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CRL RC No. 398 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 398 of 2021

Mariyappan

Petitioner(s)

Vs

1. State by Special Sub Inspector of Police,
Vadapathimangalam Police Station,
Thiruvarur District.
Crime No.4 of 2015.

2. Senthil

Respondent(s)

PRAYER: Criminal Revision case filed under Sections 397 and 401 of Code of Criminal Procedure, to call for the records and set aside the judgment dated 24.02.2020 made in C.A.No.1 of 2019 on the file of the learned Principal District and Sessions Judge, Thiruvarur, Thiruvarur District, whereby partly allowing the appeal and thereby set aside acquittal of the trial Court in C.C.No.55 of 2015 on the file of the learned Judicial Magistrate No.2, Mannargudi, Thiruvarur District by judgment dated 01.03.2018.

For Petitioner(s): Mr.S.Vigneshwaran
for Mr.S.Arivazhagan

For Respondent(s): Mr.L.Baskaran
Government Advocate (Crl.Side)
for R1
R2-Notice Served, No
appearance



ORDER

This Criminal Revision case has been filed challenging the judgment passed in C.A.No.1 of 2019 on the file of the learned Principal District and Sessions Judge, Thiruvavarur, Thiruvavarur District, whereby the judgment of the trial Court was reversed and the petitioner was convicted for the offences punishable under Sections 294(b), 323, 325, 506(ii) IPC.

2. The case of the petitioner is that on 08.01.2015 at about 21.00 hrs, while he was standing near a temple and talking with one Manikandan, the de-facto complainant, namely Senthil, the 2nd respondent herein, came there and told the accused that since both their wives had studied together, he told the accused to bring his wife to his residence. All of a sudden, a quarrel arose between them, during which, the accused allegedly kicked him with leg, slapped on his cheek, pushed him down and assaulted him with wooden log, thereby caused grievous injuries. Pursuant to which, the respondent/police registered an FIR in Crime No.4 of 2015 for the offence under Sections 294(b), 323, 325, and 506(ii) IPC.

3. After completion of the investigation by the 1st respondent, the case was taken on record and charges were framed for the offences under Sections 294(b), 323, 325, and 506(ii) IPC. In order to prove the charges, the prosecution



examined PW1 to PW9 and marked exhibits Exs.P1 to P7. On the side of the accused, no one was examined to disprove the charges.

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4. Upon consideration of the oral and documentary evidence, the trial Court found the accused not guilty and acquitted him from all the charges. Aggrieved by the same, the de facto complainant filed an appeal in Crl.A.No.1 of 2019 before the Appellate Court/Principal District and Sessions Judge, Thiruvarur. The appellate Court partly allowed the criminal appeal by setting aside the judgment of the trial Court. Consequently, the appellant/accused is convicted and sentenced to undergo two weeks simple imprisonment for the offence under Section 294(b) IPC, convicted and sentenced to undergo one year simple imprisonment with a fine amount of Rs.5000/- in default to undergo 3 months simple imprisonment for the offence under Section 325 IPC and in respect of the charge under Section 506(ii) IPC, the accused is acquitted under Section 386(a) of Cr.P.C. Aggrieved by the same, the present Criminal Revision Case has been filed.

5. The learned counsel for the petitioner submits that the prosecution has failed to prove the charges beyond all reasonable doubts. It is further submitted that even before the appellate Court, PW2 did not support the case of the prosecution and did not depose anything to attract the offence under Section



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6. Though the notice served on the second respondent, there is no representation on his behalf.

7. It appears that there are material contradictions between the evidence of PW1 and PW6, who are projected as eye-witness. Further, though the distance between the police station and the Court is only 4 kms, however, the FIR was sent to the Court after a delay of 10 days from the date of the registration of the FIR, for which no proper explanation has been offered. He submitted that there is absolutely no reason for sending the FIR belatedly. Hence, it is contended by the learned counsel for the petitioner that the delay creates serious doubt about the prosecution case.

8. Per contra, the learned Government Advocate appearing for the first respondent submitted that though the trial Court had acquitted the accused, the appellate Court has rightly convicted the accused. The injured witness was examined as PW1 and another witness also supported the case. Their evidence is corroborated with each other. The doctor, who treated the injured was examined as PW7 and has opined that the injuries sustained by PW1 is grievous in nature. He submitted that the doctor's witness corroborated with PW1 and



PW6. Hence, he submitted that the appellate Court has rightly convicted the accused and does not warrant any interference by this Court.

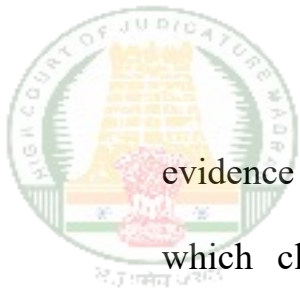
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9. Heard both sides and perused the materials available on record.

10. On perusal of the records, it is seen that the trial Court acquitted the petitioner on the ground that the prosecution failed to prove the charges. According to the FIR, the alleged occurrence took place on 08.01.2015, however, the FIR reached the Court only after a delay of 10 days from the date of its registration. Further, it is stated that the signature of PW1 was obtained in blank paper and treated as his statement. Though the FIR was registered immediately, it was sent to the Court only after ten days, that is the 11th day from the date of registration of the FIR.

11. That apart, there are contradictions between the evidence of PW1 and PW6, who are said to be the eye-witness to the occurrence. It is also seen that there was no strong motive for the accused to cause grievous injury, especially when both parties are closely related. Therefore, it appears that the trial Court has rightly acquitted the accused.

12. Further, the trial Court also considered the evidence of the doctor, who recorded the accident register. The evidence of PW7 corroborated with the



evidence of PW1, the injured witness, who sustained a fracture on his leg, which classified as grievous injury. Though PW1, PW2 and PW6 have corroborated about the occurrence, the appellate Court failed to consider the unexplained delay of 10 days in sending the FIR to the Court. In the absence of any explanation for such delay, the benefit of doubt must go in favour of the accused.

13. In view of the above facts and circumstances of the case, this Court is of the view that the conviction and the sentence imposed on the petitioner by the judgment dated 24.02.2020 passed in Crl.A.No.1 of 2019 passed by the Principal District and Session Judge, Thiruvarur, are liable to be set aside.

14. Accordingly, the judgment of the trial Court dated 01.03.2018 in C.C.No.55 of 2015 on the file of the learned Judicial Magistrate No.2, Mannargudi, Thiruvarur District, shall stand restored. It is made clear that the petitioner is not entitled to refund of any amount, since it was paid as compensation.

15. In the result, this Criminal Revision Case is allowed.

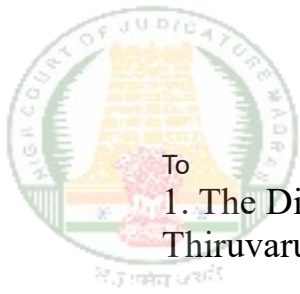
04-03-2026

Jd

Index:Yes/No

Internet:Yes

Neutral Citation:Yes/No



To

1. The District and Sessions Judge, Thiruvarur,
Thiruvarur District..

2. The Judicial Magistrate No.2, Mannargudi,
Thiruvarur District.

3. The Special Sub Inspector of Police,
Vadapathimangalam Police Station,
Thiruvarur District.
Crime No.4 of 2015.

4. The Public Prosecutor,
Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN J.
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