



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 29.07.2025

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.A.(MD)No.808 of 2025 &
Crl.M.P.(MD)No.9921 of 2025

1.Chellakannu
2.Raja

... Appellants

VS.

1.State of Tamil Nadu rep. by
The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Bodinayakanur Sub Division,
Theni District.

2.State of Tamil Nadu rep. by
The Inspector of Police,
Taluk Police Station,
Bodinayakanur,
Theni District.
Crime No.355 of 2016

3.Nagaraj

...Respondents

PRAYER : This Criminal Appeal has been filed under Section 415(2) of BNSS against the Judgement of the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Theni dated 27.06.2025 in Spl.S.C.No.59 of 2020.



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Crl.A.(MD)No.808 of 2025



For Appellants : Mr.R.Ganeshprabu

For Respondents : Mr.K.Gnanasekaran
Government Advocate (Criminal Side)
For R1 and R2

J U D G E M E N T

This appeal has been filed challenging the Judgement of the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Theni dated 27.06.2025 in Spl.S.C.No.59 of 2020 .

2. The appellants are A1 and A2 who have been found guilty, convicted and sentenced by the learned Sessions Judge as under.

Accused	Offences under Sections	Punishment	Fine	In default Sentence
A1	294(b) IPC	-	Rs.1,000/-	One month SI
	323 IPC	6 months RI	Rs.1,000/-	One month SI
A2	294(b) IPC	-	Rs.1,000/-	One month SI
	323 IPC	6 months RI	Rs.1,000/-	One month SI

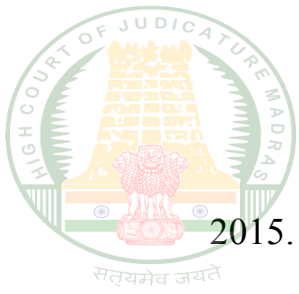
3. The case of the prosecution is that on 20.04.2016, at about 08.30 a.m., in Nagalapuram, Indra Colony, on the northern side of big water tank, nearby to small channel, the complainant along with his father, mother and wife was cleaning his land for constructing a new house. At that time, both accused came there, claimed that it is their property, asked



them to go away, made caste remarks, abused the complainant with filthy language, assaulted the complainant and his father with hands, pushed them on the floor and thereby caused injuries. Thereafter, the accused have taken stick from the floor and threatened the complainant with dire consequences.

4. On the complaint given by the PW1, a case has been registered in Crime No.355 of 2016 on the file of the Taluk Police Station, Bodinayakanur. After conclusion of the investigation, charge sheet has been filed against A1 for the offences punishable under Sections 294(b), 323, 506(ii) IPC r/w Sections 3(2)(va), 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015 and A2 for the offences punishable under Sections 294(b) and 323 IPC r/w Sections 3(2)(va), 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015.

5. After completing the legal mandates of furnishing copies and all other legal formalities, charges have been framed against A1 for the offences punishable under Sections 294(b), 323, 506(ii) IPC r/w Sections 3(2)(va), 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015 and A2 for the offences punishable under Sections 294(b) and 323 IPC r/w Sections 3(2)(va), 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act,



2015. When the accused were questioned, they denied their involvement and claimed to be tried.

6. Before the Trial Court, on the side of the prosecution PW1 to PW11 have been examined and Exs.P1 to P8 have been marked. On the side of the accused, no oral or documentary evidence has been marked.

7. After the conclusion of trial, the learned Sessions Judge found A1 not guilty for the offences punishable under Sections 506(ii) IPC r/w Sections 3(2)(va) of SC/ST (POA) Amendment Act, 2015 and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Act, 1989 and found A2 not guilty for the offences punishable under Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Act, 1989. A1 and A2 were found guilty for the offences under Sections 294(b) and 323 IPC and were convicted and sentenced as mentioned supra. Aggrieved over that, the appellants have preferred this appeal.

8. Mr.R.Ganeshprabu, learned counsel for the appellants submitted that there are contradictions in the evidence of PW1, PW2 and PW3; PW10 Doctor has stated in her evidence that the defacto complainant told her that himself and his father were attacked by 4 unknown persons; the



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weapons allegedly used by the appellants have not been recovered; the above facts have not been taken seriously by the learned Sessions Judge and the appellant have been convicted without any reasons.

9. Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 submitted that a holistic reading of the evidence of PW1 to PW4 would satisfy the Court that the offence is very much true and the involvement of the appellants is also proved.

10. The defacto complainant (PW1) and his father (PW2) are injured witnesses and they have stated in their evidence about the manner of occurrence and how they got injured by the attack made by the appellants. There may be some variations in saying the details of occurrence to the Doctor or the Doctor could have entered the details as how he understood. However, PW1 and PW2 had testified before the Court as to how the appellants attacked them with hands. Even according to the charge sheet, the appellants attacked the injured witnesses with hands and not with stick. Only when the appellants were about to leave the place of occurrence, the first appellant / A1 took stick from the ground and threatened PW1 with dire consequences. There is no question of recovering weapons as the clear cut evidence available on



records shows that the appellants attacked PW1 and PW2 with hands and not with stick.

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11. PW1 has stated in his evidence about the motive for which the occurrence had taken place. While the complainant and his family were cleaning their land, the appellants had made counter claim to the land and that has caused the occurrence. Though eye witnesses PW1 to PW4 are closely related in their capacity as complainant, his father, his mother and his wife, their presence at the place of occurrence at that time is very much natural because they have been to their land in order to clean the land for putting up new construction over there.

12. PW1 has stated that the appellants have assaulted himself and his father and inflicted injuries. PW10 Doctor who had treated PW1 and PW2 has found injuries on the body of PW1 and PW2 and had registered the same in the Accident Register. According to the Doctor, the injuries suffered by PW1 and PW2 are simple in nature. Hence, the evidence of PW1 and PW2 are very much clear in order to make out the case against the appellants for committing the offence under Sections 294(b) and 323 IPC.



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13. In the Accident Registers which have been marked as Ex.P2 and P3, it is seen that the Doctor has mentioned that four unknown persons attacked PW1 and PW2. However, PW1 and PW2 clarified before the Court that the Doctor did not hear properly and it is not their mistake. The evidence of injured witnesses in identifying the appellants / accused who have assaulted them is acceptable, cogent, consistent and reliable. The evidence of PW1 and PW2 about the occurrence is not only clear, but is also corroborated with the evidence of other witnesses and evidence of the Doctor who had issued Accident Registers. The injuries sustained by PW1 and PW2 also tallies with their narration as how they have been attacked by the appellants. Hence, I do not find any shortsightedness in the Judgement of the learned Sessions Judge in appreciation of evidence, finding guilty and conviction of the accused under Sections 294(b) and 323 IPC.

14. Sofaras the sentence for the offence under Section 294(b) is concerned, the learned counsel appearing for the appellants submitted that the appellants / A1 and A2 have already paid the fine amount. With regard to the other offence of 323 IPC, each of the appellants have been imposed with a punishment of 6 months RI and to pay a fine amount of Rs.1,000/-, in default to undergo one month SI.



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15. At this juncture, the learned counsel appearing for the appellants submitted that the appellants / A1 and A2 are first offenders and they have no bad antecedents and the learned Sessions Judge did not state any reason as to why he has imposed 6 months RI for the offence under Section 323 IPC.

16. As the appellants / A1 and A2 are first offenders, they have no criminal antecedents and they are not in the habit of involving in similar such offences, I feel some indulgence can be shown in the matter of punishment alone.

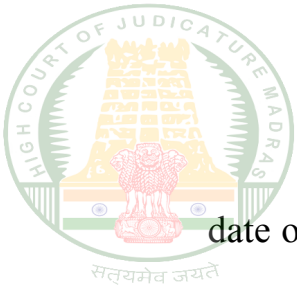
17. In view of the above discussions,

i) this Criminal Appeal is **partly allowed**.

ii) the sentence imposed by the learned Sessions Judge against the appellants / A1 and A2 for the offence under Section 323 IPC alone is modified as 'to pay fine of Rs.10,000/- each, in default, to undergo 3 months SI each'.

iii) the sentence imposed by the learned Sessions Judge against the appellants / A1 and A2 for the offence under Section 294(b) is confirmed.

iv) out of the fine amount to be paid by the appellants, Rs.7,000/- shall be paid to PW1 and PW2 each within a period of one week from the



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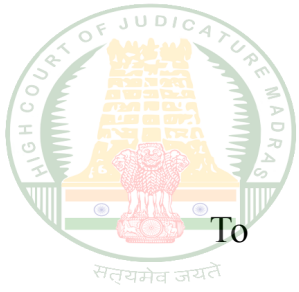
date on which this Judgement is uploaded in the official website. Failure on the part of the appellants to pay the fine amount shall cause them to loss the benefit of modification of punishment awarded as aforesaid. The defacto complainant (PW1) and his father (PW2) are permitted to withdraw the compensation of Rs.7,000/- each by filing appropriate application.

v) the bail bond, if any, shall stand cancelled and sureties, if any, shall be discharged, after the payment of total fine amount.

vi) consequently, the connected Miscellaneous Petition is closed.

29.07.2025

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To

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1.The Sessions Judge,
Special Court for trial of cases under SC/ST (POA) Act,
Theni.

2.The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Bodinayakanur Sub Division,
Theni District.

3.The Inspector of Police,
Taluk Police Station,
Bodinayakanur,
Theni District.

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



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R.N.MANJULA, J.

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