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*Crl.RC.No.2168 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.2168 of 2023

Arumugam

... Petitioner

Vs.

STATE REP.BY

The Inspector of Police, Selvapuram Police Station,  
Coimbatore

... Respondent

**Prayer:** Criminal Revision Petition filed under Sections 397 and 401 Cr.P.C. to call for the records in Crl.A.No.29 of 2023 on the file of the III Additional District and Sessions Judge, Coimbatore and to set aside the order dated 11.09.2023 confirming the conviction passed by the I Additional Assistant Sessions Judge, Coimbatore in S.C.No.202 of 2018 by an order dated 12.12.2022 by allowing this revision.

For Petitioner : Mr.K.Balasubramaniam

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

**ORDER**

This criminal revision case has been filed against the judgment passed in Crl.A.No.29 of 2023 on the file of the III Additional District and Sessions Judge, Coimbatore dated 11.09.2023 thereby



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modifying the conviction and sentence imposed by the trial court i.e. I

Additional Assistant Sessions Judge, Coimbatore in S.C.No.202 of 2018

by an order dated 12.12.2022, thereby the petitioner had been convicted

for the offence under Section 307 of IPC.

2. The case of the prosecution is that prior to the occurrence i.e. on 08.11.2017 at about 20.00 hrs, a wordy quarrel took place between the petitioner and the defacto complainant and in continuation of the same, on 15.11.2017 at about 20.00 hrs., when PW1/defacto complainant came out from the house of PW2, who is a relative of PW1, the petitioner with an intention to kill PW1, stabbed with a knife in his stomach and also stabbed twice in his hand. Based on a complaint, FIR was registered by the respondent in crime No.1380 of 2017 for the offence under Section 307 of IPC. Thereafter, final report was filed and the same was taken cognizance in SC.No.202 of 2018 on the file of the learned I Additional Assistant Sessions Judge, Coimbatore.

3. On perusal of oral and documentary evidences, the trial found the petitioner guilty for the offence under Section 307 of IPC and he was sentenced to undergo seven years rigorous imprisonment with fine of Rs.5,000/-, in default to undergo two years simple imprisonment.



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Aggrieved by the order of the trial court, the petitioner preferred appeal.

The appellate court modified the order of the trial court by setting aside the order of conviction and sentence under Section 307 of IPC, thereby convicting the petitioner under Section 308 of IPC, for which the appellate court sentenced the petitioner to undergo three years rigorous imprisonment. The appellate court did not modify the order regarding fine. Aggrieved by the order of the appellate court, the accused has filed this criminal revision case.

4. The learned counsel appearing for the petitioner would submit that the petitioner already languished in prison for more than 500 days and he is very poor. Hence, he prayed for modification of the sentence alone.

5. The learned Government Advocate(crl.side) appearing for the respondent submitted that the petitioner stabbed the injured and due to which his intestine came out. Therefore, though the petitioner had no intention to do away the life of the injured, he caused grievous injuries on PW1 and as such, the appellate court rightly convicted the petitioner for the offence punishable under Section 308 of IPC and sentenced him to undergo three years rigorous imprisonment. Therefore, the impugned



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order does not warrant any interference of this Court.

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6. Heard the learned counsel appearing on either side and perused all the materials placed before this Court.

7. The injured had deposed as PW1. PW2 and PW3 are cousins of PW1 and are witnesses to the occurrence. On 15.11.2017, at about 8.00 p.m., near the house of PW3, PW1 suffered stab injury on his abdomen and as such he was taken to hospital by PW4, who is also a resident of the same area. Even prior to the said occurrence, on 08.11.2017, when PW1 visited the house of PW3, the accused was shouting near his house and also abused her with filthy languages in an inebriated state. Therefore, PW1 restrained the accused and as such there was quarrel between them. Thereafter on 15.11.2017, when PW1 came to the house of PW2 and PW3, the accused stabbed him on his stomach. When the accused attempted second stab, it was prevented by PW1 by his hand as such, there was cut injury on his hand. Admittedly, the accused was in inebriated condition at the time of the occurrence. Immediately PW1 was taken to hospital and the doctor i.e. PW7 treated him. The evidence of PW1 was categorically corroborated by PW2 and PW3. The injuries sustained by PW1 are also corroborated by PW7, who treated PW1. PW7



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recorded accident register. PW1 categorically stated that one unknown person stabbed him. PW7 certified that the injuries were grievous.

Therefore, the trial court convicted the accused for the offence under Section 307 of IPC. But the appellate court modified the conviction to the offence under Section 308 of IPC for the reason that the accused had no intention to do away the life of PW1. Further, the accused did not know PW1 and he had no motive to commit the offence against the accused. Though the prosecution specifically stated that on 08.11.2017, there was quarrel between PW1 and the accused, the prosecution did not even produce any piece of evidence to prove the same. According to the prosecution, there was previous enmity between the accused and PW1. However, the prosecution did not produce any piece of evidence to prove the previous enmity and motive for the occurrence. Hence, the appellate court rightly acquitted the accused of the offence under Section 307 of IPC and convicted the accused for the offence under Section 308 of IPC. Insofar as the sentence is concerned, considering the age of the accused and also the period of sentence already undergone by him, this Court is inclined to modify the sentence alone.

8. Accordingly, the impugned order is modified. The order of conviction passed by the appellate court for the offence under Section 308 of IPC is confirmed and the sentence for the same is modified to the

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effect that “the period of sentence for the offence under Section 308 of IPC shall be the period of sentence already undergone by the petitioner”.

Hence, the petitioner is directed to be set at liberty forthwith. The remaining orders of the appellate court shall remain intact.

9. With the above modification, this criminal revision case stands partly allowed.

23.03.2026

Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order  
lok



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To

- 1.The learned III Additional District and Sessions Judge,  
Coimbatore
- 2.The learned I Additional Assistant Sessions Judge, Coimbatore
- 3.STATE REP.BY  
The Inspector of Police, Selvapuram Police Station,  
Coimbatore



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**G.K.ILANTHIRAIYAN, J.**

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