



BAIL SLIP in CrI.R.C.No.417/2017

The Appellant/Accused namely Mr.Rajesh, S/o.Aruldivarayan was directed to be released on bail as per order of this court dated 15.03.2017 in CrI.M.P.No.3893 of 2017 in CrI.R.C.No.417 of 2017 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.R.C.No.417 of 2017

Rajesh ...Petitioner/Appellant/Accused

Vs

State by
The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.
(Crime No.107 of 2014) ...Respondent/Respondent/Complainant

PRAYER: This Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C., to call for the records and set aside the conviction and sentence imposed against the petitioner on 10.02.2017 in C.A.No.1 of 2017 on the file of the III Additional District and Sessions Court, Cuddalore at Vridhachalam and confirming the order of conviction and sentence dated 02.12.2016 in C.C.No.83 of 2014 on the file of the Judicial Magistrate Court No.2, Vridhachalam, Cuddalore District.

For Petitioner : Mr.P.Pugalenth
For Respondent : Mr.A.Gopinath
Government Advocate (CrI.Side)

O R D E R

This revision has been preferred challenging the judgment of the learned III Additional District and Sessions Court, Cuddalore at Vridhachalam made in C.A.No.1 of 2017 dated 10.02.2017, confirming the judgment of the Judicial Magistrate Court No.2, Vridhachalam, Cuddalore District. dated 02.12.2016



made in C.C.No.83 of 2014.

2.The case of the prosecution is that on 02.06.2014 at about 5 p.m., the defacto complainant was sitting near the Valeespeth South Street Ration Shop, the accused came there and asked him why he was sitting there. When PW1 questioned him about his authority to ask him, the accused scolded and attacked him with knife on the left leg below the knee and caused simple injuries.

3.On the complaint given by PW1, on 02.06.2014, PW8 Ganesamurthy Sub-Inspector of Police has registered the FIR in Crime No.107 of 2014 under Sections 294(b), 324 and 506(ii) IPC. Thereafter, he went to the place of occurrence and prepared the Observation Mahazar and Sketch in presence of witnesses and further he examined the witnesses and recorded their statement. Thereafter, he arrested the accused on 02.06.2014 at about 8.15 p.m. and sent him to remand. He also examined the Doctor, who treated the accused and got wound certificate. After completing the investigation, he filed the charge sheet against the accused for the offence under Sections 294(b), 324 and 506(ii) of IPC.

4. After the case was taken on file and complying all the legal mandates, charges were framed against the accused under Sections 294(b), 324 and 506(ii) of IPC and the accused was questioned. The accused denied the involvement in the offence.

5. During the course of trial, on the side of the prosecution, 8 witnesses were examined as PW1 to PW8 and 5 documents were marked as Exhibits P1 to P5. When the accused was questioned under Section 313 Cr.P.C., with regard to the incriminating materials available in the evidence, he denied the same. On the side of the defence, no witness was examined and no documents were marked.

6.After conclusion of the trial and considering the materials available on record, the trial Court found the accused guilty for the offence under Section 324 IPC and convicted and sentenced to undergo Rigorous Imprisonment for one year. He was acquitted from the charges under Sections 294(b) and 506(ii) IPC.

7.The appeal preferred by the accused in CrI.A.No.1 of 2017 before the III Additional District and Sessions Court, Cuddalore was also dismissed on 10.02.2017, by confirming the judgment of the trial Court. Aggrieved over that, the accused has preferred this Revision Case before this Court.

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



9. The learned counsel for the petitioner submitted that the Courts below have not appreciated the evidence in proper perspective and had omitted to give benefit of doubt on the basis of the contradictions in the evidence of the witnesses PW4 to PW6. He further submitted that the first complaint given by the injured was suppressed.

10. The learned Government Advocate (Crl.Side) submitted that the Courts have rightly relied on the evidence of the injured witness and the doctor and convicted the accused. There is no material contradictions in the evidence of the prosecution witnesses.

11. Point for consideration:

'Whether the conviction and sentence of the accused for the offence Section 324 of IPC by the learned Sessions Judge basing on the materials available on record, is fair and proper?'

12. The complainant is the injured and he was examined as PW1. In his evidence, he stated about the occurrence that he was attacked by the accused on his right leg. He has also stated that the occurrence was witnessed by the other witnesses like PW4, PW5 and PW7 and they took him to the hospital. PW3, Doctor, who was examined has stated in his evidence that he found the following injuries on the body of the injured:

'Three injuries were found on PW1 namely,

- 1) Cut injury measuring 17 X 1 X 1 cm on the lower aspect of left knee joint.
- 2) Cut injury measuring 3 X 5 cm on the left fore arm.
- 3) Cut injury measuring 1 X 1 cm on the middle finger.'

The Doctor has also stated that the injured came to the hospital for treatment and he told that the known person who was attacked him with knife.

13. It is unfortunate that the weapon used for the occurrence was not recovered by the Police. But, however, the Doctor has stated that the injury which was present on the body of the injured could be infected with the weapon like knife. What has to be seen seriously is that the injured witness who was examined as PW1 was not cross-examined by the petitioner despite, he was given with an opportunity for cross-examination. So the evidence of the injured/de-facto complainant remains unchallenged. The de-facto complainant did not have any other motive to give a false complaint against the accused and to implicate him falsely. PW4 who had taken the injured to the hospital also corroborated the evidence of PW1. Despite there are some minor contradictions in the evidence of other



witnesses, there is no contradictions in the material evidence of PW1 and the corroborative evidence of the Doctor, who treated him at the hospital. The Courts below have rightly appreciated the evidence and found the accused guilty for the offence under Section 324 IPC. In my opinion, I find no reason to interfere with the well reasoned judgment of the trial Court.

14. In the result, this Criminal Revision Case is dismissed and the judgment of the the III Additional District and Sessions Court, Cuddalore at Vridhachalam in Crl.A.No.1 of 2017, dated 10.02.2017 is confirmed. The petitioner/accused shall undergo the remaining period of sentence, if any.

15. Since he is on bail, the trial Court is directed to secure the accused and commit him to prison to undergo the remaining period of sentence, if any.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Judicial Magistrate Court No.2,
Vridhachalam, Cuddalore District.
2. The Chief Judicial Magistrate,
Cuddalore.
3. The III Additional District and Sessions Court,
Cuddalore at Vridhachalam.
4. The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.
5. The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.R.C.No.417 of 2017

SRA(CO)
RGA(09/02/2022)