



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI.R.C. (MD) No.475 of 2011

WEB COPY

Perumal

.. Petitioner/
Defacto Complainant

Vs.

1. The Inspector of Police,
Navalpattu Police Station,
Navalpattu, Trichy,
Trichy District.

.. 1st Respondent/
Complainant

2. Neppolian
3. Vikramathithan
4. Nagammal
5. Prabavathi

.. Respondents 2 to 5
Accused

Prayer : This Criminal Revision petition is filed under Section 397 r/w 401 of Cr.P.C., to call for the records in C.C.No.71 of 2009 on the file of the learned Judicial Magistrate No.3, Trichy and set aside the Judgment of the said Court dated 05.05.2011 by allowing this Revision.

For Petitioners	: No appearance.
For R-1	: Mr.A.Robinson, Government Advocate (Criminal Side).
For R-2 to R-5	: Mr.T.A.Omprakash. For Mr.T.Senthilkumar,

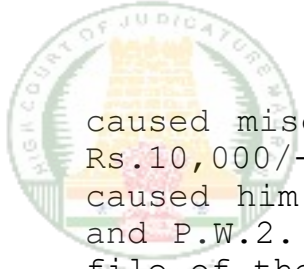
ORDER

The petitioner's counsel reported no instruction. This Court therefore directed the Registry to print the name of the petitioner.

2. When the matter was taken up for hearing, there was no representation on the petitioner.

3. This Criminal Revision has been filed questioning the Judgment of acquittal dated 05.05.2011 made in C.C.No.71 of 2009 on the file of the learned Judicial Magistrate No.3, Thiruchirappalli.

4. The case of the prosecution is that on 11.04.2006 at about 8.00 p.m., the accused picked up a quarrel with P.W.1 and P.W.2 and



caused mischief and damaged the household articles to the tune of Rs.10,000/-. Accused No.1 Napoleon is said to have pushed P.W.1 and caused him hurt. The accused had also criminally intimidated P.W.1 and P.W.2. In this regard Crime No.221 of 2006 was filed on the file of the Navalpattu police station. In support of the prosecution case, as many as eight witnesses were examined and Ex.P.1 to Ex.P.4 were marked. But the Court below noted that except the interested testimony of P.W.1 and P.W.2, the other witnesses have not supported the prosecution case. That apart there has been a gross delay in lodging the First Information Report. The occurrence had taken place on 11.04.2006. But the First Information Report came to be registered only on 29.10.2006 following the direction under Section 156(3) of Cr.P.C. from the jurisdictional Magistrate. The learned trial Magistrate after a detailed consideration of the evidence on record, came to the conclusion that the testimony of P.W.1 and P.W.2 who are the husband and wife is not believable.

5. The Judgment of acquittal is founded on correct reasoning and I find no ground to interfere with the Judgment passed by the Court below. There is no merit in this Criminal Revision petition.

6. The Criminal Revision stands dismissed, accordingly. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.3,
Trichy.
2. The Inspector of Police,
Navalpattu Police Station,
Navalpattu, Trichy,
Trichy District.
3. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2C)
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc Mr.R.SUNDAR ,Advocate, SR.No.71698

+1 cc Mr.T.SENTHIL KUMAR ,Advocate, SR.No. 71650

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26.06.2019

_KK/SAR/20.08.2019/2P-8C/