



Crl.R.C.No.1515 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM:

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

Crl.R.C.No.1515 of 2023

1. Palanisamy @ Arulraj @ Arun

2. Veeran

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Central Police Station,
Tiruppur District.

... Respondent

PRAYER: Criminal Revision has been filed under Section 397 r/w 401 of Cr.P.C., praying to call for the entire records and set aside the judgment dated 23.06.2023 passed in C.A.No.53 of 2022 on the file of the learned Principal Sessions Court, Tiruppur by conforming the judgement dated 18.04.2022 passed in C.C.No.756 of 2014 on the file of the learned Judicial Magistrate Court No.II, Tiruppur.

For Petitioners : Mr.S.Vinoth Kumar

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



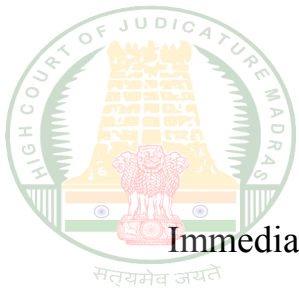
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ORDER

This Criminal Revision has been preferred against the judgement dated 23.06.2023 passed by the learned Principal Sessions Court, Tiruppur, in C.A.No.53 of 2022, confirming the conviction and sentence imposed on the petitioners dated 18.04.2022, passed by the learned Judicial Magistrate No.II, Tiruppur, in C.C.No.756 of 2014, for the offences punishable under Sections 294(b), 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act (hereinafter referred to as “the TNPHW Act”).

2. The case of the prosecution is that, on 03.10.2012 at about 7.30 a.m., while the defacto complainant was taking bath in the bathroom, the first accused came there and peeped into the bathroom. It was reported to his father viz., the second accused that the first accused often does the same while she was taking bath. She also requested the second accused to give proper advise to him otherwise, she will lodge complaint. Thereafter, she went for work and after returning from her work place, both the accused came to her house and abused her with filthy language. They also attacked her with a stick on her head. When the mother of the complainant came to rescue her, she was also beaten by the accused persons with stick. Therefore, both suffered injuries.

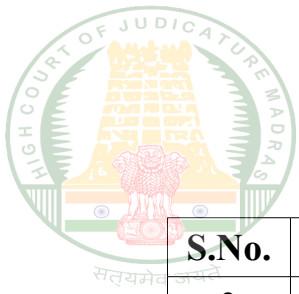


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Immediately, they were taken to hospital and the complainant was admitted in the hospital as inpatient for 12 days. After receipt of intimation from the hospital and after recording the statement from the complainant, the FIR was registered in Crime No.475 of 2012 for the offence under Sections 294(b), 323, 506(i) of IPC and Section 4 of TNPHW Act. On completion of investigation, the respondent filed final report and the same was taken cognizance in C.C.No.756 of 2014.

3. In order to bring the charges to home, the prosecution had examined P.W.1 to P.W.8 and marked documents in Ex.P.1 to Ex.P.7. The prosecution also produced 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 first petitioner guilty for the offences punishable under Sections 294(b) & 323 of IPC and Section 4 of the TNPHW Act and sentenced him as follows :-

S.No.	Conviction	Sentence
1	Section 4 of the TNPHW Act	to undergo simple imprisonment for a period of two years and to pay fine of Rs.10,000/-, in default to undergo simple imprisonment for two months.
2	Section 323 of IPC	to undergo simple imprisonment for a period of six months.



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S.No.	Conviction	Sentence
3	Section 294(b) of IPC	to undergo simple imprisonment for a period of one month.

The second petitioner was found guilty for the offences punishable under Sections 294(b) & 323 of IPC and he was sentenced as follows :

S.No.	Conviction	Sentence
1	Section 323 of IPC	to undergo simple imprisonment for a period of six months.
2	Section 294(b) of IPC	to undergo simple imprisonment for a period of one month.

The above sentences are ordered to run concurrently. Aggrieved by the same, they preferred an appeal and the appellate Court dismissed the appeal by confirming the order of conviction and sentence imposed by the trial Court. Hence the present revision.

4. The learned counsel appearing for the petitioners would submit that there are full contradictions between P.W.1 and P.W.2. There was a pathway dispute between both the families and as such in order to wreck vengeance, false complaint has been foisted against the petitioners. The alleged occurrence was taken place on 03.10.2012. But the complaint was lodged only on 12.10.2012 and there is absolutely no explanation for the delay in lodgement of complaint. According to the prosecution, the accused attacked



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with two sticks. However, the prosecution recovered only one stick and marked as M.O.1. The offence under Section 3 of the TNPHW Act is not at all attracted as against the first petitioner since the alleged occurrence had taken place inside the house and not in the public place. Further, in order to attract the offence under Section 294(b) of IPC, mere utterance of obscene words are not sufficient and there must be a proof to establish that it was to the annoyance of others. Therefore, the offence under Section 294(b) of IPC is also not attracted as against the petitioners.

4.1. He further submitted that both the victims are daughter and mother and they were examined as P.W.1 & P.W.2. Except P.W.1 & P.W.2, there is no independent witness to corroborate the evidence of P.W.1 & P.W.2. Further the prosecution examined P.W.4 & P.W.5 as Mahazar witnesses. They also did not support the case of the prosecution. The doctor who treated P.W.1 was examined as P.W.6. Before the doctor, P.W.1 did not even whisper the name of the accused. Even then, the trial Court mechanically convicted the petitioners and the same was also confirmed by the appellate Court.

5. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent submitted that in order to prove the charges, the



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prosecution had examined the injured as P.W.1 & P.W.2. Both had

WEB CATEGORICALLY deposed about the occurrence in order to bring the charges to

home. Immediately after the occurrence, P.W.1 was admitted to the hospital and she was taking treatment for 12 days. Though intimation was sent to police station, the statement of P.W.1 was recorded on 10.10.2012 and thereafter on 12.10.2012, the FIR was registered. There was absolutely no delay on the part of the complainant to lodge complaint. Therefore, the prosecution categorically proved the case and as such both the courts rightly convicted the petitioners.

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

7. There are totally two accused in which the petitioners are arrayed as A1 & A2. The first victim was examined as P.W.1. She deposed that while she was taking bath, the first accused peeped into bathroom and caused harassment to her. He also continued the said act very often and as such, it was informed to the second accused, who is none other than father of the first accused, in the morning itself. Thereafter, the first victim went for work and returned home in the evening. At that juncture, at about 8.00 p.m., on 03.10.2012, both the accused went to her house and scolded her with filthy



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language. They also assaulted her with a stick. Therefore, P.W.1 sustained injury on her head. P.W.2 viz., the mother of the first victim came to rescue her and she also sustained injuries. The second victim viz., mother of the first victim was examined as P.W.2. Her evidence was also duly corroborated with P.W.1's evidence.

8. After hearing the noise, P.W.3, who is the sister of P.W.1 came to the house of P.W.1. She had seen that P.W.1 & P.W.2 were crying with injuries and P.W.1 had a swell on her head. They informed that both the accused assaulted them and also scolded them with filthy language. Immediately, they were taken to Government Hospital, Tiruppur. The first victim was admitted into hospital as inpatient. After the intimation received from the Government Hospital, Tiruppur, P.W.7 went to the hospital and recorded her statement and the same was marked as Ex.P.1. On receipt of the said complaint, FIR was registered in Crime No.475 of 2012 and the same was marked as Ex.P.4. Therefore, the prosecution clearly proved the charges beyond any doubt and the trial Court rightly convicted the petitioners and the same has been confirmed by the appellate Court. Therefore, there is absolutely no ground to interfere with the concurrent findings of both the Courts below as against conviction imposed on the petitioners for the offences punishable under



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Sections 294(b) & 323 of IPC and Section 4 of the TNPHW Act. However, considering the nature of the allegations, this Court is inclined to modify the sentence for the offence punishable under Section 4 of the TNPHW Act alone.

9. Accordingly, the conviction imposed on the petitioners by the judgment dated 23.06.2023 passed by the learned Principal Sessions Court, Tiruppur, in C.A.No.53 of 2022, and the judgment dated 18.04.2022 passed by the learned Judicial Magistrate No.II, Tiruppur, in C.C.No.756 of 2014, for the offences punishable under Sections 294(b) & 323 of IPC Section 4 of the TNPHW Act are hereby confirmed and the sentence imposed on the first petitioner for the offence punishable under Section 4 of the TNPHW Act is alone modified from two years to six months simple imprisonment and also to pay a sum of Rs.25,000/- (Rupees twenty five thousand only) as compensation payable by the first petitioner directly to P.W.1 and the acknowledgement of the said payment shall be produced before the trial Court, within a period of two weeks from the date of receipt of a copy of this Order, failing which the modification of sentence shall stand automatically cancelled and the respondent is directed to secure the first petitioner to undergo remaining period of sentence, forthwith.



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WEB COPY10. In the result, this Criminal Revision Case stands partly allowed.

25.06.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

1.The Principal Sessions Court,
Tiruppur.

2.The Judicial Magistrate No.II,
Tiruppur.

3.The Inspector of Police,
Central Police Station,
Tiruppur District.

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



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G.K.ILANTHIRAIYAN. J,

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