

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.KALAIYARASAN

Crl.O.P.No.5135 of 2018
and Crl.A.No.SR3688 of 2018

Ravi ... Appellant/Victim

Vs

1.Bhramanantha ... Respondent/Accused

2.The Inspector of Police,
Maduranthagam Police Station,
Maduranthagam Taluk,
Kancheepuram District. Respondent/Complainant

Crl.O.P.No.5135 of 2018 : Criminal Original Petition filed under Section 378[4] of Cr.P.C. to grant leave to file an appeal against the judgment in S.C.No.42 of 2012 dated 23.06.2017 on the file of the Hon'ble Principal Sessions Judge, Chengalpet.
Crl.A.No.SR3688 of 2018 : Criminal Appeal filed under Section 372 r/w 378 of Cr.P.C. to call for the records in S.C.No.42 of 2012 on the file of the Hon'ble Principal Sessions Judge, Chengalpet, set aside the judgment passed on 23.06.2017 acquitting the first respondent.

For Appellant : Mr.David Sunder Singh

For Respondents : Mr.S.Udayakumar for R1
: Mrs.M.Prabhavathi Ganeshram,
Addl. Public Prosecutor for R2

O R D E R

This petition has been filed seeking to grant leave for the victim, who has been examined as P.W.5, to file an appeal against the judgment in S.C.No.42 of 2012, dated 23.06.2017, passed by the learned Principal Sessions Judge, Chengalpattu.

2.Heard both sides.

3.The learned Principal Sessions Judge, Kancheepuram District @ Chengalpattu, acquitted the accused for the offences under Section 374 of IPC, Section 3[1][vi] of SC/ST [POA] Act, 1989, Section 16, 17 and 18 of Bonded Labour Systems [Abolition] Act, 1976 and Section 14[1] of Child Labour [Prohibition and Regulations] Act.

4.Learned counsel for the petitioner submits that the victim and his family members were kept as bonded labourers by the accused in his rice mill, for the advance amount of Rs.20,000/- received by the victim from him. Though there are acceptable evidence, the trial Court, failed to appreciate the same and acquitted the accused and therefore, special leave may be granted to the victim to file the appeal.

5.Learned Additional Public Prosecutor submits that the prosecution has let in substantial evidence to bring home, the guilt of the accused and the trial Court, acquitted the accused for want of independent witness.

6.Learned counsel for the accused/1st respondent contends that there is absolutely no independent evidence and there are lot of contradictions, even between the interested witnesses, examined as P.W.5 to P.W.8. It is further contended that there is no absolute evidence as to the captivity, agreement between the accused and the victim, either oral or in writing, to show that the victim had been working for the advance amount received from the accused without any further remuneration.

7.This Court perused the entire judgment of the trial Court and the records filed along with the grounds of appeal and this petition.

8.The accused has been charged for various offences, mainly basing on the offence under Bonded Labour Systems [Abolition] Act, 1976. According to the evidence of P.W.5, he received Rs.20,000/- from the accused in advance and he was paid Rs.150/- per week. There is contradiction as to the payment by the other witnesses, namely, P.W.8 and P.W.9. There is absolutely no independent witness as to the alleged bonded labour; no witness has spoken as to the existence of any oral or written agreement that the victim has to do the labour work in the rice mill, for the amount received by him in advance. There is also no evidence, in what way, the victim was prevented from moving out and he was compelled to do work, for the amount received by him. There is also no evidence as to child labour.

9.The trial Court has acquitted the accused, after analysing the evidence on record. Therefore, this Court is not satisfied to grant leave to the petitioner to file an appeal.

In the result, this petition is dismissed. Consequently, CrI.A.No.SR3688 of 2018 stands rejected.

Sd/-
Assistant Registrar(CS-iii)

//True Copy//

Sub Assistant Registrar

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To

1.Principal District Court,
Chengalpattu.

2.The Inspector of Police,
Maduranthagam Police Station,
Kancheepuram District.

3. The Additional Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.UDAYAKUMAR, Advocate, S.R.No.26944

+1cc to Mr.DAVID SUNDER SINGH, Advocate, S.R.No. 27159

CrI.O.P.No.5135 of 2018
and
CrI.A.No.SR3688 of 2018

GJ II(CO)
TR(18/04/2018)

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