



Crl.A.No.946 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2026

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CORAM :

The Hon'ble Mr.Justice N.SATHISH KUMAR

and

The Hon'ble Mr.Justice K.RAJASEKAR

Criminal Appeal No.946 of 2024

and

Crl.M.P.No.5853 of 2026

T.Thanaraj

.. Appellant

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Jayankondam,
Ariyalur District
(Crime No.08/2019)

.. Respondent

This Criminal appeal has been filed under Section 374(2) Cr.P.C. seeking to set aside the judgment dated 14.07.2022 in S.C.No.136 of 2019 on the file of the Sessions Court, Fast Track Mahila Court, Ariyalur and pass such other further or other orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case and thus render justice.

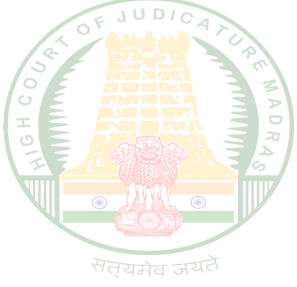
For Appellant

: Mr.A.Manoj Kumar
for Mr.T.Balachandran

For Respondent

: Mr.M.Mohamed Riyaz,
Government Advocate
(Criminal side)

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JUDGEMENT

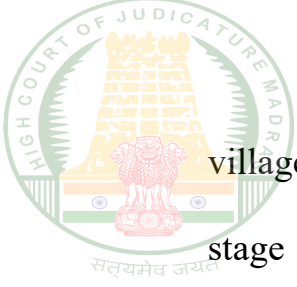
WEB COPY (Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the judgment of conviction and sentence, dated 14.07.2022 in S.C.No.136 of 2019 by the Sessions Court, Fast Track Mahila Court, Ariyalur, the accused has filed this criminal appeal. By the abovesaid judgment, the accused was convicted and sentenced to undergo imprisonment as stated below:

Conviction	Sentence
Section 366 of IPC	To undergo 10 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo one year simple imprisonment.
Section 376(2)(f) of IPC	to undergo life imprisonment and to pay a fine of Rs.25,000/-, in default to undergo three years simple imprisonment.
Section 354A(2) of IPC	To undergo three years rigorous imprisonment and to pay a fine of Rs.1000/-, in default to undergo three months simple imprisonment.
These sentences were ordered to run concurrently	

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

2.1.P.Ws.1 and 2 are wife and husband. The accused is also a relative of P.W.1. P.Ws.1 and 2 were looking for a bride for their elder son Soundarrajan. P.Ws.1 and 2 went to one Kasthuri's house at Manakedi

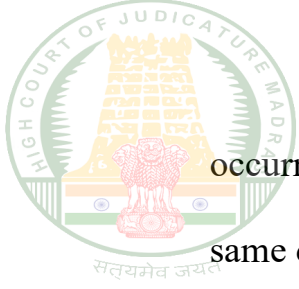


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village. The accused also accompanied them. Sine P.W.2 was in drunken stage at that time, P.W.1 and the accused told P.W.2 that if he comes in drunken stage, nobody will give bride to their son and asked him to stay in Kasthuri's house. After visiting P.W.5's house to see the bride, the accused told P.W.1 that still there are other two brides available and they can go and see the other two brides. Saying so, the accused took P.W.1 in his motorcycle. However, instead of taking P.W.1 to the place of bride, he took her to a nearby forest area and forcibly committed rape on her. Besides, he also inserted his penis into her mouth and he was harassing her. Later, the accused had left her in Manakedi bus stand. At that time, P.W.2 came there in search of her and P.W.1 was weeping. P.W.1 informed about the incident to P.W.2. P.W.1, on the next day, had lodged a complaint Ex.P.1 to the police station and M.Os.1 to 3, namely the dresses worn by her at the relevant point of time, was handed over by her in the police station.

2.2.P.W.3, who is the resident of Vadakadal village, has come to Manakedi bus stand on the date of occurrence. He does not know both the accused and P.W.1. He has also seen P.W.1 weeping in the bus stand and on enquiry, he was informed about the occurrence. P.W.4 is also a relative of the P.W.1 and he has also heard about the occurrence. He has stated that the villagers caught hold of the accused and they informed the

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occurrence to the police and handed over the accused to the police on the same day.

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2.3.P.W.5 has stated that he knows the accused and on 14.06.2019 at about 03.00 p.m., the accused along with one lady have come to his house to see his daughter and thereafter they left the house. P.W.9 has also seen that the accused was caught hold by the villagers on the same day. P.W.10, the medical officer attached to Jayankondam government hospital, has examined P.W.1 on 15.06.2019 and found that there was no external injury on her. Further, she has issued Ex.P.6 opinion that she was subjected to sexual intercourse. P.W.11, doctor attached to Jayankondam government hospital, examined the accused and has issued Ex.P.8 opinion indicating that he is potent.

2.4.P.W.12, the Inspector of Police, after receipt of first information report Ex.P.10, which was registered on 15.06.2019 under sections 363, 366, 376, 354(A)(2) and 506(1) of IPC, took up the investigation and went to the place of occurrence. He prepared the observation mahazar Ex.P.5 and prepared rough sketch Ex.P.11 and thereafter, sent the victim to the government hospital for examination. Thereafter, he arrested the accused on the same day in the presence of P.W.6 Sampath and recorded the confession statement of the accused and seized the motor cycle and recovered the material objects, namely dresses worn by the accused. The



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accused was sent to the government hospital for medical examination.

P.W.12 recorded the statements of witnesses and after completing the investigation, he has filed the final report against the accused under sections 363, 366, 376, 354(A) and 506(i) of IPC..

3.After the filing of the final report by the investigating officer, on appearance of the accused, the provisions of Section 207 Cr.P.C. were complied with and the case was committed to the Court of Sessions in S.C.No.136 of 2019 for trial.

4.The accused was charged under sections 362, 366, 376(2)(f), 506(ii) and 354A(2) IPC. To prove the case, the prosecution has examined 12 witnesses, namely P.W.1 to P.W.12 and marked 12 documents, namely Ex.P.1 to Ex.P.12 and 8 material objects were marked as M.O.1 to M.O.8 and further, one court document was marked as C.O.1.

5.On completion of the evidence on the side of the prosecution, the accused was questioned under section 313 Cr.P.C. as to the incriminating circumstances found against him in the evidence adduced by the prosecution witnesses. He denied all the incriminating circumstances as false. On the side of the defence, no evidence was recorded and no documents were marked.



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6.The trial Court, after appreciating the oral and documentary evidence and materials on record, by judgment dated 14.07.2022, found the accused guilty of the offences and he was convicted and sentenced, as stated above. Challenging the same, the present criminal appeal has been preferred.

7.The learned counsel for the appellant has contended that the prosecution case is shrouded with doubt and no such incident had happened. The medical evidence rules out the case of rape. Further, it was contended that the first information report was filed belatedly and that due to some family dispute, a false case has been foisted against the accused. The learned counsel has further submitted that the medical evidence does not even show any external injury and therefore, the alleged forcible rape by the accused has been ruled out. Hence, the learned counsel submitted that the entire case of prosecution cannot be believed.

8.The learned Government Advocate (Criminal side) would submit that P.W.1 is a rustic women. Though the accused is close relative to P.W.1, there was no reason for her to implicate him unnecessarily in the case. The accused and P.Ws.1 and 2 went to the house of P.W.5 looking for a bride for P.W.1's son. Such being the scenario, there was no reason for P.W.1 to implicate him unnecessarily. The sequence of events placed



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on record clearly prove the factum of rape. Therefore, merely because external injury was not found on the body of the victim, the same is not germane, particularly when in the sexual offence, if the victim's evidence inspires the confidence of the court, the sole testimony of her itself is sufficient to convict the accused. Hence, the learned Government Advocate submitted that the trial court is right in convicting the accused.

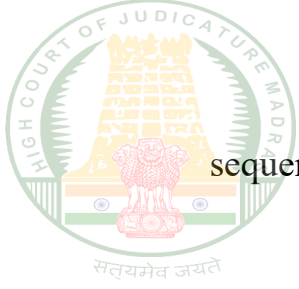
9.We have considered the submissions made by both sides and perused the entire materials available on record.

10.As far as the charge under section 375 of IPC, normally, if the sole testimony of the victim inspires the confidence of the court and does not suffer from any artificiality or is not result of any deliberation, the court will normally lean in favour of accepting such evidence. P.W.1 in her evidence has stated that the accused is a relative of P.W.1. P.Ws.1 and 2 and the accused went to the house of P.W.5 on 14.06.2019 to see the bride for P.W.1's son. When proceeding to the house of P.W.5 through the house of one Kasthuri, who is another relative of P.W.1, since P.W.2 was fully drunken, the accused and P.W.1 asked P.W.2 to not to come to see the bride saying that if you come, they will not give the bride. Therefore, P.W.2 stayed in a particular area. After visiting P.W.5's house, the accused



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took P.W.1 to some other place in his bike under the pretext of showing other two brides. But instead of going to brides' place, the accused took her to a nearby forest area and forcibly committed rape. The evidence of P.W.1 is that despite pleading that she is elderly woman and the accused being the close relative like son-in-law, the accused forced her to succumb to his pleasure and in fact inserted his penis in her mouth and kept her under fear for more than an hour. Thereafter, the accused had dropped and left her in the bus stand. At that time, P.W.2 came to the bus stand in search of her. P.W.3 who is in no way connected to the family and who is an independent witness, has seen P.W.1 in the bus stand in the evening hours, particularly as she was weeping and when he enquired, he was informed about the incident. P.W.4 is an another relative of P.W.1 and he was also informed about the incident immediately and his evidence also clearly shows that the villagers have caught hold of the accused on the same day and handed over him to the police. It is relevant to note that there was no motive whatsoever for the P.W.3 to speak against the accused. He is an independent witness and he is no way connected either to P.W.1 or the accused. When the fact remains that he has seen P.W.1 was weeping in the bus stand in the evening hours, on enquiry, he was informed about the incident. P.W.2 also was in search of his wife and came to the bus stand and he was also informed about the incident. The



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sequence of facts clearly shows that the occurrence has in fact occurred.

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11.It is relevant to note that the accused and P.W.1 came to the house of P.W.5 and asked for bride for the son of P.W.1. However, P.W.5 informed them that at present, he has no wherewithal and therefore, he is not interested for the marriage of her daughter. Thereafter, they left the house of P.W.5. It is further relevant to note that before going to P.W.5's house, since P.W.2 was in drunken stage, he was asked to stay in one Kasthuri's house. Therefore, the sequence of incidents narrated clearly indicates that the accused, in fact, under the pretext of showing other brides, was taking P.W.1 to a nearby forest area and had committed rape. The evidence of P.W.1 clearly shows that despite her pleading, the accused forcibly inserted his penis in her mouth and had committed the sexual assault. Though the medical evidence does not show any external injury, but the fact remains is that considering the nature of the place where the occurrence took place, some times, the injuries may happen or may not happen. Therefore, merely because external injury is not found, it cannot be presumed that there is no such act committed by the accused.

12.It is further to be noted that admittedly, P.W.1 and the accused accompanied together and in fact, they went together to see the bride in

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the house of P.W.5. There was no motive for P.W.1 to falsely implicate the accused since it was the accused who had accompanied her to show the bride. If such incident had not happened, there was no need for P.W.1 to unnecessarily implicate her close relative in the crime. Further, the presence of P.W.1 in the evening hours in the bus stand, after the incident, has been spoken to by P.Ws.2 and 3. The evidence of P.Ws.1 to 3 corroborate with each other to the fact that P.W.1 was left alone by the accused after committing the offence of rape. Therefore, merely because the doctor's evidence does not indicate any external injury on the victim, that cannot be a ground to hold that there was no such incident. P.W.1 is a rustic woman and in fact, she has clearly admitted that due to night hours, she could not go to the police station and in the earlier hours on next day, she went to the police station and narrated the incident. Her evidence would also indicate that the complaint was written by the police personnel and that she has put her finger impression in the complaint and therefore, this would indicate that she is a rustic women and the possibility of fixing the accused cannot be inferred. Further, there was no motive whatsoever for her to falsely implicate the accused. Therefore, as far as the sexual offence is concerned, once the solitary evidence of the victim of the crime inspires the confidence of the court, the same itself is sufficient to base the conviction. Therefore, the act of the accused would



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definitely fall within the ambit of section 375 of IPC, even assuming that there was no external injury, even the semen was not detected in the vagina part would attract the offence under section 375. Further, the penetration of the penis itself is not the lone criteria, even the insertion of penis in the mouth would also come within the ambit of rape under section 375 IPC. Therefore, we are of the view that the contention of the appellant in this regard cannot be countenanced.

13.As far as the charge of abduction under section 366 IPC, though P.W.1 accompanied the accused in his bike, in fact, it was the accused who has taken her under the pretext of showing some other brides for her son. While on the way, the accused suddenly took her to a nearby forest area. This would indicate that the accused has taken P.W.1 without her consent, only with an intention to have a sexual intercourse with her by force. Such an act of conveying a person under a false pretext and taking her to the forest area with an intention to have forcible sex would certainly attract the offence under section 366 IPC. In such view of the matter, we are of the view that the findings of the trial court with regard to section 366 of IPC cannot be found fault with.

14.Considering the nature of the matter, we are of the view that both P.W.1 and the accused are close relatives and except this one incident of satisfying his sexual pleasure, he has not taken any advantage

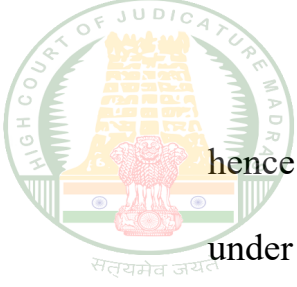


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at the earlier point of time. Further, there is no evidence to show that the accused was in a position of trust or authority towards P.W.1. Therefore,

in the absence of any evidence to show that the accused was holding trust or authority towards P.W.1, the offence under section 376(2)(f) of IPC will not be attracted and therefore, we are of the view that at the most, the offence would fall within the ambit of section 376(1) of IPC, for which the minimum period of sentence of imprisonment is ten years. In the light of the discussion as above, the conviction of the accused/appellant under section 376(2)(f) is altered into one of Section 376(1) of IPC. Further, considering the facts and circumstances of the case, the imposition of minimum period of sentence of ten years would serve the ends of justice.

Accordingly, the conviction awarded under section 376(2)(f) IPC is altered to section 376(1) IPC and the appellant/accused is sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.25,000/- and in default to undergo three years simple imprisonment for the offence under section 376(1) IPC. The conviction and sentence imposed under section 366 IPC are confirmed. As far as the conviction and sentence for the offence under section 354A(2) of IPC, this court is of the view that in the light of the fact that the accused was found guilty and major punishments were already imposed, the further punishment imposed in respect of offence under section 354A(2) of IPC is not warranted and



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hence the conviction and sentence imposed on the appellant/accused under section 354A(2) of IPC shall stand set aside. The accused/appellant shall run the sentences imposed under sections 376(1) and 366 of IPC concurrently. Accordingly, this criminal appeal is partly allowed. Consequently, connected miscellaneous petition is closed.

(N.S.K., J.) (K.R.S., J.)
01.09.2026

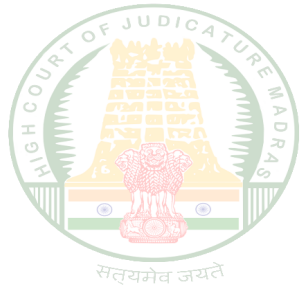
Index : Yes
Speaking Order
Neutral Citation : Yes
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To

1.The Sessions Court,
Fast Track Magalir Court,
Ariyalur.

2.The Inspector of Police,
All Women Police Station,
Jayankondam,
Ariyalur District
(Crime No.08/2019)

3.The Public Prosecutor,
Madras High Court, Chennai.



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and
K.RAJASEKAR, J.

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