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Crl.R.C.No.1659 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.1659 of 2023

B.Devasaran

...Petitioner

-Vs-

The State Rep. By
The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur.
Crime No.186 of 2023

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 438(1) and 442 of BNSS Act, 2023, praying to set aside the judgment, conviction passed against the petitioner in C.A.No.162 of 2023 by the learned Principal Sessions Judge, Tiruppur, on 09.08.2023 modified and confirmed the passed by the learned Judicial Magistrate No.II, Tiruppur, in C.C.No.318 of 2023 dated 06.06.2023.

For Petitioner : Mr.S.Raj Kumar

For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl.Side)



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ORDER

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This Criminal Revision Case has been filed by the petitioner/A3 against the judgment dated 09.08.2023 passed by the learned Principal Sessions Judge, Tiruppur in Crl.A.No.162 of 2023, dismissing the appeal and modifying the sentence imposed on him by judgment dated 06.06.2023 passed in C.C.No.318 of 2023 by the learned Judicial Magistrate-II, Tiruppur.

2. It is the case of the prosecution that the petitioner along with two others went to a wine shop on 04.05.2023 at about 11.30 p.m. and demanded liquor; that the complainant was an employee in the bar and since he refused to sell liquor as it was beyond the permitted time of 10.00 p.m., the petitioner/A3 abused him in filthy language; that petitioner instructed the other accused to murder the person who was incharge of the TASMAL bar; that A2 had taken an empty beer bottle and assaulted the complainant; that A1 had attacked another witness with an empty bottle; and that all the accused threatened the employees of the bar with dire consequences.

3. The respondent on completion of investigation filed a final report against all the accused for the offences under Sections 447, 294(b) 323, 324 and 506(ii) of the IPC. Before the Trial Court, the respondent examined 10



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witnesses viz., PW1 to PW10 and marked 13 documents viz., Ex.P1 to Ex.P13.

4. The Trial Court on the basis of the evidence of the injured witnesses and the medical evidence found that the petitioner/A3 was guilty of the offences charged against him and sentenced him as follows:

Offence under Section	Sentence imposed
447 of IPC	To undergo RI for three months.
294 (b) of IPC	To undergo RI for three months.
324 r/w 34 of IPC	To undergo RI for three years and to pay a fine of Rs.1,500/- in default to undergo SI for one month.
506(ii) of IPC	To undergo RI for two and a half years and to pay a fine of Rs.1,500/- in default to undergo SI for one month.
Sentences were ordered to run consecutively.	

5. On appeal, the Appellate Court while confirming the conviction rendered by the Trial Court had modified the sentence alone as follows:

Offence under Section	Sentence imposed by the trial Court	Sentence modified by the appellate Court
447 of IPC	To undergo RI for three months.	confirmed
294 (b) of IPC	To undergo RI for three months.	confirmed
324 r/w 34 of IPC	To undergo RI for three years and to pay a fine of Rs.1,500/- in default to undergo SI for one month.	To undergo RI for two years. No fine.
506(ii) of IPC	To undergo RI for two and a	To undergo RI for two years.



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	half years and to pay a fine of Rs.1,500/- in default to undergo SI for one month.	No fine.
Sentences were ordered to run concurrently and the period of remand and sentence already undergone by the accused is ordered to be set off.		

Challenging the same, the petitioner has filed the above Criminal Revision Case.

6. Heard Ms.R.Radha Pandian, learned counsel for the petitioner and Dr.C.E.Pratap, learned Government Advocate (Crl.Side) appearing for the respondent/State.

7. The learned counsel for the petitioner/A3 would submit that the prosecution witnesses have deposed falsely against the petitioner on account of prior enmity; that no independent witnesses were examined to prove the occurrence; that the witnesses to the observation mahazar and seizure mahazar had turned hostile; and that therefore, the conviction recorded by the Courts below are unsustainable.

8. The learned Government Advocate (Crl. Side) per contra submitted that the prosecution had established its case beyond reasonable doubt; that the petitioner/A3 who was in an inebriated condition had demanded liquor from the employees of the bar and since they refused to sell liquor, they were



attacked with broken liquor bottles and with hands.

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9. This Court finds that the Courts below based on the evidence of the injured witnesses held that the prosecution had established its case. Though the Accident Register would show that some of the injured witnesses did not suffer any external injuries, the evidence of victims who sustained injuries cannot be ignored. As regards the absence of independent witnesses, it is not necessary in all cases to examine independent witnesses as the occurrence took place inside the premises of the bar beyond the bar timings where no other person was present in the bar.

10. In the light of the evidence of the injured witnesses which is cogent and convincing, the Courts below rightly found the petitioner/A3 guilty of the offences alleged against him. The petitioner/A3 was unable to point out any infirmity in the judgments and in any case, they are not perverse warranting an interference in the above revision.

11. However, considering the nature of the evidence and the nature of the injuries, this Court is of the view that the sentence of imprisonment for the offences under Sections 324 r/w 34 and 506(ii) of the IPC against



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petitioner/A3, can be reduced to 18 months RI instead of two years.

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12. Accordingly, the sentence imposed on the petitioner/A3 for the offences under Sections 324 r/w 34 and 506(ii) of the IPC, are modified to rigorous imprisonment for a period of 18 months each instead of two years each, imposed by the Appellate Court. The sentences imposed for the other offences by the Appellate Court are just and reasonable and hence confirmed. The period of remand and sentence already undergone by the accused is ordered to be set off.

13. With the above modification, the Criminal Revision Case stands disposed of.

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To

- 1.The Principal Sessions Judge, Tiruppur.
- 2.The Judicial Magistrate No.II, Tiruppur.
- 3.The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur.
- 4.The Central Prison,
Coimbatore.
- 5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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