



Crl.R.C. No. 814 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2024

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THE HON'BLE MR. JUSTICE M. NIRMALKUMAR

Crl. R.C. No. 814 of 2021

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Crl.M.P. Nos. 11940 to 11942 of 2021

R.Ranjithkumar

..Petitioner

Vs.

State rep. by
Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.
(Crime No. 314 of 2013)

..Respondent

Prayer: Criminal Revision as against the judgment dated 29.07.2021

made in C.A. No. 15 of 2016 on the file of Additional District and Sessions

Judge, Mayiladuthurai confirming the judgment dated 26.08.2016 made in

C.C. No. 194 of 2014 on the file of Judicial Magistrate Court, Sirkazhi.

For Petitioner :: Mr.C. Prabakaran



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For Respondent :: Mr.A. Damodaran
Addl. Public Prosecutor

ORDER

The petitioner/accused was convicted by the Trial Court in C.C. No. 194 of 2014 by judgment dated 26.08.2016 for the offences under Sections 294(b) and 324 IPC and sentenced to undergo simple imprisonment for one month together with a fine of Rs.500/- carrying a default sentence of 2 weeks simple imprisonment for the offence under Section 294(b) IPC and sentenced to 3 months simple imprisonment together with a fine of Rs.1500/- carrying a default sentence of one month simple imprisonment for the offence under Section 324 IPC. Aggrieved by the said conviction and sentence, the petitioner preferred an appeal before the Additional District and Sessions Court, Mayiladuthurai in C.A. No. 15 of 2016 and by judgment dated 29.07.2021, learned Sessions Judge dismissed the appeal thereby confirming the judgment of the Trial Court. As against the same, the present revision has been filed.

2. The gist of the prosecution case is that on 30.07.2013, at about



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10.30a.m., the complainant/P.W.1 was grazing the goats in front of the house of the petitioner/accused. At that time, she was restrained by the petitioner/accused, who questioned her as to why she is still talking to his brother Rajkumar over phone. The petitioner/accused abused and assaulted P.W.1, pushed her down and warned her not to talk with his brother anymore. Not stopping with that, the petitioner/accused inflicted a cut injury on her left forearm with a blade and fled the scene of occurrence. The complainant/P.W.1 raised alarm, on hearing the same, P.W.2, her mother, P.W.3, a neighbour and others came to her rescue. P.W.2 took her daughter to the Government Hospital, Sirkazhi where P.W.6, the Doctor treated her. Information was sent to the respondent Police and P.W.10, the Investigating Officer, on receipt of the complaint, registered a case in Crime No. 314 of 2013 against the petitioner for the offences under Sections 294(b), 341 and 324 IPC and thereafter, proceeded to the scene of occurrence. At the scene of occurrence, the Investigating Officer prepared the Observation Mahazar (Ex.P2), rough sketch (Ex.P5), in the presence of P.W.s 5 and 9, examined the witnesses present at the scene of occurrence and recorded their statements. P.W.10 also examined the Doctor, P.W.6, who treated P.W.1



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for her injuries and the wound certificate issued marked as Ex.P3. On completion of investigation, the charge sheet laid for the aforementioned offences. Before the Trial Court, on the side of the prosecution, P.W.s 1 to 10 were examined and Exs. P1 to P5 were marked. The Trial Court, based on oral and documentary evidence, convicted the petitioner/accused for the offences under Sections 294(b) and 324 IPC and on appeal, the said conviction also confirmed by the Lower Appellate Court. Hence, the present revision, as already stated.

3. The contention of the learned counsel for the petitioner is that the petitioner/accused is none other than the brother of P.W.1's estranged husband. Due to marital discord between P.W.1 and petitioner's brother Rajkumar, P.W.1 left her marital home and living separately. She lodged a complaint against the entire family members of the petitioner for the offence under Section 498A IPC at Tiruppur where P.W.1 and her estranged husband were initially residing. P.W.1 admits that she was alone when the petitioner/accused questioned and abused her. She also confirms that only after she raised alarm, her mother and others had come to the scene of



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occurrence. Hence, there is no eye witness to the incident except for P.W.1.

The Doctor, P.W.6, who treated P.W.1. issued Ex.P3 wound certificate recording the injury on P.W.1 is simple in nature. Though P.W.6 admits that such nature of injury is possible if P.W.1 had been attacked with the weapon as claimed by her, during cross-examination, he clarifies that it is likely that P.W.1 would have sustained the injury if she had come in contact with thorny fence of *karuvela tree* while grazing goats. Therefore, according to the learned counsel, the prosecution case, as projected against the petitioner, becomes doubtful. Further, the learned counsel for the petitioner would submit that there was considerable delay in lodging the complaint and no explanation given for the delay. P.W.1 herself admits that the complaint was written by the respondent/Police and she only signed the same. Learned counsel for the petitioner would add that there is no dispute that the matrimonial ties between P.W.1 and petitioner's brother were not cordial and there is dispute between P.W.1 and her husband and a criminal case is pending against the petitioner and his family members for dowry harassment at the instance of P.W.1. Further, maintenance case filed in M.C. No. 2 of 2015 and later, it got settled on 31.05.2018. The Trial Court as well as the



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Lower Appellate Court failed to consider all these aspects and convicted the petitioner/accused based on the evidence of P.W.s 1 to 3 and P.W.6 the Doctor.

4. On the other hand, learned Additional Public Prosecutor submitted that in this case, P.W.1 is the injured witness, who was abused, attacked and inflicted with a cut injury using a blade by the petitioner. The petitioner is the brother of P.W.1's estranged husband. The marriage between petitioner's brother and P.W.1 was a love marriage against the wishes of the family members. Hence, right from the beginning, the petitioner had animosity towards P.W.1. On the date of occurrence, P.W.1 was grazing goats and without any provocation, the petitioner abused and attacked her, which was witnessed by P.W.s 2, 3 and other neighbours. The evidence of Doctor P.W.6, who treated P.W.1 and issued Ex.P3, wound certificate confirms the prosecution case. P.W.1 went to the Police Station and gave oral complaint based on which FIR was registered and after completing the investigation, P.W.10, the Investigating Officer, arrested the accused and filed charge sheet. In this case, the evidence of P.W.1 is natural



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and convincing. The delay in lodging the complaint was only for the reason that P.W.1 was immediately taken to hospital and thereafter, the complaint was lodged. The medical evidence confirms the injury sustained by P.W.1. The Trial Court considered the same and thereafter convicted the petitioner. The Lower Appellate Court independently assessed the evidence and confirmed the conviction of the petitioner. Hence, the points raised on behalf of the petitioner had been raised earlier before the Trial Court and the Lower Appellate and the same were considered and rejected. Hence, seeks dismissal of the revision.

5. This Court has considered the submissions on either side and perused the materials on record.

6. The evidence of P.W.1 is natural and convincing and she sustaining the injury confirmed by the medical evidence of P.W.6 and Ex.P3, wound certificate. The petitioner's brother and P.W.1 got separated and living separately for quite some time. There is no reason for P.W.1 to lodge a false complaint years after the separation, that too, against the

brother of her estranged husband. The petitioner, without any provocation,



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abused, assaulted and inflicted a cut injury on P.W.1. This Court finds no reason to doubt the evidence of P.W.1. In view of the above, this Court confirms the conviction of the petitioner.

7. It is brought to the notice of this Court by the learned counsel for the petitioner that P.W.1 now married for the second time and living peacefully. The petitioner is married and having school going children. The entire incident stemmed out of matrimonial dispute between P.W.1 and the petitioner's brother and nothing else. Therefore, the learned counsel would plead for leniency in the sentence.

8. Considering the submission made by the learned counsel for the petitioner, this Court, while confirming the conviction of the petitioner/accused, modifies the sentence of imprisonment imposed on the petitioner to that of payment of fine. The petitioner is directed to pay a sum of Rs.10,000/- as fine, i.e, Rs.7500/- for the offence under Section 324 IPC and Rs.2500/- for the offence under Section 294(b) IPC in addition to the fine amount already paid. The said amount of Rs.10,000/- towards fine shall be paid by the petitioner within a period of two weeks from the date of receipt of a copy of this order.



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9. The criminal revision case is disposed of with the above modification in sentence. Connected miscellaneous petitions are closed.

10. Post the matter ' For Reporting Compliance' on 12.09.2024.

21.08.2024

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To

1. The Judicial Magistrate Court,
(Civil Judge, Junior Division),
Sirkali.
2. The Additional District Court,
Mayiladuthurai.
3. Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.

M. NIRMALKUMAR,J.

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4. The Public Prosecutor,
High Court, Madras.

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