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CrI.R.C.No.1804 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.R.C.No.1804 of 2023

Pasupathi

...Petitioner

Vs.

State, Represented by
The Inspector of Police
Yethappur Police Station
Salem District.
(Crime No.25/2017)

...Respondent

Prayer: Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C., to set aside the concurrent Judgment dated 14.08.2023 made in C.A.No.92 of 2022 on the file of learned I Additional District and Sessions Judge, Salem, confirming the Judgment of conviction and sentence dated 14.10.2022 passed in C.C.No.77 of 2019 on the file of the learned Judicial Magistrate No.1, Attur and acquit the petitioner.

For Petitioner : Mr.K.V.Sridharan



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

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ORDER

The revision challenges the judgment dated 14.08.2023 passed in Crl.A. No. 92 of 2022 by the learned I Additional District and Sessions Judge, Salem confirming the judgment dated 14.10.2022 of the learned Magistrate convicting the petitioner for the offences under Sections 324 and 326 IPC and sentencing him to undergo simple imprisonment for one year together with a fine of Rs.1000/- carrying a default sentence of simple imprisonment for one month for the offence under Section 324 IPC and to undergo simple imprisonment for three years together with a fine of Rs.2000/- carrying a default sentence of simple imprisonment for two months for the offence under Section 326 IPC.

2. It is the case of the prosecution that there was a land dispute between the petitioner and his parents on the one side and the witnesses P.W.s 1 and 2 on the other side; that the petitioner and his parents had obstructed the movement of the witnesses by keeping their cows in the said land; that on 23.01.2017, when P.W.1 and her children were alone in the house, they heard certain persons damaging the compound wall; that

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thereafter, P.W.1 had informed her husband; as her husband had gone to Salem to attend to his official work, P.W.1 informed her sister-in-law, P.W.2, who rushed to the place of occurrence and questioned the petitioner and his parents; that the petitioner and his parents had caused injuries on the left wrist, chest, stomach and left knee of P.W.2 and on the back side of P.W.1's head, her back and left elbow. P.W.2 had also suffered a fracture on account of the injury to her left hand.

3. The Trial Court acquitted the mother of the petitioner. The father of the petitioner/A2 died during trial. The petitioner was convicted for the offences under Sections 324 and 326 IPC for causing injuries to P.W.s 1 and 2 by the Trial Court and the Appellate Court confirmed the said conviction and sentence imposed on the petitioner.

4. Learned counsel for the petitioner would submit that the prosecution had not established the offence under Section 326 IPC; that if it is their case that P.W.2 had sustained a fracture, they have not produced any X-ray to prove that she had sustained a fracture and he relied upon the judgment of this Court in ***K. Karnan and Others V. The State of Tamil Nadu rep. By Deputy Superintendent of Police, Kandamangalam Police Station, Villupuram District*** reported in ***2024 1 LW (Crl.) Pg. 810***. Learned



counsel further submitted that the petitioner was aged less than 21 years at the time of occurrence; that his date of birth is 05.06.1996; and the alleged occurrence was on 21.03.2017 and considering the nature of allegations, the petitioner may be dealt with under the Probation of Offenders Act, 1958.

5. Learned Government Advocate (Crl.Side), per contra, would submit that no X-ray was produced by the prosecution. He would also submit that the petitioner was born on 05.06.1996.

6. Admittedly, the petitioner was less than 21 years at the time of occurrence. The prosecution had not established the offence under Section 326 IPC as X-ray was not marked before the Trial Court. It is the consistent view of this Court that if X-ray is not marked, then the injury of fracture cannot be inferred. Therefore, this Court is of the view that the petitioner cannot be found guilty of the offence under Section 326 IPC in respect of the attack on P.W.2.

7. The petitioner would therefore be liable only for the offence under Section 324 IPC (2 counts). It is seen that P.W.s 1 and 2 have consistently stated that the attack was made on them by the petitioner. Though this Court finds no infirmity in the finding of the Trial Court with regard to the guilt of the accused, considering the fact that the petitioner was



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aged less than 21 years at the time of occurrence; that he has no bad antecedents and since the dispute was between neighbours, this Court is of the view that the provisions of Section 360 Cr.P.C. can be invoked.

8. Hence, the petitioner is not sentenced to any imprisonment. Instead,

(1) the petitioner is directed to be released on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a likesum to the satisfaction of learned Judicial Magistrate No.1, Attur for maintaining peace and good behaviour for a period of one year.

(2) If the petitioner violates the bond, he shall receive sentence of one year rigorous imprisonment for the aforesaid offence.

9. With the above observation, the revision is partly allowed.

09.02.2026

Index : Yes/No
Speaking order : Yes/No
Neutral Citation : Yes/No
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SUNDER MOHAN.J.,

nv

To

1. The I Additional District and Sessions Court, Salem.
2. The Judicial Magistrate No.1, Attur.
3. The Inspector of Police
Yethappur Police Station
Salem District.
(Crime No.25/2017).
4. The Public Prosecutor,
High Court, Madras.

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