



Crl.A.No.219 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM:

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

Crl.A.No.219 of 2023

Kotteeshvaran @ Kottai

... Appellant

Vs.

State rep. by
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai,
Crime No.1163 of 2016

... Respondent

PRAYER: Criminal Appeal filed under Section 374(2) of Cr.P.C., to call for the records and set aside the judgement dated 28.09.2022 passed by the learned Principal Sessions Judge, Chennai, in S.C.No.328 of 2017

For Appellant : Mr.S.Senthilvel

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

JUDGMENT

This Criminal Appeal has been filed as against the order dated 28.09.2022, passed by the learned Principal Sessions Judge, Chennai, in S.C.No.328 of 2017, thereby convicted the appellant for the offences under Sections 148, 341 & 307 of IPC.



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2. The case of the prosecution is that on 17.08.2016 at about 6.45 p.m., when the victim went for his natural call near the railway gate situated behind his house, the appellant and two others were came there and attacked him with knife on his head and abdomen, due to which his intestine came up from his abdomen. When the victim escaped from the hands of the accused, the victim's mother came in the opposite side and on seeing her, the accused flew away from the place of occurrence. Immediately, the victim was taken to hospital. After recording the statement of the victim, the first respondent registered the FIR in Crime No.1163 of 2016 for the offences punishable under Sections 147, 148, 341, 294(b), 324, 323, 307 & 506(2) of IPC. After completion of investigation, the respondent filed final report and the same has been taken cognizance for the offences under Sections 148, 341, 294(b) & 307 in S.C. No.328 of 2017

3. In order to bring the charges to home, the prosecution had examined P.W.1 to P.W.9 and marked documents in Ex.P.1 to Ex.P.10. The prosecution produced one material object in M.O.1. On the side of the accused, no one was examined and no documents were marked before the trial Court. On perusal of oral and documentary evidence, the



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trial Court found the appellant guilty for the offences under Sections 148,

341 & 307 of IPC and sentenced him as under :

S.No.	Conviction	Sentence
1	Section 148 of IPC	to undergo simple imprisonment for a period of one year and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for three months.
2	Section 341 of IPC	to undergo simple imprisonment for a period of one month
3	Section 307 of IPC	to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.5,000/-, in default to undergo simple imprisonment for three months.

The above sentences are ordered to run concurrently. Aggrieved by the same the present appeal.

4. The learned counsel appearing for the appellant submitted that the appellant has already undergone more than three years of imprisonment. Therefore, he sought for reduction of sentence alone.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is an habitual offender and he so far involved more than 18 cases on the file of the respondent



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police. That apart, he is a history sheeter. The prosecution clearly proved the case and the trial Court rightly convicted the appellant and it doesn't warrant any interference from this Court.

6. Heard the learned counsel appearing on either side and also perused the materials placed on record.

7. The victim was examined as P.W.1. He was attacked by the appellant with the motive that when the appellant brought 16 years old girl for illicit relationship, the victim immediately informed the same to his mother. In turn, the victim's mother informed to the girl's mother. Thereafter all the relatives came to the accused house and had taken the minor girl to their custody. It was the motive behind the crime and as such, when the victim came out from his residence for natural calls, the appellant and other minors attacked the victim with knife with intention to do away the life of the victim. Due to the attack, the victim sustained grievous injury in his stomach and the intestine itself came out from his abdomen. After seeing the mother of the victim, the accused flew away from the scene of occurrence leaving the weapon which was used for stabbing the victim. Immediately the victim was taken to hospital for



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treatment. The appellant also stabbed the victim on his neck and abdomen repeatedly.

8. The victim's mother was examined as P.W.2 and she deposed that when the victim went for his natural call, he did not return to his home. Therefore, P.W.2 searched her son and the victim came with full of injury on his entire body with heavy bleeding. Immediately, he was taken to the Stanley Government Medical College by auto. The accident registrar was recorded and marked as Ex.P.4. Further, the accused on seeing P.W.2, flew away from the scene of crime leaving the knife and it was produced before the trial Court in M.O.1. Therefore, the prosecution clearly proved its case beyond any doubt and the trial Court rightly convicted the appellant. This Court finds no infirmity or illegality in the order passed by the trial Court to interfere with and the appeal fails.

9. Accordingly, the Criminal Appeal stands dismissed.

06.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

rts

To

1. The Principal Sessions Judge,
Chennai.

2. The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai,

3. The Public Prosecutor,
Madras High Court,
Chennai.

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