



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.08.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.479 of 2019

and

Crl.M.P.No.6772 of 2019

1. Sivakumar
S/o, Marappa
2. Marappa
S/o, Jayaramappa
3. Soundappa
S/o, Jayaramappa

... Petitioners

Versus

The State represented by
The Inspector of Police,
HUDCO Police Station,
Krishnagiri District.

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 read with 401 of the Code of Criminal Procedure, to set aside the judgment of the Additional District and Sessions Judge, Hosur made in Crl.A.No.55 of 2017 dated 29.04.2019 and made in C.C.No.329 of 2014 dated 03.11.2017 on the file of the Judicial Magistrate No.2, Hosur, to the petitioners herein.

For Petitioners: Mr.M.R.Elavarasan
for M/s.S.Sasikumar

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

ORDER

This Criminal Revision Case has been filed to set aside the judgment dated 29.04.2019 passed in Crl.A.No.55 of 2017 on the file of the Additional District and Sessions Judge, Hosur, confirming the order dated 03.11.2017 passed in C.C.No.329 of 2014 on the file of the Judicial Magistrate No.II, Hosur.

2. The petitioners are the accused in C.C.No.329 of 2014 on the file of the Judicial Magistrate No.II, Hosur and the respondent police registered the case against the petitioners



for the offence under sections 294(b), 324 and 326 I.P.C and laid a charge sheet before the Judicial Magistrate No.II, Hosur. The learned Magistrate after trial, acquitted the petitioners for the offence under section 294(b) I.P.C however, convicted the first and third petitioner for the offence under section 324 I.P.C and sentenced to undergo two years Simple Imprisonment and to pay a fine of Rs.2000/- in default to undergo three months Simple Imprisonment and convicted the first and third petitioner for the offence under section 326 IPC and sentenced to undergo two years Simple Imprisonment and to pay a fine of Rs.2,000/- in default to under three months Simple Imprisonment and convicted the second petitioner for the offence under section 324 IPC and sentenced him to undergo two years Simple Imprisonment and to pay a fine of Rs.2,000/- , in default to undergo three months Simple Imprisonment.

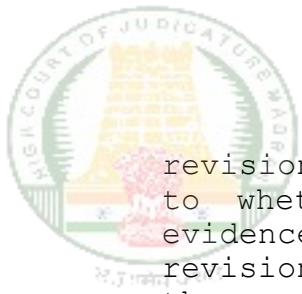
3. Challenging the said judgment of conviction and sentence, the petitioners filed the appeal before the Principal District and Sessions Judge, Hosur, in CrI.A.No.55 of 2017 and the same was made over to the Additional Sessions Judge, Hosur for the disposal. The learned Additional Sessions Judge, Hosur after hearing the appeal, dismissed the same by confirming the judgment of conviction and sentence passed by the Magistrate. Again, challenging the said judgment of the appellate court, all the accused have filed the present Revision before this Court.

4. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

5. The case of the prosecution is that on the date of occurrence, the accused tried to break/eradicate the rock, which is nearby P.W.1's land, using explosive. When he questioned the said act of the accused, the accused scolded him and his son in filthy language and attacked them with stones and caused injuries.

6. Originally, case was registered for the offence under section 294(b), 324, and 326 IPC. The trial court found not guilty for the offence under section 294(b) I.P.C, however found the first and third petitioner guilty for the offence under section 324 and 326 I.P.C and found the second petitioner guilty for the offence under section 324 IPC alone. P.Ws.1 to 3 are the injured witnesses. Exs.P4 and P5 are the wound certificate of the injured witness. Both the Courts found the petitioners guilty for the abovesaid charges and convicted them. The appellate court also re-appreciated the evidence and confirmed the judgment.

7. 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. Therefore, while deciding the revision, the Revisional Court cannot sit in the arm chair of the appellate court and reappraise the entire materials. On a reading of the materials, both the Courts below passed the concurrent judgment based on the evidence of the injured witnesses P.W.s 1 to 3 and also the medical evidence. In this case, there is no perversity in the appreciation of evidence and there is no merit in the revision and the same is liable to be dismissed. Accordingly, the Revision Case is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Additional District and Sessions Judge,
Additional District and Sessions Court,
Hosur.
2. The Judicial Magistrate No.2,
Judicial Magistrate No.2 Court,
Hosur.
3. The Inspector of Police,
HUDCO Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court, Madras.

Copy to:-

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

+1cc to M/s.S.Sasikumar, Advocate, S.R.No.43126

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Crl.M.P.No.6772 of 2019

JP-II (CO)
CT(27/09/2021)