



BAIL SLIP

The Appellant/Accused namely M.Mannar, S/o. (Late) Munusamy, was directed to be released on bail as per order of this Court dated 22/09/2015 in CRL.M.P.No.1 of 2015 in CRL.R.C.No.981 of 2015 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRL.R.C.NO.981 OF 2015

M. Mannar

.. Petitioner/Appellant/1st Accused

Vs.

State rep.by
The Sub Inspector of Police,
Vellore South L & O Police Station,
Vellore District.
Crime No.787/2012.

.. Respondent/Respondent/Complainant

PRAYER : Petition filed under Section 397 and 401 of the Criminal Procedure Code, to call for the records relating to the judgment passed in CrI.A.No.59 of 2014 dated 16.06.2015 on the file of the Principal District & Sessions Judge, Vellore confirming the judgment passed in C.C.No.48 of 2013 dated 05.07.2014 on the file of the Judicial Magistrate No.I, Vellore and set aside the same.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.R.Vinoth Raja,
Government Advocate



ORDER

The matter is heard through "Video Conference".

WEB COPY 2. The convicted first accused is the revision petitioner herein.

3. The case of the petitioner is that

3(a) on 24.12.2012 at about 3.45 pm, the first accused/Mannar had written filthy words in a board hanging in front of his residence by defaming the reputation of P.W.2/Latha and the same was questioned by the defacto complainant, enraged over the same, the appellant along with one Padma had scolded the defacto complainant in filthy language, in the course of same transaction, the appellant had beaten the defacto complainant on his head with wooden log and poured acid on the left side of the cheek and caused grievous injury and that one another accused Padma had assaulted the defacto complainant with her hands and legs and caused simple injury to him and also both the appellant and one another accused had threatened the defacto complainant with dire consequence to his breathe and thereby, the appellant and one another accused had committed offences punishable under Section 294(b), 323, 326 and 506(ii) of IPC.

3(b) The respondent-police filed a final report in Crime No.787/2012, before the Vellore South L & O Police station, Vellore, alleging that appellant was charged for the offences punishable under Section 294(b), 323, 506(ii) and 326 of IPC and the appellant/accused was found guilty for the offence under Section 326 of IPC and convicted and sentenced to undergo R.I., for one and half years and also to pay a fine of Rs.10,000/- in default to undergo S.I., for three months. Out of total fine amount, a sum of Rs.5,000/- is ordered to be paid to victim as compensation under Section 357 of Cr.P.C. Further, the appellant is found not guilty for the offences under Section 294(b) and 506(ii) of IPC and thereby, acquitted.

4. During trial, on the prosecution side P.W.1 to P.W.10 were examined and Exs.P1 to P12 have been marked and the material objects which are marked as MOs.1 to 4. On the side of the appellant no oral or documentary evidence was placed before the trial Court. After hearing both sides, the learned Judicial



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Magistrate found the appellant guilty for the offence under Section 326 of IPC and convicted as aforesaid, apart from acquitting for the offences under Section 294(b), 323 and 506(ii) of IPC.

5. The learned Magistrate has held that charge under Section 294(b), 323 and 506(ii) of IPC was not made out. Accordingly, acquitted the first accused and convicted the accused for the offence under Section 323 of IPC and acquitted the second accused in entirety. Appeal filed by the appellant in CrI.A.No.59/2014, is dismissed and hence the revision.

6. Mr.S.Doraisamy, learned counsel for the revision petitioner would contend that in the absence of any chemical report as to the chemical nature of the alleged content in M0.3, the trial Court ought not to have convicted under Section 326 of IPC. The seizure mahazar was not proved in the manner known to law and due to the previous enmity, the false case has been foisted against A1. Further, on the point of quantum of punishment, the learned counsel also submitted that the revision petitioner is 71 years old and he is suffering from cancer and taking treatment.

7. The learned Government Advocate(CrI.side) for the respondent made a submission in support of the order passed by the Courts below.

8. After hearing the rival submissions and perusing the records, the only charge against the revision petitioner is under Section 326 of IPC. The case of the prosecution as could be seen from the evidence of P.W.1 is that in front of the house of the first accused, he has written filthy words in front of his house whereby, some defamatory words touching the reputation of P.W.2/Latha, (wife of P.W.1), which has led to enraged over the said incident, the alleged incidence said to have occurred.

9. Records reveals that the investigation has not seized the alleged board said to be containing filthy words. Neither the P.W.1 nor P.W.2, have stated that the filthy words written on the hanging board in front of the accused house. As per Ex.P9 rough sketch, the alleged incident is said to have been taken place in front of the house of the accused, assumes significance. The reason for going to the accused house was



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1. The Judicial Magistrate No.I,
Vellore.
2. The Chief Judicial Magistrate,
Vellore. (For Information)
3. The Principal District and Sessions Judge,
Vellore.
4. The Sub Inspector of Police,
Vellore South L & O Police Station,
Vellore District.
5. The Public Prosecutor(Criminal Side),
High Court of Madras.
6. The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to M/s.S.Doraisamy, Advocate, S.R.No.41347

Cr1.R.C.No.981 of 2015

SRA(CO)
RLP(12/10/2021)