



Crl.R.C.No.1900 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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K.Ayyanar

.. Petitioner

Versus

The State represented by
The Sub Inspector of Police,
Tirukoilur Police Station,
Kallakurichi District.
Crime No.184 of 2017

.. Respondent

Prayer : Criminal Revision Case is filed under Sections 438 r/w 442 of B.N.S.S., to call for the records of judgment in Criminal Appeal No.11 of 2024, dated 19.09.2024 on the file of the learned Principal District and Sessions Judge, Kallakurichi and modifying the judgment, dated 15.12.2023 in C.C.No.197 of 2019 passed by the learned Judicial Magistrate, Tirukoilur and to set aside the same.



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For Appellant : Mr.H.Rajesh

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case is filed against the judgment of the learned Principal District and Sessions Judge, Kallakurichi, dated 19.09.2024 made in Crl.A.No.11 of 2024. By the said judgment, the Appellate Court modified the judgment of the Trial Court, dated 15.12.2023 made in C.C.No.197 of 2019. The Trial Court namely, the Judicial Magistrate Court, Tirukoilur, by the aforesaid judgment, found the petitioner/accused guilty of an offence under Section 324 of the Indian Penal code and sentenced to undergo two years Rigorous Imprisonment and to pay a fine of Rs.5,000/-. On appeal, the Appellate Court modified the conviction into one under Section 323 of the Indian Penal Code and sentenced the petitioner/accused to undergo Simple Imprisonment for a period of six months and reduced the fine amount to Rs.1,000/- and



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ordered the same to be paid as compensation to *P.W.I*, the injured witness and the balance fine amount was ordered to be returned to the petitioner/accused.

2. *Mr.H.Rajesh*, the learned Counsel for the petitioner/accused, by taking this Court to the evidence on record, would submit that it can be seen that it is the petitioner/accused who is the creditor and *P.W.I*, the injured witness, is a debtor. The other accused namely, the father of the petitioner/accused i.e., the first accused namely, *Kathavarayan* and the third accused namely, *Selvi*, were acquitted by the Trial Court. When the Appellate Court found that the very crux of the offence is not proved, only based on the wound certificate, the petitioner/accused alone was convicted.

3. After hearing the arguments of the learned Counsel for the petitioner/accused, when this Court pointed out to the evidence of the



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injured witness coupled with the medical evidence on record and the findings of the Appellate Court, the learned Counsel would thereupon argued on the question of sentence. For the purpose of sentence, the Court heard the learned Counsel in detail.

4. The parties were also ordered to be present through video conferencing. Both the petitioner/accused and the de facto complainant were present. It is seen that both the de facto complainant has repaid the loan and there is no transaction pending between the parties. There is no scope for any further conflict between the parties. The de facto complainant expressed that he is living in the village as a single family and since the petitioner/accused is a person having influence in the village, he should not again threaten the de facto complainant and if the petitioner/accused does not come in the way of the de facto complainant in any manner whatsoever, he is even willing for compounding of the



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offence. The manner, in which, the de facto complainant made the statement and the stage in which he has made, was also taken note of. The petitioner/accused would also submit that henceforth, there is nothing between the de facto complainant and the petitioner/accused and he will not in any manner further harass or involve with the de facto complainant.

5. When the said submission is made, considering the fact that the Appellate Court has convicted the petitioner/accused, only for the offence under Section 323 of the Indian Penal Code, this Court directed the respondent Police to get the Probationary Officer's Certificate. Today, the said certificate is also produced. Upon perusal of the certificate, it can be seen that the petitioner/accused has a permanent residence and that he is leading a lawful life with his family and there is no other antecedent as against the petitioner/accused. The certificate shows that the conduct of the petitioner/accused is good so as to extend the benefit of probation to



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the petitioner/accused. The same is also taken into account. The learned Counsel for the petitioner/accused would submit that in the event of this Court releasing the petitioner/accused on probation, the petitioner/accused will not claim back the amount of fine already paid by him and the same can be paid out to the de facto complainant as compensation. The same is also recorded.

6. In view of the aforesaid facts mentioned, this Criminal Revision Case is partly allowed on the following terms:-

(i) The conviction and sentence of the petitioner/accused under Section 323 of the Indian Penal Code as found by the learned Principal District and Sessions Judge, Kallakurichi vide the judgment, dated 19.09.2024 in Crl.A.No.11 of 2024, shall stand confirmed. However, without proceeding to sentence the petitioner/accused, after admonition, the petitioner/accused is released on probation under Probation of



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Offenders Act on the following conditions:

(a) The petitioner/accused shall execute a bond undertaking good conduct and also give a further undertaking that he will not involve with the de facto complainant/injured witness in any manner whatsoever for another period of one year and failing compliance, he shall appear before this Court to take the sentence;

(b) The petitioner/accused will not claim back the sum of Rs.5,000/- deposited by him on the file of the Trial Court after the fine was imposed and the said sum shall be paid out to the de facto complainant as compensation.

24.11.2025

Neutral Citation : no
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To

1. The Principal District and Sessions Judge,
Kallakurichi.

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2. The Judicial Magistrate,
Tirukoilur.
3. The Sub Inspector of Police,
Tirukoilur Police Station,
Kallakurichi District.
4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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