

Crl.A.(MD).No.126 of 2020

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BAIL SLIP

The Appellant/ Accused viz., Jeyakumar, S/o.Selvam, was directed to be released on bail vide order in Crl.MP.(MD).No.2322/2020 IN Crl.A(MD).no. 126/2020, dated.06/03/2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	22.01.2025
Pronounced On	:	30.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Jeyakumar

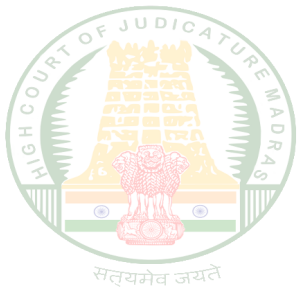
... Appellant/Sole Accused

Vs.

The State rep by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.163 of 2015)

... Respondent/Complainant

PRAYER: Criminal Appeal has been filed under Section 374(1) of Cr.P.C., to call for the records and set aside the conviction and sentence passed by the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram, in S.C.No.93 of 2017, dated 04.02.2020, by allowing this appeal.



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For Appellant : Mr.D.Anbarasu

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

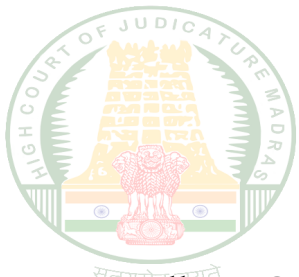
ORDER

This Criminal Appeal has been filed to set aside the impugned order passed in S.C.No.93 of 2017 dated 04.02.2020, on the file of the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram, and acquit the appellant in connection with Crime No.163 of 2015, on the file of the respondent police.

2.The accused in S.C.No.93 of 2017, on the file learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram, had filed this Criminal Appeal challenging the following conviction and sentence imposed on him by the impugned judgment dated 06.12.2022, in S.C.No.93 of 2017 :

<i>Sl.No</i>	<i>Accused No.</i>	<i>Offence Punishable under Section</i>	<i>Sentence of Imprisonment and fine</i>
1	Sole Accused	324 of IPC	1 year of Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 1 month Simple imprisonment.

2.1. According to the prosecution, the sister's husband of the defacto complainant and the father of the appellant are brothers. There was a civil dispute between family of the defacto complainant's sister's husband and the father of the



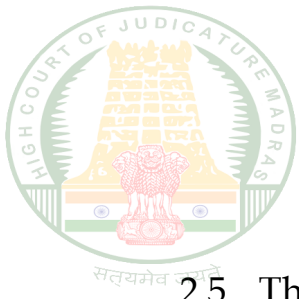
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appellant. On 25.06.2015, at about 10.15 pm., burying the hatchet, when the mother of the appellant went to the house of the defacto complainant's sister to see the new born child, who is the grand-daughter of the defacto complainant's sister, the appellant came there and scolded his mother. When the same was questioned by the defacto complainant's sister, the appellant is said to have assaulted her with a knife and stick over the right parietal region of the head of defacto complainant's sister. The defacto complainant and others immediately took her to the hospital. The defacto complainant gave a complaint for the said occurrence to the respondent. The respondent Police registered a case in Crime No.163 of 2015 against the appellant, for the alleged offences punishable under Sections 294(b) and 307 of IPC.

2.2.After conducting investigation, the respondent police filed final report before the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram, and the same was taken on file in S.C.No.93 of 2017. The learned trial Judge, framed the necessary charges, read over the same to the accused and he pleaded not guilty and claimed to be tried.

2.4. The prosecution, in order to prove its case, had examined 12 witnesses as P.W.1 to P.W.12 and exhibited 14 documents as Ex.P.1 to Ex.P.14 and one material object was marked. On the side of the appellant neither witnesses were examined nor documents were marked.



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2.5. The learned Trial Judge after completion of the examination of the prosecution witnesses questioned the appellant under Section 313 of Cr.P.C., by putting incriminating materials available against him in the prosecution evidence and the appellant denied as false. The learned trial judge, after considering the same, convicted the appellant as stated above.

3. Challenging the above conviction and sentence, present appeal has been filed.

4.1. The learned counsel for the appellant would submit that the learned trial Judge failed to consider the material discrepancies between the evidence of P.W.1 to P.W.3 and P.W.4, and erroneously convicted the appellant under Section 324 of IPC.

4.2. The The learned counsel for the appellant would further submit that the learned trial Judge acquitted the appellant from the offences under Sections 294(b) and 307 of IPC and convicted him under Section 324 of IPC without any evidence to substantiate the conviction under Section 324 of IPC.

4.3. The learned counsel for the appellant would also submit that the learned trial Judge failed to see that there was no corroboration between the evidence of eye-witness to the occurrence and the medical evidence. Hence, the evidence of the injured witness has to be disbelieved.



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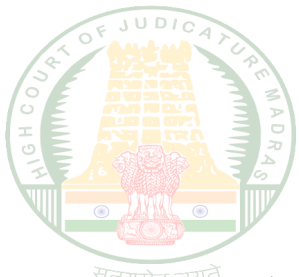
4.4. The learned counsel for the appellant would further contend that the learned trial Judge failed to consider the evidence of the recovery witness, who had turned hostile relating to the recovery of MOs and hence, recovery was not proved. Therefore, the conviction under Section 324 of IPC is not legally maintainable. Therefore, he seeks to set aside the conviction and sentence imposed by the learned trial Judge by allowing this case.

5.1. The learned Government Advocate (Criminal Side), would submit that when the evidence of the injured witness is cogent and trustworthy and the same was corroborated by the medical evidence, the minor discrepancies and the irrelevant contradictions is not a ground to disbelieve the evidence of the injured witness.

5.2. The recovery of the material object namely, the weapon is not necessary when the evidence of the injured witness is cogent and trustworthy.

5.3. The evidence of P.W.1 to P.W.3 clearly established the offence under Section 324 of IPC as held by the learned trial Judge. Therefore, the conviction and sentenced passed against the appellant under Section 324 of IPC needs no interference. Hence, he prayed for dismissal of this appeal.

6. This Court considered the rival submissions and perused the records available on record and also the precedents relied upon by them.



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7. P.W.2, is the injured witness and her husband is one Vazhivittan. The said Vazhivittan and the appellant's father are brothers. There was a property dispute between them. Pending the above dispute, the appellant's mother visited the house of P.W.2 to see the newly born grand daughter of P.W.2. At that time, the appellant questioned her mother. Hence, there was a scuffle and the appellant is said to have assaulted her with knife and stick. Thereby, P.W.2 has sustained cut injuries on her right parietal region of head and the same was witnessed by P.W.1. The mother of the appellant told him that she came to see the new born child. Therefore, the appellant assaulted P.W.2 with with knife and stick over her right side of head and caused cut injuries. Immediately, P.W.1 and P.W.3 called the ambulance and took her to the hospital and P.W.1, brother of P.W.2's husband lodged a complaint before the respondent police. P.W.2 clearly deposed about the assault made against her and injuries sustained by her and the same corroborated with the evidence of P.W.3 & P.W.4. The evidence of P.W.2 to P.W.4 are cogent about the assault made by the appellant and the injuries sustained by P.W.2. Their evidence also corroborated with the evidence of the injured witness and other eye-witness to the occurrence. The learned trial Judge correctly appreciated the said evidence and found that the accused committed the offence under Section 324 of IPC. This Court also finds no reason to differ with the finding of the learned trial Judge believing the evidence of



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the injured witness and all other eye-witness to the occurrence. The incident took place inside of the house and therefore, P.W.3 and P.W.4 are the competent witnesses to speak about the occurrence. In view of the above, this Court finds no merit in this appeal.

8. Accordingly, the appeal is dismissed and the conviction and sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram, in S.C.No.93 of 2017 dated 04.02.2020, is hereby confirmed. The bail bond executed shall be cancelled. The trial Court is directed to secure the appellant and confine him in prison to undergo remaining period of sentence of imprisonment.

Sd/-

30.04.2025

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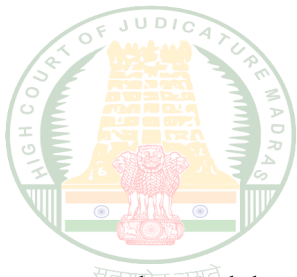
Sub Assistant Registrar
(CS- I, II, III, IV)

dss

To,

1.The Sessions Judge, Fast Track Mahila Court,
Ramanathapuram.

2.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.



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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4.The Section Officer,
Record Section (Criminal),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.ANBARASU, Advocate (SR-28966[F] dated
30/04/2025)

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30.04.2025

SK (08/05/2025) 8P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.