

Bail Slip

The Petitioner Namely, Kumaran S/o.Devendiran, who was ordered to be enlarged on bail vide order dated 19/06/2017 made in Crl.MP.No.7487 & 7489/17 in Crl.R.C.No.815/17 passes by this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM:

THE HON'BLE Mr. JUSTICE SUNDER MOHAN

Criminal Revision Case No.815 of 2017

Kumaran

... Petitioner

Versus

State of Inspector of Police,
Vellore, North Police Station (L& O)
Vellore, Vellore District
(Crime No.280 of 2013)

... Respondent

PRAYER : Criminal Revision petition filed under Section 397 and 401 Criminal Procedure Code, to call for the records of the learned Judicial Magistrate No.IV, Vellore, Vellore District and set aside the Judgement passed by him in C.C.No.80 of 2013 dated 13.11.2014, as confirmed by the Appellate Court made in C.A.No.101 of 2014 dated 07.12.2016 on the file of the learned Principal District and Sessions Judge, Vellore, Vellore District.

For Petitioner :Mr.L.Mahendran

For Respondent :S.Sugendran,
Additional Public Prosecutor

O R D E R

The petitioner challenges the Judgment of the learned Principal District and Sessions Judge, Vellore passed in C.A.No.101 of 2014 confirming the Judgement of conviction passed by the learned Judicial Magistrate No.IV Vellore in C.C.No.80 of 2013 dated 13.11.2014.

2.The petitioner was convicted for the offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act 2002 and Section 294(b) and 354 IPC. For the offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act 2002, he was ordered to undergo sentence of Rigorous Imprisonment for a period of one year and to pay a fine of Rs.10,000/- in default to suffer two months Simple Imprisonment and to pay a fine of Rs.500/- for the offence under Section 294 (b) and Section 354 of IPC.

3.The case of the prosecution is that while the victim P.W.1 was standing in the Bus stand, the accused/petitioner in an inebriated condition behaved rudely in a public place and abused the P.W.1/Victim in filthy language, pulled her saree and tore her top inner wear.

4.The prosecution examined six witnesses on their side. The learned Judicial Magistrate on an appreciation of the evidence of victim and P.W2 and P.W.4 who were the eye witnesses to the occurrence found the petitioner guilty of the offences charged.

5.The petitioner preferred an Appeal before the learned Principal District and Sessions Judge in C.A.101 of 2014 as the learned Judge on appreciation of the evidence, found the petitioner guilty of the offences and held that the judgment of the learned Magistrate was in accordance with law and confirmed the finding of the guilt and the sentence imposed on the petitioner.

6.Heard, both sides.

7.The learned counsel for the petitioner submitted that there was a counter complaint made by the petitioner against the Defacto complainant (P.W.1) alleging that she committed theft and hence it is not safe to rely upon the evidence of P.W.1. The learned counsel also submitted that P.W.6 admitted in the cross examination that there was a complaint given by the petitioner against the accused in Crime No.280 of 2013 and that the petitioner was injured at the time of arrest and sent to the hospital.

8.The learned Public Prosecutor would submit that the Courts below have on appreciation of facts come to the correct conclusion with regard to guilt of the accused. The findings of the Courts below according to the learned Public Prosecutor do

not call for any interference. He also submitted that the petitioner was in custody for a period of 45 days between 13.11.2014 and 27.12.2014.

9.We are of the view that the findings of the Courts below cannot be faulted and hence, we are not interfering with the findings of the guilt. The Courts below had taken into consideration the fact that the petitioner/accused also had given a complaint and he was injured at the time of arrest. The Courts below found that the counter complaint of the petitioner was closed as mistake of fact and this injury was due to the attack by P.W.1 on him while defending herself. We see no reason to interfere with the said findings.

10.However, considering the fact that the accused has been in custody for about 45 days and in view of the prayer of the learned counsel for the petitioner to show leniency in the matter of sentence, this Court is of the view that the sentence imposed on the petitioner for the offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act 2002 can be reduced to the period of sentence already undergone by him.

11.Accordingly, the Criminal Revision is dismissed with aforesaid modification in the sentence alone.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

dk

To

1.The Judicial Magistrate No.IV
Vellore
Vellore District.

2.The Principal District and Sessions Judge,
Vellore,
Vellore District.

3.The Chief Judicial Magistrate,
Vellore.

4.The Inspector of Police,
Vellore, North Police Station (L& O)
Vellore, Vellore District.

5.Public Prosecutor
High Court of Madras,
Chennai- 104.

+1cc to Mr.L.Mahendran, Advocate SR.No.47258

Cr1.R.C.No.815 of 2017

RSV(CO)
CB(29/07/2022)