



CrL.R.C.(MD)No.1149 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.1149 of 2024

and

CrL.M.P.(MD)No.12224 of 2024

Palanisamy

... Petitioner

-VS-

The State of Tamil Nadu Rep. by its,
The Inspector of Police,
Alangudi Police Station,
Pudukkottai District.
(Crime No.4 of 2022)

... Respondent

PRAYER : Criminal Review Case filed under 438 r/w. 442 of Cr.P.C., to call for the records relating to the order dated 26.09.2024, made in Cr.M.P.No.1 of 2024 in S.C.No.57 of 2023 pending before the learned Chief Judicial Magistrate Court and set aside the same.

For Petitioner : Mr.K.C.Maniyarasu

For Respondent : Mr.S.Ravi, Additional Public Prosecutor

ORDER

Challenging the order passed in Cr.M.P.No.1 of 2024 in S.C.No.57 of 2023 pending before the learned Chief Judicial Magistrate, Pudukottai, this Criminal Revision Case is filed.



CrL.R.C.(MD)No.1149 of 2024

Factual Matrix:-

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2.The petitioner and the defacto complainant are brothers and were embroiled in a family partition dispute. On 09.01.2022, at about 10:00 a.m., while the defacto complainant inspected his land, the petitioner was in discussion with timber merchants about trees standing on his allotted share. A verbal exchange ensued concerning the partition deed. The petitioner left but soon returned carrying a concealed knife, with which he inflicted stab injuries upon his brother's abdomen. A FIR was registered the same day under Sections 294(b), 324 and 307 IPC (Crime No. 4 of 2022). After investigation, the respondent police submitted an altered final report under Sections 294(b), 307 and 326 IPC before the learned Judicial Magistrate, Alangudi, on 07.07.2022. The petitioner moved a petition before the learned Chief Judicial Magistrate under Section 250 BNSS, 2023, seeking discharge. The petition was dismissed by the learned Magistrate on 26.09.2024. Challenging the same, this Criminal Revision Case is filed.

Submissions:-

3.The learned counsel appearing for the petitioner submitted that there exist material contradictions in the statements of prosecution witnesses (L.W.1 to L.W.6), particularly when the partition occurred and when the complainant's daughter was summoned. The partition deed itself was not produced, casting doubt on the genesis of the complaint. Medical



CrL.R.C.(MD)No.1149 of 2024

evidence is unreliable and the Government hospital's accident register (L.W.13) records exposure of intestines and omentum but notes that the patient was conscious. The private practitioner's wound certificate (L.W.15) certifies grievous injury, obtained only after the Government doctor failed to opine. The defacto complainant's conduct of refusing treatment until 2:15 p.m., leaving the Government hospital, and seeking private treatment demonstrates injuries were not grievous. On these grounds, discharge was warranted.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the FIR was registered promptly upon medical intimation. The Accident Register and discharge summary from the Government Medical College Hospital corroborate that the complainant left against medical advice. The private hospital's CT scan and wound certificate confirm grievous injury (exposed bowel, hemoperitoneum), justifying alteration to Section 326 of IPC. An elaborate investigation produced eyewitness, hearsay, mahazar and expert evidence and credibility and contradictions are matters for trial, not discharge stage.

5.Heard both sides and carefully perused the materials available on record.



4.Points for Determination:-

(i) Whether on the materials placed before the learned Magistrate, the petition disclosed a case in which the offence under Sections 307 and 326 of IPC required trial?

(ii) Whether the medical evidence, though conflicting, ought to have compelled discharge at the pre-cognizance stage?

Analysis:-

6.1.At the discharge stage, the Court's function is limited to determining whether the allegations, if taken at their highest, *prima facie* disclose an offence triable under the impugned sections. The Court does not delve into the weight or reliability of evidence (Section 250(2) of BNSS, 2023).

6.2.The medical evidence, though divergent, includes official hospital records noting exposed intestines, a discharge summary, a private practitioner's wound certificate and CT scan report. These, when read with eyewitness testimony, suffice to *prima facie* establish grievous hurt. Credibility and contradictions in partition evidence, timing of summons, and witness statements must be tested through cross-examination and appreciation at trial.

6.3.Legal precedent affirms that conflicting expert medical opinions



CrL.R.C.(MD)No.1149 of 2024

cannot be resolved at the discharge stage and the learned Trial Court must examine all witnesses. Similarly, non-production of the partition deed raises a fact issue requiring evidence and discharge is not automatic for absence of documentary proof.

Conclusion:-

7.The learned Chief Judicial Magistrate correctly held that a *prima facie* case was made out under Sections 307 and 326 of IPC, such that the petitioner is not entitled to discharge. No jurisdictional error or misappreciation of law is demonstrated on the face of the record.

In the result:-

8.For the foregoing reasons, the Criminal Revision Case is dismissed. The order dated 26.09.2024, passed by the learned Chief Judicial Magistrate, Pudukottai, is affirmed. No Costs. Consequently, connected miscellaneous petition is closed.

09.07.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn



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CrL.R.C.(MD)No.1149 of 2024

To

- 1.The Chief Judicial Magistrate, Pudukkottai.
- 2.The Inspector of Police,
Alangudi Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrL.R.C.(MD)No.1149 of 2024

L.VICTORIA GOWRI, J.

Mrn

CrL.R.C.(MD)No.1149 of 2024

09.07.2025