



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 1503 of 2023

Babu
S/o. Krishnappa @ Annaiappa,
Janatha Colony, Kumbaranahalli
Village, Haragadde Post, Jigani,
Anekal, Bangalore – 560 105 (Now
Confined at Central Prison,
Bangalore

Petitioner(s)

Vs

The State Represented by its
Inspector Of Police, Denkanikottai
Police Station, Krishnagiri District.
(Crime No.32/2009)

Respondent(s)

PRAYER

The Criminal Revision Petition is filed under Section 397(2) of Cr.P.C., to call for the records in S.C.No.17/2011, dated 19.06.2014, on the file of the Learned Assistant Sessions Judge, Hosur and Crl.A.No.36 of 2014, on the file of the District and Sessions Judge, Hosur and set aside the said conviction and sentence and thus render justice.

For Petitioner(s): Mr. S.Manoharan

For Respondent(s): Dr.C.E.Pratap,
Government Advocate (Crl.
Side)



ORDER

This Criminal Revision Case has been filed against the Judgment dated 14.12.2017 made in CrI.A.No.36 of 2014 passed by the District and Sessions Judge, Hosur, thereby confirming the order dated 19.06.2014 made in S.C.No.17 of 2011 passed by the learned Assistant Sessions Judge, Hosur, Krishnagiri District, convicting the petitioner for the offence punishable under Section 394 of IPC and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo six months rigorous imprisonment.

2. The case of the prosecution is that on 14.10.2008, when the victim was riding his motor cycle, the accused attacked him and robbed a sum of Rs.3,000/- and fled away. On the complaint, the respondent registered an FIR in Crime No.193 of 2008 for the offence punishable under Section 394 of IPC as against three accused persons, in which, the petitioner is arrayed as A2. After completion of investigation, the respondent filed final report under Section 394 read with 397 of IPC.

3. The prosecution, had examined P.Ws.1 to 9 and marked Exs.P1 to P9, besides producing M.O.1. On the side of the defence, neither any witness was examined nor any document was filed.



4. The Trial Court convicted the petitioner for the offence punishable under Section 394 of IPC and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo six months rigorous imprisonment and acquitted him of the offence punishable under Section 397 of IPC. Aggrieved by the same, the petitioner preferred an appeal and the same was dismissed by the appellate Court. Hence, the present revision.

5.The learned counsel for the petitioner would submit that the petitioner was arrayed as A2 before the trial Court; that A1 and A3 had filed Revision challenging the Judgment and Conviction of the trial Court, and confirmed by the Appellate Court, before this Court in Crl.R.C.No.13 of 2018; that this Court after recording the compromise arrived at between the parties, observed that the alleged amount of Rs.3,000/- said to have been robbed by the accused has not been recovered by the police; that there were civil disputes regarding a property pending between the accused and the defacto complainant and set aside the Judgements of the Courts below as and hence, the above revision also has to be allowed.

6.The learned Government Advocate (Crl. Side), per contra, fairly submits that this Court has set aside the Judgments of the Courts below in respect of two other co-accused namely A1 and A3 in Crl.R.C.No.13 of



2018 and the observations made by the Court could enure to the benefit of the petitioner as well, who is arrayed as A2.

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7.While considering the case of A1 and A3, this Court in Crl.R.C.No.13 of 2018 has observed as follows”

“5.The learned counsel appearing for the petitioner submitted that the third accused died and the entire charges stands abated against him. Pending revision, the parties viz., the petitioner and the defacto complainant have entered into a comprise and amicably settled the issue. The defacto complainant was present before this Court and filed an affidavit, which reads as follows :

“2. I submit that I am running a provisional store at Marasathiram, Denkanikottai, Krishnagiri District. The said offence took place on 14.10.2008 at 10.00 p.m.

3. I submit that there was a civil dispute existing between myself and Chikkana, the father in law of Babu (A2 in Crl.A.No.36 of 2018) on thefile of the District and Sessions Judge, Hosur) at the time of the offence. A1 and A3 accompanied with A2 because there was a family dispute between A2. Babu and his father in law, Chikkanna.

4. I submit that there was small quarrel between myself and Babu, A2 and pushing and pulling with one another. There were simple



and minor injuries on both sides. Based on the complaint given by me, an FIR in Crime No.193 of 2008 was registered by the respondent police and a case was filed in S.C.No.17 of 2011, on the file of the Assistant Sessions Court, Hosur, Krishnagiri District. The accused, A1-A3 were convicted for the offence under Section 394 of IPC and sentenced to undergo 3 years RI and to pay a fine of Rs.1,000/- each, in default to undergo 6 months RI by the learned Asst.Sessions Court, Hosur, Krishnagiri District in S.C.No.17 of 2011, dated 19.06.2014 and confirmed by the learned District and Sessions Judge, Hosur in Crl.A.No.36/2014 dated 14.12.2017.

5. I submit that later on the dispute between myself and Chikkanna, father in law of the A2, was settled amicably and we have been maintaining the good relationship with one another. I have come to know that A1 and A3 are peasant, daily wage workers having children and have had good record in and around their locality. They have no any kind of antecedents except this case to the best of my knowledge. Hence, I have filed this affidavit.”

7. On perusal of the FIR, which was marked as Ex.P7, revealed that all the accused persons were known to the defacto complaint. Therefore, the respondent straight away



lodge a complaint and FIR has been registered. After completion of investigation, the respondent filed a final report and the same has been taken cognizance by the Trial Court. However, the respondent failed to recover the robbed amount of Rs.3,000/- from the accused persons. It is fatal to the case of the prosecution. The Courts below, without considering the above, mechanically convicted the petitioner for the offence under Section 394 of IPC. Considering the circumstances and also the fact that a settlement had been arrived at between the parties, the conviction passed as against the petitioner cannot be sustained and it is liable to be set aside.”

8. The above observations would apply to the petitioner as well. This Court therefore, is inclined to set aside the Judgment dated 14.12.2017 made in Crl.A.No.36 of 2014 passed by the District and Sessions Judge, Hosur, and the order dated 19.06.2014 made in S.C.No.17 of 2011 passed by the learned Assistant Sessions Judge, Hosur, Krishnagiri District. The petitioner/accused is acquitted of all charges in S.C.No.17 of 2011 on the file of the Assistant Sessions Judge, Hosur, Krishnagiri District.

9. Accordingly, this Criminal Revision stands allowed.

09-12-2025

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



- 1.The Inspector Of Police,
Denkanikottai Police Station,
Krishnagiri District.
(Crime No.32/2009).
- 2.The Assistant Sessions Judge,
Hosur.
- 3.The District and Sessions Judge,
Hosur.
- 4.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN J.
Tsg

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