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Crl.R.C.No.1565 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18..11..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

Criminal Revision Case No.1565 of 2013

Vadivel

..... **Petitioner**

-Versus-

1.The State Rep. by its
Inspector of Police,
Adhiyamkottai Police Station,
Dharmapuri District.
[Crime No.153 of 2004]

2.Lakshmi

3.Saradha

4.Munisamy

5.Vishnu

6.Mayil

.... **Respondents**

Revision filed under Section 397 r/w 401 of Cr.P.C. praying to set aside the order of acquittal dated 01.03.2007 passed by the learned Additional Sessions Judge, Fast Track Court, Dharmapuri, Dharmapuri District, in S.C.No.353 of 2005.



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For Petitioner : Mr.D.S.Thirumavalavan

*For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor
for R1*

*Mr.Thirumalaivasan for
Mr.Selvam for R2*

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

This Criminal Revision has been filed by P.W.2 in S.C.No.353 of 2005 on the file of the Additional Sessions Court (Fast Track Court), Dharmapuri, praying to set aside the judgement and order of acquittal dated 01.03.2007 passed by the learned Additional Sessions Judge, Fast Track Court, Dharmapuri, Dharmapuri District, in S.C.No.353 of 2005.

2. The facts leading to the prosecution of the respondents 2 to 6/A1 to A5 have been set out vividly in Paragraph 1 of the judgement of the trial court, which reads as under:-



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“A3 and A5 are the sons of A1. A2 is the daughter of A1, A4 is the husband of A2. Deceased Muniraj is the second son-in-law of A1. Deceased Muniraj was leading a vagabond life and often given torture to the family of A1 by demanding money for his lavish spending and to drink attack and vexed with that A1 to A5, family members decided to murder him. A1 to A3 entered into a common intention to murder Muniraj. Thereupon that on 26.02.2004, at about 8 to 9 p.m., near the house of A1, at Veerichettipatty, with intent to murder A1 tied both the hands of deceased Muniraj and tied him in the Bomarang tree with coconut coir ropes and both A1 and A3 put the rope around his neck and throttled him and A2 squeezed his testicles and Muniraj



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succumbed to the above said injuries and died instantaneously due to asphyxia due to throttling and thereby A1 to A3 committed an offence punishable under Section 302 r/w 34 IPC and in the course of the same transaction in order to screen the evidence of commission of offence and to save A1 to A3 accused 4 and 5 being the relatives, took the dead body of Muniraj to the pial of his house and laid there and thereby A4 and A5 committed an offence punishable u/s 302 r/w 201 of IPC.”

3. On the above allegations, the respondents 2 to 6/A1 to A5 were tried in S.C.No.353 of 2005 by the learned Additional Sessions Judge, Fast Track Court, Dharmapuri, and were acquitted from the charges by judgement and order dated 01.03.2007. Challenging the judgement and order of acquittal, Vadivel (P.W.2) the husband of Lakshmi (P.W.1), the de



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facto complainant has filed the present revision petition along with a delay and the delay of 28 days in filing the revision case was condoned by this Court, by order dated 10.12.2013 in Crl.M.P.No.1 of 2007 in Crl.R.C.No.34056 of 2007 and the Criminal Revision Case was taken on file in Crl.R.C.No.1565 of 2013.

4. Heard Mr.D.S.Thirumavalavan, learned counsel counsel appearing for the petitioner/P.W.2; Mr.R.Muniyapparaj, learned Additional Public Prosecutor, appearing for the 1st respondent/State and Mr.Thirumalaivasan, learned counsel for Mr.M.Selvam, learned counsel on record for the respondents 2 to 6/A2 to A6.

5. The entire prosecution case was based on the evidence of Sindhuja (P.W.5), who was the child witness. However, the trial court has given cogent reasons for disbelieving the evidence of Sindhuja (P.W.5) in para 37 of the judgement, which cannot be said to be perverse. In a revision against acquittal, the scope for interference is very minimal. It is trite that, when on appreciation of the evidence on record, if two views are possible, the view



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that favours the accused merits acceptance. We do not find any infirmity or perversity in the appreciation of the evidence of P.W.1 to P.W.5 by the trial court warranting interference in this revision case.

In the result, this Criminal Revision Case is dismissed and the judgement and order of acquittal passed on 01.03.2007 in S.C.No.353 of 2005 by the learned Additional Sessions Judge, Fast Track Court, Dharmapuri, Dharmapuri District, stands confirmed.

(P.N.P., J.) (TKR., J.)
18 ..11..2022

Index: Yes/No
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To

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- 1.The Additional Sessions Judge,
Fast Track Court, Dharmapuri,
Dharmapuri District.
- 2.The Inspector of Police,
Adhiyamkottai Police Station,
Dharmapuri District.
- 3.The Public Prosecutor,
High Court, Madras.



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P.N.PRAKASH.J.,
AND
RMT.TEEKAA RAMAN.J.,

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