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CRL RC No. 274 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 274 of 2021

1. K.B.Sivakumar
2. K.B.Moorthy

..Petitioners

Vs

The State rep by
The Inspector of Police,
Kothagiri Police Station,
Nilgiris District
Cr No.44 of 2016

..Respondent

Prayer : Criminal Revision Case is filed under Section 397 read with Section 401 of Cr.P.C., to call for the records relating to the judgment dated 28.05.2018 in C.C.No.38 of 2016 on the file of the Learned Judicial Magistrate Court, Kothagiri, as modified by the judgment dated 15.04.2021 in Crl.A.No.34 of 2018 on the file of the Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Udhagamandalam at Nilgiris and set aside the conviction and sentence imposed against the petitioners and allow the Crl.R.C.

For Petitioners:

Mrs.AL.Gandhimathi
Senior Counsel
for Mr.A.Ramkumar

For Respondent:

L.Baskaran
Government Advocate (Crl.Side)



ORDER

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This Criminal Revision Case has been filed as against the Judgment dated 15.04.2021 passed in C.A.No.34 of 2018 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Udthagamandalam at Nilgiris, thereby modifying the sentence alone and confirming the conviction passed by the Judicial Magistrate, Kothagiri, in C.C.No.38 of 2016, dated 28.05.2018, for the offence punishable under Section 326 of IPC.

2. The case of the prosecution is that P.W.1 had succeeded in a civil dispute in O.S.No.148 of 2013 on the file of the Subordinate Court, Udthagamandalam, in respect of the property comprised in Survey No.495/5 situated at Kagguchi Village, Udthagamandalam. While being so, on 19.01.2016 at about 9.45 p.m. P.W.1, along with his wife, went to the said land for plucking tea leaves. At that juncture, the accused came there and scolded them with filthy language as to why they were plucking tea leaves in the said property and also attacked them with cyber wood. Due to which, P.W.1 sustained grievous injuries, including fracture, and was immediately taken to the hospital for treatment. Based on the statement given by P.W.1, the respondent registered an FIR in Crime No.34 of 2016 as against the petitioners for the offence punishable under Sections 294(b), 326 and 506(i) of IPC.



3. After completion of the investigation, the respondent filed a final report and the same has been taken cognizance by the Trial Court in C.C.No.34 of 2018 for the offence punishable under Section 326 of IPC.

4. In order to bring home the charges, the prosecution had examined P.W.1 to P.W.9 and marked Exs.P1 to P10. The prosecution has also produced M.O.1 and M.O.2. On the side of the accused, no witnesses were examined and no documents were marked, to disprove the charge.

5. On perusal of the oral and documentary evidence, the Trial Court found the accused guilty of the offence punishable under Section 326 of IPC and sentenced them to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/- in default, to undergo one month simple imprisonment. Aggrieved by the same, the accused preferred an appeal. The Appellate Court confirmed the conviction for the offence punishable under Section 326 of IPC and modified the sentence alone from three years to one year rigorous imprisonment. Aggrieved by the same, the present Criminal Revision Case has been filed.

6. The learned Senior Counsel appearing for the petitioners submitted that, though the occurrence took place on 19.01.2016, an FIR was registered



only on 27.01.2016. There was a huge delay of eight days in registering the FIR. There is absolutely no explanation forthcoming from the prosecution for such delay. Though the prosecution had examined P.W.6, the Doctor who treated the injured, no X-Ray or other supporting medical documents were produced before the Trial Court to substantiate the claim of grievous injuries sustained by the victim. The Accident Register alone was marked as Ex.P4 before the Trial court. Therefore, the prosecution has miserably failed to prove that the victim sustained grievous injuries so as to attract the offence under Section 326 of IPC. In order to attract the charge under Section 294(b) and 506(ii) of IPC, there is absolutely no material and as such, the Trial Court rightly acquitted the accused for the offences under Sections 294(b) and 506(i) of IPC. However, the Trial Court mechanically convicted the accused for the offence punishable under Section 326 of IPC.

7. A perusal of the records and the submissions made by the learned Government Advocate (Crl.Side) appearing for the respondent reveals that, though the FIR got registered on 27.01.2016, immediately after the occurrence, the P.W.1 was taken to the hospital by P.W.2 and his statement was recorded in the Accident Register, which was marked as Ex.P.4. A perusal of Ex.P4 reveals that P.W.1 was assaulted by four persons with cyber wood, as a result of which, he sustained a fracture on his right arm. Therefore, the injuries sustained by P.W.1 was opined as grievous one. P.W.1 has categorically deposed about the



specific allegations against the accused and his evidence was also corroborated by the medical records, particularly Ex.P4. In fact, immediately after the occurrence, P.W.1 went to the police station and lodged a complaint, for which a CSR.No.34 of 2016 was issued. Thereafter, he went to the hospital along with P.W.2, who is none other than his wife, for treatment. After recording the Accident Register, which was marked as Ex.P4, the injured was referred to a higher hospital, viz., the Government Hospital, Udhagamandalam, for further treatment. Therefore, the Accident Register is the first document. Though the FIR was registered only on 27.01.2016, such delay is not fatal to the case of the prosecution, since there is no material to show that such delay caused any prejudice to the accused.

8. In fact, a perusal of the statement and evidence of P.W.1 reveals that, after receipt of the CSR from the respondent, P.W.1 had waited for further proceedings for amicable settlement. However, since the accused did not come forward for any such settlement, he proceeded with the registration of the FIR. The Doctor, who treated P.W.1, was examined as P.W.6 and he categorically deposed about the recording of the Accident Register as well as the issuance of the wound certificate. Therefore, the prosecution has categorically proved the charges for the offence under Section 326 of IPC. The Trial Court rightly convicted the accused and the same was confirmed by the Appellate Court. Insofar the sentence is concerned, though the Trial Court sentenced the



petitioners for a period of three years, the Appellate Court reduced the sentence alone from three years to one year.

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9. The learned Senior Counsel appearing for the petitioners submits that, if this Court awarding compensation, the petitioners are ready and willing to pay the same and therefore, seeks further reduction of the sentence.

10. Considering the above submission and taking into account the facts and circumstances, this Court is inclined to modify the sentence. Accordingly, the sentence of one year imposed by the Appellate Court is modified to the effect that the period which is already undergone by the petitioners, on condition that the petitioners shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) directly to P.W.1 on or before 27.04.2026 and produce the acknowledgment before the respondent. Failing which, the order of sentence passed by the Appellate Court shall stand restored and the respondent is at liberty to secure the petitioners to undergo the remaining period of sentence.

11. Accordingly, this Criminal Revision Case is partly allowed.

25-03-2026

Index: Yes/No

Neutral Citation: Yes/No

LPP



To

1. The Sessions Judge, Mahalir Neethimandram
(Fast Track Mahila Court), Udhagamandalam at Nilgiris

2. The Judicial Magistrate Court,
Kothagiri.

3. The Inspector of Police,
Kothagiri Police Station,
Nilgiris District.

4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN J.

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