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CrI.R.C.No.230 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

CrI.R.C.No.230 of 2020

Ramachandran

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.

... Respondent

Prayer:

Criminal Revision Petition filed under Section 397(1) and 401 Cr.P.C.,
to call for the records pertaining to the judgment in C.A.No.20 of 2018 dated
12.09.2019 passed by the learned Additional District and Sessions Judge,
Hosur confirming the judgment in C.C.No.14 of 2013 dated 27.02.2018 passed
by the learned Judicial Magistrate No.I, Hosur and set aside the same.

For Petitioner : Mr.A.Balamurugan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

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Criminal Revision Case is filed against the judgment dated 12.09.2019 passed in C.A.No.20 of 2018 on the file of the learned Additional District and Sessions Judge, Hosur, confirming the judgment dated 27.02.2018 passed in C.C.No.14 of 2013 on the file of the learned Judicial Magistrate No.I, Hosur.

2. The respondent police registered a case against the petitioner and yet another person in Crime No.26 of 2012 for the offence under Sections 498(A), 506(i) IPC and Section 4 of Prohibition of Women Harassment Act. The respondent police after investigation, laid a charge sheet before the Judicial Magistrate No.I, Hosur. The learned Magistrate has taken the charge sheet on file in C.C.No.14 of 2013. After framing charges for the abovesaid offences and commenced the trial. In order to substantiate the charges, on the side of the prosecution, seven witnesses were examined as P.Ws.1 to 7 and seven documents were marked as Ex.P1 to P7. No material object has been exhibited. On the side of the defence, no oral and documentary evidence has been produced. On conclusion of trial, the trial court found the petitioner/A1 guilty for the offence under Section 498(A) IPC and Section 4 of Prohibition of Women Harassment Act and sentenced him to undergo one year simple



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imprisonment and to pay fine of Rs.2,500/- in default to undergo six months

simple imprisonment for the offence under Section 498(A) IPC. The petitioner

was sentenced to undergo six months simple imprisonment and to pay fine of

Rs.1,000/-, in default to undergo two months simple imprisonment for the

offence under Section 4 of Prohibition of Women Harassment Act. However,

the trial court not found the petitioner guilty for the offence under Section

506(i) IPC and acquitted him for the said offence. Further, the trial court not

found the second accused guilty for the charged offences and acquitted her.

Aggrieved over the judgment of conviction and sentence passed by the trial

court, the petitioner has filed an appeal in C.A.No.20 of 2018 on the file of the

Principal District and Sessions Court, Hosur and same was made over to the

Additional District and Sessions Court, Hosur. The learned Additional District

and Sessions Judge dismissed the appeal, by confirming the judgment of the

learned Magistrate. Aggrieved over the same, the petitioner herein/A1 has

filed the present Criminal Revision Petition before this Court.

3. Learned counsel for the petitioner submitted that the alleged

occurrence said to have taken place on 20.10.2012, but the complaint was

given only on 04.11.2012 after 15 days of the alleged occurrence. The



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inordinate delay was not properly explained by the prosecution. Therefore, the unexplained delay in filing the complaint is fatal to the case of the prosecution.

P.W.7 who is the brother of victim-P.W.1 stated in his cross examination that there was a misunderstanding between his sister and her mother-in-law and there is no other allegation as against the petitioner either regarding cruelty or harassment. Though it is found from the evidence of P.Ws.1,2,6 and 7 that P.W.1 was assaulted by the petitioner and she was admitted in hospital for treatment, the prosecution has not produced any medical evidence to prove the same. Though P.W.6 who is the father of P.W.1-victim has stated that P.W.1 was admitted in the hospital and took treatment for one month, the prosecution has not produced any documents to show that the victim sustained serious injury. P.Ws.3 and 4 who are witnesses to the observation mahazar, have turned hostile and they have not supported the case of the prosecution. The trial court acquitted A2 on the ground that the prosecution has not proved its case beyond reasonable doubt. Though the trial court acquitted A2, from the very same materials, erroneously convicted the petitioner herein. The trial court failed to appreciate the evidence, convicted the petitioner and the appellate court also without re-appreciating the entire evidence, simply endorsed the



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views of the Judicial Magistrate, dismissed the appeal, which warrants interference of this Court.

4. Learned Additional Public Prosecutor appearing for the respondent submitted that the accused caused physical as well as mental cruelty on the victim and also harassed her. Though charges were framed as against the petitioner for the offence under Sections 498(A), 323, 506(i) IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act, the trial court found the petitioner guilty for the offence under Sections 498(A) IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act and acquitted the petitioner from other two charges namely for the offence under Sections 323 and 506(i) IPC. The victim has clearly deposed in her evidence that the revision petitioner caused physical as well as mental cruelty on her and also harassed her. Hence, there is no merit in the Revision and the same is liable to be dismissed.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6. The specific case of the prosecution is that the revision petitioner herein is the husband of the victim-P.W.1. The marriage between the petitioner



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and victim-P.W.1 was solemnized on 24.03.2017 at Hosur. After marriage, they lived in the house of the parents of the petitioner as joint family. After three months from the marriage, the petitioner asked the victim to bring money from her mother and also she bought Rs.85,000/- from her parents. By using the same, the petitioner bought a car. Further, the petitioner did not stop demanding money and tortured his wife. The petitioner has also illegal intimacy with other woman. On 20.12.2012 at about 10.00 pm, the petitioner abused the victim in filthy language and asked her to sign in a blank paper agreeing to give divorce. Mother of the petitioner also harassed and demanded dowry from her. The respondent police registered the case against the petitioner and his mother for the offence under Sections 498(A), 323, 506(i) IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act.

7. P.W.1, who is the victim as well as the wife of petitioner, has clearly deposed in her evidence that after marriage, when the petitioner demanding dowry, initially she got money from her parents and gave the same to the petitioner. Even then, the petitioner did not stop demanding money from her. Since the victim could not meet out his demands, the petitioner made torture on her. Further the petitioner had illegal intimacy with other woman and also



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tortured his wife and asked her to sign in blank paper in order to obtain divorce from her. Since the evidence of the victim inspires the confidence of the Court, there is no reason to discard or disbelieve the evidence of the victim. Though P.Ws.3 and 4 were turned hostile, evidence of P.W.2-mother of the victim corroborated with the evidence of P.W.1. Brother of the victim was also examined as P.W.7. Though they are not direct eye witnesses, but their evidence clearly shows that the petitioner used to demand dowry/money from the victim and also harassed her. On a reading of the entire materials, the prosecution proved the harassment and the cruelty caused by the petitioner to the victim. Since there is a lack of evidence for convicting the mother of the petitioner for the charged offence and also the prosecution has not produced any medical record to show that the victim sustained injury, she was acquitted for the charged offences. On a reading of the materials, it is found that demand of money and also the cruelty and harassment caused by the petitioner were proved. Therefore, the trial court as well as the appellate court rightly appreciated and re-appreciated the entire evidence and found the petitioner guilty as stated above and convicted the revision petitioner.



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8. The scope of the revision is very limited and the revisional court while dealing with the revision, has to see as to whether there is any perversity in the appreciation of evidence in the judgment. Therefore, while deciding the revision, the Revisional Court cannot sit in the arm chair of the appellate court and reappreciate the entire materials. On a reading of the materials, both the Courts below have passed concurrent judgments. In this case, there is no perversity in the appreciation of evidence and there is no merit in the revision and the same is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed. Since the petitioner is on bail, the trial court is directed to secure the accused to undergo the remaining period of sentence, if any. The period of sentence already undergone by the accused shall stand set of under Section 428 Cr.P.C.,

24.01.2023

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Index:yes/No
Internet:yes/No



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To

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



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P.VELMURUGAN, J.

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