



BEFORE THE SESSIONS DIVISION OF RANIPET DISTRICT.

PRESENT: Tmt.V. Thenmozhe, B.Sc.,M.L.,
Principal District and Sessions Judge,
Ranipet.

Wednesday, the 01st day of July, 2026

Special Sessions Case No.108 of 2025

CNR No.TNRP01-001453-2025

Name of the Complainant	The Inspector of Police, Avalur Police Station, in Cr.No. 125 of 2025
Names of the Accused	Ilango, aged 22 years, S/o Ganapathi, No. 60, Sathur Village, Perumpulipakkam Village, Nemili Taluk, Ranipet District.
Charges of Prosecution	
Sections 5(l),(j)(ii) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012, Section 9 of Prohibition of Child Marriage Act, 2006 and Sections 332(b), 87 of The Bharatiya Nyaya Sanhita, 2023.	
Charges framed by the Court	
First Charge	Section 332(b) of The Bharatiya Nyaya Sanhita, 2023 (Punishment for Trespassing into the house)
Second Charge	Section 5(1),(j)(ii) r/w 6(1) of Protection of Children from Sexual

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	Offences Act, 2012 (committed aggravated penetrative sexual assault on the child more than once or repeatedly and made the child pregnant)
Third Charge	Section 87 of The Bharatiya Nyaya Sanhita, 2023 (Punishment for abduction of a child with intention to commit sexual assault)
Fourth Charge	Section 9 of Prohibition of Child Marriage Act. (Punishment for marrying a child)
Plea of the accused	Not guilty
Finding of the Judge	Accused found not guilty.
Court Order	
<i>In the result, the accused found not guilty for the offences u/s. 332(b), 87 of The Bharatiya Nyaya Sanhita 2023, Sections 5(1),(j)(ii) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 and acquitted u/s.258(1) of BNSS.</i> <i>(ii) There is no case properties involved in this case, Hence no orders passed.</i>	

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Particulars under Rule 106 of Criminal Rules of Practice, 2019

1.	Name of the Police Station and the Crime Number	The Inspector of Police, Avalur Police Station, in Cr.No.125 of 2025
2.	Name of the Accused and his details	Ilango, aged 22 years, S/o Ganapathi, No. 60, Sathur Village, Perumpulipakkam Village, Nemili Taluk, Ranipet District.
3.	The date of Complaint	03.04.2025 at Avalur Police Station.
4.	The date of Apprehension of the accused	Appeared u/s 35(3) and (4) BNSS Notice
5.	The date of Release on bail	----
6.	The date of Commitment	----
7.	The date of Commencement of Trial	06.03.2026
8.	The date of Closure of Trial	11.03.2026
9.	The date of Sentence or Order	01.07.2026
10.	Service of copy of Judgment of finding on accused	Served
11.	Explanation of delay	Nil

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Details of Case Summary

12.	The date of filing of the Complaint	03.04.2025 at Avalur Police Station.
13.	The period of Remand of the Accused	----
14.	The date of filing of the Police Report in the Court	06.05.2025
15.	The date of committal of the case	----
18.	The date of questioning the accused u/s 251 of BNSS	25.09.2025
19.	The filing of all miscellaneous petitions and their result including the results on challenge before Superior Courts, except routine petitions like petition u/s 355 of BNSS	----
20.	The date of examination of the accused u/s 351(B) of BNSS	24.03.2026
21.	Details of abscondence of the accused	----
22.	Grant of stay	----

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Date of Examination of Witnesses

Witness Name	Chief	Cross
P.W.1 / Victim Girl	06.03.2026	06.03.2026
P.W.2 / Thiru. Mohan	06.03.2026	06.03.2026
P.W.3 / Tmt. Vijayalakshmi Inspector of Police	11.03.2026	11.03.2026

This Special Sessions Case was taken on file on 05.06.2025 and coming before this Court for final hearing on 16.06.2026 in the presence of Thiru A.M. Sankar, Public Prosecutor for State and Thiru K.M. Madhavan, Counsel for the Accused, on hearing the arguments of both sides, upon perusing the entire case records, after due consideration, this Court delivers the following

JUDGMENT

Final Report :-

1) The victim child is born on 25.05.2008 aged about 17 years and that on 10.08.2024 at about 11.00 a.m. the accused trespassed into the victim child's house situated within the jurisdiction of Avalur Police Station, Valli Street, Perupulipakkam Village, Nemili

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Taluk, with intention of having sexual intercourse with her, knowing well that she is not attained the age of 18 and on the same day and on several days at the same place and another rental house the accused has forcibly committed the aggravated penetrative sexual assault repeatedly on the minor victim child against her will and made the victim child pregnant consequently on 09.12.2024 at 05.00 a.m. the accused abducted the victim child from her guardian to Sivan Temple, Panapakkam and married her and thereby the accused has committed the offences punishable u/s. 332(b), 87 of The Bharatiya Nyaya Sanhita, 2023, Sections 5(l),(j)(ii) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006.

Issuing copies and conducting Enquiry under Section 230 of

BNSS:-

2) The present case was taken on file as Special Sessions Case No.108 of 2025 before this Court. Subsequently, when the accused

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appeared before this Court, copies of the documents were furnished to him at free of cost under Section 230 of BNSS and the trial was conducted.

Details of Charges framed against the Accused :-

3) On the appearance of the accused on 25.09.2025, on hearing the arguments of both sides and upon consideration of the documents on record, this court, being satisfied that a prima facie case was made out against the accused, framed charges under u/s. 332(b), 87 of The Bharatiya Nyaya Sanhita, 2023, Sections 5(l),(j)(ii) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 against the accused, read over and explained the charges and when questioned, the accused replied that he is not guilty of the offences and claimed to be tried. Therefore, the case was posted for trial.

Prosecution Evidence, Exhibits and Material Objects :-

4) Although a total number of 12 witnesses were listed on behalf of the prosecution to substantiate the charges against the

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accused, only three witnesses were examined as P.W.1 to P.W.3 and Ex.P1 to P10 were marked. No material object was marked on the side of prosecution.

Brief case of the Prosecution from the evidence of witnesses is as follows :-

5. 1) P.W.1 victim child deposed that she studied upto 12th standard, the accused is her husband, her date of birth is 25.05.2006 but her date of birth was wrongly mentioned in her school documents. After completion of 18 years she and the accused married and lived together as husband and wife and a male child was born as a result of that marriage, the accused did not kidnap her and not misbehaved with her prior to the marriage. After marriage she became pregnant and went to Vellore Government Hospital for medical checkup, there, the Avalur Police obtained her signature in a white paper. The signature found in the complaint statement is her signature and the signature is marked as Ex.P.1, she did not know the contents of the complaint statement. Ex.P.2 is the statement given by her before the learned

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Judicial Magistrate, No.II, Walajapet under Section 183(5) of BNSS.

She turned as hostile to the prosecution case.

5. 2) P.W.2 Thiru. Mohan, deposed that P.W.1 is his daughter, the accused is his son in law, his daughter's date of birth is 25.05.2006, he knows the witness Govindhasami. On 03.04.2025 at 11.00a.m. the Banavaram Police Inspector inspected his house and prepared Ex.P.3 Observation Mahazar and drew Rough Sketch. He has further stated that he and the witness Govindhasami put their signatures in the above Observation Mahazar.

5. 3) P.W.3 Tmt. Vijayalakshmi deposed that when she worked as Inspector of Police, Banavaram Police Station, while under the charge of Avalur Police Station on 03.04.2025 at 10.00 a.m., based on information received from Adukamparai Government Hospital, Vellore the Sub Inspector Tmt.Arulmozhi enquired P.W.1 who was admitted in the hospital as inpatient, recorded her statement and registered a complaint in Crime number 125/2025 in Avalur Police

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Station and registered the FIR u/s 5(l),(j)(ii), 6 of POCSO Act r/w Sec. 9 of Prohibition of Child Marriage Act and sent the Complaint Statement Ex.P.4 and the FIR Ex.P.5 to this Court. On the same day P.W.3 took the case for investigation, inspected the place of occurrence in front of witnesses Mohan & Srinivasan and prepared Observation Mahazar Ex.P.3 and Rough Sketch Ex.P.6. She reexamined the P.W.1 and recorded her statement. She enquired the witnesses Mohan, Srinivasan, Govindhasami, Vanitha & Sokku and separately recorded their statements. On 04.04.2025 she caused service of notice u/s 35 of BNSS on the Accused, enquired him and recorded his statement. On 22.04.2025 she enquired Mrs. Sharmila who is the Head Mistress of the School where the victim studied and obtained Ex.P.7 Certificate relating to the date of birth of the victim girl and she enquired Mrs. Vasanthi, the owner of the house where the victim and the accused stayed, she sent the victim to Vellore Government Hospital, and enquired Dr. Narmathapriya who examined

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the victim and obtained certificates Ex.P.8 is the Accident Register and Ex.P.9 is the Medical Certificate of the victim and enquired Inspector Kavitha and Sub Inspector Arulmozhi who took the victim for a medical examination. Based on the investigation the offences U/s.5(l),(j)(ii) r/w 6 of Protection of Children from Sexual Offences Act, 2012 r/w Section 9 of Prohibition of Child Marriage Act, 2006 was altered into the offences U/s.332(b), 87 of BNS, Sec.5(l),5(j)(ii),6(1) of POCSO Act r/w Sec.9 of Prohibition of Child Marriage Act and sent the Alteration Report Ex.P.10 to the Court on 06.05.2025. After completion of the investigation she filed the final report against the accused.

Questioning the accused under Section 351 of BNSS :-

6) During the examination u/s 351 of BNSS, the accused questioned regarding the incriminating evidence adduced against them by P.W.1 to P.W.3, the accused contended that the witnesses examined by the prosecution were false and stated that he did not have witnesses on his part.

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**Defence Witnesses and Exhibits :-**

7) No witnesses were examined on behalf of the accused. No exhibits or material objects were produced or marked on behalf of the accused.

POINT FOR CONSIDERATION :-

8) Whether the prosecution proved the ingredients required u/s. 332(b), 87 of The Bharatiya Nyaya Sanhita, 2023, Sections 5(l),(j) (ii) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 against the accused?

Discussion & Answering the Point :-

9) Heard learned Public Prosecutor and the learned Counsel for the accused. Perused material records.

10) The learned Public Prosecutor has argued that the prosecution has proved the guilt against the accused though the victim child has turn the hostile. The learned Public Prosecutor has argued

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that the evidence of investigation officer is sufficient to convict the accused. He has also argued that the accused has committed offence not only against the P.W.1 but also against the society and hence he may be convicted and sentenced severely.

11) The learned counsel appearing for the accused argued that the prosecution has not produced any evidence to prove the guilt of the accused. He has also argued that accused has not committed any offence as alleged by the prosecution. He has concluded his argument with the contention that the accused is entitled for an acquittal since the prosecution has miserably failed to prove the case against him.

12) The prosecution has filed final report u/s. 332(b), 87 of The Bharatiya Nyaya Sanhita, 2023, Sections 5(l),(j)(ii) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 against the accused. The allegation against the accused is that on 10.08.2024 the accused trespass into the victim's house and committed aggravated penetrative

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sexual assault repeatedly though the child as refused for the same and he knew that the child is below 18 years of age. It is the further allegation that on 09.12.2024 the accused kidnapped the victim child from her legal guardian and forcibly married her at Sivan Temple, Panapakkam.

13) On appearance of the accused copies were furnished to him and after hearing both the side this court as framed charges u/s. 332(b), 87 of The Bharatiya Nyaya Sanhita, 2023, Sections 5(l),(j)(ii) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 against the accused and when the charges were read over and explained to him and he denied the charges and claimed to be tried.

14) The prosecution had cited as many as 12 witnesses in the final report. Out of the same the prosecution has examined 3 witnesses. The remaining witnesses were dispensed with by the

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learned Public Prosecutor. The accused has not examined any witnesses on his side.

15) Now let us see whether the prosecution has proved the allegations against the accused. As far as the offences under the provisions of POCSO Act is concerned, the initial burden is on the prosecution to prove the fundamental facts as to the allegations against the accused. If the prosecution is successful in proving the same, the burden shifts on the accused to rebut the presumptions under section 29 and 30 of the POCSO Act.

16) In our case the accused was charged U/s.5(l), 5(j)(ii) of the POCSO Act.

Section 5(l), 5(j)(ii), of the POCSO Act read as follows,

5. Aggravated penetrative sexual assault.

(l) whoever commits penetrative sexual assault on the child more than once or repeatedly; or

(j) whoever commits penetrative sexual assault on a child, which-

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(ii) in the case of female child, makes the child pregnant as a consequence of sexual assault;

To prove the offence under above provisions of the law the fundamental facts to be proved by the prosecution are as follows;

- a) victim is a child,
- b) The accused committed an act which constitutes penetrative sexual assault as defined U/s. 3 of the POCSO Act,
- c) The accused has committed the penetrative sexual assault on the child more than once or repeatedly,
- d) In view of the alleged act of the accused the victim child has become pregnant.

If the above fundamental facts were proved by the prosecution then only the burden shifts on the accused to rebut the presumptions.

17) As far as the age of the victim is concerned the prosecution has produced the certificate issued by the Head Mistress as Ex.P.7. The said certificate was marked through P.W.3, the investigation officer. As per the said certificate the date of birth of the victim child is 25.05.2008. As per the allegation of the prosecution the occurrence took place on 10.08.2024. The victim child has deposed before this

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court while she examined P.W.1 that her date of birth is 25.05.2006 and that her date of birth was wrongly mentioned in her school certificates. The prosecution has not produced any other documents to prove that the bonofide certificate issued by the Head Mister has been issued based on any records like Birth Certificate of the victim child. Therefore this Court is of the view that the prosecution has failed to prove that the victim child is below 18 years of age at the time of alleged occurrence.

18) The alleged repeated penetrated sexual assault is concerned, the evidence of the prosecution witnesses has to be looked into carefully. The victim child was examined as P.W.1. The evidence of the victim girl read as follows,

"நான் நெமிலி வட்டம், பெரும்புலிபாக்கம் கிராமம், வள்ளிவீதியில் வசிக்கிறேன். நான் 12ம் வகுப்பு படித்துள்ளேன். எதிரி இளங்கோ என் கணவர் ஆவார். என்னுடைய பிறந்த தேதி 25.05.2006 ஆகும். ஆனால், பள்ளி ஆவணங்களில் என்னுடைய பிறந்த தேதி தவறாக குறிப்பிடப்பட்டுள்ளது. எனக்கு 18 வயது முடிந்த பிறகு நானும், எதிரியும் திருமணம் செய்து கொண்டு, கணவன் மனைவியாக வசிக்கிறோம். திருமணத்தின் பலனாக எனக்கு அஸ்வந்த் என்ற ஆண் குழந்தையும் பிறந்துள்ளான். திருமணத்திற்கு முன்பு எதிரி



எண்ணிடம் தவறாக நடந்துகொள்ளவில்லை.
 எதிரி என்னை கடத்திச்செல்லவில்லை.
 திருமணத்திற்கு பிறகு நான் கர்ப்பமான
 நிலையில் மருத்துவ பரிசோதனைக்காக வேலூர்
 அரசு மருத்துவமனைக்கு சென்றேன். அங்கு
 அவலூர் போலீசார் வந்து எண்ணிடம்
 வெள்ளைத்தாளில் கையெழுத்து
 வாங்கினார்கள். எண்ணிடம் காண்பிக்கப்படும்
 புகார் வாக்குமூலத்தில் உள்ள கையெழுத்து
 என்னுடையது. அந்த கையெழுத்து அ.சா.ஆ.1
 ஆகும். அதில் என்ன எழுதியுள்ளது என்று
 எனக்கு தெரியாது. நான் வாலாஜா, நீதித்துறை
 நடுவர் எண்.2 நீதிமன்றத்தில் பா.நா.ச.சு பிரிவு
 183ன் கீழ் நான் அளித்த வாக்குமூலம்தான்
 அ.சா.ஆ.2"

The victim has not spoken a single word against the accused and in support of the case of the prosecution. She has not deposed in line with the prosecution's case with respect to any of the allegations against the accused.

19) The evidence of the P.W.2 the Mahazar witness does not help the prosecution in proving the offence against the accused.

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P.W.2's evidence is absent about the involvement of the accused in the crime.

20) The case of the prosecution is that the victim child has given a statement U/s.183(5) of BNSS before the learned Judicial Magistrate, No.II Walajapet. The victim has not spoken a single word against the accused. Furthermore based on the U/s.183(5) of BNSS statement of the alone conviction is not sustainable. It is unsafe to convict an accused based on the U/s.183(5) of BNSS statement of the witness alone.

21) In view of the above said reasons this court holds that the prosecution has failed to prove the fundamental facts to prove the offences U/s.5(1),(j)(ii) r/w 6(1) of the POCSO Act. Therefore this court is unable to draw presumptions and U/s.29 and 30 of the POCSO Act in favour of the prosecution and consequently the burden has not shifted on the accused to rebut the presumptions.

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22) As discussed supra the prosecution has failed to prove the offences Section 5(1),(j)(ii) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012 against the accused beyond reasonable doubt and the accused is entitled for an acquittal.

23) The prosecution has not produced any single piece of evidence to prove that the accused trespass into the victim's house, kidnapped the victim child and performed the child marriage with her. Though the prosecution alleged that the accused trespassed into the victim's house, kidnapped and married the victim child at Sivan Temple, Panapakkam, the Investigation Officer has not taken any efforts to produce any oral or documentary evidence to prove the alleged child marriage. The P.W.1 her self has not deposed that the accused had kidnapped her from her guardian. Based on the evidence of P.W.3 alone the alleged offence of trespassing into the house, kidnap and the child marriage cannot be proved beyond reasonable doubt. Hence this court holds that the prosecution has also failed to



prove the offences U/s. 332(b), 87 of Baratiya Nyaya Sanhita, 2023 and Sec. 9 of Prohibition of Child Marriage Act.

24) In fine, this court is of the view that the prosecution has miserably failed to prove the offences U/s. 332(b), 87 of Baratiya Nyaya Sanhita, 2023, 9 of Prohibition of Child Marriage Act and Section 5(1),(j)(ii) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012 against the accused.

In the result, the accused is found not guilty for the offences u/s. 332(b), 87 of The Bharatiya Nyaya Sanhita 2023, Sections 5(1),(j) (ii) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 and acquitted U/s.258(1) of BNSS.

(ii) There is no case properties involved in this case, Hence no orders passed.

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Dictated to the Stenotypist directly, typed by her in computer, corrected and pronounced by me in the Open Court, this, the 01st day of July, 2026.

Principal District and Sessions Judge,
Ranipet.

Annexure:

Prosecution side Witnesses:-

P.W.1	Victim Child
P.W.2	Thiru. Mohan
P.W.3	Tmt. Vijayalakshmi, Inspector of Police

Prosecution side Exhibits :-

Ex.P1 - P.W.1	03.04.2025	Complaint (Signature only)
Ex.P2 - P.W.1	22.04.2025	Statement of P.W.1 recorded u/s 183(5) of BNSS.
Ex.P3 - P.W.2	03.04.2025	Observation Mahazar
Ex.P4 - P.W.3	03.04.2025	Complaint
Ex.P5 - P.W.3	03.04.2025	First Information Report
Ex.P6 - P.W.3	03.04.2025	Rough Sketch

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Ex.P7 - P.W.3	22.04.2025	Bonafide Certificate
Ex.P8 - P.W.3	01.04.2025	Accident Register of the victim girl.
Ex.P9 - P.W.3	01.04.2025	Victim Medical Report
Ex.P10 -P.W.3	---	Alteration Report

Material Objects :- Nil.

Defence side Witnesses and Exhibits :- Nil.

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Ranipet.

(As per Rule 108 and 115 of Cr.R.P. 2019)

Copy submitted to the Registrar General, High Court of Madras,
Chennai – 104.

Copy to :

1. The District Collector, Ranipet.
2. The Superintendent of Police, Ranipet.
3. The Child Protection Officer, Ranipet
4. The Inspector of Police, All Women Police Station, Arakkonam
through Public Prosecutor, Principal District and Sessions Court,
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