



BAIL SLIP

The Appellant/Accused Nos.2, 3, 4, 6 viz., 1.Daniel, S/o.Thanraj, aged 34 years, 2. Murugesan, S/o.Karai (Aged 40 years) 3.Palani, S/o.Kanniappan (Aged 28 years) 4.Sagadevan S/o.Kanniappan (Aged 32 years) were released on bail vide court order dated 24.07.2012 in CrI.MP.No.1/12 in CrI.RC.NO.874 of 2012.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.R.C.No.874 of 2012

1.Daniel

2.Murugesan

3.Palani

4.Sagadevan

.. Petitioners/

Accused 2,3,4,6

Vs

State rep. by Inspector of Police,
Manampathi Police Station,
Kancheepuram District.
(Crime No.176 of 2004)

.. Respondent/
Complainant

Criminal revision preferred under Section 397 and 401 Cr.P.C. to set aside the judgment and order dated 13.07.2012 passed by the Additional District and Sessions Judge, Kancheepuram District at Chengalpattu in CrI.A.No.130 of 2008 confirming the judgment and order dated 25.06.2008 passed by the Chief Judicial Magistrate-cum-Assistant Sessions Judge, Chengalpattu in S.C.No.633 of 2006.



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For Petitioners : Mr.R.Sankarasubbu

For Respondent : Mrs.P.Kritika Kamal,
Govt.Advocate (Crl. Side)

O R D E R

This Criminal Revision has been preferred challenging the judgment and order dated 13.07.2012 passed by the Additional District and Sessions Judge, Kancheepuram District at Chengalpattu in Crl.A.No.130 of 2008 confirming the judgment and order dated 25.06.2008 passed by the Chief Judicial Magistrate, Chengalpattu in S.C.No.633 of 2006.

2.It is the case of the prosecution that A1 to A25 belonging to one group, had a conflict with the organizers of the temple festival in the village and during the festivities on 28.07.2004, around 4.00 p.m., A1 to A25 had attacked their rivals and caused injuries to them.

3.On these allegations, a case in Crime No.176 of 2004 was registered by the police and after completing the investigation, a final report was filed in P.R.C.No.27 of 2006 before the Judicial Magistrate No.I, Chengalpattu against A1 to A25 for the offence under Sections 147, 148, 448, 324, 323, 307 and 325 IPC read with Section 3 of TNPPDL Act. The case was committed to the Court of Session in S.C.No.633 of 2006 and was made over to the Assistant Sessions Court, Chengalpattu, for trial. The trial Court framed the aforesaid charges and when questioned, the accused pleaded 'not guilty'.

4.To prove the case, the prosecution examined 19 witnesses and marked 14 exhibits. When the accused were questioned under Section 313 Cr.P.C. about the incriminating circumstances appearing against them, they denied the same. On the side of the accused, no witness was examined nor any document marked.

5.After a full-fledged trial, the trial Court, by judgment and order dated 25.06.2008 in S.C.No.633 of 2006 acquitted A1, A7 to A25, but, convicted Daniel (A2), S/o.Thanraj, Murugesan (A3), S/o.Karai, Palani (A4), S/o.Kanniappan and Sagadevan (A6), S/o.Kanniappan and sentenced them as under :



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Rank of the accused	Provision under which convicted	Sentence
Daniel (A2)	Section 148 IPC	1 year simple imprisonment
	Section 324 IPC (3 counts)	1 year simple imprisonment for each count
	Section 326 IPC	2 years rigorous imprisonment
	Section 323 r/w 149 IPC (2 counts)	6 months simple imprisonment for each count
	Section 324 r/w 149 IPC	1 year simple imprisonment
	Section 325 r/w 149 IPC (2 counts)	1 year rigorous imprisonment for each count
	Section 326 r/w 149 IPC (2 counts)	2 years rigorous imprisonment for each count
Murugesan (A3)	Section 147 IPC	6 months simple imprisonment
	Section 325 IPC	1 year rigorous imprisonment
	Section 323 r/w 149 IPC (2 counts)	6 months simple imprisonment for each count
	Section 324 r/w 149 IPC (4 counts)	1 year simple imprisonment for each count
	Section 325 r/w 149 IPC	1 year rigorous imprisonment
	Section 326 r/w 149 IPC (3 counts)	2 years rigorous imprisonment for each count



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Rank of the accused	Provision under which convicted	Sentence
Palani (A4)	Section 148 IPC	1 year simple imprisonment
	Section 323 IPC	6 months simple imprisonment
	Section 326 IPC	2 years rigorous imprisonment
	Section 323 r/w 149 IPC	6 months simple imprisonment
	Section 324 r/w 149 IPC (4 counts)	1 year simple imprisonment for each count
	Section 325 r/w 149 IPC (2 counts)	1 year rigorous imprisonment for each count
	Section 326 r/w 149 IPC (2 counts)	1 year rigorous imprisonment for each count
Sagadevan (A6)	Section 148 IPC	1 year simple imprisonment
	Section 324 IPC	1 year simple imprisonment
	Section 326 IPC	2 years rigorous imprisonment
	Section 323 r/w 149 IPC (2 counts)	6 months simple imprisonment for each count
	Section 324 r/w 149 IPC (3 counts)	1 year simple imprisonment for each count
	Section 325 r/w 149 IPC (2 counts)	1 year rigorous imprisonment for each count
	Section 326 r/w 149 IPC (2 counts)	2 years rigorous imprisonment for each count

Gopal (A5) died during trial. The convicted accused filed C.A.No.130 of 2008, which was dismissed by the Additional District and Sessions Judge, Kancheepuram on 13.07.2012. Aggrieved by the orders of the two Courts below, Daniel (A2), Murugesan (A3), Palani (A4) and Sagadevan (A6) have preferred the present Criminal Revision under Section 397 r/w 401 Cr.P.C.



6. Heard Mr.R.Sankarasubbu, learned counsel for the petitioners and Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) appearing for the respondent State.

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7. In this case, the evidence on record shows that four persons viz. Thirumangai Azhvar (P.W.1), Thangam @ Venkatesan (P.W.3), Mahadevan (P.W.4), Raju (P.W.5), Velu (P.W.6) and Munusamy (P.W.7) had suffered injuries, out of which, except Mahadevan (P.W.4), the injuries suffered by others were found to be simple in nature and that is why, the petitioners were convicted under Section 324 read with 149 IPC.

8. A reading of the evidence of Dr.Selvaraj (P.W.16), who treated Mahadevan (P.W.4) shows that he had sustained injuries on his right hand and the x-ray shows that he has not suffered any fracture and there was only a superficial tear, which, in the opinion of this Court cannot be construed as a grievous injury, but, only a simple injury punishable under Section 324 read with 149 IPC.

9. Learned counsel for the petitioner submitted that the incident in question had taken place during the temple festivities and now both sides are living in peace and have buried the hatchet.

10. Thirumangai Azhvar (P.W.1/de facto complainant) has filed a compromise memo dated 31.10.2019, praying for compounding of the offence. On the directions of this Court, the concerned parties are present today.

11. Today, Mr.N.Arumugam, Sub Inspector of Police, E-7, Manampathy Police Station, Kancheepuram District is present before this Court. Similarly, Thirumangai Azhvar (P.W.1/de facto complainant), Thangam @ Venkatesh (P.W.3), Mahadevan (P.W.4), Raju (P.W.5), Velu (P.W.6) and Munusamy (P.W.7) are also present before this Court. The compromise memo signed by the aforesaid accused and victims has also been filed. On instructions, learned Government Advocate (Crl. Side) submitted that peace is prevailing in the village. The incident in this case took place on 28.07.2004, whereas, the amendment to Section 320 Cr.P.C. came into force only on 31.12.2009. Prior to 31.12.2009, the offence under Section 324 IPC was compounable. The revisional Court also has the power under Section 320(6) Cr.P.C. to compound the offence.



In view of the above, the offences stand compounded and the judgment and orders passed by the two Courts below are set aside. Consequently, the petitioners are acquitted of the offences. The Registry is directed to transmit the original records if any, to the respective Courts forthwith.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

1. The Judicial Magistrate No.1,
Chengalpattu.
2. The Chief Judicial Magistrate Court,
Chengalpattu.
3. The Additional District and Sessions Court,
Kancheepuram District at Chengalpattu.
4. The Chief Judicial Magistrate cum
Assistant Sessions Judge, Chengalpattu.
5. The Superintendent,
Central Prison, Puzhal, Chennai.
6. The Inspector of Police,
Manampathi Police Station,
Kancheepuram District.
7. The Public Prosecutor,
High Court, Madras.
8. The Deputy Registrar,
Criminal Side,
High Court, Madras.

CRL.R.C.No.874 of 2012

CA(CO)
CS/06/01/2020