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CRL.A.(MD).No.572 of



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09/12/2025

CORAM

**THE HONOURABLE MR JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS JUSTICE R.POORNIMA**

Crl.A(MD)No.572 of 2022

Ramesh

: Appellant/Sole Accused

Vs.

State through,
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Crime No.41 of 2022)

: Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374(2) of the Criminal Procedure Code, to call for the records relating to the judgment in SC No.114 of 2017, dated 08/06/2022 on the file of the Fast Track Mahila Court, Dindigul and set aside the same.

For Appellant

: Mr.T.Indrachithu

For Respondent

: Mr.T.Senthil Kumar
Additional Public Prosecutor



JUDGMENT

(Judgment of the Court was made by the Hon'ble **R.POORNIMA, J.**)

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This Criminal Appeal is filed against the judgment of conviction and sentence passed by the Sessions Judge, Fast Track Mahila Court, Dindigul, in S.C.No.114 of 2017, dated 08/06/2022 and consequently to acquit the appellant.

2. The case of the prosecution is that the accused Ramesh and the complainant Mageshwari are husband and wife. They are blessed with two female children. The accused suspected the fidelity of the complainant. Due to which, there was misunderstanding between the couple. The complainant was living separately from the accused for the past six months. Both the children were living with the accused. Three months back, the accused contracted second marriage, the complainant requested the accused to hand over the two female children to her. However, the accused refused. So, she lodged a complaint before the All Women Police Station, Kodaikanal. On 12.04.2016 at about 06.00 am, with the consent of the accused two female children were handed over to the complainant. On the same day at about 09.00 pm, while the complainant, her mother, grand-mother and grand-father (deceased Ramar) along with the children were taking food in their house, the accused came there armed with a knife and demanded that the children be handed to him. When the grand-mother



Pachiammal refused to hand over the children, the accused shouted alleging she was the reason for separating the children. Thereafter the accused took out a knife and stabbed on her neck and cheek, lower jaw and left hand indiscriminately. Immediately all the inmates raised hue and cry. The deceased Ramar attempted to intervene and prevent the accused, at that time the accused attacked him indiscriminately, causing stab injuries on his left rib, chest and stomach. The mother of the complainant also attempted to restrain the accused, where upon he stabbed her left chest and inflicted injury. When the complainant raised hue and cry the accused chased her and stabbed on her left forehead with the same knife. Thereafter, the neighbours who witnessed the occurrence rushed to the place of occurrence. The accused fled away from the scene of occurrence with knife. Subsequently all the injured persons were taken to Kodaikanal Government Hospital in a vehicle for treatment.

3. The complaint (Ex.P1) was received by P.W.16- Nagarajan from the complainant (P.W.1), while she was taking treatment in the Government Hospital, Kodaikanal and registered FIR (Ex.P11) in Crime No.158 of 2016 for the offences under Sections 294(b), 324 and 307 IPC and sent the original complaint and FIR to the District Munsif-cum-Judicial Magistrate, Kodaikanal and the copies to the higher officials for reference and to the Inspector of Police for investigation.



4. After receipt of the FIR, Thiru.Muruganantham, (P.W.17) the Inspector of Police, Kodaikanal took the case for investigation and proceeded to the place of occurrence at 00.30 hours, on 13.04.2016 and prepared observation Mahazar under Ex.P2 and rough sketch (Ex.P12) in the presence of the witnesses Saiman Kumar and Rajkumar and also recovered blood-stained earth and ordinary earth (M.O.3 and M.O.4) in the Athachi (Ex.P3). Thereafter, he examined the witnesses Saimen Kumar and Rajkumar and recorded their statement. He examined the injured witnesses Mageswari, Pachiammal, Ramar (deceased) and Palaniammal and recorded their statement and also examined the witnesses Muniammal, Pawn Thai and Merryammal and recorded their statements. Thereafter, at 07.00 am, he arrested the accused on the Kodaikanal-Perumal Malai road Zion school junction in the presence of Mr. Susendran, Village Administrative Officer and Gunasekaran, Village Assistant and recorded the confession statement of the accused in Ex.P4 and recovered blood stained pink colour shirt (M.O.2) from the accused through recovery mahazar (Ex.P5). He also recovered the bloodstained knife (M.O.1) through mahazar (Ex.P6) in the presence of the same witnesses. Thereafter, he sent the accused for remand and the material objects to the Court and examined the Sub Inspector (P.W.16) and recorded his statement.



5. Dr.Sivaram Sagar (P.W.12) had examined P.W.2-Palaniammal an injured who came for treatment on 12.04.2016 noted the following injuries viz., (1) a cut injury size 6 x 1 x 1 cm on the Left chest; (2) a cut injury of size 4 x 1 x 1 cm on the below the left chest; and (3) a cut injury size 3 x 1 x 1 cm on the left stomach area.

6. On the same day at 10.20 pm, he examined another injured witness P.W.3-Pachiammal who came for treatment and noted the following injuries on her body viz., (1) Left upper hand 10 x 5 x 4 cm, cut injury; (2) Left cheek 15 x 1 x 1 cm, cut injury; (3) Left cheek 12 x 1 x 1 cm, cut injury.

7. On the same day at 10.50 pm, he examined P.W.1-Mageswari and noted the following injuries to her viz., Left forehand 7 x 4 x 4 cm, cut injury. He referred the above witnesses' viz., P.W.1 to P.W.3 to the Government Medical College Hospital, Theni for the treatment. On the very same day, he treated the deceased Ramar and found the following injuries viz., (1) a cut injury size 5 x 2 x 1 cm on the left thigh; (2) a cut injury size 3 x 1 x 1 cm below navel; (3) a cut injury size 10 x 4 x 3 cm near left stomach; (4) a cut injury size 6 x 1 x 1 cm on the left chest; (5) an another cut injury with size 10 x .02 x 0.2 cm on the left chest; (6) a cut injury size 5 x 2 x 1 cm on the left hand. He also referred him to the Government Medical College Hospital, Theni and issued



accident registers (Exs.P7 to P9).

8. On 18.04.2016 at 01.00 pm, the injured Ramar who was undergoing treatment, died. He proceeded to the Government Hospital and received the death intimation. He altered the Sections of law from 294(b), 324, 307 IPC @ 294(b), 324 and 302 IPC under an alternation report (Ex.P22) and forwarded the same to the District Munsif-cum-Judicial Magistrate, Kodaikanal. Thereafter, he conducted the inquest on the deadbody of the deceased at 15.00 hours in the presence of the panchayadars and witnesses and prepared the inquest report (Ex.P15). Thereafter, he sent a request to the Government Hospital for postmortem and also collected blood samples of the deceased Ramar through Head Constable Kasinath.

9. Since Thiru. Raman succumbed to injuries, Dr.Arun Kumar-P.W.15 conducted the postmortem examination, on the body of the deceased, found the following injuries and issued the postmortem certificate (Ex.P10):-

“1.A Vertical mid line surgical suture wound measuring 23 cms x 0.5 cm x peritoneal cavity deep noted in the front of center of abdomen. On removal of sutures the edges are clean cut, margins are clean. The abdominal wall muscles contain about 15 mg of clotted blood. Peritoneum is hyperemic and adherent. Peritoneal cavity- contained about 100 ml of fluid blood with clots. Liver-cut-section-pale. Spleen-cut- section-pale. Right



kidney-cut-section-pale. Left kidney-cut-section-pale.

2.Sutured cut injury of size 11 cms x 2 cms x muscle deep noted on front of center of left forearm.

3.Sutured cut injury of size 3 cms x 2 cms x peritoneal cavity deep noted on left umbilical region, 3 cms below umbilicus.

4.Sutured cut injury of size 4 cms x 2 cms x muscle deep noted on outer aspect of left middle forearm.

5.Sutured cut injury of size 11 cms x 0.5 x peritoneal cavity deep noted on left lumbar region.

6.Sutured cut injury of size 8 cms x 0.5 cms x feet deep noted on left lower chest.

7.Sutured cut injury of size 7 cms x 2 cms x muscle deep noted over outer aspect of left upper thigh.

8.Abrasion of size 4 cms x 2 cms noted over right ankle joint.

9.Abrasion of size 3 cms x 2 cms noted over left ankle joint.

10.Surgical ICD noted on left chest, at 5th intercostal space.

11.Surgical drain noted on loin of right side of abdomen.

12.Surgical drain noted on loin of left side of abdomen.”

10. Thereafter, P.W.17-Muruganantham-Investigating Officer recovered the bloodstained cotton (M.O.5) under Form 95 and thereafter, he



examined other witnesses and recorded their statements.

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12. He sent a requisition letter on 25.04.2016 requesting that the material objects be sent for chemical analysis. He examined one Iyyammal, Inspector of Police, AWPS, Kodaikanal and recorded her statement.

12. He also obtained a certificate from the Junior Engineer P.W.10-Alfones, Electricity Department to ascertain the uninterrupted power supply and recorded his statement. Thereafter, he received the Biology Report (Ex.P18) and recorded the statement of Forensic Expert. After completing the investigation, filed the charge sheet against the accused for the offences under Sections 294(b), 324(2 counts), 326, 302 IPC. After examination of P.W.17, the prosecution side evidence was closed.

13. After completing the investigation, P.W.17 laid a charge sheet before the District Munsif-cum-Judicial Magistrate, Kodaikanal and the learned Judicial Magistrate also took the case in P.R.C No.03 of 2016. After completing the formalities and also served free copies to the accused and complied with under section 207 Cr.P.C, committed the case to the Court of Session. Since the offences are exclusively triable by a Court of Session, the Principal District Judge, Dindigul, took the case on file in S.C No.114 of 2017 and made it over to



the Sessions Judge, Fast Track Mahila Court, Dindigul. The learned Sessions Judge, after completing the formalities, framed the charges against the appellant for the offences punishable under Sections 326, 302 and 324 (2 counts) IPC and explained to the accused. The accused denied the charges the charges and elected to be tried consequently, the case was scheduled for trial.

14. During trial, in order to substantiate the case, on the side of the prosecution, totally 17 witnesses were examined as P.W.1 to P.W.17 and 24 documents were marked as Exs.P1 to P24, besides 5 material objects were marked exhibited as M.O.1 to M.O.5.

15. After completion of the trial, when the accused was questioned under Section 313 Cr.P.C., in respect of the incriminating circumstances appearing against him based on the evidence adduced by the prosecution, he denied the same as false. On the side of the defence, no oral and documentary evidence was adduced.

16. After hearing the arguments advanced on either side and also considering the oral and documentary evidence, the learned trial Judge found the accused guilty of the charges framed against him and convicted and sentenced him to undergo 3 years RI for each count under Section 324 (2 counts) IPC; to



undergo 3 years under Section 326 IPC; and to undergo Life Imprisonment and imposed a fine of Rs.1,000/-, in default to undergo 3 months SI for the offence under Section 302 IPC and directed to run the sentences concurrently.

17. Aggrieved over the judgment of conviction and sentence, the appellant has preferred the present appeal upon the following grounds:-

a. The judgment of conviction passed by the Fast Track Mahila Court, Dindigul, is contrary to law, evidence, facts, and probabilities of the case. The alleged occurrence is said to have taken place during night hours, however, evidence of P.W.2, P.W.10 (TNEB Wireman), and P.W.17 (Investigating Officer), coupled with Ex.P12 rough sketch, clearly establishes that there was a power cut and no streetlight at the scene. The absence of any electric post in the rough sketch renders identification of the assailant doubtful, thereby failed to establish the prosecution case beyond reasonable doubt.

b. Further it is contended that the arrest and recovery alleged by the prosecution are highly doubtful; P.W.1 categorically deposed that the appellant was arrested on the same night and kept in the police station, whereas P.W.17, claimed arrest on the next day at a different place with recovery of knife (M.O.1) based on confession. The evidence of P.W.11 (V.A.O) also does not support the recovery, as he admitted that the appellant was already in police custody and that Exs.P5 and P6 do not bear the appellant's signature; such serious procedural



lapses vitiate the prosecution case and create grave suspicion regarding the genuineness of arrest and recovery.

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c. The prosecution failed to establish the motive and place of occurrence; the evidence of P.W.1 to P.W.3 clearly shows that the appellant did not oppose sending the children with P.W.1 and that a customary divorce had already taken place, demolishing the alleged motive;

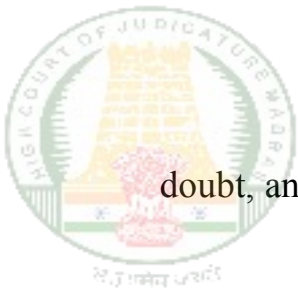
d. Further, there is a material contradiction regarding the place of occurrence, while Ex.P2 observation mahazar suggests the road, Ex.P22 alteration report and oral evidence of P.W.1 to P.W.3 claim it occurred inside the house;

e. P.W.4 and P.W.13 attributed the assault to one Doss, and several independent witnesses were not examined, which is fatal to the prosecution; that the medical and investigative evidence does not corroborate the prosecution case; P.W.12 and P.W.15 Doctors admitted that injuries could have been caused by different weapons and that the alleged weapon was not shown for opinion;

f. Accident Registers (Exs.P7 to P9) were incomplete, torn, and without serial numbers, time, or date;

g. There was unexplained delay in registration and dispatch of FIR, non-examination of crucial witnesses including Doctor who had treated the victim and the All Women Police Station Inspector.

The prosecution has failed to prove the case beyond reasonable



doubt, and the conviction is liable to be set aside and the appeal is to be allowed.

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18. Per contra, the learned Additional Public Prosecutor made his submission in support of the findings of the trial court that the injured eye witnesses clearly spoken about the incident and their evidence are duly corroborated by medical evidence. There is no inordinate delay in filing FIR. The motive for the occurrence has been clearly spoken by the eyewitnesses. However when the prosecution relies on direct eyewitnesses, the question of motive become insignificance. Though the defence projected a new theory to escape from the clutches of law, there is no such evidence or complaint to substantial the same.

19. He further stated that subsequent to the occurrence, the daughters of the accused were taken into the custody of the accused and were examined and cross examined after considerable lapse of time. During such examination, one daughter turned hostile while the other supported the accused in her cross examination. However the same does not in any manner affect the prosecution case.

20. Upon a careful analysis of the records and evidence of the witnesses, the prosecution case is found to be based on eyewitness's testimony.



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21. P.W.1 is the wife of the accused, and an injured eye witness and the complainant. During her chief examination, she has stated that the accused and the complainant were legally married and that they have, two female children out of the marriage. Owing to matrimonial discord and misunderstanding, they had been residing separately. However the children were continuously residing with the accused. Subsequently, the children have expressed their desire to reside with the complainant, she accordingly requested the accused to hand over the children, and however he refused and created obstacles. Hence she lodged a complaint before the All Women Police Station, Kodaikanal and took the children with her on 12.04.2016. On the same day, around 9.00 p.m the accused in an inebriated state came and insisted that she should be handed over the children. But P.W.3 refused to hand over the children. Immediately, thereafter he took a knife hidden by him and stabbed her. After noticing the same, the deceased Ramar who is the husband of P.W.3, and grandfather of P.W.1 rushed to the place of occurrence to prevent the accused. At the time the accused abused him by alleging that he was supporting the complainant and attacked him. When the complainant's mother came and attempted to intervene him, she was also attacked by the accused. Thereafter he attacked P.W.1 and subsequently fled away from the place of occurrence. Thereafter the injured were taken to the hospital for treatment.



22. The evidence of P.W.1 is corroborated by the other injured eye witnesses namely P.W.2 and P.W.3. The P.W.4, who is the daughter of P.W.1 corroborated the testimony of eyewitnesses. P.W.5, who is the neighbour of the complainant also, corroborated evidence of P.W.1 to P.W.4 that the accused came and created disturbance demanding that the children be handover, for which they informed that the matter would be discussed the next day, she suddenly heard a hue and cry, rushed to the place of occurrence, and found four persons with injuries, and also noticed that the accused had fled away from the scene. She then informed the ambulance and sent them to the hospital. Subsequently, injured Ramar died. P.W.6, an independent witness deposed that she heard a commotion from the house of the injured witnesses at 9pm. Immediately rushed to the spot and found the injured witnesses bleeding profusely. She further state that she was informed by P.W.3 that the accused stabbed them. The testimony of P.W.6 also constitutes proof of the occurrence and squarely falls within the ambit of *res gestate*, immediately after the occurrence, he rushed to the spot and was informed by the witness that the accused had stabbed them. The evidence of the eye witnesses is clear, cogent and corroborated with each other and there is no contradictory version to suspect their evidence.



23. Further, the ocular witness were duly supported by the medical evidence. Ex.P7 is the Accident Register and Wound Certificate of Palaniammal (P.W.2), Ex.P8 is the Accident Register and Wound Certificate of Pachiammal (P.W.3), and Ex.P9 is the Accident Register of Mageswari (P.W.1) and Ex.P10 is the postmortem certificate of the deceased Ramar. The Doctor who conducted postmortem opined that the deceased Ramar died due to multiple stab injuries on his abdomen.

24. It is contended by the appellant that there was a delay in registering FIR and also there is a delay in despatching it to the Court which is fatal to the prosecution case. According to the prosecution, the occurrence took place at 09.00 pm on 12.04.2016. The accused stabbed all the four persons which evidenced by Accident Registers (Exs.P7 to P9). The injured were immediately admitted in the Government Hospital. All the witnesses sustained serious injuries and were bleeding profusely as a result of the said injuries. Upon receipt of the intimation from the Government Hospital, P.W.16, went to the Government Hospital at 22.15 hours and thereafter recorded the statement from P.W.1, then came to the police station and registered the FIR at 23.30 hours, hence, there is no inordinate delay in registering. Though the FIR was received by the Judicial Magistrate, Kodaikanal on the next day at 12.15 p.m i.e., on 13.04.2016 the same would not affect the prosecution case as the FIR was



registered without delay.

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25. The learned counsel for the appellant contended that none of the witness stated that at the time of occurrence, there was power supply at the time of occurrence, and P.W.10 admitted that there was a power cut at Indira Nagar, Kodaikanal at the relevant time. He further contended that there was no electricity post available in the place of occurrence and there is no chance for identifying the accused.

26. On perusal of the records particularly, in the rough sketch (Ex.P12), it was clearly mentioned that an electricity post was situated on the northern side of the road and that the electricity light was also available at the house of the injured. As per Ex.P20, the certificate issued by the Junior Engineer, in 110/22 MV Sub Station, Kodaikanal, there was no power cut in the locality between 06.00 pm to 10.00 pm. P.W.10, Electrical Engineer also confirmed that on 12.04.2016, there was no power cut in the locality. However during cross examination the appellant counsel put a suggestion that there was a power cut in Periyakulam Substation, during 2016 and the witness admitted the same. However the counsel did not specifically put any question as to whether there was a power cut in Indira Nagar. Further, the accused is not a stranger to the injured and the deceased. He is the son-in-law of the family. Identification of



the accused would be necessary only if he were a stranger to the witnesses. In the present case, the accused is not stranger. Therefore, the argument advanced by the learned Counsel for the appellant cannot be accepted.

27. Further, the learned Counsel for the appellant contended that the arrest, confession and recovery were not proved by the prosecution, as during cross examination, P.W.1 admitted that on the very same day during night hours, the police officials arrested the appellant and kept in the police station.

28. It is found from the evidence that during cross examination P.W.1 admitted that that appellant was arrested and kept in jail on the very same day. However, she has not stated she personally witnessed the arrest of the accused on the same day. P.W.1 was an injured witness who was admitted to the hospital for several days and therefore, she is not the proper person to depose that the accused was arrested on the same day.

29. On the other hand P.W.11, the Village Administrative Officer of Kodaikanal has clearly stated that the accused was arrested on 13.05.2016 at 07.00 am and that the Investigating Officer recovered M.O.1 and M.O.2 (bloodstained pink colour shirt and knife) from the accused in a recovery mahazar.



30. Further, the accused was produced before the Judicial Magistrate soon after his arrest for remand and he did not state that he had been illegally detained by the Police Officials. Therefore, the prosecution has clearly and satisfactorily proved the arrest, confession and recovery. Further, the bloodstained shirt (M.O.2) and knife (M.O.1), were recovered from the accused were found with bloodstains. The blood samples collected from the deceased's injuries were also sent for the chemical analysis. The serology report (Ex.P19) also clearly shows that all the bloodstains found on the items belonged to AB blood group. Therefore, the argument advanced by the learned Counsel for the appellant that the arrest, confession and recovery were not proved by the prosecution is not sustainable.

31. As per the defence theory, the complainant / P.W.1 had an illegal affair with one Doss and the deceased Ramar lodged a complaint against Doss. In this regard, in order to wreck vengeance, he came to the place of occurrence and attacked all the persons and the accused was not involved in the incident and has been falsely implicated in this case. In this connection, reliance was placed on the admission made by daughter Priya, who was cited as an eye witness (P.W.4).



32. P.W.4, Priya, the daughter of the accused was examined on 27.11.2017 and during her chief examination she categorically deposed about the occurrence. She was cross examined after a lapse of two years from the date of her chief examination, on 11.06.2019. Even on that day, she consistently spoke about the occurrence and denied the allegation that one Doss came and created problem and attacked her grand-father and others. However the said witness was once again recalled on 25.04.2022 and during cross examination, in support of the defence made certain admissions in the cross examination that one Doss had come and quarreled with her grand-father, that her grandfather lodged a complaint, on 10.04.2016 before the Kodaikanal police against him, and that on the date of the occurrence, viz., 12.04.2016, he came with aruval and attacked her the grand-mother, grand-father and others and her father was not present at the place of occurrence, which is a newly introduced theory .The defence counsel could not elicit any such admission during the chief examination on 27.11.2017 or cross examination on 11.06.2019. The first cross examination was conducted only after two years from the date of chief examination, however the witness did not support the defence. Subsequently, she was cross examined again, after five years from the date of the chief examination. During such cross examination the defence obtained favourable answers. P.W.4 clearly admitted that subsequent to the incident, she was living with her father and that her marriage was conducted only by her father. The said admission by made during



the cross examination, does not inspire the confidence of this court and there is clear material to indicate that the above witness was won over by the accused

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33. Further another daughter Preethi (P.W.13) was also examined on 04.11.2020 after three years, from the date of examination of other witnesses, and she did not support the case of the prosecution. However she also admitted that she was living with her father in Kodaikanal and studying 10th standard. Her evidence recorded after a lapse of three long years in not supporting the prosecution version does not make any dent to prosecution case as both witnesses are under the custody of accused.

34. Therefore, on perusal of the entire records, the prosecution has clearly proved the case beyond all reasonable doubt that the accused inflicted serious injuries to the deceased and that the deceased died as a result of injuries so sustained. The prosecution has also proved that the accused inflicted injuries to P.W.1 to P.W.3 who, like wise sustained serious injuries.

35. The accused though was charged under Section 326 IPC for the injuries inflicted on P.W.3, but he was convicted for the offence under Section 324 IPC for the injuries inflicted as against P.W.3. Against which, the State has not preferred any appeal.



36. Further the motive for the offence was proved by the prosecution. It is also proved that the accused came to the house of the deceased and injured armed with a knife which clearly shows that the act was pre-meditated and intended to commit murder. He inflicted grievous injury on the vital part of the deceased, Ramar as a result of the said injuries, the said Ramar succumbed to them. He inflicted the injury on the vital part, fully knowing that such an act would result in death. Accordingly is act attracts section 300 of IPC.

37. The accused has now introduced a new theory that his wife had an illicit relationship with one Doss, against whom the deceased had lodged a complaint and that the said person alone came and attacked all persons, for which he has not produced any evidence whatsoever to substantiate the same. He did not state anything regarding the above said theory either before the Judicial Magistrate at the time of his arrest or during his examination under section 313 Cr.P.C after the completion of trial. The new theory introduced by the appellant is unbelievable not does in any manner assist the accused.

38. The prosecution has proved the case beyond all reasonable doubt and therefore, the conviction of the accused, by the trial court is proper and cannot be said to be perverse. The appeal lacks merit and is liable to be dismissed.



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39. In the result, this Criminal Appeal is dismissed. The judgment dated 08.06.2022 passed in S.C.No.114 of 2017, on the file of the Fast Track Mahila Court, Dindigul is hereby confirmed.

(G.K.I., J) (R.P., J)
09/12/2025

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To,

1. The Sessions Judge,
Fast Track Mahila Court,
Dindigul.
2. The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer, ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.
AND
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