



WEB COPY



Crl.A.Nos.563, 147, 927, 929, 930 and 931 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2026

Coram:

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

Crl.A.Nos.563, 147, 927, 929, 930 and 931 of 2019 and
Crl.M.P.Nos.15754, 19323, 19325, 19326 and 19327 of 2019,
2747 of 2020, 4342 of 2022

1. Rajesh	
2. Hotel Mani @ Manikandan	..Appellants in Crl.A.No.563/19
Karunamoorthy	...Appellant in Crl.A.No.147/19
Ramachandran	...Appellant in Crl.A.No.927/19
Ravichandran	...Appellant in Crl.A.No.929/19
Raguraman	...Appellant in Crl.A.No.930/19
Dhanapal	...Appellant in Crl.A.No.931/19

Vs.

State represented by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Cr.No.98 of 2017)

...Respondent

1/24



Crl.A.Nos.563, 147, 927, 929, 930 and 931 of 2019

Prayer in all the Appeals: Criminal Appeal are filed under Section 374(2) Cr.P.C. to call for records in S.C.No.91 of 2018 on the file of the Additional District and Sessions Court, Namakkal, and set aside the conviction and sentence made against the appellants vide judgment dated 06.08.2019.

For Appellants : Mr.S.Kolandasamy in Crl.A.No.563/19

Mr.B.Mohan in Crl.A.No.147/20

Mr.P.Govindarajan in Crl.A.Nos.927,
929 & 930/19

Mr.K.T.S.Sivakumar in Crl.A.No.931/19

For Respondent : Mr.A.Damodaran, Addl. Public Prosecutor
Assisted by Ms.M.Arifa Thasneem in all
the Criminal Appeals

COMMON JUDGMENT

All the criminal appeals are arising out of the same judgment of conviction and sentence passed by the learned Sessions Judge, Special Court for SC & ST (PoA) Act and Additional District and Sessions Court (FAC), Namakkal, in S.C.No.91 of 2018, dated 06.08.2019.



Crl.A.Nos.563, 147, 927, 929, 930 and 931 of 2019

WEB COPY

2 The appellants in Crl.A.No.563 of 2019 are A6 and A7, the appellant in Crl.A.No.147 of 2020 is A8, the appellant in Crl.A.No.927 of 2019 is A1, the appellant in Crl.A.No.929 of 2019 is A2, the appellant in Crl.A.No.930 of 2019 is A3 and the appellant in Crl.A.No.931 of 2019 is A4. Since A5 viz. Krishnamoorthy is a juvenile, the case against him was split up and transferred to the Juvenile Justice Board.

3 The case of the prosecution is that A1 to A3 are brothers and the rest are their friends. The deceased Manikandan and his brother Rajkumar and P.W.1 the informant Ajithkumar and the all the accused were members of different Kabbadi team. During Pongal festival in the year 2017, when the informant party played Kabbadi with the accused party, there was a wordy quarrel between A6 and brother of the deceased viz. Rajkumar, in which A1 supported A6 and the deceased supporting his brother Rajkumar, assaulted A1. Hence A1 along with other accused were having common object to cause death to the deceased. On 29.01.2017 at about 8.00 p.m. when the deceased Manikandan, the informant Ajithkumar (P.W.1) and Palanisamy (P.W.2) were sitting and talking to each other under the Neem Tree situated



CrI.A.Nos.563, 147, 927, 929, 930 and 931 of 2019

nearby Mariamman Temple in Thoozur Village in Namakkal District, all the accused were assembled with common object to cause death of the deceased Manikandan. A1 armed with a knife, which is deadly weapon and created annoyance to others. At that time, A1 abused the deceased Manikandan with obscene words and tried to stab the deceased and immediately P.W.1 and P.W.2 have attempted to prevent A1, due to which, A1 abused the said witnesses with obscene words. A1 along with A4, A5, A7 and A8 had voluntarily assaulted and caused simple hurts to the said witnesses and in furtherance of their common intention, A4 and A5 caught hold P.W1 and A1 caused simple hurt over left leg. A2, A3 and A6 caught hold the deceased Manikandan and A1 stabbed on the left side upper abdomen of the deceased Manikandan with knife. P.W.2 had raised hue and cry to escape from all the accused and at that time A1 using the same knife caused simple hurt over the right elbow and left foot of P.W.2. Therefore on information from P.W.1, a case in Cr.No.98 of 2017 had been registered for the offence under Section 147 IPC against A2 to A4 and A6 to A8, 294(b) IPC against A1, 302 IPC against A1, 302 r/w 149 IPC against A2 to A4 and A6 to A8, 324 (2 counts) IPC against A1 and 324 (2 counts) r/w 149 IPC against A2 to A4 and A6 to A8.



WEB COPY

4 After investigation, the respondent police laid a charge sheet before the learned Judicial Magistrate No.I, Namakkal, which was taken up in P.R.C.No.9 of 2017. Since the offences charged against the appellants/accused are triable only by the Court of Session, the learned Judicial Magistrate committed the case to the learned Principal District and Sessions Judge, Namakkal, which was taken on file in S.C.No.91 of 2018, who in turn, made over the same to the Additional District and Sessions Court, Namakkal.

5 Before the trial Court, in order to prove the charges, prosecution examined 14 witnesses as P.Ws.1 to 14 and marked 31 documents as Exs.P1 to 31, besides nine material objects M.O.1 to M.O.9. After examination of the prosecution witnesses and incriminating materials culled out from the evidence of prosecution witnesses were put before the accused and they denied the same as false. On the side the defence, no oral and documentary evidence was let in.



Crl.A.Nos.563, 147, 927, 929, 930 and 931 of 2019

WEB COPY

6 The learned Sessions Judge, after trial and after hearing the learned counsel on either side, by judgment dated 06.08.2019, found the appellant/accused guilty and sentenced them as follows:

Rank of the Accused	Offence under Section	Sentence
A1	148 IPC	RI for 3 months
A1	302 IPC	Life Imprisonment with Fine of Rs.1000/-, i/d, RI for 3 months
A1	324 (2 counts) IPC	RI for 3 months
A2 to A4, A6 to A8	147 IPC	RI for 3 months
A2 to A4, A6 to A8	302 IPC r/w 149 IPC	Life Imprisonment with Fine of Rs.1000/- each, i/d, RI for 3 months
A2 to A4, A6 to A8	324 (2 counts) r/w 149 IPC	RI for 3 months

The learned trial Judge acquitted A1 for the offence under Section 294(b) IPC, since prosecution has not proved the same.

7 Aggrieved over the said judgment of conviction and sentence, all the accused are before this Court with the present Criminal Appeals.



WEB COPY

8 Learned counsel appearing for A1 to A3, who are the appellants in Crl.A.Nos.927, 929 & 930 of 2019 would submit that even though as per the evidence of P.W.1 there were many independent witnesses available at the scene of occurrence, prosecution has failed to examine those witnesses to prove its case and all the witnesses are only interested witness. As per the prosecution story, P.Ws.1 and 2 were assaulted by A1, but no wound certificate for the said witnesses has been marked by the prosecution.

8.1 Even though prosecution has collected incriminating materials, but it has miserably failed to connect those materials with the appellants. P.W.12, the Doctor, Vinayaga Mission Hospital, deposed that one Manikandan was brought to the Hospital at about 9.30 a.m. from Akshaya Hospital, Namakkal, and on examination, he found one stab injury on the left chest, but P.W.9, the Doctor, who gave first aid to the deceased has not made any entry in the Accident Register and P.W.12 only declared the deceased as dead and issued Ex.P18 death certificate and Ex.P19 Accident Register.



Crl.A.Nos.563, 147, 927, 929, 930 and 931 of 2019

8.2 Ex.P11 and Ex.P13 are the Accident and Injuries intimation to

police issued from the Akshaya Hospital, where the deceased took first aid, which proves that from the Hospital itself the police received information, but they waited for arrival of P.W.1 to lodge Ex.P1 complaint. FIR registered only on the next day and there is no explanation for the delay. Evidence of ocular witnesses has not been corroborated with the medical evidence and there are major contradictions with regard to the alleged attack by the appellants on the deceased.

8.3 Further prosecution has not proved the motive in the manner known to law. It is the evidence of P.W.3 that P.Ws.1 & 2 were not available in the scene of occurrence and they were present only at the hospital. A perusal of the Exs.P11 and P13 shows that they have inserted the details of the injuries sustained by the deceased. It is an admitted fact that there was commotion and the deceased has nail marks on his neck and he sustained abrasion injuries and therefore there is no clear evidence that who caused the said injuries.



Crl.A.Nos.563, 147, 927, 929, 930 and 931 of 2019

8.4 The manner, in which recovery has been made based upon the alleged confession of the appellants, that too in the open place, creates doubts in the case of the prosecution. Even though in Ex.P31 forensic sciences Department report shows that the blood group found on the recovered materials is 'O' group but whether the same belongs to the deceased or not has not been proved by the prosecution. There was only one stab injury on the body of the deceased and other injuries are only consequential injuries. Therefore there is not motive for the occurrence and it was taken place only in the commotion between the two Kabbadi Groups and hence the charges framed against the appellants are not proved by the prosecution beyond all reasonable doubts and hence the appellants are entitled for acquittal.

9 The learned counsel for A6 and A7, who are the appellants in Crl.A.No.563 of 2019 would submit that the earliest version of the injured witnesses P.Ws.1 and 2 in their statement given before the Doctor immediately after the occurrence mentioned specific names, wherein there is no mentioned about A6, A7 and A8. Further among the specific names of six persons, one Rangasamy, who is the father of A1 to A3 was not arrayed as



Crl.A.Nos.563, 147, 927, 929, 930 and 931 of 2019

accused and in the FIR and no investigation was conducted against him and there was no explanation or investigating as regard to the implication of A6 to A8 in a later stage, when their names were not given in the earliest version.

9.1 P.Ws.1 and 2 could not have accompanied the deceased to Salem Hospital, since P.Ws.1 and 2 along with the deceased have gone to the Akshaya Hospital at 9.00 p.m., whereas AR entry for admission of the deceased at Salem is also 9.00 p.m. and further P.W.1 deposed that he himself had written the complaint in the Akshaya Hospital Namakkal.

9.2 P.W.1 and P. W.2 alleged to have been attacked by all the accused, whereas except one lacerated injury on P.W.I and two lacerated injuries on P.W. 2, no other injuries or contusions were found on them. Both these witnesses have stated that they were caught hold by the other accused and A1 had stabbed them with a knife and hence, it is clear that their versions are totally inconsistent to the medical evidence. P.W.2 had stated that P.W.I was caught hold by A7 and A8, whereas the very injured witness P.W.1 did not say that he was caught hold by the above accused. P.W.3 in his



chief examination has stated that A1 did not stab P.W.1 and P.W.2 with knife, then in the later portion of the chief, he has stated that A1 had stabbed the deceased as well P.W.1 and P.W.3 with the knife, no material was produced to substantiate his version that they have sustained stab injuries.

9.3 The charge was framed only on the basis of the interested witnesses namely P. W. 1 to P.W.4, who are all close friends of the deceased, and all of them happened to be the members of the Rival Kabadi Team of the accused persons and these interested persons having motive to implicate the accused persons. P.W. 4 has stated that there about 20 independent persons were present at the time of the occurrence while he and P.W. 3 were chatting at a short distance from the deceased and P.W.1 and P.W.2, whereas P.W. 3 has stated that except P.W. 1 to P.W.4 no other independent witnesses were present at the time of occurrence. Hence, the version of the prosecution that P.W.3 and P.W.4 were present at the scene of occurrence by chatting themselves, while the offence had taken place, is unbelievable. Since their evidence is inconsistent to each other and uncorroborated to the other.



WEB COPY

9.4 The complainant P. W.1 had stated that he himself had written the complaint and lodged the same, whereas, the complaint forwarded to the Magistrate was not the one that was filed by P.W.1, for the reason that the handwriting of the police personnel, who has written the observation mahazar Ex.P-21 and the complaint Ex.P-1 are one and the same. Therefore it is clear that Ex.P-1 complaint is drafted after due consultations by leaving out one of the real assailant Rangasamy and falsely implicating the accused A6, A7 and A8, who were not at all present and participated in the commission of the offence.

9.5 The cogent version of P. W.1 to P.W. 3 is that the deceased was indiscriminately stabbed by A1 by using a knife, whereas the postmortem report reveals that only one stab injury on the left side of the upper abdomen of the deceased. Hence, it is crystal clear that evidence of these alleged eye witnesses are all falsehood and their presence at the time of occurrence is unbelievable. The alleged injured witnesses P.W.1 and P.W.2 in their earliest version given before the doctor entered in AR copies and the wound certificates of theses witnesses is that they have been assaulted by 6 persons



and the injury was caused by using a hook. Later they have conspired and in consultation, had lodged a complaint that they were stabbed with knife by A1, while there is no stab injuries found in their body as per their wound certificates.

9.6 Even as per the prosecution story, except A1, all other accused did not bring any weapon and they have not attacked either the deceased or the witnesses by using any weapon. Hence it is highly improbable to infer that these accused A2 to A8 had the knowledge that A1 was possessed with knife and he is going to stab the deceased or the injured witnesses will be stabbed by A1. Hence charge under Section 302 r/w 149 IPC as against A2 to A8 are unsustainable under law, since there was no material to establish that the accused A2 to A8 were in prior knowledge of fact that A1 is in possession of a knife and he is going to stab the deceased. Therefore the appellants are entitled to acquittal. To support the above, the learned counsel placed reliance on the decision of the *Hon'ble Supreme Court* reported in *AIR 2018 SC 93* in the case of *Joseph vs. State of Tailnadu and Ors.*



Crl.A.Nos.563, 147, 927, 929, 930 and 931 of 2019

10 The learned counsel for the other appellants in Crl.A.No.147 of 2020 and Crl.A.No.931 of 2019 have adopted the above arguments advanced by the counsel for the other appellants.

11 The learned Additional Public Prosecutor appearing for the respondent would submit that in this case P.Ws.1 to 4 are eye witnesses. Based on the information from P.W.1 Ajithkumar, who is the friend of the deceased, a case was registered against the accused for the charged offences. In order to prove the charges prosecution examined 14 witnesses out of which, P.Ws.1 to 4 are cited as ocular witnesses. P.Ws.1 to 4 have categorically stated that in the year 2017, during the Pongal festival the deceased Manikandan and his brother Rajkumar (P.W.7) assaulted A1 and hence A1 along with other accused on 29.01.2017 at about 8.00 p.m. when the witnesses P.Ws.1 to 4 were sitting and talking to each other under the Neem Tree situated nearby Mariamman Temple, all the accused came there and assaulted the deceased and the other injured witnesses, as a result of which, the deceased died.



CrI.A.Nos.563, 147, 927, 929, 930 and 931 of 2019

11.1 The evidence of ocular witnesses are corroborated with medical evidence. P.W.9, the Doctor who gave first aid to the deceased has deposed that one Ajith Kumar (P.W.1) and Palanisamy (P.W.2) sustained simple injuries and since the deceased was bleeding profusely due to the injuries sustained by him, he was taken to other Hospital.

11.2 P.W.12 is the Doctor in Vinayaga Mission Medical College and Hospital, who examined and declared the deceased dead and issued Ex.P18 Death Certificate. Ex.P19 is the copy of the Accident Register of the deceased, in which also P.W.12 has clearly stated about the stab injury sustained by the deceased.

11.3 P.W.10 is the Doctor, who conducted autopsy on the body of the deceased also noted the injuries on the body of the deceased and opined that the deceased died due to the stab injury sustained by the deceased. Therefore the evidence of ocular witnesses clearly corroborated with the medical evidence, which supported the case of the prosecution.

SCC



WEB COPY

11.4 Based on the confession statement of A1, M.Os.1 to 3 were recovered through observation Mahazar Ex.P26. P.W.5 is Village Administrative Officer and he stood as witness for recovery and P.W.6 stood as witness for Observation Mahazar. Exs.P29 and 31 are Chemical Reports and Ex.P30 is Form 91. Therefore prosecution has proved the recovery of material objects, connecting the accused with the offence.

11.5 Even though there are contradictions, the same are not affected the case of the prosecution and those contradictions are not material contradictions. To support his contentions, the learned Additional Public Prosecutor relied on the judgments rendered by the *Hon'ble Supreme Court* reported in *(2024) 9 SCC 314* in the case of *Nityanand vs. State of Uttar Pradesh and Another*. The learned Additional Public Prosecutor also relied on the *decisions of this Court* in the case of *Ramaraj vs. The Inspector of Police in Crl.A.No.1393 of 2004 dated 18.10.2006 and Krishnamoorthy and Ors vs. The Inspector of Police in Crl.A.Nos.461, 429 and 565 of 2019 dated 10.02.2026. s*



12 Heard the learned counsel appearing for the appellants and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

13 The case of the prosecution is about a rivalry between two Kabaddi teams. Initially the deceased Manikandan and his brother Rajkumar P.W.7 were members of the team, in which A1 to A4 and A6 to A8 were also members. However, due to the quarrel between P.W.7 and A3, the deceased and P.W.7 along with their friends shifted to other team. Thereafter there was quarrel between one of the team members of the deceased and A2, in which the deceased and his brother P.W.7 supported their team member and A1 supported A2.

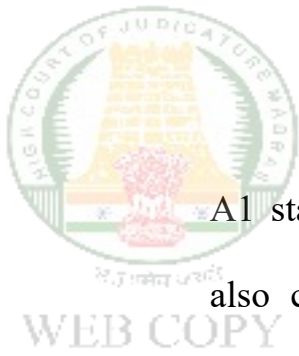
14 During Pongal festival in the year 2017 there was quarrel between the deceased and A1, in which, the deceased assaulted A1. Hence in order to wreck vengeance, on 29.01.2017 at about 8.00 p.m. when the deceased Manikandan, the informant Ajithkumar (P.W.1) and Palanisamy (P.W.2) were sitting and talking to each other under the Neem Tree situated nearby Mariamman Temple in Thoozur Village in Namakkal District, all the



CrI.A.Nos.563, 147, 927, 929, 930 and 931 of 2019

accused were assembled with a common object to cause death of the Manikandan. A1 armed with a knife, which is deadly weapon and created annoyance to others. At that time, A1 abused the deceased Manikandan with obscene words and tried to stab the deceased and immediately P.W.1 and P.W.2 have attempted to prevent A1, due to which, A1 abused the said witnesses with obscene words. A1 along with A4, A5, A7 and A8 had voluntarily assaulted and caused simple hurts to the said witnesses and in furtherance of their common intention, A4 and A5 caught hold P.W.1 and A1 caused simple hurt over left leg. A2, A3 and A6 caught hold the deceased Manikandan and A1 stabbed on the left side upper abdomen of the deceased Manikandan with knife. When P.W.2 raised hue and cry and tried to escape, A1 using the same knife caused simple hurt over the right elbow and left foot of P.W.2.

15 P.W.1 and P.W.2 are not only the eye witnesses, but also the injured witnesses. P.W.1 deposed that the deceased was his friend and during Pongal festival in the year 2017, the deceased and P.W.7 assaulted A1 and hence A1 along with other accused with a common intention to kill the deceased, gathered in the occurrence place and assaulted them. At that time



Crl.A.Nos.563, 147, 927, 929, 930 and 931 of 2019

A1 stabbed the deceased on his chest indiscriminately with knife and A1 also caused simple hurt on his left knee and caused simple injury on Palanisamy's left hand joint and left foot. Immediately all the injured were brought to Akshaya Hospital and from there the deceased, due to his severe bleeding, taken to Vinayaga Hospital for further treatment, but the deceased Manikandan was declared dead.

16 P.W.2 also deposed that during Pongal festival in the year 2017, the deceased and his brother assaulted A1 and hence A1 along with other accused with a common intention to kill the deceased, on 29.01.2017 while he along with the deceased and P.W.1 were talking with each other, came there and assaulted them and stabbed the deceased with knife. Immediately they were brought to Akshaya Hospital and due to excessive bleeding, the deceased was taken to Vinayaga Hospital, where he was declared dead. P.W.s 3 and 4, who are also eye witnesses deposed in consonance with the evidence of the injured witnesses P.Ws.1 and 2.

17 P.W.9 is the Doctor, Akshaya Hospital and gave first aid to the deceased and the injured witnesses. He had deposed that on 29.01.2017 at



Crl.A.Nos.563, 147, 927, 929, 930 and 931 of 2019

about 8.30 p.m. Manikandan, Ajithkumar and Palanisamy came with injuries and on examination, he found one stab injury on the body of Manikandan and since he was bleeding profusely, he was referred to other hospital for further treatment. Further, on examination of Ajithkumar (P.W.2), he found simple injuries and Ajithkumar told him that the same person, who attacked the Manikandan, attacked him also with the same knife. On examination he found simple injury on the body of Palanisamy (P.W.3). Further P.W.9 made entry in the Accident Register about the injuries sustained by Ajithkumar (P.W.1), which was marked as Ex.P11 and the wound certificate of P.W.1 was marked as Ex.P10. Copy of Accident Register and the wound certificate issued to P.W.2 were marked as Exs.P13 and 12.

18 P.W.10 is the Doctor, who conducted postmortem on the body of the deceased had issued Ex.P16 Postmortem Certificate and Ex.P17 Final Opinion, in which he had clearly stated that “the deceased would appear to have died of effect of stab injury abdomen” and noted the following injuries:

1. A dark red bruise measuring 3 x 2 cm was found on the upper part of the left big toe.



2. Another abrasion was found on the top of the right big toe measuring 3x 2 cm.

3. The stab wound was found in the upper left abdomen, 2 x 1 x deep into the abdomen. The wound was 24 cm below the middle of the left collarbone. On examination of the stab wound, a puncture wound was found in the middle of the 8th and 9th ribs, measuring $3.5 \times 2.5 \times 1$ cm.

19 P.W.12, the Doctor, Vinayaga Hospital, deposed that on 29.01.2017 at around 09.30 pm, while he was on duty, a patient named N.Manikandan, aged 22, male, was brought to the hospital from Akshaya Hospital in Namakkal and the said patient was stabbed in the left chest. Those present at that time told him that around 08.30 p.m. that day, he was stabbed by known persons and was brought for treatment. He further deposed that there was a 2 x 2 cm cut on the lower part of his left chest and when he was brought to the hospital, there was no sight of life and his heart was also not functioning. He immediately examined him and confirmed that he was dead and issued a death summary, which was marked as Ex.P18 and the Accident Register has been marked as Ex.P19.

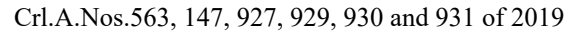


WEB COPY

20 P.Ws.5 and 8 are the Village Administrative Officers and they have spoken about the arrest and confession of the accused and recovery of material objects.

21 A careful reading of the evidence of injured witnesses as well as eye witnesses P.Ws.1 and 2 and other eye witnesses P.W.3 and 4 along with the evidence of Doctors P.W.9, 10 and 12, which are corroborated with each other, the presence of eye witnesses in the place of occurrence cannot be doubted on the grounds taken by the learned counsel for the appellants. Furthermore, when the accused took a plea of an *alibi*, he has to prove the same in the manner known to law. In the present case, even though, some of accused taken the defence of plea of alibi, they failed to prove the same in the manner known to law.

22 Even though there were contradictions in the evidence of the prosecution witnesses, in our considered view, those contradictions are not material contradictions, which would go to the root of the case of the prosecution. Hence the contradictions pointed out by the learned counsel for



23 The trial Court has rightly appreciated the evidence of
 01 prosecution witnesses and found the appellants/accused guilty for the
 02 said offences. This Court, as an appellate Court, being a final Court of
 03 finding, while re-appreciating the entire evidence, finds that the
 04 prosecution has proved its case beyond all reasonable doubts.

[PVJ] [MJRJ]
16.02.2026

1. The Additional District and Sessions Court, Namakkal.
2. The Inspector of Police, Namakkal Police Station, Namakkal District.
3. The Public Prosecution, High Court of Madras.



WEB COPY



Crl.A.Nos.563, 147, 927, 929, 930 and 931 of 2019

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

cgi

Crl.A.Nos.563, 147, 927, 929, 930 and 931 of 2019 and
Crl.M.P.Nos.15754, 19323, 19325, 19326 and 19327 of 2019,
2747 of 2020, 4342 of 2022