

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26.06.2019****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****Crl.R.C. (MD) No.775 of 2011**

Somasundaram

...Petitioner/Defacto complaint

Vs.

1.State through

The Sub Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.

(Crime No.388 of 1999)

..1st Respondent/Complainant

2.Periasamy

3.Renuga

..2nd & 3rd Respondents/Accused 1 & 4

Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, to set aside the judgment and sentence passed in C.C.No.309 of 2001 dated 28.02.2011 on the file of the Judicial Magistrate, Thuraiyur to enhance the conviction and sentence.

For Petitioner

: Mr.V.Illanchezian

For Respondents

: Mr.A.Robinson

Govt. Advocate (Crl. Side) for R1

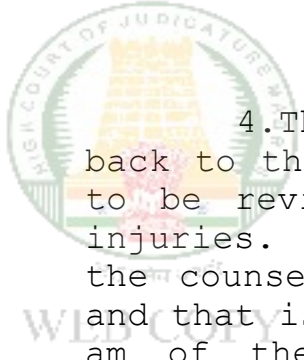
: Mr.N.Anandakumar for R2 & R3

O R D E R

Heard the learned counsel on either side.

2.Somasundaran is the defacto complainant in Crime No.388 of 1999, on the file of the Uppiliyapuram Police Station. His complaint is that he was beaten with a stick with regard to irrigation dispute on 03.12.1999 at about 12.30 p.m. He lodged Ex.P.1/complaint. The case was registered and final report was filed. Cognizance of the offence was taken. As many as six persons were shown as accused. The entire family of Periasamy was implicated. The petitioner herein examined himself as P.W.1. Eight others were examined along with him. Ex.P.1 to Ex.P.7 were marked.

3.The learned Trial Magistrate by judgment dated 28.02.2011 acquitted A2, A3, A5 and A6 and convicted A1, A4 alone and sentenced them to pay a fine of Rs.900/- each for the offence under Section 323 of I.P.C. for which they found guilty. Seeking enhancement of sentence imposed on them, this criminal revision case has been filed.



4. This Court is of the view that the occurrence which dates back to the year 1999 and is almost 20 years old does not deserve to be revived. The petitioner admittedly suffered only simple injuries. However, I do find justification in the submission of the counsel for the petitioner that the petitioner was attacked and that is why he is continuing the battle. Be that as it may, I am of the view that interest of justice will be served by directing the respondents 2 and 3/accused to take a joint demand draft in the name of Somasundaran for a sum of Rs.2,000/- and hand over the same to his counsel namely., Mr.Sankarasubramanian. Mr.Anandkumar, learned counsel appearing for the accused submitted that he would hand over the demand draft within a period of two weeks from the date of receipt of a copy of this order. This in my view should assuage the injured feeling of Somasundaran who I hope will give quietus to the issue. This criminal revision case is disposed of on these terms.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

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To:

1.The Judicial Magistrate, Thuraiyur,
Trichy District.

2.The Sub Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.

+1cc to M/S.V.Ilanchezian, Advocate in SR.71656

+1cc to M/S.N.Anandakumar, Advocate in SR.71692

Cr1.R.C. (MD) No.775 of 2011
26.06.2019

PBK(17.07.2019) 2P 5C