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CrI.A.No.642 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.A.No.642 of 2021

1.SATHISHKUMAR @ SAKTHIKRISHNA
2.LOKESH
3.MANJUNATH
4.RAMESH
5.PUTTANNA
6.LAKSHMIKANTHAN
7.RAJAGOPALACHARI
8.VENKATACHARI

... Appellants

Vs.

STATE rep. BY INSPECTOR OF
POLICE, THALLY POLICE STATION, DENKANIKOTTAI,
KRISHNAGIRI DISTRICT.
(CR.NO.283/2016)

... Respondent

Prayer: Criminal Appeal filed under Section 374 of Cr.P.C. praying to set aside the judgment in SC.No.18 of 2019 dated 16.11.2021 passed by the Principal Sessions Judge, Krishnagiri.

For Appellants : Ms.A.S.Aishwarya
for Ms.A.Jagadeeswari

For Respondent : Mr.L.Baskaran,
Government Advocate (crl.side)

ORDER

This criminal appeal has been filed praying to set aside the judgment passed in SC.No.18 of 2019 dated 16.11.2021 by the Principal

Sessions Judge, Krishnagiri.

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2. The case of the prosecution is that in the year 2016, the accused and the injured had played cricket match and during the match the injured and the accused quarreled with each other. Thereafter the quarrel was pacified by the villagers. Therefore, the accused had motive to do away the life of the deceased and very often they quarrelled wherever they had seen each other. While being so on 25.11.2016 at about 8 p.m., while the friend of PW1 came from Bangalore and they were proceeding in their two wheeler near Sampath tea stall, the first accused came to the tea shop along with others and stopped their vehicle. The first accused gave a blow with a knife on the head of the injured and as such, he sustained injuries. They also caused damage to the bike. On a complaint, the respondent registered FIR in crime No.283 of 2016. After completion of investigation, final report was filed and the same was taken cognizance by the trial court.

3. In order to bring the charges to home, the prosecution had examined PW1 to PW13 and marked Ex.P1 to Ex.P27. The prosecution produced material objects as MO.1 and MO.2. On the side of the accused, no one was examined. However, Ex.D1 was marked. On perusal of oral and documentary evidence, the trial court found the accused guilty and sentenced them as follows: A1 to A3 were found guilty for the offence under Section 148 of IPC and imposed fine of

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Rs.800/- each, in default to undergo 3 months rigorous imprisonment. A4,

A5, A9 & A10 were found guilty for the offence under Section 147 of IPC and imposed fine of Rs.600/- each, in default to undergo 2 months rigorous imprisonment. A1 was found guilty for the offence under Section 341 of IPC and imposed fine of Rs.500/-, in default to undergo 1 week simple imprisonment. A1 to A3 & A5 were found guilty for the offence under Section 323 of IPC and imposed fine of Rs.1,000/- each, in default to undergo 3 months simple imprisonment. A1, A2 & A6 were found guilty for the offence under Section 3(1) of TNPPDL Act and sentenced to undergo one year rigorous imprisonment with fine of Rs.1,000/- each, in default to undergo 1 months rigorous imprisonment. A3 was found guilty for the offence under Section 3(1) of TNPPDL Act r/w Section 149 of IPC and sentenced to undergo one year rigorous imprisonment with fine of Rs.1,000/-, in default to undergo 1 month rigorous imprisonment. Aggrieved by the same, the present criminal appeal has been filed.

4. The learned counsel appearing for the appellants would submit that the prosecution failed to prove the charges in accordance with law. There are contradictions between the evidence of PW10 and others. The prosecution also failed to prove the recovery since PW7 and PW8 turned hostile. Further, the offence under Section 3(1) of TNPPDL



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Act is not at all attracted against the accused and even then, the trial court mechanically convicted the accused.

5. Per contra, the learned Government Advocate(crl.side) appearing for the respondent submitted that the injured had deposed as PW1. He categorically deposed about the occurrence and also the injury sustained. PW10 who treated PW1, categorically deposed that he recorded the accident register and issued wound certificate. Further the bike which was driven by PW1 was also attacked by the accused and damage was caused to the tune of Rs.2,760/. In order to prove the same, PW11 had categorically deposed that the vehicle was damaged by the accused. Therefore, the trial court rightly convicted the appellants and the order of the trial court does not warrant any interference by this Court.

6. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

7. On perusal of the records and on hearing the submissions made by the learned counsel appearing on either side reveals that the injured witness was examined as PW1. PW1 categorically deposed about the previous motive and also the occurrence which took place on 25.11.2016. The relevant portion of his deposition is as follows:



disprove the charges. Though the prosecution did not examine any other independent witnesses, when the injured witnesses is trustworthy and cogent, it is enough to convict the accused. Further, the doctor who treated the injured, deposed as PW10. He also categorically deposed about the injury sustained by PW1. Therefore, the prosecution categorically proved the charges under Sections 147, 148, 323 & 341 of IPC.

9. Insofar as the offence under Section 3(1) of TNPPDL Act, the prosecution had examined PW11 who repaired the motorcycle and issued bill, which was marked as Ex.P18. The bike had been handed over to him for repair and he was stated that PW1 met with an accident, due to which the two wheeler was damaged. Therefore, the evidence of PW1 insofar as causing damage to his two wheeler is not corroborated with any evidence. PW11 did not support the case of the prosecution and failed to corroborate the evidence of PW1. The relevant portion of the evidence of PW11 is as follows:

நான் தளி கிராமத்தில் குடியிருக்கிறேன். நான் Hero showroom ல் மெக்கானிக்காகப் பணிபுரிந்து வருகிறேன். சுமார் 4 வருடத்திற்கு முன்பு, தளி போலீசார் மோட்டார் சைக்கிள் ஆக்சிடெண்ட் ஆகிவிட்டது சரி செய்ய வேண்டும் என்று சொன்னார்கள். மாஸ்க், மெட்கார்டு, இண்டிகேட்டர்,



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கோன் செட் கண்ணாடி ஆகியவை சேதமாகி இருந்தது. என்னிடம் காண்பிக்கப்படும் பில் நான்தான் கொடுத்தேன். நான் வழங்கிய பில் அ.த.சா.ஆ.18, அதனை சரி செய்ய ரூ.2760/- ஆனது. போலீசார் என்னை விசாரித்தார்கள்.

10. Therefore, the prosecution miserably failed to prove the charges under Section 3(1) of TNPPDL Act. As such, in respect of the appellants, the impugned judgment of conviction and sentence insofar as all the charges except the charges under Section 3(1) of TNPPDL Act, is confirmed, whereas the impugned judgment is set aside in respect of the order of conviction and sentence for the charges under Section 3(1) of TNPPDL Act. Accordingly, this criminal appeal stands partly allowed.

04.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1.The learned Principal Sessions Judge, Krishnagiri.

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KRISHNAGIRI DISTRICT.

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