



WEB COPY

CRL.A.(MD).No.343 of



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 09.09.2025

PRONOUNCED ON :14.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No.343 of 2017

1.Rajammal

2.Irulappan

3.Veerappasamy

.. Appellants/Accused Nos.2,3 &4

Vs.

State represented by

The Inspector of Police,

Irukkankudi Police Station,

Virudhunagar District.

(Crime No.192 of 2012)

.. Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 3374 Cr.P.C, to call for the entire records pertaining to the judgment delivered by the Fast Track Mahila Court, Srivilliputhur, in S.C.No.100 of 2013, vide its judgment dated 24.08.2017 and set aside the same.

For Appellants : Mr.R.Anand

For Respondent : Mr.B.Thanga Aravind
Government Advocate (Crl.Side)



JUDGMENT

WEB COPY

The Criminal Appeal is directed against the judgment of conviction passed in S.C.No.100 of 2013, dated 24.08.2017, on the file of the Fast Track Mahila Court, Srivilliputhur.

2. According to the prosecution, Palaniammal, residing in Periyakollappatti Village with her family, was attacked by the accused on 05.05.2012, at around 6:30 a.m. The incident stemmed from a previous altercation between her son Mathankumar and the first accused's son Madasamy on 04.05.2012. During the attack, accused 1 and 2 restrained Palaniammal, while 3rd accused struck her head with an iron rod and 4th accused hit her back with a wooden log. Upon receiving information, Palaniammal's husband arrived at the scene and took her to the hospital. The Inspector of Police, Irukkankudi Police Station, filed a final report against the accused under Sections 341 and 307 read with Section 34 of the IPC.

3. The learned Judicial Magistrate No.II, Sattur has taken the case on file in P.R.C.NO.17 of 2013 and furnished the copies of records under Section 207 Cr.P.C., on free of costs. The learned Magistrate, finding that the offence under Section 307 I.P.C., is exclusively triable by the Court of Sessions, after compliance under Section 208 and 209 Cr.P.C., had committed the case to the



file of the Principal Sessions Court, Srivilliputhur and the same was taken on file in S.C.No.100 of 2013 and thereafter the same was made over to the Court of the Additional Sessions Court, Sivakasai.

4. The learned Additional Sessions Judge, on hearing both sides and on perusal of the records, being satisfied that there existed a *prima facie* case against the accused, framed charges under Section 307 r/w 34 I.P.C., as against the second accused and under Section 307 I.P.C., as against the accused Nos.3 and 4 and the same were read over and explained to the accused and on being questioned, they denied the charges and pleaded not guilty. Since the first accused had died, the case as against him was ordered to be abated. Thereafter, the case was transferred to the file of the Fast Track Mahila Court, Srivilliputhur. The prosecution in order to prove their case examined 13 witnesses as P.W.1 to P.W.13 and exhibited 8 documents as Exs.P.1 to P.8.

5. The case of the prosecution emerging from the evidence adduced by the prosecution, in brief, is as follows:

(i) P.W.1 – Chinnamasanam, the defacto complainant, resides in Periyakollappatti with his family, including his wife P.W.5 – Palaniammal, daughter P.W.2 – Muthuselvi, and son P.W.3 – Mathankumar. On 04.05.2012,



around 5:00 p.m., P.W.3 – Mathankumar and Madasamy, son of the first accused, engaged in a kabaddi game at the CSI school playground, which escalated into a wordy altercation and physical fight. P.W.3's parents advised him not to pursue the matter. The next day, P.W.1 went to Sattur for work. At around 6:30 a.m., the accused arrived at P.W.1's house, where accused 1 and 2 restrained P.W.5, shouting she would be killed. 3rd Accused attacked P.W.5's head with an iron rod, and 4th accused hit her back with a wooden log, rendering her unconscious. P.W.2 immediately informed P.W.1, who returned home and took the injured P.W.5 to Sattur Government Hospital.

(ii) P.W.11 – Dr.Selvakumar was on duty at about 08.30a.m., on 05.05.2012. P.W.5 was brought for treatment by her husband informing that she was attacked by five known persons with wood log, iron rods and stones. He referred her to Madurai Government Rajaji Hospital for further treatment. Since P.W.5 did not receive treatment at Government Rajaji Hospital, Madurai, P.W.11 refused to provide an opinion on her injuries and instead issued Accident register under Ex.P.7. Later P.W.5 was taken to Madurai Meenakshi Mission Hospital, where P.W.8 – Dr.Bagathsingh examined and admitted her as an inpatient. After conducting a head scan, he noticed six injuries, including left temporal bone fracture. P.W.5 was discharged from the hospital on 15.05.2012. P.W.8 issued accident register under Ex.P.4 and wound certificate under Ex.P.5,



wherein he certified that the first injury is simple in nature and other injuries 2 to 6 are grievous in nature.

WEB COPY

(iii) P.W.10 – Mariappan, the then Sub-Inspector of Police, Irukkankudi police station, on receiving the information from the Madurai Meenakshi Mission Hospital, went to the hospital and recorded the complaint statement from P.W.1 under Ex.P.1, as injured P.W.5 was under treatment. On the basis of the complaint statement, he registered a F.I.R. in Cr.No.192 of 2012, on the file of the Sattur Police Station, for the offences under Sections 342, 323 and 307 I.P.C., and prepared the F.I.R., under Ex.P.6.

(iv) P.W.12 – the then Inspector of Police, Irukkankudi Police Station had taken up the investigation and went to the occurrence place and prepared the observation mahazar under Ex.P.2 in the presence of P.W.7 – Mariappan and Palanisamy and drew the rough sketch under Ex.P.8. P.W.12 has then examined the witnesses and recorded their statements and on the same day at about 20.15 hours, he arrested the accused and sent them to remand. He examined the Medical Officers, received the medical records and recorded their statements. On completing the investigation, P.W.12 filed the final report against the accused on 10.10.2012 for the alleged offences under Sections 341, 307 r/w 34 I.P.C. On examination of P.W.13, the prosecution closed its evidence.



(v) When the accused were examined under Section 313(1) (b) Cr.P.C with regard to the incriminating aspects as against them in the evidence adduced by the prosecution, they denied the same as false and informed that they are having defence evidence, but no defence evidence came to be adduced subsequently.

(vi) The learned Sessions Judge, on considering the evidences adduced and on hearing the arguments of both sides, passed the impugned judgment dated 24.08.2017, convicting the third accused for the offence under Section 307 I.P.C., and sentenced him to undergo 5 years Rigorous Imprisonment and to pay a fine of Rs.2,000/-, in default to undergo one month Simple Imprisonment and convicted the accused 2 and 4 for the offence under Section 307 r/w 34 I.P.C., and sentenced them to undergo 5 years Rigorous Imprisonment and to pay a fine of Rs.2,000/- each, in default to undergo one month Simple Imprisonment. Aggrieved by the impugned judgment of conviction and sentence, the accused 2 to 4 have preferred the present appeal.

6. Whether the impugned judgment of conviction and sentence imposed on the accused in S.C.No.100 of 2013, dated 24.08.2017, on the file of the Fast Track Mahila Court, Srivilliputhur is liable to be set aside? is the point for consideration.



7. The learned Counsel for the appellants would submit that admittedly independent witnesses P.W.4, P.W.6, P.W.9 and P.W.13 have not supported the case of the prosecution and turned hostile, but the learned trial Judge relied on the evidence of interested witnesses, which remain uncorroborated, convicted the accused erroneously. He would submit that though P.W.5 would allege as if the third appellant had beaten her with wooden log on her back, there is no corresponding injury found a place either in the accident register or in the wound certificate, that P.W.8 and P.W.11 – medical officers, who treated P.W.5, have not stated anything about the availability of any injury on the back side of the body of P.W.5.

8. The learned Counsel would further contend that P.W.1 and P.W.5 have brutally assaulted the second appellant on 05.05.2012 and on the basis of the complaint lodged, F.I.R., came to be registered in Cr.No.191 of 2012, for the offences under Sections 294(b), 323, 427 and 506(ii) I.P.C., wherein it has also been stated that the accused ransacked the house of the appellants and that only as a counter blast, the present complaint has been lodged. He would further submit that the prosecution has completely suppressed the case in counter nor followed PSO -566 to find out the aggressor and that therefore, it is fatal to the case of the prosecution.



9. The learned Counsel would further submit that though the prosecution has alleged that P.W.5 was attacked with iron rod and wooden log, the prosecution has failed to recover the said weapons during investigation and in the absence of any explanation, non – recovery is fatal. The learned Counsel would further contend that significant contradictions in the testimonies of prosecution witnesses regarding the manner of occurrence raise serious doubts about the case of the prosecution. Furthermore, the essential ingredients of the offence of Section 307 I.P.C., are not established, as the prosecution failed to mark the X-ray evidence before the trial Court. Therefore, the impugned judgment is liable to be set aside.

10. The learned Government Advocate (Crl.Side) would submit that though P.W.4, P.W.6, P.W.9 and P.W.13 have turned hostile, the prosecution has proved the case through the evidence of the injured P.W.5 and the other occurrence witnesses – P.W.2 and P.W.3, which stand corroborated by the medical evidence, that the non-recovery of weapons and the X-ray does not affect the case of the prosecution and that the learned trial Judge, considering the evidence available on record, has rightly found the accused guilty and convicted them and as such, the impugned judgment cannot be found fault with.



11. Heard the learned Counsel appearing for the appellants and the learned Government Advocate (Crl.Side) appearing for the State and perused the materials available on record.

12. No doubt, as rightly pointed out by the learned Counsel for the appellants, P.W.4, P.W.6, P.W.9 and P.W.13 alleged to be the occurrence witnesses did not support the case of the prosecution and were treated as hostile. However, as rightly pointed out by the learned Government Advocate (Crl.Side), the injured witness P.W.5, narrated the occurrence on 05.05.2012, corroborating the case of the prosecution. P.W.2 and P.W.3 – daughter and son of P.W.5 who were very much available at the occurrence place, also testified about the occurrence, supporting the version of P.W.5. Though the Counsel for the appellants would submit that there are so much contradictions in the testimonies of the prosecution witnesses, he has not elaborated anything further. They failed to specify material contradictions and that could undermine the case of the prosecution.

13. At this juncture, it is necessary to refer the judgment of the Hon'ble Supreme Court in ***Balu Sudam Khalde Vs. The State of Maharashtra*** reported in ***2023 SCC Online SC 355***, wherein the Hon'ble Apex Court has issued the



guidelines in appreciating the evidences of the injured witnesses and eye witnesses and the same are extracted hereunder:

WEB COPY

“26. When the evidence of an injured eye-witness is to be appreciated, the under- noted legal principles enunciated by the Courts are required to be kept in mind:

(a) The presence of an injured eye-witness at the time and place of the occurrence cannot be doubted unless there are material contradictions in his deposition.

(b) Unless, it is otherwise established by the evidence, it must be believed that an injured witness would not allow the real culprits to escape and falsely implicate the accused.

(c) The evidence of injured witness has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly.

(d) The evidence of injured witness cannot be doubted on account of some embellishment in natural conduct or minor contradictions.

(e) If there be any exaggeration or immaterial embellishments in the evidence of an injured witness, then such contradiction, exaggeration or embellishment should be discarded from the evidence of injured, but not the whole evidence.

(f) The broad substratum of the prosecution version must be taken into consideration and discrepancies which normally creep due to loss of memory with passage of time should be discarded.”



14. As noted earlier, P.W.5 – the injured witness provided a cogent account of the occurrence in cogent and her testimony is trustworthy. Moreover, her evidence is corroborated by P.W.2 and P.W.3's testimonies, as well as medical evidence, as rightly pointed out by the learned Government Advocate (Crl.Side).

15. The learned Counsel for the appellants would contend that P.W.8 and P.W.11 – the medical officers who treated P.W.5 did not find any injury on her back which contradicts the case of the prosecution that the third appellant attacked P.W.5 with a wooden log on her back.

16. As rightly contended by the learned Government Advocate (Crl.Side), the absence of a corresponding injury on P.W.5's back does not necessarily render the alleged attack by the third appellant with a wooden log false. There is ample evidence to show that the third accused came to P.W.1's house possessing a wooden log and attacked P.W.5 with it. Admittedly, the prosecution did not produce X-ray or scan films and reports of P.W.5. The learned Counsel for the appellants would argue that without this evidence, it cannot be concluded that P.W.5 sustained grievous injuries, and therefore, the charge under Section 307 IPC cannot stand.



17. In the case on hand, P.W.8 – the Doctor at Madurai Meenakshmi Mission Hospital testified that he treated P.W.5, admitted her as an inpatient and noticed the injuries including a skull bone injury, after conducting a head scan. As already pointed out, the accident register copy and wound certificate issued at Madurai Meenakshi Mission Hospital came to be exhibited as Exs.P.4 and P.5 respectively and also the accident register copy issued at Sattur Government Hospital came to be exhibited as Ex.P.7.

18. As regards the non-recovery of weapons, it is settled law that this by itself is not fatal to the prosecution's case. The Hon'ble Supreme Court in ***Goverdhan and another Vs. the State of Chhattisgarh in Crl.A.No.116 of 2011***, dated 09.01.2025, has reiterated the settled legal position that non recovery of the weapon of crime is not fatal to the prosecution case and is not sine qua non for conviction, if there are direct reliable witnesses and the relevant passages are extracted hereunder:

“70. It is now well settled that non recovery of the weapon of crime is not fatal to the prosecution case and is not sine qua non for conviction, if there are direct reliable witnesses as held in [Rakesh v. State of U.P.](#), (2021) 7 SCC 188, wherein it was observed as follows:

“12. Now so far as the submission on behalf of the accused that as per the ballistic report the bullet found does not match with the firearm/gun recovered and therefore the use of gun as alleged is doubtful and therefore benefit of doubt



must be given to the accused is concerned, the aforesaid cannot be accepted. At the most, it can be said that the gun recovered by the police from the accused may not have been used for killing and therefore the recovery of the actual weapon used for killing can be ignored and it is to be treated as if there is no recovery at all. For convicting an accused recovery of the weapon used in commission of offence is not a sine qua non. PW 1 and PW 2, as observed hereinabove, are reliable and trustworthy eyewitnesses to the incident and they have specifically stated that A-1 Rakesh fired from the gun and the deceased sustained injury. The injury by the gun has been established and proved from the medical evidence and the deposition of Dr Santosh Kumar, PW 5. Injury 1 is by gunshot. Therefore, it is not possible to reject the credible ocular evidence of PW 1 and PW 2 — eyewitnesses who witnessed the shooting. It has no bearing on credibility of deposition of PW 1 and PW 2 that A-1 shot deceased with a gun, particularly as it is corroborated by bullet in the body and also stands corroborated by the testimony of PW 2 and PW 5. Therefore, merely because the ballistic report shows that the bullet recovered does not match with the gun recovered, it is not possible to reject the credible and reliable deposition of PW 1 and PW 2.

71. In this context one may also refer to the decision of this Court in [Karamjit Singh v. State \(Delhi Admn.\)](#), (2003) 5 SCC 291 in which it was observed that the testimony of the police personnel involved in recovery of articles need not be disbelieved and testimony of police personnel is to be treated



similarly as testimony of any other witness. It was held that, “8. Shri Sinha, learned Senior Counsel for the appellant, has vehemently urged that all the witnesses of recovery examined by the prosecution are police personnel and in the absence of any public witness, their testimony alone should not be held sufficient for sustaining the conviction of the appellant. In our opinion the contention raised is too broadly stated and cannot be accepted. The testimony of police personnel should be treated in the same manner as testimony of any other witness and there is no principle of law that without corroboration by independent witnesses their testimony cannot be relied upon. The presumption that a person acts honestly applies as much in favour of a police personnel as of other persons and it is not a proper judicial approach to distrust and suspect them without good grounds. It will all depend upon the facts and circumstances of each case and no principle of general application can be laid down.” (emphasis added)

Thus, we do not find any reason to doubt the testimony of the police/I.O. (PW-15).”

19. In the case on hand, as noted earlier, the trustworthy testimony of the injured witness corroborated by the reliable occurrence witnesses testimonies and medical evidence establishes the accused's connection to the crime.



20. The next contention of the learned Counsel for the appellants is that on the basis of the complaint given by the second appellant, F.I.R., came to be registered in Cr.No.191 of 2012 against P.W.1 and P.W.5 for the offences under Sections 294(b), 323, 427 and 506(ii) I.P.C., and that both the cases in Cr.Nos. 191 of 2012 and 192 of 2012 are case and case in counter, that the police has not followed the procedures contemplated under PSO -566 to find out the aggressor, who filed charge sheets in both the cases and that the prosecution has completely and wantonly suppressed the case in Cr.No.191 of 2012 before the trial Court. No doubt, as rightly pointed out by the learned Counsel for the appellants, P.W.10 would say in his cross-examination that he was aware of the case registered in Cr.No.191 of 2012, on the file of the Irukkankudi Police Station, but he would feign ignorance about the complainant and the accused in the above case and the pendency of the said case before the criminal Court. P.W.10 would deny the suggestions that for the same occurrence, two F.I.Rs came to be registered and that the complainant alone had attacked the accused, who lodged the complaint inflicting the self-injuries. P.W.12-Inspector of Police in his cross-examination would admit that the third accused lodged a complaint against P.W.1 and P.W.5 and on that basis F.I.R., came to be registered in Cr.No.191 of 2012 and the said case was pending before the Sattur Magistrate Court.



21. As rightly contended by the learned Government Advocate(Crl.Side), neither P.W.10, who registered the case nor P.W.12, who conducted the investigation, acknowledged that both the cases are case and case in counter. Although the defence alleged that a criminal case was pending against P.W.1 and P.W.5, they failed to produce any iota of evidence to substantiate their claim. Based on the evidence available, the learned trial Judge correctly appreciated the evidence and concluded that the charges levelled against the accused stood proved.

22. Section 307 I.P.C., deals with the attempt to murder, which requires a person to have an intention or knowledge that their act is likely to cause death and that the offence is completed with intention and over act even if no injury is inflicted. To be convicted under Section 307 I.P.C., the prosecution must prove the intent to cause death and an act done any furtherance of that intent. The Hon'ble Supreme Court in the State of *Himachal Pradesh Vs. Shamsher Singh* reported in **2025 INSC 503**, has held that to attract 307 I.P.C., it is not necessary that the hurt should be grievous or of any particular degree and if hurt in nature is caused and is proved that there was intention or knowledge to cause death, Section 307 I.P.C., would stand attracted.



23. As already pointed out, the reason for the alleged incident is the wordy altercation and some fight between P.W.3 and the son of the first accused in school playground and except the above, it is nobody's case that there existed some serious disputes or issues between the parties and the consequent previous enmity between them.

24. Considering the above, as rightly contended by the learned Counsel for the accused, the prosecution has not shown that the accused had necessary intention or knowledge that their act is likely to cause death of P.W.5. Hence, this Court has no other option but to hold that the offence under Section 307 I.P.C., is not made out.

25. According to the prosecution, the grievous injuries were caused to P.W.5 using deadly weapons. Notably, Section 307 I.P.C., refers to hurt rather than grievous hurt, whereas Section 326 I.P.C., refers grievous hurt. According to Indian Penal Code, the offence of grievous hurt as mentioned as 320 I.P.C., provides a list of 8 different specific types of injuries, which shall fall under the category of grievous hurt. This provision can be considered as grievous form of injuries covered under Section 319 I.P.C., ie., injuries covered under grievous hurt or of more severe nature than the injuries covered under simple hurt. As per Section 320 I.P.C., bone injury or when a person is unable to follow his daily



chores for more than 20 days due to injury, that can be considered as grievous injuries.

WEB COPY

26. In the present case, according to P.W.8 – Medical Officer, after scanning they have noticed six injuries, which includes fracture in the skull bone and that he certified in the wound certificate under Ex.P.5 that the said injuries are grievous in nature. But admittedly, the prosecution has not produced scan reports or X-ray reports to prove that P.W.5 sustained bone injuries. As rightly pointed out by the learned Counsel for the accused, P.W.5 in her evidence has not stated that she was experiencing any pain or was not able to do daily chores for the period of 20 days. Even according to the prosecution, P.W.5 was in hospital for 10 days only.

27. The learned Counsel would rely on a decision of this Court in ***Mahendiran and another Vs. State represented by the Station House Officer*** reported in ***2019 SCC Online Mad 30722***, wherein a learned Judge referred to the decision in P.Johnson Vs. State of Kerala reported in 1998 CrLJ 3651 and contend that the non-production of X-ray report shows that the victim has not suffered grievous injuries and the offence under Section 326 I.P.C., cannot be sustained.



28. In the above decision case, though the prosecution has admitted that X-ray was taken, they have not produced X-ray report and reports and taking note of the same, this Court convicted the accused for the offence under Section 324 I.P.C., and sentenced him.

29. It is pertinent to mention that the conviction may be possible if the other medical evidence such as the doctor's testimony that clearly states that the fracture was visible to the naked eye corroborated by other evidence. If the fracture is clearly visible to the naked eye and the doctor's evidence would confirm this, the failure to produce the X-ray cannot be taken as fatal to the prosecution. But in the present case, P.W.8 – Doctor in his evidence would say that the scan report revealed that there was bone injury to P.W.5 and it is not his version that the bone fracture is visible to the naked eye.

30. Considering the above, it cannot be taken that the charge under Section 326 I.P.C., is made out. Hence, this Court concludes that the conviction and sentence under Section 307 I.P.C., against the third accused and the conviction and the sentence under Section 307 r/w 34 I.P.C., as against the accused 2 and 4 are liable to be set aside and the third accused found guilty for the offence under Section 324 I.P.C., and the accused 2 and 4 found guilty for the offences under



Section 324 r/w 34 I.P.C., and all the accused are sentenced to undergo two years rigorous imprisonment.

WEB COPY

31. The learned Counsel for the appellants would submit that an alternative argument that in case if the Court is in agreement with the findings of the trial Court in convicting the accused, it is a fit case to apply the Probation of Offenders Act and would rely on the recent decision of the Hon'ble Supreme Court in ***Chellammal and another Vs. State represented by the Inspector of Police*** reported in ***2025 SCC Online SC 870*** and the relevant paragraphs are extracted hereunder:

“ 26. On consideration of the precedents and based on a comparative study of Section 360, Cr. PC and sub-section (1) of [Section 4](#) of the Probation Act, what is revealed is that the latter is wider and expansive in its coverage than the former. Inter alia, while Section 360 permits release of an offender, more twenty-one years old, on probation when he is sentenced to imprisonment for less than seven years or fine, [Section 4](#) of the Probation Act enables a court to exercise its discretion in any case where the offender is found to have committed an offence such that he is punishable with any sentence other than death or life imprisonment. Additionally, the non-obstante clause in sub-section gives overriding effect to sub-section (1) of [Section 4](#) over any other law for the time being in force. Also, it is noteworthy that Section 361, Cr. PC itself, being a subsequent legislation, engrafts a provision that in any case where the



court could have dealt with an accused under the provisions of the *Probation Act* but has not done so, it shall record in its judgment the special reasons therefor.

27. What logically follows from a conjoint reading of subsection (1) of *Section 4* of the *Probation Act* and *Section 361*, Cr. PC is that if *Section 360*, Cr. PC were not applicable in a particular case, there is no reason why *Section 4* of the *Probation Act* would not be attracted.

28. Summing up the legal position, it can be said that while an offender cannot seek an order for grant of probation as a matter of right but having noticed the object that the statutory provisions seek to achieve by grant of probation and the several decisions of this Court on the point of applicability of *Section 4* of the *Probation Act*, we hold that, unless applicability is excluded, in a case where the circumstances stated in subsection (1) of *Section 4* of the *Probation Act* are attracted, the court has no discretion to omit from its consideration release of the offender on probation; on the contrary, a mandatory duty is cast upon the court to consider whether the case before it warrants releasing the offender upon fulfilment of the stated circumstances. The question of grant of probation could be decided either way. In the event, the court in its discretion decides to extend the benefit of probation, it may upon considering the report of the probation officer impose such conditions as deemed just and proper. However, if the answer be in the negative, it would only be just and proper for the court to record the reasons therefor”



32. The learned Counsel for the appellants would further contend that the accused and P.W.1's family are belonging to the same locality and even according to the prosecution, there was a fight in the playground between the son of P.W.1 and the son of the first accused and that was the starting point for the clash between the parties, that the second accused who is the wife of the first accused is suffering from heart problem, that the other two accused who are the sons of the accused 1 and 2 are aged below 30 years and are having their own families to take care of them, that the accused are not having any bad antecedents and that therefore, the provisions of Probation of Offenders Act may be invoked.

33. Considering the submissions, this Court deems it appropriate to call for a report from the jurisdictional Probation Officer. Accordingly, a report was sought under Section 4 of the Probation of Offenders Act. The Probation Officer, Srivilliputhur, after enquiry, submitted a report stating that the accused have no previous convictions, possess good character and conduct, and recommended invoking Section 4(1) and 4(3) of the Act.

34. In light of the above, this Court accepts the report of the Probation Officer, Srivilliputhur.



35. As already pointed out, the occurrence was held on 05.05.2012 and the trial Court passed the judgment on 24.08.2017. Already more than 13 years had lapsed since the date of accident and 8 years since the date of judgment of the trial Court. Considering the nature of the offences and the date on which the occurrence was held and taking note of the age of the accused and upon considering the unblemished records and good character and the conduct of the accused, this Court is inclined to invoke Section 4 of the Probation of Offenders Act.

36. Instead of immediate sentencing, exercising powers under Section 4 of the Probation of Offenders Act, the accused are ordered to be released on executing a bond for Rs.25,000 each with two solvent sureties for a like sum. They shall appear and receive sentence when called upon during a one-year period and they shall be under the supervision of the District Probation Officer, Srivilliputhur, who shall submit quarterly reports to the trial Court. The revision petitioners must maintain peace and good behavior during this period. Further, each revision petitioner shall deposit Rs.50,000/- (Rupees Fifty thousand only) as compensation under Section 5 of the Probation of Offenders Act before the trial Court in S.C.No.100 of 2013. Upon deposit, the trial Court shall disburse Rs.1,50,000/- (Rupees One Lakh and Fifty thousand only) to the injured.(P.W.5)



37. This Criminal Appeal is disposed of accordingly.

WEB COPY

14.11.2025

Index : Yes/No

Internet : Yes/No

SSL

To

1. The Fast Track Mahila Court, Srivilliputhur.

2. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL.A.(MD).No.343 of

K.MURALI SHANKAR, J.

SSL

PRE-DELIVERY JUDGMENT MADE IN

CRL.A(MD).No.343 of 2017

14.11.2025