



Crl.R.C.No.2418 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.2418 of 2024
and Crl.M.P.No.18591 of 2024

Pugazhendhi

.. Petitioner

Versus

State represented by
The Sub-Inspector of Police,
Kedar Police Station,
Villupuram District.
(Crime No.97 of 2002)

.. Respondent

Prayer : Criminal Revision Case is filed under Section 438 r/w 422 of BNSS Act to set aside the judgment, dated 09.09.2024 made in Crl.A.No.33 of 2024 on the file of the learned Principal Sessions Judge, Villupuram, in modifying the judgment, dated 23.04.2024 made in C.C.No.63 of 2003 on the file of the learned Judicial Magistrate No.II, Villupuram and to acquit the petitioner.

For Petitioner : Mr.C.Prabakaran



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Crl.R.C.No.2418 of 2024

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



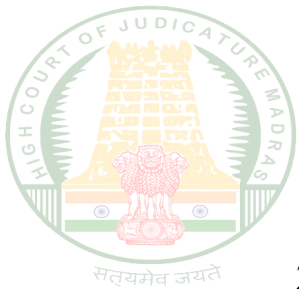
Crl.R.C.No.2418 of 2024

ORDER

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This Criminal Revision Case is filed challenging the judgment of the learned Principal Sessions Judge, Villupuram, dated 09.09.2024 made in Crl.A.No.33 of 2024. By the said judgment, the appeal was partly allowed and the judgment of the Trial Court, finding the petitioner/accused guilty in respect of the certain offences, was confirmed and in respect of certain offences, the petitioner/accused was acquitted. The Trial Court i.e., the Judicial Magistrate Court No.II, Villupuram, had, by the judgment, dated 23.04.2024 made in C.C.No.63 of 2003, convicted the appellant and made the following conviction and sentence against the appellant:-

Sl.No.	Section of Law	Punishment
1.	Section 147 of I.P.C	6 months Simple Imprisonment
2.	Section 148 of I.P.C	1 year Simple Imprisonment
3.	Section 294(b) of I.P.C	3 months Simple Imprisonment
4.	Section 323 of I.P.C	6 months Simple Imprisonment
5.	Section 506(ii) of I.P.C	Acquitted



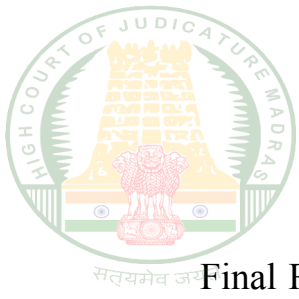
Crl.R.C.No.2418 of 2024

WEB COPY

2. The Appellate Court had however convicted the appellant for the offence under Section 294(b) and sentenced to undergo three months Simple Imprisonment and for the offence under Section 323 of the Indian Penal Code and sentenced to undergo six months Simple Imprisonment and a total fine of Rs.10,000/- was imposed against the petitioner/accused.

3. The case of the prosecution is that on 15.07.2002 at about 12'o clock, after completion of the carnival rituals in the Droupadi amman temple at Venganthur and when the deity was taken for procession in the streets, one Elumalai (not examined since deceased) was asked to remove the wooden logs laid down on the street in front of the house of the third accused, for which, all the accused were said to have picked up a quarrel and also to have assaulted him including assaulting with an iron pipe.

4. On the strength of the said allegations, a case in Crime No.97 of 2002 was registered and *P.W.6* took up the case for investigation and laid a



Crl.R.C.No.2418 of 2024

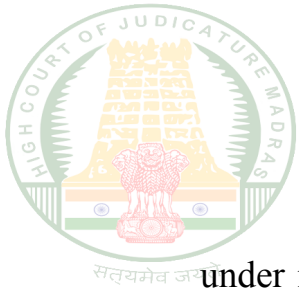
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Final Report proposing totally six accused guilty of the offences. The Trial Court, while acquitting some of the accused, found the petitioner/accused guilty as above. Against which, the Criminal Appeal was filed which was also partly allowed. Against which, this Criminal Revision Case is filed.

5. *Mr.C.Prabhakaran*, learned Counsel for the petitioner/accused, even though started to argue on merits, upon query made by this Court, the learned Counsel made an alternative argument relating to the question of sentence also.

6. I have heard *Mr.J.Subbiah*, the learned Government Advocate (Crl. Side) for the respondent with reference to the question of sentence also.

7. This is a conflict which arose during the temple festival. It was a wordy quarrel. There was also a case and counter. The petitioner/accused does not have any other antecedent except the instant case. He has been



Crl.R.C.No.2418 of 2024

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under incarceration for a period of 23 days. Under the circumstances, I am of the view that the period of imprisonment imposed by the Appellate Court can be modified as one of period already undergone.

8. In view thereof, this Criminal Revision Case is partly allowed on the following terms:-

(i) The finding of the guilt as made by the learned Principal Sessions Judge, Villupuram in the judgment, dated 09.09.2024 made in Crl.A.No.33 of 2024, finding the petitioner/accused guilty of the offences under Sections 294(b) and 323 of the Indian Penal Code, stands upheld.

(ii) The fine amount imposed by the Trial Court, shall also stand confirmed. The petitioner/accused shall pay the fine amount within a period of four weeks from the date of receipt of a web-copy of this order, failing which, he shall undergo 15 days Simple Imprisonment;

(iii) As far as the sentence of imprisonment is concerned, the same is modified as to one of period already undergone.



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Crl.R.C.No.2418 of 2024

28.08.2025

Neutral Citation : yes/no
grs

To

1. The Principal Sessions Judge,
Villupuram.
2. The Judicial Magistrate No.II,
Villupuram.
3. The Sub-Inspector of Police,
Kedar Police Station,
Villupuram District..
4. The Public Prosecutor,
High Court of Madras.



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Crl.R.C.No.2418 of 2024

D.BHARATHA CHAKRAVARTHY, J.,

grs

Crl.R.C.No.2418 of 2024
and Crl.M.P.No.18591 of 2024



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Crl.R.C.No.2418 of 2024

28.08.2025