



Crl.R.C.No.405 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.04.2025
PRONOUNCED ON : 17.06.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.405 of 2022

P.Muniyasamy

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Railway Police Station,
Villupuram.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Cr.P.C. to call for the records in respect of the impugned order dated 28.02.2021 of the learned Principal Sessions Judge, Villupuram in Crl.A.No.8 of 2021 dismissing the appeal and consequentially confirming the judgment dated 16.04.2021 of the learned Judicial Magistrate, Additional Mahila Court, Villupuram in C.C.No.146 of 2020 and set aside the same.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



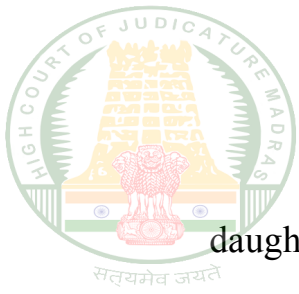
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ORDER

The petitioner convicted by judgment, dated 16.04.2021 in C.C.No.146 of 2020, by the learned Judicial Magistrate, Additional Mahila Court, Villupuram and sentenced to pay a fine of Rs.500/-, in default, to undergo one month simple imprisonment for the offence under Section 162(a) of the Railways Act and to undergo one year Simple Imprisonment and to pay a fine of Rs.10,000/-, in default to undergo six months simple imprisonment for the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women (Amendment) Act, 2002. Aggrieved over the judgment of the trial Court, an appeal was filed by the petitioner before the Sessions Court in C.A.No.8 of 2021. The learned Principal Sessions Judge, Villupuram by judgment dated 28.02.2021 dismissed the appeal, confirming the judgment of the trial Court. Against which, the present revision is filed.

2.The case of the prosecution is that P.W.1/defacto complainant employed in Chennai, she left her daughter with her parents in Trichy, she used to travel during weekends from Chennai to Trichy to be with her



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daughter and thereafter return back to Chennai. The petitioner earlier working with the defacto complainant in Trichy, knowing about P.W.1 travel details, following her and causing harassment. On 28.07.2019, the petitioner followed the defacto complainant who was travelling in Rockfort Express, sensing trouble, the defacto complainant informed P.W.9/RPF Constable giving details of petitioner's description. P.W.9 informed that he would keep a watch and assured her of safety and safe travel. At about 11.45 p.m., the petitioner came to the Coach of the defacto complainant, made inappropriate touch which was noticed by P.W.9 and he informed the incident to P.W.3, his superior officer who was in S1 Coach. The petitioner was questioned and later, when the train reached Villupuram Junction, the petitioner was handed over to P.W.10/Railway Police, who enquired the petitioner, case registered and the petitioner arrested, statement of witness recorded and charge sheet filed. During trial, P.W.1 to P.W.10 examined and Ex.P1 to Ex.P5 marked. On the side of the defence, Ex.D1 to Ex.D5 marked. On conclusion of trial, the Trial Court convicted the petitioner as stated above, confirmed by the Lower Appellate Court.



WEB COPY 3.The contention of the learned counsel for the petitioner is that

P.W.1/defacto complainant and the petitioner are known to each other and they were working together from the year 2015 to 2018 at Capgemini, at that time, the petitioner and the defacto complainant money transactions. In fact, the petitioner gave around Rs.5,00,000/- of Rs.500/- and Rs.1,000/- old currency notes during demonetization period to P.W.1 which she converted but not handed over the same to the petitioner and hence, there was a dispute between them. The petitioner regularly demanding money, hence P.W.1 in connivance with her friend/P.W.6 and her relative/P.W.8 hatched a plan with P.W.10, who is known to them and projected as though the petitioner misbehaved with P.W.1. According to P.W.1, she got into Rockfort Express from Srirangam Junction, she was allotted Berth No.33 in Coach No.S4, the petitioner sat besides her and made inappropriate touch and she lodged a complaint to P.W.9/RPF Police. But the evidence of P.W.9 is otherwise who states that at about 11.10 p.m. when the train halted at Srirangam station, P.W.1 informed him that somebody is following her and given description of the person, hence he was keeping a watch near the



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gangway between Coach Nos.S2 and S3 and at about 11.45 p.m., he saw the petitioner near the gangway between Coach Nos.S3 and S4, enquired the petitioner and P.W.1 and he informed P.W.3/his superior officer. The evidence of P.W.3 is that he was travelling in Coach No.S1, at that time, P.W.9 produced both petitioner and P.W.1 before him and P.W.1 lodged a complaint against the petitioner. P.W.2, who is the other RPF Constable confirms P.W.3. Hence, there is total contradiction between the evidences of P.W.1, P.W.2, P.W.3 and P.W.9. P.W.6/friend of P.W.1 stated that on 28.07.2019 at about 11.30 p.m., P.W.1 informed him about the incident, thereafter he travelled by car from Trichy to Villupuram and after recording the statement of P.W.1, he took her in his car to Chennai. The evidence of P.W.8/relative of P.W.1 is that P.W.1 called him on 28.07.2019 in the midnight, informed him about the incident and on his advise, P.W.1 lodged a complaint with Railway Police and the petitioner was taken in custody. On the next day afternoon P.W.8 came to Villupuram, enquired by Railway Police and thereafter, P.W.1 and P.W.6 left to Trichy. The evidence of P.W.6 and P.W.8 are contradictory.



WEB COPY 4.The learned counsel would submit that the evidence of P.W.2 is that his duty was to keep a watch of unreserved compartment, AC compartment till S1 Coach and his superior officer is P.W.3 to whom he reports about the situation in the train. P.W.9 took the victim/P.W.1 to P.W.3 who in turn handed over the victim to the Railway Police Women Constable one Selvarani in S3 Coach. The evidence of P.W.3 is that he is the Sub-Inspector in Railway Protection Force who travelled in Rockfort Express on 28.07.2019 from Trichy to Villupuram along with P.W.2 and P.W.9 and it was P.W.9 who brought P.W.1 and the petitioner to S1 Coach. Later, he handed over both to the Railway Police in Villupuram. Thus, there is contradictions in the evidences of P.W.1, P.W.2, P.W.3 and P.W.9. The evidence of P.W.10/Inspector, Railway Police, Villupuram is that SSI Rajan registered a case in Crime No.54 of 2019 and informed P.W.10 about the case, P.W.10 enquired the victim/P.W.1 and the petitioner, registered a case, arrested the petitioner, recorded statement of witnesses and on conclusion of investigation, filed the charge sheet. In this case, admittedly the said Rajan, SSI, who registered FIR not examined as witness. P.W.2, P.W.3 and P.W.9



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confirm they got down in Villupuram Junction, crossed over two or three platforms to get into Rockfort Express coming in the opposite direction from Chennai proceeding to Trichy to continue their duty in Villupuram, they were left with only ten minutes hence after handing over the petitioner and P.W.1, immediately they proceeded to continue their duty. Further, P.W.2 and P.W.3 confirm Railway Police not recorded their statement, P.W.9 is not a listed witness and no statement recorded. P.W.1 through P.W.10 projected a false case against the petitioner.

5.The learned counsel further submitted that the specific case of P.W.1/defacto complainant is that she used to book rail ticket for her travel four months in advance and she travels only in ladies coach, in her evidence she admits that there were two men in side berths of S3, hence P.W.1's statement that she was travelling in ladies coach is not true, further the petitioner entering the ladies coach is false. P.W.2, P.W.3 and P.W.9 admit, it is the Train Ticket Examiner (TTE) who has authority to disembark a travelling passenger in the midway and the RPF Personnel have no such authority. In this case, admittedly no TTE examined as witness. P.W.9 in



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his evidence states that one Aswatha, TTE had given a letter to RPF for disembarking the petitioner from train and at that time, one Nainar Mohamed, TTE was with him. He would submit that P.W.1's estranged husband Shankar Subramaniam filed a divorce petition in H.M.O.P.No.87 of 2019 alleging adultery of P.W.1 with one Panneerselvam. P.W.1 had animosity against the petitioner. P.W.1 assumed the details of Panneerselvam was given by petitioner to P.W.1's estranged husband Shankar Subramaniam. Further, P.W.1 gave complaints against petitioner to Srirangam Police which later withdrawn. Further, the petitioner produced the photographs showing the petitioner and P.W.1 in close quarters, bank account statement, call details of P.W.1 to show that till the money dispute they were in good relationship, CSR filed before All Women Police Station and Law and Order Police, Srirangam produced by petitioner to prove P.W.1 had animosity against the petitioner and foisted a false case. He further submitted that both the Courts below finding that P.W.1 was questioned at length with regard to her personal relationship with the petitioner and others is inappropriate, convicted the petitioner. Hence, prayed for acquittal.



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WEB COPY 6.The learned Government Advocate (Crl. Side) filed his counter and

submitted that in this case, P.W.1 is the victim who was travelling in the train at late hours, the petitioner entered the Coach of the victim and made inappropriate touch. Earlier to it, the petitioner and P.W.1 were working together and later, relationship strained and there was some misunderstanding between them. But the petitioner constantly following the victim who was employed in Chennai, P.W.1 used to visit her parents and daughter during the weekends. On 28.07.2019 P.W.1 travelled in Rockfort Express from Trichy, the petitioner followed her in the train. Sensing trouble and fear, the victim informed P.W.9/RPF Constable about the petitioner, P.W.9 instructed her to get into the train and assured her safe travel. P.W.9 was keeping a watch in the gangway between S2 and S3 Coaches, after the train moved from Srirangam Station within half an hour P.W.9 found petitioner coming from S3 Coach, proceeding to S4 Coach. P.W.9 questioned him on the description given by P.W.1/victim. Thereafter, P.W.9 informed his superior officer/P.W.3 and produced the petitioner and P.W.1 to him. P.W.2, who is the other RPF Constable



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travelling in the train was informed about the incident. Thereafter, when the train reached Villupuram, the petitioner and P.W.1 was disembarked from the train and produced before the Railway Police who enquired them, registered a case, recorded statement and filed the charge sheet. In this case, P.W.2, P.W.3 and P.W.9 are from Railway Protection Force, they have no animosity against the petitioner. P.W.2, P.W.3 and P.W.9 confirmed petitioner travelling in the train and P.W.1 complaining about petitioner, the Railway Police enquired the petitioner for three hours, thereafter on confirming the petitioner's act, recording the statement of P.W.1, P.W.6 and P.W.8 and confirming the presence of petitioner in the platform on the evidence of P.W.4 and P.W.5, filed the charge sheet. He would further submit that the defence documents produced by the petitioner confirms petitioner and P.W.1 were earlier friends and later they moved away. The petitioner produced the bank passbook to show that he had money transactions with P.W.1. The learned Government Advocate (Crl. Side) submitted that whatever may be the dispute between the petitioner and P.W.1, that does not give license for the petitioner to misbehave with the victim. Further, CSR copies produced by the petitioner confirms the



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animosity between the petitioner and P.W.1. He further submitted that the petitioner in the guise of cross examination of P.W.1/victim questioned her private life castigating the character and conduct of the victim in the most inappropriate manner which the Trial Court and the Lower Appellate Court had rightly condemned and confirmed the petitioner's conduct against the victim. Hence, prayed for dismissal.

7.Considering the submissions and on perusal of the materials, it is seen that the victim travelled in Rockfort Express from Trichy to Chennai on 28.07.2019. At about 11.10 p.m., when the train was in Srirangam Station, the victim/P.W.1 informed P.W.9/RPF Constable about petitioner following her and she was feeling insecure to travel alone. P.W.9 assured the victim for her safety and safe travel, informed her that he will keep a watch in the train and would apprehend the offender. Based on the description given by P.W.1, P.W.9 was keeping a watch in the gangway and found the petitioner crossing near the gangway of S3 and S4 Coaches, P.W.9 questioned the petitioner. Thereafter, P.W.9 informed P.W.2 and P.W.3, who came there, questioned the petitioner and later he was handed



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over to the Railway Police Selvarani from S3 Coach. But the evidence of

P.W.2 and P.W.3 are contrary. P.W.3/RPF Sub-Inspector confirms he was

sitting in S1 Coach and not moved out from the Coach and P.W.9 produced

the petitioner and P.W.1 to him, P.W.2, the other RPF Constable

corroborates the same, both petitioner and P.W.1 handed over to Railway

Police. There is contradiction as regards apprehension of the petitioner.

The admitted fact in this case is that except for P.W.1's complaint against

the petitioner for misbehaving with her, no other person travelling in S4

Coach examined. Earlier P.W.1 and the petitioner working together for

three years from 2015 to 2018, thereafter, both of them working separately.

P.W.1 has a disturbed matrimonial life, her husband filed a divorce petition

in H.M.O.P.No.87 of 2019 on the ground of cruelty and adultery, arraying

one Panneerselvam as defendant. The said Panneerselvam was the earlier

Manager to P.W.1. The husband of P.W.1 Shankar Subramaniam working

in a far away place in Gujarat was fed with false information by petitioner

and P.W.1 had developed animosity against the petitioner, further there was

some misunderstanding between them in some financial transactions.

Ex.D1 and Ex.D2 confirms the same. Earlier both the petitioner and P.W>1



were moving in close quarters, having good relationship but for some reason they fell apart. There have been complaints by P.W.1 to the All Women Police and Law and Order Police, Srirangam, later complaints closed. Hence, the animosity between them was brewing.

8.Further, the evidence of P.W.2, P.W.3 and P.W.9 is that they handed over the petitioner and P.W.1 to the Railway Police at Villupuram Station and moved to the next platform to continue their duty in the Rockfort Express coming from Chennai to Trichy in the opposite direction and they had less than ten minutes to continue their duty. P.W.4 and P.W.5, vendors in Villupuram Station not supported the case of the prosecution. Thus, there is no evidence of any enquiry made with the petitioner, in the platform prior to the registration of FIR by one Rajan, SSI of Railway Police, further the said Rajan, SSI not examined in this case. P.W.10/Investigating Officer confirms that she enquired the petitioner for three hours and prior to it, Rajan, SSI enquired him for 1½ hours. There is discrepancy in the time of registration of FIR. In this case, the admitted position is that train started from Srirangam at about 11.10 p.m. and the



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petitioner was enquired between 11.15 p.m. and 11.45 p.m., when the train travelled within Trichy Railway Police jurisdiction, thereafter Rockfort Express stopped at Lalgudi, Ariyalur and Virudhachalam and thereafter reached Villupuram, for the reason best known P.W.2, P.W.3 and P.W.9 not made any complaint to the Railway Police in these Stations. P.W.10 admits the alleged occurrence took place within the jurisdiction of Trichy Railway Police, since FIR was registered by Rajan, SSI, Railway Police, Villupuram, she continued with the investigation and filed the charge sheet in this case. The evidence of P.W.6/friend of P.W.1 and P.W.8/cousin of P.W.1 are highly doubtful, their statements are contradictory to each other. The only statement available is that of P.W.1 who admits that in her compartment, two men were travelling in the side berth. If that be so, the contention of P.W.1 that she was travelling in a ladies compartment and the petitioner entered the ladies compartment is not true. In the absence of train chart or any piece of evidence to show that S4 is a ladies compartment, the conviction of the petitioner under Section 162(a) of the Railways Act cannot sustain. Further, conviction under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act is also not sustainable for the reason that the



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evidence of P.W.1 is with contradictions and highly doubtful. P.W.1 admittedly had animosity against the petitioner. The case projected is that the incident took place in Rockfort Express while P.W.1 and petitioner were travelling, no Train Ticket Examiner examined and no train ticket or travel chart produced. It is the TTE who is the authorized person to disembark a traveller if found to create disturbance during travel. P.W.2, P.W.3 and P.W.9 confirm they have no authority to disembark a train traveller, further no co-passenger examined, in the absence of any public and independent witness to corroborate P.W.1, basing conviction on the sole uncorroborated evidence of P.W.1 is not proper and sustainable. Hence, this Court finds the conviction and sentence imposed by the Trial Court, confirmed by the Lower Appellate Court both not sustainable.

9. Accordingly, the judgment rendered by the learned Judicial Magistrate, Additional Mahila Court, Villupuram in C.C.No.146 of 2020 dated 16.04.2021 confirmed by the learned Principal Sessions Judge, Villupuram in C.A.No.8 of 2021 dated 28.02.2021 both set aside. The petitioner is acquitted from all charges.



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WEB COPY 10.In the result, the Criminal Revision Petition stands allowed.

17.06.2025

Index:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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To

- 1.The Inspector of Police,
Railway Police Station,
Villupuram.
- 2.The Principal Sessions Judge,
Villupuram.
- 3.The Judicial Magistrate,
Additional Mahila Court,
Villupuram.
- 4.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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