



CrI.R.C.No.1021 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

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

CrI.R.C.No.1021 of 2023

Karthick

..... Petitioner

Vs

The State represented by
The Inspector of Police,
Sendhamanglam P.S.,
Namakkal District
(crime No.405 of 2014)

..... Respondent

PRAYER:

Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C., praying to allow the above criminal revision petition and thereby set aside the conviction imposed in the judgment dated 20.04.2023 made in CA.No.88 of 2021 on the file of the Sessions Judge, Special Court for Trial of Cases registered under ST/ST(POA) Act, Namakkal, partly confirming the conviction imposed in judgment dated 17.08.2021 made in SC.No.33 of 2016 on the file of the Chief Judicial Magistrate, Namakkal by allowing this criminal revision petition.

For Petitioner : Mr.D.Mario Johnson

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

ORDER

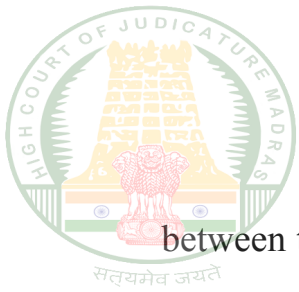


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This criminal revision case has been filed against the judgment dated 20.04.2023 passed in CA.No.88 of 2021 on the file of the Sessions Judge, Special Court for Trial of Cases registered under ST/ST(POA) Act, Namakkal, thereby modified the conviction and sentence imposed by the trial court to undergo 5 years rigorous imprisonment and to pay fine of Rs.5,000/-, in default, to undergo one month simple imprisonment under Section 326 of IPC into conviction and sentence to undergo 3 years rigorous imprisonment and to pay fine of Rs.2,000/-, in default, to undergo three months simple imprisonment under Section 324 of IPC.

2. The case of the prosecution was that on receipt of information from hospital on 23.12.2014, the respondent went to Sendhamangalam Government Hospital and registered FIR in crime No.405 of 2014 for the offence punishable under Sections 294(b), 323 & 307 of IPC alleging that the brother of the defacto complainant had proposed to sell custard apple tree wood to the second accused for a sum of Rs.1,000/-. The second accused had cut the tree and had taken away the trees and paid only a sum of Rs.500/- and refused to pay the remaining amount. Therefore on 23.12.2014, when the defacto complainant and his brother were standing near an auto stand, the accused came there. Immediately, the complainant asked for balance money and due to which, there was quarrel



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between them. Thereafter, they left that place. At about 5 p.m., on the same day

both the accused once again came to the scene of occurrence and started to beat the complainant. The first accused assaulted him with a knife by stabbing him on his stomach. Immediately he was taken to hospital and he was given first aid at Sendhamangalam Government Hospital and thereafter he was taken to Namakkal Government Hospital. Thereafter, he was once again taken to Government Hospital, Salem for further medication. However, the victim was not interested to take treatment at Government Hospital and he was admitted in a private hospital at Namakkal. After completion of investigation, final report was filed and the accused were charged under Sections 294(b), 326, 307 r/w 34 of IPC.

3. In order to bring the charges to home, the prosecution had examined PW1 to PW14 and marked Ex.P1 to Ex.P14. The prosecution produced a material object as M.O.1. On the side of the accused, they had examined DW1 and marked Ex.D1 and Ex.D2. On perusal of oral and documentary evidences, the trial court acquitted the second accused. However, the first accused was found guilty for the offence punishable under Section 326 of IPC and he was sentenced to undergo five years rigorous imprisonment and to pay fine of Rs.5,000/-, in default, to undergo one month simple



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imprisonment. Aggrieved by the same, the first accused preferred criminal

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appeal. The appellate court modified the conviction and sentence to undergo 5 years rigorous imprisonment and to pay fine of Rs.5,000/-, in default, to undergo one month simple imprisonment under Section 326 of IPC into conviction and sentence to undergo 3 years rigorous imprisonment and to pay fine of Rs.2,000/-, in default, to undergo three months simple imprisonment under Section 324 of IPC. Aggrieved by the said judgment, the first accused has preferred this criminal revision case.

4. The learned counsel for the petitioner would submit that there was quarrel between both the defacto complainant and the first accused. In fact, the defacto complainant was the one who started the quarrel by attacking the petitioner's father by iron rod and wooden log. Immediately the petitioner, in order to protect his father, intercepted and as such, he sustained injuries on his right hand. Immediately both were taken to hospital and accident registers were recorded. Their wound certificates were marked as Ex.D1 and Ex.D2. The doctor who treated the petitioner's father was examined as PW1. However no case was registered against the defacto complainant though information was duly sent to the respondent police. Hence, it is fatal to the case of the prosecution. Further, there were full of contradictions between the prosecution



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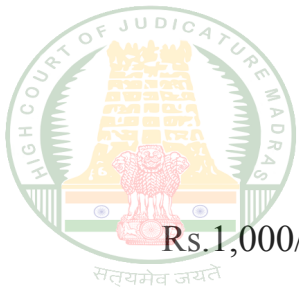
witnesses and the prosecution failed to prove any charge beyond any doubt. As

such, the benefit doubt would go in favour of the petitioner herein.

5. Per contra, the learned Government Advocate(crl.side) appearing for the respondent submitted that the prosecution, in order to bring the charges to home, had examined PW1 to PW14 and marked documents. The defacto complainant was examined by PW8 to PW10. They declared that the injury sustained by the defacto complainant was grievous one. In fact, the petitioner stabbed the defacto complainant on his stomach. In order to escape from the clutches of law, the petitioner injured himself as if the defacto complainant attacked him and set up a counter case. Therefore, the trial court rightly disbelieved the case of the petitioner and rightly convicted him. Hence, the order of conviction does not warrant any interference by this Court.

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

7. Admittedly, there were two accused in crime No.405 of 2014 registered for the offence under Sections 294(b), 307 r/w 34 of IPC. The first accused is the son of the second accused. The second accused had purchased custard apple trees wood from the defacto complainant's brother for a sum of

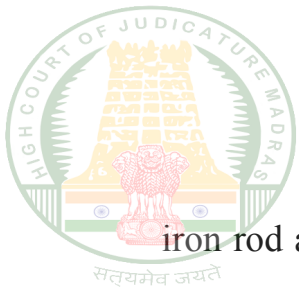


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Rs.1,000/-. However, after cutting the trees, he was paid only a sum of Rs.500/-

and he was refused to be paid the balance amount of Rs.500/-. Therefore, when it was questioned by the defacto complainant, there was quarrel between them on 23.12.2014. Once again, on the same day at about 5.00 p.m., they quarrelled with each other and attacked each other. The petitioner herein stabbed the defacto complainant on his stomach. Therefore, he sustained grievous injuries. At the same time, the defacto complainant attacked the petitioner's father with a wooden log and also an iron rod. The petitioner intercepted and in order to protect his father, he sustained injuries on his right hand. Immediately, the petitioner was taken to hospital, where DW1 examined him after recording accident register of both the petitioner and his father. Both the accident registers were marked as Ex.D1 and Ex.D2. On perusal of Ex.D1 and Ex.D2, it is revealed that they were recorded by a government doctor, while he was in duty and there is absolutely no dispute to disbelieve the same. Though it was also duly informed to the respondent, no counter case was registered by the respondent. Therefore, it is fatal to the case of the prosecution.

8. Further, while remanding the petitioner, he categorically stated before the learned Magistrate and the same was recorded that the defacto complainant was the one who started assaulting the petitioner's father with an



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iron rod and in order to protect him, the petitioner intercepted and he sustained

injury on his right hand. He suffered a cut injury. Even then, the learned

Magistrate did not take any step to register any counter complaint against the

defacto complainant. The defacto complainant was examined as PW1. Other

eye witnesses were examined. Their evidences are contradictory to each other.

According to PW1, the petitioner attacked him with a knife. As far as PW2 and

PW3 are concerned, the defacto complainant was assaulted by the petitioner

using wooden log. Further, PW1 deposed that blood-stained clothes were

handed over to the respondent. However, the respondent failed to produce the

same as material objects. Further, where one of the accused is proved to have

sustained injury in the course of the same occurrence, the non explanation of

such injuries by the prosecution is manifest defect in the prosecution case. It

shows that the origin and genesis of the occurrence had been deliberately

suppressed which leads to the irresistible conclusion that the prosecution has not

come out with a true version of the occurrence. In the case on hand, the trial

court did not believe the case of the petitioner that he sustained injury during the

very same occurrence for the simple reason that there were contradictions in the

depositions of PW1 and PW2.

9. On perusal of deposition DW1, it was clear that the petitioner was



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assaulted by the defacto complainant and as such he sustained grievous injuries.

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It is also corroborated from the remand report of the petitioner. Therefore, it is fatal to the case of the prosecution. As such, the impugned judgments cannot be sustained and the same are liable to be set aside. Accordingly, the judgment dated 20.04.2023 passed in CA.No.88 of 2021 on the file of the Sessions Judge, Special Court for Trial of Cases registered under ST/ST(POA) Act, Namakkal and the judgment dated 17.08.2021 passed in SC.No.33 of 2016 on the file of the Chief Judicial Magistrate, Namakkal, are set aside. The petitioner is directed to be set at liberty forthwith unless his custody is otherwise required in connection with any other case. The petitioner is acquitted of all the charges for the offences under Sections 326 & 324 of IPC. The bail bond, if any executed by the petitioner, shall stand cancelled. Fine amount, if any paid, shall be refunded to the petitioner forthwith.

10. In the result, this criminal revision case stands allowed.

18.08.2025

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

1.The Sessions Judge, Special Court for Trial of Cases registered under
ST/ST(POA) Act, Namakkal,

The Chief Judicial Magistrate, Namakkal

3.The Inspector of Police,

Sendhamanglam P.S.,

Namakkal District

4.The Public Prosecutor,

High Court of Madras

G.K.ILANTHIRAIYAN, J.

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