



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.728 of 2019

and

Crl.M.P.Nos.10171 & 10172 of 2019

Manikandan
S/o, Seerangan

... Petitioner/Appellant/Accused

Versus

The State Rep by,
The Inspector of Police,
Mettur Police Station.
Cr.No.283 of 2016

... Respondent/Respondent/Complainant

PRAYER:

Criminal Revision Petition filed under Sections 397 & 401 of the Code of Criminal Procedure, to set aside the order dated 26.04.2019 made in C.A.No.67 of 2019 on the file of the Additional District (Fast Track) Court, Mettur, Salem District by confirming the order of conviction dated 21.02.2019 made in C.C.No.211 of 2016 on the file of the Judicial Magistrate No.1, Mettur, Salem District.

For Petitioner : Mr.S.Lakshmanasamy

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

ORDER

This Criminal Revision Petition has been filed to set aside the order dated 26.04.2019 made in C.A.No.67 of 2019 on the file of the Additional District (Fast Track) Court, Mettur, Salem District, confirming the order of conviction dated 21.02.2019 made in C.C.No.211 of 2016 on the file of the Judicial Magistrate No.1, Mettur, Salem District.



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2. The petitioner is the accused. The respondent police registered a case in Crime No.283 of 2016 for the offence under sections 294(b), 326 and 506(ii) IPC. After investigating the matter, laid a charge sheet before the Judicial Magistrate No.I, Mettur. The learned Magistrate taken the charge sheet on file in C.C.No.211 of 2016 and after framing the charges, completed the trial. The learned Magistrate found guilt of the petitioner for the offence under section 326 IPC and convicted and sentenced to undergo one year Simple Imprisonment and to pay a fine of Rs.5,000/- in default to undergo three months Simple Imprisonment. Challenging the said judgment of conviction and sentence, the petitioner herein filed the Appeal before the Principal District and Sessions Judge, Salem and the learned Principal District and Sessions Judge taken the appeal on file in Criminal Appeal No.No.67 of 2019 and made over the case to the Additional District Judge (Fast Track Court), Mettur. The learned Additional Sessions Judge after hearing the arguments and perused the records, dismissed the appeal and confirmed the judgment and conviction and sentence passed by the Magistrate. Therefore, challenging the judgment of the Appellate Court, the petitioner has filed the present Revision Petition before this Court.

3. The learned counsel for the petitioner would submit that the victim is none other than the wife of the petitioner. In order to prove the nature of the injury, they have not produced the X-Ray report and it is fatal to the case of the the prosecution. Once prosecution says that the injury is grievous in nature and fracture, they have to produce X-Ray. But they have not produced the same. Both the Courts below failed to appreciate the evidence and simply convicted the petitioner on the ground of sympathy which warrant interference of this Court.

4. The learned Government Advocate (Criminal Side) would submit that the victim sustained grievous injuries all over the body and the doctor who has examined as witness has clearly spoken about the injuries sustained by the victim. Therefore from the evidence of the victim the injured witness and the evidence of doctor P.W8 and Ex.P3 and Ex.P4 Wound Certificate and the medical records clearly shows that the injury sustained by the victim is grievous in nature.

5. On a reading of the evidence of the victim and the evidence of the doctor and also the medical records, this Court does not find any perversity in the order passed by the judgment of both the Courts below. It is a well settled proposition of law that the Revisional Court cannot sit in the arm chair of the appellate court and re-appreciate the entire evidence as the appellate court. On a reading of the entire materials, this Court does not find any perversity and there is no merit in the



revision. Therefore the Revision is liable to be dismissed. Accordingly, the Criminal Revision Petition is dismissed. Consequently connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Additional District (Fast Track) Court,
Mettur,
Salem District.
2. The Judicial Magistrate No.1,
Mettur,
Salem District.
3. The Public Prosecutor,
High Court,
Madras.

Copy to:-

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

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and
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SSD(CO)
CT(26/08/2021)