



CrL.R.C.(MD)No.270 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.270 of 2023

Manivasan

... Petitioner

-VS-

The State Rep. By its,
The Inspector of Police,
Vattathikkottai Police Station,
Thanjavur District.
(Crime No.65 of 2018)

... Respondent

PRAYER : Criminal Review Case filed under 397 and 401 of Cr.P.C., to call for the entire records relating to the judgment of the learned III Additional District and Sessions Judge, Thanjavur @ Pattukkottai, passed in C.A.No. 61 of 2021 dated 23.11.2022, confirming the conviction and sentence passed by the Fast Track Court (Magisterial Level), Pattukkottai in C.C.No. 29 of 2020 dated 22.04.2021 and set aside the same by allowing the present Criminal Revision Petition and acquit the petitioner/accused.

For Petitioner : Mr.S.Ramasamy

For Respondent : Mr.S.S.Manoj, Government Advocate (Crl.)

ORDER

Challenging the judgment of the learned III Additional District and Sessions Judge, Pudukottai, in Criminal Appeal No.61 of 2021 dated 23.11.2022, confirming the conviction and sentence passed by the learned



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Fast Track Court (Magisterial Level), Pattukkottai, in C.C.No.29 of 2020 dated 22.04.2021, convicting the petitioner and imposing a fine of Rs. 500/-, in default to undergo one month simple imprisonment for the offence under Section 352 IPC, and sentencing him to one year simple imprisonment and a fine of Rs.10,000/-, in default to undergo three months simple imprisonment for the offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, this Criminal Revision Case is filed.

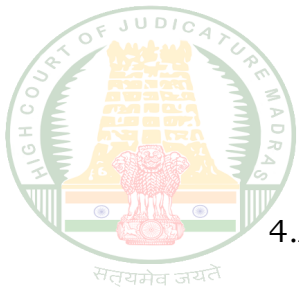
2.The revision petitioner is the accused in C.C.No.29 of 2020 on the file of the learned Judicial Magistrate (Fast Track Court). The prosecution case is that on 10.05.2018 at 08.00 a.m., when the defacto complainant had gone to her poultry farm along with her husband, Saminathan, at North Street, Kuruchi Village, within the jurisdiction of Vattathikottai Police Station, due to a previous enmity over a land dispute, the accused scolded her with filthy language, grabbed her hair and also attacked her husband, Saminathan, threatening that he would not spare them, if they frequented the area. On her complaint, the respondent police filed a final report against the accused for offences under Sections 294(b), 352, 506 (i) of IPC, and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. Originally, the charge sheet was presented before the learned Judicial Magistrate, Pudukottai, and taken on file on 09.10.2018 as C.C.No.289 of 2018. Thereafter, the case was transferred to the learned



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Fast Track Court, Pudukottai, renumbered on 21.01.2020 as C.C.No.29 of 2020 and upon the accused's appearance copies were furnished to him free of cost under Section 207 of Cr.P.C., and on questioning, he pleaded not guilty.

3.The learned Trial Court examined P.W.1 to P.W.6 on the prosecution side and marked Ex.P1 to Ex.P5. On being questioned under Section 313 Cr.P.C., as to the incriminating circumstances against him, the accused denied the prosecution evidence and did not adduce any defence evidence. After considering all documentary and oral evidence, the learned Trial Court found the accused guilty under Section 352 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and imposed a fine of Rs.500/- for the offence under Section 352 of IPC, in default of which, the accused was to undergo one month simple imprisonment, and sentenced him to one year simple imprisonment and a fine of Rs.10,000/- for the offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in default of which he was to undergo three months simple imprisonment and thus, totalling a fine of Rs.10,500/-. The learned Trial Court acquitted the accused of the offences under Sections 294(b) and 506 (i) of IPC.

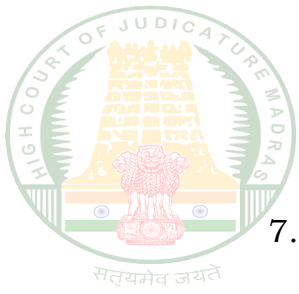


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4. Aggrieved, the accused preferred Criminal Appeal No.61 of 2021 before the learned III Additional District and Sessions Judge, Thanjavur at Pattukottai. By the impugned judgment dated 23.11.2022, the learned III Additional District and Sessions Judge confirmed the learned Trial Court's conviction and sentence and dismissed the appeal. Challenging that decision, the present Criminal Revision Case has been filed.

5. The learned counsel appearing for the petitioner submitted that the defacto complainant (P.W.1) and her husband (P.W.2) are closely related to the petitioner (the accused is the maternal uncle of P.W.1 and the brother of P.W.2), and that a long-standing civil dispute over land between P.W.2 and the accused provided a false motive for the complaint. No injury was substantiated by medical evidence and P.W.3, an eyewitness, turned hostile and the learned Trial Court ought not to have convicted on the basis of uncorroborated testimony. He further pointed out that the FIR was registered after an inordinate delay of five days and urged that the period of 20 days incarceration already suffered be set off against any sentence, and that the entire fine of Rs.10,500/- has been paid.

6. The learned Government Advocate (Crl.) appearing for the respondent on the other hand, supported the judgments of both Courts below, submitting that there was no infirmity in the findings or sentences.



7. Heard the learned counsel on both sides and carefully perused the materials available on record.

8. Six witnesses and five documents (Ex.P1 to Ex.P5) were before the Courts below and no defence evidence was adduced. Both the Courts found that the accused's presence at the scene was admitted and unrebutted that the nature of the offences under Section 352 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act was established by the testimonies of P.W.1 and P.W.2 and that, despite P.W.3 turning hostile, the evidence sufficed for conviction.

9. On careful consideration, I find no error in the conclusions of fact reached by the Courts below save in respect of sentencing. The conviction under Section 352 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, is upheld. However, in view of the 20 days already undergone in judicial custody and the payment of the fine of Rs.10,500/- has already been paid, the sentences are modified as follows:-

(i) The petitioner is convicted under Section 352 of IPC and imposed a fine of Rs.500/- only (the default sentence having been rendered otiose by payment).

(ii) The petitioner is convicted under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and imposed a fine of Rs. 10,000/- only (the default sentence having been rendered otiose by



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payment).

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10.The conviction and sentence insofar as they relate to Sections 294(b) and 506(i) of IPC are confirmed (i.e., acquittals are upheld).

11.Accordingly, this Criminal Revision Case is partly allowed, in terms of the above modification of sentence and in all other respects, the judgments of the Courts below are affirmed. No Costs.

16.07.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn

To

- 1.The III Additional District and Sessions Judge,
Thanjavur @ Pattukkottai.
- 2.The Judge, Fast Track Court (Magisterial Level), Pattukkottai.
- 3.The Inspector of Police,
Vattathikkottai Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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