



Crl.R.C.No.1292 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

CORAM:

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

Crl.R.C.No.1292 of 2023

Sri Kiran Jothi

... Petitioner

Vs.

The State by
The Inspector of Police,
K.11, CBMT Police Station,
Chennai.
(Crime No.928 of 2015)

... Respondent

PRAYER: Criminal Revision Case has been filed under Section 397 r/w. 401 of Cr.P.C., praying to call for the entire records in connection with C.A.No.144 of 2021 on the file of the learned I Additional Session Judge, City Civil Court, Chennai and set aside the conviction and sentence imposed by the learned Principal Sessions Judge, in C.A.No.144 of 2021 dated 19.05.2023, confirming the conviction and modified the sentence of passed by the Metropolitan Magistrate No.V, Egmore, Chennai by judgment dated 26.02.2021 in C.C.No.5646 of 2017.

For Petitioner : Mr.G.M.Ananthakumar

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



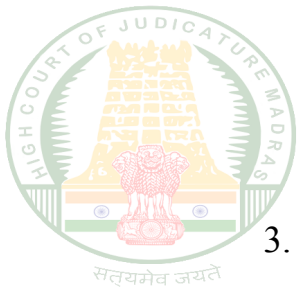
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ORDER

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This Criminal Revision Case has been preferred against the judgment dated 19.05.2023, passed by the learned I Additional Session Judge, City Civil Court, Chennai, in C.A.No.144 of 2021, confirming the order dated 26.02.2021, passed by the learned Metropolitan Magistrate No.V, Egmore, Chennai, in C.C.No.5646 of 2017, thereby convicting the petitioner for the offence punishable under Section 324 of IPC.

2. The case of the prosecution is that the petitioner is the landlord of the residential portion at Arumbakkam, Chennai, in which the victim was the tenant. While being so, on 22.08.2015, at about 7.00 P.M., the accused entered into the tenanted portion and threatened the victim with dire consequences and also attacked him by steel chair, in order to evict the premises. Therefore, the victim sustained injuries. On the complaint, the respondent registered the FIR in Crime No.928 of 2015 for the offences punishable under Sections 294(b), 324, 506(2) r/w 34 of IPC. After completion of investigation, final report was filed and the same was taken cognizance by the trial Court in C.C.No.5646 of 2017.



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3. Before the trial Court, the prosecution had examined P.W1 to P.W.9 and marked documents in Ex.P.1 to Ex.P.8. The prosecution had also produced one material object in M.O.1. On the side of the accused, no one was examined and no document was marked. On perusal of the oral and documentary evidences, the trial Court found the second accused alone guilty for the offence punishable under Section 324 of IPC and sentenced him to undergo one year simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal and the appellate Court confirmed the conviction under Section 324 of IPC and modified the sentence alone to the effect that the period had already undergone and imposed fine of Rs.5,000/- and also compensation of Rs.25,000/- to be deposited to the credit of the trial Court. Aggrieved by the same, the present revision.

4. The learned counsel appearing for the petitioner raised ground that the prosecution failed to prove the charges for the offence punishable under Section 324 of IPC. Even then, the trial Court and the appellate Court mechanically convicted the petitioner for the offence punishable under Sections 324 of IPC. According to the case of the prosecution, both the accused went inside the house of P.W.1 and attacked him on his head with iron chair. However, the victim did not suffer any injury on his head. Therefore, the



prosecution miserably failed to prove the charge under Section 324 of IPC.

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5. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent/State raised serious objection and contended that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the Courts below.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. On perusal of the records, it is revealed that the victim was examined as P.W.1. He sustained injuries on his face on the attack of the petitioner with iron chair. Immediately, he was taken to hospital. P.W.8, the doctor who treated P.W.1, recorded the Accident Register which was marked as Ex.P.3. On perusal of Ex.P.3, it is revealed that the petitioner only attacked the victim and due to which he sustained injury on his forehead. Therefore, in order to forcibly vacate the victim, the petitioner and his father trespassed into the rented property and while the victim was in possession and enjoyment of the said property, the petitioner attacked him with iron chair. Therefore, the prosecuting proved the charge beyond any doubt.



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8. Though the appellate Court confirmed the conviction imposed by the trial Court, modified the sentence for the period which was already undergone by the petitioner and also awarded compensation in order to compensate the injuries sustained by the victim. Therefore, this Court finds no infirmity or illegality in the order passed by the appellate Court.

9. Accordingly, the petitioner shall deposit the compensation amount as directed by the appellate Court on or before 28.07.2025 and produce the acknowledgement receipt before the respondent, failing which, the sentence imposed by the trial Court shall automatically stand restored and the respondent is directed to secure the petitioner to undergo the remaining period of sentence. The trial Court is directed to permit the victim to withdraw the said amount without ordering any notice to the petitioner herein.

10. In the result, the Criminal Revision Case stands dismissed.

24.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN. J.

rts

To

1. The I Additional Session Judge,
City Civil Court, Chennai.
2. The Metropolitan Magistrate No.V,
Egmore, Chennai.
3. The Inspector of Police,
K.11, CBMT Police Station,
Chennai.
4. The Public Prosecutor,
Madras High Court,
Chennai.

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