



Crl.A.(MD)No.480 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A.(MD)No.480 of 2025

K.Mahalingam

... Appellant

versus

1. The Deputy Superintendent of Police,
Srivilliputhur Sub Division,
Srivilliputhur,
Virudhunagar District.

2. State of Tamil Nadu, Rep. by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.

Kumar @ Sivakumar (died)

3. Mathi @ Mathiyalagan

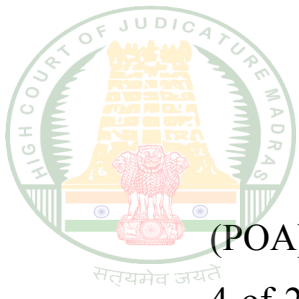
4. Thangapandian

5. Sankar

Govindan (died)

... Respondents

Criminal Appeal filed under Section 419 of BNSS Act, to call for the records and set aside the order passed by the Special Court for SC/ST



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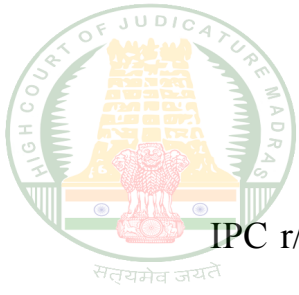
(POA) Act, Virduhunagar District at Srivilliputhur in Spl. Sessions Case No. 4 of 2014, dated 24.03.2023 and convict the respondents 3 to 5/accused in Crime No.419 of 2013 on the file of the 2nd respondent.

For Appellant : Mr.V.Nagendran
For R1 and R2 : Mr.A.S.Abul Kalam Azad,
Government Advocate (Crl. Side)
For R3 to R5 : Mr.R.J.Karthick

JUDGMENT

This Criminal Appeal is directed as against the Judgment of acquittal passed by the Special Court for trial of cases registered under SC/ST (POA) Act, Virudhunagar District at Srivilliputhur in Spl. S.C.No.4 of 2014 dated 24.03.2023.

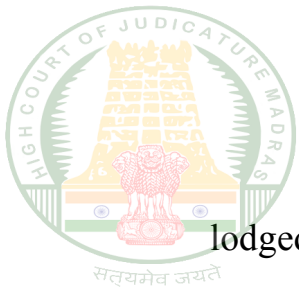
2. The appellant/defacto complainant has lodged a complaint as against the respondents 2 to 5 and two others on 17.06.2013 at about 3.00p.m., before the second respondent Police that on 16.06.2013 at about 12.00 noon, the private respondents have assaulted him and caused injury. The said complaint was registered by the second respondent in Crime No. 419 of 2013 for the offence under Sections 147, 294(b), 323, 341, 506(1)



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IPC r/w. 3(1)(x) of SC/ST (PoA) Act. The first respondent, who conducted the investigation, filed the final report as against the private respondents and two others before the Special Court for trial of cases registered under SC/ST (POA) Act, Virudhunagar District at Srivilliputhur and the same was taken on file in Spl.S.C.No.4 of 2014. In conclusion of trial, the trial Court found that the prosecution has not proved its case beyond reasonable doubt and acquitted the accused by its Judgment dated 24.03.2023. Challenging the Judgment of acquittal, the complainant has filed this Criminal Appeal.

3. The case of the complainant is that he is working as a loadman and he is also a member of “அண்ணா சுமை தூக்குவோர் தொழிலாளர் சங்கம்”. He was removed from the Sangam in the year 2013. With certain allegations, the complainant has lodged a complaint before the second respondent Police on 15.06.2013 against the office bearers of the Sangam and the complaint was treated as petition enquiry in CSR No.288 of 2013. While so, on the advice of the second respondent Police, a meeting was conducted in the loadman association. At that time, the private respondents along with two others said to have assaulted the complainant and his brother. The complainant said to have suffered blood injury. Therefore, he

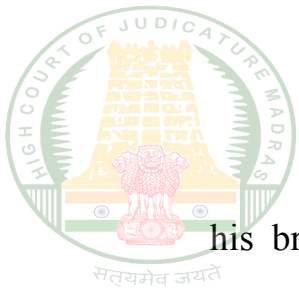


lodge a complaint on the next day, i.e. on 17.06.2013 at about 3.00 p.m.

The said complaint was registered and final report was filed.

4. The learned counsel appearing for the appellant submits that the evidence of P.W.1 and P.W.2 narrated the occurrence. However, the trial Court, without considering the evidence of P.W.1 and P.W.2, has erroneously acquitted the accused persons. He further submits that P.W.11, P.W.12 and P.W.13 have deposed about the injury caused by the accused. But, the trial Court, without appreciating the evidence of P.W.11, P.W.12 and P.W.13, acquitted the accused persons.

5. The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 and Mr.R.J.Karthick, learned counsel, who takes notice for the respondents 3 to 5 submit that there are contradictions between the version in the complaint preferred by the appellant and his evidence as P.W.1. They further submit that except P.W.1 and P.W.2, rest of the witnesses, i.e. P.W.3 to P.W.10 turned hostile. Further, there is contradiction between the complaint and the evidence of P.W.1 regarding the injury sustained. In the complaint, the appellant stated that he got blood injury and



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his brother sustained injury in his shoulders. But, in the evidence, the appellant stated that he sustained only abrasion. Therefore, the trial Court, by considering the said contradictions, acquitted the private respondents from the charges.

6. This Court has considered the rival submissions made and perused the materials placed on record.

7. Since this appeal is filed as against the Judgment of acquittal, it is necessary to bear in mind the principles governing the appeal against acquittal, as laid down by the Hon'ble Supreme Court in ***V.Sejappa v. State [(2016) 12 SCC 150]***, wherein, the Hon'ble Supreme Court has followed its own decision in ***Muralidhar v. State of Karnataka [(2014) 5 SCC 730]***. The guidelines issued in the said decision are extracted hereunder:

“23. ... (i) There is presumption of innocence in favour of an accused person and such presumption is strengthened by the order of acquittal passed in his favour by the trial court;

(ii) The accused person is entitled to the benefit of reasonable doubt when it deals with the merit of the appeal against acquittal;



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(iii) *Though, the powers of the appellate court in considering the appeals against acquittal are as extensive as its powers in appeals against convictions but the appellate court is generally loath in disturbing the finding of fact recorded by the trial court. It is so because the trial court had an advantage of seeing the demeanour of the witnesses. If the trial court takes a reasonable view of the facts of the case, interference by the appellate court with the judgment of acquittal is not justified. Unless, the conclusions reached by the trial court are palpably wrong or based on erroneous view of the law or if such conclusions are allowed to stand, they are likely to result in grave injustice, the reluctance on the part of the appellate court in interfering with such conclusions is fully justified; and*

(iv) *Merely because the appellate court on reappreciation and re-evaluation of the evidence is inclined to take a different view, interference with the judgment of acquittal is not justified if the view taken by the trial court is a possible view. The evenly balanced views of the evidence must not result in the interference by the appellate court in the judgment of the trial court."*

8. In yet another decision in the case of ***Chandrappa Vs State of Karnataka [(2007) 4 SCC 415]***, the Hon'ble Supreme Court has laid down the following general principles regarding powers of the appellate Court



while dealing with an appeal against an order of acquittal:

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“(1) An appellate Court has full power to review, re-appreciate and reconsider the evidence upon which the order of acquittal is founded.

(2) The Code of Criminal Procedure, 1973 puts on limitation restriction or condition on exercise of such power and an appellate Court on the evidence before it may reach its own conclusion, both on questions of fact and of law.

(3) Various expressions, such as, 'substantial and compelling reasons', good and sufficient grounds', 'very strong circumstances', distorted conclusions', 'glaring mistakes', etc are not intended to curtail extensive powers of an appellate Court in an appeal against acquittal. Such phraseologies are more in the nature of 'flourishes of language' to emphasise the reluctance of an appellate Court to interfere with acquittal than to curtail the power of the Court to review the evidence and to come to its own conclusion.

(4) An appellate Court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent Court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial Court.



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(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate Court should not disturb the finding of acquittal recorded by the trial Court.”

9. The trial Court by appreciating the evidence of PW1 and PW2 found that there are certain contradictions between their evidence and the complaint. Therefore, the trial Court, by extending the benefits of doubt, has acquitted the accused.

10. The prosecution has to establish its case beyond reasonable doubt. The benefit of doubt has to be extended only towards accused. Therefore, this Court does not find fault with the findings of the trial Court and is not inclined to entertain the appeal, as per the ratio laid by the Hon'ble Supreme Court as cited supra. Accordingly, this Criminal Appeal is dismissed.

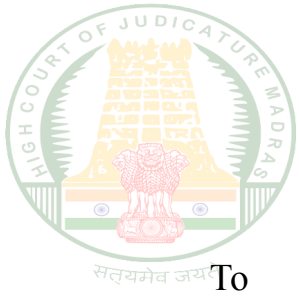
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Srivilliputhur Sub Division,
Srivilliputhur,
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3. The Inspector of Police,
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Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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