

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.27559 of 2018

1.M.Chandran
2.Jeyavarathan
3.Sasi
4.Dravidan

.... Petitioners

Vs.

State rep by its
The Inspector of Police,
Morappur Police Station,
Dharmapuri District.
Crime No.02 of 2009

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to declare that the Judgment of Acquittal dated 14.06.2017 made in C.C.No.173 of 2011, by the learned Judicial Magistrate, Harur, be deemed as one of "Hon'ble Acquittal"

For Petitioners : Mr.S.Sathia Chandran

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to declare the judgment of acquittal dated 14.06.2017 made in C.C.No.173 of 2011 by the Judicial Magistrate, Harur to be a Hon'ble acquittal.

2.The petitioners faced trial before the concerned learned Judicial Magistrate, Harur for an offence under Sections 324, 341, 342, 294(b) and 502(ii) of IPC. The prosecution examined 12 witnesses and also marked 7 documents. After a full fledged trial, the learned Judicial Magistrate, Harur came to a conclusion that the prosecution failed to prove the case beyond reasonable doubt against the petitioners and therefore, the petitioners were acquitted by a judgment dated 14.06.2017.

3.The learned counsel for the petitioner would submit that in spite of giving a specific finding that the prosecution has

failed to prove the case beyond reasonable doubts, the trial Court ought to have acquitted the petitioners on merits. However, the trial Court has also added in the judgment that benefit of doubt is given to the petitioners. This according to the learned counsel goes against the findings given in the judgment.

4.The learned counsel for the petitioner would further submit that based on the criminal case, the petitioners who were working in the police department were proceeded against under Rule 3(b) of the Tamilnadu Police Subordinate Service (Discipline and Appeal) Rules, 1955. In spite of the judgment of acquittal, the petitioners were not able to get benefit of the judgment, since the Court below in spite of finding that the prosecution has failed to prove the case beyond reasonable doubt has also said that the benefit of doubt is given to these petitioners.

5.It is seen from the judgment of the trial Court that the prosecution has examined nearly 12 witnesses and PW1 who was the complainant had deposed in line with the statement given by him to the police. That apart, 5 other witnesses have also supported the case of the prosecution. In spite of the same the Court below was not able to find any materials against the petitioners. Therefore, the petitioners were acquitted on the ground that the prosecution failed to prove the case beyond reasonable doubt. After giving such a finding, the Court has also stated that benefit of doubt is given to the petitioners. In the considered view of the Court both the findings cannot go together. Therefore, this Court is of the considered view that the acquittal of the petitioners is a Hon'ble Acquittal.

6.In view of the above, the judgment of acquittal dated 14.06.2017, made in C.C.No.173 of 2011, passed by the learned Judicial Magistrate, Harur shall be treated as Hon'ble Acquittal. Accordingly, this Criminal Original Petition is allowed.

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Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Judicial Magistrate,
Harur.

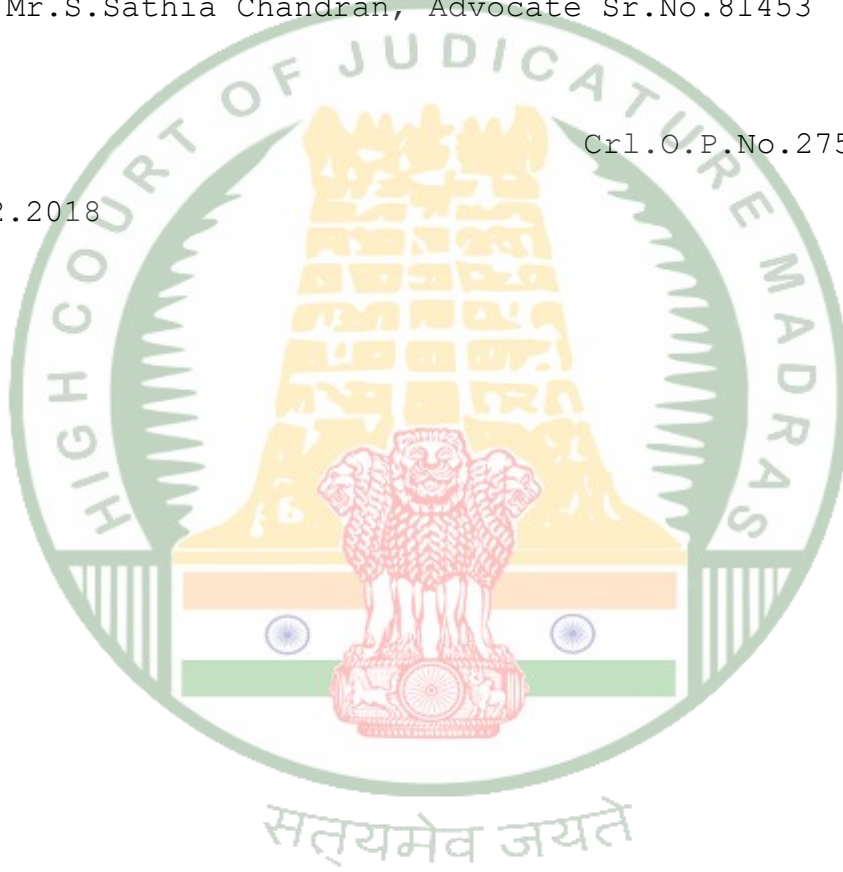
2.The Inspector of Police,
Morappur Police Station,
Dharmapuri District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Sathia Chandran, Advocate Sr.No.81453

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MR(CO)
CSL/18.12.2018



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