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CRL A No. 87 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CRL A No. 87 of 2019

P.Guna
W/o.Backiyaraj, Maduvangarai Village,
Chidambaram, Cuddalore.

..Appellant(s)

Vs

1. State Represented By
The Inspector Of Police, Killai Police Station,
Cuddalore District. Cr.No.149 Of 2011.
2. Gopinath
S/o.Chittrambalam, Residing At Maduvangarai
Village, Chidambaram, Cuddalore.
3. Thirugnanamurthy
S/o.Kaliaperumal, Residing At Maduvangarai
Village, Chidambaram, Cuddalore.
4. Ramadoss
S/o.Thillaivaanan, Residing At Maduvangarai
Village, Chidambaram, Cuddalore.
5. Rajkumar
S/o.Ravi, Residing At Maduvangarai Village,
Chidambaram, Cuddalore.
6. Vignesh Prabhu
S/o.Thirapathi, Residing At Maduvangarai
Village, Chidambaram, Cuddalore.



7. Balaiya
S/o.Thillaivaanan, Residing At Maduvangarai
Village, Chidambaram, Cuddalore.
8. Kalai Arasan
S/o.Balaiya, Residing At Maduvangarai
Village, Chidambaram, Cuddalore.
9. Chittrambalam
S/o.Govindasamy, Residing At Maduvangarai
Village, Chidambaram, Cuddalore.
- 10.Gurusamy
S/o.Kaliaperumal, Residing At Maduvangarai
Village, Chidambaram, Cuddalore.
- 11.Kalaiarasan
S/o.Kalaiselvan, Residing At Maduvangarai
Village, Chidambaram, Cuddalore.
- 12.Nirmala
W/o.Ramadoss, Residing At Maduvangarai
Village, Chidambaram, Cuddalore.

..Respondent(s)

For Appellant(s):	Mr.S.Ganeshkumar
For R1:	Mr.A.Damodaran Additional Public Prosecutor assisted by Ms.Arifa Thasneem
For RR 2 to 12:	Mr.R.Sankara Subbu

ORDER

(made by P.Velmurugan J.)

Today, the respondents 2 and 3 viz. Gopinath (A1) and Thirugnanamurthy (A2) are present before this Court.



2. The learned counsel appearing for the respondents 2 and 3 would submit that the respondents 2 and 3 have not committed any offence and further, there is no medical records to corroborate the injuries and also the doctor, who made entries in the accident register (Ex.P7) was not examined. Even as per the postmortem report (Ex.P8), there is only one injury. The respondents 2 and 3 have not caused any injuries, which led to the death of the deceased. Though this Court finds that 302 IPC will not attract and convicted the third respondent (A2) for the offence under Section 304(I) IPC, the same will not attract since there is no motive and therefore, lesser punishment may be awarded.

3. The learned counsel appearing for the respondents 2 and 3 would further submit that the cause of action arose in the year 2011, trial Court acquitted the respondents 2 and 3 in the year 2018, appeal has been filed in the year 2019 and therefore, after fifteen years, the respondents 2 and 3 cannot be convicted. He also cited the judgment of the Supreme Court in State of Bihar Vs.Ramdaras Ahir and Ors reported in 1985 Cri LJ 584.

4. When questioned, the accused stated that lesser punishment may be imposed.

5. A careful perusal of the submissions made by the learned counsel appearing for the respondents 2 and 3 and also the citation referred by him



would show that the facts and circumstances of that case are not applicable to the facts of the case on hand. In this case, there are eyewitnesses and specific overt act against the respondents 2 and 3 and the same were proved by the medical records. Therefore, this Court finds that the respondents 2 and 3 have committed the offence.

6. Accordingly, Gopinath (A1), second respondent herein, is convicted under Section 324 IPC and sentenced to undergo three years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo three months rigorous imprisonment and further convicted under Section 342 IPC and sentenced to undergo one year rigorous imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment. The aforesaid sentences imposed on A1 shall run concurrently. Thirugnanamurthy (A2), third respondent herein, is convicted under Section 304(I) IPC and sentenced to undergo ten years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo six months rigorous imprisonment. The period already undergone by the respondents 2 and 3 viz. Gopinath (A1) and Thirugnanamurthy (A2) shall be set off under Section 428 Cr.PC.

Since the respondents 2 and 3 are convicted by reversing the acquittal judgment of the trial Court, the sentence imposed alone is suspended till the appeal time is over. Even after the appeal period, if no appeal is filed and no



stay is granted, the jurisdictional police shall secure the respondents 2 and 3 viz.

Gopinath (A1) and Thirugnanamurthy (A2) and remand them in judicial custody.

(P.V.,J.) (M.J.R.,J.)
16-02-2026

nsd

Note: Issue copy of this order today.

To

1.The II Additional District and Sessions Judge,
Chidambaram.

2.The Inspector of Police, Killai Police Station, Cuddalore District.

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



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**P.VELMURUGAN, J.
AND
M.JOTHIRAMAN, J.**

nsd

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