

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.206 of 2010

Pandian

S/o.Palaniandi

... Petitioner/Appellant/
Accused

vs

State by

The Sub Inspector of Police,
Sirupakkam Police Station,
Cuddalore District.

Crime No.33 of 2007

... Respondent/Respondent/
Complainant

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, against the judgment of learned Additional District and Sessions Judge, Fast Track Court III, Vridhachalam, Cuddalore District, passed in C.A.No.22 of 2009 on 17.02.2010, confirming the judgment of learned Judicial Magistrate I, Vridhachalam, Cuddalore District, passed in C.C.No.113 of 2007 on 28.04.2009.

For Petitioner : Mr.N.R.Elango, senior counsel
for Mr.R.Bharathi Kumar

For Respondent : Mr.C.Iyyapparaj,
Government Advocate [Crl.side]

सतममेव जयते
O R D E R

This revision arises against two concurrent judgments of Courts below convicting petitioner/accused for offence u/s.4 of Tamil Nadu Prohibition of Women Harassment Act, 2002, and sentencing him to 2 years S.I. and fine of Rs.10,000/- i/d. 6 months S.I.

2. The case of the prosecution is that a medical camp was conducted at O.Naraiyur Mangalore Village under the 'Varummun Kappom Scheme' on 24.03.2007. While PW-1, victim, was working at such camp, the petitioner/accused, who was a Health Supervisor, abused her in filthy language, hit her on the head and caused injuries. A case in Crime No.33 of 2007 on the file

of the respondent was registered. Upon completion of investigation and filing of charge sheet informing commission of offences u/s.4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002, the case was tried in C.C.No.113 of 2007 on the file of learned Judicial Magistrate I, Vridhachalam, Cuddalore District.

3. Before the trial Court, the prosecution examined 11 witnesses and marked five exhibits. One witness was examined on behalf of the defence and no exhibits were marked.

4. On appreciation of materials before it, the trial Court, under judgment dated 28.04.2009, convicted the petitioner for offence u/s.4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 and sentenced him to 2 years S.I. and fine of Rs.10,000/- i/d. 6 months S.I. There against, petitioner preferred C.A.No.22 of 2009 on the file of learned Additional District and Sessions Judge, Fast Track Court III, Vridhachalam, Cuddalore District, which came to be dismissed under judgment dated 17.02.2010. Hence, this revision.

5. Heard learned senior counsel for petitioner and learned Government Advocate [Crl.side].

6. This Court would accept this revision and enter a finding of acquittal on the sole ground that though PW-1 informed of having suffered injury at the hands of this petitioner, it is the evidence of PW-8, Doctor, that the injuries found on her body were old injuries/contusions. Quite rightly, no final report informing commission of offence u/s.323 IPC has been filed nor has any charge therefor been framed. PW-1 is found to have not spoken the truth regards the injuries suffered by her and it is seen that she has sought the aid of injuries of old to support the allegation against the petitioner/accused. One can never be certain where the falsehood begins and where it ends. In the instant case, this Court also finds that there was a delay of two days in preferring the First Information Report.

This Criminal Revision shall stand allowed. The judgment of learned Additional District and Sessions Judge, Fast Track Court III, Vridhachalam, Cuddalore District, passed in C.A.No.22 of 2009 on 17.02.2010, confirming the judgment of learned Judicial Magistrate I, Vridhachalam, Cuddalore District, passed in C.C.No.113 of 2007 on 28.04.2009, shall stand set aside. Petitioner is acquitted. Bail bond(s), if any

executed by him, shall stand cancelled. Fine amount, if paid, shall be refunded.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Additional District and Sessions Judge,
Fast Track Court III,
Vridhachalam,
Cuddalore District.
 - 2.The Judicial Magistrate I,
Vridhachalam,
Cuddalore District.
 - 3.The Sub Inspector of Police,
Sirupakkam Police Station,
Cuddalore District.
 - 4.The Public Prosecutor,
High Court, Madras.
- + 1 cc to M/s. R. Bharath Kumar, Advocate Sr.5629

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AD(CO)
EU 22.03.16

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