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Crl.R.C.(MD).No.363 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.06.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD). No.363 of 2024
and
Crl.M.P.(MD)Nos.4143 & 4148 of 2024

Gnanavel

... Petitioner/Petitioner

Vs.

The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
Crime No.811/2018

... Respondent/Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records from the lower Court and set aside the order passed in Crl.Appeal No.5 of 2022 on the file of the Principal District Judge, Karur dated 10.01.2022 modifying the judgment of CC.No.15 of 2021 dated 14.12.2021 on the file of the learned Judicial Magistrate, Additional Mahila Court, Magisterial Level, Karur.

For Petitioner : Mr.D.Anbarasu

For Respondent : Mr.R.Sivakumar,
Government Advocate(Crl.Side)



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ORDER

The Criminal Revision Case has been filed challenging the conviction passed in CC. No.15 of 2021 and confirmed in Crl.A.No.5 of 2022 dated 10.01.2022, on the file of the Principal District Judge, Karur.

2. The P.W.1 is the wife of the petitioner herein. The case of the prosecution is that on 29.12.2018 at about 09.00 p.m, there was a wordy quarrel between the accused and the defacto complainant. Due to which, the accused assaulted P.W.1 and committed cruelty. The defacto complainant lodged a complaint before the respondent police and based on the complaint, the respondent police conducted investigation and filed the final report and the same was taken on file in C.C.No.15 of 2021 on the file of the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Karur. The learned Judicial Magistrate issued summons to the accused and thereafter framed charges. After framing charges, the accused pleaded not guilty. P.W.1 to P.W.7 were examined and Ex.P.1 to Ex.P.7 were marked and M.O.1 and M.O.2 were also marked.



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3. The learned trial Judge after considering the evidence, examined the accused. On the side of the accused, neither witness nor documents were produced. The learned trial Judge after considering the same has convicted the accused for the alleged offence under Sections 294(4), 498(A) and 506(i) of IPC. Challenging the same, the petitioner filed an appeal in Crl.A.No.5 of 2022 on the file of the Principal District Judge, Karur. The learned trial Judge after confirming the judgement in CC.No.15 of 2021 on the file of the learned Judicial Magistrate, Additional Mahila Court, Magisterial Level, Karur, has reduced the sentence to undergo eighteen months. Challenging the same, the petitioner has filed this present petition.

4. The learned Counsel for the petitioner submits that there is no evidence to prove cruelty and no offence is made out under Section 498(A) and 506(i) of IPC. The evidence of the witnesses are interested. He further submits that there is material lapse on the part of the Investigation Officer.

5. The learned Government Advocate (Crl. Side) on instruction from the respondent police submits that the learned trial Judge has considered all the evidence and come to the conclusion that the petitioner had committed the



6. In such circumstances, there is no reason to interfere with the concurrent finding of both the Courts. He further submits that the Appellant Court was lenient and reduced the sentence to eighteen months.

7. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

8. Both the courts below have considered the evidence of P.W.1 that the petitioner married P.W.1 and continuously committed cruelty to her. Her specific evidence is that before 2 ½ years from the date of deposition, the petitioner as usual consumed alcohol and severely beat her and hence, P.W.1 tried immolate herself by pouring kerosene on her and the petitioner did not even try to put out the fire. The same was witnessed by P.W.2 and P.W.3. P.W.2 is the sister of P.W.1, P.W.3 is the daughter of P.W.1. Their evidence are cogent and trust worthy. The same was properly considered by both the Courts below and rightly convicted the petitioner for the offence under Section 498 (A) of IPC. The learned appellate Judge, reduced the sentence from 3 years to 18 months



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considering the mitigating circumstances like age etc. Therefore, this Court finds no ground to interfere with the order of the learned appellate Judge in confirming the appeal in C.A.No.5 of 2022 on the file of the Principal District Court, Karur, dated 10.01.2022.

9. It appears that P.W.2 is the sister of the P.W.1 and P.W.3 is the daughter of P.W.1. Based on the evidence of P.W.1 and the documents produced, this Court is not inclined to entertain this revision and finds no merits in this case.

10. Accordingly, this Criminal Revision Case is dismissed and the conviction and sentence imposed by the Courts below is hereby confirmed. Consequently, connected miscellaneous petitions are closed.

05.06.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
jbr/sbn



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To

1. The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
3. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

jbr/sbn

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