

Crl.A(MD)No.841 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.08.2025

CORAM:

THE HON'BLE DR.JUSTICE R.N.MANJULA

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1. Sundaramoorthy
2. Mariappan
3. Mahalingam

... Petitioners

Vs

1. The State of Tamilnadu,
Through the Assistant Superintendent of Police,
Virudhunagar Sub Division,
Office of the Assistant Superintendent of Police,
Virudhunagar District.
2. The Inspector of Police,
South Police Station,
Soolakkarai,
Virudhunagar District.
(In Crime No.262/2016).

... Respondents

Prayer: This Criminal Appeal Case filed under Section 374 of Cr.P.C to call for records connected with the Judgment in Spl.S.C.No.1 of 2020, dated 07.07.2025 on the file of the Sessions Court cum Special Court for Trial of SC/ST (POA) Act Cases, Srivilliputtur and set aside the same.



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For Appellant : Mr. N.Balasubramanian
For Respondent : Mr.K.Gnanasekaran
Government Advocate (Crl.Side)

JUDGMENT

This appeal has been preferred challenging the Judgement of the learned Sessions Judge, Special Court for trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur dated 07.07.2025 in Spl.S.C.No.1 of 2020.

2. The appellants are A1 to A3, who have been found guilty for the following charges and convicted and sentenced to undergo the punishment as detailed below.

Rank of the Accused	Conviction	Punishment
A1	324 (2 counts)	1 year RI, fine Rs.1,000/- in default 1 month SI (each count)
A2	323 IPC	6 months RI, fine Rs.1,000/- in default 1 month SI
A3	323 IPC	6 months RI and fine Rs. 1,000/- in default 1 month SI



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3. The case of the prosecution is that the defacto complainant, witnesses Chinnasamy and Muthulakshmi belong to SC community and A1 to A3 belong to other community classified as MBC. The Accused persons are residing at Soolakarai South Street and the defacto complainant and the witnesses are residing at Indira Colony South Street, Soolakarai. On 08.09.2019, at about 20.30 hours, the witnesses Chinnasamy and A3 after consuming alcohol were sitting in front of a private bar on the road towards Soolakarai. At that time, the son of A3 passed through wearing white dress. On seeing him, the witness Chinnasamy asked him why he has dressed up in white and white. That was felt as a disrespect and in view of that, an altercation arose between Chinnasamy and the son of A3. Immediately, the persons who were present there pacified them and sent them away. On the same day, at about 09.30 p.m., when the defacto complainant and witnesses Chinnasamy and Muthulakshmi were chatting in front of their house at Indira Colony, South Street, Soolakarai, A1 to A3 came there, A3 abused Chinnasamy by making cast remarks. A1 and A2 also abused him in filthy language and by making caste remarks. A2 took a thorny stick lying there and assaulted Chinnasamy thereby caused injuries. When Muthulakshmi attempted to restrain A2, A2 assaulted her also with the



thorny stick, caused grievous injury, pulled her saree, pushed her down and humiliated her. A3 trampled her and when witness Chinnasamy tried to prevent it, he was also assaulted by A3. A1 took aruval hidden in his hip and assaulted the centre back and caused injury on PW1. A1 also assaulted Muthulakshmi and caused simple injury. Before leaving, all the accused joined together and threatened PW1 to PW3 with dire consequences.

4. Based on the complaint given by PW3, a case has been registered, investigation has been conducted. After completion of investigation, charge sheet has been filed. As the accused denied their involvement, they were subjected to trial. At the conclusion of trial the accused were found guilty and convicted and sentenced as stated *supra*.

5. Aggrieved over that, the appellants have filed this appeal.

6. The learned counsel for the appellants submitted that there are contradictions between the evidence of PW1, PW2 and PW3 and their evidence is not supported by PW4 to PW7. Though PW4 to PW7 were examined as eyewitnesses, they have turned hostile. He further submitted that the conviction is based only upon the evidence of PW1 to PW3 and the medical evidence. There is no independent witness



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examined to prove the case of prosecution.

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7.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police categorically submitted that the trial Judge after appreciating both the oral and documentary evidence, in a right perspective, convicted the accused and therefore, no interference is warranted by this Court. The evidence of Doctor, PW15 corroborates with the evidence of injured witnesses. The injured witnesses PW1 to 3 have rightly stated about how the occurrence had taken place and in their cross examination, they did not revert the statement given by them in their chief examination.

8.I have given my anxious consideration to the submissions made on either side and carefully perused the records.

9. On perusal of the records, it is seen that the injured witnesses PW1 to 3 have spoken about the previous motive for the occurrence and the manner in which the occurrence had taken place and how they were affected due to the attack made by the accused. The injured witnesses, PW1 to PW3 have also stated about the evidence with regard to the facts prior to the occurrence and the facts which followed the occurrence in a cogent and clear manner.



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10.The evidence of Doctor, PW15 corroborates with the evidence of the injured witnesses. The evidence of injured witnesses also tallied with the evidence of PW15. It is evident that the weapon recovered in this case can inflict the nature of injuries sustained by the victim. The Wound Certificates issued by the Doctor, PW15 also tallies with the evidence of the injured witnesses and there are incriminating evidence against A1 to A3 and that the learned trial judge has thought it fit to appreciate the same.

11.The evidence available on record would show that the accused had caused simple injuries on the bodies of PW1 to PW3 by attacking them with thorny stick and aruval. The evidence of PW1 to 3 would also state how they have been attacked by the accused at the time of occurrence. As the injured witnesses did not have any previous motive against the accused to lodge a false complaint against them, it is correct on the part of the trial Judge to give due validity to the evidence of PW1 to PW3.

12.Though PW15 has stated that PW3 has suffered grievous injury on his left wrist, the trial judge has found that the accused is found guilty only for the offence under section 324 IPC. It is seen in the



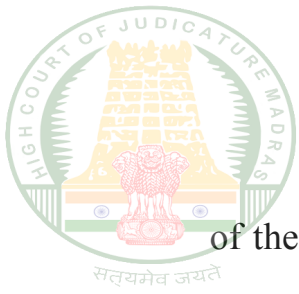
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Judgment of the learned trial Judge that even though one of the injuries suffered by PW3 was certified as a grievous injury, no x-ray and no supportive materials have been produced to show that the injury suffered by PW3 is grievous in nature.

13.In view of the same, the learned trial Judge has concluded that the first accused found guilty for the offence under section 324 IPC, not under Section 325 IPC. But the prosecution has not filed any cross appeal to challenge the above conviction by alleging that lesser punishment has been given for higher offence, though materials are available to show that there are serious offences.

14.The learned trial Judge has rightly dealt with the evidence on record and has chosen to convict the accused. So, under such circumstances, I do not find any ground to interfere in the merits of the findings of the trial Court.

15.At this juncture, the learned counsel for the appellants submitted that some indulgence can be shown in the matter of imposing punishment because the accused are the first time offenders and against whom no previous cases are pending. He further submitted that the age



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of the third appellant is 70 years and convicting all the three accused by sending them to prison would affect their livelihood.

16. In view of the above discussions, this Court is of the considered view that the prosecution has proved the case beyond reasonable doubt against the appellants.

17. However, considering the submission made by the learned counsel for the appellants, while confirming the conviction on the appellants, this Court is inclined to modify the sentence, as stated below.

18. In the result, the Criminal Appeal stands ***partly allowed*** and the conviction imposed on the appellants by the trial Court is hereby confirmed by modifying the sentence in the following manner:

- ***A1 is found guilty for the offence under Section 324(2 counts) and convicted and sentenced to undergo one month rigorous imprisonment (each count) and to pay a fine Rs.25,000/- (each count) in default 3 months simple imprisonment;***



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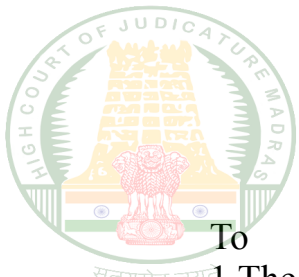


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- *A2 is found guilty for the offence under Section 323 and convicted and sentenced to pay a fine Rs.1,000/- in default 1 month simple imprisonment;*
- *A3 is found guilty for the offence under Section 323 and convicted and sentenced to pay a fine Rs.1,000/- in default 1 month simple imprisonment;*
- *the fine amount already paid by the appellants before the trial Court, if any, shall be adjusted;*
- *a sum of Rs.20,000/- shall be paid towards compensation to PW3 from the fine amount imposed on the 1st appellant;*
- *the bail bond executed by the appellants if any, shall stand terminated and the trial Court is directed to take steps to secure the first appellant to undergo the remaining period of sentence.*

11.08.2025

NCC :Yes/No
Index :Yes/No
PNM



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Sessions Court cum Special Court for Trial of
SC/ST (POA) Act Cases, Srivilliputtur
2. The Assistant Superintendent of Police,
Virudhunagar Sub Division,
Office of the Assistant Superintendent of Police,
Virudhunagar District.
3. The Inspector of Police,
South Police Station,
Soolakkarai, Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
5. The Section Officer,
Criminal Record Section,
Madurai Bench of Madras High Court, Madurai.



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DR.R.N.MANJULA, J.

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