



CrI.A.No.481 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2025

CORAM:

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

CrI.A.No.481 of 2023

Ramesh

... Appellant

Vs.

State rep. by
Inspector of Police,
Shevapet Police Station,
Salem District
(crime No.531 of 2017)

... Respondent

PRAYER: Criminal Appeal filed under Section 374(2) of Cr.P.C., praying to set aside the conviction and sentence of the appellant to undergo two years of rigorous imprisonment and fine of Rs.25,000/- in default to undergo 6 months simple imprisonment imposed by Judgment dated 13.04.2023 passed by the learned II Additional District and Sessions Judge, Salem in SC.No.223 of 2018.

For Appellant : Mr.L.Mouli

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor

JUDGMENT

This criminal appeal has been preferred against the judgment dated 13.04.2023 passed in SC.No.223 of 2018 on the file of the learned II Additional District and Sessions Judge, Salem, thereby the appellant



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was convicted for the offence punishable under Section 427 of IPC.

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2. The case of the prosecution is that on 29.12.2017, the appellant went to the defacto complainant's place in a drunken mood, when the complainant was preparing 'annadhanam food' for the devotees, and quarreled with the cook. The defacto complainant questioned the same and told him to go out. In continuation of the same, on 31.12.2017 at about 2 a.m., due to that previous enmity, the appellant went with a wooden log with intention to damage the car owned by the defacto complainant and committed mischief by breaking the front glass and two side mirrors of the car - Scorpio bearing registration No.TN 3010 2323 owned by the defacto complainant. As such, he caused damage to the tune of Rs.28,730/-. On a complaint, the respondent registered FIR in crime No.531 of 2017 for the offences punishable under Sections 294(b) of IPC and 3(1) of TNPPDL Act. 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 PW13 and marked Ex.P1 to Ex.P13. The prosecution

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also produced material objects i.e. MO.1 to MO.3. On the side of the appellant, no one was examined and no documents were marked. On perusal of oral and documentary evidences, the trial court found the appellant guilty for the offence punishable under Section 427 of IPC and sentenced him to undergo rigorous imprisonment for a period of two years and imposed fine of Rs.25,000/- payable to the defacto complainant. Aggrieved by the same, the present criminal appeal has been filed.

4. The learned counsel for the appellant would submit that already the appellant has undergone sentence of imprisonment for a period of nearly one month and he is ready and willing to pay additional compensation.

5. In view of the above, this Court finds no infirmity or illegality in the order of conviction passed by the trial court. However, insofar as the period of sentence of rigorous imprisonment imposed on the petitioner, this Court is inclined to modify the same into the period of sentence of imprisonment which was already undergone by him. Further, this Court modifies the fine amount into Rs.50,000/-.



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6. Accordingly, the judgment dated 13.04.2023 passed by the learned II Additional District and Sessions Judge, Salem in SC.No.223 of 2018, is modified as follows:

- (i) The conviction rendered for the offences under Section 427 of IPC is confirmed.
- (ii) The period of sentence of rigorous imprisonment imposed by the trial court is reduced to the period of imprisonment already undergone by the appellant.
- (iii) The fine amount of Rs.25,000/- imposed by the trial court is enhanced to Rs.50,000/-
- (iv) Since the appellant already paid the fine amount of Rs.25,000/- as ordered by the trial court, the appellant shall pay only Rs.25,000/- directly to the defacto complainant i.e. PW1 and produce the receipt before the respondent on or before 14.07.2025, failing which the aforesaid order of the modification of the sentence of rigorous imprisonment shall automatically stand cancelled and on such cancellation, the respondent shall secure the appellant to make him to undergo the sentence of imprisonment as ordered by the trial court.



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7. In view of the above, this criminal revision case stands partly allowed.

20.06.2025

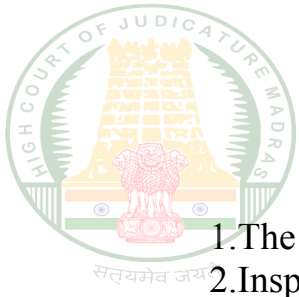
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G.K.ILANTHIRAIYAN, J.

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- 1.The learned II Additional District and Sessions Judge, Salem
- 2.Inspector of Police,
Shevapet Police Station,
Salem District
- 3.The Public Prosecutor,
High Court of Madras

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