



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C. (MD) No.818 of 2017

Neelakrishnan

... Petitioner / Appellant /
De facto Complainant

vs.

1.State

rep.by the Inspector of Police
Vangal Police Station
Karur District
(Crime No.202/2006)...1st Respondent / Respondent/
Complainant

2.V.T.Viswanathan

3.Shanmugam

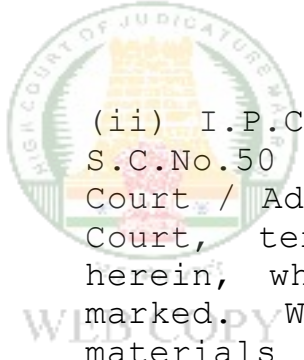
... Respondents 2 & 3 /Respondents/
Accused

PRAYER: Criminal revision filed, under Sections 397 and 401 Cr.P.C., to call for the records and to set aside the judgment of acquittal passed in Sessions Case No.50/2008, dated 28.07.2015, on the file of the Assistant Sessions Judge, Karur, and confirmed by the Mahalir Neethi Mandram (Fast Track Mahila Court), Karur, in Criminal Appeal No.46 of 2016, dated 03.11.2016 and convict the respondents 2 and 3 / accused under Sections 307 and 506(ii) of Indian Penal Code.

For Petitioner : Mr.E.K.Kumaresan

For Respondent No.1 : Mr.M.Asokan
Government Advocate (Crl.Side)For Respondents 2 & 3 : Mr.A.Thiruvadikumar
for Mr.S.Doraisamy**O R D E R**

On the complaint lodged by the petitioner / de facto complainant, the respondent - Police registered a case in Crime No.202 of 2006 and after completing investigation, they filed a final report before the learned Judicial Magistrate No.II, Karur, in P.R.C.No.21 of 2007, for the offence under Sections 307 and 506



(ii) I.P.C. The case was committed to the Court of Sessions in S.C.No.50 of 2008 and it was made over to the Assistant Sessions Court / Additional Sub Court, Karur, for trial. Before the Trial Court, ten witnesses were examined including the petitioner herein, who was examined as P.W.1 and thirteen documents were marked. When the accused were questioned about the incriminating materials appearing against them under Section 313 Cr.P.C., they denied the same. To prove their case, on behalf of the accused four witnesses were examined and nine documents were marked. After considering the oral and documentary evidence, the Trial Court, by Judgment dated 28.07.2015, acquitted the accused honourably. Challenging the same, the complainant preferred an appeal under Section 372 Cr.P.C., in C.A.No.46 of 2016, before the Sessions Court, Karur and the same was heard by the learned Sessions Judge, Fast Track Mahila Court, Karur and it was dismissed, by Judgment dated 03.11.2016. Aggrieved by the same, the petitioner / *de facto* complainant has preferred the present revision.

2. Heard Mr.E.K.Kumaresan, learned counsel for the petitioner / *de facto* complainant, Mr.M.Asokan, learned Government Advocate (Criminal Side) for the first respondent - Police and Mr.A.Thiruvadikumar, learned counsel representing Mr.S.Doraisamy, learned counsel on record for the respondents 2 and 3 and perused the materials filed in the form of typed set.

3. The learned counsel for the petitioner submitted that both the Courts below failed to appreciate the evidence adduced on the side of the petitioner in the right perspective and erroneously acquitted the accused. The learned counsel for the petitioner further submitted that there are overwhelming materials to show that it was the accused, who were the aggressors and have committed the offence in question.

4. Per contra, the learned Government Advocate (Criminal Side) for the first respondent - Police and the learned counsel for the respondents 1 and 2 refuted the submissions of the learned counsel for the petitioner.

5. This Court gave its anxious consideration to the rival submissions.

6. The fact remains that the Courts below have appreciated the evidence on record and acquitted the accused by giving sound reasonings. The power of revision under Section 397 Cr.P.C., can be invoked only when it is shown that there has been an illegality or perversity in the orders passed by the Courts below. In this case, the first accused suffered injuries and four witnesses were examined on the side of the accused including the first accused himself by waiving his right of silence under Section 315 Cr.P.C.



In such view of the matter, this Court does not find any illegality or perversity in the orders passed by the Courts below warranting interference of this Court.

7. In the result, the criminal revision is devoid of merits and it is dismissed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To:

1. The Assistant Sessions Judge,
Karur.
2. The Sessions Judge,
Mahalir Neethi Mandram,
(Fast Track Mahila Court),
Karur.
3. The Inspector of Police,
Vangal Police Station,
Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Record Keeper,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

Krk
AE/KK/SAR2/24.01.2018/3P/7C

Cr1.R.C.(MD) No.818 of 2017
11.01.2018