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Crl.A.No.440 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09 / 02 / 2026

PRONOUNCED ON : 25 / 02 / 2026

Coram:

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

Crl.A.No.440 of 2019

Tmt.Rani

... Appellant

Vs.

1.The State Rep. By
Inspector of Police,
Pennadam Police Station,
Pennadam,
(Cuddalore District),
(Crime No.148 of 2013)

2.Loganathan

3.Ravi

4.Vintoh

5.Malathi

6.Rukmani

7.Banumathy

... Respondents

(R3 and R7 died, so this criminal appeal stands dismissed as abated
as against the respondents 3 and 7 as per order dated 20.01.2026 in
Crl.A.No.440 of 2019)

Prayer: Criminal Appeal is filed under Section 372 Cr.P.C. to call for
records and set aside the judgment dated 04.01.2019 made in S.C.No.211 of
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2017, by the learned III Additional District and Sessions Judge, Cuddalore at Virudhachalam and convict the accused.

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For Appellant : Mr.A.S.Balaji
Mrs.S.Sridevi
Legal Aid Counsel

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
Assisted by Ms.M.Arifa Thaseem
Advocate for R1

Mr.G.Surya Narayanan
for R2, R4 to R6

(R3 and R7 dismissed as abated
vide court order dated 20.01.2026)

JUDGMENT

P.VELMURUGAN, J.

This Criminal Appeal is filed by the defacto complainant, who is the wife of the deceased, challenging the judgment of the learned III Additional District and Sessions Judge, Cuddalore at Virudhachalam, dated 04.01.2019, made in S.C.No.211 of 2017, whereby the accused Nos.1 to 6 (respondents 2 to 7 herein) were acquitted of all the charges.



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2.1. The case of the prosecution is that the deceased Jayaraman and the accused were neighbours residing in the same village. There existed longstanding enmity between the two families on account of a land dispute. In an earlier incident arising out of the said dispute, the father of the first accused had died during a quarrel between the families. In connection with that occurrence, a criminal case was registered against the deceased Jayaraman and his family members, and they were arrested and later released on bail. Due to the said incident, hostility continued between the two families.

2.2. On 22.05.2013 at about 11.00 p.m., when the deceased Jayaraman and his wife (the appellant) were lying and talking in front of their house within the jurisdiction of Pennadam Police Station, all the accused assembled there forming an unlawful assembly with the intention of murdering the deceased. The first and second accused were armed with knives and the third accused with an iron rod, while the accused Nos.4 to 6 joined them and formed an unlawful assembly.



2.3. The first accused abused the deceased in an aggressive manner, stating that he should die in the same manner as his father, and attacked him with a knife, inflicting cut injuries on his forearm, right eyebrow and right ankle, and also causing fracture injuries to his left hand elbow and wrist. The second accused attacked the deceased with a knife and caused injuries on his left thigh and calf muscle, resulting in fracture injuries. The third accused attacked the deceased with an iron pipe and caused fracture injuries on the left side of his chest, left ribs and back. The accused Nos.4 to 6 caught hold of the deceased and restrained him, and then assaulted him by striking him with hands and feet, thereby facilitating the assault. When the wife of the deceased attempted to intervene and prevent the attack, the accused Nos.4 to 6 also assaulted her by striking her with hands and feet. The first accused also attacked her, stating that she was the cause of the incident and that she too should die, and inflicted a cut injury on her head with a knife. The second accused caused cut injuries on her left hand, and the third accused attacked her on the knee with an iron pipe, thereby causing injuries. Thereafter, the son of the deceased called a 108 ambulance, and both the deceased and his wife were taken to the Government Hospital, Cuddalore, for further treatment. However, while on the way to the hospital,



at about 11.00 a.m. the next morning, the deceased Jayaraman succumbed to the injuries sustained by him. The wife of the deceased survived the incident.

3. In connection with the occurrence, a case was registered in Crime No.148 of 2013. After completion of investigation, the Investigating Officer filed a final report against the accused. The first accused was charged for the offences under Sections 147, 148, 294(b), 307, 302 IPC. The second and third accused were charged for the offences under Sections 147, 148, 326, 307 r/w 149 and 302 r/w 149 IPC. The accused Nos.4 to 6 were charged for the offences under Sections 147, 341, 323, 302 and 307 read with 149 IPC. The final report was filed before the learned District Munsif-cum-Judicial Magistrate, Thittakudi.

4. The learned Magistrate took cognizance of the case and, after complying with the requirements under Section 207 Cr.P.C., committed the case to the Court of Session, as the offences were exclusively triable by the Court of Session. The learned III Additional District and Sessions Judge,



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Virudhachalam, took the case on file as S.C. No.211 of 2017, framed charges against the accused, explained the charges to them, and conducted trial, as they pleaded not guilty.

5. During trial, on the side of the prosecution, 17 witnesses were examined as P.W.1 to P.W.17, 31 documents were marked as Exs.P1 to P31, and 7 material objects were marked as M.Os.1 to 7. In addition, two Court documents were marked as Exs.C1 and C2.

6. After completion of the prosecution evidence, the incriminating materials appearing against the accused were put to them under Section 313(1)(b) Cr.P.C., which they denied as false. On the side of the defence, no oral or documentary evidence was adduced. Upon consideration of the entire oral and documentary evidence on record, the trial Court held that the prosecution failed to prove the charges beyond reasonable doubt and accordingly acquitted all the accused.



7. Challenging the said judgment of acquittal, P.W.1, the wife of the deceased and defacto complainant, has filed the present appeal.

8. The learned counsel for the appellant submits that the judgment of the learned Sessions Judge acquitting all the accused is contrary to law, the evidence on record, and the overall probabilities of the case. The trial Court failed to properly appreciate the prosecution evidence in its correct perspective and has erroneously granted the benefit of doubt to the accused on trivial and insignificant grounds. It is further submitted that the motive for the occurrence has been clearly established by the prosecution. The death of the deceased is admittedly an unnatural and homicidal death. The post-mortem report reveals cut injuries on the left backside of the head of the deceased, resulting in severe bleeding. In such circumstances, the learned Sessions Judge ought to have carefully analysed and scrutinized the oral and documentary evidence placed before the Court instead of discarding the prosecution case by magnifying minor contradictions which do not go to the root of the matter.



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9. The learned counsel would contend that the trial Court failed to properly appreciate the medical evidence of the doctors who examined the deceased and conducted the post-mortem. The injuries noted by the medical witnesses clearly support the prosecution case. Even assuming that there were certain discrepancies in the description or identification of injuries, such minor inconsistencies ought not to have been treated as fatal to the prosecution. The alleged contradictions regarding injuries cannot be a valid ground for acquittal, particularly when the prosecution has established that the injuries were caused by the weapons recovered pursuant to the confession of the accused and marked as material objects before the Court. It is also submitted that the learned Sessions Judge failed to appreciate the evidence of the eyewitnesses in its proper perspective. The occurrence took place on 22.05.2013 at about 11.00 p.m., whereas the witnesses were examined only after a considerable lapse of time, namely in the year 2018. Therefore, minor variations in their narration regarding the overt acts of each accused are natural and expected. No witness can be expected to recollect every minute detail after several years. However, the consistent evidence of the witnesses clearly establishes the presence of the accused at the scene of



occurrence. The trial Court ought not to have doubted the prosecution case merely on account of such minor inconsistencies.

10. The learned counsel further submits that the learned Sessions Judge erred in holding that the deceased was unconscious and therefore incapable of giving a statement to PW-15. The evidence of PW-15 clearly establishes that the deceased was in a position to give a statement, which was recorded as Ex.P-23. Based on the said statement, the case was registered under Ex.P-24. The trial Court failed to properly appreciate the evidentiary value of the testimony of PW-15 and the documents marked as Ex.P-23 and Ex.P-24. When considered in their proper perspective, these materials clearly connect the accused with the commission of the offence and corroborate the prosecution version. The rejection of this vital piece of evidence by the trial Court is therefore unsustainable. It is also contended that the trial Court erred in holding that contradictions regarding the number of persons present at the time of occurrence are fatal to the prosecution case. The prosecution witnesses have consistently spoken about the presence of the accused and have established that they formed an unlawful assembly and acted with common intention. The recovery of blood-stained articles from

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the place of occurrence further corroborates the prosecution version. The conclusion of the trial Court that the prosecution failed to prove its case is therefore erroneous.

11. The learned counsel submits that the trial Court failed to consider the entire evidence and surrounding circumstances in their totality. Minor contradictions either during the examination of witnesses or in the course of investigation ought not to have been magnified so as to justify the acquittal of all the accused. The reasons assigned by the learned Sessions Judge for acquitting the accused are unsustainable both in law and on facts. Hence, the learned counsel for the appellant prays to set aside the judgment of acquittal and convict the accused. In support of his contention, the learned counsel appearing for the first respondent has referred the judgment of the Hon'ble Supreme Court in the case of *Munnu Raja and other Vs. Tate of Madhya Pradesh* (1976) 3 SCC 104).

12. Per contra, the learned counsel appearing for the respondents 2, 4 to 6 would submit that the judgment of acquittal passed by the trial Court is well reasoned, based on proper appreciation of the entire evidence



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on record, and does not call for any interference by this Court. The learned counsel would contend that the prosecution has failed to establish its case beyond reasonable doubt. There are material contradictions and inconsistencies in the evidence of the prosecution witnesses regarding the manner of occurrence, the overt acts attributed to each accused, and the nature of injuries said to have been sustained by the deceased and the injured witness. The trial Court, after carefully analysing the oral and documentary evidence, has rightly held that such discrepancies create serious doubt about the prosecution case. It is further submitted that the alleged eyewitnesses are interested witnesses and their evidence is not corroborated by independent witnesses. The medical evidence does not fully support the version of the occurrence as spoken to by the prosecution witnesses and there are discrepancies regarding the injuries said to have been sustained by the deceased. The recovery of weapons and other material objects has also not been satisfactorily proved in the manner known to law.

13. The learned counsel would also submit that there is considerable and unexplained delay in lodging the complaint and registering the case. Though the occurrence is said to have taken place during the night, the

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complaint came to be recorded only on the next day morning. The delay in shifting the injured to the hospital and informing the police has not been satisfactorily explained by the prosecution. The inconsistencies in the evidence of witnesses regarding the time at which the injured were taken to the hospital and the manner in which the ambulance was arranged create serious doubt about the prosecution version. It is further contended that the alleged statement said to have been given by the deceased is highly doubtful. While one witness stated that the deceased was conscious and gave a statement, the police officer who claimed to have recorded the statement has stated that the deceased was unconscious. No medical certificate has been obtained to show that the deceased was in a fit condition to give any statement. The doctor who treated the injured has also not certified the mental fitness of the deceased at the relevant time. In such circumstances, the trial Court has rightly disbelieved the alleged statement and the prosecution version based on the same.

14. The learned counsel would further submit that there are material inconsistencies regarding the time of receipt of information and the registration of the case, which create serious doubt about the prosecution

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version and support the finding of the trial Court that the case has not been proved beyond reasonable doubt. It is contended that the prosecution has failed to establish the formation of an unlawful assembly or the common intention of the accused to commit the offence. The trial Court, having considered all the circumstances and evidence in their proper perspective, has rightly extended the benefit of doubt to the accused and acquitted them. The findings so rendered by the trial Court are based on sound reasoning and do not warrant interference by this Court. Hence, the learned counsel for the respondents 2, 4 to 6 prays that the appeal be dismissed and the judgment of acquittal passed by the trial Court be confirmed.

15. The learned Additional Public Prosecutor appearing for the State submitted that the prosecution has proved the case through the evidence of the injured eyewitness P.W.1 and the independent eyewitness P.W.3. Their evidence is consistent and is supported by the medical evidence and the post-mortem report. It is further submitted that the trial Court has placed undue importance on minor inconsistencies and has failed to consider the evidence as a whole. According to the learned Additional Public Prosecutor, the evidence on record clearly establishes the involvement of the accused in

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the occurrence and therefore the judgment of acquittal passed by the trial Court is liable to be set aside.

16. Heard the learned counsel on either side and perused the materials available on record.

17. The specific case of the prosecution is that the deceased Jayaraman and the accused were neighbours in the same village and had previous enmity arising from a land dispute, during which the father of the first accused had previously died in a quarrel, leading to criminal proceedings against the deceased and his family, and they were released on bail. On 22.05.2013 at about 11.00 p.m., the deceased and his wife were in front of their house within the limits of Pennadam Police Station when all the accused allegedly formed an unlawful assembly intending to murder him. The first and second accused, armed with knives, and the third accused, armed with an iron rod, attacked the deceased, causing multiple cut and fracture injuries. Accused Nos.4 to 6 restrained the deceased and also assaulted him and his wife by striking them with hands and feet, thereby



facilitating the assault. Thereafter, on the following morning, the son of the deceased called a 108 ambulance, and both the deceased and his wife were taken to the Government Hospital, Cuddalore, for treatment. However, at about 11.00 a.m., the deceased Jayaraman succumbed to the injuries sustained by him, while his wife survived. A case was registered in Crime No.148 of 2013, and after investigation, a final report was filed against the accused for the offences stated above before the learned District Munsif-cum-Judicial Magistrate, Thittakudi.

18. In the present case, the prosecution evidence discloses that the deceased was attacked by the accused and sustained multiple injuries. He was admitted to the Government Hospital for treatment. While he was undergoing treatment, the Inspector of Police came to the hospital and recorded his statement. The said statement was duly reduced into writing, read over to the injured, and his signature was obtained. The said statement was marked through P.W.15, the Inspector of Police, as Ex.P23. On the basis of the said statement, P.W.15 registered a case in Crime No.148 of 2013 dated 23.05.2013 and prepared the First Information Report, which was marked as Ex.P24. In the statement so recorded, the deceased clearly

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described the occurrence and attributed specific overt acts to the accused persons. Subsequently, despite treatment, he succumbed to the injuries. In view of his death, he could not be examined before the Court. Initially, the case was registered for the offences under Sections 147, 148, 294(b), 341, 324 and 307 IPC. After the death of the injured, the offence was altered and Section 302 IPC was added.

19. The genesis of the occurrence lies in the admitted previous enmity between the two families. The evidence of P.W.1, P.W.4 and P.W.5 establishes that there was a longstanding land dispute between the family of the deceased Jayaraman and the accused. In an earlier quarrel, Kasinathan, the father of the first accused Loganathan, had fallen during a fight and later died after hospital treatment. A murder case had been registered against members of the deceased's family in that connection. This prior incident clearly supplies motive and explains the animosity between the parties.

20. Coming to the occurrence, P.W.1, the wife of the deceased, is the most important witness. She is both an eyewitness and an injured witness. She has clearly deposed that on the night of the occurrence at about 11.00



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p.m., while she and her husband were lying in front of their house, Loganathan came armed with a knife, uttered words recalling his father's death, and attacked her husband. She has attributed specific overt acts to each accused. According to her, Loganathan and Ravi attacked with knives, Vinoth struck the deceased with an iron rod on the chest and rib region, and the women accused, namely Malathi, Rukmani and Banumathi, restrained and trampled the deceased. When she intervened, she was attacked and sustained injuries on her head and hands. Her testimony is clear, consistent and natural. Being an injured witness, her presence at the scene cannot be doubted. In cross-examination, minor inconsistencies were pointed out regarding the timing of arrival of her sons and the delay in shifting to hospital. She has explained that the occurrence took place at late night hours and that villagers were afraid to intervene. Such minor discrepancies relating to exact time do not affect the core of her evidence. The main narrative that the accused came armed, attacked the deceased and injured her has remained consistent throughout.

21. P.W.3, an independent witness residing in the same village, has corroborated her version. He has deposed that on hearing commotion at

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about midnight, he went near the house and saw Loganathan and Ravi with knives and Vinoth with an iron rod attacking the deceased. He has also spoken about the participation of the women accused in restraining the deceased and about P.W.1 being attacked when she intervened. Though suggestions were made regarding political rivalry and previous cases, no material has been elicited in the cross-examination to discredit his core testimony. His presence in the village at that hour appears natural.

22. P.W.4 and P.W.5, the sons of the deceased, though not eyewitnesses to the assault, have spoken about the subsequent events. They have deposed that they received information in the early morning hours, came to the house, found their father bleeding and their mother injured, and arranged for a 108 ambulance to shift them to Government Hospital, Virudhachalam. They have further stated that the police recorded the statement of their father in the hospital and obtained his signature, and that they also signed as witnesses. Their evidence proves that the deceased's statement was recorded while he was alive and conscious.



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23. Though the deceased could not be examined during trial due to his death, the statement given by him in the hospital cannot be ignored. Even if the statement is not treated as a formal dying declaration, it is still an important statement made by an injured person while he was undergoing treatment. In this case, the statement of the deceased was recorded by P.W.15, the Inspector of Police, when he was alive, and the same has been marked as Ex.P23. It is also seen that the deceased had signed in Ex.P23, which shows that the statement was given by him consciously. Based on this complaint, P.W.15 registered a case in Crime No.148 of 2013 dated 23.05.2013 and prepared the First Information Report, which has been marked as Ex.P24. The case is not based solely on the statement or complaint given by the deceased while he was undergoing treatment; it is also corroborated by P.W.1, the injured witness, and P.W.3, the eyewitness, both of whom support the prosecution's case.

24. Insofar as medical evidence is concerned, it is to be noted that P.W.10, the doctor attached to the Government Hospital, Virudhachalam, has stated that on 23.06.2013 at about 7:40 a.m., Rani (P.W.1) was brought for

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treatment. She informed him that she had been attacked at her house by three known male persons with knives and three known female persons. On examination, he found the following injuries:-

- (1) a cut injury measuring $6 \times 2 \times 1$ cm on the right side of the head which was bleeding;
- (2) a hematoma measuring 20×15 cm on the right knee;
- (3) a hematoma measuring 20×15 cm on the right upper arm;
- (4) a cut injury measuring about $3 \times 1 \times \frac{1}{2}$ inch between the left thumb and index finger; and
- (5) a cut injury measuring $3 \times 1 \times \frac{1}{2}$ cm between the right ring finger and little finger. The Doctor recorded these injuries in the Accident Register, which was marked as Ex.P17.

On the same morning, he also examined the deceased Jayaraman, who informed him that he had been attacked by three known male persons and three known female persons with an iron rod and knife. On examination, the Doctor found the following injuries on his body:

- (1) a hematoma measuring 10×10 cm on the left elbow;
- (2) a wound measuring 5×8 cm on the back of the right shoulder;



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- (3) a bleeding wound measuring 10×10 cm below the left ankle; and
- (4) a wound measuring about $1 \times 1 \times 2$ cm below the left knee.

These injuries were recorded in the Accident Register, which was marked as Ex.P18. The Doctor has stated that the injuries could have been caused in the manner mentioned. Thus, the entries made in the Accident Registers during the course of treatment clearly show that both the deceased and P.W.1 stated that they were attacked by known persons with weapons, thereby lending support to the prosecution case.

25. P.W.11, the Assistant Surgeon at Cuddalore Government General Hospital, conducted the postmortem on the body of the deceased. He found the following external injuries:

- (1) A deep wound measuring 4×3 cm in the right eyebrow.
- (2) A 6×3 cm abrasion on the left side of the chest.
- (3) Bruises on right shoulder
- (4) Bruises on left shoulder
- (5) A laceration measuring 3×2 cm on the left forearm.
- (6) A laceration measuring 2×1 cm on the left leg.



with the medical evidence. Medical evidence is primarily intended to lend assurance to the prosecution case and cannot by itself discredit the testimony of eyewitnesses unless it clearly demonstrates that the occurrence could not have taken place in the manner spoken to by them. Further, the entries made by the doctor in the medical records cannot be treated as substantive evidence and are mainly relevant to indicate the nature of the injuries, the possible weapon used, and the time of occurrence. At this juncture, it would be useful to refer to the following judgments of the Hon'ble Apex Court and this Court.

(i) Sri Chikkegowda & Ors. Vs. State of Karnata etc.
[2025 INSC 1213]

23. It is well settled that if there is a conflict in the ocular testimony and the medical testimony/evidence, it is the ocular evidence which will prevail unless found to be totally unreliable. In this regard, reference may be made to the followings decision wherein the above principle was reiterated:

*23.1. In the judgment of **Darbara Singh v. State of Punjab**⁵, it was held that:*

“10. So far as the question of inconsistency between medical evidence and ocular evidence is concerned, the law is well settled that, unless the oral evidence available is totally irreconcilable with the medical evidence, the oral evidence would have primacy. In the event of contradictions between medical and ocular evidence, the ocular testimony of a witness will have greater evidentiary value vis-à-vis medical evidence and when medical evidence makes the oral testimony improbable, the same becomes a relevant factor in the process of evaluation of



such evidence. It is only when the contradiction between the two is so extreme that the medical evidence completely rules out all possibilities of the ocular evidence being true at all, that the ocular evidence is liable to be disbelieved...”

(Emphasis supplied)

23.2. In the judgment of ***State of U.P. v. Hari Chand***⁶, it was held that:

“13. ...In any event unless the oral evidence is totally irreconcilable with the medical evidence it has primacy.”

23.3. In the judgement of ***Pruthviraj Jayantibhai Vanol v. Dinesh Dayabhai Vala & Ors***, it was held that:

“17. Ocular evidence is considered the best evidence unless there are reasons to doubt it...”

23.4. *In the aforesaid decisions, this Court has consistently accorded greater weight to ocular testimony than to the opinion of medical experts, and the same principle governs the case before us.”*

(ii) *Ramraj Vs. The Inspector of Police (Crl.A.No.1393 of 2004)*, dated 18.10.2006

23. On the other hand, Mr.N.R.Elango, the learned Additional Public Prosecutor argued that the noting of the doctor in the wound certificate as 'known or unknown' should have no significance, since that noting will not amount to a statement given by the injured. For this view, our attention was drawn to a decision of the Apex Court in *P. Babu & others v. State of Andhra Pradesh (AIR 1994 SCC 424)*. In the case involved in the above decision also, the same kind of situation had arisen. In the injury certificate, the doctor has noted that the injured was said to have been stabbed by somebody, not specifically stating known person or unknown person. On that basis a submission was made before the Apex Court that as the deceased had stated at the first instance 'somebody has stabbed him', it should be held the deceased was not aware as to who stabbed him. The Apex Court, rejecting the said contention, as seen from para-6 of the Judgment at Page 428, has held thus:



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"It is a matter of common knowledge that such entry in the injury certificate does not necessarily amount to a statement. At that stage the doctor was required to fill up that column in a normal manner and it was not the duty of the doctor to enquire from the injured patient about the actual assailants and that the inquiry would be confined as to how he received the injuries namely the weapons used etc."

24. If we read the above passage, coupled with Madras Medical Code, the irresistible conclusion that should be drawn legally is that the noting of the doctor, in the wound certificate or AR cannot be taken as the substantial evidence to fix the culpability or non culpability and the certificate has to be relied on, only for the purpose of ascertaining the nature of the injuries, the weapon used and the time alone. In the light of the above discussion, in our considered opinion, though P.W.2 has admitted, that she has stated to the doctor that she was assaulted by 'one known person and two unknown persons', it would not amount to a statement coming within the meaning of substantial evidence, and this being the legal position, as held by the Apex Court, on the basis of the noting made by the doctor, in Exs.P8 and P9, it is not at all possible to doubt, about the genesis of the case, which is described in the complaint-Ex.P.1, which set the law on motion or leading to the presumption that P.Ws.1 and 2 would not have seen the appellant/accused, at the time of assault.

25. It is the well settled principles of law, that rejecting the ocular evidence, on the ground of contradiction with medical evidence, as well as on the ground that the eye witness is highly interested person is incorrect, as ruled by the Apex Court in [State of Rajasthan vs. Hanuman](#) (2001 (1) SCC 337), wherein it is also held as follows:

Evidence of eyewitnesses cannot be discarded merely on the ground that they are relatives of the deceased. Normally close relations of the deceased are not likely to falsely implicate a person in the incident leading to the death of the relation unless there are very strong and cogent reasons to accept such criticism".

In the present case, the injured eyewitness P.W.1 and the eyewitness P.W.3 have clearly supported the prosecution's version. Even the trial Court went so far as to point out alleged inconsistencies in the reports filed by P.W.10, 25/38



the doctor who examined both the deceased and P.W.1, as well as in the postmortem report. However, such inconsistencies cannot outweigh the otherwise reliable eyewitness evidence on record, namely P.W.1 and P.W.3. The medical evidence of P.W.10 and P.W.11 also supports the prosecution's case and establishes that the death was caused by the assault. As already stated, when both medical evidence and eyewitness testimony are available, the eyewitness account, viz., P.W.1 and P.W.3, will prevail in proving the incident.

27. P.W.2 and P.W.6 have spoken about the preparation of observation mahazar and seizure of blood-stained earth and other materials from the scene. Though they turned partially hostile, they admitted their signatures in the mahazars. It is settled law that the testimony of a hostile witness can be relied upon to the extent it supports the prosecution. Their admissions lend authenticity to the seizure proceedings.



28. P.W.7 to P.W.9 have spoken about the confession statements said to have been given by the accused and the recovery of the weapons pursuant to such disclosure. P.W.7 has stated that the accused were interrogated in his presence and that, based on the information given by them, two knives and an iron rod were recovered from near Pattalathan pond under a mahazar, in which he signed as a witness. P.W.8 and P.W.9 have also identified their signatures in the confession statements and the related documents. Though some of these witnesses did not recollect all the procedural details and partly resiled from certain aspects of the prosecution case, they have not denied their signatures in the relevant documents. Their evidence, taken as a whole, indicates that the recovery proceedings were conducted in their presence. Thus, the recovery of the knives and iron rod from the place pointed out by the accused stands proved.

29. P.W.12, the Scientific Officer, has reported absence of alcohol or poison in the viscera. P.W.13, Assistant Director of Forensic Science Department, has detected bloodstains on the iron rod, knife and other seized materials. Though in some instances the blood was decomposed, the presence of blood on the weapons corroborates their use in the assault.



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30. The defence argued that P.W.1 and P.W.3 were relatives, but this does not affect the credibility of their evidence. As for the minor contradictions in the evidence, they cannot be taken as a valid reason to doubt the prosecution case, especially since the incident happened in 2013 and the witnesses were examined only in 2018. Therefore, the eyewitness testimony and medical evidence remain reliable and show that the death was caused by the assault.

31. The statement of the deceased recorded in the hospital, though not formally treated as a dying declaration, was recorded at the earliest point of time and bears his signature. Its contents are consistent with the testimony of P.W.1 and P.W.3 and the medical evidence. It forms the basis of registration of the FIR and lends strong corroboration to the prosecution case. The learned counsel for the appellant, in support of his contention, has referred to the judgment of the Hon'ble Apex Court in ***Raja and Others v. State of Madhya Pradesh*** (*supra*), wherein the principles relating to dying declarations have been explained. In the case on hand, the statement said to have been made before P.W.15 is not treated as a dying declaration. Even

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otherwise, the prosecution case does not rest solely upon such statement.

P.W.1, who is an injured eyewitness, and P.W.3, an independent eyewitness to the occurrence, have clearly spoken about the incident and the overt acts attributed to the accused, including the weapons used. Their evidence remains consistent and inspires confidence.

32. In so far as the minor contradictions regarding timing and shifting of the injured are concerned, the same do not in any way affect the prosecution case. P.W.4 and P.W.5 have clearly stated that they were residing at Pennadam and that, on hearing about the occurrence during the night, they came to the house of the deceased and arranged for a 108 ambulance. Both the deceased and P.W.1 were thereafter taken to the Government Hospital, Virudhachalam, for treatment. Since they were not present at the exact time of occurrence and came only after receiving information, some time would naturally have been taken to shift the injured. The incident occurred late at night in a village and the injured were moved in the early morning hours. The medical records show that the injuries were fresh and consistent with the occurrence. Therefore, such minor variations or delay cannot be taken as a ground to reject the otherwise clear and consistent evidence of the prosecution.



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33. On a careful consideration of the entire evidence on record, including the statement given by the deceased in the hospital, the evidence of P.W.1 who is an injured eyewitness, the supporting evidence of P.W.3, the medical records, recovery of weapons and forensic materials, this Court is satisfied that the prosecution has proved the case beyond reasonable doubt.

34. This Court, being the appellate Court and also a fact-finding Court, has independently examined and analysed the oral and documentary evidence available on record. On such independent assessment, this Court finds that the trial Court has not properly appreciated the evidence of the injured eyewitness and the medical evidence which clearly supports the prosecution case. The reasons assigned for acquittal are not supported by the materials on record and therefore cannot be sustained.

35. Accordingly, the judgment of acquittal passed by the trial Court is set aside, and the Criminal Appeal is allowed. The respondents are found guilty of the charged offences as follows:



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(i) The second respondent is found guilty for the offence under Sections 148, 294(b), 302, and 307 r/w Section 149 of the IPC.

(ii) Respondents 4 to 6 are found guilty for the offence under Sections 148, 302, and 307 r/w Section 149 of the IPC.

36. Post the Criminal Appeal on 27 / 02 / 2026 under the caption “For Question of Sentence”.

[P.V.J.,] [M.J.R.J.,]

25 / 02 / 2026

Speaking Order
Neutral Citation case: Yes
r n s



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Crl.A.No.440 of 2019

P.VELMURUGAN. J.
and
M.JOTHIRAMAN, J.

r n s

Pre-Delivery Judgement in
Crl.A.No.440 of 2019

25 / 02 / 2026



Crl.A.No.440 of 2019

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Crl.A.No. 440 of 2019

**P.VELMURUGAN, J.
AND
M.JOTHIRAMAN, J.**

(Judgment of the Court was made by P.VELMURUGAN, J.)

This Court, by judgment dated 25.02.2026, found the second respondent/A1 guilty of the offences punishable under Sections 148, 294(b), 302 and 307 read with 149 of Indian Penal Code and respondents (4 to 6) / accused (A3, A4 and A5) guilty of the offences punishable under Sections 148, 302 and 307 read with 149 of Indian Penal Code. Since it is a reversal judgment and the accused have to be heard on the question of sentence in respect of the mitigating circumstances, the matter was directed to be listed on 27.02.2026 for hearing on sentence.

2. As respondents 3 and 7 (A2 and A6) died while the appeal was pending, the Criminal Appeal stands abated as against them vide order of this Court dated 20.01.2026 in Crl.A.No.440 of 2019.

3. Pursuant to the direction, today, respondents (2,4,5 and 6)/accused



Crl.A.No.440 of 2019

(A1, A3, A4 and A5) appeared before this Court.

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4. Upon questioning, they have denied the allegations and contended that a false case has been foisted against them.

5. The learned counsel appearing for the respondents submitted that the medical evidence does not support the case of the prosecution and that no specific overt act has been attributed against respondents (2,4,5 and 6)/accused (A1, A3, A4 and A5) in respect of the injuries said to have been caused to the deceased and that a false case has been foisted against them. He further submitted that 6th respondent/A5 was not present at the time of occurrence and, being pregnant, had no involvement in the alleged incident.

6. The learned counsel for the respondents placed reliance on the following judgments :

(i) ***Santa Sing V. The State of Punjab (1976) 4 SCC 190;***

(ii) ***K.Pounammal V. State Rep.by Inspector of Police (2025 INSC 1014)*** and;

(iii) ***Chandrappa and Ors. V. State of Karnataka (2007) 4 SCC 415.***



7. This Court has considered the submissions made on behalf of the respondents (2,4,5 and 6)/accused (A1, A3, A4 and A5), on the question of sentence and also considered the submissions made by the learned counsel appearing for the respondents. This Court is not inclined to accept the contentions raised by the learned counsel for the respondents on merits. However, there is no mitigating circumstances in this case.

8. Having regard to the facts and circumstances of the case and the grave nature of the offences, this Court finds that the prosecution has proved that the second respondent/A1 committed the offences punishable under Sections 148, 294(b), 302 and 307 read with 149 of Indian Penal Code and respondents (4 to 6)/accused (A3, A4 and A5) committed the offences punishable under Sections 148, 302 and 307 read with 149 of Indian Penal Code. Accordingly, for the offence under Section 302 of the Indian Penal Code, respondents (2,4,5 and 6)/accused (A1, A3, A4 and A5) are sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/- each; in default of payment of fine, they shall undergo rigorous imprisonment for a further period of six months and for the offence under Section 307 read with Section 149 of the Indian Penal Code, they are sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.1,000/-

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each; in default of payment of fine, they shall undergo simple imprisonment for a further period of three months. Since the respondents have been awarded the sentence of life imprisonment for the major offence, this Court is of the view that, in order to meet the ends of justice, no separate sentence is required to be imposed for the offences under Sections 148 and 294(b) of the Indian Penal Code.

9. Since it is a reversal judgment and having regard to the facts and circumstances of the case, this Court directs the substantive sentence of imprisonment imposed on respondents (2,4,5 and 6)/accused (A1, A3, A4 and A5) alone is suspended till the expiry of the period prescribed for filing an appeal, so as to enable them to prefer an appeal. It is made clear that, if respondents (2,4,5 and 6)/accused (A1, A3, A4 and A5) have not preferred any appeal within the stipulated period or obtained any order of suspension, the first respondent/State shall take necessary steps to secure them to undergo the sentence of imprisonment imposed by this Court.

[P.V.,J.]

[M.J.R.,J.]

27.02.2026

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Crl.A.No.440 of 2019

Note :

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(i)Registry is directed to issue copy of the judgment by today itself **(i.e, on 27.02.2026)**.

To

1. The III Additional District and Sessions Judge,
Cuddalore at Virudhachalam.
2. The Inspector of Police,
Pennadam Police Station,
Pennadam, Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

Copy to: The Superintendent of Jail, Central Prison, Cuddalore.



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Crl.A.No.440 of 2019

P.VELMURUGAN, J.,
AND
M.JOTHIRAMAN, J.,

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Crl.A.No.440 of 2019

27.02.2026