

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Cr1.R.C.No.876 of 2009

Selvi.M.Manimekalai
D/o.Murugesan

.. Petitioner/De facto complainant

vs.

1. The Inspector of Police (L & O),
Nagoor Police Station,
Nagoor, Nagapattinam District.
Crime No.512 of 2007 .. Ist Respondent/complainant

2.Paulraj
S/o.Selvaraj .. 2nd Respondent/accused

Criminal Revision filed under section 397 and 401 Cr.P.C. against
the judgment of learned Judicial Magistrate II, Nagapattinam, passed
in C.C.No.57 of 2008 on 16.09.2008.

For Petitioner : Mr.R.Rajasekaran

For Respondents: Mr.C.Iyyapparaj,
Government Advocate [Cr1.side][R1]

O R D E R

Challenging the judgment of acquittal passed by learned Judicial
Magistrate II, Nagapattinam, in C.C.No.57 of 2008 on 16.09.2008, the
present revision has been filed.

2. In brief, the case of the prosecution is that on 01.09.2007 at
about 06.00 a.m. while PW-1 was returning after attending natures
call, the accused waylaid her and tore her blouse. A case in Crime
No.512 of 2007 on the file of first respondent was registered. Upon
completion of investigation and filing of charge sheet informing
commission of offences u/s.341 and 354 IPC and 4 of Tamil Nadu
Prevention of Women Harassment Act, the case was tried in C.C.No.57 of
2008 on the file of learned Judicial Magistrate II, Nagapattinam.

3. Before the trial Court, the prosecution examined six witnesses and marked four exhibits. None were examined on behalf of the defence, however, one exhibit was marked. On appreciation of materials before it, the trial Court, under judgment dated 16.09.2008, acquitted the accused. Hence, this revision.

4. Heard learned counsel for petitioner and learned Government Advocate [Crl.side] for first respondent.

5. In acquitting the second respondent/accused, the trial Court has found that there were contradictions in the evidence of PWs.1 and 2. While PW-1 deposed of the occurrence having been taken place on 01.09.2007 at about 06.00 a.m. and of having preferred the complaint only on 02.09.2007 since her father was not available on the day of occurrence, PW-2/mother of PW-1 deposed to having been examined by the police on the evening of 01.09.2007 itself. The trial Court further found that though PW-3, grand father of PW-1, was not a direct witness to the occurrence, he came to know about the occurrence through PW-1. PW-3 deposed to having accompanied PW-1 to the police station. It was the admission of PW-3 that his son had sold the cycle of the accused and in respect thereof, a panchayat was conducted and that his son had paid a sum of Rs.450/- under Ex.D1. Hence, it was clear that there was a strained relationship between the accused and PW-1's family. Though it was the evidence of PW-1 that the accused waylaid her and tore her blouse, there was no direct evidence in support thereof. For the above and for some other reasons, trial Court has held that the prosecution has failed to prove its case beyond all reasonable doubt and accordingly, acquitted the accused of all charges. This Court finds that the judgment of acquittal rendered by trial Court is just and reasonable.

This Criminal Revision stands dismissed.

gm

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

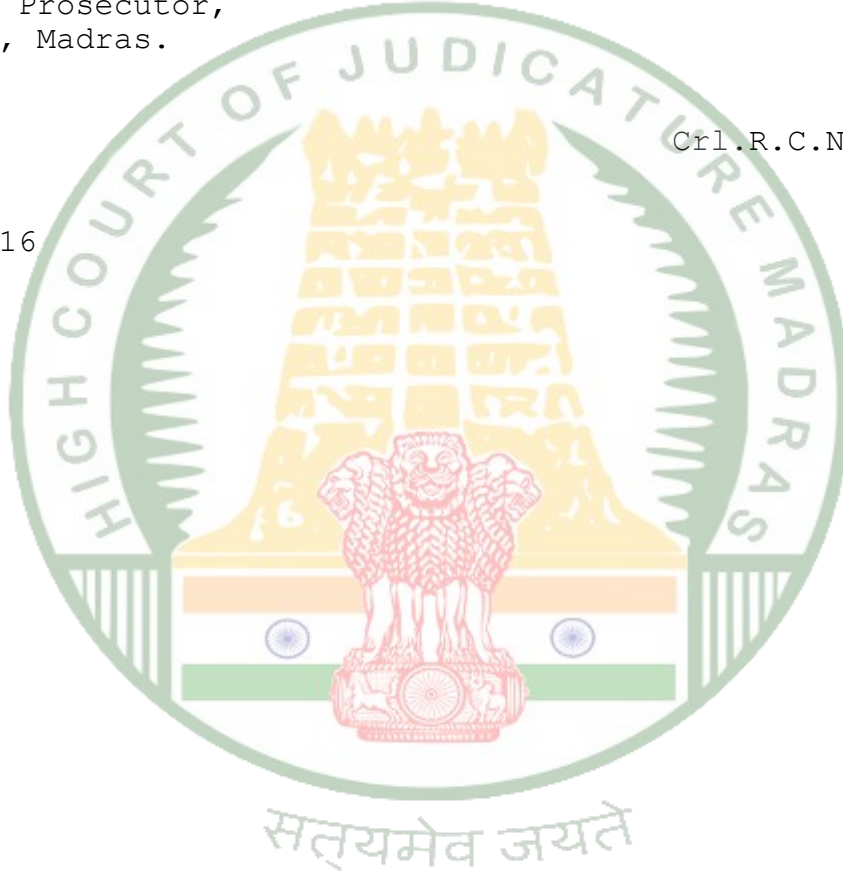
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To

1. The Judicial Magistrate II,
Nagapattinam.
2. The Chief Judicial Magistrate
Nagapattinam (for information)
3. The Inspector of Police (L&O),
Nagoor Police Station,
Nagoor, Nagapattinam District.
4. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.876 of 2009

CTK(CO)
sd : 05/02/2016



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