



Crl.R.C.(MD)No.16 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.16 of 2023

M.Mohamed Abbas ... Petitioner/Defacto Complainant/
Defacto Complainant/Defacto Complainant

Vs.

1.State through its
Inspector of Police,
S.S.Colony Police Station,
Madurai.
(Crime No.722/2003)

... Respondent/Complainant/
Complainant/ Complainant

2.Mohamed Yasin

3.Abuthahir

... Respondents/Appellants/
Accused Nos.1&2/Accused Nos.1&2

Prayer : Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C, to call for the records and set aside order dated 09.03.2021 made in Crl.A.No.18 of 2012 on the file of the Learned VI Additional Sessions Judge, Madurai confirming the conviction and sentence imposed by the Learned Judicial Magistrate No.V, Madurai in C.C.No.851 of 2003 dated 15.06.2010 by enhancing the punishment imposed upon the respondent nos.2 and 3/accused nos.1 and 2.



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For Petitioner : Mr.J.Lawrence

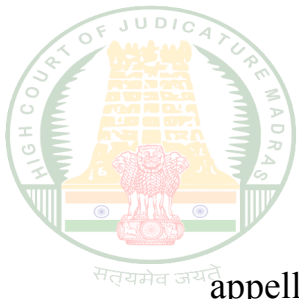
For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

For R2 & R3 : Mr.R.Mariappan

ORDER

Challenging the order passed by the learned Additional Sessions Judge No.VI, Madurai in Crl.A.No.18 of 2012, dated 09.03.2021 dismissing the appeal filed by the defacto complainant confirming the judgment of the learned Judicial Magistrate No.V, Madurai in C.C.No. 851 of 2003 dated 15.06.2010 convicting A1 and A2 and sentencing them to pay a fine of Rs.100/- each under Section 341 of IPC,in default, to undergo simple imprisonment for one week and to pay a fine of Rs. 750/- each under Section 323 of IPC, in default, to undergo simple imprisonment for 3 months and A1 to pay a fine of Rs.500/- under Section 506(ii) of IPC, in default, to undergo simple imprisonment for 3 months, this criminal revision case is filed.

2. It is the defacto complainant who preferred the criminal appeal before the VI Additional Sessions Judge, Madurai. However, the learned



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appellate Court had dismissed the same on merits. Challenging the same, the defacto complainant has filed this revision case.

3. The Hon'ble Apex Court in the case of ***Parvinder Kansal vs The State Of NCT Of Delhi & Another*** reported in ***2020 (19) SCC 496*** held that it is clear that so far as victim's right of appeal is concerned, the same is restricted to three eventualities, namely acquittal of the accused, conviction of the accused for lesser offence or for imposing inadequate compensation. While the victim is given an opportunity to prefer appeal in the event of imposing inadequate compensation, but at the same time there is no provision for appeal by the victim for questioning the order of sentence as inadequate, whereas Section 377 of the Code of Criminal Procedure gives power to the State Government to prefer appeal for enhancement of sentence. In the instant case, it is the defacto complainant/victim who has preferred the appeal before the learned first appellate Court as well as revision case before this Court questioning the order of sentence as inadequate and fully fortified by the mandates of ***Parvinder Kansal vs The State Of Nct Of Delhi & Another*** reported in ***2020 (19) SCC 496***, this Court makes it clear that the victim / defacto



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complainant who has filed this revision case is not entitled to question the order of sentence as inadequate. This criminal revision case fails.

4. Accordingly, this Criminal Revision Case stands dismissed.

01.08.2025

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

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To

- 1.The VI Additional Sessions Judge,
Madurai.
- 2.The Judicial Magistrate No.V,
Madurai.
- 3.The Inspector of Police,
S.S.Colony Police Station,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
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