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CRL RC No. 885 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 10-06-2025**

CORAM

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

**CRL RC No. 885 of 2023**

Selvam  
S/o.Natarajan, Palakadu Village, Urani Post,  
Marakkanam Taluk, Villupuram District.

Petitioner(s)

Vs

The Station House Officer  
Marakkanam Police Station.

Respondent(s)

Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to set aside the judgment dated 17.04.2023 passed in Crl.A.No.2 of 2023 on the file of the II Additional District Court, Tindivanam, confirming the judgement dated 18.10.2022 passed in C.C.No.202 of 2016 on the file of the Judicial Magistrate Court No.II, Tindivanam.



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For Petitioner(s): Mr.S.Senthilvel

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

### **ORDER**

This criminal revision petition has been preferred as against the judgment dated 17.04.2023 passed in Crl.A.No.2 of 2023 on the file of the II Additional District Court, Tindivanam, confirming the judgment dated 18.10.2022 passed in C.C.No.202 of 2016 on the file of the Judicial Magistrate Court No.II, Tindivanam.

2. It is the case of the prosecution that the accused and the victim are neighbours and there were frequent quarrel between their family with regard to stagnation of water and putting up garbage; while so, on 02.03.2016, the accused persons came in front of the house of the victim and abused her in filthy language; when the same was questioned by her family members, they were also abused and assaulted with stick, due to which, they sustained simple injuries.



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3. On a complaint, the respondent/police registered a case in Crime No.89 of 2016 for the offences punishable under Sections 294(b), 324, 326 and 506-I IPC.

4. After completion of investigation, the respondent/police filed a final report and the same has been taken cognizance by trial Court in C.C.No.202 of 2016.

5. To prove the case, the prosecution examined eight witnesses and marked eight documents. On the side of the petitioner, no witness was examined nor any document marked.

6. On perusal of the oral and documentary evidence, the trial Court convicted the petitioner for the offence punishable under Section 326 IPC and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo one year rigorous imprisonment.



**WEB COPY** 7. Aggrieved by the same, the petitioner preferred an appeal and the appellate Court confirmed the conviction, but, modified the aforesaid sentence to six months simple imprisonment, challenging which, the present criminal revision petition has been filed.

8. The learned counsel for the petitioner would submit that there are totally four accused, in which, the petitioner has been arrayed as the second accused and they are family members. He would further submit that there were frequent quarrel between the petitioner's family members and victim's family members with regard to stagnation of water and putting up . Further, he would submit that the alleged occurrence took place on 02.03.2016, but, the complaint was lodged only on 06.03.2016 and there was absolutely no explanation for the belated complaint. It is his further submission that the other accused persons were acquitted and the petitioner has also already undergone more than one month imprisonment and therefore, he sought modification of sentence.



9. The learned Government Advocate (Crl.Side) appearing for the

respondent would submit that after the alleged occurrence took place, the victims/injured persons viz. PW2 to PW4 got admitted in the hospital and they were not able to lodge the complaint immediately. He would further submit that the injured persons were treated by Dr.Sureshkumar (PW7), who categorically stated that all the three had sustained injuries and as such, the prosecution proved the charge for the offence punishable under Section 326 IPC and therefore, the trial Court as well the appellate Court have rightly convicted the petitioner for the offence punishable under Section 326 IPC.

10. Heard Mr.S.Senthilvel, learned counsel appearing for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl.Side) appearing for the respondent/police.

11. On a perusal of the record, it reveals that the overt act against the petitioner is specific. PW2 to PW4 have categorically deposed to bring the charge for the offence punishable under Section 326 IPC. Dr.Sureshkumar (PW7), who treated the injured persons, has deposed that



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the injured persons sustained injuries on the attack of the petitioner by iron road/stick/wooden log. Therefore, the trial Court has rightly convicted the petitioner and the same was rightly confirmed by the appellate Court. Hence, this Court finds no infirmity or illegality in the orders passed by the trial Court as well the appellate Court.

12. However, taking into consideration the facts and circumstances of the case, gravity of the offence and age of the petitioner, this Court is inclined to modify the sentence alone. Accordingly, the conviction of the petitioner under Section 326 IPC is confirmed and the sentence is modified from six months to the period of imprisonment, which was already undergone by the petitioner.

Accordingly, this criminal revision petition is partly allowed.

**10-06-2025**

nsd  
Index: Yes/No  
Speaking/Non-speaking order  
Internet: Yes  
Neutral Citation: Yes/No



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To

- 1.The Station House Officer  
Marakkanam Police Station.
- 2.The Judicial Magistrate No.II,  
Tindivanam.
- 3.The II Additional District and Sessions Judge,  
Tindivanam.



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**G.K.ILANTHIRAIYAN J.**

nsd

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