



WEB COPY

CRL A No. 461 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

CRL A No. 461 of 2022

Manikandan

S/o. Krishnamoorthy, No.7/190, 3rd Street,
Kannadasan Nagar, Kodungaiyur, Chennai.

..Appellant/
Sole Accused

Vs

State Rep By

The Inspector of Police,
K10, Koyambedu Police Station, Chennai.
(Cr.No.78/2010)

..Respondent /
Complainant

PRAYER : Appeal filed under Section 374(2) of Cr.P.C., to set aside the conviction and sentence passed on the appellant in S.C.No.212 of 2018 by the Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai 600 003 by its judgment dated 29.03.2022.

For Appellant(s): Mr.S.Angamuthu

For Respondent(s): Mr.R.Kishore Kumar,
Govt. Advocate (Crl.Side)



JUDGMENT

This Criminal Appeal has been filed challenging the conviction and sentence imposed on the appellant in S.C.No.212 of 2018 by judgment dated 29.03.2022 on the file of the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai.

2. The appellant was convicted for the offences under Sections 294(b), 332, 336, 353, 427 and 506(ii) of IPC and sentenced as follows:

<i>Penal Provisions</i>	<i>Sentence of Imprisonment</i>	<i>Fine Amount</i>
294(b) IPC		Rs.500/- in default to undergo 1 month simple imprisonment
332 IPC	1 year RI	Rs.1000/- in default to undergo 1 month simple imprisonment
336 IPC		Rs.250/- in default to undergo 1 month simple imprisonment
353 IPC	1 year RI	Rs.1000/- in default to undergo 1 month simple imprisonment
427 IPC	1 year RI	Rs.1000/- in default to undergo 1 month simple imprisonment
506(ii) IPC	1 year RI	Rs.1000/- in default to undergo 1 month simple imprisonment
<i>The above sentences shall run concurrently</i>		



3. It is the case of the prosecution that PW1 and PW2, the police constables, were assigned with their routine duty in Koyambedu Bus Terminus.

On 13.01.2010, in the course of their routine duty, at about 7.30p.m., they heard a noise “*catch him! catch him!*” and PW1 saw the accused was running out of the bus stand, being chased by the delta police party and other public. On hearing the sound, PW1 intervened and tried to catch the accused. The accused snatched a knife out of his pocket and slashed on the face of PW1 causing injury on the left side of the ear and cheeks. Again the accused caused another cut injury in the left hand of PW1 and had access to the nearby shop. The accused took the bottles from the nearby shop and randomly threw the bottles on the public and police who were chasing him and threatened them with dire consequences. The public being scared by the above incident, started to run away fearing for their life. By taking advantage of the chaos situation, the accused fled away from the place of occurrence.

4. Immediately PW1 was taken to a nearby hospital by PW2. PW1 was examined and admitted in the hospital and accident register/Ex.P11 was issued. On intimation from the hospital, PW3 went to the hospital and after receiving the complaint (Ex.P1) from PW1, he registered FIR/Ex.P3. PW3 prepared the observation mahazar and rough sketch which were marked as Exs.P4 and P5. On the same day night, the accused was arrested and his confession statement was recorded. The admissible portion of the confession statement alone was



marked as Ex.P7 and based on his confession, the knife which was used for inflicting the injury was seized and marked as Ex.P8. The same was sent to Court in Form 95 which was marked as Ex.P9. The offence was altered in Ex.P3 and after obtaining the wound certificate/Ex.P12 from the hospital, the Inspector of Police (PW3) completed the investigation and filed final report before the learned Judicial Magistrate No.V, Egmore. The learned Magistrate on receipt of report, complied with Section 207 of Cr.P.C. and committed the case to Sessions Court, Magalir Needhimandram.

5. The trial court took case on file and framed the charges under Sections 294(b), 336, 353, 333, 427, 506(ii) IPC. When questioned, the accused pleaded not guilty and stood trial. The prosecution in order to prove the charges, examined PW1 to PW3 and marked Exs.P1 to P14. On completion of the prosecution evidence, when the accused was questioned under Section 313 of Cr.P.C., about the incriminating materials, he denied as false. However, no oral or documentary evidence has been let in on the side of the accused. The trial court on analysing the oral, documentary evidence and the arguments, convicted the appellant for the above offences except for the offence under Section 333, instead convicted for lesser offence under Section 332 and imposed the sentence as referred above. Assailing the conviction and sentence, the appellant has preferred the above Appeal.



6. Mr.S.Angamuthu, learned counsel for the appellant argued that the prosecution has not examined any independent witness except the police personnels. If the alleged incident had occurred outside the bus stand where large number of public and the delta police party were present, they have not chosen to examine any of the public or even from the other police party. He further vehemently contended that the doctor who issued the wound certificate in Ex.P12 has not been examined and therefore, the injuries alleged to have been sustained by PW1 is not substantiated. He further contended that when there was no such occurrence, the prosecution has foisted a false case on the appellant which has not been substantiated by any material evidence or even by any independent oral evidence. The learned counsel also submitted that considering the health condition of the appellant which has also been taken note of by the trial court and not disputed by the prosecution, a lenient view may be taken in considering the modification of the sentence imposed on the appellant.

7. Per contra, Mr.R.Kishore Kumar, learned Government Advocate (Crl.Side) appearing for the State argued that the appellant has indulged in a heinous act of inflicting grievous injuries to a lady police constable while she was discharging her duty. Due to the injury sustained, PW1 was admitted and treated for a period of 12 days and the injuries could be ascertained from the accident register and wound certificate in Ex.P11 and Ex.P12. He further contended that when PW1 is an injured witness, the same cannot be disbelieved



merely due to some minor discrepancies pointed out by the accused. He also submitted that the trial court itself had considered all the mitigating circumstances and even though the offence is serious in nature, had only imposed a lesser sentence which needs no interference and sought for dismissal of the Appeal.

8. Heard the rival submissions of both sides and perused the materials available on record.

9. PW1 and PW2 are the police constables who were assigned with their routine duty in the Koyambedu Bus Terminus on 13.01.2010. During their routine duty, at about 7.30 p.m., the appellant who had robbed or snatched some materials from the public, was chased by the delta police party along with certain public who have gathered in the place of occurrence. On hearing the shout of the delta police party and the public, PW1 who was posted outside the Bus Terminus along with PW2 intervened and tried to catch the accused. The accused got annoyed due to the intervention of PW1 along with PW2, had snatched the knife from his pocket and attacked PW1 and uttered obscene words in the public against the lady police constables PW1 and PW2 and threatened them and the public for their life, if they try to catch him.



10. PW1/Police Constable, however when attempted to get hold of the accused was injured by the accused. On snatching the knife from his pocket, the accused had made a cut injury in the left side face of PW1 and also another injury in the left hand . The accused had also taken out the bottles from nearby shop and started to throw against the persons chasing him and in the chaos situation, he managed to escape from the place of occurrence.

11. PW2 immediately called for ambulance and taken PW1 to Sri Devi Hospital for treatment. On being taken to hospital, after examining PW1, the accident register/Ex.P11 was issued. Further, after the treatment given to PW1, the wound certificate in Ex.P12 was issued. The wound certificate in Ex.P12 reveals the following injuries :

(i) Linear Lacerated wound left side of face extended from the ear size 7x2 cm;

(ii) Lacerated wound left hand dorsum 10x2 cm extensor tendon of ring finger cut.

12. PW1, the injured witness had given cogent evidence in respect of her duty and the incident that had occurred on 13.01.2010. PW1 has clearly spoken about the attack made by the accused inflicting two cut injuries using his knife in face and wrist. Though it is submitted that there is some discrepancy in her evidence in respect to that PW2 was positioned a little away from her when a



large number of persons had chased the accused, that does not materially affect the evidence let in by her. PW2 who had also been posted in duty along with PW1 had also given cogent evidence supporting the testimony of PW1. When nothing contrary has been elicited from the cross examination of PW1 and PW2, there is no reason for this Court to simply disbelieve the injured witness PW1 for the only reason that she is a police constable. The evidence of PW1 and PW2 are supported by accident register and wound certificate in Ex.P11 and Ex.P12. The injuries mentioned in Ex.P1 complaint and the entries made in the accident register in Ex.P11 and the wound certificate issued in Ex.P12 does not reveal any discrepancy and the injuries sustained by PW1 on her left side face and left hand inflicted by accused, stands established.

13. Though it is contended that the doctor who issued Ex.P12 has not been examined, PW3, the Inspector of Police had given a clear evidence to that effect that, on intimation from the hospital, he had received a complaint in Ex.P1 from the PW1 in hospital and collected the accident register and wound certificate from the hospital. Since 12 years have lapsed and the private hospital which had given the treatment had also been closed long before, the doctor who issued Ex.P11 and Ex.P12 was not able to be traced in order to examine him. The prosecution had also cited LW3 and LW4 viz., one Achu and Appu. PW3 had also explained that since Appu had died and the other person was also not able to be traced, those persons could not be examined.



14. The observation mahazar and rough sketch/Ex.P4 and Ex.P5 clearly show the place of occurrence which was outside the Bus Terminus and also the shop from where the bottles were taken and broken. The pieces of broken cool drink bottles collected from the place of occurrence has been produced as MO5. On the date of occurrence itself, the accused was arrested and his confession statement was recorded. The admissible portion of the confession statement alone was marked as Ex.P7. Based on the statement, the knife used by the accused was seized and produced as M.O.1. The blood strained dress worn by the Police Constable were produced as M.O.2 to 4. The recovery of knife used by the accused in Ex.P8 based on the admissible portion of the confession and the evidence of PW3, Investigating Officer to the effect that the complaint was recorded in the hospital after PW1 was admitted, corroborates with the oral testimony of PW1 and PW2 in respect of occurrence. The accident register coupled with the wound certificate which were marked as Ex.P11 and Ex.P12 establishes the injury sustained by PW1.

15. The trial court had considered the materials available on record and also by placing reliance on the judgment of the Hon'ble Supreme Court in the case of *State Government of NCT Delhi Vs. Sunil* reported in **2001 (1) SCC 652**, came to the conclusion that the evidence of PW1 and PW2 are reliable. The trial court had also found that the injury noted in the wound certificate does



not fall under any one of the categories, listed under grievous hurt under Section 333 IPC and convicted the appellant for lesser offence under Section 332 IPC.

On reappraisal of the evidence, this Court does not find any illegality or perversity on the findings arrived at by the trial court. Accordingly, the conviction of the appellant for the offence as imposed by the trial court is confirmed.

16. In so far as the sentence imposed on the accused, it is submitted that the appellant is having serious nervous problem and he is living only with the help of the assistant. The learned counsel appearing for the appellant, by pointing out the observation made in the decision of the trial court itself, submitted that the appellant had been leading a socially responsible life, even after 12 years from the date of occurrence till the date of judgment and there is no adverse report against him. It is also noted that even on the day of imposing sentence, the appellant had fell down and sustained injuries for which he took treatment. The trial court had also taken note of the fact that the appellant is aged 23 years on the date of occurrence and for 12 years, till the time of judgment, no adverse material has been brought on record about any bad conduct of the appellant. Even now, it is submitted that there has been no adverse record as against the appellant till date and he has been leading a socially responsible reformed life.



17. Considering the mitigating circumstances that the appellant has to take the assistance of any one for even going out and the appellant had already undergone incarceration for a period of five months from 14.01.2010 to 16.06.2010, while confirming the conviction, this Court is of the considered view that the sentence imposed could be modified. Accordingly, the sentence imposed for each of the offences is modified from a period of one year to that of the period already undergone. The fine amount imposed shall stand confirmed.

18. With the above modification, this **Criminal Appeal stands partly allowed.**

06-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
GSK



WEB COPY

To

1.The Sessions Judge,
Mahalir Neethimandram,
Allikulam, Chennai.

2.The Inspector Of Police,
K10, Koyambedu Police Station,
Chennai.

CRL A No. 461 of 2



G.ARUL MURUGAN, J.

GSK

CRL A No. 461 of 2022

06-02-2026