



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2260 of 2023

Raghu

Petitioner(s)

Vs

State Rep by The Inspector of Police
New Hope Police Station,
The Nilgiris District
(Crime No.46/2017)

Respondent(s)

PRAYER: Criminal Revision filed under Section 397 & 401 Cr.P.C. to set aside the judgment dated 06.10.2023 in Crl.A.36 of 2023 on the file of the learned Sessions Division of the Nilgiris District at Udthagamandalam, confirming the conviction and sentence made in the Judgment dated 08.03.2023 in SC.No.10/2019, on the file of the Assistant Sessions Court, Gudalur.

For Petitioner(s): Mr.W.Camyles Gandhi
J.Jayan

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

ORDER

The revision challenges the judgment of Appellate Court dated 06.10.2023, in Crl.A.36 of 2023, confirming the judgment of the Trial Court dated 08.03.2023, in S.C.No.10 of 2019, convicting the petitioner for the offence under section 307 IPC and sentencing him to undergo seven years rigorous imprisonment and to pay a fine of Rs.1,000/- under section 307 IPC and convicting the petitioner for the offence under section 450 IPC and



sentencing him to undergo three years imprisonment and to pay a fine of Rs.500/-, in default to pay the total fine amount of Rs.1,500/-, to undergo three months simple imprisonment.

2.The case of the prosecution is that the petitioner and the victim, who was examined as PW4 had a love affair; that thereafter, PW4 severed the relationship with the petitioner; that upset with the said fact, the petitioner has posted the photo of the victim in the Facebook with certain obscene words; that a complaint was lodged by the victim and the petitioner was arrested and remanded to custody; that after his release on bail, he trespassed into the house of PW4, abused her in filthy language and attacked her with sickle for having filed complaint against him and caused nine injuries on the face, hands and in the palm of the victim that was found to be grievous and thus, committed the aforesaid offences.

3.Before the Trial Court, the prosecution had examined PW1 to PW10 and marked Ex.P1 to Ex.P13 documents and M.O.1 to M.O.9 material objects.

4.The Trial Court found the accused guilty of the offence and sentenced him as stated above and the Appellate Court confirmed the conviction and sentence.



5. The learned counsel for the petitioner would submit that the evidence of the victim cannot be accepted; that the prosecution had made an exaggerated version of the incident; that the occurrence took place due to a sudden quarrel; that the petitioner did not intend to cause the death of the victim and that the offence under section 307 IPC is not made out.

6. The learned Government Advocate (Crl.Side) per contra submitted that evidence of the victim girl PW4 and the eye witnesses PWs 1 and 2 have been correctly appreciated by the Trial Court; that the petitioner has not discredited their evidence; that injuries sustained by the victim has been corroborated by the Doctor PW9, who had treated the victim girl; that the victim girl had sustained nine injuries; that the Doctor had opined that the injuries are grievous in nature and therefore, the judgment of the Courts below do not call for any interference and prayed for dismissal of the revision.

7. As stated above the prosecution had examined PW1 to PW10 and marked Ex.P1 to Ex.P13 documents and M.O.1 to M.O.9 material objects. PWs 1 & 2 are the eye witnesses and PW4 is the victim. The Trial Court and the Appellate Court found that the motive for the occurrence has been established by the prosecution in as much as the appellant had suggested to the victim in the cross examination that the victim had sent certain messages to the appellant stating that she is not interested in living with her husband and that thereafter,



the victim severed her relationship with the petitioner. It is also proved by the prosecution that the victim had already lodged a complaint against the petitioner for posting certain pictures on Facebook and the petitioner was arrested. The above facts coupled with evidence of PWs1 and 2 eye witnesses and the evidence of the victim herself had proved the case against the petitioner beyond any reasonable doubt. Therefore, this Court finds no infirmity in the judgment of the Courts below holding the petitioner guilty of attacking PW4 and causing injuries to PW4. The doctor PW9 had certified that the injuries sustained by PW4 victim are grievous in nature.

8.The question is whether the appellant can be held to be guilty of the offence under section 307 IPC. The victim sustained nine injuries, except for one injury on the face, all other injuries are in the hand and in the palm of the victim. The accused had used a knife to attack the victim and has not let in any evidence to dislodge the evidence of the Doctor who opined that the injuries are grievous in nature.

9.Considering the relationship between the parties, the nature of the injuries, the nature of the attack, this Court is of the view that the petitioner did not intend to cause the death of the victim, however, the petitioner had intended to cause grievous injuries and in fact caused grievous injuries. Therefore, this



Court is of the view that the petitioner is guilty of the offence under section 326 IPC.

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10. In the facts and circumstances of the case, this Court is of the view that the ends of justice would be met if the petitioner is sentenced to rigorous imprisonment for a period of three years for the offence under section 326 IPC and to pay a fine of Rs.10,000/- and in default to pay the fine amount, to suffer three months simple imprisonment. The conviction and sentence imposed by the Courts below for the offence under section 450 IPC shall remain unaltered. It is made clear that the sentence imposed for the offences under sections 326 and 450 IPC shall run concurrently.

11. With the above observations, the revision stands partly allowed. The respondent shall secure the petitioner to serve the remaining period of the sentence.

17-12-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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SUNDER MOHAN, J.

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To

1.The Sessions Division of the Nilgiris District
at Udhagamandalam.

2.The Assistant Sessions Court, Gudalur.

3.The Inspector of Police,
New Hope Police Station,
The Nilgiris District
(Crime No.46/2017).

4.The Public Prosecutor,
High Court, Madras.

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