2026:MHC:4508

Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-10-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No.514 of 2022

CNR: {HCMA010743402022}

Ashokraj
S/o.Ayyakannu,
South Madhavi Village,
Alathur Taluk,
Perambalur District.

...Appellant/Sole Accused

Vs

State by
Deputy Superintendent of Police,
Perambalur Circle,
Maruvathur Police Station,
Perambalur District.
Cr.No.25/2021.

...Respondent/ Complainant

Prayer : Criminal Appeal filed under Section 374 (2) of Crl.P.C., praying to set aside the conviction imposed in Judgment dated 29.04.2022 made in Special S.C.No.09 of 2021 on the file of the learned Sessions Judge, Special Court for SC/ST (POA) Act, Perambalur.

For Appellant : Mr.N.Ponraj

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For Respondent : Ms.Sharada Vivek,
Additional Public Prosecutor

Assisted by
Mr.M.Arul Raj

Ms.D.Chandraleka,
Legal Aid Counsel
for the *de-facto* complainant

JUDGMENT

The Criminal Appeal challenges the Judgment passed in Spl.S.C.No.9 of 2021 by the learned Sessions Judge, Special Court for SC/ST (PoA) Act, Perambalur, holding the appellant guilty of the offences under Sections 447 and 326 of the Indian Penal Code, 1860 (hereinafter referred to as ***"the IPC")*** and Sections 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the ***"SC/ST (PoA) Act***), and sentenced him as follows:

Offence under Section	***Sentence imposed***
326 IPC	To undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for further period of six months.
447 IPC	To undergo rigorous imprisonment for one month.
3(1)(w)(i) of SC/ST (PoA) Act.	To undergo rigorous imprisonment for

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	two years.
3(1)(w)(ii) of SC/ST (PoA) Act.	To undergo rigorous imprisonment for two years.
The sentences were ordered to run concurrently.	

2(a). It is the case of prosecution that the appellant/sole accused and the victim owned neighbouring lands in a village by name Siruganpur; that there was a pathway dispute between the two of them; that on account of the said prior enmity on 01.01.2021 at about 5:00 p.m., the appellant had abused the victim and humiliated her on account of her caste, attempted to commit rape, and had bitten the lips of the victim, causing grievous injury to the victim, and criminally intimidated the victim, and thus, committed the offences under Sections 447, 294(b), 326, 506(i), 376 r/w 511 of the IPC, and Sections 3(1)(w)(i) and 3(1)(w)(ii) of the SC/ST (PoA) Act.

(b) On the complaint [Ex.P1] given by P.W.1/*de-facto* complainant, an FIR [Ex.P12] was registered in Crime No.25 of 2021 for the offences under Sections 294(b), 326, 506(i) and 376 r/w 511 of the IPC and Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the SC/ST (PoA)

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Act. The FIR was registered by P.W.13. P.W.12 took up the investigation and, after conducting a part of the investigation, handed over the investigation to P.W.14, who filed the final report for the offences under Sections 447, 294(b), 326, 506(i) and 376 r/w 511 of the IPC and Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(v) of the SC/ST (PoA) Act before the learned Sessions Judge, Special Court for SC/ST (PoA) Act, Perambalur.

(c). On the appearance of the accused, the provisions of Section 207 Cr.P.C. were complied with, and the case was taken on file as Spl.S.C.No.9 of 2021, by the learned Sessions Judge, Special Court for SC/ST (PoA) Act, Perambalur. The trial Court framed seven charges against the appellant for the offences under Sections 447, 294(b), 326, 376 r/w 511 and 506 (i) of the IPC and Sections 3(1)(w)(i) and 3(1)(w)(ii) of the SC/ST (POA) Amendment Act. During the trial, when questioned, the accused pleaded 'not guilty'.

(d). Before the Trial Court, the prosecution had examined 14 witnesses as P.W.1 to P.W.14 and marked 15 documents as Exs.P1 to

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P15. When the accused was questioned, u/s.313 Cr.P.C., on the incriminating circumstances appearing against him, he denied the same. The accused neither examined any witness nor marked any document on his side.

(e). The Trial Court, after considering the evidence on record, found the appellant guilty of the offences under Sections 447 and 326 of the IPC and Sections 3(1)(w)(i) and 3(1)(w)(ii) of the SC/ST (PoA) Act and sentenced the accused/appellant as stated above. The appellant was acquitted of the remaining offences. Aggrieved by the said conviction and sentence, the appellant had preferred the instant appeal.

3. The learned counsel for the appellant/sole accused would submit that since the substantial portion of the prosecution case, namely that there was an attempt to commit rape was disbelieved by the Trial Court, the Trial Court ought to have disbelieved the version of P.W.1/victim, even as regards the offence under Section 326 of the IPC and the other offences; that P.W.1 though knew the appellant, had stated before the Doctor that she was attacked by an unknown person, which makes the prosecution case doubtful as regards the involvement of the appellant;

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that no medical examination of the appellant was conducted to prove that he had caused the injury on the victim; and that the appellant had probabilised his version that the occurrence could not have taken place in a manner alleged by the prosecution, as even according to P.W.1, the scuffle lasted for over an hour and prayed for setting aside the impugned Judgment.

4. The *de-facto* complainant in this case was not made a party in this appeal. This Court, by an earlier order dated 17.09.2025, had directed the first respondent to give notice to the *de-facto* complainant about the pendency of the appeal. The Court notice has been served on the *de-facto* complainant. However, since none had entered appearance, this Court appointed Ms.D.Chandraleka, as Legal Aid Counsel to represent the *de-facto* complainant.

5. Ms.D.Chandraleka, learned Legal Aid Counsel, would submit that the evidence of the victim is cogent and convincing; that she has not been discredited in any manner by the defence; that her evidence has been corroborated by P.W.2 to P.W.4, who came to the occurrence

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immediately on hearing the alarm raised by P.W.1; that her evidence is also corroborated by the medical evidence; that the evidence also discloses that the victim was taking treatment in the hospital for more than 25 days, and the injury sustained by her is of the nature referred to in Section 320 of the IPC, and therefore grievous; that the victim was touched by the appellant and the touch was sexual in nature; and that considering the nature of the act committed by the appellant, there is no infirmity whatsoever in the impugned judgment and sought dismissal of the appeal.

6. The learned Additional Public Prosecutor, for the respondent police, reiterated the submissions made on behalf of the *de-facto* complainant and submitted that the evidence discloses all the offences for which the appellant was convicted and there is no infirmity whatsoever in the impugned judgment.

7. This Court has carefully considered the rival submissions and perused the evidence on record.

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8. As stated above, the prosecution had examined 14 witnesses as P.W.1 to P.W.14. P.W.1 is the victim. P.W.2 to P.W.4 are witnesses who came to the place of occurrence on hearing the victim's cry for help. P.W.5 is the Village Administrative Officer who was examined to prove that the victim and the appellant owned neighbouring lands. P.W.6 is the Tahsildar who had issued the Community Certificate of the victim. P.W.7 is the brother-in-law of P.W.1/victim. P.W.8 is the husband of P.W.1/victim. P.W.9 and P.W.10 are the Mahazar witnesses. P.W.11 is the Doctor who made entries in the Accident Register [Ex. P7]. P.W.12 and P.W.14 are the Investigating Officers; and P.W.13 is the Sub-Inspector of Police who registered the FIR.

9. Though it is the case of the prosecution that the appellant attempted to commit rape on the victim, the victim or the other witnesses had not referred to any such attempt in their depositions. However, the victim's evidence insofar as the biting of her lip by the appellant has not been discredited in any manner. The fact that there was a scuffle before the occurrence would hardly make any difference as the victim had clearly stated about the biting of her lip.

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10. P.W.2 to P.W.4 had come to the place of the occurrence on hearing the alarm raised by P.W.1. They all found that the victim was bleeding in her lips, and on seeing them, the appellant fled from the scene of occurrence. P.W.2 speaks about the victim going to the Hospital in an Ambulance immediately after the occurrence. Therefore, this Court finds that the evidence of P.W.2 to P.W.4, which corroborates the evidence of P.W.1, is reliable.

11. In fact, the learned counsel for the defence had pointed out certain minor contradictions in the evidence of P.W.2 to P.W.4 as regards whether the victim was lying down or was standing or was moving away from the place. This Court is of the view that those contradictions do not in any manner discredit their evidence, as all of them have uniformly stated that they saw the victim bleeding and that the accused fled away from the place of occurrence. It is also not in dispute that the victim belongs to the Scheduled Caste Community, and the Community Certificate issued by the Tahsildar/P.W.6 has also not been disputed by the defence. The appellant/accused admittedly does not belong to the Scheduled Caste Community.

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12. Considering all the evidence on record, it is clear that the prosecution established the occurrence as spoken by P.W.1/victim. However, the question is whether the offences alleged are made out. The appellant was convicted for the offence under Section 326 of the IPC. Admittedly, no deadly weapon was used. The teeth of the appellant cannot be considered as a deadly weapon. In this regard, it is useful to refer to the Judgment of the Hon'ble Supreme Court in ***Shakeel Ahmed Vs. State, Delhi*** reported in ***(2004) 10 SCC 103,*** relied upon by the learned counsel for the appellant.

13. But the fact that the victim sustained grievous injury is spoken to by the Doctor/P.W.11. That apart, the prosecution established that the victim sustained a hurt of such a nature that she was in the hospital for nearly 21 days and unable to follow ordinary pursuits for over 21 days by marking the Discharge Summary [Ex.P14] of the victim, which reveals that the victim was in the hospital for 25 days. Therefore, the appellant is liable for the offence under Section 325 of the IPC. The appellant had

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also trespassed into the land of the victim. Hence, the finding of guilt insofar as the offence under Section 447 of the IPC also cannot be faulted.

14. Considering the nature of the act of the appellant and the nature of touch, namely biting of the lips, this Court is of the view that the act of the appellant would fall under Sections 3(1)(w)(i) and 3(1)(w)(ii) of the SC/ST Act. There is no infirmity in the finding of guilt as regards these two offences as well. However, considering the age of the appellant, the nature of the act and other circumstances, this Court is of the view that the interest of justice would be met if the appellant is sentenced to one year imprisonment for each of the offences, namely 325, 447 of the IPC, 3(1)(w)(i) and 3(1)(w)(ii) of the SC/ST (PoA) Act, and to pay a fine of Rs.5,000/- (Rupees Five Thousand Only) for each of the offences and, in default, to suffer one month of simple imprisonment. The sentences shall run concurrently. The fine amount already paid, if any, shall be adjusted against the fine amount imposed now.

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15. With the above modification, this Criminal Appeal is dismissed. The period of incarceration already suffered by the appellant during investigation shall be set off. The appellant shall be secured to undergo the remaining period of the sentence of imprisonment.

16. The High Court Legal Services Committee, Chennai, shall pay the scheduled fee to Ms D. Chandraleka, the learned Legal Aid Counsel, who assisted this Court for the *de-facto* complainant.

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

1. The Sessions Judge,
   Special Court for SC/ST (POA) Act,
   Perambalur.

2. The Deputy Superintendent of Police,
   Perambalur Circle,
   Maruvathur Police Station,
   Perambalur District.

3. The Public Prosecutor,
   High Court of Madras,
   Chennai – 600 104.

4. The Secretary,
   The High Court Legal Services Committee,
   Chennai – 600 104.

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SUNDER MOHAN, J.

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