

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.636 of 2013

1.Govindaraj
2.Sivakumar

...Petitioners

Vs.

State rep. by
The Inspector of Police,
Mathur Police Station
Mathur,
Krishnagiri District.
(Crime No.132 of 2006)

...Respondent

Prayer: The Criminal Revision Case filed under Section 397 read with 401 of Code of Criminal Procedure to call for the records and set aside the order passed by the learned Additional Sessions Judge, Krishnagiri District in C.A.No.08/2008 dated 05.12.2012 against the judgment of the trial Court passed by the learned Chief Judicial Magistrate No.1, Dharmapuri District at Krishnagiri in S.C.No.28/2007 dated 19.12.2007.

For Petitioners : Mr.V.Rajamohan

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

O R D E R

The Criminal Revision Case has been filed by the revision petitioners to call for the records and set aside the order passed by the learned Additional Sessions Judge, Krishnagiri District in C.A.No.08 of 2008 dated 05.12.2012 against the judgment of the trial Court passed by the learned Chief Judicial Magistrate No.1, Dharmapuri District, Krishnagiri in S.C.No.28 of 2007 dated 19.12.2007.

2. The case of the prosecution is that on 03.04.2006 at about 3.30 pm the P.W.1 and 2 were going to Nadupatty Village, by way of Bargur-Mathur Main Road. The P.W.1 has

driven his two wheeler bearing registration No. TN 29 F 2270. At that time, A1 to A3 came in their two wheeler and waylaid the P.W.1 and 2 and threatened them by showing the knife and iron rod and took the amount Rs.1,000/- and wrist watch of P.W.1.

3. Therefore, P.W.1 lodged a complaint before the Inspector of Police, Mathur Police Station, Mathur and he laid the final report under Section 302 r/w 397 of IPC, the same was taken on file of the learned Chief Judicial Magistrate No.1, Dharmapuri District at Krishnagiri in S.C.No.28/2007.

4. In order to prove the case of the prosecution as many as 10 witnesses P.W's.1 to 10 were examined, 11 documents Ex's.P.1 to 11 and material objects M.O's.1 to 3 were marked.

5. After completion of trial, the learned Chief Judicial Magistrate No.1, Dharmapuri District at Krishnagiri, found the accused guilty under Section 342, 392 of IPC. For the offences under Section 342 of IPC the accused were sentenced to undergo one year rigorous imprisonment and fine of Rs.500/- in default to undergo one month rigorous imprisonment and for the offence under Section 392 of IPC the accused were sentenced to undergo five years rigorous imprisonment and fine of Rs.1,000/- in default to undergo three months rigorous imprisonment.

6. Against the Judgment of the learned Chief Judicial Magistrate No.1, Dharmapuri District at Krishnagiri in S.C.No.28 of 2007 dated 19.12.2007, the accused 1 and 2 had preferred the Criminal Appeal in C.A.No.08 of 2008.

7. After perusing the witnesses and documents, the learned Additional Sessions Judge, Krishnagiri District, set aside the conviction and sentence under Section 342 of IPC and convicted the accused under Section 341 of IPC and imposed sentence to undergo one month simple imprisonment and confirmed the conviction under Section 392 of IPC and modified the sentence to undergo three years rigorous imprisonment and fine of Rs.1,000/- in default to undergo three months simple imprisonment.

8. Feeling aggrieved against the Judgment of the learned Additional Sessions Judge, Krishnagiri District in C.A.No.08 of 2008, the revision petitioners are here with this present Criminal Revision Case.

9. The learned counsel for the revision petitioners would submit that the earlier complaint given by the defacto complainant was suppressed by the respondent police and the FIR produced before the trial Court is a concocted one. Further, the accused were shown to the defacto complainant in the police station, even before they were identified in Test Identification Parade. The stolen property namely the watch was recovered from co-accused Vajjavel and therefore, the recovery of watch does

not incriminate the revision petitioners. Moreover, prosecution has filed the case for statistical purpose. Which warrants interference of this Court.

10. Mr.R.Ravichandran, Government Advocate (Criminal Side) appearing for the respondent would submit that the accused 1 to 3 came in their two wheeler and waylaid the P.W.1 and 2 and threatened them by showing the knife and iron rod and took the amount Rs.1,000/- and wrist watch of P.W.1. They were also involved in two other cases. Therefore, both the Courts below have rightly convicted and sentenced the revision petitioners. Hence the Criminal Revision Case may be dismissed.

11. Heard and perused the materials available on record.

12. It is the case of the prosecution that on 03.04.2006 at about 3.30 pm, the P.W.1 and 2 were going to Nadupatty Village, by way of Bargur-Mathur Main Road. The P.W.1 has driven his two wheeler bearing registration No. TN 29 F 2270. At that time, A1 to A3 came in their two wheeler and waylaid the P.W.1 and 2 and threatened them by showing the knife and iron rod and took the amount Rs.1,000/- and wrist watch of P.W.1.

13. It is well settled principle of law that the High Court should not normally interfere in the well reasoned order of Courts below which has been arrived at after proper appreciation of evidence. This Court will interfere in the cases of acquittals, only where the Courts below makes wrong assumptions of material facts or fails to appreciate the evidence properly. Hence there is no merit in the criminal revision case and there is no reason to interfere in the Judgment passed by the learned Additional Sessions Judge, Krishnagiri District in C.A.No.08 of 2008 dated 05.12.2012.

14. Accordingly, the Criminal Revision Case is dismissed. Judgment in C.A.No.08 of 2008 dated 05.12.2012 passed by the learned Additional Sessions Judge, Krishnagiri District is confirmed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Additional Sessions Judge, Krishnagiri District.

2.Do Thro The Principal Sessions Judge,
Krishnagiri.

3.The Chief Judicial Magistrate No-I,
Krishnagiri.

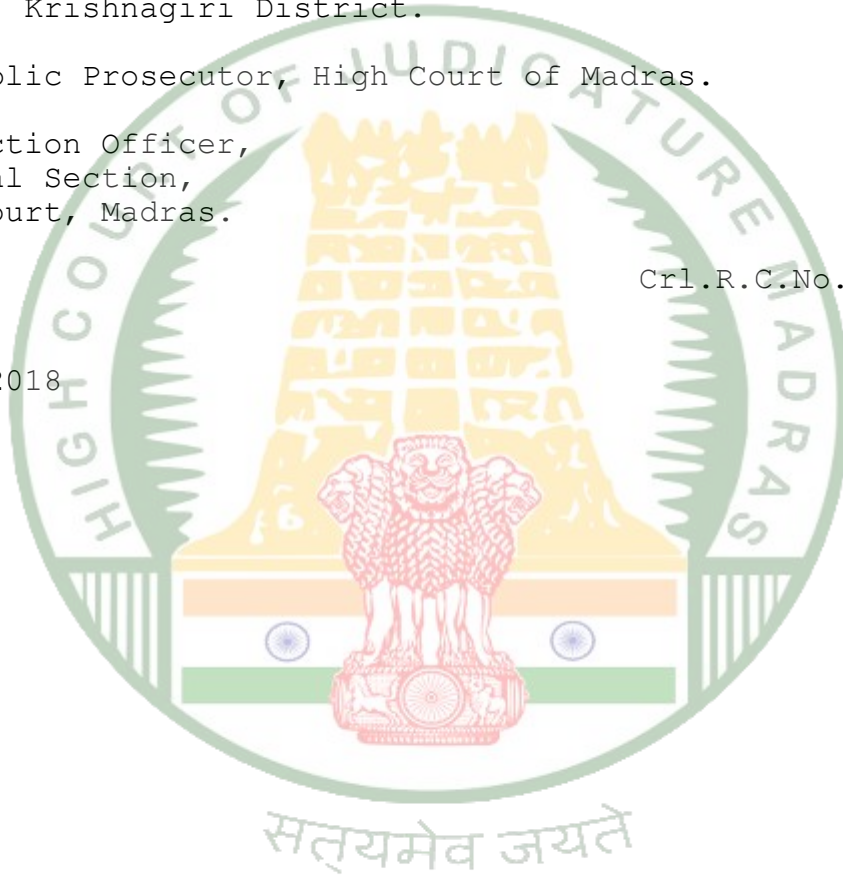
4. The Inspector of Police, Mathur Police Station
Mathur, Krishnagiri District.

5. The Public Prosecutor, High Court of Madras.

6. The Section Officer,
Criminal Section,
High Court, Madras.

Cr1.R.C.No.636 of 2013

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