

Bail Slip

Petitioner/Accused viz., Saravanan, was released on bail vide order of this Court, dated 15.09.2014, made in MP.1 of 2014 in CrI.Rc.No. 864/2014.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CrI.RC.No.864 of 2014

Saravanan

Petitioner /A1

Vs

The State by Inspector of Police
Krishnagiri Town Police Station

Respondent

Prayer:- This Criminal Revision Case is filed, against the judgement of conviction and sentence, dated 30.07.2014, passed in CA.No.14 of 2013, by the Principal Sessions Judge, Krishnagiri, confirming the order of conviction and sentence, dated 29.01.2013, passed in SC.No.134 of 2008, by the Assistant Sessions Judge Cum Chief Judicial Magistrate, Krishnagiri.

For Petitioner : Mr.R.Srinivas

For Respondent : Ms.Kritika Kamal, GA

JUDGEMENT

- 1.This Criminal Revision Case is filed, against the judgement of conviction and sentence, dated 30.07.2014, passed in CA.No.14 of 2013, by the Principal Sessions Judge, Krishnagiri, confirming the order of conviction and sentence, dated 29.01.2013, passed in SC.No.134 of 2008, by the Assistant Sessions Judge Cum Chief Judicial Magistrate, Krishnagiri, thereby convicting and sentencing the Petitioner/A1 for each of the offences under Sections 394 and 450 of IPC to undergo seven years Rigorous Imprisonment each and to pay a fine of Rs.500/-, each, in default to undergo two years Simple Imprisonment each and ordering the sentences to run concurrently.
- 2.The Petitioner/A1 and A2 were charge sheeted, stating that

both the Petitioner/A1 and A2 had borrowed a sum of Rs.50,000/- from the defacto complainant, Kalyani and that the complainant made several demands to return the money and that on 27.08.2003 at about 18.00 hours, they went to the house of the complainant for demanding further loan from her and that when she refused to give the loan, the accused caused simple injuries to her, by assaulting her with a wooden log on her neck and mouth and robbed 12 ¾ sovereigns of gold jewels from her and thereby the accused had committed the offences punishable under Sections 394 and 450 of IPC.

3. The case was taken on file in SC.No.134 of 2008, by the Assistant Sessions Judge Additional Sessions Judge, Krighnagiri and necessary charges were framed. Since during the trial, A2 died, charges against him stood abated. The Petitioner/A1 had denied the charges and sought for trial. In order to bring home the charges against the accused, the prosecution examined PW.1 to PW.11 and also marked Exs.P1 to P12 and Mos.1 and 8.
4. On completion of the evidence on the side of the prosecution, the accused was questioned under Section 313 Cr.PC as to the incriminating circumstances found in the evidence of prosecution witnesses and the accused has come with the version of total denial and stated that he has been falsely implicated in this case. On the side of the defence, DW.1 was examined.
5. The Trial Court, after hearing the arguments, advanced on either side and also looking into the materials available on record, found the Petitioner/A1 guilty and awarded punishments, as referred to above. On an appeal, the lower appellate court has confirmed the impugned judgement of conviction and sentence of the Trial Court, by the impugned judgement, which is challenged in this Criminal Revision Case.
6. The learned counsel for the Petitioner/A1 has submitted that the Petitioner/A1 died and prayed this Court to pass appropriate orders.
7. Per contra, the learned Government Advocate has submitted that orders may be passed on merits.
8. This court considered their contentions and thoroughly scanned through the entire evidence available on record and also perused the impugned judgements of conviction and sentence.
9. It is seen from the records that since A2 died during the commencement of the trial, the charges against him stood abated. It is now reported that the Petitioner/A1 also died. The death of the Petitioner/A1 will not abate the Criminal Revision Case and therefore, this Court has to necessarily exercise as to whether there is any illegality or perversity in the findings of the courts below to base conviction and sentence on the Petitioner/A1.
10. Now, it is to be seen as to whether the Prosecution has proved its case beyond all reasonable doubts to base conviction

on the Petitioner/A1, by valid and cogent evidence, for which, a detailed scrutiny of evidence both oral and documentary is necessary and it is done as under.

11. Before the Trial Court, PW.1 to PW.11 were examined and Exs.P1 to P12 were marked and Mos.1 and 8 were marked, on the side of the Prosecution. On the side of the defence, DW.1 was examined.
12. The injured defacto complainant is PW.1 and her husband was examined as PW.2. Ex.P1 is the complaint and PW.9 is the Doctor, who gave treatment to PW.1 and Ex.P10 is the wound certificate issued by PW.9. PW.11 is the Investigating Officer.
13. PW.1, in her evidence, has categorically deposed that the Petitioner/A1 and A2 were well known to her and that the Petitioner/A1 had demanded a sum of Rs.50,000/- as a loan and she had given the money to him and the same was not paid to her. She has further stated in her evidence that on the day of occurrence, the accused entered into her house and demanded further money from her and she refused to give the same, since the Petitioner/A1 did not return the loan amount of Rs.50,000/- and hence, the accused threatened her and strangulated the neck of PW.1 with a towel and assaulted her by fire wood on her head, chest and back, due to which, she fell unconscious and thereafter, the accused robbed her jewels weighing about 12 $\frac{3}{4}$ sovereigns of gold jewels worth about Rs.30,000/-. She has also further deposed that after information from the Police Station, she identified them and the properties, which were robbed from her. In the cross examination, PW.1 has stated that the Petitioner/A1 had borrowed a sum of Rs.50,000/- and the same was not repaid to her.
14. PW.2, who is the husband of PW.1 has also corroborated the evidence of PW.1.
15. PW.3 in his evidence had deposed that he and one Perumal signed in the confession statement of the accused and the seizure mahazar and identified the properties.
16. PW.9, Doctor, who gave treatment to PW.1 had deposed that the PW.1 has told him that she was assaulted by two persons and she has opined in Ex.P10 wound certificate that the injuries sustained by PW.1 on her right upper chin were grievous injuries and other injuries were simple injuries.
17. PW.11, Investigating Officer has also spoken about the arrest of the accused, confession statement, recovery of the properties from the accused.
18. In view of the above evidence, it is clear that there was a money transaction between the accused and PW.1 and due to money dispute, the injured was assaulted by the Petitioner/A1 with a wooden log and due to such assault she had sustained injuries and that the properties were robbed and they were recovered and that the Prosecution has proved its case beyond all reasonable doubts.
19. Further, this Court is unable to find any rebuttal evidence

let in by the Petitioner/A1 to discard the conviction and sentence imposed on him, apart from the fact that the grounds raised in this Criminal Revision Case are not sufficient to set aside the impugned judgements. On the other hand, the evidence let in by the Prosecution as discussed above is sufficient to sustain the conviction and sentence imposed on the Petitioner/A1 by both the courts below and there are no perversity or infirmity or illegality in the impugned judgements of both the courts below.

20. In the result, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Srcm

To:

1. The Principal Sessions Judge, Krishnagiri
2. The Assistant Sessions Judge Cum Chief Judicial Magistrate, Krishnagiri
3. The Inspector of Police, Krishnagiri Town Police Station.
4. The Superintendent of Central Prison, Vellore.
5. The Public Prosecutor, High Court, Madras.

Crl.RC.No.864 of 2014

SSV(CO)
GN(26/02/2021)

WEB COPY