



Crl.R.C.No.589 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2025

CORAM:

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

Crl.R.C.No.589 of 2025

C.A.Sadagopan

.... Petitioner

Vs

1. Naina Mohammed
2. Imran (A) Imran Khan
3. M.A. Moitheen (A) Mohammed Maitheen
4. Amir Amsa

5. The State Rep By Its
Inspector of Police
C-3, Seven Wells Police Station,
Chennai 600001.
Crime No. 767/2012.

.... Respondents

PRAYER: Criminal Revision Case is filed under Sections 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and set aside the order of XXI Additional Sessions Judge @ Allikulam, Chennai in Crl.A.No.542 of 2023 dated 07.12.2024 confirming the order of acquittal in C.C.No.1501 of 2014 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai, dated 19.06.2023 and allow the Criminal Revision Petition.

For Petitioner	:	Mr.R.Anburaj
For R5	:	Mr.A.Gopinath
		Government Advocate (Crl. Side)



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ORDER

This Criminal Revision has been filed as against the

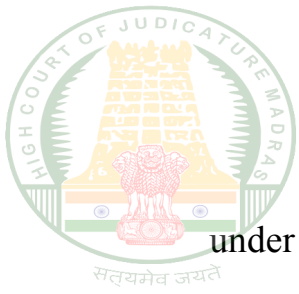
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Judgment dated 07.12.2024 in Crl.A.No.542 of 2023 on the file of the XXI Additional Sessions Judge, Allikulam, Chennai, thereby confirming the order dated 19.06.2023 passed in C.C.No.1501 of 2014 by the Chief Metropolitan Magistrate, Egmore, Chennai, thereby acquitted the accused of all the charges.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the fifth respondent. Perused the materials available on record.

3. The petitioner is the complainant, who lodged a complaint alleging that, on 25.04.2012, due to previous enmity between the petitioner and the accused, the accused trespassed into the petitioner's house and caused damage to the household articles worth about Rs.60,000/-.

4. Based on the said complaint, the fifth respondent registered an FIR in Crime No.767 of 2012 for the offences punishable



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under Sections 452, 448, 427, 506(ii) and Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act,1992. After completion of the investigation, the fifth respondent Police filed a final report and the same has been taken cognizance by the Trial Court in C.C.No.1501 of 2014 for the offences under Sections 452, 427, 506(ii) r/w Section 34 of IPC and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act,1992.

5. On the side of the prosecution, he had examined P.Ws. 1 to 6 and marked Exs.P1 to P10. On the side of the defence, no witnesses were examined and Exs.D1 to D9 were marked.

6. After full-fledged trial, the Trial Court found that the prosecution failed to prove the case beyond reasonable doubt and acquitted the accused of all the charges. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.542 of 2023 before the XXI Additional Sessions Judge, Allikulam, Chennai, which was also dismissed and the order of acquittal passed by the Trial Court was confirmed.



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7. The learned counsel appearing for the petitioner would submit that due to previous enmity between the petitioner and the accused, the accused trespassed into the petitioner's house and caused damage to the household articles worth about Rs.60,000/-. However, both the Trial Court and the First Appellate Court acquitted the accused, without properly appreciating the evidence on record. He further submitted that no independent witnesses were examined and the document, which was marked as Ex.P5, was not proved in the manner known to law.

8. A perusal of the records reveals that the prosecution failed to prove the motive of the accused to cause damage to the petitioner's property. Further, no independent witnesses were examined by the prosecution, except the petitioner and his son who are interested witnesses. As such, the accused persons cannot be convicted based upon the evidence of the interested witnesses. Though it is alleged that one Muthu had a quarrel with the petitioner, who is the cause for the accused allegedly trespassed into the house of the petitioner, the said Muthu was not examined by the prosecution. Therefore, both the Trial Court and the First Appellate Court rightly acquitted the accused of all the charges.



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9. In view of the above, this Court finds no infirmity or illegality in the Judgment dated 07.12.2024 in Crl.A.No.542 of 2023 on the file of the XXI Additional Sessions Judge, Allikulam, Chennai and the order dated 19.06.2023 passed in C.C.No.1501 of 2014 by the Chief Metropolitan Magistrate, Egmore, Chennai.

10. Accordingly, this Criminal Revision Case stands dismissed.

02.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. The XXI Additional Sessions Judge,
Allikulam, Chennai

2. The Chief Metropolitan Magistrate,
Egmore, Chennai.

3. The Inspector of Police
C-3, Seven Wells Police Station,
Chennai 600001.

4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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