



Crl.RC.No.647 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2025

CORAM:

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

Crl.RC.No.647 of 2023

A.Kanagaraj

... Petitioner

Vs.

State by
The Inspector of Police,
Erumapatty Police Station.
(crime No.148 of 2015)

.. Respondent

PRAYER:

Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., praying to set aside the judgment passed in Crl.A.No.19 of 2021 dated 13.03.2023 by the learned Principal Sessions Judge, Namakkal confirming the judgment passed by the learned Additional Assistant Sessions Judge, Namakkal in SC.No.81 of 2018 dated 21.01.2021.

For Petitioner : Mr.T.Dhasarathan

For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)

ORDER



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This criminal revision case has been preferred against the judgment passed in Crl.A.No.19 of 2021 dated 13.03.2023 by the learned Principal Sessions Judge, Namakkal confirming the judgment passed by the learned Additional Assistant Sessions Judge, Namakkal in SC.No.81 of 2018 dated 21.01.2021, thereby convicting the petitioner for the offence punishable under Sections 324 and 307 of IPC.

2. The case of the prosecution is that on 21.10.2015 at about 10 PM, in front of the house of the complainant's parents, when the complainant's father was sleeping in a cot, the accused / the petitioner herein had woke him up. Further, causing annoyance to others, the accused abused him with filthy languages. Thereafter, he had voluntarily assaulted his right hand and right lower leg by using a crowbar and caused injuries. When it was questioned by the defacto complainant, he abused her with filthy languages and attacked with crowbar on her left forearm. He continuously attacked her with an intention to murder her, thereby causing grievous injuries on her left elbow, left lower leg, right fore arm, below right wrist, on the right index finger and right small finger. He also caused injuries on the genital region by kicking her over



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there. On the complaint, the respondent registered FIR in crime No.148 of 2015. After completion of investigation, final report was filed and the same was taken cognizance by the trial court for the charges punishable under Sections 294(b) (2 counts), 324 & 307 of IPC.

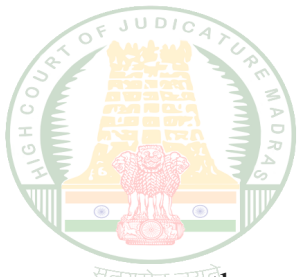
3. On the side of the prosecution, they had examined PW1 to PW10 and marked Ex.P1 to Ex.P10. On the side of the prosecution, they also produced a material object as M.O.1. On the side of the accused, he had examined DW1 and DW2 and marked no documents. On perusal of oral and documentary evidences, the trial court convicted the accused for the offences punishable under Section 324 of IPC and sentenced him to undergo three years imprisonment. He was also convicted for the offence punishable under Section 307 of IPC and was sentenced to undergo seven years imprisonment with fine of Rs.5,000/- in default, to undergo six months simple imprisonment. Aggrieved by the same, the accused preferred appeal and the same was dismissed and the orders of the conviction and sentence imposed by the trial court have been upheld. Hence, the accused has filed this criminal revision case.



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4. The learned counsel for the petitioner would submit that there was absolutely no motive on the part of the petitioner to murder PW1 since they got separated five years back and also filed petition for divorce. When the divorce petition was pending, the petitioner had absolutely no intention to murder the victim. Even according to the case of the prosecution, the occurrence had taken place during the night. There was no light and as such there was absolutely no possibility of identifying the petitioner. In fact both the victims i.e. PW1 and PW2 did not even whisper about the words uttered by the petitioner. Though the victim stated, to the doctor while recording the accident register, that there was assault by a known person, she did not even whisper that she was attacked by her husband. On the date of the occurrence, there was no recovery of the only crucial material object ie, the crowbar. Only on the next day to the alleged occurrence, the material object was recovered by the respondent. Further, PW8 deposed that he went to hospital and recorded the statement from PW1 and thereafter FIR was registered. But PW1 deposed that she was unconscious for several days and as such, there was absolutely no possibility of any statement of PW1 to register FIR. Therefore, these contradictions are vital to this case. Even then, both



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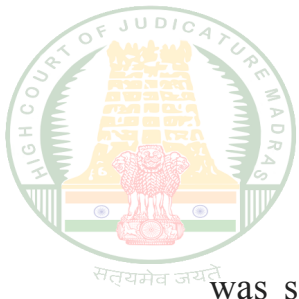
the courts below convicted the petitioner.

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5. The learned Government Advocate(crl.side) appearing for the respondent submitted that both the courts below concurrently held that the petitioner is liable to be convicted for the offence punishable under Sections 324 & 307 of IPC. The defacto complainant was examined as PW1. Another victim i.e. her mother was examined as PW2. Both had categorically deposed and corroborated each other to bring the charges to home. Though PW3 to PW5 turned hostile, the victims' evidence is the best evidence. As such, the trial court as well as the appellate court rightly convicted the petitioner for the aforesaid offences and the order of conviction does not require any interference by this Court.

6. Heard, the learned counsel appearing on either side and perused, all the materials placed before this Court.

7. The petitioner and the defacto complainant are husband and wife. While being so, PW1 was driven out from the matrimonial house. Therefore, she was left with her parents. On the date of the occurrence, at about 10 PM, when PW1 was sleeping inside the house and her father



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was sleeping outside the house, the petitioner came to her house with M.O.1 and attacked her father on his leg. Therefore, he sustained grievous injuries. When PW1 came to rescue his father, the petitioner attacked her all over the body. Therefore, she sustained fracture on her left leg, left hand and also on head. The left leg and the left hand suffered with fracture. For the injuries sustained on her head, she underwent medical procedures. Immediately, her neighbours came there. Therefore, the petitioner left M.O.1 and flew away. Immediately, PW1 was taken to Government Hospital, Namakkal. Thereafter, she was referred to a hospital at Salem for better treatment. After recording her statement, FIR was registered. In fact, her left leg bone came out and she suffered grievous injuries. Pending trial, her father i.e. another victim died. The mother of PW1 was examined as PW2. She categorically deposed about the incident and corroborated the evidence of PW1. The neighbours were examined as PW3 to PW5, however they turned hostile. The observation mahazar and seizure mahazar were witnessed by PW6. On perusal of evidence of PW6, it is revealed that he was the witness to the observation mahazar and seizure mahazar and in the presence of PW6 and another person i.e. Jothi, MO1 was recovered and signed as witness.



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8. It is the submission of the learned counsel for the petitioner that the doctor who treated PW1 was examined and it is vital to the case of the prosecution. In order to prove the injury, the prosecution had examined the doctor as PW9, who recorded accident register and had given first aid to PW1. On perusal of the evidence of PW9, it is revealed that PW1 was brought for treatment and on her statement, accident register was recorded. Also another victim i.e. the father of PW1 was brought to hospital for treatment and after recording his statement, accident register was recorded and the same was marked as Ex.P7. After giving first aid, both were sent to a higher hospital for better treatment. He found grievous injuries sustained by both of them and he issued wound certificate to both the victims. The accident register which was registered by the Government Hospital, Salem was marked as Ex.P8. The wound certificate of PW1 was marked as Ex.P9. Therefore, on perusal of the injuries sustained by PW1 and her father, the intention of the petitioner was clear that in order to murder PW1, he continuously attacked PW1 with crowbar. Therefore, the prosecution categorically proved both the charges under Sections 324 ad 307 of IPC and both the



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trial court as well as appellate court rightly convicted the petitioner.

Therefore, the orders of conviction and sentence imposed by the trial court as well as the appellate court do not warrant any interference by this Court. As such, this criminal revision case is liable to be dismissed.

9. Accordingly, this criminal revision case is dismissed.

16.06.2025

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

- 1.The learned Principal Sessions Judge, Namakkal
- 2.The learned Additional Assistant Sessions Judge, Namakkal
- 3.The Inspector of Police,
Erumapatty Police Station.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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