



Cr1.A(MD)No.499 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2025

CORAM :

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

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Ramachandran

... Appellant/Sole Accused

vs.

State represented by
The Inspector of Police,
Natham Police Station,
Dindigul District.
In Crime No.130/2016

... Respondent/Complainant

Prayer:-This Criminal Appeal is filed under Section 374(2) of Criminal Procedure Code, to call for the records relating to the judgment in S.C.No.84/2017 dated 11.07.2022 on the file of the Additional District and Sessions Judge, Dindigul, and set aside the same and acquit the appellant/accused from the charge levelled against him.

For Appellant : Mr.R.Venkateswaran

For Respondent : Mr.B.Nambi Selvan

Additional Public Prosecutor

J U D G M E N T

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



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This Criminal Appeal has been filed to call for the

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relating to the judgment in S.C.No.84/2017 dated 11.07.2022 on the file of the Additional District and Sessions Judge, Dindigul, and set aside the same and acquit the appellant/sole accused from the charge levelled against him.

2. The case of the prosecution is that the deceased Rajendran and the accused Ramachandran are neighbours. There was a previous dispute between them with regard to plucking of tamarind fruits from the tamarind tree stands in the house of the accused. On 25.03.2016, the accused through coolie labourers collected the tamarind fruits which fallen down from the tamarind tree stands in front of the house of the deceased, during which, there was heated argument between the deceased and the accused, whereby, the accused abused the deceased. In continuation of the said incident, on 25.03.2016 at 10.30 a.m., when the deceased was herding goats in the mud road leading to a Crusher of one Manivasagam situated on the west of Thondapuri on Manakkatur – Sendurai road, Natham Taluk, the accused armed with a knife, waylaid him, scolded the deceased and stabbed him with a knife



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on his right and left chest, backside, left thigh, lower jaw and ribs repeatedly. The son-in-law of the deceased/PW1 who followed the deceased from behind at the time of occurrence attempted to catch the accused, however, the accused fled away from the scene of occurrence. Immediately thereafter, the deceased was taken to the Government Hospital, Natham, where he was declared dead. On the complaint-Ex.P1 given by PW1, the respondent/police registered a case in Crime No. 130/2016 for the offences under Sections 341, 294(b) and 302 of IPC against the appellant. After investigation, the respondent/police laid a charge sheet before the District Munsif cum Judicial Magistrate Court, Natham, and the same was taken on file in PRC.No.10 of 2016. After completing the formalities, the learned Magistrate committed the case to the Court of Session, since the offences are exclusively triable by the Court of Session. The Principal District & Sessions Court, Dindigul, took the case on file in S.C.No.84 of 2017 and made over the case to the Additional District and Sessions Court, Dindigul, which framed the charges for the commission of offences under Sections 341, 294(b) and 302 of IPC. In order to substantiate the case during trial, on the side of the prosecution, totally 17 witnesses were examined as PW1 to PW17



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and 22 documents were marked as Exs.P1 to Ex.P22, besides 7 material objects were exhibited as MO1 to MO7. On the side of the defence, two witnesses were examined as DW1 and DW2 and 2 documents were marked as Exs.D1 and D2.

3. After completion of the evidence of the prosecution side witnesses, the accused/appellant was questioned under Section 313(1)(b) Cr.P.C with regard to incriminating circumstances made out against him in the evidence rendered by the prosecution witnesses and he denied it as false. On conclusion of the trial and hearing of the arguments on either side, the trial Court acquitted the accused from the charges under Sections 341 and 294(b) of IPC and convicted the accused for the offence under Section 302 and sentenced to undergo life imprisonment with the fine of Rs.10,000/- in default to undergo three months simple imprisonment. Aggrieved over the judgment and sentence, the appellant/accused has filed the present appeal before this Court.

4. The learned counsel appearing for the appellant



would submit that the presence of PW1 in the scene of occurrence is highly doubtful; when the accused overtook PW1 with knife to attack the deceased, PW1 who was going behind the deceased did not make any attempt to save the deceased nor he has made any alarm about the assault, as such, PW1's evidence is unbelievable; the evidence of PW1 is not supported by any independent witness nor corroborated by documents; PW1 stated that he took the deceased with bleeding injuries to the hospital, however, the bloodstained dress of PW1 was not recovered which creates doubt over his presence in the scene of occurrence; the evidence of PW1 is unreliable since it is contrary to the medical evidence; there are vital contradictions between the evidences of PW1 and PW3-elder brother. P.W.1, in his complaint, has not stated anything about the presence of the other witnesses, P.W.2 to P.W.4, which creates a serious doubt regarding the correctness of Ex.P1-complaint, and this doubt is further strengthened by the unexplained delay in forwarding the FIR to the Magistrate's Court; PW1 is none other than the son-in-law of the deceased, as such, he is an interested witness; arrest and recovery was not proved; non examination of Ambulance driver and the doctor who treated the deceased and non marking of



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Accident Register of the deceased are fatal to the prosecution's case; the prosecution failed to explain the injury sustained by the accused and not produced the wound certificate of the accused which is fatal to the prosecution; non examination of independent witness creates serious doubt over the genesis of the prosecution case; the injuries mentioned in Ex.P12-postmortem report do not tally with the evidence of PW1; PW15-doctor who conducted autopsy deposed that the injuries were possible out of scuffle and it was corroborated by the abrasion injuries; the evidence of PW5 also shows that she saw the accused rolling the deceased and also there is an injury on the accused which would suggest that the prosecution has suppressed the genesis of the case and therefore, the appellant is entitled to acquittal on benefit of doubt. Hence, the judgment and sentence of the trial Court are liable to be set aside.

5. The learned Additional Public Prosecutor would submit that the prosecution proved its case beyond reasonable doubt by examining eye-witness/PW1, PW15-postmortem doctor and also the recovery through confession statement. Though PW2 to PW5 were cited



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as eye-witnesses, the trial Court disbelieved their evidence. But however, without the evidence of PWs.2 to 5, the evidence of the doctor/PW15 who conducted the postmortem on the body of the deceased and Ex.P9-postmortem report, PW12-independent witness to confession of the accused and recovery. Exs.P20 and P21-Biological report and Serological report are tallied with the injury sustained by the deceased and human blood was detected on the recovered materials. Though there are contradictions and discrepancies in the prosecution witnesses that are only minor contradictions which will not affect the case of the prosecution. The trial Court rightly appreciated the oral and documentary evidence and convicted the appellant for the charged offence under Section 302 of IPC. Therefore, there is no merit in this appeal.

6. Heard both sides and perused the records.

7. The specific case of the prosecution is that there was enmity between the accused and the deceased regarding plucking of tamarind fruits from the tree standing in the house of the accused. On 25.03.2016, the accused through coolie labourers collected the tamarind



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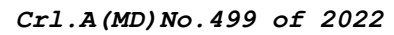
fruits which had fallen down from the tamarind tree standing in front of the house of the deceased, during which, there was a heated argument between the deceased and the accused, by which, the accused abused the deceased. In continuation of the said incident, on 25.03.2016 at 10.30 a.m., when the deceased was herding goats on the mud road leading to a Crusher of one Manivasagam situated on the west of Thondapuri on Manakkatur – Sendurai road, Natham Taluk, the accused armed with a knife, waylaid the deceased, scolded him and stabbed him with a knife on his right and left chest, backside, left thigh, lower jaw and ribs repeatedly. The deceased was brought dead to the Government Hospital, Natham. In order to substantiate the case during trial, on the side of the prosecution, totally 17 witnesses were examined as PW1 to PW17 and 22 documents were marked as Exs.P1 to Ex.P22, besides 7 material objects were exhibited as MO1 to MO7. On the side of the defence, two witnesses were examined as DW1 and DW2 and 2 documents were marked as Exs.D1 and D2.

8. Reading of the evidence of PW1 who is the son-in-law of the deceased shows that he has clearly spoken about the motive



behind the occurrence. He has further stated that both the appellant and the deceased are neighbours and adjacent to their house, there was a tamarind tree in which, the tamarind fruits ripened. At that time, the appellant collected the tamarind fruits through four persons which had fallen down from the tamarind tree, for which, the deceased objected stating that a case is pending in this regard. In response, the accused came to the house of the deceased and threatened him with dire consequences. PW1 further deposed that since the accused already threatened the deceased, when the deceased was herding goats, PW1 was also walking behind the deceased at a distance of 50 feet. At that time, the accused suddenly crossed PW1, scolded the deceased and stabbed him with knife on his backside and right and left chest and right side thigh and before PW1 could catch the accused, the accused escaped from the scene of occurrence. PW1 held the body of the deceased and subsequently, called 108 Ambulance and took the deceased to the hospital along with his sister. In the hospital, the deceased was declared dead and thereafter lodged the complaint-Ex.P1.

9. Though PW2 to PW4 have also stated that they had



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objects, such recovery portion alone is admissible in evidence under

Section 27 of the Indian Evidence Act. PW12 has categorically stated that the appellant gave the confession statement in his presence and based on that, recovery was effected. The admissible portion of the confession statement has also been marked as Ex.P15 in which, PW12 signed as a witness. From a combined reading of the evidence of PW1-eyewitness, PW15-Doctor who conducted the postmortem, PW12-witness to confession and recovery, Ex.P1-complaint, Ex.P9-postmortem report along with final opinion given by the doctor, Ex.P15-admissible portion of the confession statement of the accused and also Exs.P19 and 20-Biological and Serological reports which proved that human blood was detected from the recovered materials in MOs.1 to 6, this Court is of the view that the prosecution has proved its case beyond reasonable doubt.

10. Though the learned counsel for the appellant vehemently contended that the injuries as stated by PW1 do not tally with the medical evidence, PW1 has categorically stated that the deceased was attacked by the appellant on his chest, backside and also thigh. Even the postmortem report also clearly mentions about the



injuries sustained by the deceased which tally with the evidence of PW1.

As per the opinion of the postmortem doctor, the deceased would appear to have died of shock and hemorrhage and injury to vital organs (thorax and liver) 22 to 26 hours prior to autopsy. The knife used for the attack was marked as MO1. Therefore, the above contention of the learned counsel for the appellant is not acceptable.

11. Though the learned counsel for the appellant contended that the prosecution has not explained the injury sustained by the accused, perusal of Ex.D1-Accident Register copy of the accused shows that the accused had been attacked by known person and sustained an injury, for which, he took treatment in a private hospital where for the injury below the right thumb finger, six sutures had been made. However, the accused had not made any complaint to the police regarding the injury sustained by him nor had he produced any medical record showing that he had taken treatment for that injury and no doctor was examined to prove the injury of the accused. The evidence of PW1 clearly shows that after stabbing, the appellant pulled the knife from the body of the deceased and fled away from the scene of occurrence. Further, the appellant himself admitted in his confession that while he



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was stabbing the deceased on the chest, the deceased held the accused's right wrist tightly and at that time, the knife held by the accused moved up and down, in this process, the knife stabbed the palm of the accused and thereby an injury was caused in his hand. Therefore, the above contention of the appellant cannot be accepted.

12. The further contention of the appellant that non examination of the doctor who treated the deceased and issued the Accident Register of the deceased and non marking of the same is fatal to the prosecution' case, it is to be noted that normally at the time of admission for treatment, the doctor only will see the injuries for the purpose of giving the treatment and record entries in the accident register, but however if the doctor finds that the deceased was brought dead, he will simply refer the body for postmortem. Reading of the evidence of the doctor and also the postmortem report and also the final opinion of the doctor proved that the deceased died of shock and hemorrhage and injury to vital organs (thorax and liver) 22 to 26 hours prior to autopsy. Therefore, the said contention of the learned counsel for the appellant cannot be accepted. Further it is a settled proposition of law that mere defect in the investigation or lapse on the part of the



investigation agency cannot be the ground for disbelieving the evidence of the eye witness. The eye-witness/PW1 has clearly stated about the enmity between the appellant and the deceased and he has also clearly stated about the specific overt act against the appellant and also identified the weapon during his cross examination. The accused and the deceased are neighbours and PW1 is the son-in-law of the deceased. Therefore, the identification of the accused or the deceased is not doubtful. The evidence of PW1 is corroborated by the medical evidence- PW15 and further to strengthen the case of the prosecution, PW12 has spoken about the confession statement of the accused leading to recovery. Therefore, under these circumstances, this Court finds that the prosecution has proved its case beyond reasonable doubt. The contradictions and discrepancies pointed out by the learned counsel for the appellant are only minor contradictions which will not affect the case of the prosecution. Exs.P19 and 20-Biological and Serological reports tally with the evidence of the doctor who conducted the postmortem and also the evidence of PW1/eye-witness.

13. While re-appreciating the evidence, this Court finds that the evidence of PW1 is consistent, cogent, reliable and credible and



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there is no reason to discard the evidence of PW1. Though PW1 is a relative witness, but that is not the sole ground to reject the evidence of the relative witness when it is cogent, reliable and credible and also corroborated with the other evidences namely, medical evidence and forensic reports. Therefore, there is no need to reject the evidence of PW1 since because he is a relative witness. This Court finds that the prosecution has proved its case beyond reasonable doubt and the trial Court has rightly appreciated the evidence in proper perspective and there is no reason to interfere with the judgment of the trial Court. There is no merit in this appeal.

14. Accordingly, the Criminal Appeal is dismissed.

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

Index : Yes / No
Neutral Citation : Yes / No

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To

1. The Additional District and Sessions Judge,



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2. The Inspector of Police,
Natham Police Station,
Dindigul District.

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

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



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AND
L.VICTORIA GOWRI, J.

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JUDGMENT MADE IN
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DATED : 18.11.2025