



Crl.R.C(MD)No.164 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**Crl.R.C(MD)No.164 of 2019
and
Crl.M.P(MD)No.2465 of 2019**

1.Raja
2.Gobi
3.Tamilarasi
4.Akila

... Petitioners/
Appellants/Accused

Vs.

State represented by,
The Sub-Inspector of Police,
G.H Police Station,
Trichy City.
(Crime No.95 of 2013).

... Respondent/
Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records and set aside the Judgment passed in C.A.No.14 of 2018, dated 08.11.2018 on the file of the learned Principal Sessions Judge, Trichy, modifying the Judgment made in C.C.No.214 of 2013, dated 26.12.2017, on the file of the learned Judicial Magistrate No.IV, Trichy and acquit the petitioners.

For Petitioners : Mr.T.Senthilkumar

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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ORDER

This revision has been filed to set aside the Judgment made in C.A.No.14 of 2018, dated 08.11.2018 on the file of the learned Principal Sessions Judge, Trichy, modifying the Judgment made in C.C.No.214 of 2013, dated 26.12.2017, on the file of the learned Judicial Magistrate No.IV, Trichy.

2.The case of the prosecution is that on 06.06.2013, at about 05.30 a.m., the fourth petitioner poured water and wiped away the rangoli, which was drawn by the wife of the defacto complainant. It was drawn at the doorsteps of their house at Door No.5/42, Mela Theru, Uyyakondan Thirumalai, Tiruchirappalli. They also abused the person, who drew the rangoli, with obscene words. When it was questioned by the defacto complainant, the fourth petitioner, accusing him to be the reason for all this, abused him with filthy language. At that time, the first and second petitioners brought iron rods from their house and hit the defacto complainant on his head and caused simple injuries to him. When the defacto complainant attempted to prevent the assault, petitioners 3 and 4 brought casuarina sticks from their house and hit him and caused



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simple injuries. Thereafter, all the petitioners threatened them by showing iron rods and casuarina sticks that they will do away with them. Immediately, the defacto complainant and his brother were taken to the Hospital for treatment. Hence, the complaint.

3.On the complaint, the respondent registered the F.I.R in Crime No.95 of 2013 for the offences under Sections 294(b), 324 and 506(ii) of I.P.C. After completion of the investigation, they filed a final report and the same has been taken cognizance by the trial Court in C.C.No.214 of 2013 on the file of the learned Judicial Magistrate No.IV, Trichy.

4.In order to bring the charges to home, the prosecution had examined P.W.1 to P.W.11 and marked Ex.P.1 to Ex.P.9 and the prosecution also produced material objects M.O.1 to M.O.3. On the side of all the accused, they had examined D.W.1 and D.W.2 and no documents were marked.

5.On perusal of the oral and documentary evidence, the trial Court found the petitioners 1, 2 and 3 guilty for the offence



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under Sections 324 and 506(ii) of I.P.C and found the fourth petitioner guilty for the offence under Sections 294(b), 324 and 506(ii) of I.P.C., and the petitioners 1, 2 and 3 were sentenced to undergo one year Simple Imprisonment for the offence under Section 324 of I.P.C and they were sentenced to undergo six months Simple Imprisonment for the offence under Section 506(ii) of I.P.C. The fourth petitioner was sentenced to undergo one month Simple Imprisonment for the offence under Section 294(b) of I.P.C, he was sentenced to undergo one year Simple Imprisonment for the offence under Section 324 of I.P.C and he was sentenced to undergo six months Simple Imprisonment for the offence under Section 506(ii) of I.P.C. Aggrieved by the same, all the petitioners preferred an appeal in C.A.No.14 of 2018, dated 08.11.2018 on the file of the learned Principal Sessions Judge, Trichy. The Appellate Court partly allowed the appeal and thereby modified the conviction and sentence as against the petitioners 1 to 4 and they were acquitted for the offence under Section 324 of I.P.C alone and the conviction and sentence imposed as against the petitioners 1 to 4 for the offences under Sections 294(b) and 506(ii) of I.P.C shall stand confirmed.



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6.Heard the learned counsel appearing on either side and perused the materials available on record.

7.It is seen that all are close relatives and stayed in opposite houses. While the wife of the defacto complainant had drawn rangoli in front of their house, there was a dispute between them. Even before that, there was a civil dispute with regard to the pathway.

8.Considering the age of the petitioners and also their relationship, this Court is inclined to modify the sentence alone into compensation.

9.Accordingly, the conviction imposed as against the petitioners for the offences under Sections 294(b) and 506(ii) of I.P.C is hereby confirmed. In so far as the sentence awarded by the Courts below is hereby set aside as against the petitioners, on condition that the petitioners shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each (totalling Rs.60,000/-) to the credit of C.C.No.214 of 2013 on the file of the learned Judicial



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Magistrate No.IV, Trichy on or before 24.07.2023. On such deposits, P.W.1 and P.W.2 are permitted to withdraw the sum of Rs.30,000/- each. If the petitioners failed to pay the said sum, the sentence imposed by the Appellate Court below shall stand restored without any further reference to this Court and the respondent is directed to secure them to serve the remaining period of the sentence.

10.Accordingly, this Criminal Revision Case is partly allowed. Consequently, connected Miscellaneous Petition is closed.

20.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

- 1.The Principal Sessions Judge,
Trichy.
- 2.The Judicial Magistrate No.IV,
Trichy.
- 3.The The Sub-Inspector of Police,
G.H Police Station,
Trichy City.
- 4.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
Crl.R.C(MD)No.164 of 2019

20.06.2023