

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.1730 of 2011

M.Soundarrajan

... Petitioner/Appellant/Accused 1

Versus

State rep.by
The Inspector of Police,
B-10, Police Station,
Coimbatore.

... Respondent/Respondent Complainant

Criminal Revision Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the judgment dated 15.11.2011 passed by the learned Additional Sessions Judge Cum Fast Track Judge III, Coimbatore in Crl.A.No.199 of 2011 reversing the judgment dated 26.08.2010 in C.C.No.254 of 2010 on the file of the learned Judicial Magistrate, No.5, Coimbatore.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.G.Ramar,
Government Advocate (Crl.side)

O R D E R

This Criminal Revision case is filed by the petitioner/A-1 seeking to set aside the judgment dated 15.11.2011 passed by the learned Additional Sessions Judge Cum Fast Track Judge III, Coimbatore in Crl.A.No.199 of 2011 reversing the judgment dated 26.08.2010 in C.C.No.254 of 2010 on the file of the learned Judicial Magistrate, No.5, Coimbatore.

2. The respondent / Police have filed the charge sheet before the Judicial Magistrate No.5, Coimbatore, alleging commission of offence punishable under Sections 324 and 506(ii) of IPC as against the first accused and Section 324 of IPC alone as against A2. After observation of the formalities, the Judicial Magistrate, No.5, Coimbatore framed charges and during the time of trial in C.C.No.254 of 2010, the prosecution examined PW1 to PW12 and Ex.P1 to Ex.P8 were marked and MO.1 Koduval, MO.2 Hollow Block Stone and MO.3 series (4

Photos) were exhibited.

3. After conclusion of the trial, the trial Court has come to the conclusion that the first accused had committed the offence under Sections 324 of IPC and 506(ii) of IPC and convicted and sentenced him to undergo two years simple imprisonment and considering the age and education of the second accused, the trial Court convicted and sentenced him to pay the fine amount of Rs.5,000/-.

4. Aggrieved by the said conviction and sentence passed by the Trial Court as against the A1 and A2, A-1 filed a Crl.A.No.199 of 2011 and A2 filed Crl.A.No.206 of 2011 before the Additional Sessions Court Cum Fast Track Court No.III, Coimbatore.

5. However, in respect of the Crl.A.No.199 of 2011 as against A1, it was partly allowed, wherein the conviction and sentence as against the Section 506(ii) has been set aside and he was acquitted and with regard to Section 324 of IPC the conviction and sentence has been confirmed, however, the sentence also was reduced from two years simple imprisonment to six months simple imprisonment. Now, as against the Judgment and conviction passed in Crl.No.199 of 2011, the present Criminal Revision in Crl.RC.No.1730 of 2011 is filed by A1.

6. The learned counsel for the appellant has drawn my attention to the evidence of PW5, who is the wife of PW1's Brothers and she is the sister of PW1. During the cross examination, she has stated that the accused / A1 / revision petitioner herein had caused injuries by way of hand usage of "Koduval" and he has also drawn my attention to the evidence of PW 10 / Doctor, who had given treatment to PW1, wherein PW1 has stated that he was attacked by two known persons with stone and caused injuries with the measurement of 2x2x3 cm., cut injury on the left fore hand and 3x2x1 cm., cut injury on the head and 3x1 cm., simple injury on his forehead. In the cross examination, the Doctor has also stated that the said injuries might be a possibility of fall from the motor vehicle and further, he was shifted to Trauma ward for better treatment.

7. Taking into consideration of the nature of the injuries and the evidence of the prosecution witnesses, the conviction in respect of A1 is confirmed. However, the sentence is modified, to payment of fine of Rs.5,000/- to be paid, within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, the Criminal Revision Petition is partly allowed.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

To

1. The Additional Sessions Judge Cum Fast Track Judge III,
Coimbatore.

2. The Judicial Magistrate, No.5, Coimbatore.

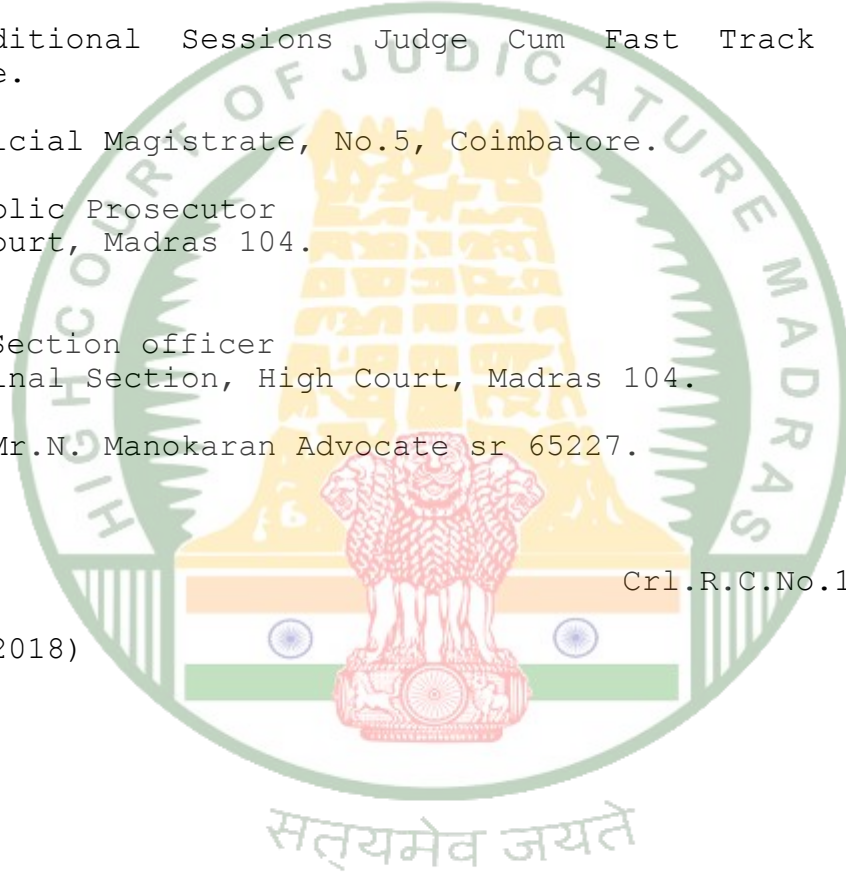
3. The Public Prosecutor
High Court, Madras 104.

Copy to
The Section officer
Criminal Section, High Court, Madras 104.

+1 CC to Mr.N. Manokaran Advocate sr 65227.

Crl.R.C.No.1730 of 2011

SP(12/10/2018)



WEB COPY