



Crl.A(MD)No.64 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2026

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**Crl.A(MD)No.64 of 2026
and
Crl.M.P(MD)No.925 of 2026**

Murugan

... Appellant/Sole Accused

Vs.

State of Tamil Nadu through,
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
In Crime No.352 of 2019.

... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 415 (2) of BNSS Act, 2023 to call for the records in S.C.No.80 of 2021 on the file of the learned Additional District and Sessions Judge (FTC), Palani and set aside the Judgment of guilt and order of conviction and sentence dated 14.11.2025.



Crl.A(MD)No.64 of 2026

For Appellant : Mr.N.Anantha Padmanabhan
for M/s.APN Law Associates

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

JUDGMENT

**(Judgment of the Court was delivered by
G.K.ILANTHIRAIYAN, J.)**

This appeal is directed as against the Judgment passed in S.C.No.80 of 2021, dated 14.11.2025, on the file of the learned Additional District and Sessions Judge (FTC), Palani, thereby convicting the accused for the offences punishable under Sections 294(b), 323 and 302 of I.P.C.

2.The case of the prosecution is that the son of the accused and the son of the deceased were classmates at the Government High School, Poondi, Kodaikanal. The accused had earlier warned the deceased not to allow his son to associate with the accused's son, alleging that his son had developed bad habits because of the deceased's son.



CrI.A(MD)No.64 of 2026

WEB COPY

3.On 24.10.2019, at about 12.45 p.m., the accused went to the school to complain about the conduct of the deceased's son. After lodging the complaint with the concerned teacher, when he was coming out of the school premises, he saw the deceased, who had come to the school during lunch hours to feed his son.

4.Upon seeing the deceased, the accused quarrelled with him regarding his son's conduct and abused him in filthy language. An altercation ensued between them. The accused assaulted the deceased with his hands in the presence of the deceased's son. As a result, the deceased sustained injuries and was taken to the hospital; however, he was declared dead.

5.On the complaint, the respondent registered the F.I.R in Crime No.352 of 2019 for the offences punishable under Sections 294(b), 323 and 302 of I.P.C as against the accused. After

3/20



Crl.A(MD)No.64 of 2026

completion of the investigation, the respondent filed a final report and the same has been taken cognizance by the Trial Court.

6.On the side of the prosecution, in order to bring the charges to home, they had examined P.W.1 to P.W.14 and Exs.P1 to P11 were marked. On the side of the appellant, he had examined D.W.1 and D.W.2 and no documents were marked before the Trial Court.

7.On perusal of the oral and documentary evidence, the Trial Court found the accused guilty for the offences punishable under Sections 294(b), 323 and 302 of I.P.C. He was sentenced to undergo Rigorous Imprisonment for life and to pay a fine of Rs. 10,000/- in default, to undergo six months Simple Imprisonment for the offence punishable under Section 302 of I.P.C. He was sentenced to undergo two months Rigorous Imprisonment for the offence punishable under Section 323 of I.P.C and he was imposed with a



Crl.A(MD)No.64 of 2026

fine of Rs.1,000/-, in default, to undergo one month Simple Imprisonment for the offence punishable under Section 294(b) of I.P.C. Aggrieved by the same, the appellant has preferred the present appeal.

8.The learned counsel appearing for the appellant submitted that there was absolutely no prior enmity between the deceased and the accused. Even according to the prosecution case, the accused went to the school to lodge a complaint against the deceased's son. After lodging the complaint, while he was coming out of the school, he saw the deceased, and a wordy quarrel ensued between them. The quarrel continued, resulting in a scuffle between them.

9.During the altercation, when the deceased was pushed by the accused, he fell on a stone and sustained injuries. Unfortunately, he died on the way to the hospital. Therefore, the accused had

5/20



Crl.A(MD)No.64 of 2026

absolutely no motive to do away with the life of the deceased. He merely pushed him and had no intention to cause his death. Hence, the prosecution has failed to prove the charge under Section 302 of I.P.C

10.The learned counsel appearing for the appellant further submitted that the prosecution failed to prove how the injuries were caused to the deceased. The prosecution also failed to examine any material witness to corroborate the injuries sustained by the deceased.

11.The Trial Court failed to consider the evidence of D.W.1 and D.W.2, who were examined on behalf of the accused. D.W.1 witnessed the occurrence and deposed that the son of the deceased abused the accused in filthy language. He further stated that the deceased only first assaulted the accused, and thereafter, the accused pushed the deceased down, as a result of which he sustained injuries.

6/20



Crl.A(MD)No.64 of 2026

However, without properly considering the evidence, the Trial Court mechanically convicted the accused for the major offence under Section 302 of the Indian Penal Code.

12.Per contra, the learned Additional Public Prosecutor appearing for the respondent submitted that the eyewitness to the occurrence was examined as P.W.2. P.W.2 is none other than the son of the deceased, who was present at the scene of crime. There was a wordy quarrel between the accused and the deceased with regard to the friendship between the son of the accused and the son of the deceased. Thereafter, the accused assaulted the deceased with a hand and pushed him down. When P.W.2 intervened, he was also beaten by the accused. As a result, the deceased sustained grievous injuries all over his face. He also sustained fractures to his ribs. Consequently, he died. The post-mortem report was marked as Ex.P.5, and it clearly corroborates the injuries sustained by the deceased. Therefore, the Trial Court rightly convicted the accused

7/20



CrI.A(MD)No.64 of 2026

and the same does not warrant any interference of this Court.

WEB COPY

13.Heard the learned counsel appearing on either side and perused the materials available on record.

14.Admittedly, the son of the deceased and the son of the accused were studying in the 10th standard. They had a close acquaintance with each other. However, the accused believed that, because of the close friendship with the son of the deceased, his son did not study well and was also indulging in bad activities. Therefore, he warned the son of the deceased not to maintain any friendship with his son.

15.Accordingly, the accused went to the school on 24.10.2019 at about 12.25 p.m. to lodge a complaint. After making the complaint, while he was returning home, the deceased came to the school to feed his son. Upon seeing the deceased, the accused

8/20



CrI.A(MD)No.64 of 2026

quarreled with him and also scolded him using filthy language. Due to the quarrel, the accused pushed the deceased down and also attacked him on his hands. Consequently, the deceased fell and fainted. He was immediately taken to the hospital. Unfortunately, he was declared brought dead.

16.The only eyewitness, P.W.2, deposed that he is the son of the deceased and stated that, regarding the friendship with the son of the accused, there was a quarrel between the accused and the deceased. On the date of occurrence, when the deceased came to the school, the accused met him on the way to his home. Immediately, they quarreled. The relevant portion of the deposition of P.W.2 is as follows:

“கடந்த 24.10.2019 ந்தேதி பகல் சுமார் 12.30 மணியளவில் அப்போது நான் பூண்டி அரசு உயர்நிலை பள்ளியில் இருந்தேன். அப்போது நான் பத்தாம் வகுப்பு படித்து கொண்டிருந்தேன். எனது தந்தையார் லோகநாதன் அப்போது எனக்கு சாப்பாடு எடுத்து வந்திருந்தார். எனக்கு சாப்பாடு கொடுத்து விட்டு திரும்பி போகும் போது எனது



CrI.A(MD)No.64 of 2026

வகுப்பில் படிக்கும் உமாநாத் என்பவரும் அவனுடைய தந்தையார் முருகன் என்பவரும் எனது தந்தையாரிடம் உன்னுடைய மகனுடன் சேர்வதால் தான் எனது மகனும் கெட்டு போகிறான் என்று வாய்த்தகராறு செய்தார். அப்போது எனது தந்தையார் என்னுடைய மகனை எப்படி குறை சொல்லலாம் என கேட்டதற்கு வாய்த்தகராறு முற்றி தகாத வார்த்தைகளால் பேசி முருகன் எனது தந்தையாரை அடித்து கீழே தள்ளிவிட்டார். மேற்படி சம்பவம் மேற்படி பள்ளிக்கு எதிரே உள்ள ரோட்டில் வைத்து நடந்தது. நான் முருகனிடம் எதற்கு எனது அப்பாவை அடிக்கிறீர்கள் என கேட்டதற்கு என்னையும் அடித்து எனது இடது காதில் கடித்து விட்டார். ஆஜர் எதிரி தான் மேற்படி முருகன் ஆவார். எனது நெஞ்சில் நகங்களால் கீறி வைத்து விட்டார். எனது தந்தையார் அங்கேயே மயக்கம் போட்டு கீழே விழுந்து விட்டார். அப்போது அந்த வழியாக வந்த ஒரு காரில் எனது தந்தையை ஏற்றி மன்னவனூர் அரசு மருத்துவமனைக்கு நானும் பள்ளி ஆசிரியர் வாசிமலை என்பவரும் கொண்டு சென்றோம்.”

17.Thus, it is clear that the accused had come to the school without knowing that the deceased was also present there. Further, the accused assaulted the deceased with his hands. He pushed him down, and as a result, the deceased fell and sustained injuries.

10/20



Crl.A(MD)No.64 of 2026

WEB COPY

Moreover, there was no motive on the part of the accused to do away with the life of the deceased. He had come to the school only to lodge a complaint against the son of the deceased. At that juncture, he happened to meet the deceased and quarrelled with him. Therefore, the accused had neither the motive nor the intention to cause the death of the deceased. Hence, the prosecution has failed to prove the charge under Section 302 of I.P.C. However, the accused is liable to be punished for the offence punishable under Section 304 Part II of I.P.C.

18. In this regard, it is relevant to reply upon judgment of the Hon'ble Supreme Court of India in the case of ***Pulicherla Nagaraju @ Nagaraja Reddy v. State of A.P [2007 (1) SCC (CRI) 500]***, wherein it has been observed as follows:

“18. Therefore, the court should proceed to decide the pivotal question of intention, with care and caution, as that will decide whether the case falls under Section 302 or 304 Part I or 304 Part II. Many



Crl.A(MD)No.64 of 2026

petty or insignificant matters like plucking of a fruit, straying of cattle, quarrel of children, utterance of a rude word or even an objectionable glance, may lead to altercations and group clashes culminating in deaths. Usual motives like revenge, greed, jealousy or suspicion may be totally absent in such cases. There may be no intention. There may be no pre-meditation. In fact, there may not even be criminality. At the other end of the spectrum, there may be cases of murder where the accused attempts to avoid the penalty for murder by attempting to put forth a case that there was no intention to cause death. It is for the courts to ensure that the cases of murder punishable under Section 302, are not converted into offences punishable under Section 304 Part I/II, or cases of culpable homicide not amounting to murder, are treated as murder punishable under Section 302. The intention to cause death can be gathered generally from a combination of a few or several of the following, among other, circumstances:

- (i) nature of the weapon used;*
- (ii) whether the weapon was carried by the accused or*



Crl.A(MD)No.64 of 2026

was picked up from the spot;

(iii) whether the blow is aimed at a vital part of the body; (iv) the amount of force employed in causing injury;

(v) whether the act was in the course of sudden quarrel or sudden fight or free for all fight;

(vi) whether the incident occurs by chance or whether there was any pre- meditation;

(vii) whether there was any prior enmity or whether the deceased was a stranger;

(viii) whether there was any grave and sudden provocation, and if so, the cause for such provocation;

(ix) whether it was in the heat of passion;

(x) whether the person inflicting the injury has taken undue advantage or has acted in a cruel and unusual manner;

(xi) whether the accused dealt a single blow or several blows. The above list of circumstances is, of course, not exhaustive and there may be several other special circumstances with reference to individual cases which may throw light on the question of intention. Be that as it may.”



WEB COPY

19. In this regard, it is also relevant to rely upon the judgment of the Hon'ble Supreme Court of India in ***Criminal Appeal No.1124 of 2022*** in the case of ***Dauvaram Nirmalkar vs. State of Chhattisgarh***. The relevant paragraph is extracted hereunder:-

“12. The question of loss of self-control by grave and sudden provocation is a question of fact. Act of provocation and loss of self-control, must be actual and reasonable. The law attaches great importance to two things when defence of provocation is taken under Exception 1 to [Section 300](#) of the IPC. First, whether there was an intervening period for the passion to cool and for the accused to regain dominance and control over his mind. Secondly, the mode of resentment should bear some relationship to the sort of provocation that has been given. The retaliation should be proportionate to the provocation. The first part lays emphasis on whether the accused acting as a reasonable man had time to reflect and cool down. The offender is presumed to possess the general power of self-control of an ordinary or reasonable man, belonging to the same



class of society as the accused, placed in the same situation in which the accused is placed, to temporarily lose the power of self-control. The second part emphasises that the offender's reaction to the provocation is to be judged on the basis of whether the provocation was sufficient to bring about a loss of self-control in the fact situation. Here again, the court See the opinion expressed by Goddar, CJ. in R v. Duffy (supra) would have to apply the test of a reasonable person in the circumstances. While examining these questions, we should not be short-sighted, and must take into account the whole of the events, including the events on the day of the fatality, as these are relevant for deciding whether the accused was acting under the cumulative and continuing stress of provocation. Gravity of provocation turns upon the whole of the victim's abusive behaviour towards the accused. Gravity does not hinge upon a single or last act of provocation deemed sufficient by itself to trigger the punitive action. Last provocation has to be considered in light of the previous provocative acts or words, serious enough to cause the accused to lose his self-



Crl.A(MD)No.64 of 2026

control. The cumulative or sustained provocation test would be satisfied when the accused's retaliation was immediately preceded and precipitated by some sort of provocative conduct, which would satisfy the requirement of sudden or immediate provocation.”

20.The above judgment is squarely applicable to the case on hand. Therefore, the appellant is liable to be punished for the offence punishable under Section 304 Part II of I.P.C.

21.Accordingly, the conviction and sentence imposed on the appellant for the offence punishable under Section 302 of I.P.C cannot be sustained and are liable to be set aside. However, the appellant is liable to be convicted for the offence punishable under Section 304 Part II of I.P.C. The conviction and sentence imposed on the accused for the offences punishable under Sections 294(b) and 323 of I.P.C are hereby confirmed.



CrI.A(MD)No.64 of 2026

WEB COPY

22.In view of the above, the conviction and sentence imposed on the appellant in S.C.No.80 of 2021, dated 14.11.2025, on the file of the learned Additional District and Sessions Judge (FTC), Palani, for the offence under Section 302 of I.P.C are set aside and the appellant is convicted for the offence under Section 304 Part II of I.P.C and is sentenced to undergo seven years Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default, to undergo six months Rigorous Imprisonment. The conviction and sentence imposed on the accused for the offences punishable under Sections 294(b) and 323 of I.P.C is hereby confirmed.

23.Accordingly, the Criminal Appeal is partly allowed. It is also made clear that if the appellant already paid the fine, it shall be adjusted towards the fine amount imposed by this Court. The sentences of imprisonment shall run concurrently. The period of imprisonment already undergone by the appellant shall be set off as

17/20



CrI.A(MD)No.64 of 2026

per Section 428 of Cr.P.C. Consequently, connected Miscellaneous

Petition is closed.

[G.K.I.J.] & [R.P.J.,]
17.02.2026

NCC :Yes/No
Index :Yes/No
Internet :Yes
ps



CrI.A(MD)No.64 of 2026

WEB COPY

To

1.The Additional District and Sessions Judge (FTC),
Palani.

2.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.A(MD)No.64 of 2026

G.K. ILANTHIRAIYAN, J.
AND
R. POORNIMA, J.

ps

Crl.A(MD)No.64 of 2026

17.02.2026

20/20