

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2020

CORAM :

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl. R.C. No.1519 of 2012

and

Crl.M.P.No.621 of 2020

Rajendran

... Revision Petitioner

Vs.

State by :

The Sub-Inspector of Police,
Berigai Police Station,
Krishnagiri District.

... Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., against the judgment, dated 02.11.2012, passed by the Principal District and Sessions Judge, Krishnagiri, in C.A.No.5 of 2011, confirming the conviction and modifying the sentence in C.C.No.17 of 2010 on the file of the Judicial Magistrate's Court No.I, Hosur, dated 06.09.2010.

For Petitioner : Mr.R.Dhinesh Kumar

For Respondent : Mr.R.Surya Prakash
Government Advocate (Crl. Side)
Mr.Saithanya Kesan
(for injured person)

O R D E R

This Criminal Revision Case has been filed against the judgment, dated 02.11.2012, passed by the Principal District and Sessions Judge, Krishnagiri, in C.A.No.5 of 2011, confirming the conviction and modifying the sentence in C.C.No.17 of 2010 on the file of the Judicial Magistrate's Court No.I, Hosur, dated 06.09.2010.

2.The prosecution case is as follows :

Venkatraman (P.W.1) and Radhakrishnan (P.W.2) are brothers and they hail from K.N.Thotti Village in Hosur Taluk, falling within the limits of Berigai Police Station. Rajendran (petitioner/accused) is also from the same village and is a distant relative of Venkatraman (P.W.1) and Radhakrishnan

(P.W.2). There was a dispute between the family of Rajendran and the victim Radhakrishnan (P.W.2) with regard to sharing of water and as a fallout, Rajendran assaulted Radhakrishnan (P.W.2) with a stick, resulting in injuries to the latter. On these allegations, the police registered a case in Crime No.94 of 2009.

3.After completing the investigation, the police filed a final report in C.C.No.17 of 2010, before the Judicial Magistrate Court No.I, Hosur, for the offences under Sections 341 and 324 IPC, against Rajendran, in which, Rajendran was convicted on 06.09.2010 and was sentenced as follows :

Provision under which convicted	Sentence
Section 341 IPC	Fine of Rs.500/- in default to undergo simple imprisonment for two months
Section 324 IPC	Six months simple imprisonment and also fine of Rs.500/- in default to undergo simple imprisonment for two months

4.The appeal in C.A.No.5 of 2011 that was filed by Rajendran was heard by the Principal District and Sessions Judge, Krishnagiri, and by judgment dated 02.11.2012, the appellate Court confirmed the convictions, but reduced the sentence of six months simple imprisonment for the offence under Section 324 IPC to one month simple imprisonment, and also reduced the fine of Rs.500/- for the offence under Section 341 IPC to Rs.100/-, in default to undergo simple imprisonment for one week.

5.Challenging the concurrent findings of the two Courts below, Rajendran filed the present Criminal Revision Case before this Court under Section 397 r/w. 401 Cr.P.C.

6.When the matter was taken up for hearing, learned counsel for Rajendran (petitioner/accused) submitted that the parties are willing to compound the offences. Hence, this Court directed the police to produce Rajendran (accused) and the victim Radhakrishnan (P.W.2).

7.Radhakrishnan (P.W.2) appeared before this Court on 10.01.2010 and stated that he needs legal assistance and does not have the means to engage an Advocate. Therefore, this Court appointed Ms.Saitanya Kesan (Enrollment No.1718/2017), Advocate, to appear for Radhakrishnan (P.W.2).

8.Today, Rajendran (petitioner/accused) and Radhakrishnan (P.W.2) are present, who are identified by Mr.T.Balaji, Sub-Inspector of Police, Berigai Police Station, who is also present before this Court.

9.Rajendran (accused) and Radhakrishnan (P.W.2) have filed a joint memo of compromise and also a petition in CrI.M.P.621 of 2020 under Section 320 Cr.P.C. for compounding the offences. In the joint memo of compromise, they have stated as follows :

"... Agreed over the said order the petitioner approached this Court by way of Criminal Revision No.1519 of 2012. It is averred that the petitioner and the injured are relatives and residing in the same village. Consequent to the deliberation among the members of the families, the petitioner and injured compromised themselves out of their cordial relationship. Hence they dont want to proceed the matter further. ..."

10.The offence in this case took place on 10.08.2009 and the amendment to Section 320 Cr.P.C. by Act No.5 of 2009 came into force only on 31.12.2009 and therefore, Sections 341 and 324 IPC can be compounded by application of the law as it stood when the offence took place.

11.In the result, the petition in CrI.M.P.No.621 of 2020 is allowed and the offences are compounded and Rajendran (accused) is acquitted of the offences under Sections 341 and 324 IPC.

12.Consequently, this Criminal Revision Case is allowed and the judgments of the two Courts below are set aside.

13.Fine amount, if any paid by Rajendran (accused), shall be refunded to him. Bail bond, if any executed by him, shall stand discharged.

The Tamil Nadu Legal Services Authority is directed to pay Rs.5,000/- (Rupees five thousand only) to Ms.Saitanya Kesan, as remuneration.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

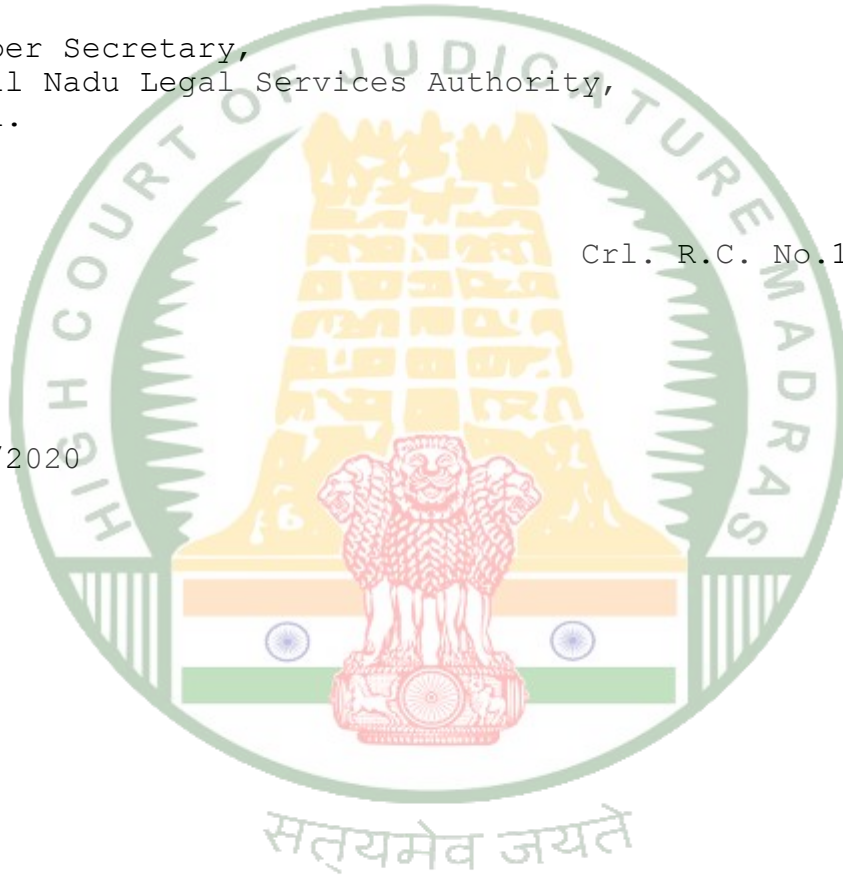
Sub Assistant Registrar

Copy to :

- 1.The Principal District and Sessions Judge,
Krishnagiri.
- 2.The Judicial Magistrate No.I,
Hosur.
- 3.The Sub-Inspector of Police,
Berigai Police Station, Krishnagiri District.
- 4.The Member Secretary,
The Tamil Nadu Legal Services Authority,
Chennai.

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