



Crl.O.P.No.30509 of 2022
in Crl.A.No.SR47091 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.12.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.30509 of 2022
in Crl.A.No.SR47091 of 2022

State represented by
The Inspector of Police
Andimadam Police Station
Ariyalur District
(Crime No.13/2019)

.. Petitioner/Complainant

Vs.

1.Manikandan
2.Balamurugan
3.Chinnadurai
4.Sankar @ Settu
5.Thangasamy
6.Anthony
7.Silambarasan

..Respondents/Accused

Criminal Original Petition filed under Section 378(4) Cr.P.C. to grant leave to file an appeal against the acquittal judgment passed by the Additional District and Sessions Judge, Ariyalur in S.C.No.123 of 2019 dated 28.02.2022.



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Criminal Appeal filed under Section 378(1)(b) Cr.P.C. to set aside the order of acquittal rendered in judgment dated 28.02.2022 made in S.C.No.123 of 2019 on the file of the learned Additional District and Sessions Judge, Ariyalur, by allowing this criminal appeal and convict the accused.

For Petitioner : Mr.R.Muniyappraj
Additional Public Prosecutor

ORDER

(Made by N.ANAND VENKATESH, J.)

This petition has been filed seeking leave to prefer an appeal against the judgment and order of acquittal dated 28.02.2022 passed by the Additional District and Sessions Judge, Ariyalur in S.C.No.123 of 2019.

2, The accused persons *viz.*, A-1 to A-7 faced trial for the charges under Sections 147, 148, 294(b), 323, 506(I) and 302 read with 149 IPC. The case of the prosecution is that the accused persons erected a loudspeaker in a temple near the house of the deceased Rajkumar and there was blaring sound, which was questioned by the deceased. As a result



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of the same, there was some wordy quarrel and as a consequence, the accused persons are said to have gone to the house of the deceased on 18.01.2019 at 20.00 hrs. and abused him in filthy language and intimidated and attacked him with an iron pipe and wooden log and thereby, the deceased sustained injuries all over his body. Subsequent to this occurrence, the deceased succumbed to injuries on 23.01.2019 at 00.50 hrs.

3. The learned Additional Public Prosecutor submitted that the Court below went wrong in completely discarding the eyewitness account of P.W.1., who had described the incident in a proper manner.

4. P.W.1 is the father of the deceased. On carefully going through the evidence of P.W.1., it is seen that P.W.1, in his cross-examination, has categorically admitted that, by the time, he heard the sound and came out of his house, he saw the deceased lying on the floor and four or five persons were standing near him. P.W.1 was not even able to state as to who were all present at the time when his son was found injured and was lying on the floor.



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5. On going through the judgment, it is seen that the prosecution has concealed the genesis of the case. There was a counter complaint filed and an FIR was registered in Crime No.18 of 2019 by the Andi Madam police and the same was not even investigated by the police.

6. Taking into consideration this vital fact, the Court below came to the conclusion that the investigation was not conducted in a fair manner and the real aggressors in this case were not even identified by the police.

In the considered view of this Court, the Court below has given cogent reasons while acquitting the accused from all the charges and we do not find any ground to interfere with the same. Hence, this petition is dismissed. Consequently, Criminal Appeal SR 47091 of 2022 stands rejected.

(P.N.P., J.) (N.A.V.,J.)
13.12.2022

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To

1.The Additional District and Sessions Judge
Ariyalur
(S.C.No.123/2019)

2.The Inspector of Police
Andimadam Police Station
Ariyalur District
(Crime No.13/2019)

3.The Public Prosecutor
Madras High Court
Chennai

P.N.PRAKASH, J.
AND



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N.ANAND VENKATESH, J.

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