
(2007) 09 MAD CK 0107
In the Madras High Court
Case No : Criminal R.C. No. 921 of 2005

Chinnadurai

APPELLANT

Vs

The State and Others

RESPONDENT

Date of Decision : 28-09-2007

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 148, 149, 294B, 323

Citation : (2007) 09 MAD CK 0107

Hon'ble Judges : S. Tamilvanan, J

Bench : Single Bench

Advocate : V. Sairam, for the Appellant; R. Muniyappa Raj, Government Advocate (cr. side) for R1, for the Respondent

Final Decision : Dismissed

Judgement

S. Tamilvanan, J.—A This Criminal Revision has been preferred against the judgment of acquittal, dated 02.05.2005, recorded by the

Judicial Magistrate, Ami in C.C. No. 350 of 2002, on the file of the said court.

2. On the complaint given by P.W. 1, the case was registered against the respondent/ accused under Sections 147, 148, 324, 323, 294(B) and

506 (2) r/w 149 IPC. As per the prosecution case, on 21.01.2002, at about 7 a.m due to a civil dispute the respondents 2, 7 to 9 came to the

place of occurrence, where there was a wordy quarrel between A1 and P.W. 1, due to which A1 attacked P.W. 1 on his left cheek. It is not in

dispute that there was a case and counter between the respondents 1 to 10 herein and the injured prosecution witnesses.

The trial court considering the contradictory version of P.W. 1 and other alleged eye witnesses, has recorded acquittal. It is not in dispute that

counter case filed against the said prosecution witnesses was ended in acquittal.

As per the evidence of P.W. 1, he was attacked on his left cheek

and also caused injury on his head by knife and stick. However, it is seen that no such weapon was recovered and marked as material object in

this case by the prosecution.

3. As per the evidence of P.W. 7, doctor, there was no contusion or injury on the left cheek of P.W. 1 and further, P.W. 2 said to have been

admitted in the hospital also turned hostile and did not support the prosecution case. On a peruses of the evidence available on record, I am of the

considered view that there are material contradictions in the evidence adduced by P.W. 1, which would go to the root of the case. Further, it is not

supported by medical evidence.

4. The learned Counsel appearing for the revision petitioner would contend that there is only a minor discrepancy in the evidence, which would not

vitate the prosecution case, cannot be accepted on the evidence available on record. As there are material contradictions in the evidence, on the

side of the prosecution witness, so as to vitiate the prosecution case, I could find no error or infirmity in the impugned judgment of the Court below

in recording acquittal and therefore, criminal revision fails.

In the result, this Criminal Revision is dismissed.