



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2025

CORAM:

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HON'BLE MRS JUSTICE L.VICTORIA GOWRI**

CRL.A(MD)No.464 of 2022

Ramalingam

At present confined at
Central Prison, Madurai, as
Convict Prisoner

... Appellant/Accused No.3

.Vs.

The State, represented by
The Inspector of Police,
Thrichuli Taluk Police Station,
Virudhunagar.
(Crime No.116 of 2013)

... Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374 of Criminal Procedure Code against the judgment of conviction passed by the learned Additional District and Sessions Judge, Virudhunagar in S.C.No.78 of 2014, dated 29.6.2022.



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For Appellant : Mr.M.Jegadeesh Pandian

For Respondent : Mr.B.Nambi Selvan
Addl.Public Prosecutor

JUDGMENT

(Order of the Court was made by **P.VELMURUGAN.,J**)

This Criminal Appeal is filed against the judgment of conviction passed by the learned Additional District and Sessions Judge, Virudhunagar in S.C.No.78 of 2014, dated 29.06.2022.

2.The respondent-Police registered a case under section 294(b), 324, 326, 302 and 307 IPC against the four accused persons including the appellant herein. After investigation, laid charge-sheet before the Judicial Magistrate, Aruppukkottai and he took the charge-sheet on file in P.R.C.No.6 of 2024 and after completion of proceedings under Section 207 Cr.P.C, committed the case to the Court of Session, since the offences are exclusively triable by the Court of Session. The Principal Sessions Judge, Virudhunagar took the case on file in S.C.NO.78/2014 and made over the case to the Additional District and Sessions Judge, Virudhunagar, for disposal in accordance with law.



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3. The learned Additional District and Sessions Judge framed charges against the first and second accused for the offence under section 294(b)IPC, against the second respondent for the offence under section 307 IPC, against A1 and A2 for the offence under Section 302 IPC, against the appellant/A3 for the offence under Section 307 IPC and also against A1 for the offence under Section 326 IPC and against the fourth accused for the offence under section 324 IPC.

4. In order to substantiate the charges, during trial, on the side of the prosecution, totally 12 witnesses were examined as P.W.1 to P.W.12 and 24 documents were marked as Ex.P1 to Ex.P24, besides, 10 material objects were exhibited.

5. On completion of examination of the prosecution witnesses, the trial Court culled out the incriminating circumstances as against the accused and put the question under Section 313 Cr.P.C and all the accused denied it as false. On the side of the defense, one witness was examined, the appellant herein was examined as D.W..1 and no exhibit was marked. On hearing the arguments and considering the submissions made by the learned counsel appearing on either



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side and also considering the materials, the trial Court convicted the accused as follows:

The first accused is sentenced to undergo imprisonment for life and to pay a fine of Rs.10000/- in default of payment of fine amount, to undergo rigorous imprisonment for one year for the offence punishable under section 302 IPC. The second accused is sentenced to undergo three years rigorous imprisonment for the offence under Section 324 IPC and to undergo imprisonment for life and to pay a fine of Rs.10,000/- in default, to undergo rigorous imprisonment for one year for the offence under section 302 IPC and both the sentences are ordered to be run concurrently. The third accused is sentenced for the offence punishable under Section 307 IPC to undergo 7 years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo one year rigorous imprisonment. The period of imprisonment already undergone by the accused are ordered to be set off under Section 428 CrP.C. As against the third accused, the learned counsel for the appellant has filed the present appeal.

6.The learned counsel for the appellant would submit that the occurrence is



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said to have taken place on 6.8.2013 at about 3.40 p.m. While P.W.1 was cleaning his goat, the accused No.1 Muniyandi came to the place of occurrence and abused P.W.1 with filthy language. At that time, A1 and A2 with deadly weapons like wooden log and bill hooks and sickle and attacked the deceased indiscriminately. On hearing the voice, P.W.1 came to the spot immediately. The appellant and other accused 1 and 2 attacked P.W.2 with aruval and caused injuries. As per the prosecution, P.W.1 and P.W.2 attacked the injured eyewitness to the occurrence with Aruval and caused injuries. Therefore the charge against the appellant is framed for the offence under section 307 IPC. P.W.2 came to the occurrence place and after the occurrence, A3/appellant came to the spot. P.W.2 caused injuries to the appellant and P.W.2 went to the private hospital, took treatment for his two injuries. There is no corresponding second injury. The first injury is Ex.P18 Wound Certificate is simple in nature. The doctor who gave treatment to P.W.2 was not at all examined in this case. In any event, offence under Section 307 IPC was not at all attracted against the appellant. There is no corroboration between the evidence of P.W.1 and P.W.2 though they are claimed to be the injured eyewitnesses to the occurrence. The alleged occurrence as spoken by them are not corroborated with each other and the same is self



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contradictory, which creates strong doubt about the veracity of the prosecution case. As per Ex.p18, P.W.2 alleged to have been attacked with three weapons whereas, in his evidence, he alleged to have been attacked by P.W.3 with bill hook and iron rod. Therefore the alleged weapon MO3 is not at all tallied with the injury. Apart from that, in Ex.P18, all the injuries are lacerated injuries and there is no cut injury. Hence the occurrence would not have taken place as spoken by P.W.2. The doctor who gave treatment to P.W.2 was not at all examined and the same is fatal. The case of the prosecution is that the trial court had inflicted conviction by referring on the first injury under Ex.P18. As per the medical report, the first injury is simple in nature, whereas, the trial Court has observed that it is grievous injury. For that, there is no evidence available before the trial Court. Therefore the judgment of conviction is liable to be set aside. There is no corroboration between the evidence of prosecution witnesses and their evidence is totally contradictory. Further the prosecution has examined only interested witnesses of the deceased and there are other valuable grounds available to the present case and there is no corroboration between the evidence of prosecution and therefore, the prosecution fails to prove the case. Unfortunately, the trial Court failed to appreciate the contradictions and the



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testimony of the eye-witness and also contradictions in recovery of the materials and recorded the conviction under Section 307 IPC and imposed sentence of 7 years which is against the principles of law. Therefore the judgment of the trial Court has to be set aside.

7.Per contra, the learned additional Public Prosecutor appearing for the respondent /State would submit that though there are four accused in this case, the present appeal has been filed by A3 in this case. Against this appellant, charge framed by the trial Court for the offence under section 307 IPC and in order to substantiate the charges, on the side of prosecution, 12 witnesses were examined, out of which, P.W.1, P.W.2, P.W.3 and P.W.4 are eyewitnesses to the occurrence, especially, P.W.1 who gave the complaint to set the law in motion who is also an eyewitness, clearly spoken about the overt-act attributed by the appellant and injury caused to P.W.2 and also the weapon used by the appellant to cause the injury to P.W.2. The specific overt-act against this appellant is that the appellant caused injuries to P.W.2 by using deadly weapon sickle and Ex.P18 Wound Certificate of the injured witness states that five injuries caused to him, out the five injuries though the first injury is simple in nature, injury 2 to 5 are grievous



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in nature and a reading of the evidence of P.W.1 and P.W.2, the injured witness has clearly spoken about the specific overt-act against the appellant and recovery of weapons and therefore, even in the accident register, it is clearly stated that a known person has caused injury and subsequently weapons recovered based on the confession statement leading to the recovery, sent it for Forensic Lab. Even the serological report shows that the weapons deducted with human blood and therefore, prosecution has proved its case beyond reasonable doubt and there is no merit in this case and the trial Court has rightly appreciated both the oral and documentary evidence, especially, injured witness and convicted the appellant for the offence under section 307 IPC and sentenced him to undergo 7 years rigorous imprisonment.

8. Heard both sides and perused the records.

9. The specific case of the prosecution is that the appellant and other accused caused injuries to the deceased and also the appellant caused injuries to P.W.2. Therefore the case was registered against the appellant and other accused and after trial, the trial Court had convicted all the accused and now, the



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appellant who was arrayed as A3 in the said case, has filed the present appeal.

10. In this case, P.W.1 who gave the complaint before the Police through Ex.P1 to set the law in motion subsequently examined before the Court, where, he has stated that the appellant while scolding in filthy language and attacked P.W.2 on the left side shoulder and also fingers with sickle and P.W.2 who is the injured witness in this case has clearly stated that the appellant attacked with sickle on his left shoulder and left fingers and left thigh. She has sustained injury and she went to the Government Hospital, Aruppukkottai and she was admitted in the hospital and took treatment. Even the complaint given by P.W.1, Ex.P1 itself shows there is specific overt-act against the appellant. Though the learned counsel for the appellant would submit that the appellant has also sustained injury, that was not properly explained, whereas, the confession statement which was said to have been made by the appellant and the admissible portion of the confession statement was also marked as Ex.P6, in which, it is stated that she has handed over the weapon and therefore the recovery was proved by the trial court and in that confession statement, he himself stated about the injuries sustained by him. Though the confession statement made before the Police Officer is not an



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admissible evidence under section 25 of the Evidence Act, however, confession leading to recovery of weapons, is admissible. Considering the mitigating circumstances for sentencing, the confession statement made by the accused could be relied and therefore, a reading of the materials and the appellant himself had stated that how he sustained injury and further the Wound Certificate-Exp18 clearly shows that the injury No.2 to 5 are grievous in nature and has stated earlier the appellant, one who caused injury to P.W2 through deadly weapons and the injuries also grievous in nature. Therefore the offence committed by the appellant falls under Section 325 and punishable under Section 326 of IPC.

11. In support of his contention, the learned counsel for the appellant relied on the following decisions:

(1) unreported judgment of this Court made in ***Crl.R.C.No.1326 of 2017 in the case of Ramamurthy and another .vs. The State, represented by the Inspector of Police, SHO Kumaratchi Police station, Cuddalore District***; and



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(2) decision of the Honourable Apex Court in the case of ***Sivamani and another vs. The State, represented by the Inspector of Police reported in 2023 SCC online 1581.***

12. A reading of the entire materials, especially, evidence of P.W1 and P.W2 and also Ex.P18 Wound Certificate of P.W.2 and the nature of the injuries and the weapons used and though the trial Court convicted the appellant under section 307 IPC, the injured has stated that the appellant attacked on the left shoulder and as per Ex.P18 Wound Certificate, the first injury is simple in nature. However the other injuries sustained on his left fingers which is grievous in nature and had also caused injuries by deadly weapons like sickle and therefore the offence committed by the appellant not falls under Section 307 IPC, and which falls under Section 325 IPC punishable under Section 326 IPC.

13. Admittedly, P.W2 is an injured witness and who has clearly spoken about the specific overt-act against the appellant. The victim who survives the injury be the best witness and is fatal unlikely to scream the real offender giving weight to the case to the evidence of the injured. In this case, even in the earlier



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version before the Doctor, he has stated that in the accident register, it is stated that it is an assault by known persons and also even in the complaint itself, P.W.1 stated the named accused. FIR was also registered against the named accused and would also reveal that the charge-sheet filed against the named accused. To substantiate the case of the prosecution, the prosecution has also examined eyewitness and P.W.2, the injured witness and from that evidence the overt-act attributed against the appellant is proved with wound certificate and also recovery of weapons. This Court also finds that the appellant, one who had caused grievous injuries to the injured P.W.2, is not entitled for acquittal, however, considering the mitigating circumstances and the nature of the injuries sustained by P.W.2, this court inclined to modify the sentence as below.

14. Therefore, this Court while re-appreciating the oral and documentary evidence and since the other accused not filed any appeal and only A3/appellant alone has filed the present appeal. As against A3, charge under section 307 IPC for causing grievous injuries with deadly weapons to P.W.2, whereas, the evidence of P.W.1 and P.W.2 and also the complaint and further wound Certificate of P.W.2, this Court finds that while re-appreciating the oral and



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documentary evidence, comes to a conclusion that the appellant had caused the offence under Section 325 punishable under section 326 IPC and not under Section 307 IPC.

15.Considering the fact that the appellant used deadly weapons and caused grievous injuries to P.W.2, the appellant is convicted under section 326 IPC and directed to undergo sentence of five years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to pay the said fine amount, further to undergo rigorous imprisonment for one year. The period of imprisonment already undergone by the appellant is directed to be set off under Section 428 of Cr.P.C.

16.With the above modifications, the Criminal Appeal stands dismissed.

[P.V.,J.] [L.V.G.,J.]
18.11.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn



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To

- 1.The Additional District and sessions Judge,
Virudhunagar.
- 2.The Inspector of Police,
Thiruchuli Taluk Police Station,
Virudhunagar.

Copy to

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



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P.VELMURUGAN, J.
and
L.VICTORIA GOWRI.,J.

vsn

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