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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.08.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.87 of 2022

Ramanathan @ Ramesh ... Petitioner/Appellant/Respondent

Vs.

1.The State
through the Inspector of Police,
Kenikarai Police Staiton,
Ramanathapuram District.
Crime No.187 of 2013.

2.Gokula Kannan ... Respondents/Respondents/Defacto Complainant

PRAYER: Criminal Revision case has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the Judgment passed in C.A.No.3 of 2021 on the file of the Principal District and Sessions Judge, Ramanathapuram, dated 18.11.2021 confirming the Judgment of conviction passed in S.C.No.111 of 2016, dated 08.12.2020 on the file of the learned Assistant Sessions Judge, Ramanathapuram.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.M.Karunanidhi, for R1
Government Advocate (Crl. Side)

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ORDER

This revision case has been filed to set aside the Judgment passed in C.A.No.3 of 2021 on the file of the Principal District and Sessions Judge, Ramanathapuram, dated 18.11.2021 confirming the Judgment of conviction passed in S.C.No.111 of 2016, dated 08.12.2020 on the file of the learned Assistant Sessions Judge, Ramanathapuram.

2.The case of the prosecution is that the petitioner is a lorry driver and he parked his vehicle in-front of a wine shop in a corner. PW1 in inebriated condition urinated on the lorry, where the petitioner was doing some repair works. The above said action was questioned by the accused/petitioner. At that time there was scuffle between them. In that scuffle there was exchange of blows. In the result, the de-facto complainant sustained injury. Therefore, he lodged a complaint before the respondent police. On the basis of the above said complaint, the respondent police registered the case in Crime No.187 of 2013 for the offences punishable under Sections 294(b), 326, 307 IPC. The same was taken cognizance by the learned Judicial Magistrate in P.R.C.No.12 of 2016 and the case was committed to the Sessions Court and the trial was conducted in S.C.No.111 of 2016.

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3.To prove the prosecution case, on the side of the prosecution PW1 to PW15 were examined and Exs.P1 to Ex.P10 were marked. Thereafter the learned trial Judge examined the accused under Section 313 Cr.P.C, by putting up 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 offene punishable under Section 326 IPC and convicted the revision petitioner and sentenced him to undergo two years rigorous imprisonment with fine of Rs.10,000/-, in default to undergo six months simple imprisonmet and set off the period already undergone under Section 428 Cr.P.C. The trial Court aquitted the accused in respect of the other offences.

5.Aggrieved over the above said Judgment of conviction, the revision petitioner filed the appeal in C.A.No.3 of 2021 before the Principal District and Sessions Judge, Ramanathapuram. The learned Principal District and Sessions Judge, confirmed the conviction and sentence imposed upon the revision

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petitioner, by the Judgment dated 18.11.2021.

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

7.The learned counsel for the petitioner would submit that PW1 himself invited the trouble and passed urine on the petitioner's lorry. Thereafter, there was exchange of blows. In the said circumstances he is entitled for acquittal as per Section 335 of IPC. The learned counsel further submitted that he has no previous antecedents and he is no way responsible for the occurrence that took place. The petitioner was aged about 25 years at the time of occurrence. Now he got married and is having two children. He is the only earning person of his family. Further he also sustained injuries in the said occurrence.

8.The learned Government Advocate (Crl. Side) would submit that PW1 has no reason to attack the petitioner. The petitioner assaulted PW1, due to which, he has suffered grievous injuries. Hence, he seeks to confirm the conviction and sentence.

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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. In the said circumstances, this Court finds no merit in the contention of the petitioner's counsel to reject the evidence of PW1 and PW2. Their evidence also are corroborated by the evidence of the doctor. In view of the concurrent finding recorded by both the courts below about the assault made by the petitioner against the PW1 the incident is clearly proved. Hence, this Court is inclined to confirm the conviction against the petitioner under Section 326 IPC.

11.But considering the subsequent events and also the above said mitigating circumstances that the petitioner got married, who is the only bread winner of the family having two children, this Court is inclined to reduce the sentence to the period of sentence already undergone by him.

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

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confirmed.

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

20.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To
1.The Principal District and Sessions Judge,
Ramanathapuram.

2.The Assistant Sessions Judge, Ramanathapuram.

3.The Section Officer,
Criminal Record,
Madurai Bench of Madras High Court,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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K.K.RAMAKRISHNAN, J.

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