



Crl.A(MD)No.1107 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2026

CORAM:

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

**Crl.A(MD)No.1107 of 2025
and
Crl.M.P(MD)No.14538 of 2025**

Saravanakumar

... Appellant/Sole Accused

Vs.

State rep. by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District,
In Cr.No.88 of 2022.

... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) Cr.P.C., to call for the records from the Lower Court and set aside the judgment passed by the learned Sessions Judge (Fast Track Mahila Court), Virudhunagar District at Srivilliputhur in S.C.No.108 of 2022, dated 21.12.2023 by allowing this appeal.



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For Appellant : Mr.S.Mayaperumal
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

JUDGMENT

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

This Criminal Appeal is filed to call for the records and set aside the judgment passed by the Learned Sessions Judge (Fast Track Mahila Court), Virudhunagar District, Srivilliputhur, in S.C.No.108 of 2022, dated 21.12.2023, thereby convicting the appellant/accused for the offences punishable under Section 302 of IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act.

2. THE CASE OF THE PROSECUTION:

2(i) The appellant and deceased are husband and wife. The defacto complainant is the brother of the deceased. On 12.02.2022,



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at about 09:00 p.m., when the defacto complainant and the deceased were speaking in the appellant's house, the appellant had come there and had questioned about a missing hen and had scolded the deceased using filthy language. When the deceased replied to the same, the appellant got angry and assaulted the deceased with hand and also pushed her and dashed her head on the iron cot. The deceased sustained injuries and became unconscious due to the same. Immediately she was taken to the Government Hospital Srivilliputhur where she was provided first aid treatment and she was later referred to Government Rajaji Hospital, Madurai for further treatment and was admitted there on 13.02.2022, where after four days i.e., on 16.02.2022, the deceased died.

3. On the basis of the complaint, F.I.R was registered in Crime No: 88 of 2022 for the offences under Section 294(b), 323, 307 of I.P.C r/w. Section 4 of the Tamil Nadu Prohibition of Women Harassment Act. Thereafter, the offences were altered 294(b), 323, 3/26



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302 of I.P.C r/w. Section 4 of the Tamil Nadu Prohibition of Women Harassment Act. After completion of investigation, the respondent filed a final report and the same was taken cognizance by the Trial Court.

4. To bring the charges to home, the prosecution examined P.W.1 to P.W.13 and produced documents Ex.P.1 to Ex.P.19 and produced material objects which were marked as M.O.1 and M.O.2. on the side of the appellant, no witnesses were examined and no documents or material objects were produced.

5. On perusal of the oral and documentary evidences, the Trial Court found the appellant guilty for the offences under Section 302 of IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act and sentenced him to undergo life imprisonment and imposed a fine of Rs. 5,000/- and in default of the same, to undergo one-year Rigorous Imprisonment for the offence punishable under

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Section 302 of IPC and the appellant was also sentenced to undergo 3 years Rigorous Imprisonment and was imposed a fine of Rs. 10,000/- and in default of the same, to undergo six months Rigorous Imprisonment for the offence under Section 4 of the Tamil Nadu Prohibition of Women Harassment Act.

6. Aggrieved by the same, the appellant has preferred this present appeal.

7. ARGUMENTS ADVANCED BY THE LEARNED COUNSEL APPEARING FOR THE APPELLANT:

7(i) The learned counsel for the appellant submits that the prosecution has failed to establish the charges beyond reasonable doubt. Despite this, the Trial Court mechanically convicted the appellant, even though the material witnesses did not support the prosecution's case. It was also submitted that the establishment of motive is essential in a case which is completely based on



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circumstantial evidences, but the prosecution had failed to establish the same.

7(ii) It was the further contention of the appellant that, the evidence of P.W.1, who is the brother of the deceased and is also the defacto complainant, is not reliable as his presence at the scene of crime is highly doubtful as he did not take any step to prevent the alleged occurrence and P.W.8, who is the doctor attached to the Government Hospital, Srivilliputhur, who issued the accident register and provided first aid to the deceased also deposed that the deceased was brought to the hospital by her mother-in-law and not by P.W.1. The delay in lodgment of the complaint was also pointed out wherein the complain was lodged only on 17.06.2022 which is on the next day of the alleged occurrence.

7(iii) It was further submitted that, the Trial Court failed to consider the evidence of P.W.10 who is the Doctor attached to



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Government Rajaji Hospital, Madurai. He had clearly deposed that the patient suddenly was affected by cardiac arrest and that there is a possibility that the deceased died due to the cardiac arrest. He further pointed out that the Trial Court failed to consider the Accident Register which was marked as Ex.P7, that states that the deceased herself fell down from the water tank and sustained injuries. It was therefore submitted that, the prosecution has failed to prove the guilt of the appellant beyond reasonable doubt and the minor discrepancies stated above are fatal to the case of the prosecution.

It was further submitted that, even though the specific overt act of the appellant is proved by the prosecution, the offence might not attract Section 300 of IPC and rather it only amounts to culpable homicide. Therefore, it is his grievance that the Trial Court without considering the above details, had mechanically convicted the appellant.



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**8. ARGUMENTS ADVANCED BY THE LEARNED
ADDITIONAL PUBLIC PROSECUTOR APPEARING FOR
THE STATE:**

8(i) Per contra, the learned Additional Public Prosecutor submitted that the appellant is a drunkard and does not generate any income and the deceased, who is the wife of the appellant was the one who went to work and brought home some income. On the date of occurrence, at about 09:00 p.m., the appellant had consumed alcohol and had come home and had asked the deceased about the missing hen. She had told him that they could search for the hen the next day. Infuriated by her response, the appellant abused her in filthy language, slapped her and grabbed her hair and hit her on the iron cot. P.W.1 who is the brother of the deceased was present at place of occurrence and had witnessed the whole incident. Therefore, the prosecution case is not based on circumstantial evidence rather P.W.1 is the sole and credible eye witness to the offence and his evidence is well corroborated by other prosecution



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witnesses and the medical evidences. The prosecution has thus proved the charge under Section 302 of IPC beyond all reasonable doubts. Hence, the Trial Court rightly convicted the appellant, and the conviction does not call for any interference of this Court.

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

9. FINDINGS AND CONCLUSION:

9(i) The specific case of the prosecution is that, the appellant and deceased are husband and wife. The defacto complainant/P.W.1 is the brother of the deceased. On 12.02.2022, at about 09:00 p.m., when P.W.1 and the deceased were in the appellant's house, the appellant had come there and had questioned about a missing hen and had scolded the deceased using filthy language. When the deceased replied to the same in a lethargic manner, the appellant got enraged and assaulted the deceased with

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hand and grabbed her hair and dashed her head against the iron cot.

The deceased sustained injuries and became unconscious due to the same. Immediately she was taken to the Government Hospital, Srivilliputhur, where she was provided with first aid treatment and she was later referred to Government Rajaji Hospital, Madurai for further treatment and was admitted there on 13.02.2022, where after four days i.e., on 16.02.2022, the deceased died.

9(ii) The appellant had raised a specific ground stating that the evidence of P.W.1 and his presence in the scene of occurrence is doubtful. It is relevant to extract the deposition of P.W.1 hereunder:

“ ஆஜர் எதிரி சரிவர வேலைக்கு செல்லாமல் குடித்துவிட்டு எப்போதும் என் அக்காவுடன் சண்டை போட்டுவருவார். என் அக்கா மில் வேலைக்கு செல்வார். என் அக்கா தான் குடும்பத்தை காப்பாற்றி வந்தார். என் அக்காவையும் பிள்ளைகளையும் வாரவாரம் சனிக்கிழமை சாயங்காலம் ஆஜர் எதிரி இருசக்கர வாகனத்தில் வந்து எங்கள் வீட்டில் இறக்கிவிட்டுவிட்டு குடிப்பதற்காக சென்றுவிடுவார். மறுநாள் சாயந்திரம் வந்து என்



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அக்காவை கூட்டிச்செல்வார். கடந்த 12.02.2022ம் தேதி இரவு 08.45 மணிக்கு நான் எனது அக்கா முருகேஸ்வரியையும் அவரது பிள்ளைகளையும் பார்த்துவிட்டு வரலாம் என்று என் அக்கா வீட்டிற்கு சென்றேன். என் அக்காவுடன் பேசிக்கொண்டிருந்தேன். அப்போது இரவு 09.00 மணிக்கு ஆஜர் எதிரி மது குடித்துவிட்டு கஞ்சா போதையில் வீட்டிற்குள் வந்தார். என் அக்கா வீட்டில் கோழி வளர்த்து வருகிறார். கோழியை எங்க விட்ட அதை அடைக்க தெரியாதா அதக்கூட ஒழுங்கா பார்க்க மாட்டியா கூதி மகளே புண்ட மகளே என்று அசிங்கமாக பேசினார். அதற்கு எனது அக்கா கோழி எங்கயாவது போயிருக்கும் காலையில் தேடிப்பார்க்கிறேன் அதற்கு ஏன் இப்படி குடித்துவிட்டு வந்து அசிங்கமாக பேசுகிறீர்கள் என்று கேட்டார். உடனே ஆஜர் எதிரி கோபமாக எனது அக்காவின் கன்னத்தில் ஓங்கி அடித்து என்னையே எதுத்து பேசுநீயா என்று சொல்லி சுன்னி மகளே என்று அசிங்கமாக பேசி நீ உயிரோடு இருப்பதற்கு இன்னக்கோட செத்து தொலை என்று என் அக்காவின் தலைமுடியை பிடித்துக்கொண்டு அங்கிருந்த இரும்பு கட்டிலில் முட்ட வைத்தார். நான் ஆஜர் எதிரியை பிடித்து வெளியே தள்ளினேன். அக்காவிற்கு வாயிலிருந்து இரத்தம் வந்தது. அக்காவிற்கு சுயநினைவில்லாமல் இருந்ததால் உடனே என் அம்மா அப்பாவிற்கு போன் மூலம் தகவல் சொல்லிவிட்டு கோட்டைப்பட்டியில் உள்ள காலனி தெரு ஜீவா என்ற முருகனின் ஆட்டோவில் என் அக்காவை எனது அக்கா மாமியார் சரஸ்வதியுடன் ஏற்றிவிட்டு ஸ்ரீவில்லிபுத்தூர்



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அரசு மருத்துவமனைக்கு அனுப்பினேன். பின்னால் நான் இருசக்கர வாகனத்தில் அரசு மருத்துவமனைக்கு சென்றேன் முதல் சிகிச்சையளித்துவிட்டு என் அக்காவை மதுரை ராஜாஜி அரசு மருத்துவமனைக்கு அனுப்பிவைத்தார்கள். அப்போது அங்கு வந்த போலீசாரிடம் நான் உறவினரிடம் கலந்து பேசிவிட்டு புகார் தருவதாக சொன்னேன். 13.02.2022ம் தேதி போலீசார் மதுரைக்கு வந்து விசாரிக்க வாக்குமூலம் கொடுத்தேன். நான் சொல்ல சொல்ல போலீசார் எழுதினார்கள். அதை நான் படித்து பார்த்து கையெழுத்து போட்டேன். என் அப்பா அறிவேன் சாட்சியாக கையெழுத்து போட்டார். என்னிடம் காட்டப்படும் புகாரிலுள்ள கையொப்பம் என்னுடையதுதான். புகார் அ.சா.ஆ.1 அதன்பின்னர் 16.02.2022 ம் தேதி இரவு 11.45மணிக்கு என் அக்கா இறந்துவிட்டார் என் அக்காவின் இறப்பிற்கு காரணம் ஆஜர் எதிரி சரிவர வேலைக்கு செல்லாமல் மது அருந்திவிட்டும், கஞ்சா போட்டுக்கொண்டும் வந்து என் அக்காவை அடித்தும் தலைமுடியை பிடித்து முகத்தை இரும்பு கட்டிலில் முட்டவைத்து கொலை செய்துவிட்டார். போலீசார்ல என்னை விசாரித்தார்கள்.”

9(iii) On perusal of the deposition of P.W.1, it can be seen that he had clearly and categorically stated the occurrence, wherein



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the appellant, who was intoxicated, had come to the house and due to sudden altercation, started assaulting the deceased. After the occurrence, P.W.1 had sent the deceased along with her mother-in-law in an auto and he had followed them in a two-wheeler. Though the auto driver who was examined as P.W.2 turned hostile, that alone cannot break the credibility of the evidence of an eye witness. It is a well settled principle of law that even the evidence of a sole interested and related eyewitness is reliable, provided that the evidence is natural, cogent, convincing and trustworthy. Therefore, this Court is inclined to consider whether the evidence of P.W.1 is reliable or not and for that reason, it is pertinent to consider other corroborating evidences submitted by the prosecution in this regard. On perusal of the evidence of P.W.8, the doctor attached to the Government Hospital, Srivilliputhur and Ex.P7 which was the Accident Register issued by her, it is revealed that the deceased herself fell from the water tank on the first floor to the ground floor. The deposition of P.W.8 is extracted hereunder:

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“நான் தற்போது ஸ்ரீவில்லிபுத்தூர் அரசு மருத்துவமனையில் உதவி மருத்துவராக பணிபுரிந்து வருகிறேன். கடந்த 12.02.2022 இரவு 10.00 மணியளவில் நான் பணியிலிருந்தபோது முருகேஸ்வரி க/பெ.சரவணக்குமார் வயது 25 என்பவரை அவரது மாமியார் சரஸ்வதி என்பவர் சிகிச்சைக்காக அழைத்துவந்தார். அவர் மயக்கநிலையில் இருந்தார். அவர் மாமியாரிடம் விசாரித்தபோது முதல் தளம் வாட்டர் டேங்கிலிருந்து தானாக கீழே விழுந்து காயம் ஏற்பட்டதாக கூறினார். அவரை நான் பரிசோதனை செய்தபோது இடதுபக்க தலையில் 5 x 4 அளவில் இரத்தக்கட்டு காயம் இருந்தது. தாடை எலும்பு முறிந்திருந்ததாக சந்தேகம் ஏற்பட்டது. அவருக்கு முதலுதவி அளித்து மதுரை அரசு மருத்துவமனைக்கு மேல்சிகிச்சைக்காக பரிந்துரை செய்தேன். நான் வழங்கிய விபத்து பதிவேடு அ.சா.ஆ.7. காவல் ஆய்வாளர் என்னை விசாரித்தார்.”

9(iv) But the deposition of P.W.8 also clearly reveals that the said accident register was issued on the information of the mother-in-law of the deceased who had accompanied the deceased to the Hospital. Since the appellant/accused is her own son, it is



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unlikely of her to have stated the truth to the Doctor. Therefore, the same cannot on its own deplete the credibility of the prosecution case and this Court is not inclined to take into consideration the evidences of P.W.8 and Ex.P7.

9(v) On Perusal of the evidence of P.W.11, the doctor attached to the Government Rajaji Hospital, Madurai who conducted the autopsy of the deceased has clearly stated that the injuries incurred by the deceased does not seem like she had fallen to the ground from the first floor on her own. There were injuries on the whole of the deceased's head which corroborates with the evidence of P.W.1 wherein the appellant had forcefully dashed the deceased's head against the iron cot. The cross examination of P.W.11 is extracted hereunder:

“1 முதல் 6 காயங்கள் மாடியின் முதல் தளத்திலிருந்து கீழே விழுவதால் ஏற்பட வாய்ப்புண்டா என்றால் மாடியிலிருந்து கீழே விழும்போது ஒரு குறிப்பிட்ட நிலையில் தான் விழுமுடியும் அந்த இடங்களில் தான்



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காயங்கள் ஏற்படும் தலை முழுவதும் காயங்கள் ஏற்பட வாய்ப்பில்லை. ஒரு நபர் தலைமுடியை பிடித்து இன்னொரு நபரின் முகத்தை இரும்பு கட்டிலில் மோதினால் 1 முதல் 6 காயங்கள் ஏற்பட வாய்ப்புண்டா என்றால் பலதடவைகள் மேலே கூறியவாறு மோத வைத்தால் ஏற்பட வாய்ப்புண்டு. முகத்தை மோத வைக்கும்போது உடனே கை கால்களில் காயங்கள் ஏற்பட வாய்ப்பில்லையென்றால் சரிதான்.”

9(vi) Further, on perusal of the evidence of P.W.10, the doctor who administered treatment for the deceased at the to the Government Rajaji Hospital, Madurai, it is revealed that during the course of the treatment, the deceased had suffered a heart attack and had eventually died. The cross examination of P.W.10 is extracted hereunder:

“நான் நோயாளிக்கு நான் நோயாளியை ஸ்கேன் எடுத்துப்பார்த்ததில் அவருக்கு மூளையில் காயம் ஏற்பட்டிருந்தது அந்த காயத்தினால் இருதய நிறுத்தம் ஏற்பட வாய்ப்புண்டு. நான் ஸ்கேன் எடுத்துப்பார்த்தேனா என்றால் இல்லை, அவருக்கு எடுக்கப்பட்டிருந்த ஸ்கேனை பார்த்தேன். காயம் ஏற்பட்டவருக்கு இருதயம் ஏற்பட்டதற்கு அந்த காயங்கள் மட்டுமே காரணமல்ல என்றால் அவ்வாறு



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கூற இயலாது. காயம்பட்டவருக்கு காயத்தினால் இருதய நிறுத்தம் ஏற்பட்டிருந்தால் அது முன்கூட்டியே நிகழ்ந்திருக்கும் அவ்வாறு நிகழாததால் காயத்தினால் இருதய நிறுத்தம் ஏற்படவில்லையென்றால் சரியல்ல.”

On a keen reading of the above extract, it can be seen that the P.W.1 had clearly stated that the deceased had suffered a heart attack only due to the injuries that she had incurred in her brain. Therefore, this Court is not inclined to appreciate the contention of the appellant that the death of the deceased was caused only due to the heart attack and not because of his assault on the deceased. Even if that is the case, the heart attack was caused only due to the brain injuries that was inflicted upon the deceased as the appellant had dashed her head repeatedly against the iron cot.

10. Therefore, the prosecution has proved beyond reasonable doubt that the offence was committed by the appellant. The only point for consideration in this appeal is whether the



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conviction under Section 302 of I.P.C can be sustained, in the absence of any intention on part of the appellant to do away with the life of the deceased. In order to decide the pivotal question of intention, which alone would determine whether the offence falls under Section 302 or 304 Part II of I.P.C., the facts and circumstances of the case have to be examined with care and caution.

11. Admittedly, and even according to the case of the prosecution and the evidence of P.W.1, the appellant, at the time of occurrence, was in an intoxicated state. At that time, when the appellant had questioned the deceased about the missing hen, her lethargic reply had enraged the appellant. The seriousness of the quarrel had increased as it was fueled by the consumption of alcohol on part of the appellant. It is an undisputed truth that, alcohol makes a man lose his prudent senses and the case on hand is a classic example for the same.

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12. Though, intoxication as such is not a defense in a criminal charge, it shows that what started as a normal quarrel between the appellant and deceased, quickly turned into a violent unfortunate situation that caused the death of the deceased. In this regard, it is relevant to reply upon judgement 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 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



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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 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*



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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.”

13. On a keen observation of the factual matrix of this case, it can be seen that, there was no preparation or premeditation on the side of the appellant to commit the offence and he had absolutely no intention to do away with the life of the deceased. The appellant had



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admittedly consumed alcohol and when a wordy quarrel ensued between the appellant and the deceased, in the spur of the moment and due to sudden provocation, the appellant had grabbed the deceased's hair and had dashed her head repeatedly against the iron cot. It is to be noted that the appellant neither carried any weapon with him all along nor used any weapon to do away with the life of the deceased. Therefore, the offence had taken place in the course of sudden quarrel or sudden fight without any premeditation.

14. Therefore, the cumulative effect of the unshaken testimony of the sole and credible eye-witness i.e., P.W.1, the medical findings that corroborate the evidence of P.W.1 and the failure of the appellant to rebut the case of the prosecution, incontrovertibly establishes the guilt of the appellant. But the prosecution has failed to establish beyond reasonable doubt that the appellant's act was an effect of the intention he had to do away with the life of the deceased.



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15. In view of the above, the conviction and sentence imposed on the appellant by the Learned Sessions Judge (Fast Track Mahila Court), Virudhunagar District, Srivilliputhur, in S.C.No.108 of 2022 dated 21.12.2023, for the offence punishable under Section 302 of I.P.C are set aside. The appellant is convicted for the offence punishable under Section 304 Part II of I.P.C and sentenced to undergo six years Rigorous Imprisonment and to pay a fine of Rs. 5,000/- in default, to undergo six months Simple Imprisonment. However, the sentence imposed under Section 4 of the Tamil Nadu Prohibition of Women Harassment Act is sustained.

16. With the above modification, the Criminal Appeal is partly allowed. It is made clear that if the appellant has already paid any fine, the same 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

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appellants shall be set off under Section 428 of Cr.P.C.

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Consequently, connected miscellaneous petition is closed.

[G.K.I.J.] & [R.P.J.]
03.02.2026

NCC :Yes/No
Index :Yes/No
Internet :Yes
AM



1.The Sessions Judge (Fast Track Mahila Court),
Vrudhunagar District at Srivilliputhur

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



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

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