

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.Revision Case No.933 of 2009

V.Shankar

.. Petitioner

vs

1. State rep.by
The Inspector of Police
Perianaickenpalayam Police Station
Perianaickenpalayam
Coimbatore.

2. S.Palanisamy
3. N.Suresh Kumar
4. M.Ganesan @ Ganesh
5. A.Venkatasubramaniam
6. R.Seenivasan

.. Respondents

Criminal Revision Case filed under Sections 397 read with Sec. 401 of Cr.P.C. against the order dated 31.07.2009 passed by the learned Additional District and Sessions Judge/Fast Track Court No.1, Coimbatore in S.C.No.320 of 2008.

For Petitioner : Mr.C.S.Dhanasekaran

For Respondents : Mr.Md.Riyaz

Government Advocate (Crl.side)
for R1

No appearance for RR2 to 6

ORDER

This Criminal Revision Case has been preferred as against the order of acquittal dated 31.07.2009 passed by the learned Additional District and Sessions Judge/Fast Track Court No.1, Coimbatore in S.C.No.320 of 2008 against the respondents 2 to 6/accused.

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

On 13.07.2007 at about 7.30 a.m, the accused persons/respondents 2 to 6 joined together attacked the witnesses in this case with lethal weapons and caused grievous injuries. They also broke the glass of the car and damaged it. Hence, a complaint was preferred by the petitioner before the respondent-police in Crime No.306 of 2007 for the alleged offences under Sections 147, 148, 324, 427, 326 of IPC and under Section 3(1) of TNPC (L & D) Act, 1992. However, the Court below after conducting the trial, acquitted the respondents/accused from all the offences. Hence, this revision.

3. Though the petitioner in the grounds of revision has stated that the Court below acquitted the accused persons only on the ground that there are some discrepancies in the evidence pointed out by the prosecution and also disbelieving the evidence of PW1, who was injured in the occurrence, merely because, he has not spoken about his injury, when the matter is taken up today for disposal, the learned counsel for the petitioner would submit that he could not easily substantiate the discrepancies pointed out by the Court below in this revision at this distant point of time.

4. Learned Government Advocate (Crl.side) appearing for the respondent-police would also submit that the Court below after analysing the entire materials available on record acquitted the accused, warranting no interference in this revision.

5. Heard both sides and perused the records.

6. It is seen that notice has been ordered at the time of admission during the year 2009 for respondents 2 to 6/accused persons and subsequently also; however, the same has not been served on some of the accused persons till now and none appeared for them.

7. Considering the fact that the complainant himself has come forward to state that no ground is available for him to substantiate the discrepancies pointed out by the Court below in acquitting the accused persons and also taking into account the fact that the Court below had acquitted the accused only after perusing the entire material evidence available on record, I do not find any reason to interfere with the order of acquittal passed by the Court below at this distant point of time.

8. In the result, this Criminal Revision Case is dismissed by upholding the order of acquittal passed by the Court below.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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vj2

To

1. The Additional District and Sessions Judge
Fast Track Court No.1, Coimbatore

2. The Public Prosecutor, Madras.

3. The Principal Sessions Judge, Coimbatore.

Crl.R.C.No.933 of 2009