



Crl.R.C.(MD)No.737 of 2019

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Reserved on : 08.04.2025

Pronounced on : 20.06.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.737 of 2019

Ramalingam

...Petitioner/
Petitioner/
Defacto
Complainant

Vs.

1.The Deputy Superintendent of Police,
Thanjavur Town Division,
Thanjavur City.

... 1st Respondent/
Complainant/
Complainant

2.Senthil

3.Karuppan @ Amirthalingam

4.Swaminathan

5.Arumugam

6.Muruganantham

... Respondents
2 to 6/Accused/
Accused 1 to 5



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Prayer : This Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to call for the records relating to the impugned order dated 28.01.2019 made in Crl.M.P.No.1081 of 2018 in Crime No.304 of 2015 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur and set aside the same and allow the criminal revision petition.

For Petitioner : Mr.V.Sasikumar

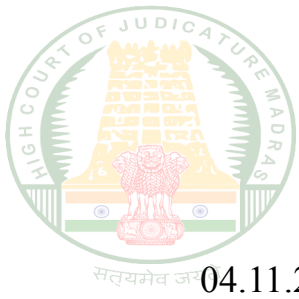
For R1 : Mrs.M.Aasha
Government Advocate (Crl. Side)

For R2 to R6 : Mr.G.Karnan

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.1081 of 2018 dated 28.01.2019 on the file of the I Additional District and Sessions Court (PCR), Thanjavur.

2. On the basis of the complaint lodged by the revision petitioner, FIR came to be registered in Crime No.304 of 2015 on 13.10.2015 against the respondents 2 to 6 for the alleged offences under Sections 147,148, 294(b), 341, 323 and 506(2) IPC r/w Section 3(l)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. The first respondent police, after investigation, has filed a final report dated



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04.11.2016 as 'Mistake of Fact'. The learned Additional District Judge, after receipt of the negative final report, called for objections from the revision petitioner in Crl.M.P.No.1081 of 2018. The revision petitioner has entered into appearance and filed his objections dated 11.07.2018. The learned Additional District Judge, upon perusing the records and on hearing the arguments of the revision petitioner's side, has passed the impugned order dated 28.01.2019, directed the revision petitioner to file a private complaint and with that direction, accepted the final report filed by the first respondent police. Challenging the impugned order accepting the negative final report, the present revision came to be filed.

3. The revision petitioner alleged that on August 1, 2015, at around 9:00 p.m., respondents 2-6 waylaid him near Vengarayan Kudikadu main road as he was returning from Orathanadu after meeting his advocate. They allegedly threatened him regarding a complaint he had filed and demanded that he withdraw it in writing. When he refused, they abused him and followed him. Later, near Yagappa Nagar road, respondents 2-6 allegedly waylaid him again, attacked him with iron rods and wooden logs, and caused injuries. Anandraj, a known person to the revision

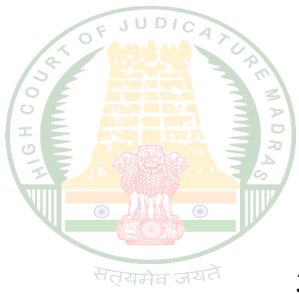


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petitioner, happened to pass by, saw his injuries, and took him to the Government Hospital, where the police later recorded his statement, leading to the registration of an FIR.

4. The learned counsel appearing for the revision petitioner would submit that the Additional District Judge erred in rejecting the revision petitioner's objections without considering the documents and materials, including the community certificate and medical officer's certificate and the learned Judge failed to provide sufficient reasons for accepting the final report. Furthermore, the learned counsel would contend that the investigating officer did not obtain statements from eyewitnesses and that no case was pending against the revision petitioner before the Orathanadu Judicial Magistrate Court. He would also point out that the learned Judge's observation about the revision petitioner filing a false complaint for vengeance was unfounded, as there was no evidence to support it. The learned counsel would submit that the order of the learned judge accepting the final report and directing the revision petitioner to file a private complaint was cryptic and non-speaking.



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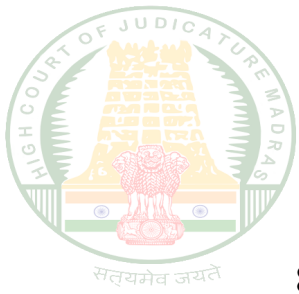
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5. It is evident from the records that the revision petitioner has filed his objections on 13.08.2018 and recording the presence of the defence counsel, posted the case to 14.09.2018 for arguments and then to 17.09.2018, 17.10.2018, 22.11.2018, 20.12.2018 and then to 28.01.2019 and the impugned order came to be passed on 28.01.2019.

6. Before proceeding further, it is necessary to extract the order passed by the learned Additional District Judge,

“Argument heard. Objection perused. Document is produced. Defacto complainant is directed to file a private complaint. On this direction, this report is accepted.”

7. The revision petitioner raised several objections to the investigation and final report. However, the learned Additional District Judge accepted the final report without addressing these objections or providing reasons for doing so, simply directing the revision petitioner to file a private complaint. As argued by the learned counsel appearing for the revision petitioner, this approach is problematic, and the order lacks justification for accepting the final report.



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8. The learned counsel appearing for the revision petitioner would submit that the complaint specifically mentioned Anandraj, a known person, as the one who took the revision petitioner to the hospital after the incident. However, the investigating officer failed to examine Anandraj. Notably, the statement recorded from the revision petitioner differs from the complaint, suggesting that an unknown auto driver and passersby helped him, and he later learned the driver's name was Anandraj. The learned counsel would contend that this discrepancy appears to be an attempt by the investigating officer to justify not examining Anandraj.

9. It is pertinent to note that the revision petitioner in his statement under Section 161(3) Cr.P.C. has narrated about both the occurrences as stated in his complaint. No doubt, as rightly contended by the learned Government Advocate (Criminal Side) as well as the learned counsel appearing for the respondents 2 to 6, the other occurrence witnesses have stated that no such occurrence had happened on that day but according to the learned counsel appearing for the revision petitioner, those witnesses are not the occurrence witnesses and the investigating officer has not chosen to find out the real occurrence witnesses.



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10. In the final report, the investigating officer, after referring to the statements given by the witnesses, concluded that the revision petitioner, who sustained injuries in an accident near Kasanadu Pudhupatti road, gave a false statement alleging attack by respondents 2 to 6. The investigating officer has further observed that the revision petitioner filed a false complaint due to previous enmity, as respondents 2 to 6 had filed a complaint against him and since there was no substance in the allegations, he was constrained to close the case as a 'Mistake of Fact'.

11. According to the prosecution, witnesses Durairaj, Saroja, Pattammal and Murugesan in their statements recorded under Section 161(3) Cr.P.C. have stated about the accident caused and the injuries sustained by the revision petitioner. No doubt, witness Durairaj in his statement has stated that while he was returning to his home from Orathanadu to Vallam road near Kasanadu Pudhupatti road, the revision petitioner came in a two wheeler and behind him a lorry was proceeding in the same direction, that the revision petitioner while giving way to lorry to proceed got a skid and fell down, that he had taken water from one Saroja, who is residing nearby and gave it to the injured, that he had a bleeding



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injury and that since his shirt was in torn condition, he requested him to come to his house to change the shirt, but the revision petitioner, by informing that he was in good condition, had proceeded towards his home in his two wheeler. As rightly pointed out by the learned counsel appearing for the revision petitioner, the other three witnesses Saroja, Pattammal and Murugesan have stated that when they were at the main road, a two wheeler rider, who has come from Eachankottai road got skid and fell down but they have not stated anything about the lorry.

12. It is undisputed that the revision petitioner was admitted to Thanjavur Medical College Hospital and treated for injuries. The Accident Register and discharge certificate note 'Assault – Multiple Injuries' and confirm admission at 10:15 p.m. on 01.08.2015. As rightly pointed out by the learned counsel appearing for the revision petitioner that while the revision petitioner alleged two incidents at different locations, the prosecution introduced a third location, claiming an accident occurred there. Notably, the prosecution failed to explain how the investigating officer identified witnesses Durairaj and others as having witnessed the accident.



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13. No doubt, the learned Government Advocate (Criminal Side) appearing for the first respondent would submit that the investigating officer has taken steps to get the statement of the witness Durairaj under Section 164 Cr.P.C. and the prosecution has produced the copy of the statement. It is not known as to why the said witness Durairaj alone was singled out for taking a statement under Section 164 Cr.P.C. Though the said witness Durairaj has stated that he had acquaintance with the revision petitioner, but the same came to be refused by the revision petitioner.

14. Upon thorough examination of the facts, circumstances, witness statements, and medical records, this Court is convinced that the first respondent police conducted a flawed investigation, culminating in an unjustified final report classified as 'Mistake of Fact'. The learned Additional District Judge's order mechanically accepting the final report without assigning valid reasons is unsustainable. Given the discrepancies in the investigation, particularly regarding the examination of witnesses Durairaj and others, this Court holds that the impugned order is liable to be set aside. Consequently, the first respondent police is to be directed to conduct further investigation into the matter.



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14. In the result, this Criminal Revision Case stands allowed and the final report dated 04.11.2016 and the impugned order dated 28.01.2019 are hereby set aside. The first respondent police is directed to proceed with the reinvestigation and file a final report within a period of three months from the date of receipt of a copy of this order.

20.06.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

- 1.The I Additional District and Sessions Judge (PCR),
Thanjavur.
- 2.The Deputy Superintendent of Police,
Thanjavur Town Division,
Thanjavur City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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Pre-Delivery Order made in
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Dated : 20.06.2025