



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.A.(MD)No.294 of 2019

Renuga

... Appellant

Vs.

1.Muniyandi

2.Asaimurugan

3.Chitradevi

4.Pandi Selvi

5.Mahalakshmi

... Respondents

Prayer: Criminal Appeal is filed under Section 372 of Cr.P.C, to set aside the order of the Additional Sessions Judge, Sivagangai in S.C.No.109 of 2008, dated 04.02.2011 acquitting the respondents/accused 1 to 5 under Sections 147, 148, 431, 294(b), 324 and 309 of I.P.C.

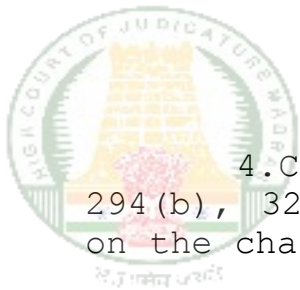
For Appellant : No appearance
For Respondents : Mr.J.Sulthan Basha
For M/s.Ajmal Associates

JUDGMENT

None appears for the appellant.

2.This appeal is filed against the judgment of acquittal made in S.C.No.109 of 2008, on the file of the learned Assistant Sessions Judge, Sivagangai.

3.The case of the prosecution is that on 15.01.2008 at about 04.00 p.m., the accused attacked the husband of the defacto complainant/appellant herein with Aruval and caused him grievous injuries. In this regard, Crime No.11 of 2008 was registered on the file of Thiruppachetti Police Station. Investigation was undertaken and final report was filed before the learned Judicial Magistrate, Manamadurai. The case was committed to Session Court in P.R.C.No.77 of 2008 and made over the learned Assistant Sessions Judge, Sivagangai in S.C.No.109 of 2008.



4.Cognizance of the offence under Sections 147, 148, 341, 294(b), 324 and 307 was taken. When the accused were questioned on the charges, they pleaded not guilty and claimed to be tried.

5.The prosecution examined as many as 10 witnesses and marked Exs.1 to 8. On the side of the accused one Ramachandran was examined as D.W.1. Ex.D.1/attendant register was also marked. M.O.1 and M.O.2, the weapons used for attacking P.W.2 were also marked.

6.The learned Trial Judge by the impugned judgment held that the prosecution had not proved its case beyond reasonable doubt and acquitted the accused of all the charges. Challenging the same, this criminal appeal has been filed.

7.This Court went through the grounds and perused the evidence on record.

8.The learned Trial Judge after considering the evidence on record came to the conclusion that P.W.4 cannot be considered as an eye witness. It was also noted that there was a pending civil dispute between the parties. In fact a civil suit was also pending. It was established beyond reasonable doubt that during the occurrence, A3 to A5 namely., Chitradevi, Pandi Selvi and Mahalakshmi were employed at Coimbatore. A3 to A5 herein are woman, who were working in a mill at Coimbatore and the same was established by marking the attendant register/Ex.D.1. It was also noted that the prosecution did not challenge the contents of Ex.D.1. It was further noted by the Trial Court that before admitting P.W.2 in Meenakshi Mission Hospital, Maduari, a complaint was lodged before the Police by P.W.1. But then, the complaint lodged at the earliest occasion was suppressed. Therefore, the learned Trial Judge came to the conclusion that it would be unsafe to find the accused guilty based on the improved version given later.

9.This is an appeal against the order of acquittal. This Court is unable to come to the conclusion that the view taken by the learned Trial Judge is perverse. In this view of the matter, no interference is called for. I find no ground or merits in the appeal and the criminal appeal stands dismissed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //



To:
The Additional Sessions Judge,
Sivagangai.

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+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-74585[F] dated
10/07/2019)

IAS

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