



BAIL SLIP

The Petitioner/Accused No.1 viz., P.Saravanan, S/o, Thiru Pandurangan, aged 41 years was released on bail as per the order of this Court dated 18.11.2019 made in CRL.M.P.NO.12889 of 2019 in CRL.R.C.No.888 of 2019 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.888 OF 2019

P.Saravanan

...Petitioner

Vs.

State represented by
The Station House Officer,
Panruti Police Station,
Cuddalore District.
Crime No.279 of 2010

...Respondent

Criminal Revision case filed under Section 397 r/w 401 of Code of Criminal Procedure to call for records relating to the judgment passed by the learned I Additional District and Sessions Judge, Cuddalore, in Criminal Appeal No.20 of 2018 dated 30.04.2019, modifying the sentence imposed on the petitioner by the learned Judicial Magistrate No.I, Panruti in C.C.No.60 of 2010 dated 23.02.2018 and set aside the same and discharge the petitioner from all the charges.

For Petitioner : Mr.A.Padmanaban for
M/s.P.Kannan Kumar

For Respondent : Mr.S.Sugendran
Govt. Advocate (Cr1.Side)



ORDER

The criminal revision case has been filed against the judgment of conviction and sentence delivered by the learned Judicial Magistrate No.I, Panruti in C.C.No.60 of 2010 dated 23.02.2018 and modified sentence by the learned I Additional District and Sessions Judge, Cuddalore, in Criminal Appeal No.20 of 2018 dated 30.04.2019.

2. Case of the prosecution is that on 16.03.2010, when the defacto complainant and his father returning in a private bus after attending an enquiry in All Women Police Station at Panruti in respect of divorce with the second accused, all the accused A1 to A6 by holding lethal weapons, restrained the bus and pushed P.W.2 out of the bus and taken him to the Bus Stop at Pakkiripalayam and attacked him with iron pipe and rod and caused grievous injuries. Hence the present case in Crime No.279 of 2010 was registered against the accused A1 to A6.

3. After completing investigation, the respondent police laid a charge sheet before the learned Judicial Magistrate No.I (FAC), Panruti, for the offence under Sections 147, 148, 341, 326 and 506(ii) of IPC against A1 & A2, Sections 147, 148, 341, 324 and 506(ii) of IPC against A3 and Sections 147, 341 and 352 of IPC against A4 to A6.

4. The learned Magistrate taken the charge sheet on file in C.C.No.60 of 2010. Since A3 did not appear before the Court and warrant against him was pending for a long time on the basis of the application filed by the State, the case was split up in respect of A3 and tried in C.C.No.177 of 2016. Further, pending the above case, A6 reported died and hence charges against A6 got abated. The trial Court, after trial and hearing of arguments advanced on either side, by judgment dated 23.02.2018, convicted the petitioner/A1 for the offence under Section 325 of IPC and sentenced him to undergo simple imprisonment for a period of one year and six months and to pay a fine of Rs.2000/-, in default, to undergo simple imprisonment for a period of one month for the offence under Section 325 of IPC and acquitted the petitioner/A1 from the other charges and also acquitted all other accused from all the charges levelled against them.

5. Aggrieved against the judgment of conviction and sentence, the petitioner, who is A1, has filed an appeal in C.A.No.20 of 2018. The learned I Additional District and Sessions Judge, after hearing both the parties, by, judgment dated 30.04.2019, confirmed the conviction and modified the period of imprisonment alone from 1 year and six months to six months for the offence under Section 325 of IPC, against which, present revision has been filed by the petitioner/A1.



6. Mr. Padmanaban, learned counsel appearing for the petitioner would submit that in this case, the injured witness subsequently died and he wanted to compound the matter with legal heirs of the deceased and seeks time for the same.

7. Since, the cause of action arose in a decade back and this case was pending before the trial Court for more than seven years and pending before the lower appellate Court for one year and now before this Court for two years, but, the petitioner has not chosen to compound the matter before any of the above forum during the life time of the victim/injured witness and now seeks time to compound with the legal heirs of the victim/injured witness, which this Court is not inclined to grant and is inclined to decide the matter on merits.

8. Heard the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

9. This Court, as a revisional Court, cannot exercise power of appellate Court and re-appreciate entire evidence, it can only see whether there is any perversity in appreciation of evidence by the Courts below, while deciding the case.

10. On a perusal of the records, it reveals that P.Ws.6 is injured witness and also an eye witness and P.W.1 also eye witness and both of them have clearly spoken about the incident. P.W.6 the injured eye witness has deposed that A1 slapped on his cheek. It is settled proposition of law that evidence of the injured witness can be taken into consideration for recording conviction, if it is cogent and consistent and inspires confidence of the Court, unless there is a reason to discord the evidence of the injured witness. On a careful reading of the judgments of both the Courts below, it reveals that even though the trial Court, acquitted the petitioner/A1 for the other charges and also acquitted the other accused from all the charges, but, convicted the petitioner/A1 for the offence under Section 325 of IPC, since there is specific overt act against him. The lower appellate Court, being a final Court of fact finding, had independently re-appreciated the entire evidence and confirmed the conviction recorded by the trial Court and awarded minimum sentence by modifying the sentence from 1 year and six months to six months. This Court does not find any perversity in the judgment of both the Courts below and hence the same does not call for any interference.



11. In the result, the conviction and sentence passed by the Court below is hereby confirmed. The criminal revision is dismissed and the trial Court is directed to secure the petitioner/A1 to undergo remaining period of imprisonment, if any.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

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To

1. The I Additional District and Sessions Judge, Cuddalore.
2. The Judicial Magistrate No.I, Panruti.
3. The Station House Officer, Panruti Police Station, Cuddalore District.
4. The Public Prosecutor, High Court of Madras.
5. The Chief Judicial Magistrate, Cuddalore.

Cr1.R.C.No.888 of 2019

PM(CO)
RLP(24/09/2021)