

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.22881 of 2019

Ramkumar

... Petitioner

Vs.

The State rep. by
The Sub Inspector of Police,
Veppankuppam Police Station,
Vellore District.
(Crime No.343 of 2016)

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to declare the acquittal of the petitioner by the Judicial Magistrate No.3, Vellore in C.C.No.276 of 2018 dated 21.06.2018, held to be Hon'ble Acquittal.

For Petitioner	: Ms.Rayeesa Fathima
For Respondent	: Mr.M.Mohamed Riyaz
	Additional Public Prosecutor

ORDER

This petition has been filed to declare the acquittal of the petitioner in C.C.No.276 of 2018, rendered by the Judicial Magistrate No.3, Vellore on 21.06.2018 as Hon'ble acquittal.

2.The petitioner was ranked as A3 in the final report and the charges were framed as against the petitioner for the offences under Section 294(b), 324 and 506(ii) of IPC.

3.During the course of trial, the prosecution had examined nine witnesses. Out of these witnesses, PW1 to PW5 are the witnesses who specifically speak about the occurrence. At least three of the witnesses have specifically stated that the petitioner was only attempting to pacify and prevent any untoward incidents and no specific over act has been attributed against the petitioner. The evidence on these aspects is very consistent with regard to PW3, PW4 and PW5. Ultimately, the

trial Court has acquitted all the accused persons giving them benefit of the doubt on the ground that, the witnesses contradict each other.

4.The learned counsel for the petitioner submitted that even though the trial Court had given the benefit of doubt to acquit all the accused persons, the evidence insofar as the petitioner is concerned, clearly shows that the petitioner was not involved in the incident and he was only trying to pacify the parties. The learned counsel submitted that the trial Court did not give any specific finding as against the petitioner and his involvement in the incident and the case of all the accused persons were considered in common. The learned counsel concluded his arguments by submitting that the acquittal insofar as the petitioner is concerned must be treated to be a Hon'ble acquittal.

5.The learned Additional Public Prosecutor brought to the notice of this Court the evidence of PW3, PW4 and PW5 and submitted that these witnesses have consistently stated that the petitioner was only trying to pacify and prevent the occurrence between the parties and no specific over act was attributed against the petitioner. The learned counsel submitted that the trial Court took into consideration the fact that there was contradiction among the witnesses and therefore the benefit of doubt was given to all the accused persons and they had been acquitted only on that ground.

6.This Court has carefully considered the submissions made on either side and also the materials available on record.

7.As rightly contended by the learned Additional Public Prosecutor, the trial Court has acquitted all the accused persons only by giving benefit of doubt since there were contradictions regarding the place of incident, among the witnesses. The trial Court has extended this benefit of doubt in common to all the accused persons and it has not dealt with the role played by each of the accused persons in the incident.

8.At this juncture, this Court has carefully considered the submissions made by the learned counsel for the petitioner. The learned counsel for the petitioner submitted that all the witnesses have consistently deposed that the petitioner was not involved in the incident and he was only trying to pacify among the parties. The learned counsel had also argued that no specific over act has been attributed against the petitioner. There is force in the arguments made by the learned counsel for the petitioner as rightly contended by the learned counsel for the petitioner. The trial court ought to have specifically dealt with the case of the petitioner and instead of doing so, the trial Court had extended the benefit of doubt to all the accused

persons.

9.It is seen from records that, insofar as the petitioner is concerned, it is clear that he is not involved in the incident and no specific over act has attributed against him. Therefore, the acquittal insofar as the petitioner is concerned, has to necessarily taken as a Hon'ble acquittal.

10.In view of the above, the acquittal of the petitioner in C.C.No.276 of 2018, rendered by the Judicial Magistrate No.3, Vellore is hereby held to be Hon'ble acquittal.

11. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1.The Judicial Magistrate No.3, Vellore.

2.-do-Thro'The Chief Judicial Magistrate,
Vellore.

3.The Sub Inspector of Police,
Veppankuppam Police Station,
Vellore District.

4.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Ms.Rayeesa Fathima, Advocate SR.72480

RSN(CO)
CB(15/10/2019)

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