



*Crl.R.C.(MD)No.566 of 2017*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Date : 10.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN**

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S.Jerina Banu

... Petitioner

vs.

1. The Inspector of Police  
Aravakurichi Police Station,  
Karur District

2. Sadiq Ali @ Jaaffer Sadiq Ali
3. Pavveen Banu
4. Shobika
5. Salmaan paris
6. Liyakath Ali
7. Rafique Ali @ Mohammed Rafique
8. Syed Ibrahim
9. Mohammed Sherif
10. Riyaskal huk
11. Sarkkaral Sahul Hammed
12. Aaris Ali

... Respondents

**PRAYER :** This Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the entire records and set aside the judgement of acquittal passed in Crl.A No.33 of 2017 on the file of the Additional Sessions Court, Karur passed on 17.05.2017 confirming the judgement passed in C.C. No.159 of 2015 on the file of the learned Judicial Magistrate No.2, Karur passed on 10.01.2017 and convict the accused.



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For Petitioner : Mr.K.Samidurai  
For R-1 : Mr.M.Vaikkam Karunanithi  
Government Advocate (Crl. side)  
For RRs.2to4,6,8&10 : Mr. S.Gokulraj  
For R-9 : No appearance

### **ORDER**

This Criminal Revision Petition is directed against the Judgment passed by the Additional Sessions Court, Karur in Crl.A No.33 of 2017 confirming the judgement passed in C.C. No.159 of 2015 on the file of the learned Judicial Magistrate No.2, Karur

2.The case of the prosecution is that on 01.03.2015 at about 13.00 hrs., the house door of the P.W 1 was knocked and when the complainant and her sister opened the door, about 22-30 persons trespassed into the house and attacked the defacto complainant. Immediately four accused person pulled her down and attacked the defacto complainant and her sister. They also compelled her to sign in the blank papers. When the defacto complainant refused to sign the accused persons scolded her in filthy language and also beaten her. Thereafter the defacto complainant signed in the blank papers and also she had put her



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left hand thumb impression . Subsequently they have also beaten her with chappal. Therefore she sustained injuries and lodged complaint.

3. On receipt of the complaint the respondent police registered First Information Report in Crime No. 92 of 2015 for the offences under sections 147,448,294(b),323 and 426 of IPC and subsequently altered into sections 147,452,342,294(b),426,323,355 of IPC r/w.section 4 of TNPHW Act. After completion of investigation the respondent police filed final report and the same has been taken cognizance by the trial Court.

4. On the side of the prosecution they examined 21 witnesses as P.W. 1 to P.W.21 and marked Exhibits Ex.P.1 to 13 and no material objects were marked. On the side of the accused neither oral nor documentary evidence were let in.

5.On perusal of the oral and documentary evidence the trial Court found the petitioner not guilty for the offences under sections 147,452,342,294(b),426,323,355 of IPC r/w.section 4 of TNPHW Act



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and acquitted them. Aggrieved by the same, the petitioner has preferred an appeal in C.A. No.33 of 2017 before the Additional Sessions Court, Karur and the same was dismissed confirming the judgement of the trial Court. Hence, the present revision has been filed.

6.The learned counsel for the petitioner would submit that though there are some discrepancies in the depositions of prosecution witnesses, P.W.1 sustained injuries and the same was corroborated with the evidence of P.W.19/Doctor who treated P.W.1. That apart prosecution has examined 21 witnesses inorder to prove the occurrence. P.W.1 and P.W.2 had categorically deposed that the accused persons have trespassed into the house of P.W.1 and they also suffered injuries and admitted in the hospital. P.W.5 categorically deposed that he only had taken P.W1 and admitted in the hospital. After examining P.W1 and 2, Accident Register was recorded and marked as Exs.P.7 and 8 by P.W.19. Therefore prosecution has proved its case beyond reasonable doubts and therefore the order of acquittal cannot be sustained and it has to be set aside.

7.Heard both sides and perused the materials available on record.



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8. A perusal of the record reveals that according to the victims one of the victim was examined as P.W.1 and another victim was examined as P.W.2. According to the prosecution the alleged occurrence said to have taken place on 01.03.2015 at about 13.00 hrs whereas P.W. 1 had stated that there was holiday for school and as such her sister and her daughter came to her house at about 12.30 pm., hearing the door knocking sound P.W.2 opened the door and 20-30 persons trespassed into the house and attacked her, whereas in her cross examination she deposed that at about 7.30 pm., she woke up in the hospital and her statement was recorded by the police. That apart the Accident Register was recorded at 3.00 pm., at Pallpatti. There was a delay and the delay was not properly explained by the prosecution. That apart there was contradictions between the evidence of P.W 19 and P.W 1 and P.W.2. P.W. 1 and P.W.2 who were the injured witnesses. According to P.W. 1 and P.W. 2 20-30 persons trespassed into the house and attacked her, whereas in the deposition she had stated that only 11 persons trespassed into the house and attacked her. Therefore such contradictions is fatal to the case of prosecution. That apart P.W2 does not sustain any injuries . It



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is also corroborated by the evidence of P.W 19, doctor who treated them, hence the prosecution has failed to prove its case beyond any reasonable doubts and both the courts have rightly acquitted the accused persons.

9.Hence this Court finds no illegality or infirmity in the order passed by both the court below. Accordingly the revision stands dismissed.

**10.04.2023**

aav

NCC : Yes/No

Index: Yes/No

Internet: Yes/No

To

1. The Additional Sessions Court, Karur

2. The Judicial Magistrate No.2, Karur

3.The Section Officer,  
VR Section, Madurai Bench of Madras High Court,  
Madurai.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



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**G.K.ILANTHIRAIYAN , J.**

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