



Crl.A.No.636 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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J.Balaji

... Appellant

Vs

1.The State represented by
The Inspector of Police,
Namakkal Police Station,
Namakkal.
(Crime No.1082 of 2010)

2.Suresh Kumar

...Respondents

PRAYER : Criminal Appeal has been filed under Section 372 of Criminal Procedure Code, to call for the records and allow this appeal and set aside judgment of the acquittal of the second respondent passed in S.C.No.28 of 2011, dated 14.08.2018, on the file of Principal Assistant Session Court, Namakkal.

For Appellant : Mr.J.Jagan
For R1 : Mr.A.Gopinath
Government Advocate (Crl. Side)



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JUDGMENT

This Criminal Appeal has been filed as against the Judgment of acquittal of the second respondent passed in S.C.No.28 of 2011, dated 14.08.2018, on the file of Principal Assistant Sessions Court, Namakkal.

2. The accused was charged for the offence under Section 307 of IPC. However, he was acquitted by the Trial Court and aggrieved by the same, the defacto complainant preferred this present appeal.

3. The learned counsel for the appellant vehemently contended that the injured was examined as P.W.1. He categorically deposed that on the date of occurrence, the accused with an intention to murder the victim, came with knife and attacked on his chest. The victim prevented by his left hand and he sustained injury on his left hand. Thereafter, he started to run and the accused chased him. Again, the accused attempted to stab the victim and the victim prevented by another hand. Therefore, in both the hands, the victim sustained injuries. It was also corroborated by the evidence of P.W.2, who had treated him.

4. The Doctor, who examined the victim was examined as P.W.2. He



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categorically deposed that two injuries were found on his left hand which are simple in nature. Even then, the Trial Court acquitted the accused.

5. The learned Government Advocate (Crl.Side) submitted that already the accused was involved in a murder case and he was convicted and sentenced to undergo life imprisonment. Now, he is in incarceration since, his appeal was also dismissed by this Court.

6. In view of the above, no purpose would be served, if the accused is convicted in this case, since already the accused is in incarceration.

7. Accordingly, this Criminal Appeal is closed.

24.11.2022

Speaking order/Non-speaking order

Index :Yes/No

Internet :Yes/No

mn

G.K.ILANTHIRAIYAN, J.

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WEB COPY

To

1. The Principal Assistant Session Court,
Namakkal.
2. The Inspector of Police,
Namakkal Police Station,
Namakkal.
3. The Public Prosecutor,
High Court, Madras.

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