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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Cr1.R.C.No.581 of 2015

1.Kalamani
2.Elumalai

... Petitioners

.. Vs ..

The Inspector of Police,
Perunagar Police Station,
Perunagar.

....Respondent

Prayer :- Criminal Revision filed under 397 and 401 of the Criminal Procedure Code, to set aside the sentence imposed by the Sessions Court-II, Kancheepuram, in Criminal Appeal No.48 of 2014 dated 17.03.2015, against S.T.C.26/13, District Munsif-Judicial Magistrate, Uthiramerur, acquit the revision petitioners herein.

For Petitioners : Mr.N.Sivaprakash

For Respondent : Mr.R.Vinoth Raja,
Government Advocate (Cr1.Side)

O R D E R

The convicted accused A1 and A2 are the revision petitioners herein.

2. The respondent-police had filed a charge sheet in Crime No.783/2012 before the Inspector of Police, Perunagar Police Station for the offence under Section 294 (b) of I.P.C. alleging that accused 1 and 2 have used filthy language against the witness.

3. Before the trial Court, after following the procedure, on the side of the prosecution, P.W.1 and P.W.2 were examined. P.W.3 and P.W.4, the neighbours, have turned hostile. Investigation Officer is P.W.5 and documents were marked as Exhibits P1 and P2. On the side of the accused, no witness was examined and no document was marked and no material objects were produced.



4. The learned Judicial Magistrate, Uthiramerur, after considering the oral and documentary evidence produced on the side of the prosecution, came to the conclusion that the charge under Section 294 (b) I.P.C was proved and accordingly, laid conviction against the accused and also sentenced to undergo one month Simple Imprisonment and to pay a fine of Rs.500/- each, in default, to undergo Simple Imprisonment for one week.

5. On appeal in CrI.A.No.48/2014, the learned Sessions Judge-II, Kancheepuram, has modified the judgment of the trial Court by setting aside the sentence of imprisonment alone and hence, the revision.

6. The learned counsel for the revision petitioner/accused could contend that the independent witnesses P.W.3-Thilagavathi and P.W.4-Meenakshi have turned hostile and in the cross-examination, both P.Ws.1, 2 and 5 have admitted about the previous case.

7. Per contra, the learned Government Advocate (CrI.Side) could contend that the charges are proved in the manner known to law.

8. After hearing both the parties and after perusing the orders passed by both the Courts below, on a perusal of the evidence of P.W.1, the victim Navaneetham and her husband, who was examined as P.W.2, the attendants of the obscene words in the public street was made to humiliate in the public place and words so uttered have been spoken to by P.W.1. In the cross-examination, the previous case said to have been filed against P.W.2 over 5 years of time. However, this Court finds that the existence of the previous case, cannot be termed as a motivation for the reason that the words uttered on the evidence of P.W.1 and P.W.2 as to the obscene words spoken to by A1 and A2 in the public place stands unchallenged in the cross-examination and suggestive case of the defence is not probablised in the manner known to law. In view of the evidence of P.W.1 and P.W.2, the order of conviction passed by the trial Court is just and and reasonable and the sentence of fine as modified by the Lower Appellate Court at Rs.500/- on each of the accused cannot be termed as excessive.

9. Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Sessions Court-II,
Kancheepuram

2. The District Munsif-Judicial Magistrate,
Uthiramerur

3. The Public Prosecutor,
High Court of Madras.

4. The The Inspector of Police,
Perunagar Police Station,
Perunagar.

+lcc to Mr.S.Natanarajan, Advocate, S.R.No. 27738

Cr1.R.C.No.581 of 2015

RSV(CO)
GN(13/07/2021)