aspect. The learned trial Judge failed to consider that the P.W.8/Doctor deposition there is no external injury on her private part and no semen found in her private part. The investigating officer has not conducted a proper enquiry from the appellant and defacto complainant having previous enmity doesn't disclose about that in their enquiry. The appellant undertakes and assures that he will neither tamper with any of



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the prosecution witnesses nor hamper the investigation. Hence, he prays this court to set aside the impugned order and allowed the present appeal.

11. The learned Additional Public Prosecutor on instructions submitted that the accused involved in similar offence in Crime No.183 of 2007 for the offence under Section 376 of IPC. He further stated that the victim girl, who is mentally disordered was alone in her house and her mother had gone to work at 1.30 p.m., the appellant trespassed into the victim's house and locked the door and committed the penetrative sexual offence and also caused injuries to the victim's cheek, lips, and breast. Upon hearing the victim's cries, the neighbours, namely, Suresh, Mookan, Dinesh, and Muthusamy broke open the door and found the victim lying on the floor, with the appellant on top of her. The appellant was undressed and the victim girl dress are improper. The neighbours assaulted the appellant and the victim was taken to the hospital for treatment.

12. He further stated that independent witnesses, namely P.W.2, P.W.3, and P.W.4, who were sitting outside the house, caught the accused red-handed. They clearly stated that after hearing some noise



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from inside the victim girl's house, they broke open the door and apprehended the appellant. Except for P.W.2, all the other witnesses were independent and had no prior enmity with the accused. Before the learned Judicial Magistrate, the victim girl also testified about the occurrence. The learned trial Court, after considering the oral and documentary evidence on record, rightly convicted the accused. Hence, he prayed for dismissal of the appeal.

13. Heard the learned counsel on either side and perused the materials available on record.

14. The victim girl, examined as P.W.15, is a mentally disordered person who is also deaf and dumb by birth. She was examined through an interpreter. Before the court, the victim conveyed details of the occurrence through actions, which were interpreted by the special teacher. She clearly identified the accused and stated that the appellant had trespassed into her house, slapped her and caused injuries to her lips and nose. The victim's statement was supported to the witnesses statement.



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15. P.W.1 is the mother of the victim girl has stated that on the date of the occurrence, she was working at a lake when she was informed of some problem to her daughter. She immediately rushed home. P.W.3, P.W.4, and P.W.5 stated that they heard some noise coming from her house and upon hearing this, they broke open the door and found the accused inside the house and committed the rape on the victim girl. Immediately, they took her to the hospital, where the doctor confirmed that the accused had committed the rape.

16. P.W.2 to P.W.4, clearly stated that on the date of the occurrence, they heard some noise coming from the victim girl's house. As a result, P.W.2 to P.W.4 broke open the door and found the victim girl lying on the floor and the accused sitting on top of her. They took the accused outside and upon inspecting the victim, they found that she had sustained injuries. The victim's evidence was supported by the evidence of P.W.2, P.W.3, and P.W.4.

17. P.W.8, the doctor who examined the victim girl and stated that she found injuries on her lips and confirmed that semen was not intact. She also sent a sample to the forensic lab and the report was



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received belatedly on 12.08.2021. The appellant failed to prove that there was any previous enmity and none of the witnesses mentioned any such enmity between the appellant's family and the victim girl's family. The medical records corroborated the statement of the witnesses.

18. The accused is aged about 52 years old and taking into consideration the inability of the victim girl, he committed this heinous offence.

19. The prosecution established the guilt of the accused beyond all reasonable doubt. The trial Court, after taking into consideration the materials available on record, held that the accused was guilty of the offence under Sections 452, 354 and 376(2)(1) of IPC.

20. The Judgement of the trial Court is proper and there is no strong ground available to interfere with the judgement rendered by the trial Court.

21. On careful perusal of entire records, we conclude that there is no material available to interfere with the judgment of the trial



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Court. The Criminal Appeal has no merit, and hence, the Criminal Appeal is liable to be dismissed.

22. Accordingly, the Criminal Appeal stands dismissed and the judgment passed in S.C.No.52 of 2022 on the file of the learned Sessions Judge, Fast Track Court Mahila, Sivagangai, dated 08.03.2024 is hereby confirmed. Consequently, connected miscellaneous petition is closed.

(G.K.I., J.) & (R.P., J.)

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Index : Yes / No
NCC : Yes / No
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To

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1. The Sessions Court,
Fast Track Court Mahila,
Sivagangai.
2. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J

AND
R.POORNIMA, J.

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Judgment in
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