

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.235 of 2013

P.Karuppannan

..Petitioner/Accused

Vs.

State by

The Sub Inspector of Police,
Sulur Police Station,
Coimbatore District.
(Crime No.180/2007)

...Respondent/Complainant

This Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure against the order dated 23.11.2012 made in C.A.No.254 of 2011 by the learned Principal District Sessions Judge, Coimbatore, partly confirming the judgment dated 08.11.2011 made in C.C.No.43 of 2008 by the learned Judicial Magistrate, Palladam.

For Petitioner: M.N.Balakrishnan

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

O R D E R

This criminal revision has been filed against the judgment dated 23.11.2012 made in C.A.No.254 of 2011 by the learned Principal District Sessions Judge, Coimbatore, partly confirming the judgment dated 08.11.2011 made in C.C.No.43 of 2008 by the learned Judicial Magistrate, Palladam.

2 Based on the complaint given by P.W.1 on 21.03.2007 the Sub-Inspector of Police, Sulur Police Station/P.W.7, has registered a case in Crime.No.180/2007 against the accused under Sections 294 (b) and 323 IPC . After completing investigation, P.W.7 has filed a final report before the learned Judicial Magistrate, Palladam, which was taken on file in C.C.No.43 of 2008. The learned Magistrate, after elaborate trial, found the accused guilty under Section 294 (b) and 323 IPC and convicted and imposed fine of Rs.2000/-, in default, to undergo Rigorous Imprisonment for a period of one month for the offence under

Section 294 (b) IPC and fine of Rs.3000/-, in default, to undergo Rigorous Imprisonment for a period of two months for the offence under Section 323 IPC, by judgment dated 08.11.2011. Aggrieved against the said judgment of conviction, the accused had preferred an appeal in C.A.No.254 of 2011. The lower appellate Court, after hearing both sides, had allowed the appeal in part by judgment dated 23.11.2012 by acquitting the appellant from the offence under Section 294 (b) and confirmed the sentence imposed for the offence under Section 323 IPC,

3 Assailing the said judgment dated 23.11.2012, the accused has preferred the present criminal revision before this Court.

4 The learned counsel for the petitioner/accused would submit that except P.W.1, all other witnesses had turned hostile. The defacto complainant/P.W.1 has stated that P.W.4 and P.W.6 were present at the time of occurrence, whereas, P.W.4 & P.W.6 had not supported the case of the prosecution and they had turned hostile. In the absence of any corroboration of the evidence of P.W.1, both the Courts below, had wrongly convicted the petitioner, which warrants interference of this Court.

5 The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that though all the witnesses had turned hostile, the injured P.W.1 has clearly spoken about the occurrence and stated that the petitioner/accused had assaulted him with wooden log and wound certificate was issued and material object was also recovered. P.W.5, the Doctor, who treated the injured, has spoken about the injuries sustained by P.W.1. Hence prosecution has clearly proved its case beyond reasonable doubts.

6 Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

7 On a perusal of the records, it reveals that all the independent witnesses had turned hostile, but, the injured P.W.1/defacto complainant has clearly spoken about the occurrence and stated that the petitioner/accused had assaulted him with wooden log and material object was also recovered. P.W.5, the Doctor, who gave treatment to the injured, has spoken about the injuries sustained by P.W.1. The lower appellate court, since there was no corroboration for the offence under Section 294(B), had rightly acquitted the petitioner and convicted him under Section 323 IPC and confirmed the sentence imposed by the learned Magistrate, in which, this Court does not find any perversity.

8 In view of the above, the criminal revision is dismissed and the judgment dated 23.11.2012 made in C.A.No.254 of 2011 is hereby confirmed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District Sessions Judge, Coimbatore.
2. The Judicial Magistrate, Palladam.
3. Do-Thro The Chief Judicial Magistrate, Coimbatore
4. The Public Prosecutor, High Court of Madras.
5. The Section Officer, VR Section,
High Court, Madras
6. The Sub Inspector of Police, Sulur Police Station,
Coimbatore District.

+1cc to Mr.W.Camyles Gandhi, Advocate SR.NO.56642

KK(CO)
sm:24.9.2018

CrI.R.C.No.235 of 2013

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