



Crl.R.C.No.1016 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.R.C.No.1016 of 2019

1.Elumalai
S/o.Kannu Konar

2.Thangarasu
S/o.Angamuthu

3.Mani
S/o.Anthari

4.Karthik
S/o.Anthari

5.Anthari
S/o.Kannu Konar

6.Ragoth
S/o.Kannu Konar

7.Amutha
W/o.Thangarasu

... Petitioners/Appellants/Accused

Vs.



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State represented by
Inspector of Police,
Thirukoilur Police Station,
Villupuram District.
Crime No.350 of 2014

... Respondent/Respondent/
Complainant

Prayer : Criminal Revision filed u/s.397 and 401 of the Code of Criminal Procedure against the judgment dated 16.09.2019 passed in C.A.No.55 of 2019 on the file of learned Principal District and Sessions Judge, Villupuram, confirming the order of conviction and sentence passed in S.C.No.171 of 2016 dated 12.06.2019 on the file of learned Principal Assistant Sessions Judge, Villupuram.

For Petitioners : Mr.V.V.Sairam

For Respondent : Mr.V.J.Priyadharsana
Government Advocate [Crl.side]

ORDER

This criminal revision case has been filed against the judgment and order passed by the Principal Sessions Judge, Villupuram, in Crl.A.No.55 of 2019, dated 16.09.2019, dismissing the appeal and confirming the judgment and order passed by the Principal Assistant Sessions Judge, Villupuram, in



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S.C.No.171 of 2016, dated 12.06.2019, convicting and sentencing the petitioners in the following manner:

Sl.No.	Rank of the Accused	Convicted for offence u/s.	Sentence imposed
1.	A1 to A7	341 IPC	fine of Rs.500/- each, in default, to undergo 2 weeks simple imprisonment.
2.	A1 to A7	324 IPC	six months simple imprisonment.

2. The case of the prosecution is that on 04.11.2014, at about 5.30 p.m., the complainant Pazhani [PW-1] and one Kannan [PW-2] came in a two-wheeler. There was a previous enmity already between the family of PW-1 and the family of accused. As a result, the accused are said to have waylaid PWs.1 and 2 and the accused is said to have attacked PW-1 with an iron pipe [MO-1] and also with hands and as a result, PW-1 sustained simple injuries.

3. A complaint was given by PW-1 to PW-8 and a First Information Report was registered in Thirukoilur P.S. Crime No.355 of 2014. The investigation was taken up by PW-11. PW-11 went to the scene of crime and



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prepared the observation mahazar, marked as Ex.P10 and rough sketch marked as Ex.P11 in the presence of witnesses. PW-10, doctor, has deposed that he is working as Assistant Medical Officer at Thirukoilur Government Hospital and on 14.11.2014, at about 06.30 p.m., PW-1 was brought by PW-2 and on enquiry, he had informed about the attack made by Mani [A3]. The wound certificate that was issued by PW-10 was marked as Ex.P7 and the following injuries were noted:

- "1. Laceration Left Parietal Region 5 x 2 x 2 cm.
2. Laceration Left Forearm 5 x 3 x 3 cm.
3. Laceration right palm "^" shape 7 x 1 x 1 cm.
4. 2 Laceration right middle finger middle and distal region. 2 x 1 x 1 cm. each.
5. Laceration right ring finger. Middle phalanx region 2 x 1 x 1 cm.
6. Laceration behind right ear 3 x 1 x 1 cm. O/o. body pain."

4. PW-11, after recording the statement of witnesses and after collecting the relevant documents and other materials, completed the investigation and filed the final report before the Judicial Magistrate, Thirukoilur. Copies were served on the petitioners u/s.207 Cr.P.C. and the



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case was committed u/s.209 Cr.P.C. and was made over to the Principal Assistant Sessions Judge, Villupuram.

5. The trial Court framed charges against the petitioners for offences u/s.147, 148, 294(b), 341, 324, 506(2) and 307 r/w 149 IPC. When the petitioners were questioned on the charges framed against them, they denied the same as false. The prosecution examined PWs.1 to 11 and marked Exs.P1 to P12 and identified and marked MO-1 [iron pipe]. The incriminating evidence that was gathered in the course of trial, was put to the petitioners and they denied the same as false.

6. The trial Court, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the prosecution has proved the case beyond reasonable doubts against the petitioners for offences u/s.324 and 341 IPC. Insofar the other charges are concerned, the petitioners were acquitted. Accordingly, the petitioners were convicted and sentenced by the trial Court.



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7. Aggrieved by the judgment passed by the trial Court, the petitioners filed an appeal and the appellate Court, on re-appreciation of evidence and on considering the findings of the trial Court, came to a conclusion that no ground has been made to interfere with the same and dismissed the criminal appeal confirming the judgment of the trial Court. Aggrieved by the same, the present criminal revision has been filed.

8. Heard Mr.V.V.Sairam, learned counsel for petitioners and Mr.V.J.Priyadharsana, learned Government Advocate [Crl.side], appearing for the respondent/State.

9. This Court has carefully considered the submissions made on either side and the materials available on record.

10. The incident has been spoken by PWs.1 and 2. Both the Courts below, on appreciation of evidence of these two witnesses, came to a conclusion that their evidence could not be discredited. The evidence of



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doctor, who was examined as PW-10, was also taken into consideration and found that it was in line with the manner in which, PWs.1 and 2 had explained about the incident. The Courts below also found that there was no unnecessary delay in lodging the complaint and in the registration of First Information Report.

11. In the considered view of this Court, the findings rendered by both the Courts below are in line with the evidence available on record and the same do not suffer from any perversity. Hence, the findings of both the Courts below do not require the interference of this Court. Accordingly, the conviction of the petitioners for offences u/s.324 and 341 IPC is sustained.

12. Insofar as the sentence is concerned, considering the facts and circumstances of the case, this Court is inclined to modify the sentence. For the offence u/s.324 IPC, the punishment that is provided is imprisonment for a term, which may extend to three years or with fine or with both. Hence, the sentence of imprisonment is not mandatory and the Court can



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always impose the sentence of fine even for an offence u/s.324 IPC. In view of the same, the sentence imposed by the trial Court for offence u/s.324 IPC is modified and the petitioners are sentenced to pay a fine of Rs.50,000/- [Rupees Fifty Thousand only] [all petitioners put together] before the trial Court, in default, to undergo six months rigorous imprisonment. This amount of Rs.50,000/- shall be paid to PW-1 as compensation u/s.357(1) Cr.P.C. Insofar the sentence imposed for offence u/s.341 IPC is concerned, the same is sustained.

13. It is brought to the notice of this Court that the fine amount that was imposed for offence u/s.341 IPC has already been deposited by the petitioners at the time of filing the appeal. The fine amount of Rs.50,000/- imposed by this Court for offence u/s.324 IPC shall be deposited by the petitioners on or before 07.04.2023 before the trial Court. On such deposit, the same shall be paid as compensation to PW-1.



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14. In the result, this Criminal Revision Case is partly allowed to the extent indicated herein above.

Post this case on 10.04.2023 under the caption 'FOR REPORTING COMPLIANCE'.

14.03.2023

Note: Issue order copy by 20.03.2023

Index : Yes/No
Speaking Order / Non Speaking Order
Neutral Citation: Yes/No
gm

To

- 1.The Executive Magistrate cum
Deputy Commissioner of Police,
Thiyagaraya Nagar District,
Chennai - 600 017.
- 2.The Inspector of Police (Law & Order),
R-10 MGR Nagar Police Station,
Chennai - 83.
- 3.The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH, J

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