



Crl.A.No.518 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 01.08.2025

CORAM

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

Crl.A.No.518 of 2023

Puratchimani

..... Appellant

Vs

The State represented by
Inspector of Police,
Andimadam Police Station,
Ariyalur District.

Crime No.91 of 2021

..... Respondent

Prayer: Criminal Appeal filed under Section 374(2) of Criminal Procedure Code, praying to set aside the conviction and sentence passed by the learned Fast Track Mahila Court, Ariyalur by a Judgment and order dated 19.07.2022 made in S.C.No.38 of 2021 and to acquit the appellant.

For Appellant : Mr.C.Prabakaran

For Respondent : Mr.S.Raja Kumar

Additional Public Prosecutor

JUDGMENT

This Criminal Appeal has been preferred as against the Judgment dated 19.07.2022 passed in S.C.No.38 of 2021 on the file of the Sessions Judge, Fast Track Mahila Court, Ariyalur, thereby convicted the appellant for the offence punishable under Section 324 of IPC.

2. The case of the prosecution is that on 16.01.2021, a



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wordy quarrel arose between the family of the accused and the family of the complainant with regard to the partition of the ancestral property. At that juncture, the victim went to her parents house and narrated the incident. The appellant came there, abused the victim in filthy language and threatened her with dire consequences, pushed her down and assaulted her with a cement brick. Therefore, the victim sustained injury on her eyebrow.

3. Based on the complaint, the respondent registered an FIR in Crime No.91 of 2021 for the offences under Sections 324, 307 & 294(b) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. After completion of the investigation, a final report was filed and the same was taken cognizance by the Trial Court in S.C.No.38 of 2021.

4. In order to bring home the charges, the prosecution had examined P.Ws.1 to 10 and marked Exs.P1 to P9. The prosecution had also produced M.O.1. On the side of the accused, no witness was examined and no document was marked.

5. On perusal of the oral and documentary evidence, the Trial Court found the appellant guilty of the offence punishable under



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Section 324 of IPC and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for a period of three months. Insofar as the charges under Sections 307 and 394(b) of IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act is concerned, the appellant was acquitted. Aggrieved by the same, the appellant has preferred the present Criminal Appeal.

6. The learned counsel appearing for the appellant would submit that except for the close relatives of the victim, no independent witness was examined, though the occurrence had taken place in a public place. Further, the prosecution failed to prove the motive behind the alleged assault. He further submitted that the defence witness had deposed contra with regard to the place of the occurrence. Further, according to one Doctor, the victim sustained one grievous injury, whereas another Doctor stated that she had sustained two grievous injuries. Thus, there are material discrepancies, and the prosecution has failed to prove its case beyond any reasonable doubt.

7. Per contra, the learned Additional Public Prosecutor appearing for the respondent submitted that the victim, who was



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examined as P.W.1, had deposed that the manner in which the occurrence took place and that the appellant assaulted her with a cement brick, as a result of which she sustained an injury on her left eyebrow. Immediately, she was taken to the hospital, where she was treated by P.W.6-the Doctor. After examining the victim, P.W.6 issued the medical report, which was marked as Ex.P2 and the discharge summary of the victim was marked as Ex.P3. Though no independent witness was examined by the prosecution, the victim, who was examined as P.W.1, had categorically deposed about the occurrence. Therefore, the victim evidence is the best evidence. Hence, the Trial Court rightly convicted the appellant and the conviction does not warrant any interference by this Court.

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

9. Admittedly, all the parties are very close relatives and there was a dispute between them with regard to the partition of the ancestral property. Though the appellant was initially involved in the quarrel, all of a sudden, he came to the spot, interfered with the quarrel, and assaulted the victim with a cement brick. Though the other witnesses

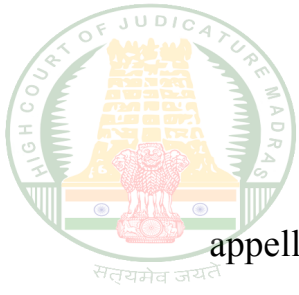


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are close relative of P.W.1, they categorically deposed and corroborated the evidence of P.W.1. Further minor contradictions and discrepancies in their evidence are not fatal to the case of the prosecution.

10. Immediately after the occurrence, the injured was taken to the hospital, where P.W.6 examined her and found that she had sustained injury on her left eyebrow. Further, she also suffered a fracture on her forehead. Accordingly, the injury was declared as grievous in nature and a medical certificate was issued. Further, the Accident Register was marked as Ex.P2. Thereafter, the victim was admitted as in-patient in the hospital and the discharge summary was marked as Ex.P3. Thus, the prosecution has categorically proved the charge for the offence under Section 324 of IPC and the Trial Court rightly convicted the appellant. Insofar as the sentence is concerned, it is noted that the appellant has already undergone incarceration for more than twenty days and has also paid the fine amount.

11. In view of the above, the sentence of imprisonment imposed by the Trial Court is modified from one year rigorous imprisonment to the period of imprisonment already undergone by the



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appellant. Accordingly, this Criminal Appeal is partly allowed.

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

To

1. The Sessions Judge,
Fast Track Mahila Court,
Ariyalur
2. The Inspector of Police,
Andimadam Police Station,
Ariyalur District.ation,
Salem District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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