

Bail Slip

The Petitioners/Accused Viz., 1.Rajavelu, 2.Murali in S.C.No.269/07 on the file of the Asst. Sessions Judge, Chief Judicial Magistrate, Cuddalore dated 28/01/2012 were on bail as per the order of this Court dated 04/10/2013 in CrI.M.P.No. 1 of 2013 in CrI.R.C.No. 1185 of 2013 on the file this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 01.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.1185 of 2013

1. Rajavelu
2. Murali

...Petitioners

Vs.

State rep. by the Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore. (Cr.No.531/2005).

...Respondent

Prayer: This Criminal Revision filed under Sections 397 and 401 of Code of Criminal Procedure against the judgment dated 20.08.2013 in Criminal Appeal No.9 of 2012 by the learned I Additional District and Sessions Judge, Cuddalore, confirming the judgment dated 28.01.2012 in S.C.No.269 of 2007 by the Asst. Sessions Judge, Chief Judicial Magistrate, Cuddalore.

For Petitioners: Mr.C.Venkatesan,
Legal Aid Counsel

For Respondent : Mr.R.Ravichandran,
Govt. Advocate (CrI.Side)

सत्यमेव जयते
ORDER

The criminal revision has been filed against the judgment dated 20.08.2013 made in Criminal Appeal No.9 of 2012 by the learned I Additional District and Sessions Judge, Cuddalore, confirming the judgment dated 28.01.2012 made in S.C.No.269 of 2007 by the learned Chief Judicial Magistrate, Cuddalore.

2 The petitioners charged for the offences punishable under Sections 341 and 307 of IPC against the first petitioner and Sections 341 and 324 of IPC against the second petitioner. The respondent police had filed a final report before the Magistrate against five accused including the petitioners herein and the after trial the learned trial Magistrate by judgment

dated 28.01.2012 convicted the first petitioner and sentenced to undergo rigorous imprisonment for a period of one month for the offence under Section 341 and to undergo rigorous imprisonment for a period of five years for the offence under Section 307 of IPC and convicted the second petitioner and sentenced him to undergo rigorous imprisonment for a period of one month for the offence under Section 341 and to undergo rigorous imprisonment for a period of three months for the offence under Section 324 of IPC. The learned Magistrate acquitted the other accused, since the charges against them are not proved.

3 Against the judgment of conviction dated 28.01.2012, the petitioners have preferred an appeal in C.A.No.9 of 2012 before the learned Ist Additional District and Sessions Judge, Cuddalore District, and the learned Sessions Judge, after hearing both the parties, by judgment dated 20.08.2013, dismissed the appeal and confirmed the judgment of conviction dated 28.01.2012 made by the learned Chief Judicial Magistrate, Cuddalore, made in S.C.No.269 of 2007, against which, the present criminal revision has been preferred by the convicts.

4 The learned counsel for the petitioners would submit that there was no motive to the occurrence and the same was not proved with cogent evidence. P.W.1 and P.W.9 were turned hostile, which is fatal to the case of the prosecution. Further the X-Ray report of the P.W.3/ injured victim had not produced before the Court and the weapon, which is alleged to have been used to attack P.W.3, was not sent for chemical analysis, to prove that the blood in the weapon is that of the injured victim. Prosecution has failed to prove its case with cogent medical records and oral evidence of witnesses. Both the Courts below had disbelieved the evidence of prosecution in respect of other accused and convicted the petitioners erroneously, which warrants interference.

5 The learned Government Advocate (Crl.Side) would submit that P.W.9 has clearly spoken about the motive to the occurrence. Even though some of the witnesses turned hostile, P.W.4 and other witnesses supports the case of the prosecution to some extent. The evidence of Doctors, who had given treatment to the victim, had corroborated the evidence of the victim. The victim had been in coma stage for a period of more than one month and the hands of the victim had separated from the body. As far as criminal cases are concerned, quantity of witness is not a matter and the quality of the witness has to be taken for consideration. In this case, the injuries sustained by the victim would clearly speak about the crime committed the petitioners/accused, who were clearly identified by the victim. Hence both the Courts below had rightly come to the conclusion that the petitioners had committed offence and convicted them, which does not warrant any interference.

6 Heard the learned counsel appearing on either side and perused the materials available on record.

7 In order to prove the motive, prosecution had relied on the evidences of P.W.3 to P.W.9. P.W.3, who is the victim has clearly spoken about the motive and involvement of the petitioners in the crime. P.W.3 had stated that A1/1st petitioner had attacked with deadly weapon and A2/2nd petitioner had attacked with Hockey Stick and in the AR also it was stated that known persons had attacked. The oral evidence of P.W.11 and P.W.13, had corroborated the documentary evidence and the medical records of P.W.3. It is seen that P.W.3/victim had been in coma stage for more than one month. In criminal cases, evidence of victim itself would suffice to convict the accused nothing more than is required. In the present case, even though, some of the witnesses had not supported the case of the prosecution, the evidence of victim alone enough to convict the petitioners. Further, the evidence of P.W.11 and P.W.13, the doctors, had strengthen the case of the prosecution.

8 Under these circumstances, the conclusion arrived at by both the Courts below, convicting the petitioners, does not warrant any interference. The present criminal revision sans merit and substance and the same is dismissed. The trial Court is directed to secure the custody of both the accused to undergo the remaining period of imprisonment, if any.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.I,
Cuddalore.

2.The Chief Judicial Magistrate,
Cuddalore.

3.The I Additional District and Sessions Judge,
Cuddalore.

4.The Assistant Sessions Judge
(Chief Judicial Magistrate),
Cuddalore.

5.The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore.

6.The Public Prosecutor,
High Court of Madras.

+2ccs to Mr.C.Venkatesan, Advocate, S.R.No.75074

Cr1.R.C.No.1185 of 2013

RSK(CO)

rrs 07/02/2019



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