



Crl.R.C.No.1300 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.06.2025

CORAM:

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

Crl.R.C.No.1300 of 2023
and Crl.M.P.No.10652 of 2023

Ravi @ Police Ravi @ Prasanth

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
J-13, Tharamani Police Station,
Chennai – 600 113.
Crime No.2459 of 2017

... Respondent

PRAYER: Criminal Revision Case has been filed under Section 397 r/w. 401 of Cr.P.C., praying to set aside the judgment passed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai in C.C.No.4382 of 2018 dated 02.06.2022 as confirmed by the judgment of the learned VII Additional Sessions Judge, City Civil Court, Chennai, in C.A.No.110 of 2022 dated 05.07.2023.

For Petitioner : Ms.S.S.Siva Shree
For Mr.D.Prasanna

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



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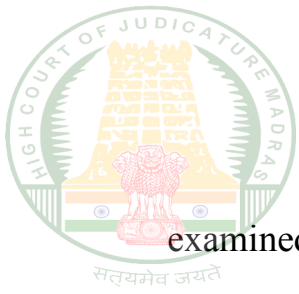
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ORDER

This Criminal Revision Case has been preferred against the judgment dated 05.07.2023, passed by the learned VII Additional Sessions Judge, City Civil Court, Chennai, in C.A.No.110 of 2022, confirming the order dated 02.06.2022, passed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, in C.C.No.4382 of 2018, thereby convicting the petitioner for the offence punishable under Section 394 of IPC.

2. The case of the prosecution is that when the defacto complainant came out from her house for her natural call, the accused assaulted her by hand pump handle and robbed her gold chain weighing one sovereign from her neck. On the complaint, the respondent registered the FIR in Crime No.2459 of 2017 for the offence under Section 394 of IPC. After completion of investigation, the respondent filed final report and the same has been taken cognizance by the trial Court in C.C.No.4382 of 2018.

3. On the side of the prosecution, they examined P.W. 1 to P.W.8 and marked documents in Ex.P.1 to Ex.P.11. The prosecution also produced material objects in M.O.1 & M.O.2. On the side of the accused, no one was



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examined and no document was marked. On perusal of oral and documentary evidences, the petitioner was convicted and sentenced to undergo one year rigorous imprisonment. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed by confirming the conviction and sentence imposed by the trial Court. Hence, the present revision.

4. The learned counsel appearing for the petitioner submitted that the prosecution had examined the defacto complainant as P.W.1. She admits that the petitioner is a stranger to her and she did not even furnish any details about the petitioner. Further P.W.8 deposed that after lodgment of the complaint P.W.1 was called to police station to identify the accused and the property. Therefore, the entire case of the prosecution is doubtful and as such the trial Court as well the appellate Court ought not to have convicted the petitioner for the offence punishable under Section 394 of IPC. No one of the prosecution witnesses had identified the accused. That apart, there was a delay in lodgment of complaint, when the police station was very much within the distance of 1.5km. Therefore, false case has been foisted against the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that prosecution clearly proved the case and the



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trial Court rightly convicted the petitioner and the same was confirmed by the appellate Court. Therefore, it doesn't warrant any interference by this Court.

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

7. The victim was examined as P.W.1 and she categorically deposed that when she came out from her house for her natural calls, the accused attacked her with iron pump handle on her head and snatched her gold chain weighing one sovereign. Immediately, she shouted and on hearing her noise, one Chitra and Arun chased the accused. However, the accused flew away from the scene of occurrence. Next day, the victim lodged complaint and the same was registered in Crime No.2439 of 2017. For the injuries sustained by P.W.1, she was taken to hospital on 27.11.2015 and the doctor, who treated her, was examined as P.W.7. She categorically deposed that the victim was treated for the injuries sustained by her on her left side eyebrow and declared that the injury sustained by P.W.1 is simple in nature. Wound certificate was marked as Ex.P.7. The confession statement of the petitioner was also recorded and P.W.6 stood as witness to the confession statement and also recovery mahazar.



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8. The eye witnesses to the occurrence were examined as P.W.2 to P.W.4. On seeing the evidence of P.W.2, it is revealed that after hearing the noise, she went to the place and the accused snatched P.W.1's chain and flew away. Immediately P.W.2 to P.W.4 were chased the accused. Her evidence was also corroborated by P.W.4. She identified the accused in the police Station. Therefore, the prosecution had clearly proved the charge under Section 394 of IPC and the trial Court rightly convicted the petitioner for the offence punishable under Section 394 of IPC. Therefore this Court finds no infirmity or illegality in the order passed by Courts below. However, on perusal of the records, it is revealed that suspension of sentence is not yet ordered. It is made clear that if the petitioner served the entire period of sentence, he may be released forthwith.

9. Accordingly, the Criminal Revision Case stands dismissed. Consequently, connected miscellaneous petition is closed.

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. XVIII Metropolitan Magistrate,
Saidapet, Chennai.

2. VII Additional Sessions Judge,
City Civil Court, Chennai.

3. The Inspector of Police,
J-13, Tharamani Police Station,
Chennai – 600 113.

4. The Public Prosecutor,
Madras High Court,
Chennai.

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