



Crl.A(MD)Nos.794 of 2022, 317 of 2023, 1327 of 2025 & 174 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2026

CORAM:

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

**Crl.A(MD)Nos.794 of 2022, 317 of 2023,
1327 of 2025 & 174 of 2026
and
Crl.M.P(MD)No.2458 of 2026**

1.Crl.A(MD)No.794 of 2022:

Balaganesh

... Appellant/Accused No.3

Vs.

The State,
Represented by its,
The Inspector of Police,
Theppakulam Police Station,
Madurai City.

(Crime No.954 of 2018). ... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C to call for the records of the impugned Judgment made in S.C.No.82 of 2019 on the file of the learned VI Additional District and Sessions Judge, Madurai District, dated 14.07.2022 and set aside the same.

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For Appellant : Mr.M.Jegadeesh Pandian
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

2.Crl.A(MD)No.317 of 2023:

Vignesh ... Appellant/Accused No.4

Vs.

The State,
Represented by its,
The Inspector of Police,
Theppakulam Police Station,
Madurai City.
(Crime No.954 of 2018). ... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C to call for the records of the impugned Judgment made in S.C.No.82 of 2019 on the file of the learned VI Additional District and Sessions Judge, Madurai District, dated 14.07.2022 and set aside the same.

For Appellant : Mr.M.Jegadeesh Pandian
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor



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3.Crl.A(MD)No.1327 of 2025:

Kannan @ Psycho Kannan

... Appellant/Accused No.1

Vs.

State of Tamil Nadu,
Represented by,
The Inspector of Police,
Theppakulam Police Station,
Madurai City,
(In Crime No.954 of 2018).

... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 415 of BNSS Act, 2023 to set aside the Judgment dated 14.07.2022 made in Sessions Case No.82 of 2019 on the file of the learned VI Additional District and Sessions Judge, Madurai.

For Appellant : Mr.C.Mayil Vahana Rajendran

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

4.Crl.A(MD)No.174 of 2026:

P.Attery @ Rajavelu

... Appellant/Accused No.2

Vs.



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The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Theppakulam Police Station,
Madurai City.
(Crime No.954 of 2018). ... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 415 of BNSS Act, 2023, to call for the records and set aside the Judgment dated 14.07.2022 made in Sessions Case No.82 of 2019 on the file of the learned VI Additional District and Sessions Judge, Madurai District.

For Appellant : Mr.C.Mayil Vahana Rajendran

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

COMMON JUDGMENT

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

These appeals are directed as against the Judgment passed in Sessions Case No.82 of 2019, dated 14.07.2022 on the file of the learned VI Additional District and Sessions Judge, Madurai District thereby convicting the appellants for the offences punishable under Sections 148, 302 read with 149, 506(ii) of I.P.C.



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2.The case of the prosecution is that on 18.10.2018, at about 08.45 p.m., when the deceased was sitting and looking at his mobile phone in front of the house of P.W.1, all the accused came there with a previous motive to do away with the life of the deceased and unlawfully assembled in front of the Devenrakula Vellalar Community Hall, carrying deadly weapons. Thereafter, A.1 scolded the deceased using filthy language. Upon seeing them, the deceased started to run from the place, but all the accused assaulted him with deadly weapons, leading to his murder. Due to the grievous injuries, he died on the spot.

3.On the complaint, the respondent registered the F.I.R in Crime No.954 of 2018 for the offences punishable under Sections 147, 148, 294(b), 341, 302 and 506(ii) read with 34 of I.P.C as against 8 accused. After completion of the investigation, a final report was filed and the same was taken cognizance by the Trial Court. The Trial Court framed charges as against A.1 to A.4 for the



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offences punishable under Sections 148, 302 read with 149 and 506(ii) of I.P.C and framed charge as against A.1 for the offence punishable under Section 294(b) of I.P.C.

4.In order to bring the charges to home, the prosecution examined P.W.1 to P.W.30 and marked Exs.P1 to P16. The prosecution also produced Material Objects M.O.1 to M.O.21. On the side of the accused, no witnesses were examined and no documents were produced before the Trial Court.

5.On perusal of the oral and documentary evidence, the trial Court found A.1 to A.3 guilty for the offences punishable under Sections 148, 302 read with 149 and 506(ii) of I.P.C and found A.4 guilty for the offence punishable under Section 302 read with 149 and 506(ii) of I.P.C. A.1 to A.3 were sentenced to undergo three years Rigorous Imprisonment each and to pay a fine of Rs.5,000/- each in default to undergo three months Simple Imprisonment for

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the offence punishable under Section 148 of I.P.C. A.1 to A.4 were sentenced to undergo Life Imprisonment each and to pay a fine of Rs.50,000/- each in default, to undergo one year Simple Imprisonment for the offence punishable under Section 302 read with 149 of I.P.C. A.1 to A.4 were sentenced to undergo seven years Rigorous Imprisonment each and to pay a fine of Rs.10,000/- each in default, to undergo six months Simple Imprisonment for the offence punishable under Section 506(ii) of I.P.C. Aggrieved by the same, the appellants have filed the present Criminal Appeal.

6.The learned counsels appearing for the appellants submitted that although the respondent registered the F.I.R as against eight accused persons and charge-sheeted six of them, two of whom were juveniles, immediately after the alleged occurrence, the deceased was taken to the Government Rajaji Hospital, Madurai, where the statement of P.W.1 was recorded, and the F.I.R. was registered by P.W.23. According to P.W.1, the complaint was



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received at the police station and the F.I.R. was registered.

Therefore, the very genesis of the complaint itself is in question, and the prosecution failed to prove it. Despite this, the Trial Court mechanically convicted the accused. The prosecution mainly relied on the testimonies of P.W.1, P.W.2, and P.W.10, who are the eyewitnesses. However, even according to the complaint, they only heard the voice of the deceased and saw him being assaulted by the accused. The complaint mentions eight persons, but the respondent charge-sheeted only six accused persons.

7.P.W.13 and P.W.14 contradict the evidence of P.W.1 and P.W.2, as there was no blood stain found on the earth at the place of occurrence. Furthermore, there was a delay in reaching the F.I.R. to the Court, which the prosecution failed to explain, and this delay is fatal to its case. Further, P.W.1, P.W.2, and P.W.10 are closely related to the deceased and thus they are interested witnesses. All other independent witnesses turned hostile. The prosecution also failed to



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prove the recovery of weapons as required under Section 27 of the Indian Evidence Act, 1872. The mahazar witnesses did not support the case of the prosecution. Therefore, the entire conviction and the sentence imposed on the appellants cannot be sustained and the same are liable to be set aside.

8.Per contra, the learned Additional Public Prosecutor appearing for the respondent submitted that P.W.1, P.W.2, and P.W.10 categorically deposed about the occurrence and corroborated each other's evidence, and thus, the prosecution has proved the charges. The prosecution also established the motive behind the crime. Prior to the occurrence, there was a dispute between the deceased and the accused. Therefore, the accused assaulted the deceased with the intention to do away his life. Though P.W.3 to P.W.9, P.W.11, P.W.14 to P.W.21, P.W.25, and P.W.29 turned hostile, it does not affect the credibility of P.W.1, P.W.2, and P.W.10. The injuries sustained by the deceased also correspond to the evidence of P.W.1, P.W.2, and

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P.W.10. Therefore, the Trial Court rightly convicted the appellants, and the same does not warrant any interference by this Court.

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

10. The appellants are arrayed as A.1 to A.4. A.1 is a notorious rowdy and has several cases pending against him. In order to wreak vengeance, he conspired with the other accused persons to execute the pre-planned murder of the deceased on 18.10.2018 at about 8:45 p.m. When the deceased was sitting in front of the house of P.W.1, all the accused assaulted him with deadly weapons such as aruvals and swords. When P.W.1 attempted to prevent the assault, he was caught hold of by A.4 and another accused, while A.2 and A.3 assaulted the deceased with swords. A.1 brutally attacked the deceased on the head with a machete. When P.W.1 again attempted to save the deceased, he was threatened by the accused with dire

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consequences. As a result, the deceased sustained grievous injuries and died on the spot. He was taken to the Government Rajaji Hospital, Madurai, where he was declared brought dead. Based on the complaint, the respondent registered the F.I.R. After completion of the investigation, the respondent filed a final report against six accused persons, including two juveniles, apart from the accused herein.

11.P.W.1, P.W.2, and P.W.10 are the eyewitnesses to the occurrence. Though they are relatives of the deceased, their evidence cannot be discarded when they have cogently narrated the occurrence and are found to be genuine and trustworthy witnesses. The brother of the deceased was examined as P.W.1. The relevant portion of his evidence is as follows:

“18.10.2018 அன்று இரவு சுமார் 15 மணியளவில் நான் வீட்டருகே நடந்து கொண்டிருந்த போது என் தம்பி மொக்கபிள்ளை என்ற என் பெரியம்மா வீட்டின் திண்ணையில் உட்கார்ந்து நண்பர்களுடன்



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பேசிக்கொண்டிருந்தார். அப்போது நானும் மலைச்சாமி என்ற என் நண்பனும் அந்த பக்கம் வந்து கொண்டிருந்தோம் ஏன்டா இங்க உட்கார்ந்து கொண்டிருக்கிறாய் வாடா விட்டுக்கு போகலாம் என்று சொல்லிக்கொண்டு நான் திரும்பும் போது என் தம்பி பிரவீன் அலறிக்கொண்டு ஓடினான். அப்போது கண்ணான் என்ற எதிரி என் தம்பியின் தலையில் அரிவாளால் வெட்டினான். நான் ஏன்டா என் தம்பியை வெட்டுகிறீர்கள் கேட்டுக்கொண்டு சைக்கோ கண்ணன் என்ற கண்ணனை தடுக்க போகும் போது அப்போது எதிரிகள் செல்வகுமார் E.B விக்ரி மற்றும் கரண் ஆகியோர்கள் என்னை இறுக பிடித்துக்கொண்டார்கள். அவர்கள் கையில் அறுவாள் இருந்ததால் என்னால் எதுவும் செய்யமுடியவில்லை. அப்போது நான் பார்த்துக்கொண்டிருக்கும் போது எதிரிகள் “அட்டோரி ராஜவேலுவும் பாலகளோம் என்பவரும் கண்ணனை எதிர்த்தவர்கள் எங்களை எதிர்த்தவர்கள் தான்டா என்று சொல்லிக்கொண்டு ராஜவேலுவும், பாலகணேஷ் அரிவாளாலும் கத்தியாலும் என் தம்பியை வலது கையில் தாக்கினார்கள். இந்த சம்பவம் எல்லாம் தேவேந்திர குல சமுதாய கூடத்திற்கு அருகில் எங்கள் வீட்டிற்கு அருகில் நடந்தது.”

12.Though he was cross-examined by the defence, nothing was elicited to disprove the charge. The evidence of P.W.1 is fully

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corroborated by P.W.2 and P.W.10. P.W.2 is the mother of the deceased. Another eyewitness was examined as P.W.10, who is not related to the deceased. He categorically deposed and corroborated the evidence of P.W.1 and P.W.2.

13.The doctor who conducted the autopsy was examined as P.W.22. All the injuries found on the body of the deceased corroborate the evidence of P.W.1, P.W.2, and P.W.10. As rightly pointed out by the learned Additional Public Prosecutor, though the witnesses namely P.W.3 to P.W.9, P.W.11, P.W.12, P.W.14 to P.W.21, and P.W.25 turned hostile, it does not shake the credibility of the evidence of P.W.1, P.W.2, and P.W.10, since the motive, actus reus, and mens rea of the accused were clearly established by the prosecution beyond reasonable doubt.

14.Though the learned counsel appearing for the appellants specifically contended that the prosecution suppressed the first



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complaint, the Sub-Inspector of Police, who registered the F.I.R., was examined as P.W.23 and categorically deposed that he received Ex.P.1 at the hospital and thereafter went to the police station to register the F.I.R. The accused also failed to substantiate their contention with any evidence. Therefore, the Trial Court rightly convicted the accused, and the same does not warrant any interference by this Court.

15. Accordingly, these Criminal Appeals fail and are dismissed. The respondent is directed to secure the accused, who are on bail, and produce them before the Trial Court for taking further steps in accordance with law. Consequently, the connected Miscellaneous Petition is closed.

[G.K.I.J.] & [R.P.J.,]
13.02.2026

NCC :Yes/No
Index :Yes/No
ps

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To

1.The VI Additional District and Sessions Judge,
Madurai District.

2.The Inspector of Police,
Theppakulam Police Station,
Madurai City.

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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