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CrI.R.C.No.730 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.730 of 2022

Abdul Kadhar

... Petitioner

Vs.

1.The State Represented by
The Inspector of Police,
Koothanallur Police Station,
Thiruvarur District-614 102.

2.Mohamed Rafiq @ Sellappa

3.Subakhan

4.Seiyad Mohamed

... Respondents

PRAYER : Criminal Revision filed under Section 397 (1) r/w. 401 of the code of Criminal Procedure, 1973 to enlarge the sentence imposed against the accused in C.C.No.284 of 2019 dated 10.04.2021 on the file of the learned Judicial Magistrate No.II, Mannargudi, convicting the accused under Sections 294(b), 324, 506(2), 448 of IPC for fine of Rs.200 each for the offences made and with default of simple imprisonment of weeks.



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For Petitioner : Mr.G.Govarthanan

For R1 : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The Criminal Revision Case is filed to enlarge the sentence imposed against the accused in C.C.No.284 of 2019 vide judgment dated 10.04.2021 passed by the learned Judicial Magistrate No.II, Mannargudi, convicting the accused persons for the offence under Sections 294(b), 324, 506(2) and 448 of IPC and sentencing them to pay a fine of Rs.200 for each of the offences, in default, to undergo simple imprisonment for a period of two weeks.

2. The learned counsel appearing for the petitioner submits that the petitioner is the defacto complainant in Crime No.17 of 2019 which was registered against the private respondents for the offence punishable under Sections 294(b), 324 and 506(2) IPC, for the reason that the accused persons, with criminal intention, has trespassed into the petitioner's house



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and attacked him with weapons and threatened him and after completing the investigation, the charge sheet was filed and it was taken on file in C.C.No.284 of 2019 by the trial Court, for the offence punishable under Sections 294(b), 324, 506(2) and 448 IPC, wherein, the accused persons have admitted their guilt by filing a petition under Section 52 Cr.P.C, however, the trial Court has convicted the accused for the offence under Sections 294(b), 324, 506(2), 448 of IPC and sentenced them to pay a fine of Rs.200 for each of the offences, in default, to undergo simple imprisonment for a period of two weeks, which is a lesser punishment and therefore, the present petition has been filed for enhancement of punishment.

3. The learned Government Advocate (Crl.side) appearing for the first respondent Police submits that indeed the accused persons admitted their guilt by filing a petition and upon satisfaction of the same, the trial Court has imposed the aforementioned punishment by exercising its power.

4. Heard the learned counsel appearing for the petitioner and the



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learned Government Advocate appearing for the first respondent.

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5. It seems from the materials available on record that the petitioner has made a complaint against the private respondents and it was registered in Crime No.17 of 2019 for the offence punishable under Sections 294(b), 324 and 506(2) IPC and on completion of investigation, the charge sheet was filed before the learned Judicial Magistrate No.II, Mannargudi, and it was taken on file in C.C.No.284 of 2019 for the offence under Sections 294(b), 324, 506(2) and 448 of IPC, wherein, the accused persons admitted their guilt by filing a petition and on satisfaction of the same, the trial Court has convicted the accused for the offence under Sections 294(b), 324, 506(2) and 448 of IPC and sentenced them to pay a fine of Rs.200/- for each of the offences by exercising its discretionary power. However, the grievance of the petitioner is that the punishment imposed against the private respondents is a lesser one, for which, he has filed the present petition to enhance the punishment, but, he has not produced any material to show that the offence committed by the private



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respondents is heinous in nature. Unless the petitioner proves that the offence committed by the private respondents is heinous in nature, the sentence imposed against the accused in C.C.No.284 of 2019 vide judgment dated 10.04.2021 passed by the learned Judicial Magistrate No.II, Mannargudi, cannot be interfered by this Court. However, this order will not stand on the way of the petitioner to work out his remedy in the manner known to law.

6. Accordingly, the Criminal Revision Case is dismissed.

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NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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1. The learned Judicial Magistrate No.II, Mannargudi.
2. The Inspector of Police,
Koothanallur Police Station,
Thiruvarur District-614 102.
3. The Public Prosecutor,
Madras High Court.



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M.DHANDAPANI, J.

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