



CrI.A.No.415 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.A.No.415 of 2022

Balaji

... Appellant/Accused

Versus

1. The Deputy Superintendent of Police,
Chengam Division,
Chengam Police Station,
(Cr.No.682 of 2018)

.... Respondent/Complainant

2. Saravanan

....2nd Respondent/Defacto Complainant / PW1

PRAYER:- Criminal Appeal filed under Section 374 (2) of Cr.P.C. praying to set aside the judgment of the lower court passed in Special Session Case No.29 of 2019, Sessions Judge Special Court for SC/ST (POA) Act Cases, Tiruvannamalai, Tiruvannamalai District, dated 17.03.2022 and acquit him from the charges under Section 324 read with 3(2) (va) of SC/ST Act (POA) Amended Act 2015.

For Appellant : Mr.B.Venugopal

For R1 : Mr.Leonard Arul Joseph Selvam

Government Advocate (CrI.Side)

For R2 : M/s.S.Priyadharshini, Legal-Aid-Counsel



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JUDGMENT

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The appellant/accused convicted in Spl. S.C. No. 29 of 2019 by the Trial Court by the judgment dated 17.03.2022 for offence under Section 324 of the IPC, was sentenced to undergo three years of rigorous imprisonment and to pay a fine of Rs.3,000/-, in default of which he shall undergo two months of simple imprisonment. The appellant was also convicted for the offence under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as amended in 2018, and sentenced to undergo three years of rigorous imprisonment and to pay a fine of Rs.3,000/-, in default of which he shall undergo two months of simple imprisonment.

2(i). The case of the prosecution is that the victim, P.W.3, aged about 8 years, was studying in the 3rd standard at Kamarajar Nursery School. It was found on 02.08.2018 she was not in a proper condition and not responding to her parents.



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(ii). Upon enquiry, by her parents, namely P.W.1 and P.W.2, the victim informed them that on 02.08.2018, while she was at school, one Balaji, the Teacher and Correspondent of the school, beaten her with an iron ruler all over her body, causing her pain. She was thereafter taken to the Government Hospital, Chengam, for treatment. P.W.8 examined her, given treatment, and issued medical certificate. The defacto complainant contacted the police over the phone and informed about the assault to his daughter. During the enquiry, the appellant admitted beating the child and claimed nothing can be done to him. Hence, defacto complainant lodged a written complaint, and FIR registered in this case.

(iii). P.W.9, the Investigating Officer, after obtaining authorization from the Superintendent of Police, who issued proceedings (Ex.P4), took up investigation on 05.08.2018, he visited the school, prepared the Observation Mahazar and Rough Sketch in presence of witnesses, and examined the defacto complainant, his wife, the victim, and other witnesses.

(iv). The Community Certificate of the victim and the accused collected. After recording the statement of the doctor and obtaining, medical records, charge sheet filed in this case.



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3. During the trial, P.W.1 to P.W.9 examined, and Exhibits P1 to P7 were marked.

4. (i) The contention of the learned counsel for the appellant is that the appellant falsely implicated in this case. P.W.1, the defacto complainant, admit his signature alone obtained on a blank paper and he was unaware what is written in Ex.P1. He further confirms that his daughter (P.W.3) not informed to him who had beaten her at school. There were three other teachers employed in the school, and no details provided, who among the three had beaten the child. Since the police insisted the name of the Correspondent to be given, the appellant's name was included in the complaint. The police themselves filled up the complaint on a blank paper, signed by P.W.1.

(ii) P.W.2 mother confirms that her daughter informed that she was beaten in the school and P.W.2 took her to the hospital. She further confirm that she does not know the identity of the teacher beat her daughter. She also admit that the police obtained her signature in blank papers.



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(iii) P.W.3, the victim, deposed that since she had not completed her homework, a teacher in the school beaten her using a stick and hands.

However, she confirms that the appellant is not the teacher who had beaten her. Thus, from the evidence of P.W.1 to P.W.3, it is clear that the appellant falsely implicated in this case since he is the Correspondent of the school.

P.W.8, Doctor who treated the victim, issued Ex.P2 – the Medical Certificate in which it is recorded that the victim had been beaten with a bamboo stick and ruler, and opined that the injuries were simple in nature.

(iv) P.W.9, the Investigating Officer, deposed that he conducted the investigation after obtaining authorization (Ex.P4) from the Superintendent of Police. He collected documents from the Tahsildar confirming victim belonged to the “Hindu Valluvan Community,” which is classified as a Scheduled Caste at the appellant belongs to (Agamudaiyar Community), and filed the charge sheet in this case.



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(v) The learned counsel for the appellant further submitted that the Observation Mahazar, Rough Sketch, and Community Certificate were all marked through the Investigating Officer and not through the respective witnesses, and hence, these documents cannot be relied upon.

(vi) It was further submitted that the other witnesses, namely P.W.4 to P.W.7, who are the cousin brother and villagers of the de-facto complainant, not supported the case of the prosecution.

(vii) The trial Court, however, found that a prima facie case was made out against the appellant. It relied on the evidence of the Doctor (P.W.8), which confirmed that the victim sustained injuries, and the Community Certificate (Ex.P7), proved victim belonged to Scheduled Caste community. The trial Court observed that the appellant not produced any defence evidence and materials and concluded prosecution proved its case which is an a wrong notion and appraisal of evidence. Hence, prayed for setting aside the conviction.



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5. Notice served on the defacto complainant, Saravanan, by the respondent police on 08.10.2025. He acknowledged the pendency of the appeal and undertook to appear before this Court. However, he failed to do so, and this Court appointed Ms. S. Priyadharshini, learned Legal Aid Counsel, to represent the second respondent/defacto complainant.

6. The learned counsel appearing for the victim submitted that the appellant's name is clearly mentioned in Ex.P1 – the complaint. It is contended that even at the earliest instance, the defacto complainant confirmed it is the appellant who had beaten his daughter (P.W.3), using an iron ruler scale all over her body. The victim was immediately taken to the Government Hospital, Chengam, where P.W.8, Doctor, examined her and recorded the injuries in Ex.P2, when the complainant and his relatives questioned the appellant about beating P.W.3 the appellant admitting beating the minor child and abused and threatened them by calling their caste name claimed nothing can be done to him.



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7. Based on the complaint by the defacto complainant, the respondent police registered a case Crime No. 682 of 2018 for offence under Section 324 IPC. and under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as amended in 2018. The FIR was forwarded to the Deputy Superintendent of Police as per the procedure. The Superintendent of Police by his proceedings Ex.P4 authorised P.W.9 to investigate the case.

8. P.W.9, Investigating Officer visited the scene of occurrence, prepared Observation Mahazar, examined the witnesses including the victim (P.W.3) and her parents (P.W.1 and P.W.2), all supported the prosecution case and confirmed that the victim was beaten with an iron ruler scale for not doing homework. P.W.8, Doctor, confirmed the injuries sustained and gave medical report simple in nature. The trial Court, on the evidence and the documents and finding from Ex.P7 (Community Certificate), that the victim belonged to a Scheduled Caste and appellant belongs to Agamudaiyar



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community. Finding prosecution had proved its case beyond all reasonable doubt. The appellnat was rightly convicted.

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9. The learned counsel for the appellant submitted that the appellant had married one Malathy on 02.08.2018, and his wife belongs to the Scheduled Caste community. Hence, he has no reason or rationale to beat a child only because she belongs to Scheduled Caste Community.

10. The learned Government Advocate (Crl. Side) submitted that P.W.1, the defacto complainant, lodged a complaint on registration of the case, and completion of investigation charge sheet filed in Spl. S.C. No. 29 of 2019. In the complaint, it is specifically alleged that the appellant abused the defacto complainant and his family members by calling them by their caste name. Based on the said allegation, a case was registered. Pursuant to the directions and the authorization of the Superintendent of Police, investigation conducted by P.W.9, who prepared the Observation Mahazar,



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Rough Sketch, examined witnesses, and thereafter filed the charge sheet before the Trial Court. During the trial, P.W.1 to P.W.9 examined, and Exhibits P1 to P7 marked on the side of the prosecution. The Trial Court on the evidence of materials had convicted the appellant, which needs no interference.

11.(i) Upon considering the rival submissions and the evidence on record, it is seen that the appellant running a school in the name of Kamarajar Nursery English School, where the victim, P.W.3, was a student of Class III. It is alleged P.W.3 was beaten at school by a teacher for not completing her homework. However, in the complaint, it is not clear who is the teacher who had beaten the victim. It is admitted there are three Teachers in the school. The appellant's name appears to be included since he is the Correspondent and a teacher in the school.

(ii) P.W.1, the defacto complainant, admit his signature was obtained on blank papers, confirmed by P.W.2, his wife. P.W.3, the victim, not



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identified the appellant as the teacher who beat her for not doing home work, on the contrary her evidence is that appellant is not the teacher, and she does not know the appellant. P.W.4 to P.W.7, the villagers and relatives of P.W.1, not supported the prosecution case. P.W.8, Doctor who examined the victim, found multiple simple injuries.

12.(i) In her statement, P.W.3 stated that she was beaten by a teacher for not completing her homework, but confirms appellant is not the teacher. P.W.2 admit that there are other three teachers in the school. The Investigating Officer failed to take any steps to identify or examine the teacher who punished the victim, instead arrayed the appellant as the accused only for the reason he was the Correspondent of the school.

(ii) The Tahsildar, Renuga, who issued Ex.P7 – Community Certificate for the victim – not examined as witness. There is visible corrections in the complaint Ex.P1 which were not explained by the prosecution. Further Ex.P7 is not a Community Certificate but a report furnished by Tahsildar, Chengam for P.W.1 to P.W.3. The Tahsildar not examined, the document not proved in



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the manner known to law. The trial Court failed to consider these material aspects and erroneously proceeded on the assumption that a prima facie case was made out merely because victim suffered simple injuries and belonged to a Scheduled Caste community. It cannot be helpful the prosecution proved its case beyond all reasonable doubt. Prima facie case is sufficient to proceed with the case and not to convict a person substituted evidence is needed which is not availed in this case.

(iii) In the absence of credible evidence establishing that the appellant was the person who assaulted the victim, whether with stick or ruler, metal scale in this case nothing produced. The prosecution miserably failed to prove its case beyond all reasonable doubt. Mere suspicion, however strong, cannot take the place of proof. Hence, the conviction of the appellant under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and under Section 324 IPC, not sustainable.

13. In view of the above, this Court finds conviction and sentence imposed on the appellant not sustainable in law and liable to be set aside.

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14. Accordingly, the conviction and sentence imposed upon the appellant, by the judgment dated 17.03.2022 in Special Sessions Case No. 29 of 2019 by the learned Special Judge, Special Court for SC/ST (POA) Act Cases, Tiruvannamalai, are hereby set aside, and the **Criminal Appeal is allowed**. All the appellants is disobeyed from all charges.

15. This Court places on record its appreciation for the valuable assistance rendered by Ms. S. Priyadharshini, learned Legal Aid Counsel for the second respondent. The Tamil Nadu State Legal Services Authority is directed to pay the prescribed remuneration to Ms. S. Priyadharshini, Legal Aid Counsel.

28.10.2025

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Internet : Yes/No

Speaking / Non-speaking order



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To

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1. The Special Judge Special Court for SC/ST (POA) Act Cases,
Tiruvannamalai.
2. The Deputy Superintendent of Police,
Chengam Division,
Chengam Police Station,
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.,

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