

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

CRL.RC.NO.884 OF 2012
AND M.P.NO.1 OF 2012

K.Balamurugan ... Revision Petitioner/
Defacto Complainant

-vs-

1. Sounderrajan ... 1st Respondent/Appellant/
Accused No.1
2. The Sub-Inspector of Police,
Selvapuram Law & Order,
B-10, Police Station,
Coimbatore. 2nd Respondent/Respondent/
Complainant

Petition filed under Section 397 r/w 401 Cr.P.C. to set
aside common order dated 15.11.2011 passed in C.A.No.199 of 2011
passed by Additional District and Sessions Judge, Fast Tract
Court III, Coimbatore.

For Petitioner : Mr.T.Franklin

For Respondents : Mr.N.Manokaran
: for Mr.N.Ponraj for R1
Mr.T.Shanmugarajeswaran
: Govt.Advocate (Crl. Side) for
R2

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

This revision has been filed by the defacto complainant
seeking enhancement of the sentence.

2.The second respondent police filed a charge sheet for the
offence punishable under Sections 324 and 506(ii) IPC against
the first accused and Section 324 IPC against the second

accused. Thereafter, the matter was taken up for trial in C.C.No.254 of 2010.

3.The prosecution examined twelve witnesses -P.Ws. 1 to 12 and marked Exs.P1 to P8. M.O.1 is the koduval, M.O.2 is the hollow block stone and M.O.3 series are the photographs.

4.The Trial Court on appreciation of the evidence was pleased to hold that the first accused is guilty of the offence punishable under Sections 324 and 506(ii) IPC. Accordingly, convicted him and sentenced to undergo two years simple imprisonment. Insofar as the second accused is concerned, payment of fine of Rs.5,000/- was imposed.

5.Aggrieved over the conviction and sentence rendered by the trial Court, both A1 and A2 filed Crl A. Nos. 199 and 206 of 2011 before the Additional District and Sessions Court-cum-Fast Track Court No.III, Coimbatore.

6. Crl.A.No.199 of 2011 filed by A1 was partly allowed. Accordingly, the conviction and sentence rendered under Section 506(ii) IPC has been set aside and resultantly was acquitted. Insofar as the conviction rendered by the trial Court for the offence punishable under Section 324 IPC, the same was confirmed. Resultantly, the punishment imposed was reduced to six months simple imprisonment. A1 filed further revision before this Court in Crl.R.C No.1730 of 2011. The learned single Judge, one of us (RMT.TEEKAA RAMAN,J) after going into the merits of the case was pleased to confirm the conviction. However, considering the facts of the case, the sentence is modified to payment of Rs.5,000/-.

7. Now the present revision has been filed by the defacto complainant, namely, the injured witness, challenging the judgment rendered in Crl.A.No.199/2011, passed by the Additional District and Sessions Judge, Fast Track Court III, Coimbatore.

8.The learned counsel appearing for the petitioner submitted that the appellate Court committed wrong in modifying the conviction and sentence by allowing the appeal with respect to the offence punishable under Section 506(ii) IPC. Incidentally, it is submitted that the punishment imposed ought not to have been reduced to six months.

9.We do not find any merit in this revision. On a revision filed by A1, this Court though confirmed the conviction was pleased to modify the sentence and the same has become final. Even on merits, we do not find any reason to interfere with the judgment rendered in Crl.A.No.199 of 2011. The appellate Court considered the relevant materials and thereafter held that the

ingredients for punishment to be rendered under Section 506(ii) IPC are not available. There is no contra material available to reverse the decision of the appellate Court in CrI.A.No.199 of 2011.

10.Thus, we do not find any reason to interfere with the order passed which is also modified by the order passed in CrI.R.C No.1730 of 2011 dated 19.09.2018. In such view of the matter, the revision petition stands dismissed.

11.We are quite conscious of the fact that there is marked difference between the appeal and revision. The scope of revision stands restricted as against the appeal. This Court has taken into consideration the sentence while exercising the revisional jurisdiction. Therefore, even on that ground also, the revision is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Additional District and Sessions Judge,
Fast Track Court III, Coimbatore.
2. The Sub-Inspector of Police,
Selvapuram Law & Order,
B-10, Police Station,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.
4. The Section Officer,
Criminal Section Records,
High Court, Madras-104.

+1cc to Mr.N.Ponraj, Advocate, S.R.No.92980

CrI.R.C.No.884 of 2012

BR(CO)
CS/13/12/2019