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Crl.A.No.186 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

CORAM :

THE HON'BLE MR. JUSTICE N. SATHISH KUMAR

and

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

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and Crl.MP.No.9091 of 2024

Hemanthkumar

... Appellant / Accused

Vs.

The State, represented by
Inspector of Police,
R.4, Soundarpandiyanar Ankady
Police Station,
Thiagaraya Nagar,
Chennai-600 017.
(Crime No.1783 of 2015)

... Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374 (2) Criminal Procedure Code, 1973 praying to set aside the judgment of conviction and sentence imposed in S.C.No.41 of 2016 dated 25.03.2021 on the file of the Sessions Judge, Mahila Court, Chennai.

For Appellant : Mr.R.Sankarasubbu

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



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Ms.M.Arifa Thasneem

JUDGMENT

(Judgment of the Court was made by M.Jothiraman, J.)

This criminal appeal has been filed by the appellant / sole accused challenging the judgment of conviction and sentence passed by the learned Sessions Judge- Mahila Court, Chennai in S.C.No.41 of 2016 dated 25.03.2021 in and by which the appellant / accused was convicted for the offence under Section 341 of Indian Penal Code [in short “IPC”] and sentenced to undergo simple imprisonment for one month and convicted under Section 307 IPC and sentenced to undergo imprisonment for life with a fine of Rs.5,000/- in default to undergo simple imprisonment for one month.

2. The brief case of the prosecution is as follows :

2.1. The appellant /accused and the injured / PW1, namely Rubasri were working in a Telebuy Company at Ambattur in the year 2013. In the



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year 2015, the accused proposed love to PW1 and asked her to marry him.

PW1 replied to the accused to approach her parents and her parents asked him to wait for 2 years till the completion of studies by the injured. Thereafter, the accused continuously stalked her. Since the accused caused mental harassment to PW1, she expressed her dislike. Therefore, the accused abused PW1 with filthy language. Likewise, mother of the appellant / accused also talked with the colleagues of PW1 over phone and abused PW1. Thereafter, PW1 resigned her job and joined another company called IMAX Solution Company.

2.2. During May 2015, while PW1 went to her office at about 8.30 to 8.45 hours, PW1 came in the opposite side, caught hold of her hand and compelled her to come with him. PW1 refused as she wants to go to the office. The accused plucked her phone. When PW1 asked her phone, the accused slapped her, assaulted her with a knife on the left side of her stomach, upper abdomen and lower abdomen backside of lower forum and



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caused a scratch on her neck. She became unconscious.

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2.3. A person from the petrol bunk / PW2, who is an eye witness came and attempted to catch the accused. But the accused ran away from the occurrence place. PW3 sent PW1 along with an another woman to the hospital in an Auto. One Rajesh / PW3 was also examined as a witness, but he has not stated anything about the occurrence.

2.4. PW6 is the doctor, who treated PW1 in a private hospital. While PW6 was on duty on 29.05.2015 in Agada Hospital at about 9.00 a.m., PW1 was brought with multiple injuries by an auto driver. On enquiry, PW1 stated that she was assaulted by a known person by name, Hemanthkumar / appellant / accused with knife nearby a petrol bunk near Holy Angels Schools in Pandya Bazaar at about 8.55 a.m. and that the public intervened and sent her to hospital. On examination, PW6 found a lacerated wound of 3 x 2 cm on her right hand and a lacerated wound of 3



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x 2 x 2 cm on her left upper abdomen and a lacerated injury of 1 x 1 cm

on her upper vaginal region. The injured was conscious while undergoing treatment. PW6 gave opinion that the injuries are grievous in nature. He issued the Accident Register Ex.P3 and gave intimation from the hospital to the police under Ex.P4.

2.5. PW7- Venkatesan, is the Inspector of Police. While he was on duty on 29.05.2015, on receipt of information from Agada Hospital over phone at about 9.30 a.m, he went to the hospital and recorded a statement from the injured / PW1, who was taking treatment as inpatient in the hospital. On the basis of PW1's statement, he registered a case in Crime No.1783/2015 under Sections 341 and 307 IPC. The printed FIR is Ex.P5.

PW7 took up the investigation and went to the place of occurrence and prepared Observation Mahazar -Ex.P2 and Rough Sketch – Ex.P6 in the presence of witnesses PW2, PW3, one Rajesh and Shanmugam and recorded their statements. He arrested the accused near Kannamapettai



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Burial road. He recorded the confession statement given by the accused in

the presence of independent witnesses. PW7 recovered the knife – M.O.1

and cell phone taken by the accused near the Burial Ground, hid by him

in the presence of same witnesses under Seizure Mahazar – Ex.P8. The

admissible portion of the confession statement of the accused is marked as

Ex.P7. Thereafter he sent the accused for judicial custody. On completion

of investigation, PW7 laid the charge sheet against the appellant / accused

under Sections 341 and 307 IPC and Section 4 of Tamil Nadu Prohibition

of Harassment of Women Act.

2.6. The prosecution, in order to prove the guilt of the accused, has

examined PW1 to PW7, marked Exs.P1 to P8 and also produced 1

material object. On the side of the accused, none was examined and one

exhibit was marked as Ex.D1. After completion of evidence on the side

of the prosecution, when the accused was questioned under Section 313

CrPC with regard to incriminating material, the accused had denied them



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as false and no evidence was put forward on the side of the accused.

WEB COUPON Upon hearing either side and upon perusal of evidence, the learned Trial Court convicted and sentenced the accused as stated above. Aggrieved over the same, the accused has preferred the present appeal.

3. The learned counsel appearing for the appellant / accused would submit that the love affair between the appellant and PW1 and the motive is highly improbable. The evidence of PW2 is highly artificial one. The Trial Court travelled a long way and arrived an illogical reasoning by relying upon medical evidence and ignored the ingredients of Section 320 IPC. No wound certificate was produced to establish the case of the prosecution. There are alterations in the copy of the Accident Register. The auto driver and the lady who took the injured / PW1 to the hospital was not examined. The doctor who gave treatment to the injured / PW1 was not examined. The learned counsel for the appellant would further submit that imposing the punishment of life imprisonment is unwarranted



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since the prosecution has failed to establish the motive. Non-examination of the material witness and the parents of the injured / PW1 is fatal to the prosecution.

4. *Per contra*, learned Additional Public Prosecutor appearing for the respondent would submit that PW1/victim has deposed the occurrence and the evidence of PW2 has also corroborated the evidence of PW1. PW1 was rescued only by the public and the prosecution has established the case beyond reasonable doubt and there is no ground to warrant interference with the impugned judgment of conviction and sentence passed by the trial Court and prays for dismissal of this appeal.

5. This Court has considered the submissions made and also perused the entire materials available on record.

6. It is the case of the prosecution that while PW1/injured was on



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the way to office, the accused compelled her to marry her, waylaid her,

stabbed her with M.O.1-knife and caused grievous injuries with an

intention to murder PW1. PW1/victim categorically deposed about the

motive between herself and the accused and also spoke about the accused

proposed love affair to her. Since PW1 stated that she has to ask her

parents, the accused contacted the family member of PW1 and for that, the

family member of PW1 instructed him to wait for two years till the

completion of the PW1's studies. Due to misunderstanding between PW1

and the accused, PW1 separated from him and even after that, the accused

compelled her to marry her and the refusal of PW1 to marry the accused is

the motive for the occurrence.

7. PW1 categorically deposed that while she went to her office in front of petrol bunk, the accused stabbed PW1 with M.O.1-Knife on her right forearm, left upper abdomen and upper vaginal region. PW1 also



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deposed that the accused slapped her on her cheeks, stabbed her with knife

on the upper abdomen, lower abdomen, right forearm and also caused

abrasions on her neck. The evidence of PW1 is also corroborated by the

medical evidence given by PW6-Doctor with regard to injuries sustained

by her. PW6-Doctor who treated PW1 found multiple stab injuries of

lacerated wounds on her right forearm, right upper abdomen and upper

vaginal region and also found abrasions on her neck. As per Ex.P3-

Accident Register recorded by PW6, PW1 alleged to have been assaulted

by the accused while working near a petrol bunk near Holy Angels

School, Pandy Bazaar and also mentioned that due to public intervention,

PW1 was shifted to the hospital.

8. PW2 is the eye witness to the occurrence. PW2 stated that at the time of occurrence, when he was working in the petrol bunk in the morning shift, he heard the sound of a women to rescue her. At that time, the accused stabbed the women who raised hue and cry on her stomach



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and when PW3 and another attempted to catch the accused, he ran away

from the scene of occurrence. PW2 also stated that they sent the injured /

PW1 to the hospital in an Auto along with another woman. The evidence

of PW2 is natural one and since he is working in the petrol bunk, he

witnessed the occurrence. The evidence of PW1 is also corroborated by

the evidence of PW6 and PW2.

9. PW6 – Doctor who recorded Ex.P3-Accident Register states that the injured / PW1 was brought to the hospital by an unknown Auto driver and hence, the manner of commission of offence and the injuries sustained by PW1 is established by the evidence of PW1 and the same was witnessed by PW2 and the same has been corroborated by the evidence of PW6. As per the evidence of PW6 with regard to the nature of injuries sustained by PW1, PW6-Doctor gave opinion that the injuries sustained by PW1 are grievous in nature. PW6 noted in Ex.P3 that the lacerated injuries on left upper abdomen was in depth upto musculature, little finger



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freely going, which may extend to chest.

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10. According to PW1, the accused proposed love affair with PW1, since PW1 states that she has to ask from her parents and asked him to ask her family members and for that, the family members of PW1 advised the accused to wait for 2 years till the completion of the studies of PW1. Thereafter, due to misunderstanding between PW1 and the accused, PW1 stopped to move with the accused. This occurrence happened while PW1 and the accused were working in IMAX company. Thereafter, PW1 resigned her job and joined IMAX Solutions Company as Quality Analyst Trainee. Even thereafter, the accused followed her and compelled her to marry.

11. Considering the nature of relationship between the parties, viz., the appellant / accused and PW1 and due to misunderstanding arose between the accused and PW1 and PW1 alone separated from him, which



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has lead to the commission of crime, this Court is of the view that there is no reason warranting interference with the findings of the Trial Court with regard to the guilty under Section 307 IPC. The punishment of life imprisonment imposed by the Trial Court for the offence under Section 307 IPC is unwarranted and therefore, this Court modifies the said punishment to one of imprisonment for 7 years for the offence under Section 307 IPC. In all other respects the judgment of the Trial Court shall stands confirmed.

12. In the result, *this Criminal Appeal stands partly allowed* and the judgment of conviction and sentence passed by the learned Sessions Judge, Mahila Court, Chennai dated 25.03.2021 in SC.No.41/2016 is modified as under:

Sl. No.	Conviction and Sentence awarded by the Trial Court	Conviction and Sentence modified by this Court
1	Section 341 IPC – Simple	Judgment of the Trial Court



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Sl. No.	Conviction and Sentence awarded by the Trial Court	Conviction and Sentence modified by this Court
	Imprisonment for one month.	stands confirmed.
2	Section 307 IPC – Imprisonment for life with a fine of Rs.5,000/- in default to undergo simple imprisonment for one month.	Sentence is modified to 7 years imprisonment. Fine amount stands confirmed.

Consequently, connected miscellaneous petition is closed.

(N.S.K.,J.)

(M.J.R.,J.)

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Jvm

Index : yes/no

Speaking /Non speaking Order

To

1. The Inspector of Police,
R.4, Soundarpandiyanar Ankady Police Station,
Thiagaraya Nagar, Chennai-600 017.
(Crime No.1783 of 2015)

N. SATHISH KUMAR, J.

and

M.JOTHIRAMAN, J.



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2. The Sessions Judge,
Mahila Court, Chennai.
3. The Additional Public Prosecutor,
High Court, Madras.

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