



CrL.R.C.(MD)No.684 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.684 of 2025

and

CrL.M.P.(MD)No.7515 of 2025

C.Moni

... Petitioner

-VS-

The State of Tamil Nadu,
represented by Inspector of Police,
Pudhukadai Police Station,
Kanyakumari District.
(Crime No.123 of 2007)

... Respondent

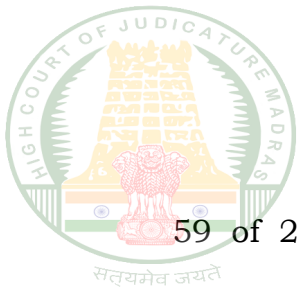
PRAYER : Criminal Review Case filed under 438 r/w. 442 of BNSS, 2023, to call for the records pertaining to the judgment in CrL.Appeal No.59 of 2013 dated 09.01.2025, on the file of the learned Additional Sessions Judge, Kuzhithurai, confirming the sentence of conviction imposed by the learned Assistant Sessions Judge, Kuzhithurai, in S.C.No.66 of 2008 dated 05.09.2013 and set aside the same.

For Petitioner : Mr.P.Hariprasad

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate

ORDER

This Criminal Revision Case is filed, challenging the judgment passed by the learned Additional Sessions Judge, Kuzhithurai, in C.A.No.

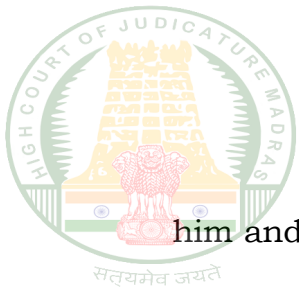


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59 of 2013, dated 09.01.2025, confirming the conviction and sentence imposed by the learned Assistant Sessions Judge, Kuzhithurai, in S.C.No. 66 of 2008, dated 05.09.2013, by which the revision petitioner/A1 was convicted for the offence under Section 307 IPC and sentenced to undergo seven years of rigorous imprisonment and to pay a fine of Rs.2,000/-, in default to undergo six months simple imprisonment and the second accused/A2 was convicted for the offence under Section 307 IPC and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo two months simple imprisonment. The present revision is preferred only by the first accused.

Factual Matrix of the Case:-

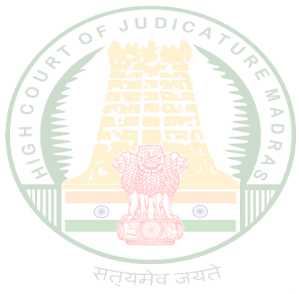
The occurrence took place on 14.06.2007 at 12:00 p.m., at a burial ground in Kaiyalavilai. The mother of P.W.2 Thangappan, namely Chinnapillai, had passed away. P.W.2, along with P.W.1, P.W.3, P.W.4, P.W.5, and one Prema, went in search of a burial site. While they were attempting to dig a pit to bury the body, the first accused arrived at the scene with a machete and objected to the burial. When P.W.2 insisted, stating they intended to bury the deceased beside his father's grave, the first accused threatened P.W.2 saying, "you also go die," and attacked him multiple times with a machete (arival). Subsequently, the second accused also attacked P.W.2 with a billhook (machete), causing multiple injuries. The injured was taken to the hospital where P.W.3, the duty doctor, treated



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him and issued Ex.P2, the wound certificate, indicating one grievous injury (fracture of right index finger) and ten other simple injuries. The first information report was registered on 15.06.2007 at 00:30 hours in Crime No.123 of 2007 for offences under Section 307 of IPC.

The learned Trial Court, after evaluating the evidence of P.W.1 to P.W.9, concluded that the prosecution had established the case beyond reasonable doubt. The testimonies of P.W.1 (wife of the injured), P.W.2 (injured victim), and P.W.3 (doctor) were found consistent and corroborative. The injuries, particularly the grievous one, along with the repeated assault and threatening statements made by the accused, were held sufficient to infer the intention to commit murder, thus attracting Section 307 of IPC. The learned Trial Court accordingly convicted both accused and sentenced them. The learned Appellate Court in Criminal Appeal No.59 of 2013, concurred with the findings of the learned Trial Court. It held that the essential ingredients of Section 307 of IPC, namely intention or knowledge and the nature of the act being sufficient to cause death if not prevented, stood fully satisfied. The Court also addressed the defence of enmity arising out of civil disputes and held that mere enmity is not a ground to discard otherwise reliable and corroborated evidence, particularly of the injured witness. The learned Appellate Court thus dismissed the appeal and confirmed the conviction and sentence imposed by the learned Trial Court.



Grounds of Revision:-

The revision petitioner contended that there were material contradictions in witness depositions. Recovery of weapons was not proved. All eyewitnesses were related and no independent witnesses were examined. The place of occurrence was not properly identified. P.W.3's wound certificate showed inconsistency in injury count. There was previous enmity and possibility of false implication.

Discussion and Findings:-

This Court, being a revisional court, does not re-appreciate evidence unless there is manifest illegality, perversity, or miscarriage of justice. Upon perusal of the records and findings of the Courts below, this Court finds that the injured witness (P.W.2) clearly deposed the overt acts of both accused and his version was corroborated by P.W.1, P.W.4, P.W.5, and medical evidence. P.W.3, the doctor, confirmed 11 injuries, one of which was grievous. The argument that the place of occurrence was not proved is without merit and the investigation was properly carried out and spot inspection done. Minor contradictions in measurement of weapons or number of people present are not material and do not shake the prosecution's core case. Recovery of weapons, though relevant, is not *sine qua non* for conviction when eyewitness and medical evidence convincingly prove the incident. The existence of civil disputes does not nullify the



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evidence of injured witnesses, if found credible.

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Conclusion:-

Both the Courts below have given concurrent findings of fact based on cogent, corroborated, and credible evidence. This Court finds no perversity or patent illegality in the said judgments. The grounds urged in the Criminal Revision Case are factual in nature and have been thoroughly considered and rightly rejected by the learned Trial Court and learned first Appellate Court. This Court is not inclined to interfere with such well-reasoned concurrent findings.

Result:-

This Criminal Revision Case is dismissed. The conviction and sentence imposed on the revision petitioner by the Courts below are hereby confirmed. The learned Trial Court is directed to take necessary steps for securing the custody of the revision petitioner to serve the period of sentence imposed on him. No Costs. Consequently, connected miscellaneous petition is closed.

21.07.2025

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



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To

- 1.The Additional Sessions Judge, Kuzhithurai.
- 2.The Assistant Sessions Judge, Kuzhithurai.
- 3.The Inspector of Police,
Pudhukadai Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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