



Bail Slip

S.Perumal @ Raj S/o.Sankaralingam, aged about 29 years, was released on bail vide Order made in MP(MD)No.1 of 2010 in Crl.RC(MD) No.204 of 2011.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.204 of 2011

S.Perumal

... Petitioner/Appellant/
Accused(Single)

Vs

The State represented by,
The Sub Inspector of Police,
Thalayuthu Police Station,
Tirunelveli District.
(Crime No.131 of 2007)

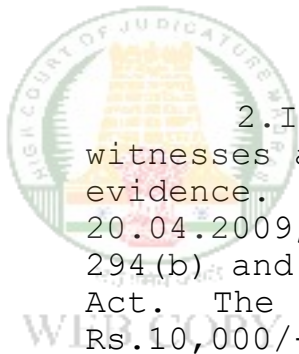
... Respondent/Respondent
Complainant

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records pertaining to the Judgment delivered by the Judicial Magistrate No.III, Tirunelveli, Tirunelveli District in C.C.No.170 of 2007, vide his Judgment dated 20.04.2009 which has been subsequently partly allowed by the learned Additional Sessions Judge/Fast Track Court No.I, Tirunelveli, Tirunelveli District in C.A.No.31 of 2009, vide his Judgment dated 11.02.2011 and set aside the same and consequently, acquit the petitioner.

For Petitioner	: Mr.R.Anand
For Respondent	: Mrs.S.Bharathi
	Government Advocate (Crl.side)

ORDER

The petitioner was shown as an accused in C.C.No.170 of 2007 on the file of the Judicial Magistrate No.III, Tirunelveli for the offence under Section 294(b) and Section 4 of Tamilnadu Prohibition of Harassment of Women Act and Section 4(1)(A)(a) of Tamilnadu Open Place Prevention of Disfigurement Act, 1959. The petitioner denied the charges and claimed to be tried.



2.In support of its case, the prosecution examined eight witnesses and marked five documents. The accused did not adduce any evidence. The learned trial Magistrate, by Judgment dated 20.04.2009, found the petitioner guilty of the offence under Section 294(b) and Section 4 of Tamilnadu Prohibition of Harassment of Women Act. The petitioner was sentenced to pay a fine amount of Rs.10,000/- and also sentenced to three months rigorous imprisonment for the offence under Section 4 of Tamilnadu Prohibition of Harassment of Women Act. The petitioner filed Criminal Appeal No.31 of 2009 before the Additional Sessions Judge/Fast Track Court No.I, Tirunelveli. By Judgment dated 11.02.2011, the Lower Appellate Court acquitted the petitioner of the offence under Section 294(b) and confirmed the Judgment of the trial Court in respect of the offence under Section 4 of Tamilnadu Prohibition of Harassment of Women Act and a fine amount of Rs.10,000/- was also confirmed. Challenging the same, this criminal revision petition has been filed.

3.After hearing the learned counsel on either side and after going through the evidence on record, I am of the view that no case for interference with the finding of guilt has been made out. The petitioner had scribbled something nasty about the daughter of P.W.1 and P.W.2. When the petitioner was writing on the temple wall, it was witnessed by the parents of the girl namely P.W.1 and P.W.2. The learned trial Magistrate, after a careful perusal of the entire evidence on record, has come to the conclusion that the petitioner was guilty of the offence with which he was charged. The Lower Appellate Court, while confirming the finding of guilt under Section 294(b) of IPC, chose to sustain the finding of conviction as regards the offence under Section 4 of Tamilnadu Prohibition of Women Harassment Act.

4.I am of the view that no case for interference has been made out. In this view of the matter, the conviction passed by the Lower Appellate Court is sustained. As regards the sentence, I am of the view that in view of the lapse of time, the petitioner need not be sent back to Jail. The sentence of imprisonment imposed on the petitioner alone is set aside. The fine amount of Rs.10,000/- is confirmed.

5.With this modification, this criminal revision petition is partly allowed.

Sd/-

Assistant Registrar (Ad-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Sub Inspector of Police,
Thalayuthu Police Station,
Tirunelveli District.
2. The Judicial Magistrate No.III,
Tirunelveli.
3. The Chief Judicial Magistrate,
Tirunelveli.
4. The Additional Sessions Judge/Fast Track Court No.I,
Tirunelveli, Tirunelveli District.
5. The Principal Sessions Judge,
Tirunelveli.
6. The Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.R.C(MD)No.204 of 2011

CS(20.09.2019) 3P 7C