



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.437 of 2021
and
Crl.M.P.Nos.7124 and 7125 of 2021

Selvarasu

...Petitioner

..vs..

State by
The Sub Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District,
Crime No.139 of 2014.

...Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to call for the entire records connected with the judgment dated 31.01.2020 passed by the learned I Additional District and Sessions Judge, Cuddalore in Crl.Appeal No.46 of 2019 allowing the appeal and confirming the judgment dated 08.02.2019 passed by the learned Judicial Magistrate No.I (FAC) Panruti in C.C.No.111 of 2014, convicting the petitioner/accused from altering the charge for the offence under Section 326 IPC to 325 IPC and set aside the same.

For Petitioner : Mr.S.Sathia Chandran
For Respondent : Mr.S.Sugendran
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed against the order dated 31.01.2020 passed in Crl.Appeal No.46 of 2019 by the learned I Additional District and Sessions Judge, Cuddalore.

2. The case of the prosecution as per the de facto complainant one Rukamani is that on 01.07.2014 at about 1.30 p.m, when the de facto complainant was grazing cow in the field of Kesava Padayatchi land at Reddipalayam Village, the accused/petitioner herein abused her with filthy language and assaulted her and also criminally intimidated her.



WEB COPY

3. Based on the complaint given by the de facto complainant, the respondent police registered a case in Crime No.139 of 2014 against the petitioner. On completion of the investigation, the respondent police filed a charge sheet before the learned Judicial Magistrate No.I, Panruti against the petitioner for the offences punishable under Sections 294(b), 326 and 506(ii) IPC. The Court below, after trial found that the petitioner is guilty for the offence under Section 326 IPC and convicted and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of one month for the offence under Section 326 IPC and the petitioner was acquitted from the charges for the offence under Sections 294(b) and 506(ii) IPC. Aggrieved over the same, the petitioner herein filed an appeal in CrI.A.No.46 of 2019 before the Principal District and Sessions Judge, Cuddalore and the same was made over to the learned I Additional District and Sessions Judge, Cuddalore. The learned Sessions Judge, after hearing, modified the conviction from the Section 326 IPC to Section 325 IPC and sentenced him to undergo simple imprisonment for a period of six months and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of one month. Challenging the said judgment of conviction and sentence, the petitioner is before this Court by way of Criminal Revision Case and also filed a petition seeking to permit the parties to Compound the offence under Section 320(6) Cr.P.C and acquit the petitioner from the above said case.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioner and the de facto complainant/P.W1 appeared before the Virtual Court and stated that the petitioner and the de facto complainant entered into compromise and hence, the offence under Section 325 IPC may be compounded. Therefore, they pray to set aside the judgment of the lower appellate Court.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent and also perused the materials available on record.

6. On being satisfied with the averments made in supportive affidavit filed by the de facto complainant in support of this case, this Court permit the parties to compound the offence under Section 320(6) Cr.P.C. Since the petitioner has been convicted and sentenced for the offence under Section 325 IPC, which is a compoundable offence and the de facto complainant also appeared before this Court through Video Conferencing and submitted that she has entered into compromise with the petitioner, this Court permits them to compound the offence.



7. In the light of the above, the judgment of both the Courts below are liable to be set aside and accordingly set aside. This Criminal Revision Case is allowed and the offence under Section 325 IPC tried in Crl. Appeal No. 46 of 2019 by the learned I Additional District and Sessions Judge, Cuddalore is compounded. As per Section 320(6) Cr.P.C the petitioner/accused shall stand acquitted for the offence under Section 325 IPC. Fine amount, if any, paid by the petitioner shall be refunded to him. Consequently, connected miscellaneous petitions are allowed. However, if the presence of the petitioner is required for any other case, the respondent police shall take action in that case.

s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

ms

To

1. The I Additional District and Sessions Judge, Cuddalore.
2. The Judicial Magistrate No. I (FAC) Panruti.
3. The Principal District and Sessions Judge Cuddalore
4. The Superintendent, Central Prison, Cuddalore.
5. The Sub Inspector of Police, Muthandikuppam Police Station, Cuddalore District.
6. The Public Prosecutor, High Court, Madras.
7. The Section Officer Criminal Section High Court, Madras 104

Crl. R.C.No.437 of 2021
and
Crl.M.P.Nos.7124 & 7125 of 2021

RGN(CO)
SP(13/08/2021)