



Crl.R.C(MD)No.190 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.190 of 2023

and

Crl.M.P(MD)Nos.2718 and 3522 of 2023

1.T.Rajan

2.Raju

3.Thangamani
Appellants/

.. Revision Petitioners /

Accused Nos.1 to 3

Vs.

1.The State represented by,
The Sub Inspector of Police,
Thiruvttar Police Station,
Kanyakumari District.
(In Crime No.316 of 2000)

.. Respondents/Respondents/

Complainant

2.S.Daisy

3.Laila

4.Shyla

5.Muralin

6.T.Murugan

.. Respondents



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(R2 to R6 are impleaded vide order dated 28.02.2023 in Crl.M.P(MD)No.3522 of 2023 by GIJ)

PRAYER: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the judgement dated 02.12.2022 passed in Crl.A.No.52 of 2016 on the file of the learned Additional District & Session Judge, Padmanabhapuram, confirming the judgment dated 24.06.2016 in C.C.No.209 of 2000 on the file of the learned Judicial Magistrate, Padmanabhapuram and set aside the same.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.P.Kottaichamy
Government Advocate(Criminal side)

ORDER

This criminal revision has been filed against the order dated 02.12.2022 passed in Crl.A.No.52 of 2016 by the learned Additional District & Session Judge, Padmanabhapuram, confirming the judgment dated 24.06.2016 in C.C.No.209 of 2000 by the learned Judicial



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Magistrate, Padmanabhapuram.

2. The accused persons and the defacto complainant and PW.2 are the close relatives. Due to the previous enmity on 01.04.2000 at 9.30 p.m there is an altercation arose between them and in result, the accused are said to have caused injury to PW.1 and also PW.2. Hence, on the complaint lodged by PW.1, the respondent police registered the case for the alleged offence under Section 323, 324 and 336 IPC in Crime No.316 of 2000 against the accused/petitioners. After completing investigation, the investigating officer filed the final report before the learned Judicial Magistrate, Padmanabhapuram and the same was taken on file in C.C.No. 209 of 2000. After serving the documents under Section 207 Cr.P.C, the learned Judicial Magistrate framed necessary charges and put question to the accused and the same was denied and they pleaded not guilty and stood for trial.

3. To prove the prosecution case, prosecution witnesses viz., PW.1 to PW.9 were examined; Ex.P1 to Ex.P7 were marked and M.O.1 also marked. After considering the evidence and witnesses, the learned trial



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Judge called for explanation from the accused under Section 313 Cr.P.C and the same was denied as false. No witnesses were examined on the side of the defense and no document was produced.

4. The learned trial Judge, after considering the above materials, convicted the accused under Sections 323, 324, 325 and 326 IPC and sentenced them as follows:

Accused Rank	Offence punishable under Section	Punishment
A1	323 IPC	6 months simple imprisonment
A1	324 IPC	1 year simple imprisonment and a fine of Rs.1000/-, in default, to undergo three months simple imprisonment.
A2	323 IPC	6 months simple imprisonment
A2	325 IPC	3 years simple imprisonment and a fine of Rs.3000/-, in default, to undergo six months simple imprisonment.
A3	323 IPC	6 months simple imprisonment

5. Aggrieved over the same, the petitioner filed appeal before the appellate Court in Crl.A.No.52 of 2016. The learned appellate Judge, by



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the impugned order dated 02.12.2022 confirmed the judgment of the trial Court. Challenging the same, the petitioners filed this revision before this Court.

6. This Court has considered the submissions made by both parties and perused the records.

7. Since PW.1/defacto complainant died during the pendency of this revision, his legal heirs were impleaded as R2 to R5 in this revision. PW.2 was impleaded as R6. It is further submitted that during the pendency of this revision, parties have entered into compromise and they filed the compromise affidavit before this Court. To record the compromise, this Court directed the parties to appear before this Court. Today, the parties appeared before this Court through video conference. This Court also verified the terms of the compromise with the parties. They also affirmed the terms of compromise. Considering the relationship between the parties and also considering the fact that the occurrence took place at the spur of the moment, this Court, following the principle laid down by the Hon'ble Supreme Court reported in **2017**



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(9) SCC 641, has accepted the compromise and compounded the offence by allowing this revision in the following terms:

(i) The judgment and sentence passed by the learned Judicial Magistrate, Padmanabhapuram, in C.C.No.209 of 2000 dated 24.06.2016 confirmed by the learned Additional District and Sessions Judge, Padmanabhapuram in Crl.A.No.52 of 2016, dated 02.12.2022 is set aside. The fine amount, if any, paid by the revision petitioners shall be refunded.

(ii) The compromise affidavit shall form part of this order.

8. Accordingly, this criminal revision petition is allowed. Consequently, connected miscellaneous petitions are closed.

12.07.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
PJJ

To

1.The Additional District & Session Judge,



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Padmanabhapuram.

2. The Judicial Magistrate,
Padmanabhapuram.
3. The Sub Inspector of Police,
Thiruvttar Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

PJL

**order made in
Crl.R.C(MD)No.190 of 2023**

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