



Crl.R.C.No.2133 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

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Gurunathan

... Petitioner

Versus

The State,
Represented by the Inspector of Police,
Panruti Police Station,
Panruti, Cuddalore District.
(Crime No.267 of 2016)

... Respondent

PRAYER: Criminal Revision Case is filed under Sections 397 and 401 of Criminal Procedure Code, 1973, to call for the records and set aside the conviction order passed in C.A.No.19 of 2020 dated 22.08.2023 on the file of the I-Additional District and Sessions Court at Cuddalore in partial modification of the conviction order passed in C.C.No.103 of 2017 dated 30.11.2020 on the file of the Judicial Magistrate No.1, Panruti.

For Petitioner : Mr. K. S. Gowtham
for Mr. S.C. Vishwanth

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

ORDER



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This revision has been filed against the judgement dated 22.08.2023 passed in C.A.No.19 of 2020 on the file of the learned I-Additional District and Sessions Judge, Cuddalore, thereby, confirming the order of conviction and sentence imposed by the Trial Court in C.C.No.103 of 2017 dated 30.11.2020, on the file of the Judicial Magistrate Court No.1, Panruti for the offence under Section 326 of IPC.

2. The case of the prosecution was that, there was a land dispute between the de-facto complainant and the accused. While being so, on 24.04.2016 at about 05.30 P.M., when the victim and his brother went to their land, they noticed that the accused was in the process of readjusting the bunds of the agricultural land. At that time, after seeing the victim and his brother there, the petitioner attacked the victim with the wooden log side of a spade. As a result of which, the victim sustained simple injury on his forehead and grievous injury on his left shoulder. On the complaint, the respondent registered a First Information Report in Crime No.267 of 2016 for the offences under Sections 294(b), 324, 326, 352, 427 and 506(ii) of IPC. After completion of the investigation, a final report was filed and the same was taken cognizance by the Trial Court in C.C.No.103 of 2017. In order to bring home the charges, the prosecution examined nine witnesses as P.W.1 to P.W.9 and marked Exs.P1 to



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P8. On the side of the accused, no one was examined and no document was

marked. Upon perusal of the oral and documentary evidence, the Trial Court found the petitioner guilty of the offence under Section 326 of IPC and convicted and sentenced him to undergo one year simple imprisonment and also to pay fine of Rs.1000/-, in default, to undergo three months simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal in C.A.No.19 of 2020 before the I Additional District and Sessions Court, Cuddalore. The Appellate Court dismissed the appeal by confirming the conviction and modified the sentence alone from a period of one year to six months simple imprisonment and imposed a fine of Rs.10,000/-, in default of payment of fine, to undergo two months simple imprisonment. Aggrieved by the same, the present revision before this Court.

3. The learned counsel for the petitioner submitted that the Trial Court failed to note that there were contradictions between the witnesses, and the prosecution failed to prove the charges beyond any reasonable doubt. Therefore, the benefit of doubt should have been given in favour of the petitioner. The weapon, which was allegedly used for the crime was not produced by the prosecution before the Trial Court. Although the victim's medical report indicated that the victim sustained fractures, the prosecution



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failed to produce any X-ray report to prove the same.

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4. Per contra, the learned Government Advocate (Criminal side) appearing for the respondent submitted that the prosecution had categorically proved the charges before the Courts below and concurrently convicted the petitioner for the offence under Section 326 of IPC. Though the prosecution failed to produce the weapon which was used in the crime, the Doctor, who treated the victim, examined as P.W.7, had categorically deposed that the victim sustained injuries on his forehead and humerus bone, including a fracture on the left humerus bone. The wound certificate was marked as Ex.P3. Thereafter, the victim was referred to JIPMER hospital and medical report of the JIPMER hospital was marked as Ex.P8, through P.W.7/Doctor. Therefore, the prosecution had categorically proved the charges, and the Trial Court rightly convicted the petitioner, and the same was rightly confirmed by the Appellate Court.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondent and also perused the materials available on record.

6. Admittedly, the petitioner and the victim are neighboring land



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owners. There is a property dispute between them in respect of boundaries. On the date of occurrence, the petitioner was readjusting the bunds, and it was questioned by the victim along with his brother, leading to a quarrel between them. As a result, the petitioner attacked the victim with the handle side of the spade (i.e., wooden log of the spade), causing the victim to sustain fracture injuries. The victim was examined as P.W.1. The brother of the victim was examined as P.W.2, who had categorically deposed that the petitioner attacked the victim with the handle of the spade. The eye-witnesses were examined as P.W.3 and P.W.5. All the witnesses were corroborated to each other's testimony. Therefore, the prosecution proved the charges for the offence under Section 326 of IPC.

7. That apart, though the prosecution failed to produce the weapon, the injuries sustained by the victim were proved through doctor examination, and the issuance of wound certificate, with the doctor being examined as P.W.7. Thereafter, the victim was referred to JIPMER hospital for better treatment, where he was treated, and the medical report was marked as Ex.P8. After appreciating all the oral and documentary evidence, the Trial Court rightly convicted the petitioner. Therefore, this Court finds no infirmity or illegality on the order passed by the Courts below. However, insofar as the sentence is



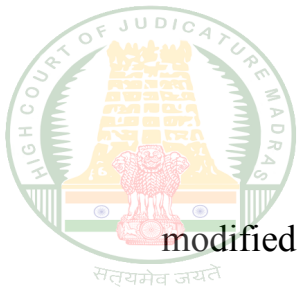
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concerned, the Appellate Court reduced it from one year to six months.

Considering that the petitioner has already undergone more than two months of imprisonment, this Court is inclined to modify the sentence alone.

8. Accordingly, the conviction imposed by the Trial Court is confirmed, but the sentence imposed on the petitioner for the offence under Section 326 of IPC, is modified from six months to the period as already undergone by petitioner, on condition that the petitioner shall pay a sum of Rs.40,000/- (apart from the fine amount imposed by the Trial Court) as compensation to the victim/P.W.1, directly, within a period of four weeks, from the date of receipt of a copy of this order. The petitioner must acknowledge the payment before the respondent Police. Failing which, the sentence imposed by the Trial Court will automatically stand restored, and the respondent police is at liberty to secure the petitioner to undergo for the remaining period of sentence.

9. As a result, this Criminal Revision is partly allowed and the Judgement dated 22.08.2023 in C.A.No.19 of 2020 passed by the learned I-Additional District and Sessions Judge, Cuddalore, and confirmed the order dated 30.11.2020 in C.C.No.103 of 2017, passed by the learned Judicial Magistrate Court No.1, Panruti for the offence under Section 326 of IPC, is



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modified as indicated above. Consequently, the connected miscellaneous

petition is also closed.

20.08.2025

Speaking / Non-Speaking Order

Neutral Case Citation : Yes/No

Index : Yes/No

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To

1. The I-Additional District and Sessions Court at Cuddalore.
2. The Judicial Magistrate No.1, Panruti.
3. The Inspector of Police, Panruti Police Station, Panruti, Cuddalore District.
4. The Public Prosecutor, High Court of Madras, Chennai.



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G.K.ILANTHIRAIYAN, J.

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