



BAIL SLIP

The Petitioner/Accused Narasimman, Male aged 40 years S/o Goopaliyoppan was released on bail as per order of this court dated 07/10/2016 in Crl MP No.10650 of 2016 in Crl.R.C.No.1195 of 2016 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1195 of 2016

Narasimman

...Petitioner

Vs.

State Rep. by Inspector of Police,
All Women Police Station, Hosur,
Krishnagiri District.
Crime No.16 of 2012

...Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records on the file of the learned Additional District Judge, Krishnagiri, Krishnagiri District in Crl.A.No.70/2015 dated 30.08.2016 confirming the judgment in C.C.No.40 of 2012 on the file of the learned Judicial Magistrate No.I, Hosur, Krishnagiri District dated 19.11.2015 and set aside the judgment dated 30.08.2016.

For Petitioner :	Mrs.S.Priyadharshini for Mr.M.Machavatharan
For Respondent :	Mr.A.Damodaran Additional Public Prosecutor

ORDER

The petitioner/accused in C.C.No.40 of 2012 on the file of the learned Judicial Magistrate No.I, Hosur, Krishnagiri District was convicted by the Trial Court by judgment dated 19.11.2015 for the offence under Section 4 of Tamil Nadu Prohibition of Women Harassment Act and sentenced him to undergo one year rigorous imprisonment. Aggrieved against the same, the petitioner filed an appeal before the learned Additional District Judge, Krishnagiri in C.A.No.70 of 2015. The learned



Additional District Judge, Krishnagiri, by judgment dated 30.08.2016, confirmed the conviction and finding that under Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998, the offence shall be punishable to imprisonment which may extend to one year and also liable for fine which shall not be less than Rs.10,000/-, accordingly, the Lower Appellate Court confirmed the sentence imposed by the Trial Court and imposed fine of Rs.10,000/-, in default, to undergo one month imprisonment. Aggrieved against the same, the present revision petition is filed.

2.The case against the petitioner is that on 08.10.2012 at about 5.00 p.m., the complainant Somasekar lodged a complaint stating that his wife Parvathy was harassed, criminally intimidated by uttering words, showing signs or other means by the petitioner. On 08.10.2012 at about 9.00 a.m, when the victim was alone at home, at that time, the petitioner forced her to come along with him to have happy moments, when it was resisted by her, by showing the photograph in the mobile to the victim the petitioner stated that if she fails to come along with him, the photograph will be circulated in the social media and pulled her down, the victim raised alarm, hearing the same the neighbours came there and thereafter, complaint was lodged. Further, six months prior to the incident, one day at night hours, the victim was weeping, when the same was questioned by her husband/complainant, she informed that the petitioner herein was constantly staring at her when she used to sweep outside her house, wash clothes and clean vessels and the petitioner was in the habit of showing the photograph in the mobile and threatening her. She was unable to bare any further, she also made an attempt to commit suicide and thereafter, complaint was lodged with the local Police Station. The petitioner was called upon, warned by the Inspector of Police, thereafter for sometime he was quiet and again, he started harassment. Hence, the complaint came to be lodged. On completion of investigation, charge sheet filed in the Trial Court, P.W.1 to P.W.5 were examined, Ex.P1 to Ex.P5 marked and M.O.1 photograph was marked. On conclusion of the trial, the petitioner was convicted as stated above.

3.The contention of the learned counsel for the petitioner is that though P.W.1 to P.W.3 were projected as eye witnesses in this case, P.W.1/husband of the victim states that he was in his field and after hearing the cry of his wife, he came to rescue her. Further, P.W.3, the relative of the victim stated that he was living in another Village, after coming to know about the incident he came there and went along with P.W.1 to lodge the complaint. P.W.4 is the neighbour, who states about the signing in the observation mahazar on the request of the Police. P.W.5 is the Inspector of Police, who conducted investigation admits



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that he examined one Venkatachalam, Venkatesh and Narayanappam, tea shop owner, but none of them examined as witnesses. He further submitted that the case of the complainant is that the petitioner, who used to sit in the tea shop of the said Narayanappa and from there, he used to signal the victim and cause harassment. P.W.1 in his evidence states as though he was present when the incident took place but in the cross examination, he admits that he was in his field at that time and thereafter, on hearing the cry of the victim, he came to the scene of occurrence which is a vital contradiction. P.W.2, victim states that at the time of occurrence, her mother-in-law and husband were at home, further reconfirms that her husband, mother-in-law and her brother-in-law were present. He further submitted that P.W.1 admits that there are several others in the scene of occurrence but none of them were examined. P.W.5, Investigating Officer admits that it is a public place, there are lot of houses around the place but none of them were examined. Further, in this case, M.O.1 photograph ought to have been rejected since the primary source of M.O.1 and negative was not produced.

4.It is the case of the petitioner that P.W.1 borrowed a sum of Rs.1,50,000/- from the petitioner and for non-payment of loan, there was a dispute between them. In this case, complaint lodged only at 2.00 pm on 08.10.2012 with a delay but no reason was given. According to the petitioner, the victim P.W.2 was pressurized to give false complaint, due to family circumstances, she agreed to toe the line of P.W.1 and others. The Lower Court failed to consider all these vital aspects and had convicted the petitioner without any reason. The Lower Appellate Court confirmed the sentence imposing fine. He further submitted that the petitioner herein hails from the same Village, the petitioner and P.W.2 were in friendly terms earlier, thereafter they were on their own, both of them got married and were living with their respective family. The petitioner's daughter grown up and was likely to get married soon. P.W.1 and his family members had grouse over the petitioner on coming to know about the earlier relationship between the petitioner and the victim, they initially lodged a false complaint, the petitioner was called for enquiry, warned by the Police Personnel and the case was dropped. Thereafter, on 08.10.2012 there was a wordy quarrel between the petitioner and P.W.1, his brother and others, they attacked the petitioner with iron rod and hammer, of which, the petitioner sustained serious injuries, thereafter the petitioner lodged a complaint with Bagalur Police Station on the same day, case was registered against P.W.1 and four others for the offences under Sections 294(b), 47, 148, 323, 324 and 506(ii) of IPC, now the investigation completed, charge sheet filed and the case was taken on file in P.R.C.No.5 of 2016. It is further submitted



that for creating a defence in this case, the petitioner was falsely implicated in the present case.

5. The learned Additional Public Prosecutor submitted that in this case, the victim P.W.2 was constantly harassed and intimidated by the petitioner. The petitioner, who was living in the same locality used to visit the tea shop which is situated opposite to the victim's house, sit there and pass comments about the victim. This is going on for quite sometime. The victim considering the family life, name and future of the children kept quiet for long time, she used to weep alone, on one such day, P.W.1 found her weeping in the night, he enquired her and came to know the activities of the petitioner. Thereafter, complaint was lodged with the Bagalur Police Station, P.W.1 was called, warned and the case was dropped. On 08.10.2012, at about 9.00 a.m. the petitioner forced the victim to come along with him and get into Tata Sumo vehicle which was resisted by her, she got injured, raised alarm, others came to rescue her and she was taken to the hospital for treatment and thereafter, when it was questioned there was a scuffle and the villagers manhandled the petitioner. Knowing well that P.W.1 and his family members were not there, they were consoling the victim and taken her to the hospital, the petitioner's wife lodged a complaint, case was registered in Crime No.295 of 2012 which was defended by P.W.1 and his family members, i.e. a subsequent event.

6. He further submitted that in this case, P.W.1 to P.W.3 are the witnesses to the occurrence, P.W.4 is the neighbour, who signed in the observation mahazar and P.W.5 is the Investigating Officer. The evidences of P.W.1 to P.W.3 are corroborating to each other though there are minor contradictions which are natural which only confirm the truthfulness of the witnesses, but P.W.2, the victim herself narrated the sufferings, humiliations and intimidation by the petitioner. Further, M.O.1 photograph confirms the pictures of the victim found in the mobile of the petitioner partly exposing her body while she was doing work, which the petitioner had no right to capture and preserve in his mobile and further, he sent the photographs to one Venkatesh and others. The petitioner whatever relationship he had with P.W.2 before three years cannot use it as a tool to further force the victim to compromise with him at his will. Both of them now married and living separately with their respective family. In fact, P.W.2 is now living separately due to some misunderstanding. He further submitted that it is informed that due to the petitioner's act, P.W.2 is living separately with her parents and her matrimonial life got disturbed. The Trial Court analysed the evidence and rightly convicted the petitioner. The Lower Appellate Court finding that fine was not imposed, confirmed the sentence and imposed



fine of Rs.10,000/-. He further submitted that the evidences are natural, cogent, which were analysed and a detailed judgment was rendered which needs no interference and hence, the petitioner needs no leniency.

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7.The learned counsel for the petitioner submits that the petitioner was not involved in any other case, in fact the petitioner is a victim, his knee and hand got fractured, he was taken to Government Hospital immediately, thereafter taken treatment in Ashok Hospital, where closed fracture in his forearm, left tibia and multiple abrasion found on the forearm are recorded. He further submitted that the first complaint was lodged earlier with the Bagalur Police Station and on coming to know about the registration of FIR against P.W.1, a false case was registered against the petitioner and further submitted that the merits of the case to be decided only during the trial in P.R.C.No.5 of 2016. Be that as it may, the petitioner's daughter is in the age of getting married and due to the above case, his daughter's marriage getting delayed. He further submitted that now the petitioner comes forward to pay a compensation of Rs.50,000/- to the victim. Hence, he seeks leniency.

8.Considering the submissions made and on perusal of the materials placed before this Court, this Court finds that the conviction rendered by the Trial Court is confirmed by the Lower Appellate Court is just and proper. Further, considering the plea made by the petitioner that his daughter is at a marriageable age, the petitioner is not involved in any other case and further he is willing to pay compensation to the victim, this Court is inclined to modify the conviction and sentence imposed on the petitioner.

9.Accordingly, the conviction and sentence imposed on the petitioner by the Trial Court which was confirmed by the Lower Appellate Court is modified from one year to three months and the petitioner is directed to deposit a sum of Rs.50,000/- [Rupees Fifty Thousand only] as compensation to P.W.2 victim Parvathy, to the credit of C.C.No.40 of 2012 on the file of the learned Judicial Magistrate No.I, Hosur, Krishnagiri District within a period of three weeks from the date of receipt of a copy of this order and report before this Court. Further, P.W.2 to be informed about the deposit and the compensation to be paid to P.W.2 Parvathy on filing of appropriate petition.

10.With the above direction, the Criminal Revision Petition stands disposed of.



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11.Post the matter on 21.03.2022 under the caption "for reporting compliance".

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cse

To

- 1.The Additional District Judge,
Krishnagiri, Krishnagiri District.
- 2.The Judicial Magistrate No.I,
Hosur, Krishnagiri District
- 3.The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.
- 4.The Chief Judicial Magistrate,
Krishnagiri.
- 5.The Public Prosecutor,
High Court, Madras.

Copy to
The Section Officer,
Criminal Section,
High Court, Madras.

+1CC to E.Kannadasan, Advocate, Sr.No.12068

Cr1.R.C.No.1195 of 2016

NK(CO)
KKV/25/02/2022