



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.594 of 2021

WEB COPY

1.Veeramani @ Asai

2.Muthumari

... Petitioners/Accused Nos.1 & 2

Vs.

State represented by,
The Inspector of Police,
Mandalamanickam Police Station,
Ramanathapuram District.
(In Crime No.35 of 2014).

... Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records of the impugned Judgment, dated 22.04.2021 in Crl.A.No.6 of 2021 passed by the learned Principal District and Sessions Judge, Ramanathapuram, confirming the order in C.C.No.188 of 2014, dated 30.12.2020 on the file of the learned District Munsif cum Judicial Magistrate, Kamudhi, Ramanathapuram District and set aside the same by allowing the revision petition.

For Petitioners

: Mr.AR.Jeya Rhuthran

For Respondent

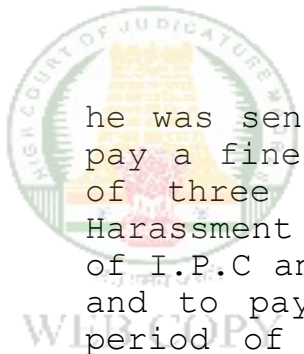
: Ms.M.Aasha

Government Advocate (Crl. Side)

ORDER

This revision has been filed to set aside the Judgment passed in Crl.A.No.6 of 2021, dated 22.04.2021 on the file of the learned Principal District and Sessions Judge, Ramanathapuram, confirming the order passed in C.C.No.188 of 2014, dated 30.12.2020 on the file of the learned District Munsif cum Judicial Magistrate, Kamudhi, Ramanathapuram District.

2. The case of the prosecution is that on 03.10.2014 at about 6.45 pm, the second petitioner and another accused enter into the house of PW.1 and assaulted PW.1 and caused injuries. When PW.1 tried to run away, the first petitioner assaulted her with fire wood. A case in Crime No.35 of 2014 was registered against the petitioners and was taken on file as S.C.No.188 of 2014 under Section 324 IPC and Section 4 of Women Harassment Act, against A1 under Sections 452, 294(b), 323, 324 IPC, against A2 under Sections 452, 294(b), 323 against A3. The charge against the third accused is abated. The first accused was convicted and he was sentenced to undergo six months simple imprisonment under Section 324 I.P.C and



he was sentenced to undergo three years simple imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo a further period of three months simple imprisonment under Section 4 of Women Harassment Act. The second accused was convicted under Section 452 of I.P.C and was sentenced to undergo six months simple imprisonment and to pay a fine of Rs.500/-, in default, to undergo a further period of one month simple imprisonment. The second accused was acquitted under Sections 294(b), 323 and 324 I.P.C. Against the order of the learned Judicial Magistrate, Kamuthi, the petitioners have filed an appeal in Crl.A.No.6 of 2021 on the file of the learned Principal District Judge, Ramanthapuram and the same was dismissed. Against which, the petitioners have filed the revision petition.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

4.When the matter came up for hearing on 23.11.2021 in Crl.M.P (MD)Nos.6509 & 6510 of 2021, on the side of the prosecution, it is stated that the present revision case is against the concurrent judgements. The prosecution has examined 9 witnesses and marked 7 documents and the prosecution has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5.After considering the above, this Court dismissed the petition for suspension of sentence and also dismissed the petition for exemption, by an order, dated 23.11.2021. That apart, this Court directed the petitioners to surrender before the trial Court and to file a petition for suspension of sentence. Even till today, the petitioners failed to surrender before the trial Court. Therefore, this Court is not inclined to entertain this revision. Accordingly, this Criminal Revision Case is dismissed. The respondent is directed to secure the petitioners and proceed in the manner known to law. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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.

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



To

1.The Principal District and Sessions Judge,
Ramanathapuram.

2.The District Munsif cum Judicial Magistrate,
Kamudhi,
Ramanathapuram District.

3.The Inspector of Police,
Mandalamanickam Police Station,
Ramanathapuram District.

+1 CC to M/s.A.R.JEYARHUTHRAN, Advocate (SR-11642[F] dated
11/03/2022)

Crl.R.C(MD)No.594 of 2021
10.03.2022

RD(24.03.2022) 3P 5C