



WEB COPY

CRL RC No. 273 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl RC Nos. 273 & 332 of 2021

Crl.R.C.No.273 of 2021

Annaavi @ Pasupathi
S/o.Sannasi,
Kudi Street,
Sandhapalayam,
Musiri, Trichy District.

..Petitioner

Vs

State Rep.by its
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
Cr.No.63 of 2014.

..Respondent

CRL RC No. 332 of 2021

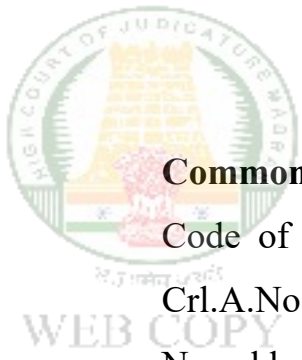
Satheesh
S/o.Late.Muthu,
No.2/25, West Veedhi,
Devarayapuram,
Namakkal Taluk,
Namakkal District

..Petitioner

Vs

State rep. by its
The Inspector of Police
Mohanur Police Station,
Namakkal District
Cr.No.63 of 2014

..Respondent



Common Prayer: Criminal Revisions are filed under Section 397 & 401 of Code of Criminal Procedure to set aside the Judgment dated 20.11.2020 in Crl.A.No.24 of 2020, on the file of Sessions (Fast Track Mahila) Court, Namakkal confirming the conviction and sentence in the Judgment dated 29.01.2020 made in SC.No.07 of 2019 on the file of Additional Assistant Sessions Court, Namakkal.

In both Crl.R.Cs

For Petitioners :	Mr.A.S.Balaji for Mr.S.N.Arun Kumar
For Respondent :	Mr.L.Baskaran Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Revision Cases have been filed by the first and second accused as against the Judgement dated 20.11.2020 passed in Crl.A.No.24 of 2020 on the file of the Sessions (Fast Track Mahila) Court, Namakkal, thereby confirming the order of conviction and sentence imposed by the Trial Court in S.C.No.07 of 2019 on the file of the Additional Assistant Sessions Court, Namakkal, dated 29.01.2020, for the offences punishable under Sections 394 read with 397 of IPC.

2. The case of the prosecution is that the victim was working as a Noon Meal Organizer. She used to go work at 9.00 a.m and return home by 1.00 p.m. While being so, on 10.02.2014 at about 2.15 p.m., when she was returning to her home near Nathaimedu-Valayapatty Road, a white colour



TATA Indica Car stopped near her and restrained her. A person from inside the car got down and at sickle point, threatened her to get inside the car. Therefore, she frightened and got into the back seat of the car. Thereafter, the accused threatened her to give her chain and hear ear-rings. Immediately, the victim opened the back door of the car and jumped out from the moving car. At that time, the accused snatched away her handbag, which contained Rs.100/-, an ATM Card and a Nokia mobile Phone. Due to fell down, she sustained injuries on her right elbow and ankle of her feet. She also suffered cut injuries on her forehead and nose. At that juncture, a lorry coming from the opposite direction stopped near her and the driver rescued her. Immediately, the husband of the victim was informed over the phone belonging to the lorry driver and the victim was taken to M.M.Hospital, Namakkal. After recording the statement of the victim, the first respondent registered a case in Crime No.63 of 2014.

3. After completion of the investigation, the respondent filed a final report for the offences under Sections 392 and 394 read with 397 of IPC and the same has been taken cognizance by the Trial Court.

4. In order to bring home the charges, the prosecution examined P.W.1 to P.W.7 and marked Exs.P1 to P10. On the side of the accused, DW1 was examined and no documents were marked. The prosecution also produced the material objects as M.O.1 to M.O.3.



5. On a perusal of the oral and documentary evidence, the Trial Court found both the accused guilty. The first accused was convicted and sentenced to undergo seven years imprisonment and to pay a fine of Rs.1,000/- in default to undergo six months simple imprisonment for the offence punishable under Section 392 of IPC and the second accused was convicted and sentenced to undergo seven years imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment for the offence punishable under section 394 read with 397 of IPC. Aggrieved by the same, both the accused preferred an appeal and the Appellate Court confirmed the order of the conviction and sentence imposed by the Trial Court. Hence, the present Criminal Revision Cases have been filed.

6. The learned counsel appearing for the petitioners in both the revisions submitted that the respondent failed to conduct a Test Identification Parade to identify the accused. Admittedly, the accused were strangers to the victim. While the victim was proceeding to her house, the accused stopped the car and at sickle point, forced her to get into the car. Thereafter, they demanded her chain and ear-rings. However, the victim jumped out of the car and at that juncture, the accused snatched her handbag which contained Rs.100/-, Cell Phone and ATM card. Therefore, the first respondent ought to have conducted a Test Identification Parade to identify the accused. The victim was examined



as P.W.1 and she deposed that she had identified the accused in Court, though she had already seen them in the police station. The non-conduct of a Test Identification Parade is fatal to the case of the prosecution.

7. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent submitted that after the arrest of the accused, there was a recovery of Rs.100/-, the sickle used for the occurrence and the car which was driven by the accused. All the material objects were duly identified by P.W.1. In fact, a lorry driver, who rescued the victim, was examined as P.W.5 and he categorically corroborated the evidence of P.W.1. Therefore, the prosecution has proved the charges against the accused beyond reasonable doubt. The Trial Court rightly convicted the petitioners and the same was rightly confirmed by the Appellate Court. Hence, the concurrent findings of both the Courts cannot be interfered with by this Court on the grounds raised by the petitioners.

8. Heard the learned counsel appearing on either side and perused the materials available on record.

9. There are totally two accused in this case, in which the petitioners are arrayed as A1 and A2. The victim was examined as P.W.1. She deposed that while she was returning to her home, the accused stopped their car and forcibly dragged her into the car at knife point. When they demanded her chain



11. Admittedly, the accused are strangers to P.W.1. They are hailing from Trichy whereas the occurrence took place in Namakkal District. Even then, the prosecution did not take any steps to identify the accused in the manner known to law. The very purpose of conducting a Test Identification Parade is that witnesses who claim to have seen the accused at the time of occurrence must identify them from the midst of other persons without any aid or any other source. The object of conducting a Test Identification Parade is twofold. Firstly, it enables the witnesses to satisfy themselves that the person whom they suspect is really the one who was seen by them in connection with the commission of the crime. Secondly, it enables the investigating agency to ascertain whether the suspect is the real person whom the witnesses had seen in connection with the crime. Therefore, the officer, who conducting the test identification parade, should ensure that the object of the parade is achieved. Further, where the accused has already been shown to the witness or even his photograph has been shown by the Investigating Officer prior to conducting the Test Identification Parade, the very purpose of holding such a parade becomes inconsequential.

12. In the case on hand, admittedly, no Test Identification Parade was conducted by the prosecution. P.W.1 deposed that she identified the accused only before the Court. Except the victim, no other witness had seen the accused at the time of occurrence. Insofar as the recovery is concerned, though the prosecution claims to have recovered the sickle, the car, allegedly used for the



alleged occurrence, and Nokia cell phone, the prosecution failed to recover the handbag which was allegedly snatched from the victim. Therefore, the prosecution also failed to prove the recovery from the accused. P.W.1 categorically deposed that she was threatened at knife point and the offence was committed. However, the prosecution recovered only a sickle, that too, after a period of three months from the date of the alleged occurrence. Therefore, the prosecution failed to prove the charges beyond reasonable doubt and the benefit of the doubt extended in favour of the accused. Accordingly, the order of conviction and sentence imposed by the Trial Court and confirmed by the Appellate Court cannot be sustained and is liable to be set aside.

13. In view of the above, the Judgement dated 20.11.2020 passed in CrI.A.No.24 of 2020 on the file of the Sessions (Fast Track Mahila) Court, Namakkal, confirming the order of conviction and sentence imposed by the Trial Court in S.C.No.07 of 2019 on the file of the Additional Assistant Sessions Court, Namakkal dated 29.01.2020, is hereby set aside.

14. Accordingly, both the Criminal Revisions are allowed.

11-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
LPP



To

1. The Sessions (Fast Track Court),
Namakkal.

2. The Additional Assistant Sessions Court,
Namakkal.

3. The Inspector of Police,
Mohanur Police Station,
Namakkal District.

4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN J.

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