



Crl.R.C.No.58 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.08.2025

CORAM:

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

Crl.R.C.No.58 of 2024

Albert John Paul

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Walajapet Police Station,
(in Crime No.602 of 2014)
Vellore.

... Respondent

PRAYER: Criminal Revision has been filed under Sections 397 & 401 of Cr.P.C., praying to set aside the conviction and sentence imposed by the learned 2nd Additional District & Sessions Judge, Ranipet, in C.A.No.16 of 2021 vide judgment dated 19.04.2022 whereby confirming the conviction and sentence imposed by the learned Assistant Sessions Judge, Ranipet in S.C.No.171 of 2017 by a judgment dated 15.02.2021.

For Petitioner : Mr.M.R.Thangavel

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



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ORDER

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This Criminal Revision has been preferred as against the judgment dated 19.04.2022, passed by the learned II Additional District & Sessions Judge, Ranipet, Vellore, in C.A.No.16 of 2021, thereby confirming the order dated 15.02.2021, passed by the learned Assistant Sessions Judge, Ranipet in S.C.No.171 of 2017, thereby convicting the petitioner for the offence punishable under Section 307 of IPC.

2. The case of the prosecution was that when P.W.1 was deputed by the Deputy Superintendent of Police, Ranipet, to inspect the vehicles on 19.11.2014 at about 4.30 hours at Vellore to Chennai National Highways on the eastern side of Walaja Tollgate, along with police party, the petitioner came there in his motor cycle. On suspicion, the petitioner was asked to stop the vehicle and to produce the documents. Immediately, the petitioner had taken a knife from his shoes and scolded them with filthy language and also threatened them with dire consequences, by showing the knife. Further, the petitioner also assaulted P.W.1 on his shoulder and therefore P.W.1 sustained injury. Thereafter, the petitioner flew away from the scene of occurrence by taking the police four wheeler "Tata Sumo". On the complaint, the respondent registered the FIR in Crime No.602 of 2014 for the offences punishable under Sections

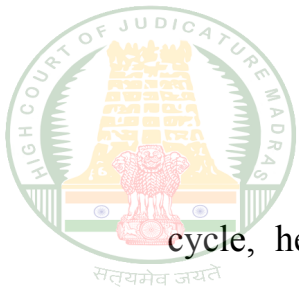


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294(b), 332, 307, 506(2), 392 r/w 397 of IPC. After completion of investigation, the respondent filed final report and same was taken cognizance by the Trial Court in S.C.No.171 of 2017.

3. In order to bring the charges to home, the prosecution had examined P.W.1 to P.W.16 and marked documents in Ex.P.1 to Ex.P.15. The prosecution also produced the material objects in M.O.1 to M.O.3. On the side of the petitioner, no one was examined and no document was marked. On perusal of the oral and documentary evidences, the Trial Court found the petitioner guilty for the offence punishable under Section 307 of IPC and sentenced him to undergo seven years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo six months rigorous imprisonment. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed by the appellate Court by confirming the order passed by the Trial Court. Hence, the petitioner filed the present revision.

4. The learned counsel appearing for the petitioner submitted that the victim was examined as P.W.1. The Trial Court acquitted the petitioner for the charges under Sections 294(b), 332, 506(2), 392 r/w. 397 of IPC. Even according to the case of the prosecution, when the petitioner came by his motor



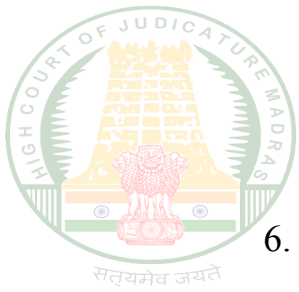
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cycle, he was intercepted by the P.W.1 and was asked for the document.

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Thereafter, he flew away from the scene of occurrence. Therefore, he had absolutely no intention to do away with the life of P.W.1. Hence, the offence punishable under Section 307 of IPC, cannot be attracted as against the petitioner. Though the alleged occurrence happened near toll gate, no independent witness was examined by the prosecution. Further the recovery was also not proved by the prosecution. In fact, the motor cycle which was allegedly driven by the petitioner was neither recovered from the petitioner and nor produced before the Court. Therefore, the prosecution failed to prove the charge for the offence punishable under Section 307 of IPC.

5. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent police submitted that when P.W.1 and other team members were in duty, they stopped the petitioner's vehicle since he was riding the vehicle in a drunken state. Immediately, the petitioner had taken a knife from his shoes and attacked P.W.1 in order to do away with the life of P.W.1. Therefore, both the Courts below convicted the petitioner for the offence punishable under Section 307 of IPC and it doesn't warrant any interference of this Court.



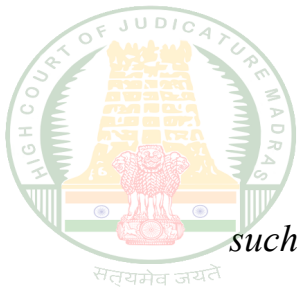
6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. P.W.1 was working as Inspector of Traffic Police, Ranipet. While being so, on 19.11.2014 at about 4.30 hours, when P.W.1 and other police personnels were on duty near Walaja toll gate, P.W.1 asked the petitioner to stop his motor cycle to verify the documents. The petitioner stopped the vehicle and took a knife from his shoes and also threatened them with dire consequence. The petitioner also stabbed P.W.1 and therefore, P.W.1 sustained injury on his shoulder. Though the petitioner was convicted for the offence punishable under Section 307 of IPC, the trial Court acquitted the petitioner from other charges.

8. It is relevant to extract the provision under Section 307 of IPC, as follows:-

“307. Attempt to murder —

Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by



*such act, the offender shall be liable either to imprisonment for life,
or to such punishment as is herein before mentioned.”*

Thus it is clear that the intention must be the main ingredient to attract the offence punishable under Section 307 of IPC. Further severe injury should be inflicted to attract the offence under Section 307 of IPC. The intention or knowledge is an essential ingredient to attract the offence under Section 307 of IPC.

9. Even according to the prosecution, the petitioner had attacked the defacto complainant on his shoulder. The doctor, who treated the defacto complainant, was examined as P.W.15 and he deposed that the injury sustained by the defacto complainant was simple in nature. Further, the entire case of the prosecution is not legitimate, since it is alleged that, after committing the offence, the petitioner flew away from the scene of occurrence that too by taking the police vehicle. However, the trial Court acquitted the petitioner for the offences under Sections 294(b), 332, 506(2), 392 r/w. 397 of IPC. The prosecution also failed to examine any independent witnesses. Therefore, the conviction and sentence imposed on the petitioner under Section 307 of IPC cannot be sustained. However, the petitioner can be convicted for the offence punishable under Section 324 of IPC.



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10. In view of the above discussions, the conviction and sentenced imposed on the petitioner by the judgment dated 19.04.2022, passed by the learned II Additional District & Sessions Judge, Ranipet, Vellore, in C.A.No.16 of 2021, and the order dated 15.02.2021, passed by the learned Assistant Sessions Judge, Ranipet in S.C.No.171 of 2017, for the offence under Section 307 of IPC, are hereby set aside. The petitioner is convicted for the offence punishable under Section 324 of IPC. Further, it is also reported that the petitioner has already been incarcerated for more than one year eight months. Therefore, the petitioner is sentenced to undergo imprisonment for the period already undergone by the petitioner.

11. Accordingly, the Criminal Revision Case stands partly allowed.

25.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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G.K.ILANTHIRAIYAN. J.

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To

1. The II Additional District & Sessions Judge,
Ranipet, Vellore.
2. The Assistant Sessions Judge,
Ranipet.
3. The The Inspector of Police,
Walajapet Police Station,
Vellore.
4. The Public Prosecutor,
Madras High Court,
Chennai.

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