



Criminal Appeal No.663 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.11.2025

CORAM:

THE HONOURABLE Mr.JUSTICE G.ARUL MURUGAN

Criminal Appeal No.663 of 2022

Poonga @ Ananda Kumar

.. Appellant

Vs

State represented by
The Inspector of Police,
Walajah Police Station,
Vellore District
(Cr.No.572 of 2012)

..Respondent

Prayer: Criminal Appeal filed under Section 374(2) of Cr.P.C. against the judgment dated 31.07.2019 in Special Case No.145 of 2014 on the file of the learned II Additional District and Sessions Judge, Vellore @ Ranipet, Vellore District.

For Appellant : Mr.V.Rajamohan

For Respondent : Mr.J.Subbiah

Government Advocate (CrI.Side)

JUDGMENT

The appeal is filed challenging the judgment dated 31.07.2019 in Special Case No.145 of 2014 on the file of the learned Additional District and Sessions Judge, Vellore @ Ranipet, Vellore District.



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2. The appellant was convicted by the trial court and sentenced as follows;

<i>Penal Provisions</i>	<i>Sentence of Imprisonment</i>	<i>Fine Amount</i>
<i>304(ii) of IPC</i>	<i>10 Years Rigorous Imprisonment</i>	<i>Rs.2,000/- in default to undergo three months simple imprisonment</i>

3. It is the case of the prosecution that the deceased Natarajan was a mason and on 08.07.2012, he did not go for mason work and stayed back at home. The deceased had the habit of consuming liquor. PW1/wife of the deceased had left for work under the 100 day employment scheme at 10.30.am. At around 2.00 p.m, she got an intimation that her husband, Natarajan was taken to the Government Walaja Hospital. When PW1 reached the hospital, her husband was found dead. There were bloodstains in his mouth and his neck was swollen. PW1 was informed that around 01.00pm there was a quarrel between her husband and the accused under a neem tree near the village pond. During the quarrel, the accused hit the deceased with his fist on the nose and the deceased fell down. PW2 to PW5, who were present at the scene of occurrence, had intervened in the



dispute and tried to pacify the accused. However, the accused again attacked the deceased by stamping on the neck with his foot. Immediately, the deceased was taken to the hospital where PW9/Doctor, on examination, reported him to have been brought dead.

4. PW1 made a complaint/Ex.P1 stating that she had a doubt about the death of her husband. Upon receipt of Ex.P1, the Sub-Inspector of Police/PW11 registered the FIR under Section 174 Cr.P.C and later, it was altered to Section 302 of I.P.C. The statements of PW1 to PW6 were recorded under Section 161 Cr.P.C and the accused was arrested in the presence of PW7 and PW8. Upon completion of the investigation, PW10 filed the final report.

5. The learned Judicial Magistrate-II, Walajah, took up the case, issued summons, complied with Section 207 of Cr.P.C. Since the offence is triable exclusively by a Court of Session, committed the case to the Sessions Court under Section 209(a) of Cr.P.C. On committal, trial court framed charge under Section 302 of I.P.C. When questioned, the accused pleaded not guilty and stood trial.



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6. To prove the charges, the prosecution examined PW1 to PW11 and marked Exhibits P1 to P14. On completion of the prosecution evidence, the accused was questioned under Section 313 Cr.P.C., about the incriminating materials available. But, he denied the charges. However, no witness has been examined nor any exhibit marked on the side of the accused.

7. The trial court, upon considering the evidence and arguments and finding that the act falls under exception to Section 300 of IPC, convicted the appellant under Section 304(ii) of IPC and imposed the sentence as stated supra. Assailing the conviction and sentence imposed, the accused has preferred the above appeal.

8. Mr.V.Rajamohan, learned counsel for the appellant would argue that the actual occurrence itself has not been established beyond reasonable doubt and in fact, even as per the complaint/Ex.P1, PW1 has stated that only she had some doubt about the death of her husband. He



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further submitted that the evidence of the alleged eye witnesses/PW2 to PW5 is neither clear nor cogent and therefore, they are unreliable and untrustworthy to convict the accused based on their testimony. The presence of the deceased's brother, who is alleged to have taken the deceased to the hospital, has not been established, as the prosecution has failed to examine him.

9. The learned counsel, by pointing out the evidence of PW9/Doctor, submitted that the injury found on the deceased could have been caused by a fall on a hard surface. Considering the fact that the deceased was already an alcoholic and was in an inebriated condition, the trial court has not considered these aspects and merely convicted the appellant based on assumptions. The prosecution has not proved beyond reasonable doubt that the accused caused the injuries which had resulted in the death of the deceased. On the quantum of sentence, the learned counsel submitted that it was only a wordy quarrel and there was no previous enmity between the parties. The entire sequence took place in a fit of anger due to the provocation made by the deceased about the wife of the accused. Further, since the injury was not caused by any weapon, the



sentence imposed on the appellant is too harsh and not proportionate to the facts of the case.

10. The learned Government Advocate (Crl.Side) appearing for the respondent/State would argue that the prosecution, by examining the eye witnesses PW2 to PW5, had proved the charges beyond reasonable doubt. The evidence of the eye witnesses are cogent and clear which establishes the guilt of the accused. The evidence of PW9/Doctor coupled with the post-mortem certificate (Ex.P6) proves the injuries found on the deceased, particularly on the neck and near the ear. It has also been established that the death was caused due to these injuries. The presence of the accused and the quarrel in which he had caused the injuries, that resulted in the death of the deceased, had also been established. Even though there was no provocation on the part of the deceased, the accused still caused the fatal injury by stamping on the neck of the deceased. Knowing well that such an act would result in death, the accused committed the offence, which has been rightly appreciated by the trial court and the conviction and sentence



imposed requires no interference.

11. Considered the rival submissions of the learned counsel for the appellant and the learned Government Advocate (Criminal Side) appearing for the State and perused the materials available on record.

12. PW1 had left the house on 08.07.2012 at 08.30 am for her work, under the 100 days employment scheme. PW1's husband, the deceased, who was a mason, did not go for work and stayed back at house on that day. It is admitted that the deceased had the habit of consuming alcohol. On the fateful day, the deceased along with the accused and PW2 to PW5 had gone near the village pond and spent time under a neem tree.

13. The deceased, who was drunk and in an inebriated condition, was talking on his own irrelevantly. Due to intoxication, the deceased is alleged to have said something about the wife of the accused. When the deceased commented that the wife of the accused was a lunatic, the accused got enraged, which resulted in a quarrel between the accused and the deceased. The accused, on getting annoyed, had hit the deceased on



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the nose with his fist. Due to the blow of the accused, the deceased got injured and fell down and blood oozed out from his mouth.

14. PW2 to PW5, who were present along with the accused and the deceased, had witnessed the entire sequence of events at the place of occurrence. Even though there was no provocation on the part of the deceased after he had fallen down due to the injury caused by the accused and despite PW2 to PW5 having intervened and pacified the issue, the accused had again stamped on the neck of the deceased with his foot. It is the consistent evidence of the eyewitnesses PW2 to PW5 that immediately after the accused stamped on the neck of the deceased, the deceased lost consciousness. He was immediately taken to the hospital in an auto, where he was reported to have been brought dead.

15. The evidence of PW2 to PW5 even though there are minor discrepancies in respect of the sequence of events, but the testimony is cogent and clear to inspire confidence of this court that in the quarrel, the accused had hit the deceased and caused an injury on his nose. Even when there was no further provocation on the part of the deceased, still the



accused had went ahead and made further injury by stamping on his neck.

Nothing has been elicited in the cross examination of PW2 to PW5 and the injury caused by the accused stands proved.

16. PW9/Doctor, who had examined the deceased, has stated that the deceased was brought dead to the hospital. He has categorically stated that there was an injury found on the neck and near the ear of the deceased apart from other injuries. As per the post-mortem certificate-Ex.P6, the following are the injuries sustained by the deceased.

- (i) 4x½, 4x½ cm scratch mark at side neck*
- (ii) 3x3 cm swelling at angle of mandible*
- (iii) 3x4 cm swelling at side neck*
- (iv) 4x4 cm abrasion below right ear,*
- (v) ENT bleed, serum discharge, and fingernail cyanosis.*

17. From the evidence of PW9 and Ex.P6, the injuries found on the neck of the deceased and near the ear are established, which resulted in the death of the deceased. These injuries were caused by the accused, which has been proved through the eye witnesses, PW2 to PW5.



18. From the evidences available, it is clear that the deceased, who was intoxicated had said something badly about the wife of the accused, due to which the accused got annoyed and in a sudden provocation, had hit the deceased and caused injuries. The deceased sustained injury on his nose and fell down and there was bleeding from his nose. Even in the absence of any further provocation and despite PW2 to P5 intervening and pacifying the issue, the accused went ahead and caused further injury on the neck of the deceased, which ultimately resulted in his death.

19. The trial court, having rightly analysed the evidence, had convicted the appellant under Section 304(ii) of I.P.C. No irregularity or any perversity have been pointed by the appellant and further, this Court on reappraisal of the entire materials does not find any ground to interfere with the decision of the trial court in convicting the appellant.

20. On the sentence imposed, the learned counsel for the appellant argued that the entire sequence of events occurred only due to sudden provocation arising out of a wordy quarrel and that there was no previous enmity. The accused had not used any weapon to inflict any grievous



injury on the deceased and therefore, the sentence imposed is harsh and excessive.

21. From the evidence of PW2 to PW5, it is clear that the deceased, who was intoxicated due to consumption of alcohol, had uttered badly about the wife of the accused. In a fit of rage and sudden provocation, the accused had assaulted the deceased with his hands and foot, which resulted in the injury.

22. Though the injury caused by the accused resulted in the death of the deceased, still, considering the mitigating circumstances that the entire occurrence arose out of a wordy quarrel which started due to the instigation of the deceased commenting abusively about the wife of the accused in an inebriated condition, there was no previous enmity or premeditation and it all happened due to the provocation at the heat of the moment and further no weapon or any material was used by the accused to cause the injury and further on considering the age of the accused, this Court is of the considered opinion that, while confirming the conviction of



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the appellant, the sentence of imprisonment imposed could be modified.

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23. Accordingly the sentence is reduced from ten years rigorous imprisonment to a period of five years rigorous imprisonment. The sentence of fine is confirmed. Any sentence already undergone by the accused shall be set off against the substantive sentence under Sec.428 of Cr.P.C. The trial court shall secure the accused to serve the remaining period of sentence.

24. In the result, the Criminal Appeal stands partly *allowed*.

07.11.2025

Speaking order

Index : Yes

Neutral Citation : Yes

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12/14



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To

- 1.The Additional District and Sessions Judge,
Vellore @ Ranipet, Vellore District.
- 2.The Inspector of Police,
Walajah Police Station,
Vellore District.
- 3.The Public Prosecutor,
High Court, Madras.



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G.ARUL MURUGAN,J.

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