



Crl.R.C.No.1386 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1386 of 2022

Manthirikumar

...Petitioner

Vs.

Stated represented by
The Sub-Inspector of Police,
V.Kalathur Police Station,
Perambalur District.
(Crime No.198/2012)

...Respondent

The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure seeking to call for records and set aside the judgment and sentence passed in C.A.No.11 of 2021 on the file of the Court of Principal District and Sessions Judge, Perambalur, confirming the conviction and sentence passed in C.C.No.236 of 2019 by the learned District Munsif-cum-Judicial Magistrate, Veppanthattai.

For Petitioner : Mr.V.J.Arulraj – No Appearance

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

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This criminal revision is preferred against the concurrent judgment of conviction made by the Courts below in C.C.No.236 of 2019 by the learned District Munsif-cum-Judicial Magistrate (FAC), Veppanthattai, dated 14.09.2021 confirmed by the learned Principal District and Sessions Judge, Perambalur, in C.A.No.11 of 2021, dated 30.08.2022.

2 Case of the prosecution is that on 29.08.2012 at about 20.30 hours, when the defacto complainant parked his vehicle in front of his house, found the vehicle was missing and when he asked the accused who were constructing septic tank in the street, the accused 1 and 2 have stated that they had only taken the vehicle and scolded him in a filthy language and there was an altercation, in which, the accused attacked the defacto complainant with koduval in his left forearm and thereby the first accused committed offence under Section 294(b), 326 and 506(ii) IPC and the second accused committed offence under Section 294(b) and 506(ii) IPC.



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3 After completing investigation, the respondent police laid a charge sheet and the same was taken on file by the learned Judicial Magistrate, Perambalur, and subsequently the case was transferred to the learned District Munsif-cum-Judicial Magistrate, Perambalur and the same was taken on file in C.C.No.236 of 2019. On the side of the prosecution, P.W.1 to 11 were examined and Ex.P1 to P9 were marked besides M.O.1 and 2. On the side of defence no oral and documentary evidence was let in.

4 The learned District Munsif-cum-Judicial Magistrate, Perambalur, after trial and hearing of arguments advanced on either side, by judgment dated 14.09.2021 convicted the the petitioner for the offence under Section 326 IPC and sentenced him to undergo simple imprisonment for a period of two years and to pay fine of Rs.3,000/-, in default, to undergo simple imprisonment for a further period of six months for the offence under Section 326 IPC and acquitted the first and second accused for the offence under Sections 294(b) and 506(ii) IPC.



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5 Assailing the above judgment of conviction and sentence, the petitioner/first accused preferred an appeal before the learned Principal District and Sessions Judge, Perambalur, and the same was taken on file in C.A.No.11 of 2021. The learned Principal District and Sessions Judge, after hearing both the parties, by judgment dated 30.08.2022, dismissed the appeal and confirmed the judgment of conviction and sentence passed by the trial Court.

6 Aggrieved over the concurrent judgment of conviction and sentence made by both the Courts below, the petitioner is now before this Court with the present criminal revision case.

7 Even though after giving sufficient time, the matter is listed under the caption for final disposal, there is no representation on behalf of the petitioner. Since the present revision is against the concurrent judgment of conviction and the offence is of the year 2012, this court inclined to pass orders on merits based on the materials available.



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8 Heard Mr.S.Sugendran, learned Additional Public Prosecutor

appearing for the respondent police and perused the materials available on record.

9 On a perusal of the records, it reveal that P.W.8 is an injured witness, who is the defacto complainant has clearly spoken about the offence committed by the petitioner/accused. The petitioner/accused attacked P.W.8 with deadly weapon and caused grievous injuries. P.W.9 is the Doctor, who treated the injured witness has spoken about the injuries sustained by P.W.8.

10 This Court, while exercising revisional jurisdiction, cannot exercise power of the Appellate Court and this Court, being a revisional Court, cannot sit in the arm chair of appellate Court and it has no power to re-assess the evidence and substitute its views on findings of fact. Further, while deciding the revision, it can only see whether there is any perversity in appreciation of evidence by the Courts below.

11 A combined reading of evidence of P.Ws.8, 9 and Ex.P4, the



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wound certificate and the material objects 1 & 2, this Court finds that there is no perversity in appreciation of evidence by the Courts below. After perusing the entire documents available on record, this Court is of the view that the prosecution had proved its case beyond all reasonable doubts. The lower appellate Court, as a final Court of fact finding, had re-appreciated entire evidences on record and come to the conclusion, that the petitioner/accused committed the offence and hence confirmed the conviction recorded by the trial Court, in which this Court does not find any reason to take a different view.

12 In the result, the conviction and sentence made by both the Courts below are hereby confirmed and the criminal revision case is dismissed. Trial Court is directed to secure the petitioner/accused to undergo remaining period of sentence of imprisonment, if any.

11.11.2022

Index : Yes/No
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To

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1. The Principal District and Sessions Judge, Perambalur.
2. The District Munsif-cum-Judicial Magistrate, Veppanthattai.
3. The Sub-Inspector of Police, V.Kalathur Police Station,
Perambalur District.
4. The Public Prosecutor, High Court of Madras.



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P.VELMURUGAN, J.,

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