



Crl.A.No.673 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

CORAM :

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

Crl.A.No.673 of 2023

1.Suresh
2.Iyyanar

... Appellants

Vs

1.The State by,
Deputy Superintendent of Police,
Villupuram Sub Division,
Villupuram District.
(Crime No.94 of 2015)

2.Kavirajan

... Respondents

Prayer: Criminal Appeal filed under Section 374 of Cr.P.C. r/w Section 14A(1) of SC & ST Act, pleaded to set aside the conviction and sentence imposed on the appellants by the judgment dated 02.06.2023 passed in S.C.No.53 of 2018 on the file of Sessions Judge/Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram.

For Appellants : Mr.M.Guruprasad
for M/s.R.Sudhakar

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor [R1]
M/s.M.Saral
Legal Aid Counsel [R2]

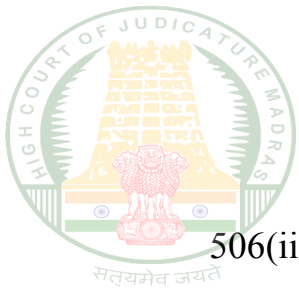


Crl.A.No.673 of 2023

JUDGMENT

WEB COPY This Criminal Appeal has been preferred as against the judgment dated 02.06.2023 passed by the learned Sessions Judge/Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram.

2. The case of the prosecution is that on 14.04.2015, when the accused were playing cricket in the vacant land of one Manickam, P.W.1 and P.W.2 asked to include them in the cricket at about 06.30 p.m. Immediately, the accused scolded them in a filthy language by abusing their caste name and attacked them with cricket stumps and pen knife. Therefore, P.W.1 and P.W.2 sustained injuries and were taken to hospital. On the complaint, the 1st respondent registered an FIR in Crime No.94 of 2015 for the offences punishable u/s 294(b), 324, 506(ii) of IPC r/w 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act. After completion of investigation, a final report was filed before the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram and the same was taken cognizance in S.C.No.53 of 2018 for the offence punishable under Sections 294(b), 324,



Crl.A.No.673 of 2023

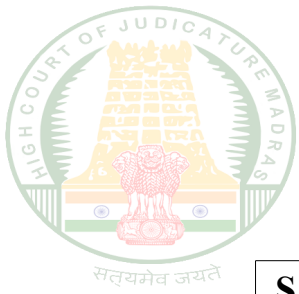
506(ii) of IPC r/w 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment

WEB COPY Act.

3. To bring the charges to home, the prosecution had examined 19 witnesses as P.W.1 to P.W.19 and marked 17 documents as Ex.P.1 to Ex.P.17. The prosecution also produced material object in M.O.1. On the side of the accused, no witnesses were examined nor any documents were marked.

4. On perusal of the oral and documentary evidence, the Trial Court found the appellants guilty and they have been convicted and sentenced as under :

S. No.	Conviction (A1)	Sentence
1.	Section 294(b) of IPC	to undergo three months simple imprisonment.
2.	Sections 3(1)(r) of SC/ST (POA) Amendment Act	to undergo three months simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo three weeks simple imprisonment.
3.	Section 3(1)(s) of SC/ST (POA) Amendment Act	to undergo three months simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo three weeks simple imprisonment.



Crl.A.No.673 of 2023

WEB COPY

S. No.	Conviction (A2)	Sentence
1.	Section 324 of IPC	to undergo three years rigorous imprisonment.
2.	Section 3(2)(va) of SC/ST (POA) Amendment Act	to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo six months simple imprisonment.

The Trial Court also held that the period of imprisonment already undergone by the accused either as remand prisoner or under trial prisoner shall be set off u/s 428 Cr.P.C. The sentence of imprisonment was ordered to run concurrently. Aggrieved by the same, the present Criminal Appeal has been filed.

5. The learned counsel appearing for the appellants would submit that the prosecution failed to prove the charges beyond any doubt. There are inconsistencies between the evidences of P.W.1 to P.W.4. According to P.W.1, as per Accident Register, he did not know the identity of any of the accused, but P.W.2 says that they were attacked by five known persons. Further, as per FIR, there are totally four accused. Though injured witness categorically deposed that one Utharavel caused injury by pen knife on his leg, the prosecution did not file any charge sheet as



Crl.A.No.673 of 2023

against A3 and A4, but filed charge sheet only against A1 and A2, who are the appellants herein, which is fatal to the case of the prosecution.

Further, the doctor, who treated P.W.1 and P.W.2, was not examined by the prosecution. The doctors, who treated the appellants were examined as P.W.12 and P.W.16. They also did not support the case of the prosecution. That apart, both P.W.1 and P.W.2 were under the influence of alcohol at the time of alleged incident. The injuries are also simple in nature and all are lacerated wounds. It might have happened due to falling down in the drunken mode. Even according to the evidences of P.W.1 to P.W.4, the occurrence was taken place in a private land and not in the public place. Therefore, the prosecution miserably failed to prove any of the charges and even then, the Trial Court mechanically convicted the appellants, which is *per se* unsustainable. Accordingly, he prays for allowing this appeal.

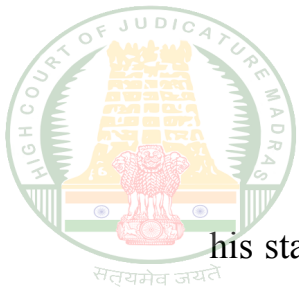
6. *Per contra*, learned Additional Public Prosecutor submitted that P.W.1 and P.W.2 are injured eye-witnesses and P.W.3 and P.W.4 are eye-witnesses to the occurrence. They categorically deposed that P.W.1 and P.W.2 were attacked by the appellants. It is also corroborated by the evidence of doctors, who were examined as P.W.12 and P.W.16. Though



there are minor discrepancies, it would not be fatal to the case of the prosecution. The accused scolded the victims by abusing their caste name and also attacked them. Therefore, the prosecution categorically proved the charges framed against the appellants and the Trial Court rightly convicted the appellants, which does not warrant any interference by this Court. Accordingly, he prays for dismissal of appeal.

7. Heard the learned counsel appearing on either side and perused the materials available on record.

8. Admittedly, on 14.04.2015 at about 06.00 p.m., P.W.1 to P.W.4 consumed alcohol and went to the vacant land belonging to one Manickam, where the appellants were playing cricket. P.W.1 and P.W.4 asked them to include them to play cricket along with them. At that juncture, the appellants scolded them in a filthy language and also by using their caste name and attacked them by using cricket stump. Though FIR was registered as against four accused, after completion of investigation, the respondent filed final report only against two accused, the appellants herein. One of the injured witness was examined as P.W.1, who deposed that he did not know about the appellants. Further, as per



Crl.A.No.673 of 2023

his statement, one Utharavel caused injury on his leg by using pen knife.

WEB COPY

It is also corroborated by the evidences of P.W.3 and P.W.4, but P.W.1 stated that the 1st accused caused injury on his right leg by using pen knife. This material contradiction is fatal to the case of the prosecution. That apart, the prosecution did not seize the alleged pen knife from the accused. Another injured was examined as P.W.2, who deposed that known persons have attacked them. He also admitted that previous to the said occurrence, they used to play cricket jointly. He deposed that A2 attacked him with cricket stump on his head. Further, the said Utharavel caused injury by pen knife on P.W.1's right leg. Therefore, his evidence is completely contradictory to the evidence of P.W.1. Though all the witnesses deposed that one Utharavel caused injury by using pen knife on the right leg of P.W.1, the prosecution failed to implead him as a accused in this case. Further, P.W.1 and P.W.4 were under the influence of alcohol at the time of occurrence. The doctor, who treated P.W.1 and P.W.2 was not examined by the prosecution. One Velmurugan recorded the Accident Register and issued wound certificate. Insofar as P.W.2 is concerned, he recorded that P.W.2 was taken to hospital and stated that he was attacked by known persons by using cricket stump while playing cricket. He did not whisper that the accused persons scolded in a filthy

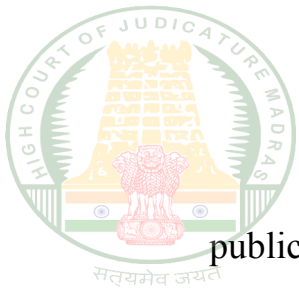


CrI.A.No.673 of 2023

WEB COPY

language by abusing their caste name. Further, he was under the influence of alcohol. He was brought to the hospital on 14.04.2015 at about 06.30 p.m. P.W.1, another injured was taken to hospital at 08.25p.m. to the very same hospital on 14.04.2015. He was treated by another doctor one Sankar and recorded Accident Register. He stated that they were attacked by known persons with pen knife and P.W.1 was also under the influence of alcohol. Both the reports are completely contradictory to the evidence of P.W.1 in respect of persons known to them and also the way in which they assaulted them. The prosecution did not seize any pen knife except the cricket stump. Therefore, P.W.12 and P.W.16 also failed to support the case of the prosecution. The injury sustained by P.W.1 on his right leg not proved as against the appellants. Therefore, the prosecution miserably failed to prove the charge u/s 294(b) and 324 of IPC.

9. Insofar as the offence under the SC/ST (POA) Amendment Act are concerned, admittedly, the occurrence took place in the private land owned by one Manickam. It is not the case of the prosecution that there were public at the scene of occurrence. Even according to P.W.1 to P.W.4, they asked the appellants to play cricket along with them. Therefore, the alleged occurrence did not take place in front of any



Crl.A.No.673 of 2023

public. Hence, the prosecution failed to prove any charge under the SC/ST (POA) Amendment Act.

10. In criminal jurisprudence, the burden is always on the prosecution to prove its case beyond reasonable doubt. When two views are possible and the one favourable to the accused is equally plausible, the benefit of doubt must necessarily go to the accused. In the present case, the prosecution has failed to discharge its burden convincingly, and the Trial Court failed to properly appreciate the infirmities in the prosecution case. Therefore, the conviction and sentence imposed by the Trial Court in respect of all the charges against the appellants cannot be sustained and are liable to be set aside.

11. Accordingly, the Criminal Appeal stands allowed and the conviction and sentence imposed on the appellants, vide judgment dated 02.06.2023 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Vilupuram in S.C.No.53 of 2018 are hereby set aside. The appellants are acquitted of all charges in S.C.No.53 of 2018 on the file of the learned Sessions



CrI.A.No.673 of 2023

Judge, Special Court for Exclusive Trial of Cases registered under the

WEB COM Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act,

1989, Vilupuram. Fine amount, if any paid, shall be refunded to the appellants forthwith. Bail bonds, if any executed, shall stand cancelled.

18.07.2025

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

To

1.The Sessions Judge/Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram.

2.The Deputy Superintendent of Police,
Villupuram Sub Division,
Villupuram District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



Crl.A.No.673 of 2023

G.K.ILANTHIRAIYAN, J.

sp

Crl.A.No.673 of 2023

18.07.2025