

Bail Slip

The Revision Petitioners/Appellants namely

- 1)Prabu S/O Chinnappa aged about 27years
- 2)John S/O Therasappa aged about 29years
- 3)Irudhayaraj S/O Pekkur Arokisamy aged about 36 yeas, and iv)
Venkatesh S/O Venkatappa aged about 31years order deserted to
be released on bail as per the order of this Court dated:
29/04/2013 made in CRL.MP.Nos. 1&2 of 2013 in Crl.RC.No.616 of
2013 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.616 of 2013

1.Prabu,

2.John,

3.Irudhayaraj,

4.Venkatesh.

...Petitioners/Accused

Vs.

State by
Sub-Inspector of Police,
Thally Police Station,
Krishnagiri District.
(Crime No.31 of 2006)

...Respondent

Prayer: The Criminal Revision case filed under Section 397 read with 401 of Code of Criminal Procedure against their conviction and judgment in C.A.No.11 of 2012 on the file of learned Principal Sessions Judge, Krishnagiri, dated 08.08.2012 confirming the conviction and judgment in C.C.No.33 of 2006 of the learned Judicial Magistrate, Denkanikottai, passed on 28.01.2012, convicted and sentenced them for the offence under Section 4 of Tamilnadu Prohibition of Harassment of Women Act 1998 to under go three months SI and imposed fine amount of Rs.10,000/- each in default SI for one month.

For Petitioners: Mr.K.Thiruvengadam
For Respondent : Mr.R.Ravichandran
Government Advocate (Crl. Side)

ORDER

The Criminal Revision Case has been filed against the conviction and judgment in C.A.No.11 of 2012 on the file of the learned Principal Sessions Judge, Krishnagiri, dated 08.08.2012 confirming the conviction and judgment in C.C.No.33 of 2006 of the learned Judicial Magistrate, Denkanikottai, passed on 28.01.2012, convicted and sentenced for the offence under Section 4 of Tamilnadu Prohibition of Harassment of Women Act 1998 to under go three months SI and imposed fine amount of Rs.10,000/- each in default SI for one month.

2. The case of the prosecution is that the accused 1 to 4 are close friends and used to tease one suseela, the daughter of Venkatraman, while she was going to school. As a result, the said suseela failed in 10th standard and stopped schooling. In continuation, on 02.03.2006, around 10.00 am, at Balathoddanapalli bus stop and within the limits of Thally police station, the accused 1 to 4 teased the said suseela by asking her to elope with them and marry them. Hence the Sub-Inspector of Police, Thally Police Station laid final report against the accused 1 to 4 under Section 4 of Tamilnadu Prohibition of harassment of women Act, 1998.

3. After receiving the final report, the case was taken on file in C.C.No.33 of 2006 and copies of the records were furnished to the accused 1 to 4, under Section 207 of Cr.P.C.

4. After giving sufficient opportunity, the charge under Section 4 of Tamilnadu Prohibition of harassment of women Act, 1998, was framed, read over and explained to the accused 1 to 4 and they have denied the same as false and claimed to be tried.

5. During trial, as many as 8 witnesses P.W's.1 to 8 were examined and as many as 5 exhibits Ex.P's.1 to 5 were marked on the side of prosecution. No material object was produced on the side of prosecution.

6. The defacto complainant - Venkatraman P.W.1, is resident of Gurubarapalli village and working as noon meal organizer at Balathoddanapalli government higher secondary school. He was blessed with one son and two daughters namely Soodeeswaran, Suguna and Suseela. The said Suseela P.W.2 studied upto 10th standard. While studying, the said Suseela used to go school through Kempathpalli. By that time, accused 1 to 4 are in habit of teasing the said Suseela by stating her as beautiful girl and

asked her to elope with them and marry them. P.W.2 reported the act of accused to her parents i.e., P.W.1 and mother Rathinamma (P.W.4) and submitted that the act of accused caused mental agony and she could not concentrate on her studies. In result, P.W.2 had failed in 10th standard examination and dropped her further studies. On 02.03.2006, around 10.00 am., while P.W.2 and her cousin brother Haris (P.W.3) were standing on Balathoddanapalli bus stop, in order to proceed Chikkamma Thotamma temple, the accused 1 to 4 came there and asked P.W.2 to elope with them and marry them.

7. P.W.2, having frightened over the act of accused, went back to her home and reported the incident to her parents. Hence, P.W.1 lodged a complaint (Ex.P.1) to Sub-Inspector of Thally Police Station. Mr.Duraisamy (P.W.8) - The Sub-Inspector of Police of Thally Police Station, on receiving Ex.P.1, registered FIR (Ex.P.3) against the accused 1 to 4 under Section 4 of Tamilnadu Prohibition of harassment of women Act, 1998. Later, he proceed to the place of occurrence, prepared observationn mahazar (Ex.P.4) and rough sketch (Ex.P.5) in the presence of C.Ramappa and Madesh (P.W.7). By them, he examined and recorded the statements of P.W.1 to 4, Ramappa and P.W.7. He also examined and recorded the statements of Jayaraman(P.W.5) and Jayanandhan(P.W.6). On completion of investigation, he laid final report against the accused 1 to 4 under Section 4 of Tamilnadu Prohibition of harassment of women Act, 1998.

8. After giving due opportunity to both sides, the learned Judicial Magistrate, Denkanikottai, has found the accused 1 to 4 guilty under Section 4 of Tamilnadu Prohibition of harassment of women Act, 1998 and sentenced to undergo simple imprisonment for a period of three months and to a fine of Rs.10,000/- for each accused, in default to undergo simple imprisonment for a period of one month.

9. Aggrieved against the Judgment of the learned Judicial Magistrate, Denkanikottai, in C.C.No.33 of 2006, dated 28.01.2012, the revision petitioners/accused have preferred the Criminal Appeal in Crl.A.No.11 of 2012, before the learned Principal Sessions Judge, Krishnagiri.

10. After hearing both sides, the learned Principal Sessions Judge, Krishnagiri, confirmed the conviction and sentence imposed on the accused 1 to 4. Against the Judgment of the learned Principal Sessions Judge, Krishnagiri, the revision petitioners are here with this Criminal Revision Case.

11. The case of prosecution is that, the accused 1 to 4 had teased and harassed P.W.2. The case of prosecution mainly rest on the foot of P.W.2 - the victim in this case. P.W.1 and 4 are

the father and mother of P.W.2. P.W.3 is the cousin brother of P.W.2. P.W.5 and 6 are the independent witnesses, who speak about the antecedent of accused. P.W.7 is the attesting witness to preparation of mahazar and sketch. P.W.8 is the investigating officer of this case.

12. P.W.2 had deposed that she is residing at gurubarapalli. She used to go to school at Balathoddanapalli, through Kempathapalli village. The accused 1 to 4 belongs to Kempathapalli village and used to tease her, while she was crossing the said village. The accused used to comment that she is beautiful and asked her to marry them. Due to the act of accused, she suffered mental agony and could not able to concentrate on studies and failed in her 10th standard examination. On 02.03.2006 around 10.00 am. While she and her cousin brother Haris were standing at Balathoddanapalli bus stop, in order to proceed Chikkamma Thotamma temple, the accused 1 to 4 came there, at the instigation of accused 2 and 3, 1st accused teased her stating that she is looking beautiful and asked her to marry him. She felt shameful and went back to her home and reported the incident to her parents. Hence, on 03.03.2006, her father lodged a complaint on police station.

13. P.W.3, is the cousin brother Haris, who accompanied P.W.2 at the time of occurrence. He deposed that on 02.03.2006 around 10.00 am, while he and P.W.2 were standing at Balathoddanapalli bus stop, in order to proceed Chikkamma Thotamma temple, the accused 1 to 4 came there, at the instigation of accused 2 to 4, 1st accused teased P.W.2 asked her to eloped with him and marry him. Due to the act of accused, P.W.2 started crying. Hence, they went back to the home and P.W.2 reported the incident to her parents. Hence, on 03.03.2006, P.W.2's father lodged a complaint on police station. The evidence of P.W.2 support the testimony of P.W.2 as to the occurrence on 02.03.2006.

14. P.W.1 is the father of P.W.2 and P.W.4 is the mother of P.W.2. Both of them had deposed about the teasing of accused, in consonance with the testimony of P.W.2 and lodging of complaint. The said complaint was marked as Ex.P.1. On a perusal of Ex.P.1, the contents of Ex.P.1 found in consonance with the testimony of P.W.1 and 2.

15. P.W.5 and 6 are the independent witnesses. P.W.5 is the teacher of P.W.2. P.W.6 is the president of parents' teacher association of the school, in which P.W.2 was studied. P.W.5 had evidenced that P.W.1 had lodged a complaint to the head master stating that accused 1 to 4 were harassing and teasing his daughter, while she was on the way to school. He advised P.W.2 that such complaint will affect the future of his daughter

and resist P.W.2 from lodging such complaint. By then, he along with P.W.6 called the accused and their parents, and advised them. P.W.6 had also deposed in consonance with P.W.5. The testimony of P.W.5 and 6 shows the antecedent of the accused 1 to 4. From the evidence of P.W.5 and 6, it is clear that the occurrence put forth by the prosecution is a continuation of earlier incident.

16. The learned counsel for the revision petitioners would submit that after the incident, both the victim girl and accused 1 to 4 were got married and they are leading their respective families peacefully. Further the revision petitioners are first offender and considering the family situations of the revision petitioners, sentence may be modified.

17. The learned Government Advocate (Criminal Side) would submit that there is no discrepancy or infirmity between the testimony of P.W's.1 to 4. Further there is no necessity for a girl to come forward and depose against the strangers, without any strong enmity. Hence the Criminal Revision Case may be dismissed.

18. Heard, perused the materials available on record.

19. Admittedly, the place of occurrence is a bus stop. From the evidence of P.W.1 to 3, the act of accused caused shame and fear to P.W.2. In view of Section 2 (a) of Tamilnadu prohibition of harassment of women Act, 1998, the act of accused comes within the purview of harassment. Giving cumulative effect to the reason stated above, this Court holds the prosecution had proved the guilt against the accused 1 to 4, beyond all reasonable doubt. However, taking into consideration of family situations and the accused 1 to 4 are being the first offenders, this Court is inclined to set off the sentence already undergone by the revision petitioners/accused.

20. Accordingly, to meet the ends of justice, the sentence already undergone by the revision petitioners/accused may be treated as punishment. Further this Court does not want to interfere in the fine amount imposed by the trial Court.

21. With the above modification, the Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Sessions Judge,
Krishnagiri.

2.The Judicial Magistrate,
Denkanikottai

3.The Chief Judicial Magistrate,
Krishnagiri.

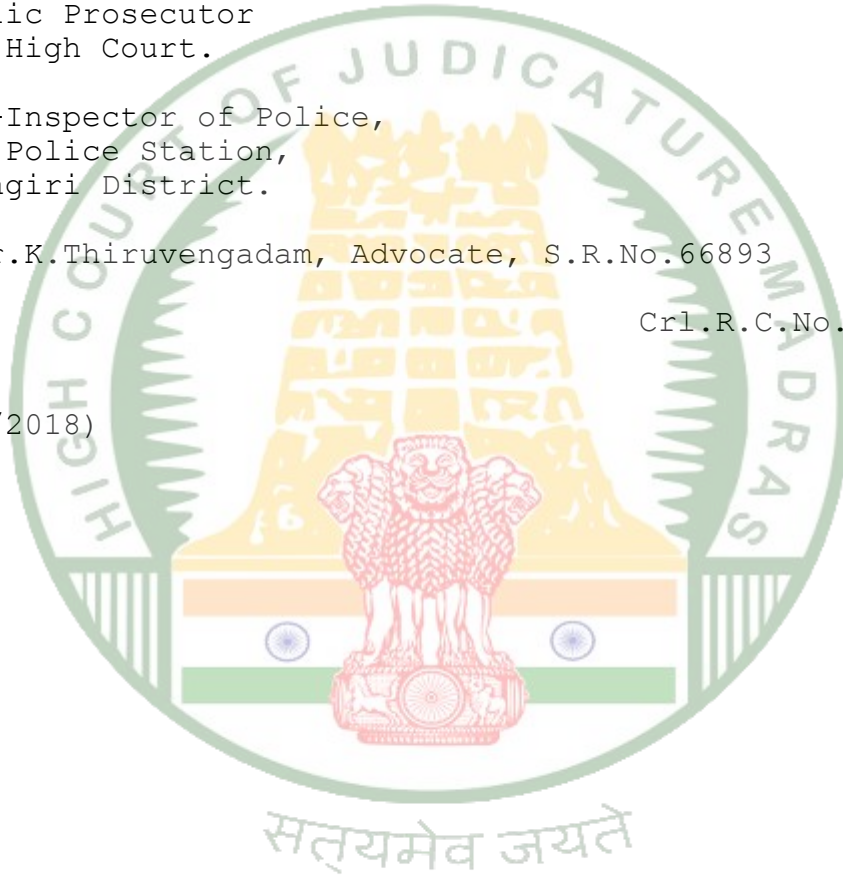
2.The Public Prosecutor
Madras High Court.

3.The Sub-Inspector of Police,
Thally Police Station,
Krishnagiri District.

+1cc to Mr.K.Thiruvengadam, Advocate, S.R.No.66893

CrI.R.C.No.616 of 2013

SAI (CO)
GSP (18/12/2018)



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