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CrI.R.C.(MD)Nos.671 & 672 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 18.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C.(MD)Nos.671 and 672 of 2018

CrI.R.C(MD).No.671 of 2018

V.P.Goapalkrishnan .. Petitioner/5th Respondent/4th Accused

Vs.,

1.K.Murugesan ..1st Respondent/Appellant/Defacto
Complainant

2.State rep., by
The Sub-Inspector of Police,
District Crime Branch, Karur.
(Crime No.21 of 2010)

... 2nd Respondent/1st Respondent/
Complainant

PRAYER : This Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the order of judgment of conviction and sentence imposed upon the appellants by the Mahalir Neethi Mandram (Fast Track Mahila Court), Karur in Criminal Appeal No.98 of 2017 dated 19.11.2018 by reversing the order of acquittal passed by the Judicial Magistrate No.2, Karur in C.C.No.37 of 2011 dated 15.09.2012.



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For Petitioner : Mr.K.Suresh
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

Crl.R.C(MD).No.672 of 2018

1.A.Ramasamy
2.R.Selvakumar
3.M.Valarmathi .. Petitioners/Respondents 2 to 4/
Accused 1 to 3

Vs.,

1.K.Murugesan ..1st Respondent/Appellant/Defacto
Complainant
2.State rep., by
The Sub-Inspector of Police,
District Crime Branch, Karur.
(Crime No.21 of 2010)
... 2nd Respondent/1st Respondent/
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PRAYER : This Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the order of judgment of conviction and sentence imposed upon the appellants by the Mahalir Neethi Mandram (Fast Track Mahila Court), Karur in Criminal Appeal No.98 of 2017 dated 19.11.2018 by reversing the order of acquittal passed by the Judicial Magistrate No.2, Karur in C.C.No.37 of 2011 dated 15.09.2012.

For Petitioners : Mr.Kirubakaran
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)



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COMMON ORDER

These revision cases have been preferred to set aside the order of judgment of conviction and sentence imposed upon the appellants by the Mahalir Neethi Mandram (Fast Track Mahila Court), Karur in Criminal Appeal No.98 of 2017 dated 19.11.2018 by reversing the order of acquittal passed by the Judicial Magistrate No.2, Karur in C.C.No.37 of 2011 dated 15.09.2012.

2. The case of the prosecution is that the defacto complainant's father purchased the property comprised in Survey No.48/4 measuring 2.26 ½ of acres situated at Emur Village from one Ammaiyappa Gounder, who is the father of the first accused on 23.01.1967 by the registered sale deed vide Doc.No.95/1967. From the date of purchase, the father of the defacto complainant had been in possession and enjoyment of the said property. After his demise, his legal heirs have been in possession and enjoyment of the said property. Out of the said extent of land, 0.75 ¼ cents sold out by all the legal heirs in favour of one Senthilkumar by a registered sale deed dated 11.02.2010 registered in Velliyanai Sub-Registrar's office



vide Doc.No.908/2010. The another extent of 0.86 cents was acquired for formation of National Highways and all the legal heirs received compensation. With regard to remaining extent of 1.10 acres, the accused 1 to 3 in collusion with A4 to A6 registered a sale deed dated 28.04.2010 vide Doc.No.2355/2010 in favour of A4 as if they are the owners of the property. Hence, the complaint. On the complaint, the second respondent registered the FIR in Crime No.21 of 2010. After completion of investigation, filed a final report and the same has been taken cognizance by the trial Court for the offences under Sections 406, 465, 467, 468, 471 and 420 of IPC.

3. On the side of the prosecution, they had examined P.W.1 to P.W.13 and marked Ex.P.1 to Ex.P.12. On the side of the accused, no one was examined and marked Ex.D.1 through P.W.8.

4. On perusal of oral and documentary evidence, the trial Court found the petitioners not guilty and acquitted him. Aggrieved by the same, the first respondent preferred an appeal as against the acquitted. The appellate Court reversed the findings of the trial Court and convicted the petitioners in both the revisions for the



offences under Sections 406, 465, 468, 471 and 420 of IPC and they were convicted and sentenced to undergo each one year simple imprisonment and to pay a fine amount of Rs.1000/- each, in default to undergo 3 months simple imprisonment for the offence under Section 406 of IPC, they were convicted and sentenced to undergo each one year simple imprisonment and to pay a fine amount of Rs.1000 each, in default to undergo three months simple imprisonment for the offence under Section 465 of IPC, they were convicted and sentenced to undergo each one year simple imprisonment and to pay fine amount of Rs.1,000/- each, in default to undergo three months simple imprisonment for the offence under Section 468 of IPC, they were convicted and sentenced to undergo each one year simple imprisonment and to pay fine Rs.1000 each, in default to undergo three months simple imprisonment for the offence under Section 471 of IPC, they were also convicted and sentenced to undergo each one year simple imprisonment and to pay a fine of Rs.1000/- each, in default of payment of which, to undergo 3 months simple imprisonment for the offence under Section 420 of IPC. All the sentences shall run concurrently. Aggrieved by the same, these present revisions have been filed.



5. The learned counsel for the petitioners submitted that while pending revision, parties had compromised the issues and accordingly, the sale deed executed by A1 to A3 in favour of A4 was cancelled and the possession and enjoyment of the said property is in the hands of the first respondent herein. Infact, the first respondent also filed the suit challenging the sale deed which was executed by A1 to A3 in favour of A4 in O.S.No.104/2012 on the file of the District Munsif Court, Karur.

6. The learned counsel for the first respondent also endorsed that he has no objection to set aside the conviction and sentence imposed by the Appellate Court.

7. In view of the above, the conviction and sentence imposed upon the petitioners in C.A.No.98 of 2017 on the file of the learned Additional Sessions Judge/Fast Track Mahila Court, Kaur, dated 19.11.2018, is hereby set aside. Accordingly, these Criminal Revision Cases are allowed.

18.04.2023

rmk
NCC : Yes/No
Index: Yes/No



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To

- 1.The Mahalir Neethi Mandram (Fast Track Mahila Court), Karur.
- 2.The Judicial Magistrate No.2, Karur.
- 3.The Sub-Inspector of Police,
District Crime Branch, Karur.
- 4.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN , J.,

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