



Crl.R.C.No. 7 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 13.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.R.C.No. 7 of 2024

1. Velmurugan
2. K.Krishnakumar

... Petitioners

Vs.

State Rep. by,
The Inspector of Police,
Kumarapalayam Police Station,
Crime No. 174 of 2013,
Namakkal District.

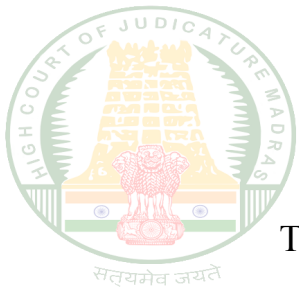
... Respondent

PRAYER: Criminal Revision Case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records relating to the conviction imposed in the judgement dated 29.11.2023 made in C.A.No. 6 of 2022 on the file of the learned Second Additional Sessions Court (FAC), Tiruchengode confirming the judgment dated 22.12.2021 made in C.C.No. 47 of 2020 on the file of the learned Judicial Magistrate, Kumarapalayam and set aside the same by allowing this Criminal Revision Petition.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.J.Subbiah
Government Advocate (Crl.Side)

ORDER



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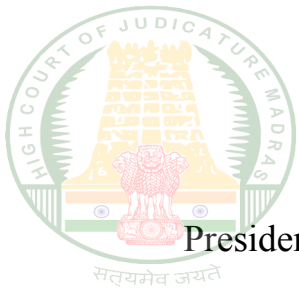
This Criminal Revision is filed challenging the judgment of the learned

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II Additional Sessions Judge (FAC), Tiruchengode, made in Criminal Appeal No. 6 of 2022 dated 29.11.2023, whereby the appellate Court confirmed the conviction and sentence imposed on the petitioners/accused by the learned Judicial Magistrate, Kumarapalayam, in C.C. No. 47 of 2020 for alleged offences under Sections 294(b) and 353 of the Indian Penal Code. By the judgment dated 22.12.2021 in C.C.No.47 of 2020, the trial Court found the petitioners guilty of an offence under Section 294(b) of IPC and imposed a fine of Rs.500/- each, and in default of payment of fine, to undergo simple imprisonment for one week; and for the offence under Section 353 IPC, to undergo simple imprisonment for a period of two years.

2. When the matter came up for hearing, it was reported that the first petitioner/accused No.1, Velmurugan, had since died on 10.01.2025, and as such, the same is recorded and the criminal revision case with reference to the first petitioner is treated as having abated.

3. The case of the prosecution is that, on 17.03.2013, at about 6:45 p.m., when P.W.1 *Easwaran* and other police personnel were present in the Kumarapalayam Police Station, the first accused, who was then the Panchayat



President of Kupbandapalaiyam Village, came into the police station along with second accused in an inebriated condition. They abused the police personnel present in the station with sexually coloured and unparliamentary words. They took exception to the activities of the Inspector of Police for conducting repeated traffic checks and threatened the police personnel, demanding that the Inspector to come to the station immediately.

4. Upon such allegation, a case was registered in Crime No. 174 of 2013. The accused were taken to the hospital and P.W.6, the doctor, examined them. Though he found that they were conscious and oriented, it was found that they had consumed alcohol, and a certificate in Ex.P2 was obtained. Thereafter, P.W.7 completed the investigation and laid the final report proposing the accused guilty of the offences under Sections 294(b), 353, 506(ii) IPC and Section 4(1)(J) of the TNP Act.

5. The case was taken on file as C.C. No. 47 of 2020. Summons were issued. The accused appeared. Upon questioning, they denied the allegations and stood trial. The prosecution examined P.W.1 to P.W.7 and marked Exs. P1 to P4 in order to bring home the charges. Upon being questioned about the incriminating evidence and material circumstances on record, the accused



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denied the same as false. Thereafter, no evidence was let in on behalf of the defence. The trial Court, after hearing the learned Public Prosecutor and the learned counsel for the accused and considering the evidence on record, acquitted the accused of the charges under Section 506(i) IPC and Section 4(1)(J) of the TNP Act. However, the accused were found guilty of the offences under Sections 294(b) and 353 of Indian Penal Code and sentenced them as above. Aggrieved thereby, an appeal was preferred in Criminal Appeal No. 6 of 2022, and by the judgment dated 29.11.2023, after re-appreciation of evidence, the appellate Court confirmed the finding of guilt and the sentence imposed on the accused. Aggrieved thereby, the present revision is filed.

6. The learned counsel for the petitioner commenced his arguments by pointing out certain defects in the prosecution case. However, he thereafter submitted that second accused, though a member of the same political party as first accused, was not the main instigator. It was first accused, being the Village President, who wanted to confront the police. The second accused was only an ordinary member who accompanied him. Even though allegations are also made against the second accused, he is only a farmer, now aged about thirty-five years, and is leading a lawful life. There were no allegations against him involving any criminal case prior to the registration of the present case or



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thereafter. Immediately after the incident, the second accused was taken into custody and was imprisoned for a period of nine days before being released on bail. After coming out on bail, he has shown remarks through his conduct, is no longer involved in active political activities and is eking out his livelihood as a farmer. Therefore, the learned counsel submitted that this Court should appropriately consider the case of the second accused.

7. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that P.W.1 and the other police personnel who were eyewitnesses to the offences committed by the accused were examined and that the prosecution had proved the offences beyond doubt. He did not controvert the fact that the petitioner was taken into custody for nine days before being released on bail and confirmed that there was no previous or subsequent case against the petitioner and that the petitioner is now leading a lawful life as a farmer.

8. I have considered the rival submissions made on either side and perused the material records of the case.

9. A perusal of the evidence of P.W.1, P.W.2 and the other witnesses, coupled with the corroborative evidence of the doctor (P.W.6), I am of the



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view that even though certain arguable points were made, no specific grounds have been raised so as to interfere with the finding of guilt in the exercise of revisionary jurisdiction. However, considering that the first accused, now deceased, was the one who entered the police station and created the ruckus, and that the second accused was only accompanying him and further considering that the second accused is a first-time offender has no other criminal record, was imprisoned for nine days and has since led a lawful life as a farmer, I am of the view that the provisions of the Probation of Offenders Act, 1958 can be invoked. Accordingly, instead of sentencing the accused, he is released on good conduct.

10. In view thereof, this criminal revision is ***disposed of*** and the finding of guilt with reference to the offences under Sections 294(b) and 353 of Indian Penal Code, 1860 stands confirmed. However, instead of sentencing the accused, he is released on probation under the Probation of Offenders Act on the following conditions:-

(i) The accused shall file an affidavit of undertaking before the trial Court, undertaking to maintain good conduct for a period of two years.



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Officer once in six months for the said period of two years.

13.08.2025

Neutral Citation: No
nsl

To

1. The Inspector of Police,
Kumarapalayam Police Station,
Crime No. 174 of 2013,
Namakkal District.
2. The II Additional Sessions Court (FAC), Tiruchengode.
3. The Judicial Magistrate, Kumarapalayam.
4. The Public Prosecutor,
High Court of Madras.

D.BHARATHA CHAKRAVARTHY, J.



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