



Crl.R.C.No.829 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 30.06.2025

CORAM:

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

Crl.R.C.No.829 of 2023
and Crl.M.P.No.6393 of 2023

S.Rajkumar

... Petitioner

Vs.

The State through,
The Inspector of Police,
Taluk Police Station,
Arakkonam,
Ranipet District.
Crime No.504 of 2015.

... Respondent

PRAYER: Criminal Revision has been filed under Section 397 r/w. 401 of Cr.P.C., praying to call for the records in C.A.No.96 of 2022 on the file of the learned II Additional District and Sessions Judge at Vellore @ Ranipet District and allow the revision and set-aside the judgment dated 09.02.2023 in C.A.No.96 of 2022 passed by the learned II Additional District and Sessions Judge at Vellore @ Ranipet District partially confirming the judgment of conviction in C.C.No.28 of 2016 dated 01.07.2022 passed by the learned Judicial Magistrate at Arakkonam, Vellore District.

For Petitioner : Mr.R.Gnesh Kumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

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This Criminal Revision has been preferred challenging the judgment dated 09.02.2023 passed by the learned II Additional District and Sessions Judge, Vellore, Ranipet District, in C.A.No.96 of 2022, allowing partly the judgment dated 01.07.2022 passed by the learned Judicial Magistrate, Arakkonam, Vellore District, in C.C.No.28 of 2016, thereby convicting the petitioner for the offences punishable under Sections 294(b), 324 & 506(ii) of IPC.

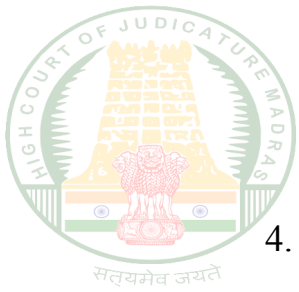
2. The case of the prosecution was that on 02.10.2015 at about 3.15 pm., when the defacto complainant questioned one Sarathkumar, who was having Briyani inside the Perumal Temple situated at Chinna Mosur, the accused scolded him with filthy language and also attacked him with iron pipe on his forehead. Therefore, the defacto complainant sustained grievous injury. In order to escape from the accused, the defacto complainant ran away and fell down, as a result of which he also lost a tooth. On the complaint, the respondent registered the FIR in Crime No.504 of 2015 for the offences punishable under Sections 294(b), 324 & 506(ii) of IPC. After completion of investigation, the respondent filed final report and the same was taken cognizance in C.C.No.28 of 2016 by the trial Court.



3. In order to bring the charges to home, the prosecution had examined P.W.1 to P.W.7 and marked documents in Ex.P.1 to Ex.P.7. The prosecution had also produced one material object in M.O.1. On the side of the accused, no one was examined and no documents were marked. On perusal of oral and documentary evidences, the trial Court convicted the petitioner for the offences punishable under Sections 294(b), 324 & 506(ii) of IPC and sentenced him as follows :-

S.No.	Conviction	Sentence
1	Section 294(b) of IPC	to undergo simple imprisonment for a period of one month.
2	Section 326 of IPC	to undergo simple imprisonment for a period of six months and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for further period of one month.
3	Section 506(ii) of IPC	to undergo simple imprisonment for a period of six months.

The above sentences are ordered to run concurrently. Aggrieved by the same, the accused preferred an appeal and the appellate Court partly allowed the appeal by setting aside the conviction and sentences for the offences punishable under Sections 294(b) & 506(ii) of IPC and also confirmed the conviction and sentence for the offence punishable under Section 324 of IPC. Hence, the petitioner/accused filed the present revision.



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4. The learned counsel appearing for the petitioner/accused submitted that the prosecution miserably failed to prove the offence under Section 324 of IPC. The doctor who treated the defacto complainant was not examined and it is fatal to the case of the prosecution. Even according to P.W.1, at the time of alleged occurrence one Sarathkumar was very much present. However, the prosecution failed to examine the said Sarathkumar. When the defacto complainant questioned the said Sarathkumar, the accused attacked the defacto complainant. Therefore, the non examination of the said Sarathkumar is fatal to the case of the prosecution. Further there was absolutely no motive for the petitioner/accused to attack the defacto complainant, since there was no previous enmity between them. It was also categorically admitted by P.W.1 viz., the defacto complainant. Though the doctor who issued wound certificate was not examined, on perusal of records, one doctor deposed before the trial Court as P.W.6. She categorically admitted that she did not treat the defacto complainant at any point of time and the injury sustained by the defacto complainant is grievous one. However, the prosecution failed to produce any C.T. scan to certify that the injury sustained by the defacto complainant is grievous one. Therefore, the prosecution failed to prove the offence under Section 324 of IPC beyond reasonable doubt and the trial Court mechanically convicted the petitioner and the same was also confirmed by the appellate



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5. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent submitted that immediately after the occurrence, the defacto complainant was produced before the medical officer, who was in charge of the Government Hospital, Arakkonam. She recorded the Accident Register and referred the defacto complainant for further treatment. Thereafter, the defacto complainant was admitted as in-patient in the same hospital and he was discharged after two days and referred to Rajivi Gandhi Government Hospital, Chennai, for better treatment. Once again the defacto complainant was admitted in the hospital on 04.10.2015 and discharged only on 02.11.2015. On the strength of the Accident Register and the discharge summary, P.W.6 deposed before the trial Court. Further, the injury sustained by the defacto complainant was declared as grievous one. One of the eye witnesses was examined as P.W.2 and he categorically deposed and corroborated with P.W.1. Therefore, both the Courts rightly convicted the sentenced the petitioner/accused and it doesn't warrant any interference from this Court.

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



the materials placed before this Court.

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7. Though the petitioner was convicted and sentenced for the offences under Sections 294(b), 324 & 506(ii) of IPC, the appellate Court set aside the conviction for the offence punishable under Sections 294(b) & 506(ii) of IPC. However, the appellate Court confirmed the conviction and sentence imposed on the petitioner for the offence punishable under Section 324 of IPC. The defacto complainant was examined as P.W.1. He categorically deposed that on 02.10.2015, when he questioned one Sarathkumar for having Briyani inside the Perumal temple, the accused scolded him with filthy language and also attacked him with iron pipe. The said iron pipe was marked as M.O.1. Due to the said attack, the defacto complainant sustained grievous injury on his forehead. Immediately, he was taken to the Government Hospital, Arakkonam, and admitted as inpatient. The Accident Register was recorded and the same was marked as Ex.P.4

8. That apart, in the scene of crime, there were eye-witnesses and one of them was examined as P.W.2. He categorically deposed and corroborated with the evidence of P.W.1. Though the said Sarathkumar was not examined by the prosecution, it is not fatal to the case of the prosecution.



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Therefore, the prosecution categorically proved the charge for the offence under Section 324 of IPC and the trial Court rightly convicted the petitioner and the same was confirmed by the appellate Court. This Court finds no infirmity or illegality in the order passed by the Courts below and the revision fails.

9. Accordingly, the Criminal Revision Case stands dismissed. Consequently, connected miscellaneous petition is closed.

30.06.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order

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G.K.ILANTHIRAIYAN. J,

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To

1. The II Additional District
and Sessions Judge,
Vellore, Ranipet District.
2. The Judicial Magistrate,
Arakkonam, Vellore District.
3. The Inspector of Police,
Taluk Police Station,
Arakkonam,
Ranipet District.
4. The Public Prosecutor,
Madras High Court,
Chennai.

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