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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 13.08.2025

CORAM:

THE HONOURABLE Dr.JUSTICE R.N.MANJULA

Crl.A.(MD)No.507 of 2017

1.Kumar
2.Pandiselvi

... Appellants

vs.

The State rep. by its
The Inspector of Police,
Peraiyur Police Station,
(Peraiyur Circle)
(In Crime No.163/2014)

...Respondent

PRAYER : This Criminal Appeal has been filed under Section 374(2) of Criminal Procedure Code against the Judgement of the learned V Additional District and Sessions Judge, Madurai, dated 31.10.2017 in S.C.No.302 of 2015.

For Appellants : Mr.J.Jeyakumaran

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

J U D G E M E N T

This appeal has been filed challenging the Judgement of the learned V Additional District and Sessions Judge, Madurai, dated 31.10.2017 in S.C.No.302 of 2015.



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

Accused	Offences under Sections	Punishment	Fine	In default Sentence
A1	304(ii) r/w 109 IPC	4 years SI	Rs.5,000/-	1 month SI
	294(b) IPC	-	Rs.250/-	1 week SI
A2	304(ii) r/w 109 IPC	4 years SI	Rs.5,000/-	1 month SI

3. The case of the prosecution is that six months prior to the occurrence, the defacto complainant, her relative Palaniammal and her son laughed during a conversation. On seeing this, A2 misunderstood that they were making fun of her and picked up quarrel. Due to that motive, on 06.06.2014, at about 8:30 p.m., A1 to A4 went to the de-facto complaint's house with a common intention to murder her husband Selvam and shouted at him to come out by uttering obscene words. When Selvam came out of his house, A1 gave a blow on his head with a wooden reaper by saying that he will not spare him. At that time, Selvam's uncle one Lakshmanan came for his rescue. But, A3 and A4 pushed Lakshmanan down and kicked him repeatedly. A2 went to her house, took a knife and handed it over to A1 who is her husband and



asked him to kill Selvam and his uncle Lakshmanan. A1 tried to stab on the stomach of Lakshmanan but he moved away resulting in a minor injury on the left side of his chest. Due to the fear of death, Selvam tried to get into his house but A2 restrained him and at that time A1 inflicted a stab injury on the left side of his stomach. Later, Selvam was taken to the hospital and he succumbed to injuries on 19.06. 2014 at about 1:15 a.m.

4. On the complaint given by the defacto complainant (PW1), a case has been registered in Crime No.163 of 2014 on the file of the Peraiyur Police Station, Madurai. After conclusion of the investigation, charge sheet has been filed against the accused and after completing the legal mandates of furnishing copies and all other legal formalities, charges have been framed against A1 to A4 for the offences under Sections 294(b), 341, 307 r/w 34 r/w 109 and 302 r/w 34 r/w 109 IPC. When the accused were questioned, they denied their involvement and claimed to be tried.

5. Before the Trial Court, on the side of the prosecution, PW1 to PW16 have been examined and Exs.P1 to P11 have been marked. Material Objects M.O.1 to M.O.3 were marked. On the side of the accused, no oral or documentary evidence has been marked.



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6. After the conclusion of trial, the learned trial Judge found A3 and A4 not guilty and acquitted them from all charges framed against them, found A1 and A2 not guilty for the offences under Sections 307 r/w 34 r/w 109 IPC and 341 IPC, found A2 not guilty for the offence under Section 294(b) IPC and found A1 and A2 guilty and convicted and sentenced them as mentioned *supra*. Aggrieved over that, the appellants / A1 and A2 have preferred this appeal.

7. Mr.J.Jeyakumaran, learned counsel appearing for the appellants submitted that the injuries on the body of the deceased does not tally with the manner in which the accident is said to have occurred; M.O.2 wooden reaper and M.O.3 knife were not sent for forensic examination in order to find out whether there was blood stain on the weapons; the description of the weapons by the injured witness PW2 does not tally with the manner in which the occurrence had happened; there are contradictions between the evidence of eye witnesses; no independent witness has been examined; and the learned trial Judge has not properly appreciated the same and found the appellants / A1 and A2 guilty.

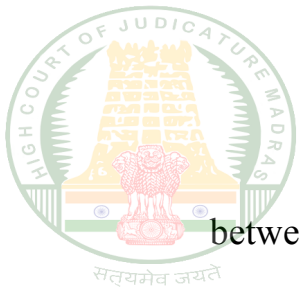
8. Mr.K.Gnanasekaran, learned Government Advocate (criminal side) appearing for the respondent submitted that the occurrence had



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taken place in front of the defacto complainant and PW2; they have stated about the occurrence in a consistent and clear manner in their evidence; there is no major contradiction in order to disbelieve their evidence; Postmortem Report Ex.P7 revealed that the injuries noticed on the body of the deceased tallies with the manner in which A1 had attacked the deceased; and the learned trial Judge has rightly appreciated the ocular evidence, material evidence and other circumstances including the previous motive and rightly found the appellants / A1 and A2 guilty and convicted them.

9. PW1 is the wife of the deceased who has given the compliant Ex.P1. The occurrence and is said to have taken place at about 8:30 p.m. and thereafter, the deceased was taken to the hospital for treatment. FIR Ex.P5 would show that the compliant statement has been obtained from PW1 when the deceased was undergoing treatment in the hospital at about 10:30 p.m. on 06.06.2014. Hence, there is no delay in registering the FIR. In the complaint Ex.P1, it is stated that before six months from the date of occurrence, PW1 along with her mother-in-law Palaniammal were giving bath to her son and conversing and laughing. At the time, A2 who is a neighbour crossed them and she misunderstood that PW1 and her mother-in-law were making fun of her. This resulted in a quarrel



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between them. In fact, A2 had attacked PW1 with chappal. The mother-in-law of PW1 had pacified them. However, A2 declared that she would see them done after her husband arrived from abroad. The house of the deceased and the house of the accused are situated in one and the same street. While so, on 06.06.2014, at about 8:30 p.m., when the defacto complainant (PW1) was watching TV along with her husband and other family members, A2 along with her husband A1 and parents A3 and A4 came to the house of PW1 and shouted by abusing in filthy language. When the deceased came out of the house, A1 voluntary attacked him with a wooden reaper on his head and when his uncle Lakshmanan (PW2) prevented it, A3 and A4 pushed him away. At that time, A2 went to her house, brought a knife and handed it to A1 and instigated him to kill the deceased. A1 had attacked PW2 and as PW2 moved away, he sustained injury over his left side chest. The deceased had attempted to get inside his house, however, A1 stabbed him on his chest with the knife. As the deceased moved a bit, it had inflicted stab injury over his stomach. When A1 was about to stab once again, other witnesses shouted and people gathered there. On seeing them, the accused had ran away. After admitting her injured husband in the hospital, PW1 has given the complaint to the police.



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10. When PW1 was examined as a witness before the Court she has stated about the same facts in her evidence. However there is no statement about the incident that had happened 6 months ago. Her evidence revealed that when A1 came to her house, he questioned them how they could make fun of his wife and hence the motive for the occurrence is revealed in the language of A1. The cross examination of PW1 does not demolish her chief examination. PW1 is not only an eye witness but also the wife of the deceased and hence there cannot be any object or purpose for her to identify a wrong person by saying that he had killed her husband.

11. PW2 is an another eye witness / injured witness and he has stated in his evidence about the same facts spoken by PW1. His evidence corroborates the evidence of PW1. Both PW1 and PW2 have stated in their evidence that A1 used wooden reaper and knife to attack the deceased. The Investigation Officer has recovered the weapons namely wooden reaper M.O.2 and knife M.O.3 and they were identified by PW2. The cross examination of PW2 also did not bring out any major contradiction.



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12. PW3 is the wife of PW2 and she is also an eye witness to the occurrence as she was also present at the house of PW1 at the time of occurrence. Her evidence in all material aspects corroborate with the evidence of PW1. The facts brought out in her cross examination had not weakened the case of prosecution.

13. PW4 who is the sister of the deceased is also an eye witness to the occurrence and her evidence also corroborates the evidence of PW1. Her evidence revealed that PW2 and PW3 were attacked by the accused with hands. Her cross examination did not demolish her evidence in chief.

14. PW5 and PW6 are neighbours who had arrived to the place of occurrence on hearing the noise and they have deposed evidence as to how they had seen the occurrence. PW8 is a Mahazar Witness and he has stated about how the Mahazar was prepared by the Police at the place of occurrence. PW8 has also stated about his role as a witness to the confession and recovery. He has also identified the weapons recovered from A1.

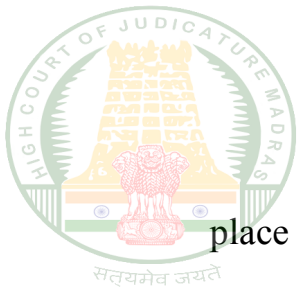


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15. PW11 is the Special Sub Inspector of Peraiyur Police Station and he registered the FIR. He has stated in his evidence that on getting information from the Hospital, he reached the Hospital and received the complaint from PW1. His evidence tallies with the evidence of PW1 on this aspect.

16. PW12 is a Doctor at Private Hospital who has registered the Accident register. He has stated in his evidence that when the deceased was brought to the hospital he has stated to him that someone has stabbed him on his left side stomach. The Doctor has seen with a stab injury of 7 X 2 cm on his left side stomach. After giving first aid, he referred the deceased to Government Rajaji Hospital for further treatment. PW14 is a Doctor at Government Rajaji Hospital who has treated the deceased thereafter. PW13 Postmortem Doctor who has issued Ex.P7 Postmortem Certificate and he has given his opinion stating that the deceased died due to the after impact of stab injury on his stomach.

17. The Investigation Officers who have been examined as PW15 and PW16 have deposed in their evidence as to how they proceeded and completed the investigation by getting relevant statements from the witnesses and by collecting direct and circumstantial evidence from the



place of occurrence. Their cross examination did not bring anything adverse to the case of the prosecution.

18. The evidence on record would prove that on the day of occurrence, A1 and A2 came to the place of occurrence with pent up anger and at that time, the husband of the defacto complainant was attacked. The cogent and convincing evidence of the witnesses along with Postmortem Report and medical evidence would only prove that A1 had stabbed the deceased and his uncle Lakshmanan. The prosecution has proved the guilt of the appellants / A1 and A2 beyond reasonable doubt by concrete evidence of eye witnesses PW1 to PW6.

19. On Perusal of the Judgement of the trial court, it is seen that the learned trial Judge has assigned reasons as to why the evidence of PW1 to PW4 are trustworthy. It is needless to state that the evidence of eye witnesses assume relevance when their presence at the place of occurrence is proved at the time of the occurrence.

20. The occurrence had taken place in the house of PW1 and the deceased. The motive for the occurrence has been stated in the evidence of PW1. The language uttered by A1 at the time of occurrence also

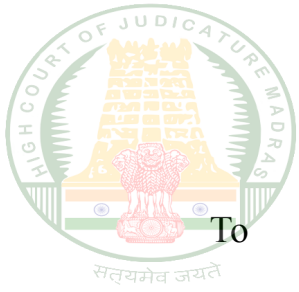


proves the same. Due to the said motive, the appellants had gone to the house of PW1 and the deceased, so, it is quiet possible that the housemates and neighbours of PW1 would have very much witnessed the occurrence. The sequence prior to the occurrence and the events that followed the occurrence also appear to be very natural and spontaneous and very much connected to the occurrence. Hence, I do not find any reason to reverse the Judgement of the trial Court as the Judgement has been held after appreciating the evidence in a proper manner.

21. In view of the above discussions, this Criminal Appeal is **dismissed**. The Judgement of the learned V Additional District and Sessions Judge, Madurai, dated 31.10.2017 in S.C.No.302 of 2015 is confirmed. The Sessions Court shall take steps to secure the appellants / A1 and A2 for undergoing the remaining period of sentence, if any.

13.08.2025

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To

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1.The V Additional District and Sessions Judge,
Madurai.

2.The The Inspector of Police,
Peraiyur Police Station,
Madurai.

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



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Dr.R.N.MANJULA, J.

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