



BAIL SLIP

The Revision Petitioners/Accused 1&2 viz., 1)Krishnan S/o.Pitchai 2)Muruganatham S/o.Krishnan were released on bail vide Order of this Court dated 04.05.2016 made in Crl.MP(MD)3970 of 2016 in Crl.R.C.(MD)No.297 of 2016 on the file of this Court.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2020

CORAM :

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

Crl.R.C.(MD)No.297 of 2016

and

Crl.M.P.(MD)No.3970 of 2016

1.Krishnan

2.Muruganatham : Petitioners / Appellants / Accused 1 & 2

Vs.

The State represented by
The Sub Inspector of Police
Lalapettai Police Station,
Karur District.

Crime No. 250 of 2011. : Respondent / Respondent /Investigation
Officer

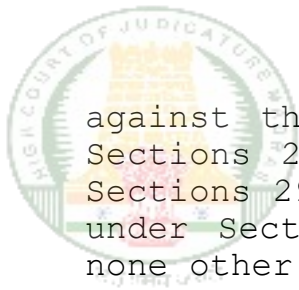
Prayer: Criminal Revision case is filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records and allow this revision petition and set aside the Judgment dated 15.12.2014 in C.C.No.9 of 2012 on the file of Judicial Magistrate Court No.I, Kulithalai, as upheld by the Judgment dated 27.11.2015 in Crl.A.No.5 of 2015 on the file of Fast Track Court/.
Mahila Court, Karur.

For Petitioners : Mr.S.Jayavel
For Respondent : Mr.R.Srinivasan,
Government Advocate

ORDER

Heard, the learned counsel appearing for the revision petitioners and the learned Government Advocate appearing for the respondent.

2. The case of the prosecution is that on 07.10.2011 at about 2.00 p.m., the revision petitioners herein had abused the defacto complainant and also his mother and attacked the defacto complainant. The defacto complainant lodged a complaint before Lalapet Police Station, leading to registration of Crime No.230 of 2011. The matter was investigated and final report was filed



against the petitioners herein, for the offences punishable under Sections 294(b) and 324 IPC, against the 1st petitioner and under Sections 294(b), 324 & 506(ii) IPC against the second petitioner and under Section 294(b) against the third accused, Annakkili, who is none other than the wife of the first accused.

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3. Charges were framed against the petitioners and P.W.1 to P.W.7 were examined in support of the charges. Exs.P.1 to P.7 were marked. M.O.1 weapon was also marked. On the side of the accused, no evidence was adduced.

4. By judgment dated 15.12.2014, in C.C.No.9 of 2012 the learned Judicial Magistrate No.I, Kulithalai, found A1 and A2 guilty of the offence punishable under Section 323 IPC and acquitted A3, Annakkili. Aggrieved by the same, A1 and A2 namely, the father and son filed Criminal Appeal No.5 of 2015 before the Sessions Judge, Mahila Court, Karur. By judgment dated 27.11.2015, the appeal was dismissed and the petitioners were found guilty and they were sentenced to undergo three months imprisonment each. They were also directed to pay a sum of Rs.500/- as fine. Challenging the same, this Criminal Revision Case came to be filed.

5. Before commencing his argument, the learned counsel appearing for the petitioners submitted that since the injury suffered by the defacto complainant was not serious, the learned Trial Judge, in stead of finding the petitioners guilty of offence under Section 324 IPC chose to find them guilty only for the lessor offence punishable under section 323 IPC.

6. Infact the learned counsel for the petitioners would go to the extent of invoking section 95 of IPC. In other words, the harm caused to the defacto complainant was only slight so as not to warrant a prosecution.

7. Though, he did attempt to develop his arguments in that line, he chose to submit that if the sentence suffered by the petitioners would be deemed to be sufficient, he may not challenge the finding of guilt.

8. Per contra the learned Government Advocate appearing for the respondent submits that the impugned judgments do not warrant any interference.

9. I carefully considered the rival contentions and went through the materials on record.

10. In this case, the defacto complainant has given testimony against the petitioners herein, but then, the injury suffered by the defacto complainant was only simple in nature. Even though the Lower Appellate Court chose to sentence the petitioners three months each, the petitioners' counsel informs



the Court that the petitioners have spent about 20 days in jail. However, the learned Government Advocate contends that the petitioners have spent only 14 days in jail. Be that as it may, considering the lapse of almost 9 years and the fact that they have spent some time in prison and the fact that the harm caused to the defacto complainant was rather slight, I am of the view that even while confirming the conviction imposed on the petitioners, the punishment can be reduced to the period of incarceration already undergone by the petitioners herein. The impugned judgments are accordingly modified.

11. The Criminal Revision Case is partly allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1. The Sessions Judge, Fast Track Court/Mahila Court, Karur.
2. The Judicial Magistrate No.I, Kulithalai.
3. The Chief Judicial Magistrate, Karur District.
4. The Superintendent, Central Prison, Trichy.
5. The Sub Inspector of Police,
Lalapettai Police Station, Karur District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
7. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

Cr1.R.C. (MD)No.297 of 2016

05.10.2020

PK(CO)

CS(15.10.2020) 3P 8C

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