



CrI.R.C(MD).No.686 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.R.C(MD)No.686 of 2024
and
CrI.M.P(MD).Nos.7089 and 7090 of 2024

1.Vignesh
2.Surya
3.Ragunath
4.Bala @ Balakrishnan

... Petitioners

Vs.

The State of Tamil Nadu represented by
Inspector of Police,
Thuraiyur,
Tiruchirappalli.

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order passed by the learned I Additional District and Sessions Judge (PCR), Trichirappalli in C.A.No.121 of 2023 dated 03.05.2024 confirming the conviction and sentence passed by the learned Judicial Magistrate, Thuraiyur in C.C.No.75 of 2019 dated 13.09.2023 and set aside the same.



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Crl.R.C(MD).No.686 of 2024

For Petitioner : No appearance
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been filed to call for the records pertaining to the order passed by the learned I Additional District and Sessions Judge (PCR), Trichirappalli in C.A.No.121 of 2023 dated 03.05.2024 confirming the conviction and sentence passed by the learned Judicial Magistrate, Thuraiyur in C.C.No.75 of 2019 dated 13.09.2023 and set aside the same.

2. The second petitioner fell in love with one Karthick's sister and the same was questioned by the said Karthick/L.W.4. On the date of occurrence, the petitioners criminally restrained L.W.1, who is the friend of the said Karthik and abused him in filthy language. The petitioners 1 to 3 pushed L.W.1 and A4 slashed his private part with the blade and caused grievous injury. Thereafter, FIR was registered in Crime No.262 of 2015. After completion of investigation, the final report was filed before the concerned Court and the same was taken on file in C.C.No.75 of 2019. The summon was issued to the both parties and they were appeared through their counsel.



Crl.R.C(MD).No.686 of 2024

WEB COPY

3. During the trial, the prosecution examined 8 witnesses as P.W.1 to P.W.8 and exhibited 6 documents as Ex.P.1 to Ex.P.6. On the side of the accused, no one witness was examined and no document was marked.

4. The learned trial Judge, after considering all the evidence, documents and material objects, convicted the petitioners as follows :

<i>petitio ners</i>	<i>Offence under Section</i>	<i>Sentence of imprisonment</i>	<i>Fine</i>	<i>Default sentence</i>
1 to 4	341 of IPC	-	Rs.500/-	One month of simple imprisonment
1 to 3	326 r/w 109 of IPC	Three years of rigorous imprisonment	Rs.5,000/-	Three months of simple imprisonment
4	326 of IPC	Three years of rigorous imprisonment	Rs.5,000/-	Three months of simple imprisonment

5. Challenging the same, the petitioner filed an appeal in C.A.No.121 of 2023 before the learned I Additional District and Sessions Judge (PCR), Trichirappalli and on 03.05.2024, the learned Judge confirmed the conviction imposed by the learned Judicial Magistrate, Thuraiyur and dismissed the appeal. Challenging the same, the petitioners have filed this petition.



Crl.R.C(MD).No.686 of 2024

WEB COPY

6. The case was posted for admission on 16.07.2024. The learned counsel for the petitioner made elaborate submission and this Court was not convinced with his submission. Therefore, he sought further time to make additional submission and hence this case was posted on 19.07.2024, with a direction to the learned Government Advocate (Criminal Side) to produce the entire file. On 19.07.2024. In the morning session, when the case was called there was no representation. In the afternoon session, the counsel appeared and reiterated the submission made on 16.07.2024.

7. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners brutally attacked the victim and caused grievous injuries in his private part. He further submitted after considering all the aspects, the learned appellate judge dismissed the appeal. Therefore, he prays for dismissal of the revision.

8. Heard the learned Government Advocate (Crl.Side) appearing for the respondent police and also perused the materials available on record.



Crl.R.C(MD).No.686 of 2024

WEB COPY

9. The injured P.W.1's sister was Karthiga. The 2nd petitioner has been causing disturbance to her and hence, the victim reprimanded the same. Therefore, on 26.08.2015 at 10.15 p.m., when P.W.1 was talking in front of P.W. 2's shop, the petitioner came and scolded him and attacked and slashed his private part with a blade and caused injuries. The same was witnessed by P.W.2, P.W.3 and P.W.4. The evidence of P.W.1 is corroborated by P.W.2, P.W.3 and P.W. 4. P.W.5 doctor also deposed about the injury sustained by him in private part. The learned trial Judge and the first appellate Judge correctly appreciated the evidence and convicted the appellant for the charged offence. The learned Appellate Judge also was lenient and reduced the sentence. Merely because Kartiga reprimanded the torture given by the accused, the accused has no right to attack and cause injury to L.W.1's private part by using the blade. This type of the act of the petitioner deserves no sympathy. Therefore, this Court is inclined to confirm the sentence of imprisonment modified by the learned Appellate Judge.



Crl.R.C(MD).No.686 of 2024

WEB COPY

10. Accordingly, this Criminal Revision Case is dismissed and the conviction and sentence imposed by both the Courts below is hereby confirmed. The trial Court is hereby directed to secure the accused and confine him in the prison to undergo the remaining period of imprisonment. Consequently, the connected miscellaneous petitions are closed.

19.07.2024

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

To

1. The first Additional District and Sessions Court (PCR),
Trichirappalli.
2. The learned Judicial Magistrate, Thuraiyur.
3. The Section Officer,
Record Section (Criminal),
Madurai Bench of Madras High Court, Madurai.



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CrI.R.C(MD).No.686 of 2024

K.K.RAMAKRISHNAN, J.

tta/sbn

CrI.RC(MD)No.686 of 2024

19.07.2024