

Crl.A(MD)No.592 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 19.06.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.A(MD)No.592 of 2025

and

C.M.P(MD)No. 6551 of 2025

Muthukaruppan @ Karuppuraja

... Appellant / Sole Accused

Vs

1.State at Tamilnadu

represented by The Deputy Superintendent of Police,
Aruppukkottai Sub Division,
i/c. Thiruchuli Sub Division,
Narikudi Police Station,
Virudhunagar District.
(In Crime No.17 of 2019)

... Respondent / Complainant

2.Kannan

... Respondent / Defacto complainant

PRAYER :-

This Criminal Appeal is filed under Section 415(2) of BNSS, to call for the records in Spl.S.C.No.36 of 2019 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur dated 02.05.2025 and acquit the appellants of the charges levelled against them.



WEB COPY



Crl.A(MD)No.592 of 2025

For Appellant : M/s.R.Ilayaraja
For Respondents : Mr.A.Albert James - for R1
Government Advocate (Crl.side)
Mr.R.Gowri Shankar - for R2

JUDGMENT

This Criminal Appeal has been filed by the appellant / sole accused, challenging the order dated 02.05.2025 passed by the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur, made in Spl.S.C.No.36 of 2019.

2. The appellant is the sole accused who has been convicted for the offences under Section 4 of TNPHW Act read with Section 3(1)(w)(i) of SC/ST (POA) Amendment Ordinance Act, 2015, Section 323 of IPC and under Section 324 of IPC read with Section 3(2)(va) of SC/ST (POA) Amendment Ordinance Act 2015.

3. The case of the prosecution is that on 14.01.2019, the accused went to the house of P.W.1 and pulled the hands of P.W.2, who is the wife of



Crl.A(MD)No.592 of 2025

P.W.1 and asked her to share bed with him. P.W.2, informed about the occurrence to her husband / P.W.1. When the complainant /P.W.1 condemned the accused's behaviour, the accused abused P.W.1 in filthy language by making caste calling and scattered the fire woods stored there. He further attacked P.W.1 with kitchen knife, injured him and made life threats. P.W.1 took treatment at the Government Hospital, Thiruchuli, for the injuries sustained during the occurrence. A case was registered in Crime No. 17 of 2019 by the respondent police and it was taken up for investigation. After completing the investigation, charge sheet has been filed. After taking cognizance in Spl.S.C.No.36 of 2019, charges have been framed for the offences under Sections 3(1)(w)(i) of SC/ST (POA) Amendment Act read with Section 4 of TNPHW Act, 3(1)(s) of SC/ST (POA) Amendment Act, alternate Section 294(b) of IPC, 323, 324 of IPC read with 3(2)(va) of SC/ST (POA) Amendment Act, 506(ii) of IPC, against the accused.

4. On the side of the prosecution, twenty witnesses have been examined as P.W.1 to P.W.20 and twenty six documents were marked as Ex.P.1 to Ex.P.26. One material object has been marked as M.O.1. No oral or documentary evidence was let in by the accused, before the trial Court.



Crl.A(MD)No.592 of 2025

WEB COPY

5. On completion of trial and hearing the arguments of both sides, after perusing the materials on record, the trial Judge found the accused guilty for the following offences and given with the punishments as shown under:

Offences under Sections	Punishment	Fine	Default clause
Section 4 of TNPHW Act read with Section 3(1)(w)(i) of SC/ST (POA) Amendment Ordinance Act, 2015	Two years simple imprisonment	Rs.10,000/-	to undergo one month simple imprisonment
under Section 323 of IPC	Six months simple imprisonment	Rs.500/-	to undergo one month simple imprisonment
under Section 324 of IPC read with Section 3(2)(va) of SC/ST (POA) Amendment Ordinance Act 2015	One year Simple Imprisonment	Rs.500/-	to undergo one month simple imprisonment

6. Aggrieved over the conviction and sentence, the appellant / accused has preferred this appeal along with the petition to suspension of sentence.



Crl.A(MD)No.592 of 2025

WEB COPY

7. Learned counsel for the appellant submitted that although the occurrence is said to have taken place on 14.01.2019, FIR has been registered on 18.01.2019 after a considerable delay and that was not properly appreciated by the trial Court. He further submitted that the eye witness have turned hostile and did not support the prosecution. But the trial Court relied only the evidence of P.W.1 in order to convict the accused and X-Ray of P.W.1 was not marked.

8. Learned Government Advocate appearing for the first respondent submitted that the allegations are very serious in nature.

9. On perusal of the records, it is seen that the trial Court has relied on the evidence of the injured witness P.W.1 and other witnesses namely P.W.2 to P.W.5 who had also witnessed the occurrence. The failure to mark X-ray is insignificant, because the accused has not been found guilty for causing grievous injury, but he has been found guilty for the offences under Sections 323 and 324 of IPC and Section 4 of TNPHW Act read with Section 3(1)(w) (i) of SC/ST Act.



Crl.A(MD)No.592 of 2025

WEB COPY

10. It is learned that the accused has not served the sentence even partially and he continues to be on bail and suspension of sentence.

11. Eventhough it is alleged that P.W.14 – Sub Inspector of Police who registered the FIR, on an intimation obtained from the Government Hospital, Thiruchuli, went to the hospital to enquire P.W.1 who was taking treatment, P.W.1 did not give any statement and he has stated that he needed to consult his relatives. So the delay in registering the FIR is not on the part of the police. It is because of the P.W.1's inhibition to give complaint without consulting his relatives. In this type of cases, such delays on the part of the complainant's family is quite natural. The allegations made against the accused is a kind of harassment given to a woman who is the wife of P.W.1. As the words spoken to P.W.2 is also vulgar which would have been possible for P.W.1 to lodge a complaint and that has caused the delay.

12. As an explanation has been given by P.W.14, as to the delay in registering the FIR and that has been discussed in the judgment of the trial Court, I do not find that the delay is in anyway fatal to the case of the



Crl.A(MD)No.592 of 2025

prosecution or earn doubt in favour of the accused. As the evidence of the injured witnesses and the eye witnesses are mutually corroborative and tallies with the doctor's evidence and the injuries noticed in the wound certificate tallies and the manner in which the injured witnesses were attacked on the alleged date of occurrence, the trial Court has proceeded to rely these evidences for the purpose of finding the accused guilty for the offences under Sections under Section 4 of TNPHW Act read with Section 3(1)(w)(i) of SC/ST (POA) Amendment Ordinance Act, 2015, Section 323 of IPC and under Section 324 of IPC read with Section 3(2)(va) of SC/ST (POA) Amendment Ordinance Act 2015.

13. It was further submitted by the learned counsel for the appellant that P.W.1 has given a statement to the doctor alleging that the accused has attacked him with Aruval, but the weapon recovered was only the kitchen knife. In the complaint and the evidence of P.W.1, he mentioned about the kitchen knife only. Sometimes kitchen knives also referred as Aruval in the local language. When the doctor was shown with the weapon during his evidence, he has stated that the cut injury found on the bodies of the injured, could have been inflicted with the kitchen knife.



Crl.A(MD)No.592 of 2025

WEB COPY

14. The witness did not have any motive against the accused to depose false evidence and implicate him falsely in this case. As the evidences of witnesses is very much consistent and corroborative and reliable, I do not find any reasons for the trial Court to disbelieve the version. I do not find any ground to entertain this appeal.

15. At this juncture, learned counsel for the appellant submitted that the petitioner has been imposed with the punishment of two years simple imprisonment.

16. Since the accused does not have any previous criminal antecedents and he is the first offender and also considering the submissions made by the learned counsel for the appellant on this aspect, I feel that little indulgence be shown to modify the punishment imposed on the accused by the trial Court.

17. In the result,

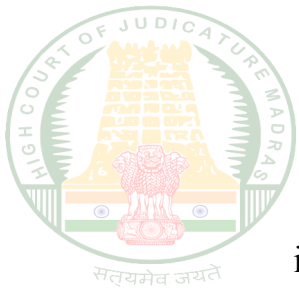
i) This Criminal Appeal is partly allowed, by modifying the sentences imposed by the trial Court as under :



Crl.A(MD)No.592 of 2025

WEB COPY

Offences under Sections	Punishment imposed by the Trial Court	Punishment modified by this Court
Section 4 of TNPHW Act read with Section 3(1)(w)(i) of SC/ST (POA) Amendment Ordinance Act, 2015	<u>Punishment:</u> Two years simple imprisonment <u>Fine:</u> Rs.10,000/- <u>Default Clause:</u> to undergo one month simple imprisonment	<u>Punishment:</u> Six months simple imprisonment <u>Fine:</u> Rs.50,000/- <u>Default Clause:</u> to undergo three months simple imprisonment separately.
under Section 323 of IPC	<u>Punishment:</u> Six months simple imprisonment <u>Fine:</u> Rs.500/- <u>Default Clause:</u> to undergo one month simple imprisonment	Confirmed
under Section 324 of IPC read with Section 3(2)(va) of SC/ST (POA) Amendment Ordinance Act 2015	<u>Punishment:</u> One Year simple imprisonment <u>Fine:</u> Rs.500/- <u>Default Clause:</u> to undergo one month simple imprisonment	<u>Punishment:</u> Six months simple imprisonment <u>Fine:</u> Rs.500/- <u>Default Clause:</u> to undergo two months simple imprisonment



Crl.A(MD)No.592 of 2025

ii) The fine amount already paid by the accused shall be deducted. Out of the fine amount paid by the appellant, Rs.40,000/- shall be payable as compensation to P.W.2.

iii) The said amount shall be paid within a period of one week from the date of receipt of a copy of this order.

iv) P.W.2 is at liberty to withdraw the said amount by filing proper application before the trial Court.

v) Consequently, connected miscellaneous petition stands closed.

19.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

pnn



Crl.A(MD)No.592 of 2025

WEB COPY

To

- 1.The Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases,
Virudhunagar District at Srivilliputhur
- 2.The Deputy Superintendent of Police,
Aruppukkottai Sub Division,
i/c. Thiruchuli Sub Division,
Narikudi Police Station,
Virudhunagar District.
(In Crime No.17 of 2019)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.A(MD)No.592 of 2025

R.N.MANJULA, J.

pnn

**Crl.A(MD)No.592 of 2025
and**

C.M.P(MD)No. 6551 of 2025

19.06.2025