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CRL RC No. 1574 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL RC No. 1574 of 2024

Elango

S/o.Jayapal, Veerapandikattabomman

Nagar, Mettur Taluk, Salem District.

Petitioner(s)

Vs

State Rep. By Its,

The Inspector Of Police, Mettur Police

Station, Mettur Taluk, Salem District.

Respondent(s)

PRAYER

This Criminal Revision Petition has been filed under Section 397 r/w Section 401 of Cr.P.C, to set aside the order of conviction dated 20.06.2024 passed by the learned Additional District Judge (Fast Track Court), Mettur in C.A.No.102 of 2022 confirming the judgment passed dated 19.10.2022 by the Judicial Magistrate No.I, Mettur, Salem District, in C.C.No.210 of 2019.

For Petitioner(s): Mr.M.Senthilkumar

For Respondent(s): Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

**ORDER**

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This Criminal Revision is filed against the judgement of the learned Judicial Magistrate No.1, Mettur dated 19.10.2022 made in C.C.No.210 of 2019 and the Additional District Judge (Fast track Court), Mettur dated 20.06.2024 in Criminal Appeal No.102 of 2022. The Trial court convicted the petitioner/accused for an offence under Section 229 (A) of the Indian Penal Code and sentenced him to undergo simple imprisonment for a period of one year. The appeal filed by the accused was dismissed and the conviction and sentence imposed by the trial Court was confirmed.

2.The case of the prosecution is that the petitioner herein was also accused no.5 in SC No.46 of 2015, which was registered for the offences under Section 294(b) r/w 324, 307 & 302 IPC. While the accused was enlarged on bail, he didn't comply with the condition that was imposed on him in CrI.MP.No.9085 of 2009 and was also absconding from 30.08.2009. As such, the instant case was registered under Section 229 (A) of the Indian Penal Code



in Crime No.165 of 2019. Thereafter, PW4 took up the matter for investigation and laid a final report proposing the accused guilty of the offences. The case was taken on file as CC.No.210 of 2019.

3. Upon issuance of summons and furnishing the copies and questioning, the accused appeared before the trial Court and denied the allegations in order to bring home the charge. The prosecution examined in PW1 to PW4 and marked Exts.P1 and P2. Upon being questioned about the material evidence on record under Section 313 of the Code of Criminal Procedure, the accused denied the same. Thereafter, no evidence was let in on behalf the defence. The trial court considered the case of the parties and found that when bail has been granted with condition, by directing the petitioner to regularly appear before the trial court, after execution of the bond for sum of Rs.25,000/- with two sureties, without any valid reason whatsoever, from 30.08.2009, he absconded. The said facts were proved by the prosecution through oral and documentary evidence. Accordingly, it convicted the accused and imposed the sentence as aforementioned. Upon appeal being preferred, the Appellate Court also



reappraised the entire evidence and confirmed the findings and the sentence of the trial court. Aggrieved by which, the present Revision is filed.

4.Mr.M.Senthil Kumar, the learned counsel appearing on behalf of the petitioner would submit that in this case, the prosecution has not proved beyond doubt that without any valid reason the accused did not comply with the condition. The accused has reasons for his non-appearance. He would further submit that the said case in SC No.46 of 2015 ultimately ended up in acquittal. The learned counsel alternatively would also argue with reference to the question of sentence. It is brought to the notice of the court that the accused was imprisoned in connection to the present case for a period of 50 days.

5.Per Contra, Mr.S.Vinoth Kumar, the learned Government Advocate(Crl.Side) would submit that all the accused were acquitted in the connected SC No.46 of 2015 only on the benefit of doubt. It must be seen that the accused persons abscond in these serious cases and only on account of their act of absconding, one after the other, and the trial being delayed ultimately,



becomes the reason for the prosecution in not adducing cogent evidence and the same should be taken into account by this Court. With reference to the quantum of sentence, the learned Government Advocate(Crl.Side) would leave it to the Court.

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

7.As far as the ingredients of the offence are concerned, a perusal of the oral evidence let in by the prosecution through PW1 to PW4 and by marking the complaint against the accused, the fact as to the imposition of the condition and thereafter the accused violating the same has been proved beyond doubt. The accused cannot deny the fact that he was absconding with effect from 30.08.2009. Even though the learned counsel for the petitioner would submit that there were reasons, either through the cross examination or by letting in independent evidence, the accused has not let in any evidence to prove that. He had no valid or reasonable explanation for his non-appearance and violation of



condition and therefore, the offence stood proved and when the trial court as well as the lower appellate court has rendered the finding after due appreciation of evidence, this court in exercise of power of revision, is unable to come to a different conclusion.

8.However, with reference to the quantum of sentence, I am taking into account two factors. Firstly, the Sessions Case in the SC No.46 of 2015 ultimately ended in acquittal. Secondly, the accused has been facing this case from the year 2019. In view thereof, I am of the view that the sentence of imprisonment imposed by the trial court for a period of one year can be modified to that of 50 days of imprisonment already undergone by the accused.

9.In view thereof, this Criminal Revision is partly allowed on the following terms;

(1) the finding of guilt and conviction of the accused for the offence under section 229 (A) of the Indian Penal Code by the learned Judicial



Magistrate-1, Mettur by judgement dated 19.10.2022 made in CC.No.210 of 2019 and confirmed by the learned Additional District Judge (Fast Track Court)

Mettur by judgement dated 20.06.2024 in C.A.No.102 of 2022 stands confirmed. However, the sentence of imprisonment alone is modified to one already undergone.

31-10-2025

Tsg

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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- To
- 1.The Inspector Of Police, Mettur
Police Station, Mettur Taluk, Salem
District.
 - 2.The Judicial Magistrate No.1,
Mettur, Salem District.
 - 3.The Additional District Judge (Fast
Track Court), Mettur.
 - 4.The Public Prosecutor,
Madras High Court.



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**D.BHARATHA
CHAKRAVARTHY J.**

Tsg

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