



BAIL SLIP

The Appellant / Single accused viz., Mohan Kumar S/o.Madurai Naicker, Male aged 39 years, was directed to be released on bail order dated 08/02/2012 in M.P.No.1/2012 in CrI.R.C.No.172/2012.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.172 of 2012

Mohan Kumar

...Petitioner

-Vs-

State represented by
The Inspector of Police,
All Women Police Station,
Tiruvallur.
Cr.No.2 of 2006.

...Respondent

This Criminal Revision case is filed under Sections 397 read with Section 401 of Cr.P.C. praying to call for records relating to the judgment of conviction dated 28.01.2012 made in CrI.Appeal No.57 of 2011 by the learned Additional District Judge (Fast Track Court No.III), Tiruvallur, confirming the judgment of conviction dated 25.08.2011 made in C.C.No.148 of 2006 by the learned Judicial Magistrate No.I, Tiruvallur and set aside the same.

For Petitioner : Mr.S.Deivasigamani - No Appearance

For Respondent : Mr.T.Shanmugarajeswaran
Government Advocate (CrI.Sdie)

O R D E R

This criminal revision case has been filed by the accused against the concurrent judgments of conviction made by both the Courts below.

2 Even though, the criminal revision is pending for more than seven years and also even after giving sufficient opportunities to the learned counsel for the petitioner/accused,



and from 02.05.2005 onwards, they started to live separately and from that date the petitioner/A1 did not come to the home regularly and when the same was questioned by the defacto complainant, the petitioner/A1 scolded her and harassed her. A1 to A3 had taken over the 18 sovereign of gold jewels of the defacto complainant, which was provided to her at the time of her marriage and did not return the same. A1 to A3 harassed the defacto complainant mentally and physically and therefore case was registered against them for the offence under Section 498(A) and 406 r/w 34 of IPC.

7 On reading of the evidence of P.W.1, the victim, there is no dispute with the regard to marriage solemnized between the defacto complainant and the petitioner/A1. Even though, the offence against A1, the petitioner herein, was proved, both the Courts below found that prosecution has not proved its case against A2 and A3 and accordingly acquitted them from all the charges. Both the Courts below had rightly appreciated the evidence and concurrently convicted the petitioner/accused. The lower appellate Court, being a final Court of fact finding, had re-appreciated the entire evidence independently and confirmed the judgment of conviction made by the trial Court. This Court does not find any reason to interfere with the concurrent judgment of conviction made by both the Courts below.

8 It is pertinent to refer the decision of the Hon'ble Supreme Court reported in AIR 1999 SC 981 (State of Kerala Vs. Putthumana Illath Jathavedan Namboodri), held as follows:

"... In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of Supervisory jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated the with the power of an Appellate Court nor can it be treated even as a second Appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to re-appreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to gross miscarriage of justice..."



In the present case on hand also the lower appellate Court has re-assessed entire evidence and given its findings. This Court cannot sit in the arm chair of appellate Court and re-assess the evidence and substitute its views on finding of facts. There is no merit in the revision and there is no perversity in the finding given by the lower appellate Court.

9 In the result, the criminal revision case is dismissed as devoid of merit and substance. Trial Court is directed to secure the petitioner/accused to undergo remaining period of imprisonment, if any.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

cgi

To

- 1) The Judicial Magistrate No.I, Tiruvallur.
- 2) The Chief Judicial Magistrate, Tiruvallur.
- 3) The Additional District Judge
(Fast Track Court No.III), Tiruvallur.
- 4) - do - through The Principal District Judge, Tiruvallur.
- 5) The Director General of Police, Mylapore, Chennai.
- 6) The Superintendent, Central Prison, Puzhal, Chennai.
- 7) The District Collector,
Tiruvallur District.
- 8) The Inspector of Police, All Women Police Station,
Tiruvallur.
- 9) The Public Prosecutor, High Court, Madras.

Cr1.R.C.No.172 of 2012

CA(CO)
SSM(19/08/2019)