



Crl.A.No.13 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2025

CORAM:

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

Crl.A.No.13 of 2023
and Crl.M.P.No.141 of 2023

Muthu

... Appellant

Vs.

1. The State rep. by
The Deputy Superintendent of Police,
Olakkur, Tindivanam Taluk,
Villupuram District.
(Crime No.124/2017)

2. The Inspector of Police,
Olakkur Police Station,
Villupuram District.

3. R.Nandhan

... Respondent

PRAYER: Criminal Appeal filed under Section 374(2) of Cr.P.C., to set aside the judgment dated 30.09.2022 passed by the learned Sessions Judge, Special Sessions Court for exclusive trial of cases registered under SC&ST (Prevention of Atrocities) Act, Villupuram made in S.C.No.61 of 2017.

For Appellant : Ms.C.Jayachithra

For Respondents

For R1 & R2 : Mr.S.Rajakumar
Additional Public Prosecutor

For R3 : No appearance



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JUDGMENT

This Criminal Appeal has been filed as against the order dated 30.09.2022 passed by the learned Sessions Judge, Special Sessions Court for exclusive trial of cases registered under Schedule Caste & Schedule Tribes (Prevention of Atrocities) Act, Villupuram, made in S.C.No.61 of 2017, thereby convicting the appellant for the offence punishable under Section 324 of IPC and Section 3(2)(va) of the Schedule Caste & Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred to as “the SC/ST Act”).

2. The case of the prosecution is that the victim went to TASMACH shop along with his friends for consuming alcohol. After consuming alcohol, he dashed against the accused and as such there was a quarrel between them. During the quarrel, the accused assaulted the third respondent in his cheek and also attacked with liquor bottle in his left side of cheek. The other witnesses came to rescue the third respondent and the accused scolded all the witnesses by using their caste name and also attacked them. On the complaint, the first respondent registered FIR in Crime No.124 of 2017 for the offences punishable under Sections 323, 324, 307 of IPC and Section 3(1)(r), 3(1)(s) & 3(2)(va) of the SC/ST Act. After the completion of investigation, the first respondent filed final



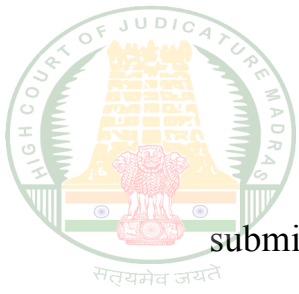
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report and the same has been taken cognizance in S.C.No.61 of 2017 by the trial Court.

3. On the side of the prosecution they had examined P.W.1 to P.W.8 and marked documents in Ex.P.1 to Ex.P.9. Further, they also produced material objects in M.O.1 & M.O.2. On the side of the defence, no one was examined and no documents were marked. On perusal of the oral and documentary evidences, the trial Court found the accused guilty only for the offences punishable under Section 324 of IPC and Section 3(2)(va) of the SC/ST Act and sentenced him to undergo three years for each offences and ordered to run the sentences concurrently. Aggrieved by the same, the appellant filed the present appeal along with the petition to suspend the sentence.

4. The learned counsel appearing for the appellant moved only the criminal appeal and did not move the Criminal Miscellaneous Petition in Crl.M.P.No.141 of 2023, to suspend the sentence. However, the respondents did not take any steps to secure the appellant. The Appeal got admitted and called for records from the lower Court.

5. The learned counsel appearing for the appellant would



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submit that while pending appeal, the appellant and the respondent settled the issue between them and as such, she did not press the petition for suspension of sentence. Further, the trial Court suspended the sentence for the period of 30 days. Due to the settlement between them, the learned counsel appearing for the appellant did not move the petition for suspension of sentence. She further submitted that there are several contradictions in the prosecution witnesses and the prosecution failed to prove the case. The time of occurrence and the injuries are fully contradicted between the evidence of P.W.1 to P.W.3.

6. The learned Additional Public Prosecutor appearing for the respondent police submitted that the prosecution proved the charges by let in evidences and as such, the trial Court rightly convicted the appellant and it doesn't warrant any interference by this Court.

7. Heard the learned counsel appearing on either side and perused the materials placed before this Court. Though notice served on the third respondent and his name also printed in the cause list, no one is appeared on behalf of the third respondent before this Court.



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8. On perusal of the records, it is revealed that P.W.1 is the injured witness. According to him, he along with P.W.2 went to TASMAC shop to consume alcohol. While being so, the third respondent dashed against the appellant and as such, there was a quarrel between them. During the quarrel, the appellant attacked him with beer bottle due to which, P.W.1 sustained injury on his left cheek. But P.W.2, who went to TASMAC shop along with P.W.1, deposed that already there was a quarrel between the appellant and another person. In order to resolve the quarrel, P.W.1 interfered and sustained injury. Therefore, there was a quarrel between the appellant and another person and no quarrel with P.W.1.

9. That apart, during the quarrel the appellant did not abuse them by using their caste name. Only when P.W.1 boarded in the vehicle, the appellant abused him using his caste name. Therefore, there are contradictions between the evidence of P.W.1 to P.W.3 and the prosecution failed to bring the charges even for the offences punishable under Section 324 of IPC and Section 3(2)(va) of the SC/ST Act. Further, now the appellant and the third respondent resolved their issue and as such, the third respondent even after receipt of the notice, failed to appear



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before this Court, either by person or through counsel.

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10. In view of the above discussions, the impugned order dated 30.09.2022 passed by the learned Sessions Judge, Special Sessions Court for exclusive trial of cases registered under Schedule Caste & Schedule Tribes (Prevention of Atrocities) Act, Villupuram, made in S.C.No.61 of 2017, is hereby set aside. The appellant/accused is acquitted of all charges in S.C.No.61 of 2017. Fine amount, if any paid, shall be refunded to the appellant forthwith. Bail bonds, if any executed, shall stand cancelled.

11. In the result, this Criminal Appeal stands allowed. Consequently, connected miscellaneous petition is closed.

05.06.2025

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

rts



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To

1. The Sessions Judge,
Special Sessions Court for
exclusive trial of cases registered
under SC/ST Act,
Villupuram.

2. The Deputy Superintendent of Police,
Olakkur, Tindivanam Taluk,
Villupuram District.

3. The Inspector of Police,
Olakkur Police Station,
Villupuram District.

4. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

rts

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