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CRL RC No. 2271 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2271 of 2023

Jabar @ Jabar Sithik
S/o. Mohamed Ismail,
No.31A/1, Sivan Pada Street,
Tiruvannamalai District.

..Petitioner(s)

Vs

1. State Represented by:
The Sub-Inspector of Police
Tiruvannamalai Town Police station,
Tiruvannamalai District.
(Cr.No.133/2015)
2. Eliyas
S/o. Bazeer Ahamed,
Mariamman Koil street,
Tiruvannamalai, Tiruvannamalai District.

..Respondent(s)

Prayer: This Criminal Revision Petition is filed under Section 397 r/w 401 of Cr.P.C., to call for the records and set aside the judgement dated 28.11.2023 made in CA.No.46/2022 on the file of the learned Principal Sessions Judge, Tiruvannamalai, which reverse the acquittal order in a judgement dated dt.2.8.2017 made in CC.No.98/2015 on the file of the learned Judicial Magistrate No.I, Tiruvannamalai and acquit the petitioner.

For Petitioner(s):

Mr.A.Saranraj

For Respondent(s):

Mr.R.Vinothraja
Government Advocate (Crl. Side) for R1
R2- served



ORDER

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The Revision challenges the Judgment passed in C.A.No.46 of 2022 convicting the petitioner for the offences under Section 326 IPC and sentencing him to undergo one year simple imprisonment and to pay a fine of Rs.5,000 (id) to undergo one month simple imprisonment.

2.It is the case of the prosecution that on account of prior enmity, the petitioner along with A2 had attacked the defacto complainant with a weighing stone, as a result of which, the defacto complainant sustained head injuries and underwent treatment at a Government Hospital.

3.The prosecution had examined 11 witnesses and marked 5 documents. The trial Court found that the prosecution had failed to establish the offences against A1 and A2, who were charged for the offences under Section 294 (b), 506(ii) and 326 IPC and acquitted both A1 and A2 of all the charges. The defacto complainant had filed an appeal before the Sessions Court and by the impugned Judgment, the Sessions Court found the petitioner/A1 guilty of the offence under Section 326 IPC and acquitted the petitioner/A1 for the other offences under Section 294 (b) and 506(ii) IPC. The appellate Court had confirmed the acquittal of the second accused.



4. The learned counsel for the petitioner submitted that the parties, namely, the petitioner and the second respondent, who were known to each other even before the occurrence, have reconciled their differences and have filed a joint compromise memo, to maintain a cordial relationship between them, on the advice of elders.

5. The defacto complainant, identified by Mr.S.Thiyakarajan, Special Sub-Inspector of Police, T.V.Malai Town Police Station, Tiruvannamalai District, is present in person and confirms that he has filed an affidavit and the joint compromise memo and is not willing to pursue the case.

6. As stated above, the trial Court acquitted the petitioner of all the charges. The Appellate Court found the petitioner guilty of the offence under Section 326 IPC. The doctor in his deposition would state that the defacto complainant was admitted to the hospital and against doctor's advice, he left the hospital two days after the admission. The doctor would also state that the defacto complainant sustained grievous injury and the said opinion was based on a CT scan report. The prosecution had not produced the said CT scan report to substantiate the offence under Section 326 IPC. The evidence therefore reveals that the petitioner had committed an offence under Section 324 IPC.



7. The parties have now reconciled their differences and have filed a joint compromise memo, which suggests that if the conviction is not set aside, the parties viz., the petitioner as well as the defacto complainant would be put to several hardships.

8. As stated above, the prosecution had established the offence under Section 324 of IPC. In the facts and circumstances of the case and in view of the compromise arrived at between the parties, this Court is of the view that interest of justice would be met if the petitioner is sentenced to pay a fine of Rs.10,000/- and in default to suffer one month Simple Imprisonment.

9. Accordingly, the Revision is partly allowed and it is ordered as follows:

(i) The conviction and sentence imposed upon the petitioner by the Appellate Court, for the offence under Section 326 IPC, i.e., one year simple imprisonment and to pay a fine of Rs.5,000 (id) to undergo one month simple imprisonment, is set aside.

(ii) *The petitioner is convicted for the offence under Section 324 of IPC and sentenced to pay a fine of Rs.10,000/- within a period of four weeks from the date of receipt of a copy of this order and in default, to undergo simple imprisonment for one month.*



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

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

To

- 1.The Principal Sessions Judge, Tiruvannamalai.
- 2.The Judicial Magistrate No.I, Tiruvannamalai.



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SUNDER MOHAN, J.

TSG

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