



Bail Slip

The First Appellant/Accused No.1 namely Booranam, S/o.Karuppaiah Thevar, aged 40/2011 was directed to be released on bail vide order dated 08.09.2011 made in MP(MD)No.1 of 2011 in Crl.A.(MD) No.270 of 2011

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A.(MD)No.270 of 2011

1. Booranam
2. Thiagarajan

... Appellants/
Accused Nos.1 and 2

Vs.

State : rep. by,
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

... Respondent/Complainant

Prayer: Criminal Appeal is filed under Section 374 of Cr.P.C, to set aside the order passed in Special S.C.No.183 of 2009 on the file of the Principal Sessions Judge, Ramanathapuram, dated 09.08.2011 and allow this appeal.

For Appellants : Mr.K.Kumaravel
For Respondent : M/s.S.Bharathi,
Government Advocate (Crl. Side)

JUDGMENT

The appellants were convicted and sentenced by the learned Principal Sessions Judge, Ramanathapuram, in S.C.No.183 of 2009, vide Judgment dated 09.08.2011 as follows:-

Rank of the accused	Charges u/s.	Sentence
Accused No.1 Booranam	3(1)(x) of SC/ST Act	1 Year R.I., fine of Rs.1,000, in default, 3 months R.I.
Accused No.2 Thiyagarajan	324 of I.P.C.	1 Year R.I., fine of Rs.1,000, in default, 3 months R.I.



Questioning the same, this Criminal appeal has been filed.

2. The case of the prosecution is that on 26.12.2006 at about 1 p.m., the victim Anju Muthan asked for a hitch hike from the first accused. Since there was an election motive between the two, the first accused is said to have refused the request of the victim. The first accused is also said to have abused the victim by referring to his community and the second accused is said to have hacked the victim with Aruval. In this regard, the victim Anju Muthan lodged an information with the Inspector of Police, Thiruvadanai police station vide Ex.P.1. Based on the same, crime No.210 of 2006 was registered for the offences under Sections 323, 324 and 506(ii) of I.P.C., r/w 3(1)(x) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act. Investigation was undertaken and final report came to be filed before the District Munsif cum Judicial Magistrate, Thiruvadanai. It was committed vide P.R.C.No.8 of 2007 and it was taken up for trial in S.C.No.183 of 2009. Against the two accused, as many as four charges were framed. Against the first accused, charge under Section 323 of I.P.C. and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act were framed. Against the second accused, charge under Sections 324 and 506(ii) of I.P.C. were framed.

3. The accused denied the charges and claimed to be tried. The Court below found the accused guilty and sentenced them as mentioned above. Challenging the same, this Criminal Appeal has been filed.

4. When the matter was taken up for hearing, it is submitted that the second appellant Thiyyagarajan had passed away and that therefore, the proceedings against him stand abated. This appeal is dismissed as regards the second appellant is concerned.

5. The first appellant has been found guilty only in respect of the offence under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act. The first appellant is said to have abused the victim/P.W.1 by referring to his community. The said offence will be attracted, only if it had been done within public view. In this case, except the testimony of P.W.1, there is no other evidence to sustain the prosecution charge that the first appellant had abused the victim by referring to his community. The victim himself had stated that there was an election motive between the two. In this case, it is not as if the first appellant had picked up some quarrel. Even according to the victim, he asked for a hitch hike. From the sequence of events, the possibility of the victim from falsely implicating the first appellant cannot be ruled out. The benefit of doubt clearly has to go to the first appellant. The impugned Judgment convicting



the first appellant for the offence under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is set aside. He is acquitted of the charge.

6. The Criminal Appeal stands allowed, accordingly. No costs. The bail bond, if any, executed by him shall stand cancelled.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

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To:

1. The Principal Sessions Judge,
Ramanathapuram.
2. The District Munsif cum Judicial Magistrate
Thiruvadanai
3. The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai

copy to

The Section Officer, -2 copies
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.KUMARAVEL, Advocate (SR-77027[F] dated
23/07/2019)

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