

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Cr1.R.C.No.739 of 2010

1.Vaikundhan
2.Govindharaj

.. Petitioners

vs.

State by
Sub-Inspector of Police,
Karumalaikudal Police Station,
Mettur, Salem.
Crime No.132 of 2007

.. Respondent

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the judgment of learned Additional District and Sessions Judge, Fast Track Court I, Salem, passed in C.A.No.24 of 2009 on 05.05.2009 confirming the judgment of learned Judicial Magistrate II, Mettur, Salem passed in C.C.No.6 of 2008 on 06.01.2008.

For Petitioners : No appearance

For Respondent : Mr.V.Arul

Additional Public Prosecutor

O R D E R

This revision arises against two concurrent judgments of Courts below convicting petitioners/A2 and A3 for offences u/s.341 and 324 IPC respectively and sentencing A2 to pay fine of Rs.300/- i/d 1 week S.I. for offence u/s.341 IPC and A3 to pay fine of Rs.1,500/- i/d 6 months S.I.

2. Prosecution case is that on 10.05.2007 at about 06.45 a.m., PWs.1 to 3 went to their agricultural field and saw the accused causing disturbances in their field. When they questioned the accused, accused threatened them as also assaulted PW-2 with a crowbar and caused injuries. A case was registered in Crime No.132 of 2007 on the file of respondent. Upon completion of investigation and filing of charge sheet, the case was tried in C.C.No.6 of 2008 on the file of Judicial Magistrate II, Mettur, Salem.

3. Before trial Court, prosecution examined 7 witnesses and marked 7 exhibits. None were examined on behalf of defence nor were any exhibits marked. On appreciation of materials before it, trial Court, under judgment dated 06.01.2008, convicted petitioners/A2 and A3 for offences u/s.341 and 324 IPC respectively and sentenced A2 to pay fine of Rs.300/- i/d 1 week S.I. for offence u/s.341 IPC and A3 to pay fine of Rs.1,500/- i/d 6 months S.I. There against, petitioners/A2 and A3 preferred C.A.No.24 of 2009 on the file of learned Additional District and Sessions Judge, Fast Track Court I, Salem, which came to be dismissed under judgment dated 05.05.2009. Hence, this revision.

4. There is no representation for petitioners. Heard learned Additional Public Prosecutor for respondent.

5. In confirming the finding of conviction arrived at by trial Court, Appellate Court has found that PW-4, Doctor, deposed to PW-2 having suffered fractures and the Accident Register also revealed the same. Further, the evidence of PW-6, Doctor, who treated PW-2, deposed that x-rays were taken and on such basis, treatment was given to PW-2. Further, investigation was also conducted in a fair manner. On the above finding, appellate Court has found that prosecution has proved its case beyond reasonable doubt and accordingly, confirmed the finding of trial Court. This Court finds no error in the judgment under challenge.

The Criminal Revision Case is dismissed.

-sd-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Additional District and Sessions Judge,
Fast Track Court I, Salem.

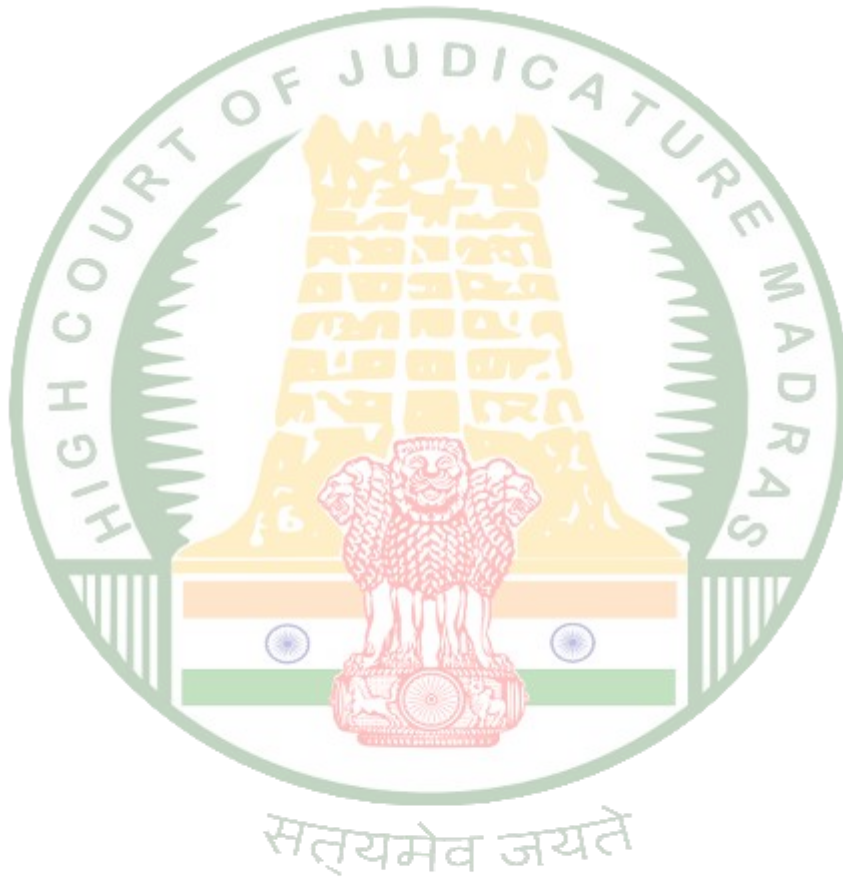
2.The Judicial Magistrate II,
Mettur, Salem.

3.The Sub-Inspector of Police,
Karumalaikudal Police Station,
Mettur, Salem.

4.The Public Prosecutor,
High Court, Madras.

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CO (MR)
RRI 13/11/2017



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