



Crl.A.No.35 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM

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

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Madhesh

... Appellant

Vs

The State represented by,
The Inspector of Police,
Denkanikottai Police Station,
Denkanikottai,
Krishnagiri District.

(Crime No.341 of 2020)

...Respondent

PRAYER : Criminal Appeal has been filed under Section 374(2) of Criminal Procedure Code, to allow this appeal by setting aside the conviction and sentence imposed on him passed by the learned Session Judge, Fast Track Mahila Court, Krishnagiri, Krishnagiri district in SC No.29 of 2021 dated 22.09.2022.

For Appellant : Mr.A.S.Sujith
for Mr.M.P.Saravanan

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

JUDGMENT

This Criminal Appeal has been filed as against the order passed in SC No.29 of 2021 dated 22.09.2022, on the file of the Session Judge, Fast Track Mahila Court, Krishnagiri, Krishnagiri district, thereby convicting the appellant



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for the offences punishable under Sections 294(b), 307 and 506(ii) of IPC.

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2. The case of the prosecution is that, on 16.05.2020, at about 02.45 p.m, the appellant went in front of the house of the defacto complainant and scolded him using filthy language. The appellant also attempted to attack him with a sickle. Therefore, the defacto complainant had ran around his house to escape and the appellant chased him. After seeing the same, the mother of the defacto complainant intervened the appellant and questioned the appellant as to why he was frequently quarreling with her son. Thereafter, the appellant attacked the mother of the defacto complainant on her head and forehead, due to which, she fell down. She was immediately taken to the hospital. Hence, the complaint.

3. On the complaint lodged by the defacto complainant, the respondent registered FIR in Crime No.341 of 2020, for the offences punishable under Sections 294(b), 506(ii) and 307 of IPC. After completion of investigation, filed a final report and the same has been taken cognizance by the Trial Court in SC No.29 of 2021.

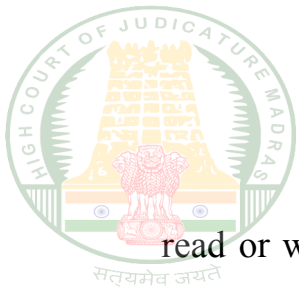
4. On the side of the prosecution, they had examined PWs.1 to 12 and



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marked Exs.P1 to P10. The prosecution had produced a material object and marked as M.O.1. On the side of the appellant, he was examined as DW.1 and no document was marked. On perusal of oral and documentary evidence, the Trial Court convicted the appellant for the offences punishable under Sections 294(b) and 307 IPC and sentenced him for the offence under Section 294(b) of IPC for a period of three months simple imprisonment and also imposed fine of Rs.1000/-, in default to undergo one month simple imprisonment and sentenced him for the offence under Section 307 of IPC for a period of two years rigorous imprisonment and also imposed fine of Rs.1000/-, in default to undergo three months simple imprisonment. However, the appellant was acquitted for the offence under Section 506(ii) of IPC. Aggrieved by the same, the present appeal.

5. The learned counsel for the appellant would submit that the prosecution has failed to prove the charges beyond all reasonable doubt and the FIR itself is doubtful. According to the case of the prosecution, the alleged occurrence took place on 16.05.2020 at about 02.45 p.m., when the appellant entered into the house of PW.1 in a drunken state and attempted to attack him. Thereafter, when the mother of PW.1 intervened to protect PW.1, the appellant attacked her. PW.1 lodged a complaint. Admittedly, PW.1 does not know to



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read or write Tamil. There was a delay in lodging the complaint and there are

contradictions in the deposition of PWs.1 to 5 and 8. Even assuming that the case of the prosecution is true, the appellant had no intention to commit murder. When the mother of PW.1 herself intervened the quarrel between PW.1 and the appellant, the appellant assaulted her. Therefore, the offence under Section 307 of IPC is not at all attracted as against the appellant.

6. Heard both sides and perused the materials available on record.

7. Admittedly, there was a previous enmity between the appellant and the defacto complainant's family. When the appellant attempted to solemnize the marriage of his relative, who was aged below 18 years, a complaint was lodged with the Collectorate and the marriage was subsequently stopped. Further, the appellant had contested in the Panchayat elections for the post of President. But the defacto complainant did not support the appellant and supported another candidate, who was elected as a President for the Elachetty Village Panchayat. Therefore, after losing in the election, the appellant went to the house of the defacto complainant on 16.05.2020 at about 02.45 p.m. After seeing the appellant, the defacto complainant started running around his house and the appellant chased him, while abusing him with filthy language. After



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hearing the noise, the mother of the defacto complainant came out to rescue the defacto complainant and also questioned the appellant as to why he was frequently quarreling with him. Immediately, the appellant attacked the victim with a Sickle on her head and forehead, resulting in injuries. The defacto complainant was examined as PW.1 and he categorically narrated the occurrence and nothing was elicited from the cross examination.

8. The injured victim was examined as PW.2 and she corroborated the evidence of PW.1. The wife of PW.1 was examined as PW.3 and she also corroborated the evidence of PWs.1 and 2. Another daughter-in-law of PW.2 was examined as PW.4 and she too categorically deposed and corroborated the evidence of PWs.1 to 3. The neighbour of PW.1 was examined as PW.5. Though he is also a relative to them, he categorically deposed that on the date of occurrence, the appellant attempted to attack PW.1. However, PW.1 started running around his house. At that juncture, PW.2 came to rescue PW.1. Therefore, the appellant attacked her with a Sickle on her head and also forehead. Therefore, she sustained injuries and immediately she was taken to the hospital. The complaint was marked as Ex.P1. The Accident Register was marked as Ex.P2.



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9. A perusal of Ex.P2 revealed that the victim was brought to the hospital, where she gave a statement that she was assaulted by a known person at her residence with a knife. The wound certificate was marked as Ex.P3. Though the injury was declared to be simple in nature, the appellant had attacked the victim on the head with a sickle. That apart, another wound was found in the forehead of the victim. Therefore, the weapon was recovered and marked as M.O.1. Therefore, the prosecution has proved the charges beyond all reasonable doubt and the Trial Court has rightly convicted the appellant.

10. In view of the above, this Court finds no infirmity or illegality in the order passed in SC No.29 of 2021 dated 22.09.2022, on the file of the Session Judge, Fast Track Mahila Court, Krishnagiri, Krishnagiri district.

11. Accordingly, this Criminal Appeal stands dismissed.

13.06.2025

Speaking order/Non-speaking order

Index :Yes/No

Internet :Yes/No

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G.K.ILANTHIRAIYAN, J.

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To

1. The Session Judge, Fast Track Mahila Court,
Krishnagiri, Krishnagiri district.
2. The Inspector of Police,
Denkanikottai Police Station,
Denkanikottai,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

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