



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.08.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.461 of 2019

1. Mohan
S/o, Natarajan

2. Asha,
W/o, Mohan

...Petitioners/Accused 1&2

Versus

State rep. By
The Sub Inspector of Police,
H-1, Washermanpet Police Station,
Chennai - 21.

...Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 & 401 of the Code of Criminal Procedure, to call for the records relating to the conviction imposed in the judgment dated 07.07.2018 made in C.A.No.103 of 2017 on the file of the learned Principal Sessions Court, Chennai confirming the conviction imposed in the judgment dated 16.02.2017 made in C.C.No.466 of 2016 on the file of the learned XV Metropolitan Magistrate, George Town, Chennai and set aside the same by allowing this Criminal Revision Petition.

For Petitioners: No appearance

For Respondent : Mr.S.Sugendran
Government Advocate, (Criminal Side)

ORDER

This Criminal Revision Case has been filed to call for the records relating to the conviction imposed in the judgment dated 07.07.2018 made in C.A.No.103 of 2017 on the file of the learned Principal Sessions Court, Chennai confirming the conviction imposed in the judgment dated 16.02.2017 made in C.C.No.466 of 2016 on the file of the learned XV Metropolitan Magistrate, George Town, Chennai and set aside the same.

2. No representation for the petitioners when the matter came up on 06.08.2021. Since there was no representation for the petitioners, the matter is adjourned today for final disposal. Even today, when the matter is came up for hearing,



१२.५ आमेव अरुं

7. P.W.1 is the injured witness and he has also examined as P.W.1. He deposed that the petitioners attacked him with knife and wooden cricket bat and caused injury and subsequently the injured was taken to the hospital. P.Ws.5 and 6 are doctors who have given treatment to P.W.1 and they issued wound certificate



Ex.P3 and accident register Ex.P4. On a perusal of the materials and also the evidence of P.W.1, the injured witness, doctors' evidence P.Ws.5 and 6 and the medical records wound certificate and accident register, it is found that P.W.1 sustained injury which were caused by the petitioners. Therefore the trial court rightly convicted the petitioner for the offence under section 326 of IPC. Then the accused approached the appellate court, the final court of fact finding, re-appreciated the entire evidence and confirmed the judgment of the learned Metropolitan Magistrate and dismissed the appeal.

8. The scope of the revision is very limited and the revisional court while dealing with the revision has to see as to whether there is any perversity in the appreciation of evidence in the judgment. But, on a reading of the available materials and the evidence of P.W.1, the injured witness and the doctors' evidence P.Ws.5 and 6, the wound certificate and the accident register, it is found that the injury sustained by the petitioner is grievous in nature. The doctor has also opined that the injuries sustained by the petitioner is grievous in nature. Therefore, while deciding the revision, the Revisional Court cannot sit in the arm chair of the appellate court and reappraise the entire materials. There is no reason to discard the evidence of injured witness which is natural, consistent, cogent and trustworthy which inspires the confidence of the Court. In this case, there is no perversity in the appreciation of evidence and there is no merit in the revision and considering the evidence of P.Ws.1, 3, 5 and 6, Exs.P3 and P4, this Court also does not find any merit in the revision and the revision case is liable to be dismissed. Accordingly the Revision Case is dismissed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Principal Sessions Judge,
Chennai.



2. The XV Metropolitan Magistrate,
George Town,
Chennai.

3. The Sub Inspector of Police,
H-1, Washermanpet Police Station,
Chennai - 21.

4. The Public Prosecutor,
High Court,
Madras.

5. The Section Officer,
Criminal Section,
High Court,
Madras.

CRL.R.C.No.461 of 2019

SJ CO)
RGA(17/09/2021)