



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
Crl.R.C(MD)No.920 of 2017

WEB COPY

Marikumar : Petitioner/Accused

Vs.

The State Rep by its
The Inspector of Police,
Vaalinokkam Police Station,
(Crime No.25 of 2013) : Respondent/Complainant

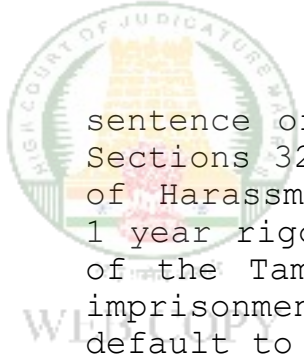
PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records pertaining to the judgment dated 23.02.2015 made by the learned Judicial Magistrate, Muthukulathur in C.C.No.26 of 201 as partly modified in C.A.No.7 of 2015 dated 10.08.2017 by the Additional District and Fast Track Court, Paramakudi and set aside the same and acquit the appellant.

For Petitioner : Mr.M.Muniasamy
For Respondent : Mr.A.Robinson,
Government advocate (Crl.Side)

ORDER

This Criminal Revision Case when came up for admission on 11.12.2017 and on subsequent hearings, the learned counsel not ready to make his submissions. This Court after perusing the records found that the petitioner has not surrendered before the trial Court, though his petition to suspend the sentence was dismissed on 05.01.2018 and again adjourned the case for the past eight months. The matter has been kept adjourned at the request of the learned counsel for the petitioner or due to his non-appearance. Even today, the learned counsel represented that he needs time. Since enough time to make submission for admission was granted, but not availed by the revision petitioner, this Court has no other option, except to peruse the records and pass the following order.

2.The petitioner herein was tried for offence under Sections 506(i), 341, 294(b), 324 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act. The trial Court after appreciating the evidence of the victim lady (P.W.2), her husband (P.W.1) and the medical certificate (Ex.P.5) has held the accused guilty for offence under Sections 506(i), 341, 294(b), 324 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act. For offence 294(b) and 341 IPC the trial Court imposed



sentence of 3 months rigorous imprisonment each. For offence under Sections 324, 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, the Trial Court imposed sentence of 1 year rigorous imprisonment each. For the offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act besides imprisonment the trial Court also imposed a fine of Rs.10,000/- in default to undergo 3 months simple imprisonment.

3.The specific case as proved through the prosecution witnesses is that while P.W.2 was walking near Ramanathapuram bus stand the accused has harassed her by hitting on her shoulder. When she came back from hospital and while purchasing flowers, the accused has again teased her. When she boarded the bus, the accused has followed her and he got down when she got down from the bus. When her husband (P.W.1) questioned him, he has hit the left wrist of the victim lady (P.W.2) and caused injury. This fact has been spoken by the injured victim, her husband and eye-witnesses (P.W.3 and P.W.4). The appellate Court after re-appreciating the evidence has confirmed the sentence and conviction in respect of offence under Sections 341, 324 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act and acquitted the accused for offence under Sections 294(b), 506(i) IPC. Aggrieved by the judgment of the lower appellate Court, the present criminal revision case has been filed.

4.While the injured victim (P.W.2) had spoken about the act of violence committed by the accused person which is corroborated by the medical certificate (Ex.P5) coupled with the evidence of P.W.3 and P.W.4, this Court finds no error in the finding of the lower appellate Court in convicting him for the offence under Sections 341, 324 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act. Hence, this Criminal Revision Case is liable to be dismissed

5.In the result, this Criminal Revision Case is dismissed as devoid of merits confirming the order dated 10.08.2017 passed in C.A.No.7 of 2015 on the file of the Additional District and Fast Track Court, Paramakudi. The Trial Court is directed to secure the revision petitioner and commit him to prison to undergo the remaining period of sentence.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-III)

To



2.The Judicial Magistrate,
Muthukulathur.

3.The Inspector of Police,
Vaalinnokkam Police Station.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cp

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ORDER MADE IN
Cr1.R.C(MD)No.920 of 2017