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Crl.A.No.183 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN

Crl.A.No.183 of 2019

Udayakumar

... Appellant

Vs.

State represented by
The Inspector of Police,
Mettupalayam Police Station,
Mettupalayam, Coimbatore
(Cr.No.246/2017)

... Respondent

Criminal Appeal filed under Section 374(2) Cr.P.C., praying to set aside the judgment of conviction and sentence, dated 16.03.2018 in S.C.No.8 of 2018 on the file of the learned Special Sessions Judge for Bomb Blast Cases at Coimbatore.

For Appellant : Mr.B.Mohan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
assisted by
Ms.M.Arifa Thasneem



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JUDGMENT

(Judgment was delivered by **N. SATHISH KUMAR, J.**)

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Aggrieved over the judgment of conviction and sentence, dated 16.03.2018 in S.C.No.8 of 2018 on the file of the learned Special Sessions Judge for Bomb Blast Cases at Coimbatore, sole accused has filed the instant criminal appeal. The accused was convicted under under Section 302 of IPC and sentenced by the trial Court for life imprisonment and fine of Rs.1,000/- in default, to undergo one month simple imprisonment.

2.The case of the prosecution is as follows :

2.1. Deceased Anandhi is the wife of the accused. The accused and the deceased married against the wishes of their family in the year 2016 and thereafter, the deceased was brought to the house of PW1/mother of deceased, after sometime, the accused again took the deceased to his house and set up a separate house. The deceased unable to bear the cruelty left the house 15 days prior to occurrence. The deceased went to her relative PW5's house at Kotagiri. The accused also went to PW5's house and requested the deceased to come with him, as she refused, he tried to attack her and dashed her head against the wall. Since, other relatives gathered, the accused ran



away from the Kotagiri.

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2.2. When the matter stood thus, on the date of occurrence, viz., 15.05.2017, while the PW1 and deceased were traveling in a bus bearing TN-98-N-1774 proceeding towards Mettupalayam at 9.50 am and seated behind the driver seat, the accused also boarded the bus at Sirumugai and asked the deceased to join the matrimonial home, as she refused, the accused suddenly took a knife and stabbed the deceased on the left side of her chest. Immediately, the accused ran away from the scene of occurrence. PW2 deposed that he has also seen the accused boarding the bus at Sirumugai, stood near the deceased and quarreling with the deceased; PW2/conductor had asked the accused to move to the backside of the bus and he proceeded to issue tickets to other commuters, when PW1 and others shouted that the accused had stabbed the deceased, the accused jumped from the bus and ran away from the occurrence.

2.3. PW3 had deposed that he was also traveling in the same bus, at that time, he witnessed the accused with the M.O.1 knife stabbing the deceased at the left side of her chest and the accused ran away. PW1 took the deceased in other vehicle admitted her in the hospital. PW4, relative of



the deceased on hearing the death of the deceased went to the hospital and has written a complaint on instructions by PW1 and PW1 had given the complaint marked as Ex.P1. PW13 registered the FIR in Cr.No.246/2017 under Section 302 of IPC marked as Ex.P19 and the FIR was forwarded to the superior authority.

2.4. PW14/Investigating Officer took up the investigation and went to the place of occurrence immediately and prepared Observation Mahazar (Ex.P4), Rough Sketch (Ex.P20) in the presence of witnesses and went to the hospital and conduct inquest over the dead body and prepared inquest report marked as Ex.P21 and gave a request to the post-mortem doctor to conduct autopsy. PW7/Medical Officer, has, in fact admitted the deceased brought by PW1 and found the stab injury on the left side of her chest at 2.5 x 3cm, the deceased succumbed to injury at 10.20 am and PW7 had issued Ex.P5/Accident Register and intimated Ex.P6 to the police station and thereafter, they conducted autopsy and found that the deceased died to homicide violence of stab injury to vital organ heart (left ventricle) leading to Hemorrhage – shock and death and the medical officer had issued Ex.P9/postmortem certificate and Ex.P11/final opinion. She has also opined



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that the injury caused to the deceased is due to the possession of M.O.1/knife. PW8/forensic officer has examined materials objects and had issued Exs.P13 &P15, Biological Report and Serological Report. On 16.05.2017, the accused was arrested in the presence of PW9 and other witness.

2.5.On the basis of his confession, Investigating Officer/PW14 seized M.O.1, M.O.6 and M.O.7 in the presence of witnesses and forwarded the accused and material objects to the Court. PW15, further conducted investigation and finally laid the final report against the accused for the offences under Section 302 of IPC in P.R.C.No.XXX of 2017 before the learned Judicial Magistrate, Mettupalayam.

3.On appearance of the accused, the provision of Section 207 Cr.P.C. was complied with and the case was committed to the learned Principal Sessions Judge, Coimbatore as contemplated under Section 209 of CrPC in S.C.No.8 of 2018 and was made over to Special Sessions Judge for Bomb Blast Cases at Coimbatore, for trial.



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4.The trial Court framed the charges for the offence against the accused under Section 302 of IPC. When questioned, the accused pleaded “not guilty”.

5.To prove the case, the prosecution has examined as many as 15 witnesses as P.W.1 to P.W.15 and marked Exs.P1 to P24 and produced M.Os.1 to 9.

6.The trial Court, after appreciating the oral and documentary evidence and materials on record, by judgment dated 16.03.2018, found the accused guilty of the offences under Section 302 of IPC and thereby, convicted and sentenced the accused as stated *supra*.

7. Challenging the conviction and sentence, the instant appeal is filed by the accused/appellant.

8. The learned counsel for the appellant submitted that the evidence of PW1 to PW3 are not reliable and they are interested witnesses. Even, if



their evidence is taken as such, the offence under Section 302 of IPC is not maintainable. According to the learned counsel for the appellant, the offence under Section 302 of IPC will not attract, only the offence under Section 304 of IPC will attract. The prosecution failed to prove the overt act attributed by the eye-witness. PW7/Medical Officer has stated that the injury is not possible by M.O.1 and therefore, the theory of stab injury is falsified. There is no pre-meditation to commit murder, therefore, the ingredients of Section 302 of IPC is not made out. Further, according to him, FIR came to be filed later and prior to the FIR being registered, the Investigating Officer already visited the place of occurrence, therefore, the genesis of crime has been suppressed.

9. The learned Additional Public Prosecutor submitted that the evidence of the witnesses clinchingly establishes the complicity of the accused in the crime, PW2 and PW3, independent eye witnesses have clearly spoken about the nature of injury and PW7/medical officer also clearly spoken that the injury is possible by M.O.1/knife. Therefore, it is his contention that the Trial Court has considered all these facts and clearly



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found that the accused guilty. Hence, he would submit that the judgment of the trial Court does not require any interference.

10. The contention of the learned counsel for the appellant is that offence under Section 302 of IPC has not been made out, only the offence under Section 304 of IPC is maintainable. We perused the entire materials placed on record. We are unable to find any materials to bring home the offences under Section 304 Part I and Part II of the IPC. There is no foundation whatsoever laid by the accused, further in questioning under Section 313 of CrPC, in the oral explanation, he has simply denied the crime. Whereas, in the written statement filed by the accused under Section 313(5) of CrPC, he has stated that when the deceased and PW1 were travelling in the bus on 15.05.2017, he boarded the bus and requested his wife to join his matrimonial home, that time there was altercation and PW1 along with others tried to attack the accused, as a result, the deceased was injured. Having made such statement in the written statement, no materials whatsoever was placed on the side of the defence before the Trial Court.



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11. In light of the above, when the prosecution witnesses, particularly, the evidences of eye-witnesses, PW1 to PW3 when carefully perused, it not disputed that the deceased is the wife of the accused, they married as against the wishes of PW1 and others, they were co-habiting separately and later dispute arose between the husband and wife which has been clearly supported by the evidences of PW5, in fact, the deceased left the matrimonial house and took shelter in PW5's house, who is also happened to be a relative. PW5 clearly stated that 15 days prior to the date of occurrence, the accused came to the house of PW5 and requested the deceased to come with him, as she refused, he tried to attack her and dashed her head against the wall. Since, other relatives gathered, the accused ran away from the Kotagiri. Therefore, PW5 evidence clearly indicates that there was matrimonial dispute between the deceased and the accused. PW1 clearly deposed that on the date of occurrence, viz., on 15.05.2017, the deceased and PW1 were travelling in bus proceeding to Mettupalayam at around 9.50 am, the accused boarded the bus at Sirumugai and he came near the seat where the deceased and PW1 were seated and asked the deceased to join the matrimonial house, when the deceased refused, he immediately took the



knife and stabbed the deceased on the left side of her chest.

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12. PW2, who is the conductor of the bus has clearly stated that the accused standing near the seat of the deceased and they were quarelling, he asked the accused to stand at the backside of bus and he went to issue tickets to fellow passengers, on hearing the sound that the accused had stabbed the deceased, PW2 saw the accused jumping out the bus and running away from the place of occurrence and the accused was carrying knife. The evidence of PW2 is also clearly admissible under Section 6 of the Indian Evidence Act, since, it also form part of the same transaction and there is no gap or interval; on hearing the sound that the accused had stabbed the deceased, accused was seen by the PW2 immediately and the accused had left the place of occurrence immediately.

13. PW3, one of the traveler in the same bus also witnessed the occurrence. In his evidence, he has clearly spoken about it, in the entire cross examination of against PW2 and PW3, there is no motive or suggestion put against PW2 and PW3 for false implication of the accused.



PW2 and PW3 are independent witnesses, their evidences clearly indicate that immediately after the stab injury, the deceased was taken to the hospital in some other vehicle and was admitted in the hospital by PW1. PW7 has clearly deposed that he has seen the deceased with stab injury on the left side of her chest at 2.5 x3cm and had issued Accident Register (Ex.P5) and also intimated to the police under Ex.P6. Later the deceased was succumbed to injury. The evidence of PW7/medical officer deposed that the cause of death was due to stab injury to vital organ heart (left ventricle) leading to hemorrhage-shock and death. He also clearly deposed that the stab injury was possible by M.O.1/Knife.

14. Therefore, when the evidences of the eye-witnesses clearly establishes the specific overt act of the accused that has resulted in the death of the deceased, we are of the view that very blood group not detected in the material object, the same is irrelevant. This Court is of the view that when the ocular evidence does not suffer from any infirmities and clearly establishes the guilt of the accused in causing the death, other aspects assumes insignificance.



15. In this regard, the Hon'ble Supreme Court in the case of *Darbara*

Singh v. State of Punjab, reported in (2012) 10 SCC 476 has held as follows:

“10. So far as the question of inconsistency between medical evidence and ocular evidence is concerned, the law is well settled that, unless the oral evidence available is totally irreconcilable with the medical evidence, the oral evidence would have primacy. In the event of contradictions between medical and ocular evidence, the ocular testimony of a witness will have greater evidentiary value vis-à-vis medical evidence and when medical evidence makes the oral testimony improbable, the same becomes a relevant factor in the process of evaluation of such evidence. It is only when the contradiction between the two is so extreme that the medical evidence completely rules out all possibilities of the ocular evidence being true at all, that the ocular evidence is liable to be disbelieved...”

(Emphasis supplied)

16. The Hon'ble Supreme Court in several cases has consistently accorded greater weight to ocular testimony than to the opinion of medical experts, and the same principle governs the case before us.

17. Even assuming that the Inspector of Police has visited the spot, immediately after hearing the crime, that will not dent the prosecution. It is normal when any occurrence takes place in public transport, visiting such place by police is normal. Be that as it may, the Inspector of Police is bound



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to appear before such place of occurrence. Therefore, it cannot be said that all other aspects will lead to suppression of the genesis of crime.

18. Though the learned counsel for the appellant argued that the conduct of the accused comes within the meaning of Section 299 of IPC, on thorough scanning of the entire materials, we find there is no materials to arrive at there was a sudden quarrel between the accused and the deceased which deprived his self-control and in heat of passion he caused such injury. There was no evidence or a suggestion was put forth to the effect that there was sudden quarrel between the deceased and accused and on heat of passion, he deprived his self control and caused such injury. In the absence of any materials, merely, on the basis of single injury which resulted in the death of the deceased, the Court cannot presume that the accused has caused death only due to quarreling between the husband and wife. Once the accused had intention to cause injury which is sufficient in the ordinary course of time as likely to cause a death, that act will certainly come within the ambit of Section 300 of IPC. In the instant case, the accused knows that bodily injury is likely to cause death and had inflicted such injury in vital



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part of the body namely chest, such view of this Court this Court is of the view that his act will certainly come within the ambit of Section 300 of IPC not under Section 304 of IPC, as pleaded by the learned counsel for the appellant.

19. Hence, we do not find any infirmity in the prosecution case. The Criminal Appeal has no merit, and hence, the Criminal Appeal is liable to be dismissed.

20. Accordingly, the Criminal Appeal stands dismissed. The judgment of the trial Court dated 16.03.2018 in S.C.No.8 of 2018 on the file of the Special Sessions Judge for Bomb Blast Cases at Coimbatore is confirmed. The order dated 30.06.2021 made in Crl.M.P.No.6465 of 2021 in Crl.A.No.183 of 2021 suspending the sentence of imprisonment alone as against the appellant stands vacated. We direct the Trial Court to secure his presence immediately to serve out the rest of his sentence.

(N.S.K., J.) (M.J.R., J.)
29.10.2025

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To

1.The Special Sessions Judge for Bomb Blast Cases at Coimbatore.

2.The Inspector of Police,
Mettupalayam Police Station,
Mettupalayam, Coimbatore

3.The Public Prosecutor,
High Court, Madras.



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and
M. JOTHIRAMAN, J.

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