



WEB COPY

Crl. R.C.(MD)No.856 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 11.11.2021

PRONOUNCED ON: 03.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.856 of 2017

Durai @ Durairaj

.. Petitioner/PW1

Vs.

1.The State rep by
The Inspector of Police,
Poothapandi Police Station,
Kanyakumari District.
(Crime No.14 of 2003)

..Respondent/Complainant

2.Vijayan @ Vijaykumar

3.Mani @ Manikandan

..Respondents/Accused 1&2

Prayer : This Revision Case is filed under Sections 397 r/w. Section 401 of Cr.P.C., to revise the judgment of the Learned Additional Assistant Sessions Judge of Nagercoil, Kanyakumari District made in S.C.No.71 of 2004 dated 23.10.2008.

For Petitioner : Mr.S.Palanivelayutham

For R1 : Mr.K.Sanjay Gandhi
Government Advocate

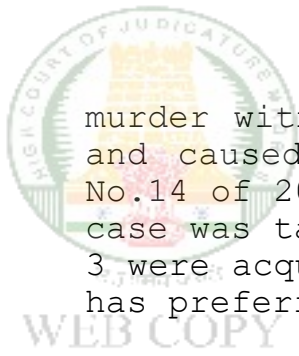
For R2 & R3 : Mr.M.P.Senthil

ORDER

This revision petition is filed against the acquittal of the accused in S.C.No.71 of 2004, on the file of the Additional Assistant Sessions Judge, Nagercoil.

2.The Case against the respondent 2 and 3 is that two days prior to the date of occurrence, when the second and third respondents try to break the window of the house of witness Jesudas for committing theft witness Regan raised alarm, on the basis of this enmity on 21.01.2003 at about 20.30 hours with a motive to

<https://hcservices.ecourts.gov.in/hcservices/>



murder witness Regan, respondents 2 and 3 attacked Regan with knife and caused him injury on the left index finger. A case in Crime No.14 of 2003 was registered against the respondents 2 and 3 and the case was taken on file in S.C.No.71 of 2004. The respondents 2 and 3 were acquitted by the Trial Court against the same, the petitioner has preferred this revision.

3.On the side of the revision petitioner, it is stated that the acquittal is erroneous and the prosecution has established the case beyond all reasonable doubts. The motive was well proved by the prosecution and the eye witness made out a consistent case against the accused. The trial Court without appreciating the case of the prosecution in the proper prospective, has acquitted the accused. The Trial Court failed to consider that the medical evidence is clearly corroborating the evidence of the eye witnesses and prayed the respondents to be convicted.

4.On the side of the respondents, it is stated that after considering all the evidence the Trial Court has come to a conclusion that the case against the respondents 2 and 3 was not made out. The first respondent did not file any revision before this Court. There were contradictions in the evidence of the prosecution and the Trial Court had rightly acquitted the respondents No.2 and 3.

5.The occurrence is said to have taken place in the year 2003 and the judgment of the lower court was pronounced on 31.08.2006. This revision petitioner has filed a CRC 712/2006 before this Court. As per the orders of this Court dated 25.02.2008, the case was remanded back to the trial Court. After remand the trial Court pronounced a judgment on 23.10.2008 . Again, this second revision was filed in the year 2017. The grounds of revision is vague. The revision petitioner fails to mention the specific points to be considered for conviction. How the medical evidence is corroborating the evidence of eye witness is not specifically mentioned. How the prosecution has proved the guilt of the accused beyond reasonable doubts is not established by the revision petitioner It is seen that only after considering the oral and documentary evidence, the lower court has passed an order of acquittal. This Court finds no infirmity in the order of the trial court.

6.For the above reasons, Criminal Revision petition is dismissed.

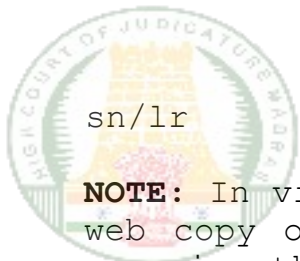
Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



sn/lr

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Additional Assistant Sessions Judge of Nagercoil,
Kanyakumari District

2.The Inspector of Police,
Poothapandi Police Station,
Kanyakumari District.

COPY TO

1. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

2. The Section Officer, Criminal Section(Records),
Madurai Bench of Madras High Court, Madurai.(2 copies)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-37633[F] dated 07/12/2021)

order made in
Crl. R.C. (MD)No.856 of 2017
03.12.2021

—
SRK(CO)

TR(13.12.2021) 3P 7C