



Crl.A.No.1305 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

**THE HONOURABLE MR.JUSTICE M.SUNDAR
AND
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

Orders Reserved On 19.04.2023	Orders Pronounced On 26.04.2023
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**CRL.A.No.1305 of 2022
and Crl.M.P.No.19782 of 2022**

Arputhan

... Appellant

Vs.

State Rep. by
Inspector of Police,
D6 Anna Square Police Station,
Chennai.
[Crime No.317 of 2020]

... Respondent

PRAYER: Criminal Appeal filed under Sections 374(2) of Criminal Procedure Code, to set aside the judgment of the learned XV Additional District and Sessions Judge, Chennai passed in S.C.No.203 of 2021 dated 16.12.2022 and acquit the appellant.



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For Appellant : Mr.J.I.Rajkumar Roberts
Mr.B.M.Premkumaar
Mr.A.Fernandez

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

JUDGMENT

[Judgment of the Court made by M.Nirmal Kumar, J.]

The appellant/accused in S.C.No.203 of 2021 on the file of the learned XV Additional District and Sessions Judge, Chennai was convicted by judgment dated 16.12.2022 and sentenced to undergo rigorous imprisonment for life for the offence under Section 307 IPC, further to undergo two years rigorous imprisonment for the offence under Section 324 IPC and no fine sentence imposed by the Trial Court. Against which, the present appeal is filed.

2.Before the Trial Court, on the side of the prosecution P.W.1 to P.W.10 were examined, Ex.P1 to Ex.P8, M.O.1 and M.O.2 were marked. On the side of the defence, no witnesses examined and no documents marked.



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3.The case of the prosecution in short is that on 29.06.2020 at about 8.00 a.m., the defacto complainant Rajendran, his wife/P.W.1/Jamuna along with P.W.2/Rani, a neighbour were sitting in front of their house in veranda and were talking, at that time the appellant/accused who is residing in the opposite house came with a hammer and attacked P.W.1 on her head uttering 'இத்தோடு செத்துபோ'. When P.W.1 attempted to ward off, her left index finger got injured and fractured. Her husband/defacto complainant who came to her rescue was inflicted with a cut injury on his left ear and thereafter, the appellant fled from the scene of occurrence. Thereafter, the defacto complainant called his friend Narasimman/P.W.6, who came in an auto took the defacto complainant and P.W.1 to Royapettah Government Hospital where P.W.8/Casualty Medical Doctor gave treatment to both P.W.1 and Rajendran, recorded injuries in the Accident Register/Ex.P4 and Ex.P5. Thereafter, the defacto complainant went to the respondent Police Station, lodged a complaint/Ex.P1 with P.W.9, who registered the FIR/Ex.P6. P.W.9/Sub-Inspector of Police after registration of the case, sent FIR to the Court and informed the higher officials.



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P.W.10/Investigating Officer on receipt of the same visited the scene of occurrence, prepared observation mahazar/Ex.P3, rough sketch/Ex.P7 in the presence of P.W.7 and another, seized the hammer/M.O.1 and blood stained piece of cement floor/M.O.2 by Ex.P3/Seizure Mahazar. P.W.10 examined the witnesses present in the scene of occurrence and recorded their statement. Further, P.W.10 after getting opinion and medical report altered the sections by alteration report/Ex.P8 and filed the charge sheet before the concerned Court. In the meanwhile, the appellant/accused obtained anticipatory bail and thereafter, the case was committed to the Court of Sessions. The Trial Court on the evidence of the witnesses and the documents and material objects, convicted the appellant as stated above.

4.The contention of the learned counsel for the appellant is that in this case the defacto complainant/Rajendran passed away due to natural death even before trial and hence, he could not be examined. He would submit that in this case, P.W.1/Jamuna, wife of defacto complainant is projected as an injured witness and P.W.2, eye witness during attack, P.W.2 not supported the case of the prosecution. P.W.3/Sister-in-law of P.W.1



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projected as an eye witness, gave an exaggerated version. P.W.3 claims that she along with her friend P.W.4 were chatting before their house, at that time, they saw the occurrence, P.W.4 has not stated anything in this regard. P.W.4 was not treated as hostile witness and the evidence of P.W.3 is contra to evidence of P.W.4. Thus the presence of P.W.3 at the time of occurrence is highly doubtful. P.W.5/Son-in-law of P.W.4 states that he was informed about the incident and his presence was not spoken by any other witness, hence his evidence is in the nature of hearsay witness. P.W.6/Auto-Driver, friend of defacto complainant states that he enquired with P.W.1 and the defacto complainant while proceeding to the hospital and at that time, he was informed about the attack by the appellant. On the contrary, P.W.1 does not state anything about informing P.W.6, in view of the same, the evidence of P.W.6 is in the nature of hearsay witness. Other than this, no other witness have spoken about the occurrence proper. He further submitted that P.W.8/Casualty Medical Doctor state that the injuries found on the head of P.W.1 is in the nature of laceration and she had not noticed fracture in P.W.1 left index finger during her examination. In this case, admittedly the medical evidence is contra to the ocular evidence.



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5.Learned counsel further submit that from Ex.P5/Accident register, it is seen that the defacto complainant was attacked with hammer, on the contrary the evidence of P.W.1 is that a cut injury was inflicted using a blade on her husband, but in this case no blade was seized as material object. In this case, it was the appellant who was attacked by the defacto complainant/Rajendran, P.W.1 and their son Jagan. The appellant sustained cut injury on his neck, got admitted in Royapettah Government Hospital, took treatment as inpatient for three days which is admitted by P.W.1, P.W.5 and confirmed by P.W.10/Investigating Officer, who gave details about the Accident Register No.1306037 in which the injuries sustained and treatment given to the appellant are recorded. He further submitted that the prosecution withheld and suppressed the true facts of the occurrence and falsely implicated the appellant in this case. The other evidence available is that there was a scuffle, push and pull between the appellant, defacto complainant and P.W.1, but no investigation conducted in this regard. He further submitted that P.W.1 admits that the appellant's first wife Ramani who died 24 years before was P.W.1 friend and late Ramani used to



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complaint about ill treatment at the hands of appellant even a day previous to her death. Hence, P.W.1 was having grudge against the appellant. He further submits that the appellant is employed in Port Trust, a Government Organization, taking this opportunity to remove him from Government service, false case has been foisted against him. He would further submit that non-explanation for the injury on the accused is fatal to the case of the prosecution. The genesis of the case has been suppressed and there is no motive for the appellant to attack P.W.1 or the said Rajendran/defacto complainant. He further submitted that the prosecution failed to prove the case against the appellant. He would also submit that the Trial Court though accepts the injuries sustained by the appellant during the incident, failed to consider the same for the reason that the appellant had not lodged any complaint in this regard. He further submits that in the complaint there is no mention about any person witnessing the occurrence, on the contrary prosecution attempted to project P.W.2 to P.W.5 as eye witness, of which P.W.2 declared hostile, P.W.4 not mentioned about the occurrence and P.W.5 is an hearsay witness.



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6.Learned counsel for the appellant further submitted that during examination under Section 313 of Criminal Procedure Code, the appellant gave an explanation, as follows:

'பொய் வழக்கு. சம்பவர்தன்று ராஜேந்திரன், அவரது மனைவி ஜமுனா, மற்றும் அவரது 2வது மகன் ஜெகன் ஆகியோர்கள் தான் என்னை தாக்கினார்கள். ராஜேந்திரன் தான் என்னை கழுத்தில் கீச்சி இரத்தக் காயம் ஏற்படுத்தினார்.'

7.Learned counsel for the appellant further submitted that the decision referred to by the appellant before the Trial Court, namely, ***Lakshmi Singh and others vs. State of Bihar*** reported in ***1976 Supreme [SC] 333***, which is being consistently followed by the Apex Court, wherein the Apex Court had given the benefit of doubt when the prosecution failed to explain the injuries sustained by the accused, but the same has not been considered by the Trial Court for the reason that the appellant/accused not produced any wound certificate or Accident Register copy, failing to look into the fact that P.W.1 and P.W.5 confirmed the injury sustained by the



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accused which is further confirmed by P.W.10/Investigating Officer with the Accident Register particulars. He would further submit that there have been considerable delay in submitting the complaint and FIR to the Court which is fatal to the case of the prosecution, the same has not considered by the Trial Court, on the contrary gave a finding that the non-explanation for the injury sustained by the appellant does not affect the case of the prosecution. He further submitted that in this case the Trial Court convicting the appellant to life sentence under Section 307 IPC when there is no evidence to show that there was imminent possibility of death, on the injuries sustained by P.W.1. The Trial Court not properly considered the evidence in its proper perspective while rendering the judgment of conviction.

8.In support of his contentions, learned counsel for the appellant relied on the decision of the Apex Court in the case of ***Babu Ram and others vs. State of Punjab*** reported in ***[2008] 3 SCC 709*** for the proposition that non-explanation of the injuries sustained by the accused at the time of occurrence or in the course of altercation is a very important circumstance



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from which the Court can draw adverse inference, for prosecution suppressing the genesis and the origin of the occurrence and for not presented the true version. He would further relied on the decision in the case of *Bhagwan Sahai and another vs. State of Rajasthan* reported in *[2016] 13 SCC 171*, wherein the Apex Court held that once the Court came to a finding that the prosecution has suppressed the genesis and origin of the occurrence and failed to explain the injuries on the person of the accused, the probable course left open was to grant benefit of doubt to the appellant. He further placed reliance on the decision in the case of *Nand Lal and others vs. State of Chattisgarh* reported in *2023 LiveLaw [SC] 186*, wherein the Apex Court had followed the principles laid down in Lakshmi Singh's case and acquitted the appellant for the reason prosecution had failed to give explanation for the injuries sustained by the appellant therein.

9.Learned Additional Public Prosecutor submitted that in this case the identity of the appellant is not disputed. The appellant, defacto complainant and P.W.1 all residing in the same area for decades together and the appellant is residing in the opposite house of the defacto complainant. It is



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admitted by the appellant that for the past 24 years there was some misunderstanding between P.W.1 and the appellant due to untimely death of appellant's first wife Ramani. He would submit that on 29.06.2020, the appellant without any provocation seeing defacto complainant, P.W.1 and P.W.2 having tea and chatting, the appellant presumed that they were making comments on him, came with a hammer/M.O.1 attacked P.W.1 on her head thrice by uttering 'இத்தோடு செத்துபோ'. P.W.1 also sustained fracture on her left index finger when attempted to ward off the attack and her husband Rajendran/defacto complainant sustained cut injury on the back of his left ear. P.W.2, who hails from the same locality was present during the attack, but she had not supported the case of the prosecution. In this case, P.W.3 to P.W.5 who are also residing in the same locality spoken about the occurrence. P.W.3 along with P.W.4 was standing in front of their house, speaking with each other, at that time P.W.3 witnessed the occurrence, the place of occurrence is a congested locality, with row houses with narrow streets. P.W.3, just because sister-in-law of P.W.1, her evidence cannot be dislodged, she had clearly stated about the attack made by the appellant. P.W.6/Auto-Driver who took the defacto complainant and



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P.W.1 to the hospital clearly stated about the incident as informed to him.

P.W.8/Casualty Medical Doctor recorded in the Accident Register/Ex.P4

and Ex.P5 about P.W.1 and defacto complainant getting injured due to the

attack by appellant with a hammer. M.O1 which was seized from the scene

in the presence of P.W.7. P.W.5 a local resident clearly state about

witnessing the attack made by the appellant, P.W.4, another local resident

for obvious reasons not stated about the occurrence proper. P.W.9/Sub-

Inspector of Police received the complaint and registered the FIR,

P.W.10/Investigating Officer on receipt of the information and FIR, visited

the scene of occurrence, prepared observation mahazar, rough sketch in the

presence of P.W.7 and examined the witnesses present in the scene of

occurrence. After investigation, charge sheet filed, there was some delay in

sending the FIR to the Court. He further submitted due to Pandemic

situation, normal functioning was affected, hence there is a delay. The

delay properly explained. The accused had not shown any prejudice, due to

the delay.



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10.Learned Prosecutor further submit that P.W.1 is a injured witness in this case who narrated, the attack made by the appellant using the hammer. He would submit that the appellant not denied his presence in the scene of occurrence, on the other hand he admits during that time he was attacked by the defacto complainant, P.W.1 and their second son Jagan and sustained injuries. If that is the case, it is not known as to why no complaint lodged by the appellant, further no explanation given in this regard. He further submitted that the Trial Court considering all these aspects and on the evidence and materials produced had rightly convicted the appellant. In support of his contention, learned Prosecutor relied upon the decision of the Apex Court in the case of *Arvind Kumar @ Nemichand and others vs. State of Rajasthan* reported in *2021 SCC Online SC 1099*, wherein the Apex Court observed that there is a subtle difference between a defective investigation and one brought forth by a calculated and deliberate action or inaction, further a defective investigation *per se* would not enure to the benefit of the accused, unless it goes into the root of the case of the prosecution. Accordingly, he prayed for dismissal of the appeal.



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11.Considering the submissions made and on perusal of the materials placed before this Court, admittedly the appellant, defacto complainant, P.W.1 to P.W.5 are the residents of the same locality, which is a congested area with row houses, facing each other in a narrow lane. P.W.1 and appellant's first wife Ramani were friends, it is admitted by P.W.1 that the said Ramani used to make complaint about the activities of her husband/appellant herein, even a day before her death, she had spoken ill about her husband to P.W.1. P.W.1 had some doubt in the death of the said Ramani and for this reason, she nursed a grudge against the appellant. This incident happened 24 years before the occurrence. P.W.1 admits that she had not made any complaint till date, about late Ramani complaining about her husband. It is admitted by P.W.1 that the appellant sustained injury, took treatment as inpatient for three days which is corroborated by the evidence of P.W.5, further qualified P.W.10 who admits about appellant taking treatment as inpatient and the same is recorded in Accident Register No.1306037. Further, the appellant during examination under Section 313 Cr.P.C. stated it was the defacto complainant, P.W.1 and their second son



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Jagan, who attacked him with a sharp instrument, inflicted cut injury on his neck, but the Trial Court failed to consider the same. The Trial Court brushing aside this fact is not proper. From the above, it is clear that the prosecution failed to produce the true facts and no explanation given for the injuries sustained by the appellant, thereby adverse inference has to be drawn as per Section 114(g) of the Indian Evidence Act, 1872. The genesis and origin of the case has been suppressed and thereby the foundational fact of the prosecution case becomes shaky.

12.P.W.1's evidence is with motive, suppressing the true facts had given an exaggerated version. The evidence of P.W.1 is contra to medical evidence of P.W.8 and Ex.P4 and Ex.P5. In this case, admittedly except for Accident Register no wound certificate or any other medical records produced. Now the other evidence is that of P.W.3/Sister-in-law of P.W.1. P.W.3's evidence is that she saw the occurrence while she was speaking with P.W.4, admittedly P.W.4 does not state any thing about the occurrence, more so about the presence of P.W.3 at that time. The evidence of P.W.3 is with exaggeration and contradiction which is admitted by



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P.W.10/Investigating Officer. Thus, the evidence of P.W.1 and P.W.3, who are close relatives and interested witnesses, does not inspire confidence.

13.The Apex Court in the case of *Nand Lal* followed the principles laid down in the case on *Vadivelu Thevar vs. The State of Madras* reported in *[1957] SCR 981* and held as follows:

'32.Undisputedly, the present case rests on the evidence of interested witnesses. No doubt that two of them are injured witnesses. This Court, in the case of *Vadivelu Thevar v. The State of Madras*, has observed thus:

“11.....Hence, in our opinion, it is a sound and well-established Rule of law that the court is concerned with the quality and not with the quantity of the evidence necessary for proving or disproving a fact. Generally speaking, oral testimony in this context may be classified into three categories, namely:

- (1) Wholly reliable.
- (2) Wholly unreliable.
- (3) Neither wholly reliable nor wholly unreliable.

12.In the first category of proof, the court should have no difficulty in coming to its conclusion either way -- it may convict or may acquit on the testimony of a



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single witness, if it is found to be above reproach or suspicion of interestedness, incompetence or subornation. In the second category, the court equally has no difficulty in coming to its conclusion. It is in the third category of cases, that the court has to be circumspect and has to look for corroboration in material particulars by reliable testimony, direct or circumstantial.....”

33.It could thus be seen that in the category of "wholly reliable" witness, there is no difficulty for the prosecution to press for conviction on the basis of the testimony of such a witness. In case of "wholly unreliable" witness, again, there is no difficulty, inasmuch as no conviction could be made on the basis of oral testimony provided by a "wholly unreliable" witness. The real difficulty comes in case of the third category of evidence which is partly reliable and partly unreliable. In such cases, the court is required to be circumspect and separate the chaff from the grain, and seek further corroboration from reliable testimony, direct or circumstantial.'

In this case, admittedly the Trial Court failed to separate chaff from grain and to find out the true facts before arriving at the conclusion and convicting the appellant.



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14. Further, the Apex Court in *Nand Lal's* case, relied upon the celebrated case of *Lakshmi Singh* for the proposition non-explanation of injuries sustained by the accused and held as follows:

'26. We will first consider the issue with regard to non-explanation of injuries sustained by Accused No. 11 Naresh Kumar. In the case of *Lakshmi Singh and Others. v. State of Bihar*, which case also arose out of a conviction Under Section 302 read with Section 149 of the Indian Penal Code, this Court had an occasion to consider the issue of non-explanation of injuries sustained by the Accused. This Court, after referring to the earlier judgments on the issue, observed thus:

“12.....It seems to us that in a murder case, the non-explanation of the injuries sustained by the Accused at about the time of the occurrence or in the course of altercation is a very important circumstance from which the court can draw the following inferences:

(1) that the prosecution has suppressed the genesis and the origin of the occurrence and has thus not presented the true version;

(2) that the witnesses who have denied the presence of the injuries on the person of the Accused are lying on a



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most material point and therefore their evidence is unreliable;

(3) that in case there is a defence version which explains the injuries on the person of the Accused it is rendered probable so as to throw doubt on the prosecution case.

The omission on the part of the prosecution to explain the injuries on the person of the Accused assumes much greater importance where the evidence consists of interested or inimical witnesses or where the defence gives a version which competes in probability with that of the prosecution one. In the instant case, when it is held, as it must be, that the Appellant Dasrath Singh received serious injuries which have not been explained by the prosecution, then it will be difficult for the court to rely on the evidence of PWs 1 to 4 and 6, more particularly, when some of these witnesses have lied by stating that they did not see any injuries on the person of the Accused. Thus neither the Sessions Judge nor the High Court appears to have given due consideration to this important lacuna or infirmity appearing in the prosecution case. We must hasten to add that as held by this Court in ***State of Gujarat v. Bai Fatima*** [(1975) 2 SCC 7 : 1975 SCC (Cri.) 384] there may be cases where the non-explanation of the injuries by the prosecution may not affect the prosecution



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case. This principle would obviously apply to cases where the injuries sustained by the Accused are minor and superficial or where the evidence is so clear and cogent, so independent and disinterested, so probable, consistent and creditworthy, that it far outweighs the effect of the omission on the part of the prosecution to explain the injuries. The present, however, is certainly not such a case, and the High Court was, therefore, in error in brushing aside this serious infirmity in the prosecution case on unconvincing premises.

27.A similar view with regard to non-explanation of injuries has been taken by this Court in the cases of ***State of Rajasthan v. Madho and Another, State of M.P. v. Mishrilal (Dead) and Ors. and Nagarathinam and Others. v. State (Represented by Inspector of Police)***

28.Undisputedly, in the present case, the injuries sustained by Accused No.11 Naresh Kumar cannot be considered to be minor or superficial. The witnesses are also interested witnesses, inasmuch as they are close relatives of the deceased. That there was previous enmity between the two families, on account of election of Sarpanch, has come on record. As observed by this Court in the case of ***Ramashish Ray v. Jagdish Singh***, previous enmity is a double-edged sword. On one hand, it can provide motive and on the other hand, the possibility of false implication cannot be ruled out.'



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15. In such circumstances, looking the evidence of other witness, namely, P.W.3/Sister-in-law of P.W.1 who has given an exaggerated and contradictory version about the incident, P.W.4 not stated about the presence of P.W.3, not seen the occurrence, will only fortify that the evidence of P.W.3 is highly doubtful and it is not safe to place reliance on the evidence of P.W.3. The evidence of P.W.5 and P.W.6 are in the nature of hearsay. P.W.8/Casualty Medical Doctor who examined both the defacto complainant and P.W.1 found laceration injuries which is contra to the ocular evidence. P.W.8 admits that the injury sustained by P.W.1 on her left index finger is grievous and other injuries are simple in nature but she fairly admit that she had not seen the injury on the left index finger on the day of examination. She further states that the injuries sustained by the defacto complainant and P.W.1 would be due to scuffle and fight. The evidence of P.W.5 confirms that there was scuffle, push and pull between the defacto complainant and the appellant. The injuries sustained by the appellant is not in dispute. Further, the reasoning given by the Trial Court for not considering the injuries sustained by the appellant and discarding the



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decisions referred by the appellant is without proper reasons. It is imperative that the complaint and FIR ought to reach the Court without any delay. But in this case, admittedly the complaint given by the defacto complainant and FIR reached the Court on 06.07.2020 and all other documents reached the Court during April 2021 with a considerable delay along with the final report. The importance and purpose of forwarding the FIR has been explained by the Apex Court and this Court in the following judgments:

(i) In the case of ***Rajeevan and another vs. State of Kerala*** reported in ***[2003] 3 SCC 355***, the Apex Court in paragraph 15 held as follows:

15.This Court in ***Marudanal Augusti v. State of Kerala [(1980) 4 SCC 425 : 1980 SCC (Cri) 985]*** while deciding a case which involves a question of delayed dispatch of the FIR to the Magistrate, cautioned that such delay would throw serious doubt on the prosecution case, whereas in ***Arjun Marik v. State of Bihar [1994 Supp (2) SCC 372 : 1994 SCC (Cri) 1551]*** it was reminded by this Court that: (SCC p. 382, para 24)

“[T]he forwarding of the occurrence report is indispensable and absolute and it has to be forwarded



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with earliest dispatch which intention is implicit with the use of the word 'forthwith' occurring in Section 157 CrPC, which means promptly and without any undue delay. The purpose and object is very obvious which is spelt out from the combined reading of Sections 157 and 159 CrPC. It has the dual purpose, firstly to avoid the possibility of improvement in the prosecution story and introduction of any distorted version by deliberations and consultation and secondly to enable the Magistrate concerned to have a watch on the progress of the investigation."

(ii) In the case of ***Ramachandran vs. State. By Inspector of Police, Tirupur North Police Station, Tirupur*** reported in ***2012 SCC Online mad 2638***, this Court held as follows:

'22.No doubt, FIR is not a substantial piece of evidence, but, in a Criminal Case, it is an important document because it sets the Criminal Law in motion. It contains the first, earliest version, information concerning the commission of a cognizable offence (see Section 154, Cr.P.C.). So much is the importance attached to such a piece of document in a Criminal Case. That is how it has been repeatedly held that it must reach the Law Enforcing Authorities as well as the Court with quickest possible time. Every delay of it must be accounted for, explained. It is with a view to exclude, in the meanwhile, script writing by prosecution implicating innocent persons, making



additions and deletions. Fabrication in the FIR will tell upon the prosecution version [see **Kumar @ Thambi v. State by Inspector of Police, Dindigul Taluk Police Station, Dindigul Dist., 2012 (2) MLJ (Crl.) 494**].'

(iii) In the case of **Muthukuberan vs. The State** reported in **[2016] 2 LW(Crl) 100**, this Court held as follows:

'12.The learned Senior Counsel appearing for the appellant would submit that though it is alleged that the FIR was registered at 11.00 a.m., on 30.12.2002, the same has reached the hands of the learned Judicial Magistrate in the same town at 5.55 p.m. on 02.01.2003, i.e., after three days. According to the learned Senior Counsel, absolutely there is no explanation as to why there was such inordinate delay of about three days in forwarding the FIR to the Court.

13.The learned Additional Public Prosecutor would fairly submit that no evidence has been let in to explain the said delay. As per the law laid down by the Hon'ble Supreme Court in **Thulia Kali vs. The State of Tamil Nadu** [MANU/SC/0276/1972 : 1973 AIR (SC) 501], we are of the view that this inordinate delay in forwarding the



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FIR to the Court, which remains unexplained, creates initial doubt in the case of the prosecution.'

Admittedly in this case, P.W.1 was nursing grudge against the appellant for years together and P.W.3 is a close relative of P.W.1. The ocular evidence and medical evidence are contradictory to each other.

16.Thus looking the case from any angle, it is seen that the prosecution had suppressed the genesis and origin of the occurrence and failed to give explanation on the injuries sustained by the accused at the time of occurrence and in the background of well settled proposition of law and in view of the improbabilities, the serious omissions and infirmities, the interested nature of the evidence and other circumstances, it is clear that the prosecution failed to prove the case against the appellant beyond reasonable doubt.

17.Accordingly, the Criminal Appeal stands allowed. The conviction and sentence passed by the learned XV Additional District and Sessions Judge, Chennai in S.C.No.203 of 2021 on 16.12.2022 is set aside and the



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appellant is acquitted of all charges. Appellant is directed to be released forthwith unless his presence/custody is required in connection with any other case. The Bail Bond if any executed stands cancelled. Consequently, connected miscellaneous petition is closed.

(M.S.,J.) (M.N.K.,J.)
26.04.2023

Speaking Order/Non Speaking Order
Index : Yes/No
Neutral Citation: Yes/No
cse

To

- 1.The Inspector of Police,
D6 Anna Square Police Station,
Chennai.
- 2.The XV Additional District and Sessions Judge,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

cse

Pre-delivery Judgment made in

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