



Crl.A.No.664 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.A.No.664 of 2016

P.Manoharan, aged 47/2011
S/o.Perumal Gounder
2/174, Vedapatty D-Perumal Palayam Post
Salem 636 122

... Appellant

Vs.

1.The State of Tamil Nadu
Represented by Inspector of Police
Veeranam Police Station Cr. No.657/2011
Salem District.

2.Rajamanickam, aged 50/2011
S/o.Perumal

3.Senthil, aged 36/2011
S/o.Ammasi

4.Palanisamy, aged 47/2011
S/o.Nalla Gounder

5.Sannasi, aged 49/2011
S/o.Kuppuswamy

6.Sakthivel, aged 30/2011
S/o.Sannasi

7.Arjunan, aged 43/2011
S/o.Krishnan

8.Rajendiran, aged 42/2011
S/o.Perumal Gounder



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9.Laskhmanan, aged 70/2011

S/o.Kandagounder

10.Periasami, aged 30/2011

S/o.Ramasamy

11.Muthukumar, aged 30/2011

S/o.Govindasamy

12.Elumalai, aged 27/2011

S/o.Palanimuthu

All residing at Valayakaranoor

Vedapatty D-Perumal Palayam Post

Salem 636 122.

... Respondents

Prayer: Appeal filed under Section 372 of Criminal Procedure Code against the order of acquittal passed by the learned I Additional Subordinate Judge, Salem in SC No.14 of 2013 dated 07.03.2016 acquitting the Respondents 2 to 12.

For Appellant : Mr.M.Devaraj

For Respondents : Mr.L.Baskaran
Government Advocate

R2 to R12 – No appearance

J U D G M E N T

This Appeal has been filed against the order of acquittal passed by the learned I Additional Subordinate Judge, Salem in SC No.14 of 2013 dated 07.03.2016, acquitting the Respondents 2 to 12.



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2.The Defacto Complainant is the Appellant herein. The Respondent/Police has lodged final report alleging that on 21.10.2011 at about 4.30 pm. Accused 1 to 11 they damaged public road situated in Vedapatty Village, namely Vedapatti Pillayar Kovil Road, Kothazhapadi Mariyamman Kovil Road, Kosavan Kuttai near Eluppatree. They damaged the road by digging out pit at six feet length six feet width and 8 feet height. Damage value assessed at Rs.20,000/-. While their illegal act questioned by witnesses Manoharan, Rajamanikkam, Periyasamy, Dharmalingam and Ramar, these accused abused witnesses in filthy language and terrified witnesses saying they would set fire. Hence final report filed under Section 294(b), 506 (2) IPC and 3(1) TNPPDL Act.

3.Heard the learned counsel for the Appellant and the learned Government Advocate (Crl. Side) for the first Respondent.

4.During the trial, prosecution has examined PW1 to PW11 and Ex.P.1 to Ex.P.9 were marked and on the side of the defence Ex.D1 to Ex.D6 were marked.



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5.Ex.D2 is the damage report given by B.D.O., Ex.D4 is the letter written by Komalavalli to V.A.O., and Ex.D5 is the damage assessment report. It is a case in counter. The counter case was numbered as Cr.No.601 of 2011. The present case arises out of Cr.No.657 of 2011. With regard to charges under Sections 294 (b) and 506(i) IPC, the learned trial Judge has categorically held that none of the public were examined as witness to show that there is annoyance to the public by abusing the witnesses in filthy language and also noted that all the witnesses deposed that the accused threatened them that they could kill them, after announcement of the election result, people convened nearby Mariamman Koil, but no independent witness examined to prove 294(b) 506(i) IPC and also stated that the alleged damages are also noted by the BDO and the same could be found from Ex.D2, Ex.D4 & Ex.D5 and also held that though the prosecution witness have deposed that JCB was used, JCB was not seized and produced by the Investigating Officer and hence the learned trial Judge have categorically held that the case of the prosecution is a myth.

6.Initially the case was registered in Cr.No.657 of 2011 for the alleged offences under Sections. 147, 149, 430, 427, 294 (b), 506 (i) IPC and after investigation Sections 371, 395 & 506 (i) are dropped and final report has been



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filed only under Sections 294(b), 506 (2) IPC and 3(1) TNPPDL Act. Hence I find that the reasons assigned by the learned trial Judge in holding that the prosecution has failed to prove the case beyond reasonable doubt cannot be interfered.

7.The learned trial Judge has come to the conclusion that the evidence adduced by the prosecution is infirm to prove the charges and hence I am of the view that the order of acquittal does not warrant any interference as it is not suffered by any irregularity or illegality warranting interference of this Court.

8.Accordingly, this Appeal is dismissed.

15.06.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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RMT.TEEKAA RAMAN.J,

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To

1.The I Additional Subordinate Judge,
Salem

2.The Public Prosecutor
High Court
Chennai 104

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Dated: 15.06.2023