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Crl.O.P.No.286 of 2023
in Crl.A.No.32960 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.01.2023

CORAM

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

Crl.O.P.No.286 of 2023

Crl.A.No.SR.32960 of 2017

State represented by
The Public Prosecutor,
High Court, Madras – 104
[Virudhachalam P.S.
Crime No.9 of 2016]

.. Petitioner/Complainant

Vs.

1. Suresh @ Karuppan

2. Abdul Asarudeen

..Respondents/Accused 1 & 2

Criminal Original Petition filed under Section 378(5) Cr.P.C. to grant leave to file an appeal to this Court against the acquittal judgement in Sessions case No.103 /2016 dated 11.11.2016 passed by the III Additional District and Sessions Judge, Cuddalore at Virudhachalam.

For Petitioner : Mr.R.Muniyappraj



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Additional public Prosecutor

ORDER
[Made by N.ANAND VENKATESH.,J]

This petition has been filed seeking to grant leave to file an appeal against the acquittal judgment in Sessions case No.103 /2016 dated 11.11.2016 passed by the III Additional District and Sessions Judge, Cuddalore at Virudhachalam.

2. The case of the prosecution is that the accused persons which includes the appellants and one Juvenile namely Arun were in the habit of teasing girls who were staying in an Educational Institution. On 31.12.2015, the accused persons came in a two wheeler and as usual, they teased some girls and at that point of time, one Jahir Usain and deceased Manibala warned them and thereby, an enmity was formed between the deceased and the accused persons. On 04.01.2016, all the accused persons assembled in the scene of crime and on seeing the deceased Manibala, they abused him in filthy language and started attacking him with a knife and a wooden log. The deceased was rushed to the hospital by Babu [PW1] and he was



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declared as brought dead.

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3. The Court below framed charges against accused persons under Section 120 (b), 294(b), 302 and 506(ii) IPC .

4. Heard the learned Additional Public Prosecutor for the petitioner.

5. The Court below on considering the facts and circumstances of the case and on appreciation of the evidence available on record came to a conclusion that the prosecution has not proved the case beyond reasonable doubt and accordingly, acquitted the accused persons from all charges.

6. The Court below appreciated the eye witness account of [Babu [PW1], Chitra [PW2], Vignesh [PW3] and Chandru [PW4] and found that there were lot of contradictions which were not able to be reconciled. The Court below found that even before the registration of the FIR, statement of the so called eye-witnesses were recorded. That apart, [Babu [PW1]] while giving statement to the Investigating Officer, has not even identified the



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persons who had committed the Crime. The Court below primarily acquitted the accused persons on the ground that the genesis of the entire case has been concealed by the prosecution. That apart, the Court below also found certain reconcilable contradictions in the eye-witness of account of PW1 to PW4.

7. In the considered view of this Court, the findings rendered by the Court below is a possible view and we do not find any perversity in the view taken by the Court below and accordingly, this is not a fit case where this Court can grant leave.

8. Accordingly, this petition stands dismissed. Consequently, the Criminal Appeal is dismissed at the SR stage itself.

(P.N.P., J.) (N.A.V.,J.)
09.01.2023

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To

1. The III Additional District and Sessions Judge, Cuddalore
Virudhachalam.
2. The Public Prosecutor
High Court, Madras



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P.N.PRAKASH, J.
AND
N.ANAND VENKATESH, J.

rka

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