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Crl.R.C.No.2341 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

Crl.R.C.No.2341 of 2024

Anbarasu

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Petitioner

Vs.

Nesamani (died)

2. M.VALLI
3. M NABEES
4. A MOHAMMED RAFI
5. K VIJAYARAGAVAN
6. STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
PALLAPATTI P.S.

...

Respondents

Prayer: Criminal Revision Petition is filed under Section 397 & 401 of Cr.P.C. to set aside the order passed in Crl. A.No.95 of 2019 on the file of learned I Additional District and Sessions Judge, Salem, dated 08.02.2024 against the judgment and decree passed by Judicial Magistrate No.II, Salem in C.C.No.368 of 2014 dated 14.03.2019.

For Petitioner : Mr.S.Arunkumar

For 6th Respondent : Mr.S.Udaya Kumar
Govt.Advocate (crl.side)



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ORDER

The revision challenges the judgment of acquittal confirmed by the Appellate Court in Crl.A.No.95 of 2019 dated 08.02.2024.

2. The petitioner is the defacto complainant in Crime No.324 of 2014 registered for the alleged offences under Section 147, 294(b), 324, and 506(i) of IPC.

3. The case of the petitioner is that on 27.06.2014 at about 7.45 a.m. he heard a noise near a temple; that he went out and saw the first accused/1st respondent quarrelling with his wife with regard to property dispute; that when the petitioner was nearing the place, accused 2 to 5 and one Ellammal formed themselves into an unlawful assembly and the third accused assaulted the petitioner on his head with bill-hook; that when the son of the petitioner came to his rescue, he was assaulted with wooden log and thereafter the wife of the petitioner was also abused in filthy language and attacked with wooden log.

4. The 6th respondent, on investigation filed final report against the



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respondents 1 to 5. During trial, the prosecution examined PW1 to PW10 and marked Exs.P1 to P11.

5. The trial court found that the prosecution had not established its case beyond reasonable doubt; that the petitioner had suppressed that there was a counter case against him on the complaint given by the respondents ; that most of the eye-witnesses turned hostile; that the result of the investigation in the counter case was not placed before the court and considering the other contradictions in the evidence of PW1, had acquitted the respondents.

6. The Appellate Court, on perusal of the evidence, confirmed the judgment of the trial court and found the accused not guilty of the offence alleged against them.

7. The learned counsel for the petitioner would submit that the courts below had ignored the medical evidence which confirms that the petitioner was injured and entries in the Accident Register reveals that seven persons attacked the petitioner and therefore the judgment of the courts below are perverse and liable to be interfered with.



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WEB COPY 8. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) for the 6th respondent.

9. On perusal of the judgment of the courts below, this court finds that the respondents have marked Exs.D1 & D2 during the cross examination of PW7-Doctor, to establish that the second and third accused were also injured in the occurrence. However, the prosecution in this case had not explained the injuries caused to the accused and also had suppressed the complaint lodged against the petitioner. PW3 & 5 who were examined as eye-witness turned hostile and PW4 & 6 who are mahazar witnesses also turned hostile. That apart, PW2 had not deposed against the accused with regard to any alleged assault, as stated in the complaint. Therefore, the courts below disbelieved the evidence of PW1, 2 & 8. Further, to a specific question put by this court, the learned counsel for the petitioner also stated that in the counter case filed against the petitioner, he was acquitted of all the charges.

10. In view of the contradictions and the above infirmities, the courts below disbelieved the evidence of witnesses and acquitted the



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respondents. It is well settled that when the trial court acquits the accused, the presumption of innocence gets strengthened. In this case, the acquittal has also been confirmed by the Appellate Court. This court finds no perversity in the judgments of the courts below warranting interference in the above revision.

11. Accordingly, this Criminal Revision stands dismissed.

19.12.2024

Index : Yes/No

Speaking Order/Non-speaking order

Neutral Citation: Yes/No

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SUNDER MOHAN, J.

rgr

To

- 1.The I Additional District and Sessions Judge,
Salem.
- 2.The Judicial Magistrate No.II,
Salem.
- 3.The Sub Inspector of Police,
Palapatti Police Station.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.

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