



Crl.R.C.No.1762 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

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Thangavel

.... Petitioner

Vs

1.State by
Inspector of Police,
Kaniyur Police Station,
Tiruppur District.
(Crime No.89 of 2016)

2.Kuppusamy

.... Respondents

PRAYER: Criminal Revision Case filed under Section 438 and 442 of BNSS, set aside the Judgment dated 04.03.2025 made in C.A.No.26 of 2022, on the file of Ld. IV Additional District Judge, Udumalpet confirming the judgment dated 17.08.2021 made in C.C.No.63 of 2019 on the file of Ld. District Munsif cum Judicial Magistrate, Madathukulam, Madathukulam in respect of acquitting the 2nd respondent for the offences under sections 323 and 506(ii) of IPC by allowing this Criminal Revision Petition.



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For Petitioner : Mr.N.Ponraj
For Respondents : Dr.C.E.Pratap for R1
Government Advocate (Criminal Side)

ORDER

This Criminal Revision Case is filed to set aside the Judgment dated 04.03.2025 made in C.A.No.26 of 2022, passed by the learned IV Additional District Judge, Udumalpet confirming the judgment dated 17.08.2021 made in C.C.No.63 of 2019 passed by the learned District Munsif cum Judicial Magistrate, Madathukulam.

2.Learned counsel for the petitioner submitted that the prosecution has proved the offence under Section 323 of IPC beyond any reasonable doubt by testimonies of its witness and medical records (Ex.P7). In this circumstances, the Courts below ought to have convicted the second respondent under Section 323 of IPC. He further submitted that the Courts below have committed a grave error by acquitting the second respondent on the basis of assumptions, presumptions and irrelevant reasons. Hence, he prays to allow the criminal revision.

3.Learned Government Advocate (Criminal Side) for the first



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respondent submitted that an FIR has been registered against the accused in Crime No.89 of 2016 for the offence under Sections 355, 323, 506(ii).

He raised serious objections to allow this petition and according to him, interference of this Court is not necessary in the findings arrived at by the Trial Court.

4.Heard learned counsel for the petitioner, learned Government Advocate (Criminal Side) for the first respondent and perused the materials available on record.

5.The relevant findings of the Trial Court is extracted hereunder:

“Kannan @ Pattamuthu / Vs / State represented by The Inspector of Police, Ambasamudram Police Station. In Crl.A(MD)NO.157/2010 கடந்த 11/07/2019ல் வழங்கிய முன்தீர்ப்பு பக்கம் 10ல் As regards the offence.....in fact P.W.1 when she filed the complaint to the Police Officer, did not express any fear for her life nor asked for any protection. Therefore, the offence under section 506(2) is not made out. என்று குறிப்பிடப்பட்டுள்ளது.”

6.On perusal of records, it is seen that the Appellate Court held



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that Sections 323 and 506(ii) have not been proved beyond reasonable doubt and acquitted the accused. Further, the Appellate Court held that there were no *prima facie* findings/reasons to interfere with the order passed by the Trial Court and the appeal was not maintainable, confirming the judgment of the Trial Court by acquitting the accused and dismissing the appeal.

7.Considering the above facts and circumstances of the case and submissions made by the learned counsel on either side, this Court does not find any grounds to interfere with the order passed by the Additional District Judge, Udumalpet in Crl.A.No.26 of 2022 dated 04.03.2025.

8.In view of the above, this Criminal Revision is dismissed.

22.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
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- 1.The Additional District Judge,
Udumalpet.
- 2.The District Munsif cum Judicial Magistrate,
Madathukulam,
- 3.The Inspector of Police,
Kaniyur Police Station,
Tiruppur District.
(Crime No.89 of 2016)
- 4.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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