



Crl.R.C(MD)No.948 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.948 of 2017

1.Karuppaiah
2.Sarasu
3.Parvathi
4.Murugesan
5.Gopi @ Gopinth
6.Mohanavalli
7.Dhanalakshmi
8.Murugan
9.Kaliammal

... Petitioners/Appellants/
Accused No.1 to 9
Vs.

State Rep by
The Sub-Inspector of Police,
Manapparai Police Station,
Manapparai,
Tiruchirappalli District.
(Crime No.612 of 2011)

... Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Case filed under Section 397 (1) r/w 401 of the Code of Criminal Procedure, to call for the records and set aside the judgment dated 03.01.2017 in Crl.A.No.54 of 2016 on the file of the learned Principal Sessions Judge, Tiruchirappalli, Tiruchirappalli District, confirming the conviction and sentence imposed upon the petitioners in C.C.No.166 of 2014 on the file of the learned Judicial Magistrate, Manapparai, Tiruchirappalli District, dated 04.10.2016 and acquit the petitioners.



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Crl.R.C(MD)No.948 of 2017

For Petitioners

: Mr.N.Subramani

For Respondent

: Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

ORDER

The revision has been filed to set aside the Judgment passed in Crl.A.No.54 of 2016, dated 03.01.2017, on the file of the learned Principal Sessions Judge, Tiruchirappalli, Tiruchirappalli District, arising from C.C.No.166 of 2014, dated 04.10.2016 on the file of the Judicial Magistrate, Manapparai, Tiruchirappalli District, and acquit the petitioners from all the charges levelled against them.

2.The case of the prosecution is that on 30.12.2011, at about 07.00 a.m, when the P.W.1 to P.W.3 were taking water in the tape, all the accused person said to have assembled there with the weapons namely, sickle, stick & stones and attacked P.W.1 to P.W.3. The first accused made assault on right head of P.W.1 and right and left hand of P.W.2. The fourth accused made assault on left wrist of P.W.1. The fifth accused made assault on right thumb of P.W.1 and the eighth accused made cut injuries on head of P.W.3. Immediately, injured P.W.1 to P.W.3 were taken to the hospital and they also taking treatment as inpatient. On the complaint, the respondent



Crl.R.C(MD)No.948 of 2017

registered an F.I.R in Crime No.612 of 2011. After completion of the investigation, they filed a final report before the learned Judicial Magistrate, Manapparai and the same has been taken cognizance in C.C.No.166 of 2014 for the offences under Sections 147, 148, 323, 324 and 506(ii) of I.P.C.

3.On the side of the prosecution, they had examined P.W.1 to P.W.9 and marked Exs.P.1 to P.7 and on the side of the accused, no one was examined and no document was marked.

4.On perusal of the oral and documentary evidence, the trial Court found the petitioners guilty for the offence under Sections 148 and 324 of I.P.C. For the offence under Sections 148 of I.P.C, A1 was sentenced to pay a sum of Rs.500/-, in default to undergo a period of 2 months Simple Imprisonment and for the offence under Section 324 of IPC he was sentenced to undergo 1 year Rigorous Imprisonment. For the offence under Sections 148 of IPC, A4, A5 & A8 were sentenced to pay a sum of Rs.500/- in default to undergo a period of 2 months simple Imprisonment and for the offence under Section 324 of IPC, they were sentenced to undergo 1 year Rigorous Imprisonment. For the offence under Section 148 of IPC,



Crl.R.C(MD)No.948 of 2017

A2, A3, A6, A7 and A9 were sentenced to pay a fine of Rs.500/- in default to undergo a period of 2 months Simple Imprisonment.

5. Aggrieved by the same, the petitioners preferred an appeal in C.A.No.54 of 2016 on the file of the Principal Sessions Judge, Tiruchirappalli, Tiruchirappalli District. The Appellate Court also confirmed the conviction and sentence imposed by the trial Court and dismissed the appeal. Hence, the present revision. Hence, the petitioners have preferred this petition.

6. The learned counsel for the petitioner submitted that the petitioners and the victims are the same family members and also the close relatives. Due to civil dispute between the same family members, the said occurrence had took place. Hence, he prayed for acquittal of the petitioners from all the charges.

7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that it is a case of severe attack and as such, the victims sustained grievous injuries on their head, hand, knee etc.,. In order to bring the charge to



Crl.R.C(MD)No.948 of 2017

home, the prosecution had examined P.W.1 to P.W.9 and marked Exs.P.1 to P.7. Therefore, both the Courts below rightly convicted the petitioners for the offences under Sections 148 and 324 of I.P.C.

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

9.It is seen that all the petitioners are family members of P.W.1 to P.W.3 and also the close relatives. Due to the civil dispute, there was a clash between both the parties and has sustained injuries. The victims P.W.1 to P.W.3 categorically deposed that the accused persons attacked them brutally and caused grievous injuries. There are specific overt act against each of the petitioner herein. The Doctor, P.W.7, who treated P.W.1 to P.W.3 deposed about the injuries sustained by them and corroborate the evidence of P.W.1 to P.W.3. Therefore, the prosecution proved its case beyond any doubt and the Courts below rightly convicted the petitioners for the offences under Sections 148 and 324 of I.P.C.



Crl.R.C(MD)No.948 of 2017

10.However, the parties are close relatives and also all the petitioners are belong to the same family members, this Court is inclined to reduce the sentence alone.

11.In view of the above, the conviction passed by the trial Court for the offences under Sections 148 and 324 of I.P.C is hereby confirmed. In so far as the sentence for the offence under Sections 148 and 324 of I.P.C is concerned, it is modified as compensation. Hence, the petitioners are directed to pay a sum of Rs.1 lakhs (Rupees One Lakh Only) by way of Demand Draft to P.W.1 to P.W.3 directly and produce the receipt before the respondent on or before 24.04.2023, failing which, the sentence imposed by the Court below is hereby restored and the respondent is directed to secure the petitioners and send them for serving remaining period of sentence.

12.Accordingly, this Criminal Revision Case is partly allowed.

23.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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Crl.R.C(MD)No.948 of 2017

To

- 1.The Principal Sessions Judge,
Tiruchirappalli, Tiruchirappalli District,
- 2.The Judicial Magistrate, Manapparai,
Tiruchirappalli District.
- 3.The Sub-Inspector of Police,
Manapparai Police Station,
Manapparai,
Tiruchirappalli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C(MD)No.948 of 2017

G.K.ILANTHIRAIYAN, J.

dss

Order made in
Crl.R.C(MD)No.948 of 2017

23.03.2023