



Crl.R.C.(MD)No.112 of 2021

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DATED : 18.08.2025

CORAM:

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.112 of 2021

S.Kannan

...Revision Petitioner/
Appellant/
Sole Accused

Vs.

State represented by
The Sub Inspector of Police,
Bodinayakanur Town Police Station,
Bodinayakanur,
Theni District.
(Crime No.284 of 2013)

... Respondent/
Respondent/
Complainant

Prayer : This Criminal Revision Case has been filed under Section 397(3) and 401 of Cr.P.C., to admit this revision on file, to call for the records from the lower court and to set aside the orders passed by the learned Additional District and Sessions Judge (FTC), Theni in C.A.No.28 of 2019 dated 31.01.2020 wherein he has confirmed the conviction and sentence passed by the learned Judicial Magistrate Court, Bodinayakanur, Theni District in C.C.No.198 of 2013 dated 12.03.2019 by allowing this revision.



Crl.R.C.(MD)No.112 of 2021

WEB COPY

For Petitioner : Mr.R.Senthil Kumar

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl. Side)

ORDER

This revision case has been filed to set aside the Judgment passed in C.A.No.28 of 2019 on the file of the learned Additional District and Sessions Judge (FTC), Theni, dated 31.01.2020 confirming the Judgment of conviction passed in C.C.No.198 of 2013, dated 12.03.2019 on the file of the learned Judicial Magistrate, Bodinayakanur.

2. The case of the prosecution is that on 14.06.2013 at about 17.15 hours, the complainant, who was working as Head Constable of Bodi Taluk Police Station, and other police officials dropped by the occurrence spot and chanced upon some auto drivers sitting on the causeway and arguing with each other and when the complainant asked them to leave from that spot, the petitioner had abused the complainant in filthy language and assaulted him and also deterred them from doing their official duty. Therefore, he lodged a complaint before the respondent police. On the basis of the above said complaint, the respondent police



Crl.R.C.(MD)No.112 of 2021

registered the case in Crime No.284 of 2013 for the offences punishable under Sections 294(b), 353 and 506(1) IPC and Section 4(1)(j) of Tamil Nadu Prohibition Act. The same was taken on file in C.C.No.198 of 2013 on the file of the Judicial Magistrate, Bodinayakanur.

3. To prove the prosecution case, on the side of the prosecution PW1 to PW9 were examined and Exs.P1 to Ex.P5 were marked. Thereafter the learned trial Judge examined the accused under Section 313 Cr.P.C, by reading the incriminating materials available against him on the basis of the records and the accused denied the same as false. No defence witness was examined and no defence exhibits were marked.

4. The learned trial Judge after conclusion of the trial, found the accused guilty for the offences punishable under Sections 294(b), 353 and 506(1) IPC and Section 4(1)(j) of Tamil Nadu Prohibition Act and convicted the petitioner and sentenced him to undergo three months simple imprisonment with fine of Rs.2,000/-, in default to undergo one month simple imprisonment for the offence under Section 294(b) IPC, to undergo two years simple imprisonment with fine of Rs.5,000/-, in default



Crl.R.C.(MD)No.112 of 2021

to undergo one month simple imprisonment for the offence under Section 353 IPC, to undergo two years simple imprisonment with fine of Rs.3,000/-, in default to undergo one month simple imprisonment for the offence under Section 506(1) IPC and to undergo one month simple imprisonment with fine of Rs.500/-, in default to undergo one month simple imprisonment for the offence under Section 4(1)(j) of Tamil Nadu Prohibition Act and set off the period already undergone under Section 428 Cr.P.C.

5. Aggrieved over the above said Judgment of conviction, the petitioner filed the appeal in C.A.No.198 of 2013 before the learned Additional District and Sessions Judge (FTC), Theni. The learned Additional District and Sessions Judge, confirmed the conviction and sentence imposed upon the petitioner, by the Judgment dated 31.01.2020.

6. Challenging the concurrent findings, the petitioner has come up with this present revision petition.



Crl.R.C.(MD)No.112 of 2021

WEB COPY

7. The learned counsel appearing for the petitioner would submit that the Courts below failed to consider the fact that other than official witnesses no independent witnesses supported the case of the prosecution and that P.W.5 and P.W.6 turned hostile. The learned counsel further submitted that the petitioner has no previous antecedents and he is no way responsible for the occurrence that took place. The petitioner was aged about 28 years at the time of occurrence.

8. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner deterred the public servant from doing his duty and also assaulted him. Hence, she seeks to confirm the conviction and sentence.

9. This Court considered the rival submissions and perused the records.

10. PW1 clearly deposed about the incident and also PW2 corroborated the said version. As rightly observed by the learned first appellate Judge, the evidence of police officers need not be viewed with



Crl.R.C.(MD)No.112 of 2021

suspicion and they are natural witnesses. In the said circumstances, this Court finds no merit in the contention of the petitioner's counsel that no independent witnesses supported the case of the prosecution. In view of the concurrent finding recorded by both the Courts below about the assault made by the petitioner against PW1 the incident is clearly proved. Hence, this Court is inclined to confirm the conviction against the petitioner under Sections 294(b), 353 and 506(1) IPC and Section 4(1)(j) of Tamil Nadu Prohibition Act.

11. In view of the foregoing discussions, this Court is of the considered opinion that the prosecution has proved its case beyond any reasonable doubts, through the prosecution witnesses. But then, it is the submission of the learned Government Advocate (Criminal Side) that the petitioner has no bad antecedents and that at the time of the occurrence, he was aged about 28 years. Considering the nature of offence, the fact that he was not involved in any other previous cases, and that he has already undergone 6 days of imprisonment, during the trial, this Court, while confirming the conviction, is inclined to modify the sentence to the period of imprisonment already undergone by him.



Crl.R.C.(MD)No.112 of 2021

WEB COPY

12. Accordingly, this criminal revision case stands partly allowed in the following terms.

(i) The Judgment of conviction passed by the Courts below is hereby confirmed.

(ii) The Sentence is reduced to the period of imprisonment already undergone by the accused / petitioner.

18.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
csm/sbn

To:

- 1.The Additional District and Sessions Judge (FTC),
Theni.
- 2.The Judicial Magistrate,
Bodinayakanur.
- 3.The Sub Inspector of Police,
Bodinayakanur Town Police Station,
Bodinayakanur,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD)No.112 of 2021

K.K.RAMAKRISHNAN,J.

csm/sbn

Order made in
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