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CRL RC No.1601 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17-02-2026

PRONOUNCED ON : 20-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No.1601 of 2023

P.Vetriselvan
S/o.Paranjothi,
Sahajanantha Street,
Chidambaram.

...Petitioner/Appellant/
Accused

Vs

The State represented by
The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.
Crime No.798 of 2012.

...Respondent/Respondent/
Complainant

Prayer : Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C., to set aside the order passed in CA.No.98/2019 on the file of the 2nd Additional District and Sessions Court, Chidambaram dated



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24.01.2022, confirming the order of conviction and sentence passed in SC.No.75/2013 on the file of the Assistant Sessions Judge, Chidambaram, dated 17.09.2019.

For Petitioner : Mr.R.Sankarasubbu

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

ORDER

The Criminal Revision Case challenges the Judgment of conviction and sentence imposed by the learned II Additional District and Sessions Judge, Chidambaram, in C.A.No.98 of 219, confirming the Judgment of conviction and sentence imposed on the petitioner by the learned Assistant Sessions Judge, Chidambaram, in S.C.No.75 of 2013, for the offences under Sections 324, 307 (1 count), and 332 of the Indian Penal Code, 1860 (hereinafter referred to as the “**IPC**”) and sentencing him as follows:

Offence under Section	Sentence imposed
324 IPC	To undergo RI for 3 years and to pay a fine of Rs.500/-, in default to undergo SI for 6 months.
307 (1 count) IPC	To undergo RI for 5 years and to pay a fine of Rs.1,000/-, in default to undergo SI for one year.
332 IPC	To undergo RI for 3 years and to pay a fine of Rs.500/-, in default to undergo RI for three years.
The sentences were ordered to run concurrently.	



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2. The case of the prosecution is that the petitioner is a history sheeter; that the victims, P.W.2 and P.W.3 in this case, who are police officials, had gone to the petitioner's house on the night intervening 24.11.2012 and 25.11.2012 at 12.00 midnight to arrest him in connection with Crime No. 777 of 2012; that the petitioner refused to open the door; that he threw a beer bottle through the window and caused injury to one of the witnesses, P.W.3, a constable; and thereafter, the petitioner came out of the house and attacked the other witness, P.W.2, a constable, with a knife and caused grievous injuries on the head, jaw, and hands of P.W.2 and thus committed the aforesaid offences.

3. Before the trial Court, the prosecution examined 12 witnesses as P.W.1 to P.W.12 and marked 12 documents as Ex.P1 to Ex.P12, besides two material objects as M.O.1 and M.O.2. The trial Court found that the prosecution had established its case and held that the petitioner was guilty of the offences under Sections 324, 332, and 307 (1 count) of the IPC and sentenced him as stated in the first paragraph of this order. The Appellate Court confirmed the Judgment of conviction and sentence.



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4. Mr. R. Sankarasubbu, the learned counsel for the petitioner/accused, would submit that the prosecution had failed to establish that the victims, P.W.2 and P.W.3, are police officials; that they were authorised to arrest the petitioner/accused in connection with Crime No. 777 of 2012; that the prosecution had not established that an FIR was pending against the petitioner in the said crime number; and that the petitioner exercised his right of self-defence since the witnesses had attempted to enter into his house at that odd hour without any valid reason, and prayed for acquittal. He relied upon the judgment of this Court in ***Public Prosecutor v. Anandhan Annamalai & Others***, reported in **1953 MWN (CR) 122**.

5. Mr. R. Vinothraja, the learned Government Advocate (Crl.Side) for the respondent, *per contra*, submitted that though the respondent have not filed the FIR in Crime No.777 of 2012, the evidence would show that the petitioner is a history-sheeted rowdy; that P.W.2 and P.W.3/injured witnesses had gone to the house of the petitioner to apprehend him as he was absconding for a long time; and that even assuming that there was an illegal arrest, the petitioner had no right to attack the injured



witnesses/P.W.2 and P.W.3 and submitted that the concurrent findings of fact do not suffer from any infirmity, and hence, the criminal revision may be dismissed.

6. It is seen from the record that both P.W.2 and P.W.3 were injured in the attack. P.W.3 had sustained bleeding injuries in his eyes, and glass pieces were found in his eyes. P.W.10, the doctor who had examined P.W.3 and made entries in Accident Register [Ex.P9], would confirm the said injuries on P.W.3, the constable. It is also seen that P.W.2, the constable, who had gone along with P.W.3 to arrest the petitioner, was attacked with a knife. He was also examined by P.W.10, the doctor.

7. P.W.10's evidence would show that P.W.2 had sustained a lacerated injury of 2 x 2 cm in his lower jaw and a cut injury in the head measuring 6 x 2 x 2 cm and a lacerated injury of 2 x 2 cm in the nose and 2 lacerated injuries in the hand, one measuring 3 x 2 cm and the other measuring 1 x 1 cm. The doctor, P.W.10, had opined that the injuries sustained by P.W.2 were simple injuries. P.W.2 and P.W.3, the injured



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witnesses, had both deposed that they went to the house of the petitioner to apprehend him in connection with Crime No. 777 of 2012, which was registered for the offences under Sections 341, 323, 324, and 506 (ii) of IPC.

8. It is their further version that the petitioner was absconding for several days. Though the prosecution had not filed the said FIR, it is not the case of the petitioner that there was no such FIR. The petitioner had not let in any evidence to the contrary. Though the learned counsel would plead that the act of the petitioner would fall within the general exception as he has exercised his right of self-defence, this Court is of the view that the petitioner had not discharged his burden of proving that his act falls within the general exception as required under Section 105 of the Indian Evidence Act. The judgment relied upon by the learned counsel for the petitioner would be of no avail to the petitioner. Therefore, the concurrent findings of fact rendered by the Courts below are not perverse, and are based on the evidence on record. Hence, this Court finds no infirmity in the said finding.



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9. However, considering the fact that the injuries sustained by the two victims are simple in nature and the nature of the injuries, this Court is of the view that the interest of Justice would be met if the sentence imposed on the petitioner/accused for the offence under Section 307 (1 count) of the IPC is reduced to 3 years RI with a fine of Rs.1,000/- in default to undergo 1 year SI. The sentences imposed for the other offences are justified and accordingly confirmed, and hence, it is ordered as follows:

(i) The conviction of the petitioner for the offences under Sections 324, 307 (1 count), and 332 of the IPC by the learned Assistant Sessions Judge, Chidambaram, vide judgment dated 17.09.2019 in S.C.No.75 of 2013 and confirmed by the learned II Additional District Sessions Judge, Chidambaram, vide judgment dated 24.01.2022 in C.A.No.98 of 2019, is confirmed.

(ii) However, the sentence imposed on the petitioner for the offence under Section 307 (1 count) of the IPC, i.e., to undergo five years of rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one year of simple imprisonment, is modified, and the



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petitioner is sentenced to undergo three years of rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo one year of simple imprisonment.

(iii) The sentences imposed on the petitioner for the offences under Sections 324 and 332 of the IPC are confirmed, and all the sentences are ordered to run concurrently.

(iv) The fine amount already paid, if any, shall be adjusted against the fine amount imposed now.

(v) The period of sentence already undergone by the petitioner shall be set off under Section 428 Cr.P.C.

10. With the above observation, this Criminal Revision Case stands disposed of.

20-02-2026

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



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To

1. The II Additional District and Sessions Judge,
Chidambaram.
2. The Assistant Sessions Judge,
Chidambaram.
3. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.
4. The Public Prosecutor
High Court of Madras.



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SUNDER MOHAN, J.

dk/ars

Pre-delivery order in
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