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CRL.A.(MD).No.728 of



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27/01/2026

CORAM

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

Crl.A(MD)No.728 of 2022

Poopathi : Appellant/Sole Accused

Vs.

The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.
(Crime No.124/2019)

: Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374(2) of the Criminal Procedure Code, against the judgment passed by the Sessions Judge, Mahila Court, Pudukkottai, in SC No.83 of 2019, dated 14/09/2021 and to set aside the same and consequently, to acquit the appellant.

For Appellant : Mrs.V.Muthumani

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor



JUDGMENT

(Judgment of the Court was made by the Hon'ble **G.K.ILANTHIRAIYAN J.**)

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This appeal is directed as against the judgment of conviction and sentence passed in SC No.83 of 2019, dated 14/09/2021 by the Sessions Judge, Mahila Court, Pudukkottai, thereby convicted the appellant for the offence under Section 302 IPC.

2.The case of the prosecution is that the deceased Sathya had illegal intimacy with the accused. Therefore, her mother warned her not to have the relationship with the accused. So, the deceased stopped her relationship with the accused. Due to which, the accused got enraged with the deceased. While being so, on 09/05/2019 at around 02.00 p.m, the deceased was in the agricultural field and while cutting the grass for her cattle, the accused went there and questioned her why stopped having relationship with him. He had also compelled her to continue her relationship with him. When she refused to do so, the accused scolded her with filthy language and with an intention to do away her life, he assaulted her by aruval on her right side neck. When the deceased fearing danger of her life started running, once again, the accused caused heavy cut on her left side cheek and while the deceased prevented herself using her hands, the accused also cut her left wrist, right shoulder, right hand and caused



grievous blood injuries to the deceased. Though, she was admitted in the Government Hospital, Trichy, but however, she succumbed to the injuries on 10/05/2019 at 01.30 a.m.

3.On the complaint, the respondent Police registered the FIR in Crime No.124 of 2019 for the offences under Sections 294(b) and 307 IPC. After completion of the investigation, filed a final report under Sections 294(b), 307 IPC @ 302 IPC and the same has been taken cognizance by the Trial Court in SC No.83 of 2019.

4.Before the Trial Court, the prosecution had examined 8 witnesses as PW1 to PW8 and marked 19 documents Exs.P1 to P19, besides produced materials objects MO1 to MO8. On the side of the accused, no one was examined and no document was marked.

5.On consideration of the evidence, both oral and documentary the Trial Court found the appellant/accused guilty of the offence under **Section 302 IPC** and sentenced him to undergo **Life Imprisonment** and to pay a fine of Rs.1,00,000/-, in default to undergo one year SI. Aggrieved by the same, the present appeal.



6.The learned counsel for the appellant raised the grounds that there was a delay in lodging the complaint and after registration of the FIR, there was also a delay in sending the same to the concerned Jurisdictional Court. Further, in the Forensic Lab report, the bloodstained clothes which were recovered from the accused were not matched with the bloodstained of the accused. As per the report, there is a self inconclusive. The appellant is not a married man and had intimacy with the deceased. Thereafter, the deceased refused to have talked and due to it, the occurrence had taken place. Further, except PW1, no other eye witnesses were corroborated the evidence of PW1. There are complete contradictions between the evidence of PW1 and the statement recorded from the deceased. After recording the statement from the deceased, FIR has been registered and at that time, she was very much conscious and made statement. But the Doctor, who had examined the deceased deposed that the deceased was not in conscious. It is completely contradictory to the evidence of PW1 and the complaint, which was marked as Ex.P1. So, the prosecution miserably failed to prove the charges beyond reasonable doubt as against the accused. Therefore, the conviction and sentence recorded by the Trial Court cannot be sustained in law and is liable to be set and accordingly, this appeal is to be allowed.

7.On the other hand, the learned Additional Public Prosecutor appearing for the respondent State submits that there were no flaws in the



investigation, and despite the fact that PW1 was a relative of the deceased, his testimony could be accepted. The evidence of eyewitness (PW1), deceased Sathya's dying declaration, and medical reports confirming the cause of death. Confession of the accused and recovery of the weapon supported the case of the prosecution. Therefore, the Trial Court considering all the aspects has rightly convicted the appellant and it does not require any interference by this Court and prays for dismissal of the appeal.

8.Heard both sides and perused the materials available on record.

9.On perusal of the records would reveal that immediately after the occurrence, the deceased was taken to the Trichy Government Hospital by 108 Ambulance. The occurrence took place at about 03.00 p.m, on 09/05/2019. Immediately thereafter, the deceased was taken to the hospital at about 05.30 p.m.

10.In this case, AR copy was marked as Ex.P6. It shows that the incident was duly informed to the respondent Police and immediately the Sub Inspector of Police, came to the Hospital at 08.00 p.m and recorded the statement from the deceased at about 08.45 p.m. Since the injured sustained grievous injury on her right shoulder, she could not able to sign in the complaint. After



recording her statement, he went to the Police Station and registered the FIR in Crime No.124 of 2019 for the offences under Sections 294(b) and 307 IPC. It shows that the injured was very much alive at the time of recording the statement by the Sub Inspector of Police and subsequently, she fell unconscious and died. Thereafter, the offence was altered into 302 IPC. On the next day on 10/05/2019 at about 09.00 a.m, it was sent to the Jurisdictional Court and same was duly registered by the Judicial Magistrate. So, there was no delay in registering the FIR and sending the same to the concerned Court.

11. It is the main contention of the appellant counsel that there is a contradiction between the evidences of P.W.1 and the Doctor, who treated the victim and so it is fatal to the prosecution. It is to be noted that the minor contradictions between the evidence of PW1 and the Doctor, who treated the injured are not fatal to the prosecution case.

12. In this regard, it is pertinent to refer the judgment of the Hon'ble Supreme Court reported in the case of ***Kalabhal Hamirbhai Kachhot Vs. State of Gujarat*** reported in [(2021) 19 SCC 555], wherein it is observed as follows:-

“22. We also do not find any substance in the argument of the learned counsel that there are major contradictions in the deposition of PWs-18 and 19. The



*contradictions which are sought to be projected are minor contradictions which cannot be the basis to discard their evidence. The judgment of this Court in the case of **Mohar [(2002)7 SCC 606]** relied on by the learned counsel for the respondent-State supports the case of the prosecution. In the aforesaid judgment, this Court has held that convincing evidence is required, to discredit an injured witness. Para 11 of the judgment reads as under:-*

“11.The testimony of an injured witness has its own efficacy and relevancy. The fact that the witness sustained injuries on his body would show that he was present at the place of occurrence and has seen the occurrence by himself. Convincing evidence would be required to discredit an injured witness. Similarly, every discrepancy in the statement of a witness cannot be treated as fatal. A discrepancy which does not affect the prosecution case materially cannot create any infirmity. In the instant case the discrepancy in the name of PW 4 appearing in the FIR and the cross-examination of PW 1 has been amply clarified. In cross-examination PW 1 had clarified that his brother Ram Awadh had three sons: (1) Jagdish, PW 4, (2) Jagarnath, and (3) Suresh. This witness, however, stated that Jagarjit had only one name. PW 2 Vibhuti, however, stated that at the time of occurrence the son of Ram Awadh, Jagjit @ Jagarjit was milching a cow and he was also called as Jagdish. Balli (PW 3) mentioned his name as Jagjit and Jagdish. PW 4 also gave his name as Jagdish.”

*23.Learned counsel for the respondent-State has also relied on the judgment of this Court in the case of **Naresh & Ors. [(2011)4 SCC 324]** In the aforesaid judgment, this Court has held that the evidence of injured witnesses cannot be brushed aside without assigning cogent reasons. Paragraphs 27 and 30 of the judgment which are relevant, read as under :*



“27.The evidence of an injured witness must be given due weightage being a stamped witness, thus, his presence cannot be doubted. His statement is generally considered to be very reliable and it is unlikely that he has spared the actual assailant in order to falsely implicate someone else. The testimony of an injured witness has its own relevancy and efficacy as he has sustained injuries at the time and place of occurrence and this lends support to his testimony that he was present during the occurrence. Thus, the testimony of an injured witness is accorded a special status in law. The witness would not like or want to let his actual assailant go unpunished merely to implicate a third person falsely for the commission of the offence. Thus, the evidence of the injured witness should be relied upon unless there are grounds for the rejection of his evidence on the basis of major contradictions and discrepancies therein. (Vide Jarnail Singh v. State of Punjab [(2009) 9 SCC 719 : (2010) 1 SCC (Cri) 107] , Balraje v. State of Maharashtra [(2010) 6 SCC 673 : (2010) 3 SCC (Cri) 211] and Abdul Sayeed v. State of M.P. [(2010) 10 SCC 259 : (2010) 3 SCC (Cri) 1262])

.....

30.In all criminal cases, normal discrepancies are bound to occur in the depositions of witnesses due to normal errors of observation, namely, errors of memory due to lapse of time or due to mental disposition such as shock and horror at the time of occurrence. Where the omissions amount to a contradiction, creating a serious doubt about the truthfulness of the witness and other witnesses also make material improvement while deposing in the court, such evidence cannot be safe to rely upon. However, minor contradictions, inconsistencies, embellishments or improvements on trivial matters which do not affect the core of the prosecution case, should not be made a ground on which the evidence can be rejected in its entirety. The court has to form its opinion about the credibility of the witness and record a finding as to whether his deposition inspires confidence.

“9.Exaggerations per se do not render the evidence brittle. But it can be one of the factors to test



credibility of the prosecution version, when the entire evidence is put in a crucible for being tested on the touchstone of credibility.” [Ed.: As observed in Bihari Nath Goswami v. Shiv Kumar Singh, (2004) 9 SCC 186, p. 192, para 9.]

Therefore, mere marginal variations in the statements of a witness cannot be dubbed as improvements as the same may be elaborations of the statement made by the witness earlier. The omissions which amount to contradictions in material particulars i.e. go to the root of the case/materially affect the trial or core of the prosecution's case, render the testimony of the witness liable to be discredited. [Vide State v. Saravanan [(2008) 17 SCC 587 : (2010) 4 SCC (Cri) 580 : AIR 2009 SC 152], Arumugam v. State [(2008) 15 SCC 590 : (2009) 3 SCC (Cri) 1130 : AIR 2009 SC 331] , Mahendra Pratap Singh v. State of U.P. [(2009) 11 SCC 334 : (2009) 3 SCC (Cri) 1352] and Sunil Kumar Sambhudayal Gupta (Dr.) v. State of Maharashtra [(2010) 13 SCC 657 : JT (2010) 12 SC 287] .”

24.Further, in the case of Narayan Chetanram Chaudhary & Anr. v. State of Maharashtra (2000)8 SCC 457, this Court has considered the effect of the minor contradictions in the depositions of witnesses while appreciating the evidence in criminal trial. In the aforesaid judgment it is held that only contradictions in material particulars and not minor contradictions can be a ground to discredit the testimony of the witnesses. Relevant portion of Para 42 of the judgment reads as under:

“42.Only such omissions which amount to contradiction in material particulars can be used to discredit the testimony of the witness. The omission in the police statement by itself would not necessarily render the testimony of witness unreliable. When the version given by the witness in the court is different in material particulars from that disclosed in his earlier statements, the case of the prosecution becomes doubtful and not otherwise. Minor contradictions are bound to appear in the statements of truthful witnesses as memory sometimes plays false and the sense of observation differ from person to person. The



omissions in the earlier statement if found to be of trivial details, as in the present case, the same would not cause any dent in the testimony of PW 2. Even if there is contradiction of statement of a witness on any material point, that is no ground to reject the whole of the testimony of such witness.

... ..”

Therefore, mere minor contradiction and discrepancy is not fatal to the case of the prosecution.

13.The Doctor who had examined the deceased has deposed as PW4. He examined the deceased and at that time she was unconscious and could not able to answer properly. The statement recorded from the deceased by the Sub Inspector of Police was marked as Ex.P1. On perusal of Ex.P1, it is clear that the deceased was assaulted by the accused for the reason that she stopped her relationship with him. Therefore, when the deceased was in her agricultural field, the accused came there and assaulted her with Aruval. After recording the statement, FIR was registered and the same was marked as Ex.P9. The Accident Register of the deceased was marked as Ex.P6. The injuries sustained by the deceased also clearly corroborated by the autopsy report. The Doctor, who conducted the autopsy has deposed as PW5.

14.The Paternal Uncle of the deceased had deposed as PW1. He deposed that the deceased had illegal intimacy with the accused and it was



warned by the mother of the deceased. Thereafter, the deceased stopped from having relationship with the accused. While being so, on the date of the occurrence, while the deceased was cutting grass for her cattle in the agricultural field, the accused came there in order to do away the life of the deceased. He indiscriminately assaulted the deceased by an Aruval. Therefore, she sustained grievous injuries and fell down. Immediately, he along with the other witnesses chase the accused, but he escaped. Immediately, they called 108 Ambulance. The deceased was taken to the Government Hospital, Trichy and in the Hospital, she made statement and the same was recorded by the Sub Inspector of Police, attached to the Keeranur Police Station. The said complaint was marked as Ex.P1.

15.On perusal of Ex.P1, there are specific overtacts against the accused and it also corroborated with the evidence of PW1. The relevant portion of the deposition of PW1 is extracted hereunder:-

“..எனக்கு இறந்த சத்யாவிற்கும், ஆஜர் எதிரி
பூபதிக்கும் உள்ள பழக்கம் தவறான
பழக்கம் இருப்பதாக அக்கம், பக்கம் உள்ளவர்கள்
பேசுவதாக நான் என் அக்கா நாகம்மாஸிடம் கூறினேன்.
நான் என் அக்கா நாகஸிடம்மாஸிடம் கூறிய பிறகு
அவரது மகளான இறந்த சத்யாவை கண்டித்தார். என்
அக்கா கண்டித்த பிறகு இறந்த சத்யா சுமார் 3 மாத



காலமாக ஆஜர் எதிரி பூபதியுடன் ன்
பேசாமல் இருந்தார். சுமார் 1-1/4 வருடங்களுக்கு
முன்பு மாதம், தேதி சரியாக ஞாபகம் இல்லை. நான்
படிக்கவில்லை. இறந்த சத்யா மதி என்பவர் வயலில்
புல் அறுத்துக்கொண்டிருக்கும் போது, பூபதி சென்று
அவரிடம் பேசினார். அப்போது மாலை சுமார் 3
மணியிருக்கும். மதியின் வயல் எங்களுடைய வயல்
பக்கம்தான். நானும், என் மனைவியும் எங்கள்
வீட்டிலிருந்து பார்த்தால் மதியுடைய வயல் தெரியும்.
நான் என் மனைவியிடம் என் அக்காவிடம் சொல்லிய
பிறகும் பூபதி சத்யாவிடம் பேசுகிறார் என்று கூறினேன்.
நானும், என் மனைவியும் ஏன் என் அக்காமகளிடம்
பேசுகிறாய் என்று கேட்பதற்காக மதி வயலுக்கு
சென்றோம். அப்போது ஆஜர் எதிரி பூபதி அருவாளை
எடுத்து வலதுபக்கம் தோள்பட்டை கழுத்துக்கு இடையே
இறந்த சத்யாவை வெட்டினார். நாங்கள் பூபதியை
விரட்டினோம். வெட்டுப்பட்டவுடன் இறந்த சத்யா கீழே
விழுந்துவிட்டார். எதிரியும் அங்கிருந்து அருவாளுடன்
ஓடிவிட்டார். உடனே நாங்கள் 108 ஆம்புலன்சிற் கு போன்
செய்து, ஆம்புலன்ஸ் வந்தவுடன் சத்யாவை
திருச்சிராப்பள்ளி அரசு மருத்துவமனைக்கு நான் கொண்டு
சேர்த்தேன். 108 ஆம்புலன்சில் இருந்தவர்கள் சத்யாவிடம்



விசாரித்தார்கள். அவர் யார் வெட்டினார்கள் என்று அவர்களிடம் கூறினார். மருத்துவமனையில் கீரனார் காவல்நிலைய போலிசார் வந்து சத்யாவிடம் விசாரித்தார்கள். போலீசாரிடம் சத்யா வாக்குமூலம் கொடுத்தார். அப்போது அவர் தெளிவாக இருந்தார். யார் வெட்டியது என்று சொன்னார். அவர் சொல்ல, சொல்ல போலீசார் எழுதிக் கொண்டார்கள். சத்யாவிடம் கையெழுத்து கேட்டார்கள் அவருக்கு வலது கை பக்கமாக வெட்டுபட்டதால் அவரால் கையெழுத்து போடமுடியவில்லை. அதனால் அவர் கைநாட்டு வைத்தார். நானும் அதில் கையெழுத்து போட்டேன் புகார் வாக்குமூலம் அ.சா.ஆ.1.

16.The evidence of P.W.1 is clearly corroborated with the Ex.P1 (Complaint) and this Court finds no contradiction.

17.Therefore, there is absolutely no discrepancy to disbelieve the evidence of the prosecution witnesses. Though the defence side cross examined all the prosecution witnesses, nothing was elicited to disbelieve the case of the prosecution.



18.In so far as the Forensic Lab report is concerned, though the report says some of the clothes had bloodstained did not match with the blood group of the deceased. The report says that some of the clothes of the deceased are inconclusive. Therefore the entire case of the prosecution cannot be thrown out since the other cloth evidences are corroborated with each other and clearly proved by the prosecution. The Trial Court after considering all the above said aspect, has rightly convicted the accused for the charges offence which does not require any interference by this Court.

19.In the result, this Criminal Appeal fails and the same is **dismissed**, confirming the impugned judgment passed by the Trial Court.

(G.K.I., J) (R.P., J)
27/01/2026

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Internet :Yes/No

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To,

1.The Sessions Judge,
Mahila Court,
Pudukkottai.

2.The Inspector of Police,
Keeranur Police Station,
Pudukkottai District,

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



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AND
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