



Crl.A(MD)No.251 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.06.2025

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

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V.Rajagopal

.. Appellant/Complainant

Vs.

1.Rajendran

2.Devandran

3.Kamalam

... Respondents/Accused 1 to 3

PRAYER: Criminal Appeal is filed under Section 374 of Criminal Procedure Code, against the judgment and order dated 24.05.2012 in C.C.No.62 of 2011 passed by the learned Judicial Magistrate No.I, Kulithalai.

For Appellant : Mr.C.Susi Kumar

For Respondent : Mr.V.Illanchezian



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JUDGMENT

This Criminal Appeal has been filed by the complainant against the judgment of acquittal dated 24.05.2012 passed by the learned Judicial Magistrate No.1, Kulithalai, in C.C.No.62 of 2011.

2. Facts of the case are as follows:

- i. On 04.12.2003 at 8 hours, the complainant was involving in construction work at his own place. The accused jointly came to the spot and disturbed the construction activities. When the complainant asked them not to disturb the construction activities, the first accused had beaten the complainant with his hands and threatened him to do away his life;
- ii. The second accused pushed the complainant to the floor and the sister of the complainant arrived to the spot and tried to prevent the accused from attacking the complainant. The accused joined together and beaten her also with hands and pushed her into trench and thereafter, ran away from the place of occurrence.



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iii. The trial court has taken cognizance of the complaint.

iv. After furnishing copies of records to the accused under Section 207 of the Code of Criminal Procedure, the substance of the charges under Sections 323 and 506(ii) IPC was explained to the accused. As the accused denied the offences and claimed to be tried, the trial was conducted.

v. In order to establish the guilt of the accused, the prosecution examined 3 witnesses as P.W.I to P.W.3 and marked 2 documents as Ex.P.1 and Fx. P.2.

vi. When the accused were questioned with regard to the circumstances appearing in evidence against him under Section 313(1)(b) of the Code of Criminal Procedure, for which the accused simply denied of having committed any offence. However, no witness was examined on the side of the accused.

vii. The learned Judicial Magistrate No.I, Kulithalai, after analysing the oral and documentary evidence adduced, held that the charges against the accused were not proved and found the accused not guilty for the offences under Sections 323 and 506(ii) IPC and



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viii. Aggrieved over that, the complainant preferred the present appeal.

3. Mr.C.Susi Kumar, the learned counsel for the appellant contended that the injured witnesses have been examined as P.W.1 to P.W.3 and they fully supported the case of the prosecution. But the learned Judicial Magistrate failed to appreciate their evidence along with medical evidence. He would further submit that despite motive for the occurrence has been clearly established on the side of the complainant, that was also not appreciated by the learned Magistrate.

4. Per contra, the learned counsel appearing for the respondents 1 to 3 is categorical in his contention that the trial Judge, after viewing the oral and documentary evidence in a right perspective, acquitted the accused and therefore, no interference is warranted by this Court.



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

6. The trial Judge has observed in his judgment that though it is stated on behalf of the complainant that some labourers presented in the spot, no independent witness has been examined on the side of the complainant.

7. The complainant was examined as P.W. 1. The evidence of P.W.1 has got incriminating facts against the accused. In fact, during the cross-examination of P.W.1. he confronted about the medical evidence produced by him, which did not have signature of the medical officer.

8. Even though the witnesses have spoken about the occurrence, it was not corroborated with the medical evidence by examining the Doctor, who is said to have treated the injured. In the absence of such relevant evidence, the complainant would have atleast examined the labourers, who were said to have been present in the place of occurrence



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and have been chased away by the accused. Hence, the learned trial Judge arrived at a conclusion that the charges against the accused were not proved by appreciating the fact that no independent witness has been examined on the side of the complainant.

9. P.W.2. in his evidence, has stated that in view of the injuries suffered during the occurrence he had admitted along with one Tamilarasan in the Government Hospital, Trichy. But no Medical Officer from the Government, Trichy has been summoned and examined as a witness to prove the same. The said Tamilarasan was also not examined as a witness in order to corroborate the statement of P.W.2.

10. Apart from that, there is no explanation as to why the weapons which were alleged to have been used by the accused during the occurrence were not produced and marked as Material Objects.

11. No doubt, the evidence of the injured witnesses is a material piece of evidence in order to prove the offence under Section 323 IPC.



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But it is not only sufficient for the prosecution to prove that the injured have got injuries on their bodies. It has to be established that the injuries were caused only due to the attack made by the accused as alleged in the private complaint. If there is medical evidence to corroborate their statement and the weapons through which they were alleged to have been attacked were produced, it would have been possible for the trial Judge to appreciate the evidence in a different manner. With the available evidence on record, it is not possible to come to the conclusion that the accused have committed the offences under Sections 323 and 506(ii) IPC. Hence, the trial Judge has rightly held that the charges against the accused have not been proved beyond reasonable doubt.

12. As I find no reason to interfere with the judgment of acquittal passed by the Trial Court, this appeal is liable to be dismissed.

13. In fine,

(i) This Criminal Appeal is dismissed.



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WEB COPY (ii) The judgment of acquittal passed by the learned Judicial Magistrate No.1, Kulithalai, in C.C.No.62 of 2011 dated 24.05.2012 is confirmed.

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Index : Yes/No
Internet : Yes/No
CM

To,

1. The Judicial Magistrate No.I, Kulithalai
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.N.MANJULA, J

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Judgment made in
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