



*Crl.A.Nos.523 of 2023 and 1646 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2025

CORAM

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

**Crl.A.Nos.523 of 2023 and 1646 of 2024**

**Crl.A.No.523 of 2023:-**

1. Arumugam  
2. Kuppuraj

... Appellants

Vs

State Represented By  
Inspector of Police,  
B-9 , Saravanampatty Police Station,  
Coimbatore District.  
(Cr.No.87 of 2014)

...Respondent

**PRAYER :** Criminal Appeal has been filed under Section 374(2) of Code of Criminal Procedure, to set aside the conviction and sentence imposed on the appellant by the I Additional District and Sessions Judge, Coimbatore in SC.No.196 of 2015 by a Judgment dated 23.03.2023 by allowing this Appeal.

For Appellants : Mr.K.Balasubramaniam

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

**Crl.A.No.1646 of 2024:-**

Sathish

... Appellant

Vs

State Represented By



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Inspector of Police,  
B-9 , Saravanampatty Police Station,  
Coimbatore District.

(Cr.No.87 of 2014)

...Respondent

**PRAYER :** Criminal Appeal has been filed under Section 374(2) of Code of Criminal Procedure, to set aside the judgment and order dated 23.03.2023 in Sessions Case No.196 of 2015 on the file of I<sup>st</sup> Additional District and Sessions Judge, Coimbatore.

For Appellant : Mr.K.Prabhakaran

For Respondent : Mr.S.Raja Kumar

Additional Public Prosecutor

### **COMMON JUDGMENT**

These Criminal Appeals have been filed as against the order passed in Sessions Case No.196 of 2015 dated 23.03.2023 on the file of the I<sup>st</sup> Additional District and Sessions Judge, Coimbatore, thereby convicting the appellants for the offences punishable under Sections 341 and 323 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

2. Both the appeals have been filed by A1 to A3. The case of the prosecution is that A1 to A3 are Auto Drivers and they are attached to Siva Hospital auto stand, Sathy Road at Ganapathy, Coimbatore. A group of persons joined together in Coimbatore in the name of “Makkal Auto” and started plying auto rickshaw from 12.02.2014 at the fare fixed by the Government which was cheaper than the fares of the other auto rickshaws. The other auto rickshaw



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drivers suffered professional loss and developed enmity as against Makkal Auto

Drivers and their auto rickshaws. While being so, on 15.02.2014, the victim was plying his auto rickshaw and while returning from Saravanampatti after dropping the customers in his auto rickshaw, the accused had confronted the victim and warned him not to ply his Makkal Auto in the area of the accused. On 17.02.2014 at about 12 noon, the victim dropped his customer near BSNL Office, Ganapathy and on seeing the same, all the accused persons came there and attacked the victim with stone. Fortunately, the victim escaped from the assault. However, the accused had damaged the auto, thereby causing damage to the tune of Rs.9400/-. Hence, the complaint.

3. On receipt of the complaint, the respondent registered FIR in Crime No.87 of 2014, for the offences punishable under Sections 341 and 307 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. After completion of investigation, final report was filed and the same was taken cognizance by the Trial Court in Sessions Case No.196 of 2015.

4. In order to bring home the charges, the prosecution had examined PWs.1 to 9 and marked Exs.P1 to 12. The prosecution had also produced a material objects and the same were marked as M.O.1 and M.O.2. On the side of



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the accused, no one was examined and no document was marked. On perusal of

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oral and documentary evidence, the Trial Court found the first accused guilty for the offence punishable under Section 341 of IPC and sentenced to undergo one month simple imprisonment and found guilty for the offence punishable under Section 323 of IPC and sentenced to undergo three months simple imprisonment. He was also found guilty for the offence punishable under Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.1000/-, in default to undergo six months simple imprisonment. The second accused was found guilty for the offence punishable under Section 341 of IPC and sentenced to undergo one month simple imprisonment and also found guilty for the offence punishable under Section 323 of IPC and sentenced to undergo three months simple imprisonment. The third accused was found guilty for the offence punishable under Section 341 of IPC and sentenced to undergo one month simple imprisonment and found guilty for the offence punishable under Section 323 of IPC and sentenced to undergo three months simple imprisonment. He was also found guilty for the offence punishable under Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.1000/-. Aggrieved by the same, the present appeal.



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5. The learned counsel for the appellants would submit that there was a dispute between the auto drivers in respect of collecting fares. Due to which, there was wordy quarrel between the accused and the victim. The victim did not sustain any injury. There was damage only to the auto to the tune of Rs. 9400/-. They are ready and willing to pay the compensation for the damage caused to the auto.

6. A perusal of records revealed that one of the passengers was examined as PW.1. PW.1 deposed that when he was getting down from the auto, which was driven by the victim, the appellants disturbed stating that the victim should not board passengers from their stand. They also attempted to attack the victim and also caused damage to the auto by pelting stones. PW.2 was only a hearsay witness, as he heard about the dispute between the accused and the victim. The victim was examined as PW.9. He deposed that all the three accused persons attacked him indiscriminately and also caused damage to his auto. The victim went to the hospital and the Accident Register was marked as Ex.P7. It revealed that the victim was attacked by unknown persons by using hands. He did not even mention that he was attacked with stones. Whereas, a perusal of his deposition revealed that he knew the accused even before the



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occurrence, as two days before the date of the alleged occurrence, viz.,

15.02.2014 itself, the accused persons had warned him not to ply his “Makkal Auto” in their area. Further, the victim had gone to the hospital by himself. Whereas in the deposition, he deposed that he was brought to the hospital by two other persons. However, he was not subjected to any treatment since he did not sustain any injury. The photographs of the damaged auto was marked as Ex.P4. A perusal of Ex.P4 revealed that the windshield of the auto was damaged by the appellants herein. Except the damage caused to the auto, there is no other overtact as against the appellants.

7. Therefore, the prosecution failed to prove the charges beyond any reasonable doubt and the conviction and sentence imposed by the Trial Court for the offences punishable under Sections 323 and 341 of IPC cannot be sustained and are liable to be aside. Insofar as the offence punishable under Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 is concerned, this Court is inclined to confirm the conviction under Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. The appellant caused damage only to the windshield worth about Rs.9400/-. Further, the appellants also are ready and willing to pay some compensation for the damage caused to the auto.



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8. In view of the above, the conviction and sentence imposed on the appellants for the offences punishable under Sections 323 and 341 of IPC is hereby set aside as against all the accused. Insofar as the offence punishable under Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 is concerned, the conviction is hereby confirmed as against A1 and A3 and the sentence is hereby modified to the period of sentence which were already undergone by A1 and A3 and A1 and A3 are directed to pay compensation of Rs.5000/- (Rupees Five Thousand only), each, directly to PW.3 who owned the auto, within a period of four weeks from the date of receipt of a copy of this order and produce the acknowledgment before the first respondent, failing which the order of sentence imposed by the Trial Court stands automatically restored. The respondent is directed to secure A1 and A3, in order to undergo remaining period of sentence.

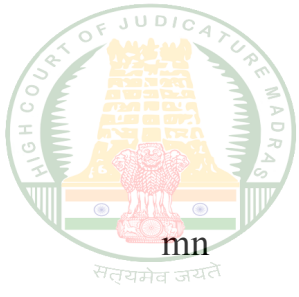
9. In the result, these Criminal Appeals are partly allowed.

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Speaking order/Non-speaking order

Index :Yes/No

Internet :Yes/No



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To

1. The Ist Additional District and Sessions Judge,  
Coimbatore.
2. The Inspector of Police,  
B-9 , Saravanampatty Police Station,  
Coimbatore District.
3. The Public Prosecutor,  
High Court, Madras.



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**G.K.ILANTHIRAIYAN, J.**

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