



*Crl.RC.No.89 of 2025
and Crl.R.C.No.295 of 2025*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2025

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.Nos.89 and 295 of 2025

In Crl.R.C.No.89 of 2025:-

Rajaram

...Petitioner

Vs.

The State of Tamil Nadu represented by
The Inspector of Police,
Mettupalayam Police Station

...Respondent

In Crl.R.C.No.295 of 2025:-

Shanmugam

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
Mettupalayam,
Coimbatore.

...Respondent

PRAYER in Crl.R.C.No.89 of 2025: Criminal Appeal filed under Section 438 r/w 442 of the BNSS Act, pleaded to call for the records pertaining to the impugned judgment dated 18.12.2024 in Criminal Appeal No.129 of 2022 passed



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by the 1st Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 15.10.2022 in S.C.No.115 of 2015 passed by the learned Assistant Sessions Judge, Subordinate Court, Mettupalayam and set aside the same.

PRAYER in Crl.R.C.No.295 of 2025: Criminal Appeal filed under Section 397 and 401 of Cr.P.C. / Section 438 r/w 442 of the BNSS Act, pleaded to set aside the judgment of the learned I Additional District Sessions Court, Coimbatore, in Crl.A.No.124 of 2022 dated 18.12.2024 against S.C.No.115 of 2015 on the file of the learned Subordinate Court Judge, Mettupalayam, Coimbatore, in Cr.No.695 of 2013.

In Crl.R.C.No.89 of 2025:-

For Appellant	: Mr.M.Dinesh Hari Sudarsan
For Respondent	: Mr.S.Sugendran Additional Public Prosecutor

In Crl.R.C.No.295 of 2025:-

For Appellant	: Mr.C.D.Johnson
For Respondent	: Mr.S.Sugendran Additional Public Prosecutor

COMMON ORDER

These Criminal Revision petitions are filed aggrieved by the judgment dated 15.10.2022 made in S.C.No.115 of 2015 by the learned Assistant Sessions Judge, Mettupalayam and the judgments dated 18.12.2024 made in C.A.No.129



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of 2022 and C.A.No.124 of 2022 by the First Additional District and Sessions Judge, Coimbatore.

2.By the said judgment, the trial Court found the first accused guilty of an offence under Section 324 of I.P.C., sentenced to undergo two years simple imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months simple imprisonment and the second accused found guilty of offence under Section 324 r/w 109 of I.P.C. and to undergo six months simple imprisonment and to pay a fine of Rs.3000/- and in default to undergo three months simple imprisonment.

3.The case of the prosecution is that on 23.09.2013, upon receipt of information P.W.6 / Suresh Kumar, the Special Inspector of Police went to the hospital where P.W.1 was undergoing treatment as inpatient and a statement was made to the effect that on 22.09.2013, at about 6.30 p.m. when he proceeded from his house in his moppet TVS 50 bearing registration No.TN 38 K 1399 carrying milk to the Vellipalayam Milk Society and after delivering the milk when he was returning home near the plantain (தோப்பு) of one Dhanapal, his cousins Rajaram



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and Shanmugam (accused herein) on account of the previous enmity relating to $\frac{3}{4}$ acre of land belonging to his grand-father and enraged by the fact that the complainant filed a civil suit accosted him and abused him in a filthy language with sexual overtones and the accused Rajaram threw mud on his face and the accused Shanmugam with the Koduval he was holding inflicted a cut injury on the rear side of his head and also on the left arm and on the nose. At that time, one Somasundaram was passing by after rearing his goats. At the same time his mother was also coming there as she was proceeding to the shop. Upon seeing them, the accused Shanmugam dropped the Koduval and threatened that he will kill P.W.1 and both the accused ran away from the scene. Thereafter, when he went home he was brought to the hospital and he is taking treatment as an in-patient.

4. On the strength of the said allegations, a case in Cr.No.695 of 2013 was registered for the alleged offences under Sections 294 (b), 324 and 506 (ii) of I.P.C. P.W.8 completed the investigation and filed a final report proposing the accused guilty of the offences under Sections 294 (b) and 307 of I.P.C. Upon the charges being framed the accused pleaded not guilty and stood trial. In order to



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bring home the charges, the prosecution examined the complainant / injured witness Magendran as P.W.1. The said Somasundaram who was coming that way along with his goats and who witnessed the incident was marked as P.W.2. One Ayyasamy who saw the P.W.1 coming with the bleeding injury and enquired him whether he fell down from the vehicle to which the injured witness shed him an information that the accused Shanmugam had inflicted cut injuries on him was examined as P.W.3. One Gopalan was examined as P.W.4. He was the witness to the observation Mahazar. One doctor Lakshmana Kumar who treated the P.W.1 and issued wound certificate was examined as P.W.5. Suresh Kumar, the Special Inspector of Police who went to the hospital and recorded the statement and thereafter registered the First Information Report was examined as P.W.6. One Thangavel, the Sub Inspector of Police who initially took up the case for investigation was examined as P.W.7. Veerapandi, the Sub Inspector of Police who completed the investigation and laid final report for the offences under Section 294 (b), 324 and 506 (ii), 392 r/w 294 (b), 307 of I.P.C. was examined as P.W.8. He admits that Section 392 was wrongly typed. On behalf of the prosecution, Ex.P1 to Ex.P12 and also M.O.1 were marked.



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5.Upon being questioned about the incriminating evidence and material circumstances on record under Section 313 of the Code of Criminal Procedure, the accused denied the same as false. Thereafter, both the accused examined themselves as D.W.1 and D.W.2 and Ex.D1 and Ex.D2 were also marked. The trial Court considered the case of the parties from the evidence of P.W.1, the injured witness and the eye witness P.W.2 coupled with the corroborating medical evidence held that the offence under Section 324 is proved against the first accused Shanmugam and found the second accused guilty of the offences under Section 324 read with 109 of I.P.C sentenced as under. The trial Court found that the charge under Section 294 (b) was not proved beyond doubt.

6.Aggrieved thereby both the accused filed appeals in Crl.A.No.129 of 2022 and Crl.A.No.124 of 2022 by separate but identical judgments the appellate Court dismissed the appeals confirming the conviction and the sentence against the accused. The appellate Court also re-appreciated the evidence and confirmed the conviction. Aggrieved by which the present Revision cases are filed.



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7.Mr.Johnson, the learned counsel appearing on behalf of the first accused by pointing out to the cross examination of P.W.1 would submit that it can be seen that a civil dispute with reference to the property is pending between the parties and therefore there is motive on the part of P.W.1 to implicate the accused in a criminal case so as to coerce him with reference to the property dispute. As a matter of fact the defence that is taken on behalf of the first accused is that it is only the P.W.1 who picked up a quarrel and was an aggressor and in an inebriated condition he went near the vehicle to pick a rod to attack the accused. However fell down and as such the injuries on either side of his head was on account of he falling down on the vehicle and thereafter on the floor. As a matter of fact, the initial reaction of P.W.3 in enquiring the P.W.1 whether he fell down from the vehicle would itself corroborate the said version of the defence. Further, if the accused had only attacked it was impossible for the injuries to have been afflicted in the back side of the head and also on the front side of the head and on the nose. The medical evidence shows lacerated injury alone on the nose. Therefore, it would only point out more towards P.W.1 falling down on the earth and getting hurt by himself. In any event, he would submit that P.W.1 / Mahendran was cross examined in detail where he has categorically admitted that in the connected civil



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suit he has taken a stand that Shanmugam was not even the son of Ponammal.

While in the civil suit it is contended by P.W.1 that Shanmugam is not the son of Ponammal for the purpose of a criminal case only to ascertain the motive he admits before the Criminal Court that the Shanmugam is the son of Ponamal and he is contesting the land dispute. Therefore, P.W.1 is not a person to be believed and therefore granting the benefit of doubt the accused has to be acquitted.

8.The learned counsel appearing appearing on behalf of the second accused Rajaram would submit that the second accused was not even in the scene of occurrence. Only because he is employed, to wreak vengeance, he has been falsely implicated in the case. Even as per the prosecution P.W.3 is the person who had seen them immediately. P.W.3 categorically deposes that the accused told him that Shanmugam has attacked him. The injured witness did not mention the name of the Rajaram/second accused to P.W.3. Many of the other statements also would clearly bring to light that Rajaram was not in the picture and was added as an after thought. In this regard it must be seen that the complaint itself was given one day later and therefore there was ample time for the accused to imagine and embellish and include the second accused in the whole episode. Even the Doctor



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was cross examined and he had answered that he did not witness any mud on the injuries or on the face of the P.W.1. The only allegation that is made is that the second accused had thrown mud on the face of the P.W.1. It can be seen even the motive was only with reference to the second accused and that of the injured witness.

9.Per contra, Mr.Sugendran, the learned Additional Public Prosecutor would submit that even as per the defence, there was previous enmity between the parties. The civil suit is going on. Therefore, P.W.1 has categorically deposed that on account of the said enmity the accused had waylaid him and abused him and also attacked only for want of corroboration, the verbal abuse was disbelieved. However, with reference to the attack the medical evidence categorically corroborates the version of P.W.1 and the eye witness P.W.2. As a matter of fact, the Doctor was cross examined in detail and the Doctor has categorically answered that the injuries on the person of P.W.1 can happen only upon attack by the objects such as M.O.1. The doctor has categorically denied the suggestion that such injuries happened by falling down also. The injury is a cut injury and categorically demonstrates attack by the weapon. The weapon was also seized



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from the spot by the Police. By all these evidences the prosecution has proved the charge beyond doubt and there is nothing for this Court to interfere in the exercise of revisionary jurisdiction. Both the trial Court and Appellate Court have appraised the evidence on merits and have rendered a finding.

10.I have considered the rival submissions made on either side and perused the material records.

11.In this case it is essential to consider the motive between the parties. From the cross examination of the injured witness P.W.1, it is clear that there was a piece of land which was owned by the grand father of the first accused Shanmugam namely Palaniappa Mudaliar. Palaniappa Mudaliar had only two daughters and therefore during his lifetime it is claimed by P.W.1 that he had executed a Will in favour of his father Thangavel as Thangavel was the brother's son of Palaniappa Mudaliar. Even during the lifetime of his father Thangavel in derogation of the Will have come into force. The mother of the accused namely Ponammal and her husband had sold the subject matter land to third parties and as such P.W.1 / Magendran has filed civil suit claiming title over the property and



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the same is said to be pending. This categorically demonstrates the previous enmity between the parties.

12. When the injuries on the person has been categorically explained even at the earliest point of time in the AR copy as being caused by known accused persons by sharp objects, the Doctor has categorically deposed that the injuries are of such nature that they are cut injuries and it could have been caused by MO1 Koduval. When on behalf of the accused side, the Doctor was tried to be cross examined by putting a cross to him that such injuries can also happen if the P.W.1 had fallen down or hit against his vehicle etc., the same was categorically denied by the Doctor. P.W.2 also corroborates the same. He has categorically spoken that it is the first accused / Shanmugam who attacked Magendran with his Koduval. Therefore, I am of the view that the prosecution has done enough to prove that the injuries in the person was caused by the first accused and he had also deposed that Rajaram was also present along with Shanmugam. Therefore, it is also proved that from the evidence of P.W.1 and P.W.2 that the second accused was also present on the spot aiding and abetting the first accused. However, the trial Court as well as the first Appellate Court had failed to consider an aspect as per



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the version of P.W.2, he did not witness the entire episode from the beginning. He suddenly heard the scream of the P.W.1 and thereafter only, he turned around and saw the attack is being carried out and he deposes about the incident. Therefore, except P.W.1 there is nobody else to speak about the fact as to how the entire altercation had begun. As a matter of fact, the P.W.1 in his cross examination has categorically admitted that in the civil suit he has claimed that Shanmugam is not the son of Ponnammal.

13.The case of the accused is that, it is only the P.W.1 who was in inebriated condition and was picking up the quarrel. Therefore, in the context of the case and considering the relationship between the parties and the enmity between the parties and where a civil suit is already going on and P.W.1 was taking a stand that Shanmugam was not the son of Ponnammal; P.W.1 questioning about his birth and legitimacy and causing grave provocation to Shanmugam cannot be ruled out. When such grave provocation had come, it is possible that the accused could have reacted in the manner as portrayed by the prosecution.

14.In view thereof, I am of the view that the conviction of the trial Court as



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confirmed by the appellate Court is liable to be modified into one under Section 335 of I.P.C. in respect of the first accused Shanmugam and under Section 335 read with Section 109 I.P.C in respect of second accused Rajaram. Now coming to the question of sentence, I have already held that the offence could have occurred on account of the sudden provocation of the accused. In this case, the first accused have already undergone sentence for a period of five days and the second accused have already undergone sentence for a period of fourteen days. The said period can be taken as the period of imprisonment. Apart from the same, the fine amount is also modified as Rs.2000/- each.

15.During the course of the argument when the Court enquired both the counsel for the accused had submitted that they are ready and willing to pay some compensation. The counsel for the second accused had today handed over the demand draft for a sum of Rs.20,000/- which is in the name of P.W.1. The same is handed over to the learned Additional Public Prosecutor who shall ensure that the demand draft be handed over to P.W.1. Similarly, first accused / Shanmugam shall also pay a sum of Rs.20,000/- by way of demand draft to be handed over to the Investigating officer within a period of two weeks from today. This apart, already



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fine amount that is paid was ordered to be paid out to the said Magendran. If it is already paid out, the same need not be recovered and inspite of the fine amount being reduced by this Court both the counsel for the accused would submit that the respective accused would not claim back the said amount.

16. Accordingly, the Criminal Revision cases stand partly allowed.

19.11.2025

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Neutral citation : Yes/No

Note:-

When we keep the civil suits pending, parties turn to criminal acts, the complain against patta, complain against electricity connection etc., and multiple conflicts and litigations arise. Therefore, the copy of this judgment shall be placed before the concerned civil Court so that the civil issue can be concluded as expeditiously as possible.



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To

- 1.The 1st Additional District and Sessions Judge,
Coimbatore.
- 2.The Assistant Sessions Judge, Subordinate Court,
Mettupalayam.

D.BHARATHA CHAKRAVARTHY, J.,

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