



Crl.R.C.No.492 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.492 of 2023

Kannan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Puduchathiram Police Station,
Namakkal District.
[Crime No.494 of 2017].

... Respondent

PRAYER: Criminal Revision Case filed under Sections 397 & 401 of Cr.P.C. to set aside the judgment dated 01.02.2023 in Crl.A.No.40 of 2022 on the file of the Special Court for Trial of Cases registered under SC/ST (POA) Act, Namakkal, confirming the conviction and sentence made in the judgment dated 12.04.2022 in C.C.No.94 of 2018 on the file of the Judicial Magistrate No.II, Namakkal.

For Petitioner	:	Mr.J.Jayan
For Respondent	:	Mr.S.Udaya Kumar Government Advocate (Crl. Side)

ORDER

The revision challenges the judgments of the Courts below convicting the petitioner for the offence under Sections 324 and 506(ii) IPC.



2.The allegation against the petitioner is that on account of prior enmity the petitioner attacked P.W.1 to P.W.3 with Koduva on 15.10.2017 at 8.00 p.m. and caused hurt to the witnesses. On the complaint given by P.W.1, a case was registered against the petitioner in Crime No.494 of 2017 for the offence under Section 294(b), 323, 324 and 506(ii) IPC. On investigation, a final report was filed for the aforesaid offence before the learned Judicial Magistrate No.II, Namakkal.

3.The prosecution examined 13 witnesses, P.W.1 to P.W.13 and marked 11 exhibits, Ex.P1 to Ex.P11. The Trial Court after considering the oral and documentary evidence held that the petitioner is guilty of offence under Sections 324 and 506(ii) IPC and sentenced to undergo six months Simple Imprisonment and to pay a fine of Rs.1,000/- in default to undergo one month Simple Imprisonment for offence under Section 324 IPC and also sentenced to undergo three months Simple Imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month Simple Imprisonment for offence under Section 506(ii) IPC and acquitted the petitioner for the offence under Sections 294(b) and 323 IPC. The Appellate Court confirmed the conviction and sentence imposed by the Trial Court.



4.The learned counsel for the petitioner would submit that the evidence of witnesses are contradictory to each other; that apart from P.W.1 to P.W.3, who are interested witnesses the other witnesses turned hostile; that there is no evidence to suggest that the petitioner had committed the offence of criminal intimidation and that since the interested witnesses were inimical towards the petitioner, they have given an exaggerated version which ought not to have been believed by the Courts below and prayed for setting aside the judgments of conviction and sentence.

5.The learned Government Advocate (Crl. Side), per contra, submitted that the Courts below had rightly convicted the petitioner on the basis of the evidence of P.W.1 to P.W.3 which is corroborated by the evidence of Doctor [P.W.10] and that the petitioner has not made out any ground for interfering with the above revision.

6.It is seen that most of the witnesses examined on the side of the prosecution turned hostile, namely, P.W.4 to P.W.9. However the question is whether the conviction can be sustained on the evidence of P.W.1 to P.W.3. The only infirmity that is pointed out by the learned counsel for the petitioner is that though P.W.1 had stated that P.W.2 was attacked by the



petitioner on the head, ear and back, P.W.2, the victim would state that he was attacked only on the back and ear. This Court is of the view that this is hardly a contradiction. The witnesses cannot be expected to narrate the occurrence in a parrot-like manner. The evidence of P.W.1 to P.W.3 is corroborated by the Doctor [P.W.10], who found three injuries on the victim [P.W.2] on the left ear, left back and on the ribs. Therefore, the minor contradictions in the evidence of P.W.1 to P.W.3 are not in the nature which would render their evidence unreliable. The Courts below believed these witnesses and convicted the petitioner. Therefore, this Court finds no infirmity in the judgment of the Courts below convicting the petitioner for the offence under Sections 324 and 506(ii) IPC.

7.However, this Court is of the view that when the petitioner was questioned on sentence by the Trial Court, he had stated that he was a Coolie worker and his family was dependent on him and hence, lesser sentence may be imposed. Considering the said fact, this Court is inclined to reduce the sentence. Accordingly, the sentence imposed for the offence under Section 324 is reduced to three months simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment and for the



Crl.R.C.No.492 of 2023

offence under Section 506(ii) IPC, the sentence imposed by the Courts below, namely, three months simple imprisonment to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment is confirmed. Both the sentences are directed to run concurrently.

8.Accordingly, the Criminal Revision Case stands Partly Allowed.

17.12.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
cse



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Crl.R.C.No.492 of 2023

SUNDER MOHAN, J.

cse

To

- 1.The Inspector of Police,
Puduchathiram Police Station,
Namakkal District.
- 2.The Sessions Judge,
Special Court for Trial of Cases registered
under SC/ST (POA) Act, Namakkal.
- 3.The Judicial Magistrate No.II,
Namakkal.
- 4.The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.492 of 2023

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