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CRL RC No. 1503 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 1503 of 2025

Mustafa Ali
S/o.Raifal Alias Mohammed,
89/4, Emanuel Nagar,
Annur Road,
Mettupalayam,
Coimbatore District.

..Petitioner(s)

Vs

State represented by:

The Sub Inspector of Police,
Uthukuli, Tiruppur District.
Crime No.37/2024

..Respondent(s)

PRAYER: This Criminal Revision Petition has been filed under Section 397 read with 401 of Cr.P.C. to set aside the impugned judgment dated 13.05.2025 passed in C.A.No.147 of 2024 by the learned Special Court for Trial of Cases under SC/ST (PoA) Act, Tirupur, confirming the order/judgment of conviction and sentence dated 28.03.2024 passed in C.C.No.13 of 2024 by the learned District Munsif CUM Judicial Magistrate, Uthukuli.

For Petitioner(s): Mr. I.Periaswamy

For Respondent(s): Mr. R. Kishore Kumar,
Government Advocate [Criminal side].



ORDER

WEB COPY This Criminal Revision petition has been filed as against the order dated 13.05.2025 passed in C.A.No.147 of 2024 by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Tirupur, confirming the order/judgment of conviction and sentence vide an order dated 28.03.2024 passed in C.C.No.13 of 2024 by the learned District Munsif CUM Judicial Magistrate, Uthukuli.

2. According to the prosecution, on 29.01.2024 at around 1 p.m., when PW1 was in his mother's shop, who was examined as PW2, the accused came to the shop and disguised PW1 as if he wants to buy a silver ring worth of Rs.100/- and handed over Rs.500/-. Since there was no change, PW1 went to get change from her mother (PW2) and in the meanwhile, the accused attempted to commit theft and in furtherance thereof, he was charged for the offence under Section 380 read with 511 of IPC.

3. The learned counsel appearing for the petitioner would submit that the trial Court has not taken into consideration of the PW3's statement to the effect of his ignorance about the confession statement, and apart from that, there are no reliable witnesses. In spite of that, the petitioner has been convicted for the offence under Section 380 read with 511 of IPC. The learned counsel would



further submit that the Appellate Court has failed to consider the discrepancies in signing in Form No.91 by PW3 and that investigation has not been conducted in a fair and proper manner.

4. The said contention was totally objected by the learned Government Advocate for the respondent police, and he would submit that the witnesses relied by the prosecution are wholly reliable witnesses and there is no doubt appears about the investigation. It is the further submission of the learned Government Advocate that immediately the petitioner was caught red handed and the said factum is established through PW1 to PW3 and the very submissions made by the petitioner is mainly on the factual aspect, and that the same cannot be gone into, in revision.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. As rightly contended by the learned Government Advocate, the scope of revision is very limited. In this case, the main contention put forth by the learned counsel appearing for the petitioner is that the very presence of PW1 on the date of occurrence is doubtful as her residence is some where else. The learned Government Advocate would submit that PW1 and PW2 have no previous enmity with the petitioner and from the reading of the complaint, it is



seen that PW1 came to her mother's shop and when she was looking after the shop, the petitioner entered into the premises and asked PW1 to give a silver ring, which costs at Rs.100/-. However, the petitioner gave Rs.500/- and when PW1 was trying to get change from her mother, who was inside the house, the petitioner opened the drawer and attempted to take ornaments and valuable articles from there and when PW1 raised noise, PW2 came to the scene of occurrence and immediately the petitioner was caught red handed and he was taken to the police station. Though the learned counsel for the petitioner would submit that evidence of PW3 is not reliable, he was not in a position to put forth any material before this Court to say as to why his evidence should not be reliable.

7. As rightly contended by the learned Government Advocate, the evidences of PW1 to PW3 are corroborating each other and there are no ground to doubt their veracity. Apart from that, the suspicion put forth by the petitioner are only in respect of PW3 and not against PW1 and PW2. Therefore, this Court is of the firm view that all the witnesses relied on by the prosecution from PW1 to PW3 are wholly reliable, even otherwise their evidences are corroborating each other. Thus, this Court is of the firm view that there are no perversity in the finding rendered by the Appellate Court. Accordingly, this Court does not find any ground to interfere with the same.



8. Accordingly, this Criminal Revision Petition is ***dismissed***.

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Tirupur.
2. The District Munsif CUM Judicial Magistrate, Uthukuli
3. The Sub Inspector of Police, Uthukuli, Tiruppur District.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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