



BAIL SLIP

The Appellant/Accused namely L.Subramani, S/o.Lingappa Chettiyar was released on Bail by the order of this Court dated 16/10/2014 made in M.P.No.1 of 2014 in CrI.R.C.No.1053 of 2014.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRIMINAL REVISION CASE NO.1053 OF 2014

L.Subramani

... Petitioner/Appellant/
Defendant

Versus

The State Rep. By
The Inspector of Police,
Chengam Police Station,
Tiruvannamalai District.

... Respondent/Respondent/
Complainant

PRAYER:-

Criminal Revision Case filed under Section 397 of the Code of Criminal Procedure prayed to set aside the judgment of the Sessions Judge, Tiruvannamalai dated 05.03.2014 in C.A.No.57 of 2005 confirming the judgment of the Chief Judicial Magistrate, Thiruvannamalai in S.C.No.146 of 2002, dated 26.10.2005.

For Petitioner : Mr.Haroon AL.Rasheed
For M/s.T.S.Gopalan and Co.

For Respondent : Mr.L.Baskaran
Government Advocate (CrI. side)

ORDER

The petitioner has come forward with this Criminal Revision Case challenging the order passed by the learned Sessions Judge, Tiruvannamalai dated 05.03.2014 in C.A.No.57 of 2005 confirming



the judgment of the learned Chief Judicial Magistrate, Thiruvannamalai in S.C.No.146 of 2002, dated 26.10.2005.

2. The petitioner herein is an accused in Crime No.551 of 2002 registered for the offences under Sections 450 and 307 IPC on the file of the Inspector of Police, Chengam Police Station, Thiruvannamalai District. After full trial, the learned Chief Judicial Magistrate, Thiruvannamalai convicted him in S.C.No.146 of 2002, against which, he has preferred an Appeal in C.A.No.57 of 2005 before the learned Sessions Judge, Thiruvannamalai, in which, the appellate Court also confirmed the conviction passed by the trial Court. Aggrieved by the said order, he has preferred this Revision.

3. Point for consideration is as to "whether the Courts below erroneously appreciated the evidence adduced on the side of the prosecution without considering the aspect that the prosecution failed to prove the charges beyond reasonable doubt against the accused?"

4. The case of the prosecution is that the petitioner herein is the husband of the complainant, who lived separately along with her children. On 8/9.8.2001 at about 1.00 a.m., the accused with an intention to murder the defacto complainant, trespassed into the house, suspecting her fidelity and attacked her with KoduvaKathi, thereby, she sustained multiple injuries. Therefore, the accused was charged under Sections 450 and 307 IPC. During trial, when he was examined before the trial Court he denied the charges. To prove the charges, on the side of the prosecution P.W.1 to P.W.9 were examined and Ex.P1 to Ex.P8 and M.Os.1 to 3 were marked. Based on evidence, the trial Court as well as the appellate Court concluded that the charges against the petitioner for the offence under Section 450 are not proved and acquitted him. However, the petitioner was convicted for the offence under Section 307 and sentenced to undergo 5 years rigorous imprisonment with fine of Rs.200/- in default to undergo one week simple imprisonment.

5. At the time of the arguments, the learned counsel for the petitioner submitted that the wife of the accused was separated from him and with ulterior motive, the complaint was lodged against him and he was also arrested without material evidence. He further submitted that both the Courts below erroneously appreciated the evidence of the wife/complainant without proper identification, the accused was charged and convicted. The Courts below did not consider that the prosecution failed to prove the case beyond reasonable doubt.

6. On a perusal of the records, it reveals that, immediately after the alleged occurrence, the complainant was



admitted in the hospital and she informed the entire facts to the police and also identified the weapon, thereby FIR was lodged and material objects were seized through Mahazar. The eye-witness of the neighbours prove the occurrence and through Ex.P2 and P4. The Doctor-PW.3 gave Wound, which reveals that immediately after the alleged occurrence, the complainant was admitted in the hospital and the injuries suffered by her were grievous in nature. AR-Copy marked as Ex.P2, proves that there is a possibility of causing those injuries with the help of M.O.1- Knife. So the evidence of P.W.3 corroborated with the evidence of P.W.1.

7. According to the prosecution, the occurrence happened inside the house, and with the help of P.W.1 and P.W.3, the said occurrence is sufficiently proved. The trial Court, considering all the facts and circumstances with the material evidence, convicted the accused, which requires no interference. But considering the age of the accused, who is aged about 70 years and he has no other previous case, this Court is inclined to modify the sentence imposed alone under Section 307 IPC from 5 years to 5 months and also order to set off the period which was already undergone under Section 482 Cr.P.C.

8. Accordingly, the revision is partly allowed by reducing the sentence alone.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Sessions Judge,
Thiruvannamalai.
2. The Learned Chief Judicial Magistrate,
Thiruvannamalai.
3. The Judicial Magistrate,
Tiruvannamalai.
4. The Superintendent,
Central Prison,
Vellore.



5. The Inspector of Police,
Chengam Police Station,
Tiruvannamalai.

6. The Public Prosecutor,
High Court, Madras.

7. The Section Officer,
Criminal Section (Records),
High Court, Madras.

+1cc to M/s.T.S.Gopalan and Co., Advocate, S.R.No.51905

CRL.R.C.NO.1053 OF 2014

SVI (CO)
PBS/11/02/2022