



WEB COPY

CRL RC No. 953 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 953 of 2024

1. Palanisamy
S/o.Muniappa Gounder, Puliampatty,
Mettuvalavu, Thevoor, Sankari.

Petitioner(s)

Vs

1. The State Rep. By
Inspector Of Police, Thevoor Police
Station, Thevoor, Salem District. Crime
No.186/2015

Respondent(s)

CRL RC No. 953 of 2024

PRAYER

To set aside the Judgement dated 10.09.2022 made in C.A.No.43 of 2022 by Learned I Additional District and Sessions Judge, Salem, confirmed by conviction and modified the sentence passed by Judicial Magistrate No.1, Sankari made in C.C.No.19 of 2016 and to allow the above Criminal Revision Petition and pass such further or other orders as may be deemed fit and proper and thus render justice.

CRL RC No. 953 of 2024

For Petitioner(s): M/s.K.V.Muthu Visakan
R.S.Govarthan
S.Thambi
A.Ajith Kumar

For Respondent(s): Dr.C.E. Pratap,
Government Advocate Crl. side



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CRL RC No. 953 of 2024



ORDER

This Criminal Revision Case has been filed to set aside the Judgement dated 10.09.2022 made in C.A.No.43 of 2022 by Learned I Additional District and Sessions Judge, Salem, confirmed by conviction and modified the sentence passed by Judicial Magistrate No.1, Sankari made in C.C.No.19 of 2016 and to allow the above Criminal Revision Petition.

2. The brief facts of the case:

P.W.1/Poovarasan was residing at Puliampatty mettuvalavu in Sakari Taluk along with his parents and brother. On 29.11.2015, one Surya/P.W.10 was fallen from his cycle, who residing nearby street of the P.W.1. P.W.4/Rani, who is mother of P.w.1 asked her son to help P.W.10 to reach his house. On the way to his house, they were sat near Puliayampadi Murugan Temple, at that time the accused abused the complainant in filthy language and attacked P.W.1/Poovarasan with hand caused injury and threatened him with dire consequences. Thereafter, P.W.1 has riding his bicycle at the that time the accused has hit the bicycle with his motorcycle from behind and further attacked and abused him with with dire consequences. Thereafter, complainant filed a complaint, based on the complaint, the respondent police registered FIR in crime No. 186 of 2015 under Sections 294(b), 324 and 506(i) IPC and Section 3(i)(x) of SC/ST (POA) Act, later altered into Sections 294(b), 324 and



506(i) IPC. Upon completion of investigation, the respondent police filed a final report and the same was taken cognizance by the Judicial Magistrate No.1, Sankari, in C.C No. 19 of 2016. On the side of the prosecution, 13 witnesses were examined and marked 7 documents. The accused neither examined any witness nor marked any documents. On hearing both sides, the Trial Court acquitted the accused under Sections 294(b) and 506(i) IPC and convicted the accused for the offence under Section 324 IPC and sentenced to undergo Simple Imprisonment for 2 years and imposed fine of Rs.1,000/-, in default, to undergo one month Simple Imprisonment. Challenging the same, the accused filed Crl.A No. 43 of 2022, on the file of the I Additional District and Sessions Judge, Salem, On hearing both sides, the first appellate Court confirmed the conviction and reduced the sentence imposed on the accused from two years Simple Imprisonment to one Year Simple Imprisonment. Aggrieved over the same, the accused filed this Criminal Revision Case.

3. The learned counsel for the accused submits that prosecution has failed to prove the alleged occurrence with independent witnesses and also vehicle which was used at the time of occurrence is not recovered. Further, the court below failed to note the contradictions in witnesses and statement of P.w.10. However, the Courts below erroneously appreciated the interested witness. Further, with an ill motive false case has been filed against the accused at the instigation of father of P.w.1/who is office bearer of Caste organisation. In spite of all the discrepancies the accused was convicted under Section 324 IPC as



such is erroneous and liable to be aside.

4. The learned Government Advocate (Crl. Side) submits that the accused was under the impression that the they were committed theft and attacked P.W.1 and dashed the cycle rode by P.W.1. Further, at that time of occurrence, P.W.3 came to that place to prevent the occurrence who was also threatened by the accused and the same was rightly appreciated by the Courts below which needs no interference.

5. Heard both sides.

6. Admittedly, P.W.1 was a school student, aged approximately 16 years on the date of the alleged occurrence. According to him, while he and his friend Surya were sitting at the Murugan Temple at about 5:00 p.m. on their way to Surya's house, the accused approached them. The accused allegedly questioned and scolded and attacked them under the suspicion that they intended to commit theft. When they were attempted to run away from that place by bicycle, they were chased by the accused with two wheeler and dashed against them. P.W.2, who rescued the victim on the date of occurrence turned hostile. Furthermore, another eye witness P.W.3 also turned hostile, who stating that he was not aware of the occurrence. Even, the mother of P.W.1 was not aware of the alleged occurrence, though she gave evidence based upon the statement given by the son. Therefore, with regard to alleged occurrence there is no eye witness on the side of the prosecution. Though the case was registered under SC/ST Act and IPC, the final report was filed under IPC offences. However, even before the



Trial court the prosecution has not produced sufficient material evidence to charge the accused under Section 294 (b), 324, 506(i) IPC. The Trial Court has acquitted the accused for the offence under Section 294 (b) and 506(i) IPC but based on the medical records it convicted the accused under Section 324 IPC. Even as per the evidence of doctor/P.w.11, the victim/P.W.1 has not disclosed about the name of the accused at that time of admission before the hospital and also the doctor in his cross examination stated that the injury might have been caused due to accident. So, the evidence of the doctor is not supported the case of the prosecution but the Court below convicted the accused based on the evidence of doctor/P.W.11 under Section 324 IPC as such also erroneous one. Admittedly, father of P.W.1, is member of caste Association and appellant is having lands in that area, so with some previous motive the case has been registered and there is no direct evidence to prove the allegations levelled against the accused and also there was a delay in filing the complaint. As there is no eye witness to prove the alleged occurrence and the prosecution has failed to prove the case beyond reasonable doubt. However, the Courts below have failed to appreciate the same erroneously convicted the accused. Therefore, the conviction and sentence imposed on the accused is set aside. The accused is acquitted of the charge. The fine amount, if any, paid by the accused, shall stand cancelled. The Criminal Revision case is allowed.

7. In the result, this Criminal Revision case is allowed. Pending petition, if any, is/are closed.



CRL RC No. 953 of 2024



19-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.1, Sankari.
2. The I Additional District and Sessions Judge, Salem.
3. The Public Prosecutor, High Court, Madras.



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CRL RC No. 953 of 2024



T.V.THAMILSELVI J.
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CRL RC No. 953 of 2024

19-11-2025