



Crl.R.C.No.1736 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 18.12.2025**

CORAM:

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

**Crl.R.C.No.1736 of 2023**

Dharmaraj

...Petitioner

-Vs-

The State Rep. By  
The Inspector of Police,  
Veerapandi Police Station,  
Tiruppur District.  
Crime No.408 of 2019

...Respondent

**PRAYER:** Criminal Revision Petition is filed under Sections 397 r/w 401 of Cr.P.C., praying to set aside the judgment, conviction passed against the petitioner in C.A.No.111 of 2022 by the learned Principal District and Sessions, Tiruppur, on 09.08.2023 confirmed the judgment passed by the learned Judicial Magistrate No.IV, Tiruppur, was pleased to convict the petitioner in C.C.No.67 of 2020 dated 02.08.2022.

For Petitioner : Mr.S.Raj Kumar

For Respondent : Dr.C.E.Pratap,  
Government Advocate (Crl.Side)

**ORDER**

The revision challenges the judgment of the learned Principal District and Sessions Judge, Tiruppur, confirming the judgment passed by the learned



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Judicial Magistrate No.IV, Tiruppur, in C.C.No.67 of 2020; convicting the petitioner for the offence under Section 325 of IPC; and sentencing him to undergo simple imprisonment for one year and to pay a fine of Rs.2,000/-, and in default, to undergo simple imprisonment for one month.

2. An FIR was registered on the complaint given by PW1 in Crime No.408 of 2019. The Investigating Officer, PW7, after examination, filed the final report for the offence stated above. The prosecution examined seven witnesses and marked Exs.P1 to P8; the Trial Court found that the petitioner was guilty of the aforesaid offence and acquitted the second accused. The Appellate Court confirmed the conviction and sentence.

3. The learned counsel for the petitioner would submit that PW1 has registered the complaint belatedly, one day after the occurrence; that there are contradictions between the evidence of PW1 as to the manner in which the occurrence took place. He further submitted that the version of the victim insofar as the second accused is concerned was disbelieved by the Courts below; that therefore, the said witness ought not to have been believed insofar as the alleged role played by the petitioner; and hence prayed for setting aside the impugned judgments.



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4. The learned Government Advocate (Crl.Side), per contra, submitted that though the witnesses were disbelieved insofar as the second accused is concerned, the principle of *falsus in uno, falsus in omnibus* is not applicable to our country; and that therefore, the Trial Court and the Appellate Court were right in believing the evidence of PW1 and PW2 insofar as the petitioner is concerned.

5. As stated already, the prosecution has examined seven witnesses. PW1 is the wife of the injured witness, PW2. The other witnesses are formal witnesses; and there is no dispute with regard to the facts deposed by them. The prosecution case rests on the evidence of PW1 and PW2. PW1, who is stated to have lodged the complaint, had denied her signature in the complaint. Be that as it may, it is the version of PW1 that the first accused punched the face of the victim, PW2, and caused bleeding injury on the nose; and thereafter, both the accused kicked the victim with their legs. PW2, the victim, however, gave a different version of the incident. He stated that the petitioner, after attacking him on the nose, threw a stone at his leg; and that the second accused also threw a stone at his leg. The appellant had elicited from the witnesses that there is a civil dispute pending between the petitioner



and PW1 and PW2. The witnesses were also unable to explain the delay in lodging the FIR.

6. In *Marudanal Augusti vs State of Kerala* reported in (1980) 4 SCC 425, the Hon'ble Supreme Court has held that if the FIR is found to be fabricated or brought into existence long after the occurrence, the entire fabric of the prosecution case would collapse. The relevant portion reads as follows:

*“The High Court seems to have overlooked the fact that the entire fabric of the prosecution case would collapse if the FIR is held to be fabricated or brought into existence long after the occurrence and any number of witnesses could be added without there being anything to check the authenticity of their evidence.”*

7. In the present case, apart from the fact that the complaint was lodged belatedly, PW1, who is said to be the complainant, had denied her signature in the complaint. That apart, there are material contradictions in the evidence of PW1 with regard to the manner in which the occurrence took place. All these facts, coupled with the existence of a property dispute between the petitioner and the de facto complainant, suggests that the occurrence had not taken place in the manner alleged by the prosecution. The Courts below have not adverted to the above aspects. Hence, this Court is



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inclined to set aside the judgments passed by the Courts below. The petitioner is acquitted of all the charges. The fine amount, if any, paid by the petitioner shall be refunded. The bail bond, if any, executed shall stand discharged.

8. Accordingly, the above criminal revision petition stands allowed.

**18.12.2025**

cda

To

- 1.The Principal District and Sessions, Tiruppur.
- 2.The Judicial Magistrate No.IV, Tiruppur.
- 3.The Inspector of Police,  
Veerapandi Police Station,  
Tiruppur District.
- 4.The Public Prosecutor,  
High Court, Madras.



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**SUNDER MOHAN, J.**

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