



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on : 29.01.2026

Judgment Pronounced on : 27.02.2026

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.A.No.518 of 2019

The State Rep. by
Inspector of Police
'Q' Branch CID
Erode District
(Crime No.21 of 2013 of Hasanur P.S.)

.. Appellant

Vs.

Manuvel @ Manuvel Amalraj

.. Respondent

Criminal Appeal filed under Section 378 (i) of Cr.P.C., to set aside the judgment of acquittal of the respondent/accused namely Manuvel Amalraj in Sessions Case No.84 of 2015 dated 30.01.2019 by the Assistant Sessions Court (Sub Court), Sathiyamangalam, Erode District and convict the respondent/accused for the charges framed against him.

For Appellant : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem
For Respondent :Mr.R.Sankarasubbu

**JUDGMENT****P.VELMURUGAN,J.**

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This Criminal Appeal has been filed by the State to set aside the judgment of acquittal of the respondent/accused namely Manuvel Amalraj in Sessions Case No.84 of 2015 dated 30.01.2019 by the Assistant Sessions Court (Sub Court), Sathiyamangalam, Erode District and convict the respondent/accused for the charges framed against him.

2. The case of the prosecution is that on 11.06.2013 at 2.00 p.m., the Hasanur Special Sub Inspector (P.W.6), gave a special report to the Inspector of Police, Thalavadi Police Station, stating that today (11.06.2013) at about 12.00 p.m., when he visited the Neithalapuram Bus Stop along with Head Constable-2253 (P.W.7) and Constable-2541 (P.W.4) of Thalavadi Police Station, they noticed the accused/respondent herein was speaking against the Government of India stating that the Government of India has announced the setting up a Fourth Tiger Sanctuary in Tamil Nadu's Sathiyamangalam Forest and based on which, the Tamil Nadu Government has issued an order. The accused instigated that if the Sathiyamangalam Forest is announced as a Tiger Sanctuary, people cannot live there. The hill tribes and villagers who live there will be removed by the Government and they cannot enter the forest even to collect fire wood, graze cows etc. Even if people are permitted to reside nearby, schools, hospitals, water connections and other Government welfare measures will not be provided to the people. The Indian Government has to withdraw the orders of Tiger Sanctuary that have been



announced against the public and law. Against the orders that destroys agriculture and takes away the rights of the State Government, the Tamil Nadu Government has to pass a resolution in the assembly. Further, the accused instigated the people by stating that you should fight against Government for your livelihood. Moreover, to create confusion and riot among the people, he had spread false propaganda against the Government, disrespecting the Government policies and orders, by showing gestures among the people of Neithalapuram, thereby attempting to bring disbelief and disrespect towards the Government.

3. Based on the report submitted by the Special Sub Inspector of Police, a case in Crime No.21 of 2013 was registered by Hasanur Police against the accused/respondent for the offence under Section 124(A) of IPC. Subsequently, 'Q' Branch CID of the State Government took up the matter for its effective investigation, on the strength of the appropriate orders of the department. After completion of thorough investigation, got sanction accorded from the appropriate authority (P.W.27) and they filed 2 charge sheets before the Judicial Magistrate, Sathiyamangalam, for the offences under Sections 124(A) and 505 IPC, alleging that the accused visited some of the witnesses in Sathiyamangalam on various dates and canvassed people stating that the people and working class of Thalavaid, Hasanur and Neithalapuram should be given awareness as to how the Central and State Governments are cheating the people in the name of Tiger Reserve; He further canvassed that the Central and State Governments are helping the



capitalists to exploit the working class and the tribal people and therefore, the people should overthrow the Central and State Governments that are working in favour of the capitalist through armed revolution; Further, the accused claimed himself to be a member of C.P.I., (Moist) and trained in Arms and bomb making and instigated the people to protest against the Central and State Governments by armed revolution stating that he is ready to give Arms training; and thereby, the accused attempted to bring hatred and enmity towards the Government of India and Government of Tamil Nadu; Further, the accused screened a short film with a title Samaran to some of the witnesses using pendrive, laptop and T.V.Monitor, a series of scenes of fabricated and false scenes of alleged torture to a hill tribe boy by a man wearing camouflage police uniform and thereby attempted to excite and disaffection towards the Government of India and the Government of Tamil Nadu. The charge sheets were taken on file in P.R.C.No.34 of 2014. The learned Magistrate after completing the formalities under Section 207 Cr.P.C., committed the case to the Principal District and Sessions Judge, Erode since the offences are exclusively triable by the Court of Session. The learned Principal District and Sessions Judge, Erode, took the case on file in S.C.No.84 of 2015 and made over to the Assistant Sessions Court, Sathyamangalam, Erode. The learned Sessions Judge after perusing the charge sheets, framed charges for the offence under Sections 124(A) and 505 IPC and when questioned the accused, he refused the allegations stating that he is not an accused. Hence, the case was tried for trial.



4. During trial, in order to substantiate the charges framed against the accused, on the side of the prosecution, totally as many as 31 witnesses were examined as P.W.1 to P.W.31 and 19 documents were marked as Exs.P.1 to P.19, besides, 24 material objects were exhibited as M.O.1 to M.O.24.

5. After examination of the prosecution witnesses, the accused was questioned under Section 313 Cr.P.C. with regard to incriminating circumstances culled out from the evidence of prosecution witness. The accused denied the same as false. On the side of defence, one witness was examined as D.W.1 and 3 documents were marked with objections as Ex.D.1 to Ex.D.3.

6. After completion of trial and upon hearing of the arguments advanced on either side, the trial Court not found the guilt of the accused/respondent for the charged offences and thereby, acquitted him by giving benefit of doubt stating that the prosecution has not proved its case beyond all reasonable doubt.

7. Aggrieved by the judgment of acquittal, the State has filed the present appeal.

8. The learned Additional Public Prosecutor appearing for the State submitted that the learned trial Judge had not applied its judicial mind and not appreciated the oral and documentary evidences let in by the prosecution in its correct perspective. Further, the learned trial Judge had not adopted all legal procedures, not considered all the evidences and probabilities in the case and thereby unjustified the case of the prosecution and



acquitted the respondent. The acquittal of the accused was not done with adhering to the provisions of law.

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8.1 The learned Additional Public Prosecutor further submitted that admittedly the FIR was registered against the respondent based on the Special Report filed by the Special Sub Inspector that the respondent was spreading false propaganda about the Governments and the Tiger Reserve in order create confusion and riot among the people on the Government, Government policies. Subsequently, during investigation it revealed that the respondent was a student of Government Law College in Madurai and developed involvement with the ideology of Communist Party of India (Moist) and after completing his B.L. degree in the year 2010, he turned to be a full time member of C.P.I. (Maoist). Hence, he shifted to Devangapuram, Kottuveerampalayam near Sathyamangalam in Erode District with a view to instigate the general public of that area to develop hatred and enmity against the Government of India and the Government of Tamil Nadu and in the year 2013, he visited the witnesses on various dates and told them that he knew all kinds of weapons training and explosives training and ready to give weapons training, called the tribal people and working class to join in his organization. Based on which, two charge sheets were filed, whereas the learned trial Judge erred in holding that there are two final reports and both the reports are for the offences under Section 124 (A) and 505 IPC and the first one is for the incidents on 19.01.2013 and 20.01.2013 and the second one is about the incidents on 21.04.2013, 09.06.2013 and



11.06.2013, but there is no complaint for the incidents stated to have taken place on 19.01.2013 and 20.01.2013 and that the FIR has been registered based on the Special report filed by P.W.6. The learned Additional Public Prosecutor submitted that it is not necessary that every incident should be mentioned in the FIR. If any of the incidents come to notice during the course of investigation and based on the evidences collected, a case can be filed under Section 173 Cr.P.C.

8.2 The learned Additional Public Prosecutor further submitted that the trial court failed to consider that when the searches etc. takes place on information received, the accused will not be present unless he is in custody at the time of the search. In this instant case, the FIR is at 14.00 hrs. on 11.06.2013 and drawing of the scene is at 15.00 hrs. and the arrest is at 17.00 hrs. and that the accused had stated that he is producing various booklets etc. before the police. Accordingly, the police prepared the seizure mahazar and hence the doubt of the trial Judge regarding the presence of the accused, does not seem to be a justified one. Further, the learned trial Judge has given undue importance to the fact that the statements of P.W.26 (Tr.Manivannan, TNFSL Expert) and P.W.27 (Tr.Jithendranath Swain, I.A.S.) recorded under Section 161(3) Cr.P.C., were typed in computer and raised doubt that it is not stated as to how it was typed in computer. The learned Additional Public Prosecutor submitted that this observation is irrelevant as the statements recorded under Section 161(3) of Cr.P.C. have no value in deciding the case as they can be used only in case of contradiction.



8.3 The learned Additional Public Prosecutor further submitted that the trial Court erred in appreciating that P.Ws.4, 6 and 7 had not stated as to how they came to know about the fact that the accused is involved in the activities of banned organization viz. C.P.I. Moist and the same has also not been stated in their statements recorded by P.W.29 under Section 161 Cr.P.C. and therefore, their further statements cannot be taken into account as the said details would have been an afterthought and a developed version. The observation of the trial Court that the statement recorded by P.W.29 under Section 161 Cr.P.C. does not show anything about the involvement of the accused in the CPI Moist activities, cannot be taken as a correct one. It may be noted that P.W.6 has clearly deposed before the Court that the accused had instigated to protest against Tamil Nadu for which he would help them and also provide weapons training; further by gestures and body movements, he was speaking against the Government Policies and also distributing propaganda and books related to Maoist and on enquiry, it revealed that he belonged to CPI Maoist movement banned by the Government. Further, the evidences of other witnesses viz., P.Ws.9, 10, 12 and 22 also confirm the fact of the membership of the accused in the C.P.I. Moist party. Hence, the findings of the trial Court in this regard are not correct and proper one. The trial Court also failed to consider that P.Ws.8, 9 and 10 had clearly deposed before the trial Court as to how the accused got himself introduced to the witnesses, instead raised some unilateral doubts of his own without proper reasons whatsoever.



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8.4 The learned Additional Public Prosecutor further submitted that the trial Court also erred in holding that non examination of L.W.31 (Kumar) as a prosecution witness

gives suspicion as no reason for his non examination had been given by the prosecution.

The learned Judge admitted that P.W.9 and P.W.10 had given evidence to the effect that the accused had instigated the people. When L.W.31(Kumar) speaks of the same evidence spoken by P.W.9 and P.W.10, giving importance to the non-examination as a prosecution witness is not a criteria. But it is incorrect. Moreover, the defence side had also not taken any credence to the said non-examination. If at all his (L.W.31) evidence was very necessary, the defence side was at liberty to call him as defence witness and would have examined, but they had not taken any steps for the same. Therefore, the findings of the trial Court in this regard is not a proper one.

8.5 The learned Additional Public Prosecutor further submitted that the trial Court in judgment running in Serial No.10.14 and 10.15 quoted that, it shows the evidence of P.W.9 (Ranjithkumar) to the effect of the activities of accused who met him and asked for donations, which the witness refused. P.W.9 had also stated that accused had stated to

him that he (accused) is a Maoist. It is stated in Paragraph 10.15 that “அ.ச.9 ரஜ்சித் குமார்

அவரது நீதிமன்ற குறுக்கு விசாரணையில் 2014 ம் ஆண்டு 1வது மாதத்தில் க்யூ பிராஞ்சு போலீஸார்

வந்து வீட்டில் விசாரித்த போது தமக்கு மனுவேலைப் பற்றி சரியாக ஞாபகமில்லை ஆனால் மனுவேல்

என்பவரிடம் சத்தியமங்கலம் பேருந்து நிலையத்தில் சந்தித்து பேசியிருப்பதாகவும் சென்னேன் என்றும்,



அதன் பிறகு 2014ம் ஆண்டு 6வது மாதத்தில் மீண்டும் என்னிடம் க்யூ பிராஞ்சு ஆய்வாளர் விசாரிக்க

மனுவேல் என்னிடம் சொன்ன துப்பாக்கி சுடுவதைப் பற்றிய விவரங்களையும் மற்ற விபரங்களையும் நான்

அவரிடம் சொன்னேன் "which means the Court had put question to P.W.9 and he answered.

A perusal of the certified copy of the deposition of P.W.9 does not contain the above statement of P.W.9, but the trial Court judgment makes reference to that non-existing statement of PW 9.

8.6 The learned Additional Public Prosecutor further submitted that the Trial Court observed that when M.O.9 was seized from the room of accused in the house belonging to PW 25 (Kumara) in the presence of P.W.3 when P.W.25 was also present. Another witness, Madevan, Village Assistant was also present, but he was not examined as a witness, and it is not clear as to how accused came in contact with Kumara. The trial Court failed to see that P.W.25 (Kumar) had categorically stated in his evidence that "Sigamani who was with me at Chennai during 2012 when I was studying there, telephoned me and told me that one of his friend Manuvel is going to come to Thalavady and he (Sigamani) had given my number to him (Accused Manuvel) and he may contact me and also asked me to extend all help to Manuvel. In April 2013, Manuvel came and contacted me and then I met him at Thalavady Bus-stand and got introduced each other". Hence the ambiguity raised by the trial Court is meaningless and unnecessary.

8.7 The learned Additional Public Prosecutor further submitted that the trial Court has observed that the recovery of M.O.9 is not according to the procedure and raises



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doubt as to when they were placed there etc. This observation of the trial Court is not at all correct as it can be seen from Ex.P.2 (admissible portion) that the accused had given a confession statement to the effect that if he is taken to the house of Kumara, he will get the books connected with Maoist activities and will hand over the same to Police. This portion of the evidence is confirmed by P.W.3 and there seems to be no contraindication on this aspect. Further, it is a fact that the accused was taken to the place along with the independent witnesses and also Kumara who all were present at the place and, no claim that the accused was not present as the accused was properly taken with Court permission. Further, the witnesses viz., P.Ws. 3, 25 and 29 had confirmed the fact that the accused had taken the books and a kaki colour cover from the wooden cupboard and handed over to the Investigating Officer and the same were taken into custody vide Mahazar (Ex.P.3). Therefore, the question of as to whether Kumara had stated about the books in the cupboard, does not arise at all in as much as it is the accused who himself had given the confession on 20.06.2013 at 08.00 Hrs. as is evident from Ex.P.3 and then only, the team proceeded to the spot. Hence the questions raised by the trial Court are not a correct one. In other words, the trial Court appears to have taken only such of the items which are beneficial to the accused. Further, in as much as the seizure was carried out only after the confession of the accused, the question of the possession of the keys does not raise at all. The accused had made the confession as to the production of the books, if he is taken to the house of Kumara, where he (accused) had stayed and upon



reaching there and on search, the books were taken by the accused himself and handed over to the Investigating Officer in the presence of the witnesses. Hence the doubt as to who placed the books does not raise at all. The recovery of the said books will clearly establish the facts and connections of the accused to the CPI Maoist movements. Hence, the benefit of doubt given by the trial Court on this account, is not a correct one.

8.8 The learned Additional Public Prosecutor further submitted that the Trial Court has held that the film shown by the accused is a film shown through You Tube and there appears that no steps had been taken for its removal, whereas the misuse of objectionable film exhibited among the innocent public alone is the criteria and removal of objectionable stuffs in the You Tube, is immaterial and which is not possible. Further, the trial court failed to appreciate the evidence adduced by PW.s 9, 10, 12, 13, 14, 16, 18, 19 & 22 which confirms the fact that accused had called upon the public to train in arms and ammunition and daringly called upon them to fight with arms but on the counter, chose to give interpretation for Ex.PW.11 and martial objects. The Trial Court also erred in holding that M.Os 1 to 25 does not show anything about the Maoist activities, calling upon to fight with arms. The Trial Court ought not to have held that there are no evidence as to the fact that the 3 books (M.O.9) were kept in the house of Kumara (P.W.25) where accused was staying and those books does not show that accused is a Maoist, while the confession of the accused only the books were recovered and it shows that the same is indirectly connected with Maoist activities. Moreover, the



evidences of witnesses also showed that the accused had called upon them to fight against the Government by using arms and he also introduced himself as a CPI (Maoist) member.

8.9 The learned Additional Public Prosecutor further submitted that the Trial Court ought not to have drawn adverse influence that the house owners of Kottuveerampalayam and Neythalapuram had not given evidence in favour of the Prosecution. P.W.28 (Owner of Kottuveerampalayam house) was declared as "Hostile", but the evidence of PWs 1, 2 and 7 clearly establishes the fact that the search was conducted at No.14, Devangapuram Street, Kottuveerampalayam and it is P.W.28 who got opened the room where accused was staying. This witness had stated that on 11.6.13 his house was searched and also admitted that he knows the accused. Further the address given by P.W.28 in his deposition i.e.14, Devangapuram, Kottuveerampalayam is the same place where search had taken place. P.W.28 had identified the accused before the Court and stated that he knows accused since 2010.

8.10 The learned Additional Public Prosecutor further submitted that it can be proved that the knowledge about the accused and his arrest is known to P.W.28 when he had stated "on 13.6.13 a notice was circulated against arrest of the accused giving my name and Cell phone number" and his suggestion/claim that it is done by his friends without his knowledge cannot be accepted in as much as using one's name and cell phone in a public circulated notice is without one's own knowledge. The fact of



accused's stay at the residence of P.W.28 is getting confirmed by way of perusal of M.Os 1 to 25 and Exs.P1 to 19 in which the address i.e. 14, Devangapuram, Kottuveerampalayam, is seen and it also shows, for information contact "Manuvel" (Accused). Further, the trial Court failed to consider the report of the TNFSL and evidence of P.W.26. The trial Court erred in holding that P.Ws 4, 6 & 7, being Police personnel, had stated some facts on 11.6.13 when they were first examined, but later on, when they were examined by "Q" branch CID, they have stated that they came to know that the accused is a Maoist etc. and therefore the Court had raised suspicion on their evidence. The learned Judge had also observed that the discrepancies in seizure are not minor one and it cannot be discarded as minor one. But the evidences produced establish the involvement of accused in the instigating of public to use unlawful method for fighting against the Governments. Hence no much credence should have been given for some failure, on the part of Police, if any.

8.11 The learned Additional Public Prosecutor further submitted that the trial Court in the judgment running in Serial No.10.31 states that, D.W.1 (Shanmugasundaram) had stated that he is a communist activist and had organized various meetings etc., against the declaration of "Puligal Kappagam." D.W.1 had further stated that the accused herein had applied for permission from Police to conduct the meeting but it was refused and there upon he (accused) had gone to the Hon'ble High Court and his petition is Ex.D1. He had further stated that accused had an organization



and he was in another organization and both were against the creating of a special zone.

The evidence clearly confirms the fact that concerned Police had denied permission to the accused for conducting the meeting. Hence it is to be presumed that the Police had some information against the activities of the accused.

8.12. The learned Additional Public Prosecutor further submitted that the Trial Court miserably erred in finding that the elected representatives and other public had fought on the issue in a Democratic way and the fighting of the accused is also only on the democratic way. Only the speeches, stated to have been made by the accused alone cannot be taken into account to come to conclusion that accused had acted against the Governments. The Learned trial judge failed to consider that the Gazette Notification date 30.8.2018 regarding the Anti National Activities (Item 8.2 & 8.3) cannot be applicable to the activities of the accused.

8.13 The learned Additional Public Prosecutor further submitted that the trial Court while observing that the accused had not produced any evidences in support of the reply of the accused and the submissions of the accused had been rejected on that account and the argument of Prosecutor had been accepted, ought to have convicted the accused. The learned trial Judge had not given any weightage to the evidences adduced by the Prosecution and had arrived at his own conclusions without proper reasoning and grounds. Hence, the judgment of the trial Court is liable to be set aside the this appeal has to be allowed and the respondent/accused has to convicted.



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9. Per contra, the learned counsel for the respondent/accused submitted that the Government had announced that Tiger Reserve would come in the Sathyamangalam forest area. Sathyamangalam forest area is a part of the Western Ghats. The decision of the Government declaring Sathyamangalam forest as Tiger Reserve was in a way to destroy the environment and the livelihood of the tribal people who lives there and it was implemented in violation of the provisions and procedures prescribed under the Wildlife Protection Act, 2006 and hence, various political parties, organization and NGOs in Erode were protesting against the same and that the respondent, on behalf of his organization had been campaigning legally and democratically and that he had not indulged in any illegal action against the Governments as projected by the prosecution. He further submitted that originally the FIR was registered against the respondent for the offence under Section 124(A) IPC based on the Special report submitted by the Hasanur Special Sub Inspector (P.W.6). Even in the Special report, it is only stated that on 11.06.2013 at about 12.00 p.m., when the Hasanur Special Sub Inspector visited the Neithalapuram Bus Stop along with two other Head Constables of Thalavadi Police Station, they noticed the respondent herein was speaking against the Government of India regarding the announcement to set up a Fourth Tiger Sanctuary in Tamil Nadu Sathiyamangalam Forest and propagated false information that if the Sathiyamangalam Forest is announced as Tiger Sanctuary, the hill tribes and villagers who lives there, will be removed and even if people are permitted to reside around, schools, hospital, water



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connection and other Government welfare measures will not be provided to the people and instigated the people to protest against Government for their livelihood and thereby attempted to bring hatred and enmity towards the Government, whereas, contrary to the FIR, the appellant/Police filed two charge sheets stating that the respondent is a C.P.I. (Moist) and he attempted to bring hatred and enmity towards the Government of India and the Government of Tamil Nadu; On 19.01.2016, 20.01.2013 and 21.04.2013 the respondent met on K.Kumar, R.Ranjith Kumar and Rajendran, Ramesh and told them that the people and working class of Thalavadi, Hasanur and Neithalapuram should be made aware as to how the Central and State Government are deceiving them in the name of Tiger Sanctuary; Further, the Central and State Government are helping the Capitalists to suppress the working class and the hill people; therefore, we should take up arms and overthrow these Central and State governments through armed revolution; I belong to C.P.I. Maoist movement, I know all kinds of weapons training and explosives training; therefore, you should join in our movement; the hill youth and working people of this are should also be included in our movement; I ready to teach you the weapons training and explosives training you need. The learned counsel for the respondent further submitted that in the second charge sheet it is also stated that on 09.06.2013 at about 9.30 p.m., in a vacant place in front of Vinayagar Temple, near Neithalapuram Bus Stop, the respondent exhibited a short film with title Samaran, to the witnesses Ravichandran, Ramachandran, Mahadevappa, Girish and others by using pen drive, Laptop and T.V.



Monitor, a series of scene of fabricated and false scenes of alleged torture to a hill tribe boy by a man wearing camouflage police Uniforms and thereby attempted to excite disaffection towards the Government of India and the Government of Tamil Nadu; Further, the respondent instigated the people stating today, the tribal people of North India have reached the peak on their struggle in protecting themselves and the forest from the big capitalists; Through their heroic struggle, they have created a situation where no global capitalist can enter the forest; They have prevented many projects like the 'Tiger Reserve' and many agreements that plunder mineral resources, from being implemented; Let us fight by taking those struggles as an example and win; and thereby the accused attempted to bring into hatred and enmity towards the Government of India and the Government of Tamil Nadu”.

9.1 The learned counsel further submitted that in order to prove the charges, on the side of the prosecution as many as 31 witnesses were examined in which, P.W.1/Village Administrative Officer, P.W.2/Village Assistant, P.W.3/Deputy Tahsildhar. P.W.4 and P.W.7 are the Constable of Thalavadi Police Station who alleged to have accompanied P.W.6/Special Sub Inspector, Hasanu, on 11.06.2013. P.W.23 and P.W.24, P.W.26 are official witnesses. P.W.29 is the Inspector who registered FIR based on the Special Report submitted by P.W.6. P.W.27 who was the Secretary to Public Department in the Government of Tamil Nadu. P.W.30 was the Q Branch Inspector (incharge) and P.W.31 is the Q Branch Inspector.



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9.2 The learned counsel further submitted that even P.W.27 who was the Secretary to Public Department in the Government of Tamil Nadu and who sanctioned Government Orders to pro secure the respondent, in his cross examination has admitted that the FIR does not disclose anything about the recruitment of young boys for CPI (Moist). He has further stated that he could not recollect the details of the short film of the title of Samaran; I don't remember whether the CD of the movie Samaran was given to me; I cannot recollect the portion of the film that misguides the tribale people and tries bring hatred and enmity, which would clearly show that without application of mind, the sanction has been accorded by him.

9.3. The learned counsel further submitted that P.Ws.5, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25 and 28 are independent witnesses in which, 11, 15, 20, 21, 28 have not supported the case of the prosecution and turned hostile. P.W.15 who is alleged to have lent his T.V. to the respondent to screen the short film, has turned hostile. He further submitted that in the first charge sheet three persons have been shown namely K.Kumar, R.Ranjith Kumar and Rajendran alleging that the respondent/accused met them and spoken to him about armed revolution in which, the said Rajendran who was examined as P.W.5 has turned hostile and the K.Kumar was not all examined by the prosecution. Only R.Ranjith Kumar was examined as P.W.9 and one Ramesh shown in the second charge sheet and alleged to have been met by the respondent/accused, was examined as P.W.10. Even P.W.9, during cross examination has clearly stated that



போலீஸில் என்னை விசாரிக்கும்போது தலைமலை பஸ் எப்போது வரும் என்று கேட்டு அறிமுகமானார்

என்ற விபரத்தை செல்லியிருக்கிறேன். 2014 ம் ஆண்டு ஜனவரி மாதம் என்னை முதலில் வீட்டில் வைத்து

விசாரிக்கும்போது துப்பாக்கி சுடுவது பற்றி மனுவேல் என்னிடம் சொன்ன விபரங்களை போலீஸிடம்

செல்லவில்லை which is clear that the evidence of P.W.9 has been created for the purpose of prosecution.

9.4. The learned counsel further submitted that even P.W.25 who gave accommodation to the respondent has only stated that the respondent had informed him that he came to create awareness about the Tiger Reserve and that he has got a short film in pen drive to show the same to the people to create awareness. Though P.W.25 has stated that his father shouted at him stating that he came to know that the film shown by the respondent was in a way to create distrust and hatred against the Government and he propagated not to hesitate to take arms, however, neither P.W.25 nor his father have stated that they themselves saw the respondent speaking about armed revolution or they saw the said movie. Further, P.W.25 in his evidence has stated that on the request of the Thalavadi Inspector, he opened the door in which the respondent was staying and subsequently, the police recovered 3 spiral binding books (Ex.P.9). Therefore, it is clear that the key of the said house was with P.W.25 and there is no proof to show that the said books were kept by the respondent.

9.5. The learned counsel further submitted that the prosecution is alleged to have recovered 21 material objects from the respondent in which, M.O.1 to 8 are laptop,



charger, Reliance cell, pen-drive, Indian Bank Debit Card and bit notices. M.Os.10 and 11/donation books from the respondent, however, the prosecution has not examined any one to prove from whom the donation was obtained. Even the Exs.P18 to 22 would show that there is nothing to incite violence and there is no proof to show that the same were created by the respondent.

9.6 The learned counsel further submitted that even P.W.8 and P.W.17 have only stated that the respondent had told them that he is protesting against the Government as the tribal people cannot get basic needs for their livelihood if the Tiger Reserve is established in Sathyamangalam and the people would be removed from the Village. Other than that the witnesses have not stated anything against the respondent.

9.7 The learned counsel further submitted that in the second charge sheet, it has been stated that on 09.06.2013 at about 9.30 p.m., near Neithalapuram Bus Stop, the respondent exhibited a short film with title Samaran, to the witnesses Ravichandran, Ramachandran, Mahadevappa, Girish and others by using pen drive, Laptop and T.V. Monitor, a series of scene of fabricated and false scenes of alleged torture to a hill tribe boy by a man wearing camouflage police Uniforms and thereby attempted to excite disaffection towards the Government of India and the Government of Tamil Nadu. But the fact is that the said film is about a torture to a hill tribe boy by Indian Army and it was written by one Magendran and directed by one C.S. Mahivarman and that the said movie is still available in the You Tube. Till date, neither the Police nor the Government



has taken any steps to remove the said movie from You Tube and they have also not taken any action against the Writer, Director and actors of the said movie.

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9.8 The learned counsel further submitted that though the prosecution has stated that the respondent had spoken in a way inciting the people to create riot, violence by using armed rebellion, none of the prosecution witnesses have stated that after the speech of the respondent or after watching the said short film, any of the witnesses or any other persons of Neithalapuram and tribal, joined the respondent organization and protested against the Governments or used weapons or took arms training from the respondent. Therefore, mere expressing of merits and de-merits of Government Policies/projects will not attract any offence.

9.9. The learned counsel further submitted that the respondent alone had not agitated against the Sathyamangalam Tiger Reserve, but various political parties, organization and NGOs protested against the same in their own way as it was in violation of the provisions and procedures prescribed under the Wildlife Protection Act, 2006. Even the evidence of D.W.1 and Exs.D2 and D3 would clearly show that a former MLA had registered his opposition in the Tamil Nadu Legislative Assembly and he had also written to the Government seeking immediate rejection of the said proposal. Further, the villagers in and around the area had also passed resolution against the said proposal.



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9.10 The learned counsel further submitted that the evidence of D.W.1 and Ex.D1, Exs.P.21 and 22 would show that the respondent and D.W.1 had decided hold a demonstration in order to create awareness for which, the police refused to give permission against which, the respondent filed a writ petition before this Court in W.P.No.13978 of 2013 and since the date on which the permission was sought to hold the demonstration was over, the said petition was dismissed as infructuous granting liberty to the respondent submit a fresh representation.

9.11 The learned counsel further submitted that admittedly the film played in through Laptop and there is no significance. As already stated, still the said film is available in the public domain and the same has not been banned either by the Government or by the police authority. Even P.W.25 has not stated that all the materials were only brought by the respondent and the materials were collected by the respondent. Therefore the prosecution has failed to prove its case beyond all reasonable doubt and the trial Court rightly appreciated the evidence and extended the benefit of doubt in favour of the respondent and acquitted him. Hence, there is no merit in this appeal and the same is liable to be dismissed.

10. Heard both sides and perused the materials available on record.

11. Admittedly, in this case, most of the witnesses examined by the prosecution are official witnesses, and the prosecution mainly relies on their evidence. It is a matter of common experience that whenever a new Government policy or project is introduced,



some sections of the public may apprehend adverse consequences and therefore express opposition or protest against the same. For instance, people in the delta region had agitated against the NLC project. Similarly, there have been protests against projects such as the Kudankulam Nuclear Power Plant and the establishment or expansion of airports. Mere expression of opposition or apprehension regarding a Government policy, by itself, cannot amount to an offence unless the ingredients of the penal provisions are clearly established. In such circumstances, it is the duty of the Government and the public authorities to explain the benefits of such projects and address the concerns of the people. Merely expressing such concerns cannot attract offences under Sections 124A and 505 IPC.

12. In the present case, even according to the evidence of the official witnesses, the allegation against the respondent is only that he had met certain persons and stated that if the Sathyamangalam Forest is declared as a Tiger Reserve, the tribal people and others residing in and around that area may be affected and their movements may be restricted. Such statements, even if accepted, only show that the respondent expressed concern about the possible consequences of declaration of the area as a Tiger Reserve.

13. It is not the case that the Sathyamangalam Forest had been declared as a Tiger Reserve from the very beginning. When a policy change or new declaration is made, people residing in the surrounding areas or those dependent on the forest resources may naturally fear that their livelihood or access to the forest may be affected, and they may



therefore express opposition or protest. In that context, the respondent is stated to have voiced his opposition to the declaration of the Tiger Reserve. Though some witnesses have stated that the respondent introduced himself as belonging to CPI (Maoist) and claimed that he knew weapons training and explosives training and was willing to provide such training, and called upon the tribal people and the working class to join his organization to protest against the Government, there is absolutely no material placed before this Court to show that the respondent actually organized any group, conducted any training, or engaged in any activity involving weapons or violence. No witness has stated that any person joined such an alleged organization, received weapons training, or participated in any violent act pursuant to the alleged speech made by the respondent.

14. It is also not the case that the respondent alone had opposed the declaration of the Tiger Reserve in Sathyamangalam. From the evidence of D.W.1 and Exs.D1 to D3, it is evident that several persons and organizations had expressed their opposition to the proposal. Even a former MLA had raised objections in the Tamil Nadu Legislative Assembly and had written to the Government stating that the proposal to declare the Sathyamangalam Wildlife Sanctuary as a Tiger Reserve was in violation of the provisions and procedures prescribed under the Wildlife Protection Act, 2006, and had sought rejection of the proposal. Further, about 19 Panchayat Unions in and around the area had also passed resolutions opposing the said proposal. This would clearly show



that the issue had generated public debate and opposition from various quarters and that the respondent was not the only person expressing such views.

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15. Further, though the prosecution stated that the respondent screened a short film by name Samaran to the people and attempted to excite and disaffection towards the Government and that the materials viz., laptop, charger, Reliance cell, pen-drive etc. alleged to have been used by the respondent to screen the short film were recovered, however, the said short film is still in the public domain and it has not been banned either by the Government or by the police authorities and that they have not taken any steps so far to remove the same from the public domain.

16. In these circumstances, this Court finds that the evidence of official witnesses alone, particularly when some of the independent witnesses have not supported the prosecution case and some have turned hostile, cannot by itself be treated as sufficient to establish the serious offences alleged against the respondent. The prosecution has failed to place any reliable material to show that the respondent instigated violence, attempted to act against the Government, or caused any situation leading to public disorder. Therefore, the essential ingredients of the offences under Sections 124A and 505 IPC are not made out.



17. When two views are possible, the view favourable to the accused has to be adopted. In the present case, the trial Court, while appreciating the evidence, extended the benefit of doubt in favour of the respondent/accused and acquitted him. This Court, upon re-appreciation of the evidence, does not find that only one view is possible, namely, that the respondent/accused has committed the charged offences. Normally, this Court will not interfere with the judgment of the trial Court in such circumstances.

18. On re-appreciation of the entire evidence, this Court does not find any perversity or illegality in the judgment of the trial Court and there is no reason to interfere with the judgment of the trial Court. The trial Court has properly assessed the evidence and has rightly extended the benefit of doubt in favour of the respondent.

19. Accordingly, this Criminal Appeal is dismissed.

(P.V., J) (M.J.R., J)
27.02.2026

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To

1. The Assistant Sessions Court (Sub Court),
Sathiyamangalam, Erode District

2. The Public Prosecutor,
High Court, Madras.

Copy to:
The Section Officer
V.R. Section

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Crl.A.No.51



P.VELMURUGAN, J

and

M.JOTHIRAMAN, J

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Crl.A.No.518 of 2019

27.02.2026