



Crl.R.C.No.1514 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.1514 of 2023

Sakthivel

... Petitioner

Vs

The State By
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.

Crime No.582 of 2010

... Respondent

PRAYER: Criminal Revision Case is filed under Section 397 read with 401 of the Code of Criminal Procedure, to set aside the conviction and sentence imposed on the petitioner by the Judgment passed by the Principal Sessions Court, Krishnagiri in C.A.No.48 of 2018 dated 04.08.2023 confirming the Judgment passed by the learned Judicial Magistrate, Uthangarai in CC.No.218 of 2013 dated 07.09.2018 by allowing this Criminal Revision petition.

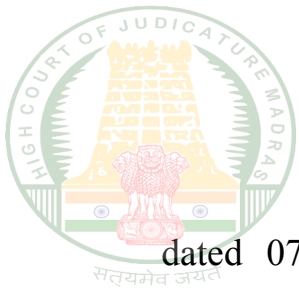
For Petitioner : Mr.C.Munusamy

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

This Criminal Revision has been filed as against the Judgment passed in C.A.No.48 of 2018 dated 04.08.2023 by the Principal Sessions Court, Krishnagiri, thereby confirming the Judgment passed in CC.No.218 of 2013

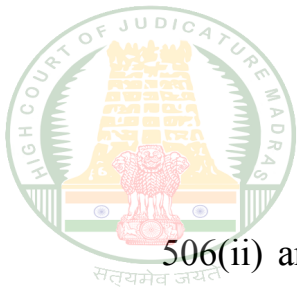


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dated 07.09.2018 by the learned Judicial Magistrate, Uthangarai, thereby convicting the petitioner for the offence under Section 406 of IPC.

2. The case of the prosecution is that on 23.10.2010 at about 11.15 a.m, a quarrel arose between the victim and one Jayaprakash. During the said quarrel, the victim lost her gold chain weighing 6 ½ sovereigns. As a result of the quarrel, the victim and her parents sustained injuries and they were admitted to the hospital for treatment. At that juncture, one Vasanthi found the missing chain at the scene of the incident and handed over to the victim in the hospital. Subsequently, the panchayat members, including the petitioner, visited the hospital to enquire about victim's health. The victim informed that the lost chain was found and returned to her. Immediately, the panchayat members stated that the issue would be settled in the Panchayat and in the meantime, insisted that the chain be kept in their custody. Accordingly, the jewel was handed over to the petitioner herein. However, after conclusion of Panchayat proceedings, the petitioner refused to return the jewel. When the victim questioned the same, she was attacked by the family members of the petitioner. Hence, the complaint.

3. On receipt of the complaint, the respondent registered FIR in Crime No.582 of 2010 for the offences punishable under Sections 294(b), 323, 324,



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506(ii) and 420 of IPC. After completion of investigation, filed a final report and the same has been taken cognizance by the Trial Court in CC.No.218 of 2013.

4. In order to bring home the charges, on the side of the prosecution, they had examined PWs.1 to 8 and marked Exs.P1 to 5. On the side of the accused, no one was examined and no document was marked. On perusal of oral and documentary evidence, the Trial Court found the petitioner guilty for the offence punishable under Section 406 of IPC and sentenced him to undergo one year simple imprisonment and also awarded compensation of Rs.1,50,000/- payable by the petitioner in favour of the victim, in default to undergo twelve weeks simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal and the same was dismissed, confirming the order of conviction and sentence imposed by the Trial Court. Hence, this revision.

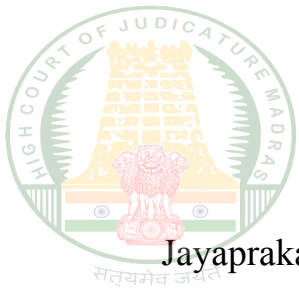
5. The learned counsel for the petitioner would submit that the prosecution has failed to prove the charge under Section 406 of IPC through any of the witnesses. The victim was examined as PW.1 and she did not support the case of the prosecution. According to the case of the victim, while she was undergoing treatment in the hospital, the missing gold chain was found by one



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Vasanthi and handed over to the victim. Thereafter, the chain was given to the Panchayat, on the assurance that it would be returned after the conclusion of Panchayat proceedings. Initially, the gold chain was handed over to the father of the victim and later to the petitioner herein. Thereafter, the petitioner handed over the gold chain to one Raja Gounder and thereafter, the said Raja Gounder handed over the gold chain to one Perumal Gounder. However, the prosecution failed to examine the said Vasanthi, Raja Gounder and the person who quarreled with the victim viz., Jayaprakash. He further submitted that during her cross examination, PW.1 categorically admitted that the alleged jewel was received by her. Even then, she lodged a complaint. The petitioner, being one among the Panchayats has been falsely implicated as an accused. Without considering the facts and circumstances of the case, both the Courts convicted the petitioner.

6. Per contra, the learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the petitioner was one among the Panchayats and possession of the jewel that went missing during the quarrel between the victim and one Jayaprakash. The victim was examined as PW.1. The mother of the victim was examined as PW.2. PW.2 categorically deposed about the occurrence and stated that the jewel was handed over to the petitioner. Even after the conclusion of the Panchayat held between the victim and the said



Jayaprakash, the jewel was not returned to the victim. Therefore, the prosecution categorically proved the charge under Section 406 of IPC and both the Courts had rightly convicted the petitioner and sentenced him for the offence under Section 406 of IPC and it does not warrant any interference by this Court.

7. Heard both sides and perused the materials available on record.

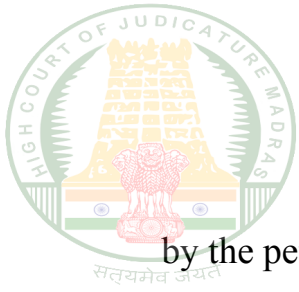
8. The victim was examined as PW.1. A perusal of the evidence of PW.1 revealed that though she deposed in her chief examination that the alleged jewel was handed over to the petitioner by one Perumal Gounder, in her cross examination, she admitted that the jewel was returned to her. Perumal Gounder was examined as PW.6. He deposed that while the victim was in the hospital, one Vasanthi brought the gold chain to the hospital stating that she had found it at the scene of quarrel between the victim and the said Jayaprakash. Thereafter, it was handed over to the victim. However, the victim stated that the chain was found and the pendant was missing. Therefore, the Panchayatars directed the said Jayaprakash to pay a sum of Rs.6500/- to the victim. Accordingly, it was paid to the victim. Therefore, no witness had spoken that the jewel was in possession of the petitioner. That apart, the person who quarreled with the



victim viz, Jayaprakash was not examined by the prosecution. Likewise, the person who found that jewel viz., Vasanthi was also not examined by the prosecution. One of the Panchayatars viz., Raja Gounder, who had allegedly received the jewel from the victim and handed over to one Perumal Gounder was also not examined by the prosecution. Though the prosecution had examined the said Perumal Gounder, he did not support the case of the prosecution. It is also curious to note that the victim's father who had received the jewel from the said Vasanthi was also not examined by the prosecution.

9. Therefore, the prosecution had miserably failed to prove the charge under Section 406 of IPC as against the petitioner. Hence, the benefit of doubt goes in favour of the petitioner and the conviction and sentence imposed by the Trial Court as well as the Appellate Court cannot be sustained and are liable to be set aside.

10. Accordingly, the Judgment passed in C.A.No.48 of 2018 dated 04.08.2023 by the Principal Sessions Court, Krishnagiri, thereby confirming the Judgment passed in CC.No.218 of 2013 dated 07.09.2018 by the learned Judicial Magistrate, Uthangarai, are hereby set aside. The fine amount, if any, paid by the petitioner shall be refunded to him. The bail bond, if any, executed



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by the petitioner shall stand cancelled.

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11. Accordingly, the Criminal Revision Case stands allowed.

25.06.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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G.K.ILANTHIRAIYAN. J.

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To

1. The Principal Sessions Court, Krishnagiri.
2. The Judicial Magistrate, Uthangarai.
3. The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court, Madras.

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