



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1382 of 2019

Palanisamy

... Petitioner

Versus

The Inspector of Police,
Paramathi Police Station,
Paramathi Vellore,
Namakkal District.

... Respondent

Criminal Revision Case filed under Section 397 r/w 401 Criminal Procedure Code, to call for the records relating to the judgment made in Criminal Appeal in C.A.No.5 of 2019 on the file of the Court of Sessions (Fast Track Mahila), Namakkal District dated 01.11.2019 in the nature of confirming the punishment of imprisonment of five years for the offence punishable under Section 307 IPC made in S.C.No.77 of 2015 on the file of the Assistant Sessions Judge, Paramathi dated 10.01.2019 and set aside the same.

For Petitioner : Mr.S.Senthilnathan

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

O R D E R

This Criminal Revision Case has been filed against the order dated 01.11.2019 made in C.A.No.5 of 2019 on the file of the Court of Sessions (Fast Track Mahila), Namakkal District.

2.The case of the prosecution is that the de facto complainant one Chandra is the wife of the petitioner/accused herein. She is working as a servant at Pillaikalathur Vidhyalakshmi School. The accused is a lorry driver and is a drunkard. At the time of occurrence i.e., on 19.03.2014 at about 9.30 p.m, when the victim was in her house, the accused demanded her to give money for drinking liquor and abused her with filthy



language and attacked the victim with Koduval on the back of her head twice and when the victim resisted, the accused cut her with Koduval on left wrist, left arm, lower jaw and right shoulder. Hence, a complaint was filed against the petitioner.

WEB COPY

3.The respondent-Police registered a case in Crime No.78 of 2014 against the petitioner for the offence under Sections 294 (b) and 307 IPC. After taking cognizance of the case in S.C.No.77 of 2015 and completing the formalities, the trial Court found the accused guilty, convicted and sentenced him to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for a period of one month for the offence under Section 294(b) IPC; and also convicted and sentenced him to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for a period of one year for the offence under Section 307 IPC. Aggrieved by the said judgment, the petitioner preferred an appeal in C.A.No.5 of 2019. The learned Sessions Judge, after hearing the arguments advanced on either side and considering materials available on record, confirmed the judgment of the trial Court with regard to conviction and sentence for the offence under Section 307 IPC and found not guilty for the offence under Section 294(b) IPC. Challenging the said judgment, the petitioner is before this Court by way of Criminal Revision Case.

4.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and also perused the materials available on record.

5.On a careful perusal of the records, it reveals that the victim/P.W.1 is none other than the wife the petitioner herein and she is working as a servant at Pillaikalathur Vidhyalakshmi School. The accused is a lorry driver. Ten days prior to the date of occurrence, the accused did not go to job and was torturing the victim demanding money for drinking liquor. On the date of occurrence i.e. on 19.03.2014, when the victim was in her house, the accused demanded money for drinking liquor and when she refused, the accused abused her with filthy language and went out of the house and after returning back to the house at 9.30 p.m., while P.W.1 and children were sleeping, once again the accused demanded money from P.W.1, she refused the accused attacked her with Koduval on the back side of her head and when she prevented, she sustained injuries on her left wrist, left hand and right shoulder. Thereafter, she was taken to Namakkal Government Hospital and while she was under treatment, she preferred the complaint.



6.Further, P.W.2 is the father of P.W.1 and P.W.3 is the brother of P.W.1 and they are only hearsay witnesses. The Doctor, who gave treatment to P.W.1 was examined as PW.7 and has clearly deposed that on 20.03.2014 in the early hours of 1.00 a.m, she treated P.W.1 and on enquiry she come to know that P.W.1 was attacked by a known person and the injuries sustained by P.W.1 were simple in nature and issued Wound Certificate/Ex.P6. The evidence of P.W.1 injured witness was corroborated with the evidence of P.W.7.

7.On a combined reading of the evidence of P.Ws.1 and 7, Wound certificate/Ex.P6, the prosecution proved its case beyond all reasonable doubts. Therefore, both the Courts below have rightly appreciated the evidence and convicted and sentenced the petitioner. This Court does not find any perversity in the judgment passed by both the Courts below. Since the reason for causing injuries sustained by P.W.1 is not tolerable, this Court does not find any mitigating circumstances to modify the sentence imposed by the trial Court.

8.In the light of the above, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ms

To

- 1.The Sessions Judge,
Court of Sessions (Fast Track Mahila),
Namakkal District.
- 2.The Assistant Sessions Judge,
Paramathi.
- 3.The Inspector of Police,
Paramathi Police Station,
Paramathi Vellore,
Namakkal District.



4.The Public Prosecutor,
High Court, Madras.

5.The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.S.Senthilnathan, Advocate Sr No.48869 (24/11/2021)

Crl.R.C.No.1382 of 2019

BP (CO)
PR (22/09/2021)