



CRL.R.C.No.1538 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM

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

Crl.R.C.No.1538 of 2024

Munichandira

... Petitioner

Vs.

State Represented By its
The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
Crime No.224/2021

... Respondent

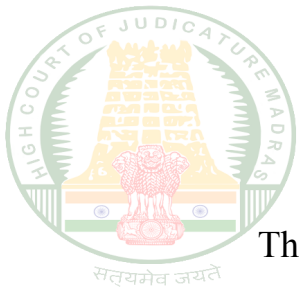
PRAYER: Criminal Revision case has been filed under Section 397 read with 401 of the Code of Criminal Procedure, to call for the records pertaining to the Judgment in Crl.A.No.21 of 2023 dated 19.07.2024 passed by the learned Additional Sessions Judge, Krishnagiri modifying the Judgment in S.C.No.75 of 2022 dated 19.07.2024 passed by the learned Assistant Sessions Judge, Denkanikottai, set aside the same.

For Petitioner : Mr.A.Balamurugan

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER



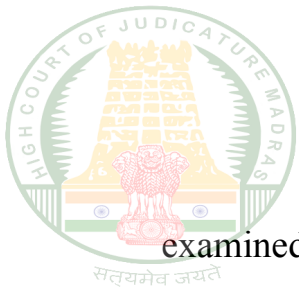
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This Criminal Revision case has been filed as against the Judgment in Crl.A.No.21 of 2023 dated 19.07.2024 passed by the learned Additional Sessions Judge, Krishnagiri modifying the Judgment in S.C.No.75 of 2022 dated 19.07.2024 passed by the learned Assistant Sessions Judge, Denkanikottai.

2. The case of the prosecution is that the petitioner and PW.3 are husband and wife. On 26.07.2021, at about 01.00 p.m, in front of their house, they quarrelled with each other. When PW.1 and PW.2 were crossing their house, they questioned about the quarrel between the petitioner and his wife. Immediately, the petitioner went to the house of PW.1 and attacked PWs.1 and 2 with knife. Therefore, PW.1 sustained grievous injury and PW.2 sustained simple injury. Hence, the complaint.

3. On receipt of the complaint, the respondent registered FIR in Crime No.224 of 2021 for the offence punishable under Sections 294(b) and 307 of IPC. After completion of investigation, filed a final report and the same has been taken cognizance by the Trial Court in S.C.No.75 of 2022.

4. In order to bring home the charges, the prosecution had examined PWs.1 to 12 and marked Exs.P1 to 10. On the side of the accused, no one was



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examined and no document was marked. The prosecution also produced a material object, which was marked as MO.1. On perusal of oral and documentary evidence, the Trial Court convicted the petitioner for the offence punishable under Section 307 (2 counts) of IPC and sentenced him to undergo seven years rigorous imprisonment for each count and to pay a fine of Rs.5000/- , each count, in default to undergo three months imprisonment. Aggrieved by the same, the petitioner preferred an appeal and the same was modified to the effect that the conviction and sentence imposed for the offence punishable under Section 307 (2 counts) of IPC was set aside and the petitioner was convicted for the offence punishable under Section 324 (2 counts) of IPC and sentenced him to undergo three years rigorous imprisonment for each count. Aggrieved by the same, this revision.

5. The learned counsel for the petitioner would submit that the petitioner and PW.3 are husband and wife. Now they are living happily together. PWs.1 and 2 intercepted their quarrel and sustained some simple injuries. The prosecution failed to examine any Doctor who had treated PW.1, in order to prove that the injury sustained by PW.1 is grievous in nature. No medical records were produced by the prosecution before the Trial Court to prove that PW.1 sustained grievous injury. The wound certificates of PWs.1 and 2 were



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marked as Exs.P5 and 6. The time of occurrence differed in wound certificate

and FIR. As per the complaint, the alleged occurrence took place on 26.07.2021

at about 01.00 p.m. Whereas, a perusal of the wound certificate revealed that the

occurrence took place at about 12.00 p.m. These discrepancies and

contradictions are fatal to the case of the prosecution. Therefore, the prosecution

failed to prove the charges beyond any reasonable doubt.

6. The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the victims were examined as PWs.1 and 2. They categorically deposed that when they were intercepting the quarrel between the petitioner and PW.3, the petitioner went to the house of PW.1 and had taken the knife and stabbed PW.1. Therefore, the intention of the petitioner was very clear to do away the life of PWs.1 and 2 and as such, he had assaulted them with knife. The knife was also seized from the house of the petitioner and produced as M.O.1. Though the Doctor who had treated PWs.1 and 2 was not examined, the Doctor who had attended them at Government Hospital, Hosur was examined as PW.10. He categorically deposed that PW.1 sustained grievous injury and PW.2 sustained simple injury. In order to corroborate the evidence of PWs.1 and 2, the wife of the petitioner was examined as PW.3, who was also an eye witness to the occurrence. She categorically deposed that the petitioner

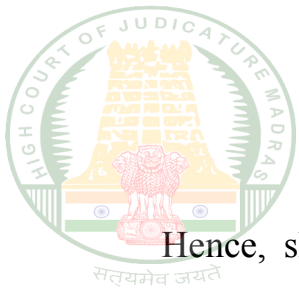


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assaulted PWs.1 and 2 by knife. Therefore, the prosecution proved the charges beyond any reasonable doubt and the petitioner was rightly convicted for the offence under Section 324 of IPC.

7. Heard the learned counsel on either side and perused the materials available on record.

8. The petitioner and PW.3 are husband and wife. They had quarrelled on 26.07.2021, at about 01.00 p.m. It was intercepted by PWs.1 and 2, who are none other than the close relatives of PW.3. Immediately, the petitioner attacked them with knife. Therefore, they sustained injuries. As per Ex.P5, the injury sustained by PW.1 was declared as grievous one and the injury sustained by PW.2 was declared as simple in nature. The Doctor, who had attended PWs.1 and 2 was examined as PW.10. The person who brought PWs.1 and 2 made a statement before the Doctor that the occurrence took place on 26.07.2021 at about 12.00 noon. However, it was wrongly recorded as 12 p.m. In subsequent paragraphs, the Doctor recorded that he attended PWs.1 and 2 at about 03.00 p.m and 02.50 p.m. Therefore, it cannot be construed as discrepancy and it is not fatal to the case of the prosecution. PW.3 categorically deposed that the petitioner attacked PWs.1 and 2. Therefore, P.W.1 sustained grievous injury.



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Hence, she also corroborated the evidences of PWs.1 and 2. Therefore, the prosecution categorically proved the charges and the appellate Court had rightly modified the sentence from Section 307 of IPC to Section 324 of IPC.

9. In view of the above, this Court finds no infirmity or illegality in the order of conviction imposed by the appellate Court for the offence punishable under Section 324 (2 counts) of IPC. However, the learned counsel for the petitioner would submit that the petitioner had already undergone imprisonment for a period of more than three months and the petitioner is living happily with PW.3.

10. Considering the above submission, this Court is inclined to modify the sentence alone. Therefore, while confirming the conviction imposed as against the petitioner for the offence under Section 324 (2 counts) of IPC, the sentence imposed on him in CrI.A.No.21 of 2023 dated 19.07.2024 passed by the learned Additional Sessions Judge, Krishnagiri, alone is reduced to the period of incarceration, which was already undergone by the petitioner.

11. Accordingly, this Criminal Revision case stands partly allowed.



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Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order
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G.K.ILANTHIRAIYAN, J

mn

To

1. The Additional Sessions Judge, Krishnagiri.
2. The Assistant Sessions Judge, Denkanikottai.
3. The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court, Madras.

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