



Crl.A.No.700 of 2017

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.A.No.700 of 2017

Krishnaveni

... Appellant

Vs.

1.State Rep. by
Inspector of Police,
Sathyamangalam Police Station,
Erode District.
(Crime No.41/2014)

2.Ravikumar @ Kumara Ravikumar

3.Kumararaja

... Respondents

Prayer : Criminal Appeal filed under Section 372 Criminal Procedure Code 1973, against the judgement and orders dated 07.06.2017 passed in S.C.No.123/2016 by the Additional Sessions Judge, Fast Track Mahila Court, Erode.



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For Appellant : Mr.I.C.Vasudevan
For R1 : Mr.S.Raja Kumar, APP
For RR2 and 3 : Mr.A.Sundaravadhanan

JUDGMENT

Challenging the order of acquittal dated 07.06.2017 passed in S.C.No.123/2016 by the Additional Sessions Judge, Fast Track Mahila Court, Erode, the present appeal is preferred by the defacto complainant.

2. The case of the prosecution as could be discerned from the oral and documentary evidence is as follows:

2.1. Thiru.Chandrasekaran (P.W.2), is the brother of the first accused Kumara Ravikumar and paternal uncle of the second accused Kumararaja. P.W.2 owns a land in Sathyamangalam measuring 5½ acres. He was cultivating sugarcane in the said land. On 26.01.2014, at about 7.00 a.m, he engaged around 30 persons to harvest sugarcane from his land. When they were nearing the land, both the accused prevented them from harvesting the sugarcane. When P.W.2 confronted Kumara



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Ravikumar (A1) in this regard he caught hold of P.W.2 and abused him in filthy language. He also attempted to stab him with a knife (M.O.1).

2.2. Krishnaveni (P.W.1), the wife of P.W.2 who accompanied her husband prevented the first accused from stabbing her husband and sustained bleeding injuries on her left hand. According to P.W.1 and P.W.2 both the accused threatened them with dire consequences and subsequently left the place of occurrence taking the weapons with them. P.W.1 was immediately rushed to Government Hospital, Sathyamangalam.

2.3. Dr.Aravind (P.W.6), the medical officer attached to the Government Hospital, Sathyamangalam examined P.W.1 on 26.01.2014 and found the following injuries :

- i. An abrasion wound measuring 1 x 1 cm was found on the left hand palm.*
- ii. An abrasion wound measuring 2 x 1 cm was found on the left hand ring finger.*



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He gave first aid and referred her to Coimbatore Medical College and Hospital. However, she did not get herself admitted in Coimbatore Medical College as per the advice of P.W.6. Therefore, Dr.Aravind (P.W.6) could not give any opinion with regard to the nature of injuries sustained by P.W.1.

2.4. PW.1 thereafter went to Sathyamangalam Police Station and lodged a written complaint (Ex.P1) on 26.01.2014 at about 10.00 a.m. with Thiru.Subramaniam (PW.7), the then Special Sub Inspector of Police, Sathyamangalam Police Station. P.W.7 received the complaint (Ex.P1) from P.W.1 and registered FIR (Ex.P6) in Crime No.41/2014 against the accused 1 and 2 (Ravikumar @ Kumara Ravikumar and Kumararaja) for the offences punishable under Sections 341, 294(b) and 307 IPC. He then placed the records before Thiru.Muthussamy (P.W.8), the then Inspector of Police, Sathyamangalam Police Station, for investigation.



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2.5. P.W.8 took up investigation in Crime No.41/2014 went to the scene of occurrence, prepared an observation mahazar (Ex.P2) and a rough sketch (Ex.P7) in the presence of the witnesses Natarajan (P.W.5) and Raviraj (not examined). He discovered two knives (M.O.1 and M.O.2) and a camera (M.O.3) in the place of occurrence and recovered the same under the cover of a mahazar (Ex.P3) in the presence of the same witnesses. Thereafter, he arrested the accused 1 and 2 at about 2.30 p.m. near Genjanur Junction of Sathy - Bannari Road and produced them before the concerned jurisdictional magistrate for remanding them to judicial custody. He then examined the witnesses and recorded their statements under Section 161(3) Cr.P.C.

2.6. P.W.8 after completing investigation laid a final report against the accused 1 and 2 for the offences punishable under Sections 341, 294(b) and 307 IPC before the Judicial Magistrate, Sathyamangalam, in P.R.C.No.16/2014.



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2.7. The learned Judicial Magistrate after furnishing copies of records to the accused under Section 207 Cr.P.C, committed the case to the Court of Sessions. The learned Principal District and Sessions Judge, Erode took the case on file in S.C.No.123/2016 and made over the same to Additional Sessions Judge, Fast Track Mahila Court, Erode.

2.8. The learned Sessions Judge framed charges against the accused for the offences punishable under Sections 341, 294 (b), 324, 307 (Part I) (2 counts) IPC (for A1) and Sections 341, 342, 307 (Part I) IPC (for A2).

2.9. In order to bring home the guilt of the accused, the prosecution examined 8 witnesses, marked 7 documents and 3 Material Objects.

2.10. The accused, when questioned under Section 313 Cr.P.C with regard to the incriminating circumstances appearing in evidence



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against them, denied of having committed any offence. However, they did not examine any witness on their side.

2.11. The learned trial court judge after analysing the oral and documentary evidence on record found the accused not guilty of the offence punishable under Sections 341, 294 (b), 324, 307 (Part I) (2 counts) IPC (for A1) and Sections 341, 342, 307 (Part I) IPC (for A2) and acquitted them under Section 235(1) Cr.P.C., vide his judgment and orders dated 07.06.2017, aggrieved over which, the present appeal is filed by the defacto complainant.

3. Heard Mr.I.C.Vasudevan, learned counsel for the appellant and Mr.S.Rajakumar, learned Additional Public Prosecutor for the first respondent and Mr.A.Sundaravadhanan, learned counsel for the respondents 2 and 3.

4. It is seen from the records that there was a counter complaint given by the accused against P.W.1 and P.W.2 for the offences



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punishable under Sections 294(b), 307 IPC and it was registered as Crime No. 40/2014 of Sathyamangalam Police Station. This is with regard to the same incident that took place on 26.01.2014, in which P.W.1 sustained injuries on her hand. It is also clear from the records that the accused and the defacto complainant are closely related to each other and there is also a pending civil dispute between both the parties in O.S No.202/2014 before the District Munsif Court, Sathyamangalam. The said suit was decreed in favour of PW.2 as against which first appeal was filed by the first accused and it was also dismissed. Now it is contended by the learned counsel for the respondents 2 and 3 that the second appeal is pending before this Court in S.A.No.91/2018 in which an Advocate Commissioner was appointed who measured the property and had also filed his report. It is his contention that the police even without ascertaining as to who the aggressor is has filed two different final reports for the same occurrence and it is totally against the police standing orders. It is also his contention that there are glaring contradictions in the evidence of P.W.1 and P.W.2 and that the trial court had considered all these aspects and acquitted the accused. Therefore,



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there is no reason for this court to interfere with the same.

5. It is to be pointed out that the counter complaint given by the first accused was earlier in point of time and it was registered as FIR in Crime No.40/2014 in the very same police station. The offences alleged in the said complaint are under Sections 294(b) and 307 IPC. The Investigation Officer should have found out as to who the aggressor is and in this case, the Investigation Officer had filed two final reports one against the complainant and another against the accused 1 and 2. P.W.1 in her evidence has stated that she prevented the first accused from stabbing her husband (P.W.2) and while doing so, she sustained injuries on her left hand. Dr.Aravind (P.W.6) in his evidence had categorically stated that the injuries found on P.W.1 could not have been caused by the knife (M.O.1). Thus, the evidence of P.W.1 does not fit in with the medical evidence. There are also glaring contradictions in the evidence of P.W.1 and P.W.2. It is also relevant to point out that counter case in S.C.No.72/2015 also ended in acquittal as against which no appeal was filed by the present accused. Considering all these factors, the present



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6. In the result,

- i. The Criminal Appeal is dismissed.
- ii. The judgment and orders dated 07.06.2017 passed in S.C.No.123/2016 by the Additional Sessions, Fast Track Mahila Court, Erode, is confirmed.

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Index : yes/no
Speaking /Non speaking Order
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To

1. The Additional Sessions, Fast Track Mahila Court, Erode.
2. State Rep. by the Inspector of Police, Sathyamangalam Police Station, Erode District. (Crime No.41/2014)
3. The Public Prosecutor, High Court, Madras.
4. The Section Officer, Criminal Section, Madras High Court, Chennai.



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