



Crl.A(MD)No.578 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19.08.2025

CORAM:

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

Crl.A.(MD).No.578 of 2022

1.Pichaiudaiyar
2.Shanmugam
3.Arumugam
4.Sangili

... Appellants/Accused 1 to 4

Vs.

1.The Deputy Superintendent of Police,
Pudukkottai,
Pudukkottai District.

2.State rep. by,
Inspector of Police,
Mathur Police Station,
Kulathur Taluk,
Pudukkottai District.

... Respondents/Complainants

Prayer: Criminal Appeal has been preferred under Section 374 Cr.P.C., to call for the records in Spl.S.C.No.16 of 2019 on the file of the Special Court for trial of cases registered under SC/ST (POA) Act, Pudukkottai and set aside the same.

For Appellant : Mr.K.Baalasundharam

For Respondent : Ms.M.Aasha
Government Advocate (Crl. Side)



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J U D G M E N T

The accused in Spl.S.C.No.16 of 2019, has filed this appeal before this Court challenging the conviction and sentence passed against them.

2.The case of the prosecution:-

The defacto complainant has purchased 200 mango saplings worth of Rs.13,000/- and planted the same in his land. On 17.12.2012 at 10.00 p.m. he got an information that the accused persons uprooted the saplings from the land. When the defacto complainant went to the place of occurrence to question the same, the accused persons criminally intimidated him, threatened him and abused him. Already a suit was filed before the District Munsif cum Judicial Magistrate, Keeranur and the same was pending. Thereafter a complaint was lodged before the respondent police for the offences punishable under Sections 447, 427, 506(i) r/w 3(i)(X) SC/ST (POA) Act 1989 in Crime No.1 of 2019. After completing the investigation, the respondent police filed the final report before the learned Special Court for trial of cases registered under SC/ST (POA) Act. The same was taken cognizance. Thereafter, the copies of the papers were served under Section 207 Cr.P.C. The learned Sessions Judge had taken on file in Spl.S.C.No.16 of 2019 and issued summons and framed charges and explained the charges to



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the accused. The accused namely, the appellants herein denied the charges and claim to be tried.

3.In pursuance of the above said plea, the trial before the trial Court commenced. The prosecution to prove the case examined PW1 to PW12 and marked the documents as Ex.P1 to Ex.P14. The uprooted only mango saplings were marked as M.O.No.1.

4.After examination of all the witnesses, the accused was subjected to Section 313 Cr.P.C proceedings. He denied the facts narrated by the prosecution witnesses. Even though the appellant was granted time to examine defence witnesses, none was examined on his side and no document was marked.

5.At the conclusion of the trial, the trial Court found the appellants/accused 1 to 4 guilty for the offences 147, 427, 506(i) IPC, convicted and sentenced them to pay a fine of Rs.2,000/- each in default to undergo Simple imprisonment of one month each for the offence under Section 147 IPC and sentenced to pay a fine of Rs.7,500/- each in default to undergo simple imprisonment for one month each for the offence under



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Section 427 of IPC and sentenced to pay a fine of Rs.5,000/- each in default to undergo simple imprisonment for one month each for the offence punishable under Section 506(i) of IPC and total fine amount for each is Rs. 14,500/- and total fine altogether is Rs.58,000/- and the entire fine amount of Rs.58,000/- was ordered to be paid as compensation to PW1 Kamalam under Section 357(1) of Cr.P.C and the 1st accused was not found guilty under Section 447 of IPC and 3(1)(x) SC/ST (POA) Act, 1989 and 2 to 4 accused were not found guilty under Section 447 IPC and they were acquitted from the said charges under Section 235(1) Cr.P.C.

6. Against the judgment of conviction and sentence the accused are before this Court by way of this appeal.

7. This Court considered the rival submissions.

8. The learned counsel for the appellants would submit that PW1 filed the suit against the appellants and the same was dismissed and in the civil suit there is a finding that the appellants are in possession of the suit schedule property. According to the prosecution the appellants trespassed into the defacto complainant's property and destroyed 36 saplings. Apart from that they abused PW1. The learned trial Judge convicted the accused only under



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Sections 147, 427, 506(i) of IPC. There is no conviction under any Special

Act. As such the conviction is only under Sections 147, 427 and 506(i) IPC.

When the civil Court decree is in favour of the appellant that they are in possession of the property, there is no question of trespassing and destroying the saplings. Apart from that as per the various Judgments rendered by the Honourable Supreme Court, there are no ingredients to frame the charges under Section 506(i) IPC from the following words. 'இன்று நீ செத்து விடு'. Hence the charge under section 506(i) of IPC is not made out.

9.In view of the above, this criminal appeal stands allowed. Accordingly, the conviction and sentence imposed by the learned Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, Pudukkottai, in Spl.S.C.No.16 of 2019, dated 22.07.2022 is hereby set aside. The accused are acquitted from the charges levelled against him. Bail bond if any, executed by the accused shall stand discharged. Fine amount paid by the accused persons if any, shall be refunded.

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NCC: Yes/No
Index: Yes/No
Internet: Yes/No
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- 1.The Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, Pudukkottai.
- 2.The Deputy Superintendent of Police,
Pudukkottai,
Pudukkottai District.
- 3.The Inspector of Police,
Mathur Police Station,
Kulathur Taluk,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 5.The Section Officer,
Criminal Record,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J

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