



Crl.RC.No.160 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.160 of 2025 and
Crl.M.P.Nos.1272 and 1275 of 2025

Natarajan @ Drums Natarajan

... Petitioner

Vs.

State rep. by the Station House Officer
Odiansalai Police Station through
Public Prosecutor, Puducherry
Crime No.82 of 2015

... Respondent

Prayer: Criminal Revision Case filed under under Section 442 of BNSS to set aside the judgment dated 25.11.2024 made in C.A.No.05 of 2023 on the file of the III Additional Sessions Judge, Puducherry, partly allowing the judgment dated 30.11.2022 made in C.C.No.38 of 2018 on the file of the Chief Judicial Magistrate, Puducherry.

For Petitioner

: Mr.V.Elangovan

For Respondent

: Mr.K.S.Mohandass

Additional Public Prosecutor (Puducherry)

Assisted by Mrs.N.Danalatchumy



Crl.RC.No.160 of 2025

ORDER

WEB COPY

This Criminal Revision Case has been filed by the petitioner to aside the judgment dated 25.11.2024 made in C.A.No.05 of 2023 on the file of the III Additional Sessions Judge, Puducherry, partly allowing the judgment dated 30.11.2022 made in C.C.No.38 of 2018 on the file of the Chief Judicial Magistrate, Puducherry.

2. The case of the prosecution is that the on 25.05.2015 between 21.45 hours and 22.05 hours at Ratina Theatre, Anna Salai, Puducherry, when the victim/defacto complainant along with her husband went to watch movie, the petitioner/A1 touched her waist and hugged her behind and when her husband questioned the same, the petitioner/A1 along with other accused, attacked them with their hands and also threatened them not to lodge any complaint before the police or else they would kill them. Thereafter, the victim lodged a complaint and on receipt of the complaint, the respondent police registered a case in Crime No.82 of 2015 against the petitioner and three others and after



Crl.RC.No.160 of 2025

investigation, the respondent police filed final report for the offence under

Sections 354(A), 323, 506(i) read with 34 IPC and the same was taken on file in C.C.No.38 of 2018 on the file of the Chief Judicial Magistrate, Puducherry.

The learned Chief Judicial Magistrate, after completing the proceedings under Section 207 Cr.P.C., framed charges against the accused persons for the offence under Sections 354(A), 323, 506(i) of IPC read with 34 of IPC.

3. During trial, in order to substantiate the charges, on the side of the prosecution, 8 witnesses were examined as P.W.1 to P.W.8 and 6 documents were marked as Exs.P.1 to P.6.

4. After hearing the arguments on either side and examining the oral and documentary evidence, the learned Chief Judicial Magistrate, found the accused guilty and convicted and sentenced A1/petitioner herein to undergo two years of rigorous imprisonment for the offence under Section 354(A) IPC with fine of Rs.5,000/- in default, to undergo three months of simple imprisonment and also sentenced A1 to A4 to undergo rigorous imprisonment



Crl.RC.No.160 of 2025

for six months each under Section 323 of IPC read with 34 of IPC and 506(i)

of IPC read with 34 of IPC with fine of Rs.1000/- each, in default to undergo three months simple imprisonment each and that the sentences were ordered to run concurrently.

5. Challenging the judgment of conviction and sentence, A1/petitioner herein preferred an appeal before the III Additional Sessions Judge, Puducherry, in Criminal Appeal No.05 of 2023 and the learned Sessions Judge, after hearing both sides, allowed the appeal in part setting aside the sentence for the offence under Section 506(i) IPC read with 34 IPC, however, confirmed the conviction for the offence under Section 323 IPC and 354 (A)(2) IPC. Challenging the same, A1 has filed the present revision.

6. The learned counsel for the petitioner/A1 submitted that no such occurrence took place and a false case has been foisted against the petitioner. There is no eyewitness to the occurrence and the witnesses in this case are interested witnesses. Further, the medical evidence does not corroborate the



Crl.RC.No.160 of 2025

evidence of injured witness and that the evidence of P.W.6/doctor shows that

there is no external injury. The trial Court failed to consider the evidence properly and convicted the petitioner on the ground of sympathy. The appellate Court also confirmed the conviction and sentence by allowing the appeal in part. In the absence of any medical evidence and independent witness, the conviction and sentence passed by the Courts below is liable to be set aside.

7. The learned Additional Public Prosecutor appearing for the respondent police submitted that the occurrence took place on 25.05.2015 between 21.45 hours and 22.05 hours at Ratina Theatre, Anna Salai, Puducherry. The victim/defacto complainant along with her husband had gone to watch movie at that time, A1/petitioner touched her waist and hugged her behind and when her husband questioned the same, A1/petitioner along with other accused, attacked them with their hands and also threatened them not to lodge any complaint before the police or else they would kill them. Thereafter, they lodged a complaint before the police and also took treatment in a hospital. The



Crl.RC.No.160 of 2025

wound certificate of the victims/P.W.1 and P.W.2 were marked through

P.W.6/doctor. Further, P.W.4 corroborated the evidence of P.W.1 and P.W.2.

Though the trial Court had given findings that the prosecution proved the charged offence and convicted the accused persons, when A1/petitioner approached the appellate Court, the learned Sessions Judge partly allowed the appeal and set aside the sentence imposed against A1/petitioner for the offence under Section 506 (i) read with 34 IPC and further, modified the sentence for the offence under Section 323 IPC read with 34 IPC to the effect that A1/petitioner shall pay a fine of Rs.1,000/- in default, to undergo simple imprisonment for one month, however, confirmed the sentence imposed for the offence under Section 354 (A)(2) IPC. Therefore, there is no merits in this revision.

8. Heard both sides and perused the materials available on record.

9. A reading of the materials especially the oral evidence of the P.W.1 and P.W.2 who are wife and husband shows that on 25.05.2015 between 21.45



Crl.RC.No.160 of 2025

hours and 22.05 hours, when they had gone to Ratina Theatre, Anna Salai,

Puducherry to watch movie, the accused persons misbehaved with the P.W.1

and when the same was question by her husband/P.W.2, the accused have

assault them with their hands and also threatened them not to lodge any

complaint before the police or else they would kill them. Subsequently, the

victims lodged a complaint before the police and also took treatment in a

hospital. Further, P.W.1 and P.W.2 have clearly identified the accused/A1.

P.W.4 in his evidence has clearly stated that he had gone to the said theatre on

the said date and on hearing the noise of the victims, he went to the occurrence

place wherein, some persons were attacking his school friend/defacto

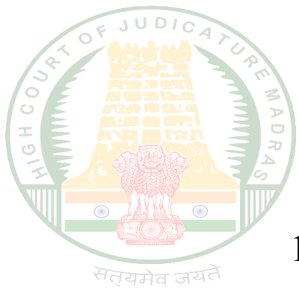
complainant and her husband and he has also clearly identified the

petitioner/A1. Therefore, the evidence of P.W.4 is corroborated with the

evidence of P.W.1 and P.W.2. Though P.W.6 is not the doctor who gave

treatment to P.W.1 and P.W.2, based on documents he has given evidence and

also marked the wound certificate of P.W.1 and P.W.2 as Ex.P.5.



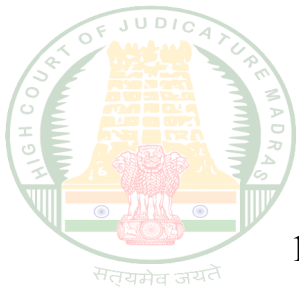
Crl.RC.No.160 of 2025

WEB COPY

10. The appellate Court as a fact finding Court by re-appreciating the entire evidence, though set aside the sentence imposed against A1/petitioner for the offence under Section 506 (i) read with 34 IPC and modified the sentence for the offence under Section 323 IPC read with 34 IPC, however, confirmed the sentence imposed for the offence under Section 354 (A)(2) IPC.

11. Since this Court is a revision Court, it has no authority to re-appreciate the evidence. The revision Court has to only see as to whether the findings and appreciation/re-appreciation of evidence by the Courts below are perverse.

12. A perusal of the entire materials, this Court finds that the appellate Court rightly re-appreciated the evidence and confirmed the conviction and sentence imposed by the Chief Judicial Magistrate for the for the offence under Section 354 (A)(2) IPC by partly allowing the appeal. This Court does not find any perversity or reason to interfere with the same.



Crl.RC.No.160 of 2025

13. Therefore, this Criminal Revision Case is dismissed. Consequently,

the connected Miscellaneous petitions are closed.

14. The respondent police is directed to secure the petitioner to undergo

the remaining period of sentence, if any.

05.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2

To

1. The III Additional Sessions Judge,
Puducherry
2. The Chief Judicial Magistrate, Puducherry.
3. The Station House Officer
Odiansalai Police Station, Puducherry
4. The Public Prosecutor,
High Court of Madras, Puducherry

9/10



WEB COPY



Crl.RC.No.160 of 2025

P.VELMURUGAN. J.

Ksa-2

Crl.RC.No.160 of 2025

05.03.2025