



CrI.R.C.No.88 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.88 of 2022

G.Stalin

... Petitioner

Vs.

The Inspector of Police,
Chennai Central Railway Station,
Chennai-600 003.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 401 of Criminal Procedure Code, to allow the Criminal Revision and to set aside the impugned judgment of the First Appellate Court in C.A.No.64 of 2020 dated 09.08.2021 on the file of the learned Principal District and Sessions Judge, Chennai, confirming the judgment of the Trial Court in C.C.No.483 of 2019 dated 28.11.2019 on the file of the learned XVI M.M., George Town Chennai.

For Petitioner : Mr.P.Madhavan

For Respondent : Mr.L.Baskaran,
Government Advocate (CrI. Side)
assisted by Ms.M.SumI Arnica



ORDER

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The petitioner was convicted *vide* judgment, dated 28.11.2019 in C.C.No.483 of 2019 passed by the learned XVI Metropolitan Magistrate, George Town, Chennai and sentenced to undergo one week (7days) Simple Imprisonment and to pay a fine of Rs.5,000/-, in default to undergo one month Simple Imprisonment for offence under Section 294(a) IPC. Aggrieved over the same, the petitioner preferred an appeal before the learned Principal Sessions Judge, Chennai in Crl.A.No.64 of 2020 and the same was dismissed *vide* judgment, dated 09.08.2021 confirming the judgment of the Trial Court. Challenging the same, the present Criminal Revision Case is filed.

2.The case of the prosecution is that on 14.06.2018, PW1, the defacto complainant travelled in Raptisagar Express along with her baby from Coimbatore to Bhopal in First Class AC Coach in Seat Nos.14 & 15. The petitioner as a passenger travelled in Two Tier AC, was allotted Seat No.13 in First Class AC Coach. PW1 spoke to her husband in her mobile phone, went to bed switching off the light. Later, PW1 found some unusual movement and found the co-passenger/petitioner who was travelling in Seat No.13, was masturbating. Immediately, PW1 switched on the light and made a complaint



to PW2, Train Ticket Examiner. PW2 woke up the petitioner and found the petitioner was in drunken state. Finding that the travel of the petitioner in the train will be danger for co-passengers, the petitioner was handed over to the Railway Police in Central Railway Station. PW1 lodged a complaint to the helpline and also through Email. Thereafter, PW1's complaint (Ex.P1) received and her statement under Section 164 Cr.P.C recorded. In this case, one Sooryanarayanan, a co-passenger travelled on 14.06.2018 stated that when PW2 was allotting berth, PW1 came there and lodged a complaint about the indecent act of the petitioner. PW3 is the person produced the petitioner before the Doctor to examine whether the petitioner had consumed alcohol. PW4, the Investigating Officer on the complaint (Ex.P1) of PW1, registered an FIR (Ex.P3) in Crime No.688 of 2018 for offence under Section 354(A) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 4(1)(j) of Tamil Nadu Prohibition Act, collected the statement of witnesses, obtained drunken certificate (Ex.P4) from the Doctor and filed charge sheet before the Trial Court.

3.During trial, on the side of the prosecution, four witnesses examined as PW1 to PW4 and four documents marked as Exs.P1 to P4. On the side of the defence, no witness examined and no document marked. On conclusion of



trial, the Trial Court convicted the petitioner as stated above and the same was confirmed by the Lower Appellate Court.

4.The learned counsel for the petitioner submitted that the petitioner has been falsely implicated and no way connected to this case. PW1 in her statement admits that she switched off the light and went to sleep and she found the petitioner was masturbating and caused annoyance and misery. In this case, the specific complaint of PW1 is that she saw the petitioner when he was masturbating but no clothes of the petitioner or bedsheets seized in this case to confirm semen in the clothes and whether the petitioner had indulged such activities. Likewise, the petitioner consumed alcohol which is a private affair and he had not caused any public disturbance but PW1 overreacted and lodged a false complaint against the petitioner. PW1 admits that she saw the petitioner in a sleeping state, in such circumstances, the main allegation of the petitioner committing indecent act would not arise. The said Sooryanarayanan, who is a co-passenger, is a total stranger to the petitioner and there is nothing to show that Sooryanarayanan travelled in the train on the same day and no ticket particulars produced. He further submitted that the petitioner consuming alcohol is not prohibited, hence Ex.P4 certificate of drunkenness is of no consequence. The Trial Court had merely gone on the evidence of PW1 and



convicted the petitioner. The Lower Appellate Court without any independent assessment mechanically dismissed the appeal.

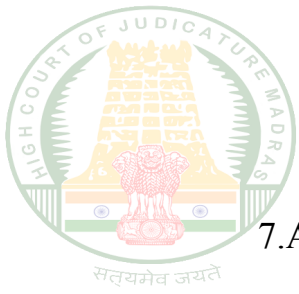
5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that it is not in dispute that PW1 and the petitioner in this case were travelling in the same train on 14.06.2018. PW1 travelled in the train to Bhopal along with her baby and the petitioner had travelled in the same train from Coimbatore. Initially, the petitioner was allotted seat in Two Tier AC and thereafter, he was allotted Seat No.13 in First Class AC Coach. The Seat Nos.14 and 15 in First Class AC Coach were occupied by PW1 and her baby. The petitioner's act is most vulgar and indecent one that to when a woman travelling in the same coach. The petitioner consumed alcohol beyond the permissible limit and he was in an intoxicated condition which was proved by the evidence of PW3 and the drunken certificate (Ex.P4). One Sooryanarayanan a co-passenger stated that when PW2 was allotting berth to the passengers, PW1 came and made a complaint to PW2 about his indecent act and also stated that on the complaint of PW1, the petitioner was handed over to the respondent Police. PW4, the Investigating Officer on the complaint of PW1, registered FIR (Ex.P3), recorded the statement of witnesses, produced the petitioner before the Doctor and obtained drunken certificate (Ex.P4). PW1



gave statement under Section 164 Cr.P.C before the learned Magistrate which

was marked in this case as Ex.C1. The Trial Court on the evidence and materials produced had rightly convicted the petitioner and the Lower Appellate Court had also dismissed the appeal confirming the judgment of Trial Court. Hence, no leniency to be shown to the petitioner.

6.Considering the submissions and on perusal of the materials, it is not in dispute that the petitioner, her baby and PW1 were travelling in Raptisagar Express from Coimbatore to Bhopal in First Class AC Coach in Seat Nos.13, 14 & 15. The petitioner who was in a drunken state, masturbated in a public train and caused annoyance to PW1 who was travelling along with her baby. PW1 gaining strength objected the petitioner's act and lodged a complaint to PW2, Train Ticket Examiner. Thereafter, PW1 along with PW2 had gone to the coach, restrained the petitioner moving further and handed over to the respondent Police. PW4, the Investigating Officer registered FIR (Ex.P3) against the petitioner and produced him before the Doctor who confirmed his drunkenness through Ex.P4. PW1 gave statement (Ex.P1) under Section 164 Cr.P.C and her evidence could not be dented in any manner despite elaborate cross examination. In view of the same, this Court finds no reason to interfere with the judgment of the Courts below.



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7. Accordingly, the judgment, dated 28.11.2019 in C.C.No.483 of 2019

passed by the learned XVI Metropolitan Magistrate, George Town, Chennai and the judgment, dated 09.08.2021 in Crl.A.No.64 of 2020 passed by the Lower Appellate Court are confirmed.

8. It is to be noted that the conviction of the petitioner is only for seven days which the petitioner had already undergone from 15.06.2018 to 22.06.2018. Hence, nothing survives in this criminal revision case and the same is dismissed.

26.02.2025

Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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To

1. The Principal Sessions Judge,
Chennai.
2. The XVI Metropolitan Magistrate,
George Town, Chennai.
3. The Inspector of Police,
Chennai Central Railway Station,
Chennai-600 003.
4. The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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