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CrI.R.C.No.621 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CrI.R.C.No.621 of 2025

Sundaramani

.. Petitioner

Versus

The State
Rep. By the Sub Inspector of Police,
Alagapuram Police Station,
Salem District.

.. Respondent

Prayer : Criminal Revision Case is filed under Sections 397 r/w 401 of Cr.P.C., to set aside the judgment passed in C.A.No.45 of 2024, dated 30.04.2025 on the file of the I Additional District & Sessions Judge, Salem in confirming the order of conviction, dated 30.01.2024 passed in C.C.No.28 of 2018 on the file of the Judicial Magistrate, Additional Mahila Court, Salem sentencing the petitioner 1) to pay fine of Rs.1000/- in default to undergo one month Simple Imprisonment for offence under Section 294(b) of the Indian Penal Code, 2) to pay fine of Rs.1000/- in default to undergo one month Simple Imprisonment for offence under Section 323 of the Indian Penal Code, 3) to undergo one year Simple Imprisonment and fine of Rs.10,000/- in default to undergo one month Simple Imprisonment for offence under Section 4 of the Tamil Nadu



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Prohibition of Harassment of Women Act, 2002 by allowing the present Criminal Revision Petition.

For Petitioner : Ms.Saba Fathima,
for Mr.R.Jayaprakash

For Respondent : Mr.S.Sugendran,
Additional Public Prosecutor

ORDER

This Criminal Revision Case is filed against the judgment of the I Additional District and Sessions Judge, Salem, dated 30.04.2025 made in Crl.A.No.45 of 2024 and the judgment of the Judicial Magistrate, Additional Mahila Court, Salem, dated 30.01.2024 made in C.C.No.28 of 2018. The Trial Court, by the aforesaid judgment, found the petitioner guilty of the offence under Section 294(b) of the Indian Penal Code and ordered payment of fine of Rs.1,000/-; of the offence under Section 323 of the Indian Penal Code, ordered to pay a fine of Rs.1,000/-; of the offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and sentenced to undergo one year Simple Imprisonment and pay a fine of Rs.10,000/-. The said conviction and sentence was confirmed by the Appellate Court. As against which, the Revision is filed.



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2. The case of the prosecution is that on 08.01.2018, at about 10.40 A.M, in front of the house bearing D.No.1/478, Periyapudur, J.J.Avenue, Alaghapuram, the accused, being the landlord, abused the tenant/victim by using sexually coloured, unparliamentary language questioning whether he has to pay the electricity bill of the victim also and not stopping with that, he hit her on her mouth and face and kicked her on her abdomen. The complaint to the said effect was lodged by *P.W.1, Sharmila Banu*. On the strength of which, *P.W.6* registered a case in Crime No.9 of 2018 and took up the same for investigation and laid a Final Report proposing the petitioner/accused guilty. Upon the case being taken on file and the summons being issued, after due opportunity to the petitioner, charges were framed for the above offences. The petitioner denied the charge and stood trial. In order to bring home the charges, the prosecution examined *P.W.1* to *P.W.6* and ***Ex.P-1*** to ***Ex.P-6*** were also marked. Upon being questioned under Section 313 of the Code of Criminal Procedure, the accused denied the incriminating circumstances and material evidences on record as false and incorrect. Thereafter, no evidence was let in on behalf of the defence. The Trial Court considered the case of the parties and concluded that by the evidence of the victim, who was examined as *P.W.1*



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and the corroboration of *P.W.2*, to whom the *P.W.1* reported the incident and the further evidence of the hearsay witnesses namely, *P.W.3* and *P.W.4* coupled with the ***Ex.P-3***, wound certificate and the evidence of the Doctor, *P.W.5*, concluded that the prosecution has proved the offence beyond the reasonable doubt and sentenced the accused as aforesaid. Aggrieved thereby, the petitioner/accused filed an appeal. The Appellate Court, after re-appreciation of the oral and documentary evidence on record, confirmed the conviction and sentence imposed by the Trial Court. As against which, the present Revision Case is filed.

3. *Ms.Saba Fathima*, learned Counsel for the petitioner, firstly, would submit that even as per the version of the prosecution, the offence is alleged to have taken place within the compound belonging to the accused and as such, the offence under Section 294(b) of the Indian Penal Code will not be made out. The learned Counsel would further contend that the fact that when the offence was taken place in broad day light, except *P.W.1*, nobody else witnessed the same, was omitted to be considered by the Trial Court as well as the first Appellate Court. As a matter of fact both the Courts below did not consider the fact that when



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there is a common electricity bill connection and even if one of the tenants default, the connection will be cut off by the Electricity Department, on account of which, the landlord who is occupying the first floor, had to pay the bill amount and as such, the quarrel arose. The due suggestion has been made to *P.W.1* in that regard. Therefore, the learned Counsel would submit that in this case, it is unsafe to rely upon the sole evidence of the prosecutrix alone and to convict the petitioner.

4. Per contra, *Mr.S.Sugendran*, the learned Additional Public Prosecutor would submit that this is a dispute between the landlord and the tenant. Even if the tenant had not paid the electricity bill, the accused, being the landlord, ought not to have resorted to any violence. The prosecutrix evidence is duly corroborated by the other witnesses i.e., *P.W.2* to *P.W.4*, with whom, immediately, the prosecutrix has shared the incident and the same is further corroborated by the wound certificate and the Doctor, who gave the wound certificate was also examined. Therefore, he would submit that there is nothing for this Court to interfere in exercise of the revisionary jurisdiction.

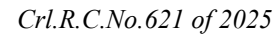


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5. I have considered the rival submissions made on either side and perused the material records of the case.

6. In this case, the allegation is that the accused used sexually coloured, abusive and unparliamentary language, also hit the victim on her face, kicked on her abdomen and caused simple injuries. The fact that there was a dispute between the landlord and tenant and that is also because of non-payment of electricity bill, is not disputed even by the defence. In that view of the matter, merely because nobody else had happened to see the incident, it cannot be said that the offences are not made out. Secondly, the version of the prosecution is that the incident happened opposite to the house in the public place and no evidence has been let in by the accused to contend that it is inside the compound wall. Thirdly, with reference to the injuries, the wound certificate has been marked and the Doctor has been examined as *P.W.5*. For all the above reasons, when the Trial Court and the lower Appellate Court have appreciated the evidence on record and have returned the finding of guilt, I do not see any perversity to interfere in exercise of the revisionary



(i) The fine amount, in all totalling to Rs.12,000/- is already paid by the accused. He has undergone imprisonment for a period of nine days, after the Appellate Court's judgment before this Court could enlarge the petitioner on bail.

(ii) The petitioner/accused is now aged 53 years. There are no other bad antecedents against the petitioner. This occurrence happened in the year 2018 and he is facing the proceedings for the past seven years.

(iii) The victim, being the tenant, has reportedly vacated the premises and she has moved out and the conflict has no potential to exist or to resurface.

(iv) The victim and the accused will not come to face to face hereinafter.

(v) The nature of injuries, being simple in nature, is also taken into account.

(vi) As far as the harassment is concerned, the fact that there is absolutely no sexual intent or overture, is also taken into account and this is a pure and simple dispute between the landlord and tenant that too on



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account of non-payment of the electricity bill. The same is also taken into account.

(vii) From and out of the fine amount paid, over and above, the compensation, if any that could have been received under relevant scheme, a sum of Rs.5,000/- can also be paid as compensation to the victim.

All the above are taken into account and I am of the view that while confirming the conviction and imposition of the fine on the accused, the sentence of imprisonment, that is imposed by the Trial Court, alone can be modified as one of period already undergone.

7. In view thereof, this Criminal Revision Case is partly allowed on the following terms:-

(i) The conviction of the petitioner made by the judgment of the learned Judicial Magistrate, Additional Mahila Court, Salem in C.C.No.28 of 2018 as confirmed by the learned I Additional District and Sessions Judge, Salem in Crl.A.No.45 of 2024, for the offences under Sections 294(b) and 323 of the Indian Penal Code and under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, shall stand confirmed.



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D.BHARATHA CHAKRAVARTHY, J.,

grs

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