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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 1002 of 2022

Rajagopal
S/O. Subramanian, Sembodai North, Vedharanyam
Tk, Nagapattinam District.

..Petitioner(s)

Vs

State Rep By
Inspector of Police, Vedaraniyam Police Station,
Vedharanyam Tk, Nagapattinam District. Cr.No.
357 of 2010.

..Respondent(s)

Prayer: This petition is filed under Section 397 read with 401 of Cr.P.C to set aside the judgement made in Crl.A. No.42 of 2019 on the file of the Principal District and Sessions Court Nagapattinam dated 29.03.2022 confirming the Judgement in SC.No. 176 of 2013 on the file of the Assistant Sessions Court, Nagapattinam dated 09.07.2019.

For Petitioner(s): M/s. A. Sundara Vadhanan
M.Arun

For Respondent(s): Mr.L.Baskaran, Government Advocate

ORDER

This petition has been filed to set aside the Judgment made in Crl.A.No.42 of 2019 on the file of the Principal District and Sessions Court Nagapattinam dated 29.03.2022 confirming the Judgment in S.C.No.176 of 2013 on the file of the Assistant Sessions Court, Nagapattinam dated 09.07.2019 and pass orders.



2. The case of the prosecution is that on 11.10.2010 at 7:30 p.m the accused came to the house of the injured under the influence of alcohol and uttered obscene and uttering filthy language against him and the same was questioned by the injured. Due to which the accused replied that you and your family members has lodged a police complaint against me and stabbed the injured by using the weapon sulukki in left side armpit and caused grievous injuries to him. Thereafter the injured was taken to Government Hospital, Vedaranyam at about 9.45 pm for treatment and again referred to Thanjavur Medical College and Hospital and operation was made on PW.1 and the sulukki-iron rod was removed from left side armpit of P.W.1. On the next day a case was registered in Cr.No.357/2010 under Sections 294(b), 307 of IPC. After completing investigation final report was filed and the same was taken cognizance by the Trial Court.

3. In order to prove the complaint on the side of the prosecution 14 person were examined P.Ws 1 to 14 and 9 documents were marked 9 documents Ex.P.1 to P.9 and one material object was marked. On the side of the accused no one was examined and no documents were marked.

4. On a perusal of Oral and Documentary evidence the accused is convicted for Section 294(b) of IPC and a fine of RS.500/- is imposed in default one month simple imprisonment is imposed as envisages u/s 235 (ii) of Cr.P.C



and for Section 307 of IPC sentenced to undergo R.I for 5 years and also to pay a fine of RS.5,000/- in default to undergo simple imprisonment for three months for the offence under section 307 of IPC as envisages u/s 235(ii) of Cr.P.C. Aggrieved by the same the accused preferred an appeal in Crl.A.No.42 of 2019 on the file of the Principal District and Sessions Court Nagapattinam and the same was dismissed on 29.03.2022 and confirmed the order passed by the Trial Court. Hence, this Criminal Revision case.

5. The learned counsel for the petitioner submits that there is no motive to do away the life of the accused. Hence there is an ingredient to attract the offence under Section 307 of I.P.C. Further from analyzing the entire oral evidence of the PW1, it would be seen that there is no strong motive against the accused to foist a false case. He further submitted that P.W.1 and P.W.2 were interested witnesses and therefore their evidences should not be taken into consideration. Therefore, the case against the accused is not proved beyond reasonable doubt. Hence, he prayed for acquittal of the accused.

6. *Per Contra* the learned Government Advocate submitted that the accused is residing near the house of the complainant and there was an enmity between them regarding the grazing of goat and hen at the place of the accused. Therefore, there was a complaint as against the accused for which an enquiry was conducted by the respondent police. Hence the accused had motive to do



away the life of the accused. On the date of the occurrence the accused came to the house of the injured and abused him and when the same was questioned by the injured, the accused attempted to murder the deceased by using the weapon sulukki. Immediately he was taken to the hospital where P.W.9 gave first aid treatment to the injured. Ex.P.3/Accident Register reveals that the injuries sustained by the injured is grievous in nature. P.W.2 who is the son of the P.W.1 has categorically deposed about the specific overtact as against the petitioner. Further the injured was examined as P.W.1 and he categorically deposed about the occurrence and his evidence is accepted by the Trial Court. Therefore, the Trial Court and the Appellate Court has rightly convicted the accused and there is no necessity to interfere with the same.

7. Heard the learned counsel for the petitioner and the respondent and perused the materials available on record.

8. The crux of the complaint is that the accused used to graze his cattle in the land belonging to P.W.1. Therefore, the accused had the motive to do away the life of the injured. On the date of the occurrence the accused came to his house and stabbed the injured by using the weapon sulukki in left side armpit and caused grievous injuries to him. Thereafter, he was taken to Vedarnayam Government Hospital for treatment and again referred to Thanjavur Medical College and Hospital and operation was made on PW.1 and



the sulukki-iron rod was removed from left side armpit of P.W.1. Thereafter he was treated by P.W.10 who has deposed that due to stab injury his left hand rotation is restrained. Therefore, the injury was is grievous in nature and the injured was examined as P.W.1 have clearly deposed that the accused has committed the offence. Further the evidence of the Doctors i.e P.W.9, P.W.10 and P.W.12 corroborates with the evidence of P.W.1/ injured. Further P.W.10 has also opined that the injury is grievous in nature and the wound certificate is marked as Ex.P.4.

9. The Injured/P.W.1 is an eye witness and his evidence is trustworthy and believable and on the basis of oral evidence of P.W.1 the Trial Court and the Appellate court has come to the conclusion that the accused had committed the offence under Sections 294(b) and 307 of I.P.C.

10. Considering the above facts and circumstances of the case, this Court does not find any ground to interfere with the findings of the Trial Court and the Appellate Court with regard to the conviction imposed under Section 294(b) of IPC. Insofar as sentence passed under Section 307 of IPC is concerned, considering the petitioner's age and considering the period of imprisonment already undergone, the sentence imposed by the Trial Court is modified to the period already undergone by him.



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11. With the above observations and directions, this Criminal Revision is partly allowed.

02-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To.

1. The Principal District and Sessions Court Nagapattinam.

2. The Assistant Sessions Court, Nagapattinam.

3. The Inspector of Police, Vedaraniyam Police Station, Vedharanyam Tk, Nagapattinam District.



CRL RC No. 1002 of 2



G.K.ILANTHIRAIYAN, J.

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