



Crl.R.C.(MD)No.1208 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.11.2023

CORAM:

THE HON'BLE MR JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.1208 of 2023

and

Crl.M.P(MD)No.15395 of 2023

1.Kavin @ Kavin Jegadeesh Kumar

2.Jegan @ Jegan Jegadeeskumar

3.Azin@Karthick

4.Vinis @ Vinishkumar

... Petitioners/Accused Nos.1 to 4

Vs.

1.The State represented by
The Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.
(Crime No.42 of 2019)

2.Vadivel

... Respondents

(R2 is suo-motu impleaded as per order of the Court dated
02.11.2023 in Crl.M.P(MD)No.15527 of 2023 in
Crl.R.C(MD)No.1208 of 2023)



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Prayer : This Criminal Revision has been filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the judgment passed by the Additional District and Sessions Court, Padmanabhapuram, Kanyakumari District in C.A.No.40 of 2022, dated 10.10.2023, confirming the judgment passed by the Judicial Magistrate Court, Eraniel, Kanyakumari District in C.C.No.342 of 2020, dated 03.08.2022 and to set aside and acquit the petitioners from the charges and allow the Criminal Revision Case.

For Petitioners : Mr.R.Udhayakumar
For R1 : Mr.S.Manikandan
Government Advocate (Crl. Side)
For R2 : Mr.T.Kanagavalli

ORDER

This Criminal Revision Case has been filed to set aside the judgment passed by the Additional District and Sessions Court, Padmanabhapuram, Kanyakumari District in C.A.No.40 of 2022, dated 10.10.2023, confirming the judgment passed by the Judicial Magistrate Court, Eraniel, Kanyakumari District in C.C.No.342 of 2020, dated 03.08.2022.



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2.The accused persons and the *de-facto* complainant are the close relatives.

Due to property dispute, on 24.04.2019 the accused persons abused the *de-facto* complainant by using filthy language and attacked him with stick and caused injuries and also threatened him with dire consequences. Hence, on the complaint lodged by the *de-facto* complainant, the respondent police registered the case in Crime No.42 of 2019 for the alleged offence under Sections 294(b), 323, 324, 325, 427 and 506(i) of IPC against the petitioners/Accused Nos.1 to 4. After completing investigation, the Investigation Officer filed the final report before the learned Judicial Magistrate, Eraniel and the same was taken on file in C.C.No.342 of 2020. 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., P.W.1 to P.W.10 were examined; Ex.P1 to Ex.P10 were marked and M.O.1 also marked. After considering the evidence and witnesses, the learned Trial Judge questioned the accused under Section 313 Cr.P.C. No witnesses were examined on the side of the defense and no document was produced.



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4.The learned Trial Judge after considering the above materials convicted the accused under Sections 323 and 325 of IPC and sentenced them as follows:

Accused Rank	Offence Punishable under Section	Punishment
A1	323 IPC	1 month simple imprisonment
A2 and A3	323 IPC (2 count)	1 month simple imprisonment (each)
A4	323 IPC	1 month simple imprisonment
	325 IPC	1 year simple imprisonment and fine of Rs.5,000/-, in default, to undergo 1 month simple imprisonment

5.Aggrieved over the same, the petitioners filed appeal before the Appellate Court in Crl.A.No.40 of 2022. The learned Appellate Judge by the impugned judgment dated 10.10.2023 confirmed the judgment of the trial Court. Challenging the same, the petitioners filed this Criminal Revision Case before this Court.

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



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7.The *de-facto* complainant was impleaded as the second respondent. During the pendency of this revision, parties have entered into compromise and they filed the Joint Compromise Memo before this Court. Today (02.11.2023), the parties appeared before this Court. 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, 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, Eraniel, Kanyakumari District in C.C.No.342 of 2020, dated 03.08.2022 confirmed by the learned Additional District and Sessions Judge, Padmanabhapuram, Kanyakumari District in C.A.No.40 of 2022, dated 10.10.2023 is set aside. The fine amount, if any, paid by the revision petitioners shall be refunded.

(ii) The Joint Compromise Memo shall form part of this order.



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

02.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Additional District and Sessions Judge,
Padmanabhapuram,
Kanyakumari District
- 2.The Judicial Magistrate,
Eraniel, Kanyakumari District.
- 3.The Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

ORDER MADE IN
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