



CrI.R.C.(MD)No.470 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

CORAM:

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

CrI.R.C.(MD)No.470 of 2022

and

CrI.M.P.(MD)No.5981 of 2022

Ranjith

... Revision
Petitioner

Vs.

The Sub Inspector of Police,
Kurumbur Police Station,
Tuticorin.
(Crime No.186 of 2021)

... Respondent/
Respondent

Prayer : This Criminal Revision Case has been filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records and set aside the judgment passed in C.A.No.55 of 2018 dated 09.03.2022 by the learned Principal Sessions Judge, Tuticorin confirming the judgment in C.C.No.31 of 2012 dated 20.06.2018 on the file of the Judicial Magistrate, Srivaikundam, Tuticorin District.



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For Petitioner : Mr.KA.Raamakrishnan

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

ORDER

The Criminal Revision Case has been preferred by the sole accused against the judgment of conviction passed in Crl.A.No.55 of 2018 dated 09.03.2022 on the file of the Principal Sessions Court, Thoothukudi, confirming the judgment made in C.C.No.31 of 2012 dated 20.06.2018 on the file of the Judicial Magistrate, Srivaikundam.

2. The conviction and sentence is as follows:

S. No.	Case No.	Conviction for the offence under Section	Sentence of imprisonment	Fine	Default sentence
1.	C.C.No.31 of 2012	448 IPC	to undergo simple imprisonment for a term of one year	-	-
		4 of TNPWH Act	to undergo simple imprisonment for a term of two years	Rs.10,000/-	one month simple imprisonment
2.	C.A.No.55 of 2018	448 IPC	to undergo simple imprisonment for a term of one year	-	-
		4 of TNPWH Act	to undergo simple imprisonment for a term of two years	Rs.10,000/-	one month simple imprisonment



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2.1 Brief facts of the case:

On 13.10.2011 at 17.00 hours, when the defacto complainant went to take bath in the bathroom situated in the compound of her house, the petitioner / sole accused was standing in the bathroom wearing women's lingerie and also holding a knife in his hand and threatened the defacto complainant saying that if she tell this to anybody, he would kill her by brandishing the knife. Hence, the respondent police registered a case in Crime No.186 of 2011 for the offences under Sections 448 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and after completing the investigation, filed a final report and the same was taken on file in C.C.No.31 of 2012 on the file of the Judicial Magistrate, Srivaikundam.

2.2. The learned Judicial Magistrate summoned the petitioner and framed the necessary charges and questioned the petitioner and the petitioner pleaded not guilty and claimed to be tried.

2.3. After appearance of the petitioner, copies of records were furnished to him under Section 207 Cr.P.C. The learned Trial Judge, on



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perusal of records and on hearing both sides and being satisfied that there existed a *prima facie* case against the petitioner, framed charges by reading over the charges and explained to him and on being questioned, the petitioner denied the charges and pleaded not guilty and stood trial.

2.4.The prosecution, in order to prove its case, had examined 7 witnesses as P.W.1 to P.W.7 and exhibited 4 documents as Ex.P.1 to Ex.P.4.

2.5.When the petitioner was examined under Section 313(1)(b) of Cr.P.C., with regard to incriminating aspects against him, he denied the evidence as false and further stated that a false case has been foisted on him. The defence adduced neither oral nor documentary evidence.

2.6.The learned Trial Judge, considering the materials and circumstances found that the petitioner in C.C.No.31 of 2012 was guilty and passed the conviction and sentence against the petitioner as stated above. Aggrieved over the same, the petitioner filed an appeal before the Principal Sessions Judge, Thoothukudi in C.A.No.55 of 2018 and the same was dismissed on 09.03.2022 by confirming the conviction and sentence



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imposed by the learned Trial Judge. Challenging the concurrent finding of the Courts below, the petitioner herein has filed this Criminal Revision Case before this Court.

3. The learned counsel appearing for the petitioner would submit that mere wearing of women's lingerie by the petitioner would not amount to insulting the complainant and that the prosecution has not explained as to in what manner such act caused insult, harassment or intimidation to the complainant. He would further submit that the alleged occurrence is not shown to have taken place in a public place or within public view and hence, the essential ingredients to attract Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act are not made out.

4. The learned counsel appearing for the petitioner would further submit that the ingredients necessary to constitute the offence under Section 448 IPC are also not made out and that the prosecution has failed to establish this unlawful entry or remaining in the premises with intent to commit an offence, intimidate, insult or annoy the complainant.



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5. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner involved in a serious crime which has outraged the modesty of a woman. Hence, she seeks to confirm the conviction and sentence.

6. This Court carefully considered the rival submissions made on either side and have perused the material documents and also the evidence on record.

7. Except the allegation that the petitioner was wearing women's lingerie, no other overt act has been attributed against him. Mere wearing of women's lingerie would not constitute the offences alleged by the prosecution. In the absence of satisfactory evidence proving criminal trespass, the conviction under Section 448 IPC cannot be sustained. Accordingly, the appellant is acquitted of all the charges.

8. In the result, the Criminal Revision Case is allowed. The conviction and sentence imposed by the Courts below are set aside and the petitioner / sole accused is acquitted of all charges. Fine amount, if any



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paid, shall be refunded. Bail bond, if any, shall stand terminated.

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Consequently, connected Miscellaneous Petition is closed.

18.08.2025

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

To:

- 1.The Principal Sessions Judge,
Thoothukudi.
- 2.The Judicial Magistrate,
Srivaikundam.
- 3.The Sub Inspector of Police,
Kurumbur Police Station,
Tuticorin.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

csn

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