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Crl.A.No.175 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM:

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

Crl.A.No.175 of 2022

Seerangan

... Appellant

Vs.

The State Rep by
The Inspector of Police,
Thammampatty Circle
Salem District
Crime No.200 of 2012

... Respondent

PRAYER: This Criminal Appeal has been filed under Section 374 of Cr.P.C. to set aside the conviction and sentence imposed in S.C No.198 of 2013 dated 05.04.2019 passed by the Principal Sessions Judge, Salem.

For Appellant : Mr.R.Sankarasubbu

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
Assisted by
Mr.M.Karthikeyan
Advocate



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JUDGMENT

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(Order of the Court was made by N.Sathish Kumar J.)

Challenging the sentence of life imprisonment and fine of Rs.1000/- imposed for the offence under Section 302 IPC, this appeal has been filed by the sole accused.

2. The brief facts of the prosecution case are as follows:-

The accused and the deceased were father and son, residing in Seeliyampatti Village. PW1 and PW2 are the mother and grandmother of the deceased, respectively. The deceased was employed in coconut plucking work in the surrounding area.

2 (i). On 10.11.2012, at about 6.30 p.m., the accused was sitting in an intoxicated state, in the front yard of the house, near Nadar Street, Athumedu, Seeliyampatti. At that time, he called his son, who had returned from his work. When the deceased remained silent, the accused shouted at him and picked up a quarrel with him and took a sharp knife (M.O.7) from his house and voluntarily cut the deceased on his left side



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neck, as a result of which, he succumbed to the injuries. Immediately, PW1, the mother of the deceased lodged a complaint Ex.P1.

2(ii). P.W.2, the grandmother of the deceased, and P.W.3, the co-brother of the accused, upon hearing the noise of PW1, rushed to the spot and found the body of the deceased with cut injuries.

2(iii). On receipt of the complaint (Ex.P.1) from P.W.1, the Sub-Inspector of Police, P.W.6, registered a case in crime No.200 of 2012 under Section 302 IPC and prepared the First Information Report (Ex.P.11) and forwarded the same to the Court and copy to the Investigation Officer.

2(iv). P.W.8, the Investigation Officer, took up the investigation and went to the place of occurrence, on the same day and as there was no sufficient light in that place and there was no witnesses at that time, he commenced his investigation on the next day morning. He prepared the Observation Mahazar(Ex.P.2) and Rough Sketch (Ex.P.13) in the presence of P.W.3 and one Sellamuthu. He conducted an inquest over the dead body of the deceased in the presence of panchayatdars and



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prepared Inquest Report (Ex.P.14). A.R. copy of the deceased is Ex.P15.

Thereafter, he sent the body of the deceased for post-mortem along with his requisition (Ex.P4) through PW7, to the Medical officer for conducting the autopsy. He further seized M.O.6 blood-stained concrete earth and M.O.7 sample concrete earth under the cover of Seizure Mahazar (Ex.P3) in the presence of the same witnesses and recorded the statement of the witnesses.

2(v). P.W.4 the Medical Officer attached to the GMKMC Hospital, Salem, on receipt of the request from the Investigation Officer, conducted Autopsy and found the following external injuries:-

EXTERNAL EXAMINATION:INJURIES:

I. A. GAPPING CUT INJURY SEEN OVER LEFT SIDE OF NECK EXTENDS FROM RIGHT CLAVICLE TO LEFT SIDE OF NECK MEASURING 10 X 5.5X4.5 CMS, THE ANGLES ARE SHARP, CLEAN AND ACUTE ANGLE O/D NECK: INTERNAL INJURIES: B.CUT FRACTURE OF RIGHT STERNAL END OF CLAVICLE. C. LET SIDE CAROTID ARTERY, JUGULAR VEIN AND OTHER SMALL VESSELS, D.MUSCLES OF THE LEFT SIDE OF NECK SEVERED. HYOID BONE-INTACT.



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ALL ABOVE INJURIES ARE DARK RED IN COLOUR

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II.O/D THORAX :- NO RIBS FRACTURE. HEART-NORMAL IN SIZE.CHAMBERS- EMPTY VALVES AND CORONARIES-NORMAL LUNGS-C/S PALE. CUT FRACTURE OF T1, T2, T3 THORACIC VERTEB WITH SURROUNDING SOFT TISSUE CONTUSED.550 GMS OF CLOTTED BLOOD AND 350 ML OF FLUID BLOOD FOUND IN THE THORACIC CAVITY.

III. O/D HEAD:- SCALP-NORMAL. DURA MEMBRANE - INTACT. CRANIAL VALUE INTACT. BRAIN C/S PALE. BASE OF SKULL-INTACT.

IV.O/D.ABDOMEN: STOMACH CONTAINS 300 GMS OF PARTLY DIGESTED COOKED RICE PARTICLES WITH NO SPECIFIC ODOUR, MUCOSA C/S PALE. LIVER, SPLEEN AND KIDNEYS C/S PALE. BLADDER.EMPTY.

NECK INJURIES AND THORACIC SPINE INJURIES ARE ANTEMORTEM IN NATURE".

He issued Postmortem report (Ex.P.5) and the Final Opinion (Ex.P7) stating that the deceased appeared to have died due to shock and hemorrhage as a result of cut injuries sustained on the neck.

2(vi). In continuation of the investigation, P.W.8 arrested the



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accused on 12.10.2012 at 7.00 p.m and recorded his confession statement, in the presence of PW5, and the admissible portion of which is marked as Ex.P.8. Pursuant to the said confession, he recovered M.O.7, knife, under the cover of Ex.P.9 Seizure Mahazar. Subsequently, the accused was remanded to judicial custody and the material objects were forwarded to the Court. He gave a requisition Ex.P16 to the Judicial Magistrate No.2, Attur to send the internal organs for chemical analysis and in turn, the internal organs were sent for chemical analysis with a requisition Ex.P17 by the said Magistrate. On the basis of the same, Ex.P18 Biology Report and Ex.P19 Chemical Report and Ex.P20 Serology Report were received. After completing the investigation and recording the statements of all witnesses and the Medical Officer, P.W.8 laid a final report against the accused under Section 302 IPC.

3. Based on the above materials, the Trial Court framed a charge against the accused for offence under Section 302 IPC. The accused denied the same. In order to prove the case of the prosecution, on the side of the prosecution, as many as eight witnesses were examined as P.Ws.1 to 8 and twenty-one documents were marked as Exs.P.1 to 21. Besides, nine Material Objects were marked as M.Os.1 to 9.



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4. When the above incriminating materials were put to the accused under Section 313 Cr.P.C., he denied the same as false. However, he did not choose to examine any witnesses nor did he mark any documents on his side.

5. Based on the evidence of materials, the Trial Court found the accused guilty of the offence under Section 302 of IPC, convicted and sentenced him to undergo life imprisonment and to pay a fine of Rs.1000/-. Challenging the said conviction and sentence, the present appeal has been filed.

6. The learned Counsel appearing for the appellant would submit that there was no premeditation to commit the offence. The entire occurrence took place during a sudden quarrel and the accused neither took any undue advantage nor acted in a cruel manner. In a sudden fight, when the accused was in an intoxicated state, delivered a single blow which resulted in the death of his own son. Hence the act of the accused clearly falls within the ambit of Section 304 of the IPC and not under Section 302. He further contended that the evidence of PW1 establishes



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that there was no source of light in the house and that the incident occurred during a sudden quarrel. The accused had no intention to inflict injuries on any vital part of the body. However, accidentally, the injury fell on the neck, when the deceased tried to bend. Therefore, the act of the accused does not fall under the ambit of Section 302 of the IPC.

7. Whereas, the learned Additional Public Prosecutor appearing for the respondent would submit that PW1, mother of the deceased has clearly spoken that the accused took a knife (M.O.7) from the house and inflicted the cut injury. Therefore, the act of the accused certainly falls within the ambit of 302 of IPC.

8. Heard the learned counsel appearing on either side and perused the material placed before this Court.

9. As far as the death caused by homicidal violence is concerned, the prosecution has clearly established the same. The Medical Officer (PW4), who conducted autopsy, categorically deposed that the deceased died due to shock and hemorrhage resulting from the cut injuries sustained on the neck. The nature of the injuries clearly indicates a cut



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measuring $10 \times 5.5 \times 4.5$ cm on the neck, which was vital and fatal. The prosecution has clearly established the homicidal violence through the testimony of the medical officer. PW1 is the mother of the deceased and the wife of the accused. There was no reason for her to falsely implicate the accused unnecessarily. Her testimony reveals that on 11.10.2012, while the accused was sitting in his house consuming liquor, his son objected and remarked that the accused would only learn good behavior if he were tied up and beaten. This led to a verbal altercation between the father and son. Immediately, the accused went inside the house, brought out a knife (M.O.7), and inflicted cut injuries on his son, which turned fatal.

10. The evidence of PW1 clearly indicates that the accused caused the cut injury, following which PW2, the grandmother of the deceased, rushed to the spot upon hearing the sound of her daughter and found the body of the deceased with cut injuries. PW3 also witnessed the deceased who was lying on the lap of PW1. Though PW2 and PW3 were cited as eye witnesses, they heard the sound of PW1 and saw the dead body. The presence of PW1 at the scene has also been clearly established. Based on the evidence of PW1, it has been clearly established that the accused



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caused the cut injury. The accused was arrested on 12.10.2012, and pursuant to his confession, a bill hook was seized from him. The weapon contain blood of group O+, which matches the blood group of the deceased, as confirmed by the Serology Report marked as Ex.P20. Hence, we are of the view that the prosecution has established that it was the accused who inflicted the cut injury.

11. Now the point for consideration is whether the act committed by the accused falls under any of the statutory exemptions.

12. From the evidence of PW1 clearly show that when the father had consumed liquor, there was a quarrel between the father and son. During cross examination, PW1 admitted that the deceased told his father that he should be tied and beaten, which led to a serious quarrel between them. The evidence of PW1 would clearly show that the accused was provoked by his son by saying that he should be tied and beaten. Immediately, there arose a quarrel between them. In fact, there was no premeditation on the part of the accused. The entire occurrence took place during a sudden quarrel and in a moment of impatience. The accused did not take any undue advantage except for delivering a single



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blow. He did not act in an unusually aggressive manner. Immediately after delivering the single blow on the victim's neck, he fled away from the place of occurrence. This fact indicates that he acted in an unusual manner and did not take any undue advantage. Though the single blow fell on the vital part of the body, the complaint and the evidence of PW1 clearly indicates that only when the victim tried to bend down, the blow fell on the neck which indicates that infact, the accused had no intention whatsoever to cause serious injuries on the neck. Only in that sudden quarrel, while the victim was bending himself, the blow fell on him which became fatal. Therefore, considering the above aspects, it is evident that the entire occurrence took place during a sudden quarrel and not due to any deliberate act while the victim was bending. The accused did not take any undue advantage nor did he act in a cruel manner. Hence, we are of the view that the act of the accused clearly falls within the ambit of Section 304(1) of the Indian Penal Code. Accordingly, we are inclined to modify the sentence of life imprisonment to a term of 10 years.

13. Accordingly, this Criminal Appeal is partly allowed. The



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conviction and sentence imposed by the Principal Sessions Judge, Salem, in S.C. No.198 of 2013 dated 05.04.2019, for the offence under Section 302 of the Indian Penal Code, are hereby modified. The petitioner shall undergo rigorous imprisonment for a period of 10 years. The fine amount imposed by the trial Court is remain unaltered.

(N.SATHISH KUMAR J.)(M.JOTHIRAMAN J.)
10.11.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. The Principal Sessions Judge, Salem.
2. The Inspector of Police,
Thammampatty Circle
Salem District
3. The Public Prosecutor,
Madras High Court,
Chennai.



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AND
M.JOTHIRAMAN,j
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