



BAIL SLIP

The Appellant/Petitioner/Accused No.2, namely Veeramani, S/o.Karuppan, aged 33 Years was directed to be released on bail as per the order of this Court dated 21/01/2015 made in M.P.no.1 of 2014 in CRL.R.C.No.1381 of 2014 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 06.12.2021

PRONOUNCED ON : 09.12.2021

CORAM:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.R.C.NO.1381 OF 2014

Veeramani

... Petitioner/Appellant/
Accused No.2

Versus

The State By:
The Sub-Inspector of Police,
Vennandhur Police Station,
Salem District.
(Crime No.329 of 2011)

... Respondent/Complainant

PRAYER:-

Criminal Revision Petition is filed under Section 397(1) r/w 401(1) of Criminal Procedure Code, to call for the records by setting aside the Judgment, dated 15.10.2014 passed by the Learned Principal Sessions Judge, Namakkal in Crl.A.No.47 of 2013 confirming the Judgment passed by the Learned Judicial Magistrate, Rasipuram in C.C.No.303 of 2012 by Judgment dated 13.11.2013 against the revision petitioner.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.L. Baskaran
Government Advocate
(Crl. Side)



ORDER

The petitioner/accused No.2 viz., Veeramani has brought forth this Criminal Revision Case, aggrieved by the conviction for the offence under Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1998 and imposing a sentence of Simple Imprisonment for a period of one year and fine of Rs.1,000/- in default of payment of fine amount to undergo further period of three months Simple Imprisonment, as per the Judgment dated 13.11.2013 of the Learned Judicial Magistrate No.I, Rasipuram, Namakkal in C.C.No.303 of 2012 which was confirmed in the Judgment dated 15.10.2014 in CrI.A.No.47 of 2013 on the file of the Learned Principal Sessions Judge, Namakkal.

2. On 15.06.2011, when PW.6/Jayaraman, Sub-Inspector of Police was on duty at Vennandhur Police Station, PW.1 came to the Police Station and lodged a complaint/Ex.P1, dated 23.05.2011, stating that on 17.05.2011 at about 8.00 p.m., when she along with her daughter/PW.2 viz., Priyadharshini, were proceeding to a shop, the accused persons were standing opposite to the shop. Upon overhearing the telephonic conversation of her daughter/PW.2, who asked her husband that when will he come, the accused persons, in filthy language, teased and harassed as if they are ready to come and used sexually abusive language against them. Thereafter, when her son-in-law and son came to the spot and confronted the accused, the accused threatened to do physically harm them and do away with their life. On the said complaint, he registered the case in Crime No.329 of 2011 against all the accused for the offences under Sections 294(b), 341, 147 and 506(ii) of IPC., and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1998. PW.7/Anbalagan, took up the case for investigation and laid a charge sheet proposing totally six accused guilty of the aforesaid offences.

3. The Learned Judicial Magistrate, Rasipuram, took cognizance of the offences in C.C.No.303 of 2012 and upon summoning the accused, the accused denied the charges and stood trial. The prosecution examined one Tamilarasi, the first informant as PW.1, her daughter Priyadharshini, the victim as PW.2; One Kannan husband of PW.2 as PW.3; One Krishnan, son of PW.1 as PW.4; One Bhaskar, the owner of the provisional shop, as PW.5, who was treated as hostile; Jayaraman, Sub-Inspector of Police, who registered the case, as PW.6; and Anbalagan, the Investigating officer, as PW.7.

4. On behalf of the prosecution, the complaint dated 23.05.2011 was marked as Ex.P1; the observation mahazar was marked as Ex.P2; the First Information Report was marked as Ex.P3 and the rough sketch was marked as Ex.P4.



5. Upon being questioned under Section 313 of Cr.P.C., about the evidence let in and adverse circumstances against the accused, the accused denied the same as false. There was no evidence let in on behalf of the defence.

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6. The Trial Court thereafter proceeded to hear the arguments of the Learned Assistant Public Prosecutor for the prosecution and the Learned Counsel for the accused and by a Judgment dated 13.11.2013, found that all the allegations against the accused No.3 to 6 were not proved and as against the first accused and the second accused the offences under Sections 147, 341, 506(ii) and 294(b) of IPC., as not been proved. On the basis of the evidence of PW.1 to PW.4, the Trial Court came to the conclusion that the first and second accused have committed the offence under Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1998, and imposed a punishment of fine of Rs.5,000/- on the first accused, considering that he was an Engineering College student and imposing sentence of one year imprisonment and fine of Rs.1,000/-, against the petitioner/accused No.2.

7. Aggrieved by the same, both accused filed an appeal in CrI.A.No.47 of 2013, on the file of the Learned Sessions Judge, Namakkal. The Learned Sessions Judge independently appreciated the evidence on record and came to the conclusion that in view of the oral evidence of PW.1 and PW.4, and to the limited extent the evidence of PW.5/shop owner having admitted about the occurrence, no exception could be taken for the finding of the Trial Court that the Accused 1 and 2 have indulged in eve-teasing and therefore, confirmed the conviction and sentence imposed by the Trial Court and aggrieved by that, the present criminal revision is laid before this Court.

8. Heard Mr.B.Vasudevan, Learned Counsel for the petitioner and Mr.L.Baskaran, Learned Government Advocate (crl.side) appearing for the respondent.

9. Mr.B.Vasudevan, learned counsel would submit that on the face of it, the case was a false case. Because it is very unnatural that the first accused/Satlin and his father/third accused viz., Anbalagan, the second accused/Veeramani and his brother Sivaraj/fifth accused would have joined together and indulged in eve-teasing. PW.1's husband, being a retired Village Administrative Officer had a grudge against the accused and his community people, in respect of the previous conflict relating to water distribution through irrigation channels. Therefore, so as to wreak vengeance against the accused this false complaint is lodged. He would further point out that on 17.05.2011 the occurrence is alleged to have taken place, but the First Information Report was registered on 15.06.2011 and there was a



huge delay in filing the complaint. He would argue that a perusal of Ex.P1/complaint would clearly show that the petitioner herein/A2, was not in the scene of occurrence when the alleged harassment of PW.2 took place and it is clearly mentioned in the First Information Report that he came to the scene subsequently and only threatened PW.3 and PW.4. The Trial Court as well as the Lower Appellate Court committed grave error in law in convicting the petitioner. Therefore, this is a case for interference by this Court by exercising the power under the revisional jurisdiction.

10. Mr.L.Baskaran, Learned Government Advocate (crl.side) appearing for the respondent would contend that it is a case of eve-teasing and the evidence of PW.2/victim is natural that when she was talking to her husband, asking when he would come home, immediately by making sexually overture the accused No.1 and 2, who were in the spot shouted and teased her that they are ready to come. The said action definitely attracts the offence under Section 4 of the Tamil Nadu Women Harassment Act and therefore, the accused are rightly convicted and sentenced.

11. I carefully considered the rival submissions made and also evidence on record. It is true that Ex.P1/complaint states as if the petitioner/accused come to the spot subsequently, after the alleged harassment and that he only indulged in threatening PW.3 and PW.4. But, however, it is to be seen as to how PW.1 viz., the mother of PW.2 had explained the incident. However, PW.2/victim had categorically deposed that the petitioner/accused No.2 was present and they all jointly teased and harassed her. There is no reason to disbelieve the evidence of PW.2 and therefore, I am unable to accept the submissions of the Learned Counsel for the petitioner with respect to his presence on the spot and therefore, the petitioner/accused No.2 should be acquitted. Similarly, the delay in lodging the complaint is also explained by the prosecution that the complaint was dated 23.05.2011 however, since no action was taken, the matter was taken up to the higher officials and thereafter, the case was registered. Therefore, when the finding of the Courts below are based on the evidence on record and the Courts below having arrived at a conclusion, on appreciation of such evidence, this Court under revisional jurisdiction will not go into the details of such evidence and re-appreciate the same, so as to upturn the findings of the First Appellate Court. Therefore, I am unable to agree with the submissions of the Learned Counsel for the petitioner to acquit the accused.

12. However, considering (i) the nature of allegations of harassment that they shouted and made PW-1 and 2 to rush inside the shop; (ii) the first accused against whom the allegations are primarily made was sentenced only with a fine amount of



Rs.5,000/-; (iii) Considering the fact that the offence took place in the year 2011;(iv) that there are no other bad antecedents against the petitioner/accused No.2; (v) that he is now living with the family consisting of his wife and two female children; (vi) considering the further fact that he was incarcerated for a period of 7 days pending trial and another 7 days after dismissal of the appeal and his sentence was suspended pending this revision, in all totally, that he having been in jail for a period of 14 days; I am inclined to modify the sentence of imprisonment alone to the period already undergone while confirming the fine imposed by the Trial court and the First Appellate Court.

13. Accordingly, the Criminal Revision Case is partly allowed.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Namakkal.
2. The Judicial Magistrate,
Rasipuram.
3. The Public Prosecutor,
High Court of Madras.
4. The Sub-Inspector of Police,
Vennandhur Police Station,
Salem District.
5. The Section Officer,
Criminal Section,
High Court, Madras.

CRL.R.C.NO.1381 OF 2014

VBM(CO)
PBS/05/01/2022