



Crl.R.C.Nos.726 &731 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.Nos.726 & 731 of 2023

Crl.RC.No.726 of 2023

Praveen @ Praveenkumar

..... Petitioner

Vs.

The State through the
Inspector of Police,
Rural Police Station,
Nallur, Tiruppur
(crime No.547 of 2019)

..... Respondent

PRAYER:

Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., praying to set aside the judgment of dismissal(partly) passed in Crl.A.No.76 of 2023 on the file of the learned Principal Sessions Judge, Tiruppur dated 09.03.2023 as well as the judgment of conviction passed in SC.No.20 of 2021 on the file of the learned Principal Assistant Sessions Judge, Tiruppur dated 13.12.2022 by allowing the criminal revision petition.

For Petitioner : Mr.R.Selvakumar

For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)

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सत्यमेव जयते Raja @ Magaraja

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Vs.

..... Petitioner

State rep. by
The Inspector of Police,
Rural Police Station,
Nallur, Tiruppur District
(crime No.547 of 2019)

..... Respondent

PRAYER:

Criminal Revision Case filed under Sections 397 & 401 of Cr.P.C., praying to set aside the judgment and conviction dated 09.03.2023 passed in Crl.A.No.46 of 2023 on the file of the learned Principal Sessions Judge, Tiruppur partly confirming by the judgment by modifying the sentence from 7 years R.I. to 3 years R.I. and conviction dated 13.12.2022 made in SC.No.20 of 2021.

For Petitioner : Mr.M.Vignesh

For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)

COMMON ORDER

Both the criminal revision cases have been preferred against the judgments passed in Crl.A.Nos.76 & 46 of 2023 on the file of the learned Principal Sessions Judge, Tiruppur dated 09.03.2023 thereby confirming the order of conviction rendered by the trial court for the offence punishable under Sections 341, 294(b), 307 of IPC r/w Section 109 of IPC and modifying the sentence by reducing from seven years to three years in the judgment passed in

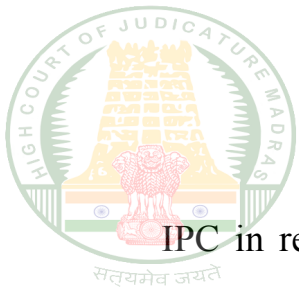


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SC.No.20 of 2021 on the file of the learned Principal Assistant Sessions Judge,

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2. The petitioner in Crl.RC.No.726 of 2023 is the second accused and the petitioner in Crl.RC.No.731 of 2023 is the first accused. The case of the prosecution is that the defacto complainant had been working as Supplier in the bar of the Tasmac Shop No.3981. He used to stay in the shop itself. While being so, on 01.11.2019 at about 11.00 p.m. For returning to his native, he was waiting in Chettypalayam bus stop. At that time, the accused came there in their two wheeler and stopped their vehicle and demanded money. The victim informed that he had only Rs.4,000/- that too for medical expenses of his mother who had been admitted in hospital. He further informed that, apart from that amount, he had no money. Even then, the accused ridiculed him and threatened him with dire consequences demanding money for liquor. Therefore, in order to escape from their hands, the victim had run into bushes. However, the accused had chased him and assaulted him with a liquor bottle on the back of his head. Further, they stabbed him on his neck with a liquor bottle and caused grievous injuries. On the complaint, the respondent registered FIR in crime No.547 of 2019 for the offence punishable under Sections 294(b), 341, 307 of IPC in respect of A1 and 294(b), 341, 307 r/w Sections 114 and 34 of



IPC in respect of A2. After completion of investigation, the respondent filed

final report and the same was taken cognizance by the trial court.

3. In order to bring the charges to home, the prosecution had examined PW1 to PW14 and marked Ex.P1 to Ex.P15. Further, the prosecution produced a material object, which was marked as M.O.1. On the side of the accused, no one was examined and no documents were marked. On perusal of the oral and documentary evidences, the trial court found both the accused guilty and convicted them for the offence punishable under Sections 294(b), 341 & 307 of IPC. For the offence punishable under Section 294(b) of IPC, they were sentenced to undergo one month rigorous imprisonment, for Section 341 of IPC, they were sentenced to undergo one month rigorous imprisonment and for Section 307 of IPC, A1 was sentenced to undergo seven years rigorous imprisonment with fine of Rs.1,000/-, in default of which to undergo one month rigorous imprisonment. Further, A2 was sentenced to undergo seven years rigorous imprisonment with fine of Rs.1,000/-, in default of which to undergo one month rigorous imprisonment for the offence punishable under Section 307 r/w 109 of IPC. Aggrieved by the same, both the accused filed separate appeals before the appellate court and in both the appeals, the appellate court confirmed the order of conviction, however modified the sentence alone from seven years



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to three years. Aggrieved by the judgments of the appellate court, these criminal revision cases have been filed by the accused persons.

4. The learned counsel for the petitioner/A2 in Crl.RC.No.726 of 2023 submits that the prosecution failed to prove the charges beyond any doubt. There were contradictions between the injured witness and other witnesses. Even according to the case of the prosecution, the first accused assaulted the victim with an empty glass bottle on his neck and caused injuries. Therefore, the petitioner/A2 was not present in the picture. Though PW1 deposed that at the instigation of A2, the first accused assaulted him, it was not corroborated by any other witness. PW1 to PW4 failed to identify the petitioner/A2. Further, the victim sustained only simple injuries. The doctor, who treated him, was not examined by the prosecution. Also, the prosecution failed to file discharge summary to show what was the injury sustained by the victim and what was the treatment given to him. Therefore, the prosecution failed to prove the case beyond any doubt. There was absolutely no motive for A2 to assault him. In fact, PW1 deposed that the accused persons were not known to him. Further, the prosecution failed to prove the scene of crime. According to Ex.P1, the scene of crime is situated at least end of the street which starts from behind of the Chettypalayam bus stop, but PW2 deposed that the scene of crime was near the



forest. The accident register had been recorded as if PW1 was assaulted by an unknown person. However, FIR shows the name of A2. Therefore, it is a completely false case foisted as against A2. He further submitted that wound certificate was issued by PW11. Though in the final opinion, the injury was stated as 8x3x1 cm, but the doctor deposed that the same is 8x3x2 cm. Without considering the above facts and circumstances, the trial court as well as the appellate court mechanically convicted A2.

5. Per contra, the learned Government Advocate(crl.side) appearing for the respondent submitted that the injured person was examined as PW1. The eye witness to the occurrence was examined as PW4 and he corroborated the evidence of PW1. After the occurrence, the wife of the PW3 informed the Police. Thereafter, Police called ambulance and the victim was given first aid. The doctor who examined the victim had deposed as PW11. He issued wound certificate which was marked as Ex.P10. The injuries in the wound certificate clearly corroborated the evidence of PW1. Therefore, the prosecution had categorically proved the charges against the accused persons. As such, both the trial court as well as the appellate court rightly convicted the petitioners.

6. Heard, the learned counsel appearing on either side and perused, all



the materials placed before this Court.

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7. According to the prosecution, both the accused persons waylaid the victim by their two wheeler and asked for money to consume alcohol. Since the victim was working in a Tasmac shop, the accused persons know him very well. They also know very well that while the victim is returning to his home, he possesses cash. Even after the request made by the victim, the accused asked for money and as such, the victim escaped and started running towards bushes. The accused chased him and attacked with a liquor bottle on the back of his head, thereby he fell down and thereafter once again with a broken bottle, the accused assaulted him on his neck. Therefore, both the accused persons with the common intention to assault the victim, attacked him by liquor bottles. Therefore, the prosecution rightly charged under Sections 294(b), 341, 307 of IPC in respect of A1 and 294(b), 341, 307 r/w Sections 114 and 34 of IPC in respect of A2. Both the accused persons abetted each other and committed offence against the victim. Therefore, he fell down and there was huge loss of blood. The victim was first seen by PW3. Thereafter, the victim was given first aid and sent to hospital by ambulance. The doctor who had attended the victim was examined as PW11. When he was working as Assistant Surgeon at Tiruppur Government General Hospital, he examined the victim and found the injury size



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as 8x3x2 cm on his neck and also a cut injury on the back side of the head. He

issued wound certificate and the same was marked as Ex.P10. In his cross examination, nothing was elicited and as such, the prosecution proved the charges beyond any doubt. The minor contradictions between the prosecution witnesses are not fatal to the case of the prosecution when there is no other circumstances to disbelieve the case of the prosecution. Therefore, both the courts below rightly convicted the petitioners. In fact, the appellate court reduced the sentence from seven years to three years considering the nature of the injuries sustained by the victim. As such, this Court finds no grounds to interfere with the order of conviction rendered by the trial court, which has been confirmed by the appellate court.

8. In view of the above discussion, both the criminal revision cases are dismissed.

30.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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- To
- 1.The learned Principal Sessions Judge, Tiruppur
 - 2.The learned Principal Assistant Sessions Judge, Tiruppur
 - 3.Inspector of Police,
Rural Police Station,
Nallur, Tiruppur
 - 4.The Public Prosecutor,
High Court of Madras

G.K.ILANTHIRAIYAN, J.



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