



Crl.R.C.No.319 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.319 of 2026
and Crl.M.P.No.2375 of 2026

Anandhan
S/o. Thangavel,
Dharmapuri Main Road,
Kakankarai, Narayanapuram,
Tirupathur Taluk,
Vellore District.

...Petitioner

-Vs-

The State Rep. By
The Inspector of Police,
Jolarpet Police Station,
Tirupattur District.
Crime No.266 of 2022

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 438 r/w. 442 of BNSS, 2023 praying to set aside the judgment dated 20.01.2026 passed by the learned District and Sessions Judge, Tirupathur, Tirupathur District in Crl.A.No.20/2024 by modifying the judgment and sentence passed in C.C.NO.439/2022 on the file of the learned Judicial Magistrate, No.I, Tirupathur, Tirupathur District dated 26.07.2024.



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For Petitioner : Mr.E.Kannadasan
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The revision challenges the judgment passed in Crl.A.No.20 of 2024 modifying the judgment passed in C.C.No.439 of 2022 as below:

C.C.No.439/2022:

Offence	Sentence
Section 324 IPC	To undergo six months simple imprisonment
Section 506(ii) IPC	To undergo one year simple imprisonment for the offence

Crl.A.No.20/2024:

Offence	Sentence
Section 323 IPC	To undergo three months simple imprisonment

2. It is the case of the prosecution that on account of prior enmity, the petitioner (A1) and A2 to A4 had attacked the *de facto* complainant with knife and abused him in filthy language and threatened him of dire consequences. On the complaint given by the *de facto* complainant, investigation was conducted and a final report was filed as against all the four



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accused.

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3. Before the trial Court, the prosecution had examined 8 witnesses and marked Exs.P1 to P12 and the knife allegedly used by the petitioner was marked as M.O.1. The trial Court acquitted A2 to A4 of all the offences except for A4 who was convicted for the offence under Section 294(b) IPC. The petitioner was convicted and sentenced as stated above by the Courts below.

4. Mr.E.Kanndasan, the learned counsel for the petitioner, would submit that the finding of guilt recorded by the Courts below cannot be sustained and are perverse. He would rely upon the witness of P.W.1 and the evidence of the Doctor to show that the medical evidence does not corroborate the evidence of P.W.1. The learned counsel for the petitioner also relied on the admission made by P.W.1 that M.O.1 marked by the prosecution was not the weapon used by the petitioner and that there was prior enmity between the victim and the petitioner and therefore, submitted that the petitioner was falsely prosecuted.



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5. Mr.R.Vinothraja, the learned Government Advocate (Crl.side), per contra, submitted that even assuming that no weapon was used, the prosecution had established that the victim sustained injuries and the petitioner was the cause for the same and therefore, the impugned judgments cannot be faulted. He would further submit that the scope of revision is limited and this Court would not ordinarily interfere with concurrent findings of the fact and prayed for dismissal of the revision.

6. Though the trial Court had convicted the petitioner for the offence under Section 324 IPC, the petitioner was convicted by the appellate Court only for the offence under Section 323 IPC. It appears that the appellate Court had convicted the petitioner for the offence under Section 323 for the reason that the prosecution had not established that the petitioner had used any weapon to cause the injury to the victim.

7. The prosecution had not challenged the said finding. Admittedly P.W.1 had denied that M.O.1 was used to attack him. According to P.W.1, the weapon was used by P.W.1 to attack him on his back. However, the Doctor would state that the victim had sustained injuries on the eyes and an injury measuring 3x2 cms. in his shoulder. The Doctor had also opined that



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the said injury could have been caused due to a fall.

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8. This Court is of the view that P.W.1 has been a truthful witness in as much as he has denied that M.O.1 produced by the prosecution was not used by the petitioner. Considering the injuries recorded in the accident register – Ex.P7 and the evidence of P.W.1, this Court finds no infirmity in the finding of guilt rendered by the appellate Court for the offence under Section 323 IPC. However, considering the nature of injuries and that there are minor contradictions as regards the injuries spoken by P.W.1 and the Doctor, this Court is of the view that interest of justice would be met if the petitioner is sentenced to imprisonment for a period of 15 days for the offence under Section 323 IPC which has already been undergone by the petitioner from 09.09.2022 and 16.09.2022.

9. Accordingly, this Criminal Revision Case is partly allowed with the above modification in the sentence alone.

18.02.2026

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SUNDER MOHAN, J.,

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To

1. The District and Sessions Judge, Tirupathur, Tirupathur District.
2. The Judicial Magistrate, No.I, Tirupathur, Tirupathur District
- 3.The Inspector of Police,
Jolarpet Police Station,
Tirupattur District.
- 4.The Public Prosecutor,
High Court, Madras

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