



CRL RC No. 592 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

CRL RC No. 592 of 2026

AND

CRL MP NO. 4474 OF 2026

1. Babu
S/o.Duraisamy,
D.No.3, Velle Gounder Lane,
Vettaikaranpudur, Pollachi,
Coimbatore - 642 129.

Petitioner(s)

Vs

1. The State Rep. By
the Inspector of Police,
Aanai Malai Police Station,
Pollachi Taluk, Coimbatore.

2.Umamaheshwari
W/o.Babu, Manika Aasari Sandhu,
Parai Veethi, Vettaikaranpudur,
Pollachi, Coimbatore - 642 129.
Cr.No.193/2014

Respondent(s)

PRAYER

Criminal Revision filed under Section 438 r/w 442 of BNSS, praying to set aside the Judgment dt. 25.11.2025 in CrI.A.No. 421 of 2019 on the file of Learned IV Additional District and Sessions Judge, Coimbatore, confirming the conviction and sentence made in the judgment dated 13.11.2019 in S.C.No.144/2016 on the file of Learned Asst. Sessions Judge, Pollachi and acquit the accused and thus render justice.



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For Petitioner(s): Mr.Nirmal Aditya

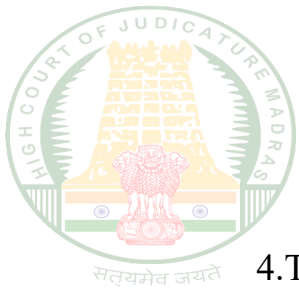
For Respondent(s): Mr.R.Kishore Kumar
Government Advocate (Crl.Side)
for R1
No Appearance For R2

ORDER

The Criminal Revision Case has been filed to set aside the Judgment dated 25.11.2025 in Crl.A.No. 421 of 2019 on the file of Learned IV Additional District and Sessions Judge, Coimbatore, confirming the conviction and sentence made in the judgment dated 13.11.2019 in S.C.No.144/2016 on the file of Learned Asst. Sessions Judge, Pollachi.

2.The brief facts which are necessary for the disposal of the present Revision is that the petitioner was initially charged under Section 307 and 294(b) of IPC. According to the prosecution, the petitioner suspected the fidelity of his wife PW1. In this connection, there was a wordy quarrel on 07.06.2014. In furtherance thereof, the accused in fit of anger, suddenly took his knife and attacked PW1 and caused cut injury on her head, shoulder and breast.

3.Before the Trial Court, the prosecution relied as many as 11 witnesses, 13 documents and one Material Object were marked.

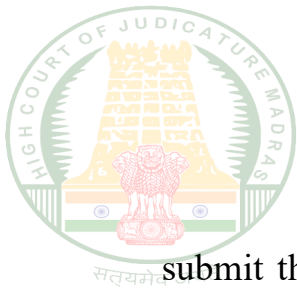


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4.The Trial Court after having oral and documentary evidence, vide order dated 13.11.2019 in S.C.No.144 of 2016 found the accused guilty under Section 307 of IPC and sentencing him to undergo 5 years of Rigorous Imprisonment and fine of Rs.5,000/- in default, to undergo six months Rigorous Imprisonment. Aggrieved with the same, when the accused preferred an appeal before the learned District and Sessions Judge, Coimbatore in Crl.A.No.421 of 2019, the learned Sessions Judge, after re-appreciation of evidence dismissed the appeal vide order dated 25.11.2025. Aggrieved with the same, the present Revision has been filed.

5.Heard Mr.S.Nirmal Aditya, learned counsel for the petitioner and Mr.R.Kishore Kumar, learned Government Advocate (Crl.Side) appearing for the first respondent.

6.The learned counsel for the petitioner would submit that the injury sustained by PW1 is only a simple injury, and that the entire prosecution case rests upon the suspicion of the accused against PW1's fidelity, whereas there are no witnesses to speak about such aspects. It is in this background, the learned counsel would submit that when the very motive is not established, the entire prosecution case must fail. Apart from that, the learned counsel would further

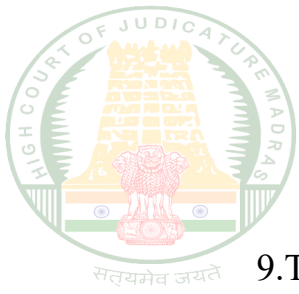


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submit that there are material contradictions in respect of place of occurrence and attack, whereas such aspect was not at all considered by both the Courts below. It is the further submission of the petitioner that PW2 being a minor, her evidence cannot be relied as there is a possibility of tutoring. He also made an alternate argument that even if the Court arrives at a conclusion that the injury sustained by PW1 was due to the attack of accused, since the injury being simple in nature, he has to be convicted only under Section 323 IPC and not under Section 307 of IPC. Hence, prayed to allow this Criminal Revision.

7. *Per contra*, the said contention was stoutly objected by the learned Government Advocate (Criminal Side) and would contend that PW1, being the injured and that PW2, who is none other than the petitioner's own daughter against whom the petitioner cannot impute any motive, and that PW3, who is a neighbour, and that all of them have spoken about the occurrence as injured and as eye-witness. Their evidence were also corroborated by PW4 and Doctor (PW9). Therefore, would contend that since there are abundant evidences against the petitioner, the findings rendered by both the inferior Courts do not require any interference.

8. I have given my anxious consideration to either side submissions.

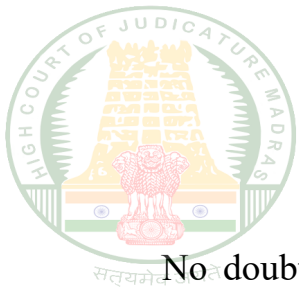


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9. The main argument put forth by the learned counsel for the petitioner is that the prosecution has miserably failed to prove the case beyond reasonable doubts. However, while looking at the evidence of PW1-injured, which was supported by her daughter PW2 and the neighbours PW3 and PW4, there are sufficient evidence to prove the charge. But, the learned counsel would invite certain inconsistency in respect of place of occurrence and the nature and place of injury. It is the further contention of the petitioner that there was a steel door in the house and that the injury sustained by PW1 was only because her fall on the steel door.

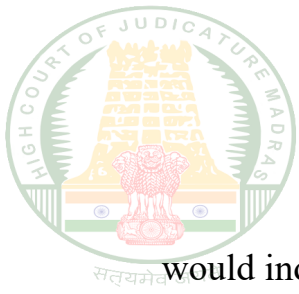
10. But, PW1 has categorically spoken about the nature of injury and attack sustained by her. Further, when the petitioner assaulted PW1, her daughter was also witnessed the same. Similarly, PW3 & PW4, who are the neighbours had also seen the occurrence and the weapon. More crucially, when PW1 was immediately admitted in PW9's hospital, she had informed to the Doctor (PW9) about the assailant. Therefore, this Court is of the firm view that the findings rendered by the Courts below is based upon the evidence.

11. At this juncture, it is also relevant to answer the argument of the learned counsel for the petitioner in respect of the suggestions put to the Doctor.



No doubt the doctor had admitted that there is a possibility of causing such injury from the iron door. But, admittedly there are no evidence before the Court as to the existence of an iron door. Since because the suggestion was answered by the Doctor, it does not mean that it has got more sanctity than the eye-witnesses account. Here, the eye witnesses have categorically spoken about the nature of assault, injury and weapon. In such circumstances, the absence of no evidence to prove the motive pales into insignificance. Hence, this Court is of the firm view that the findings rendered by the Courts below that the injury was caused by the petitioner cannot be doubted.

12. At this juncture, we must also look into the next limb of argument made by the learned counsel for the petitioner. He would contend that as per the evidence of the Doctor PW9, the injuries are in simple nature. Therefore, he must be convicted only under Section 323 IPC. Whenever a person is charged under Section 307 IPC, what is essential is to consider is, the intention and knowledge that whether the act would cause a death. To answer the above point, we must look at the weapon and the parts of the body chosen by the assailant to attack. In the case in hand, the vital part of the body qua head had three injuries, besides shoulder and forehead. Accordingly, the vital part of the body



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would indicate the intention of the petitioner to cause the death of PW1.

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13.As already stated, all the injuries are on the head and neck, which are the vital parts of the body. Therefore, from the nature of attack and the part of the body chosen for attack clearly indicates the intention of the accused to cause death of the victim.

14.In the present case, through the injury is simple in nature, that by itself is not ground to say that there was no intention for the petitioner to do away PW1. Therefore, the argument of the petitioner that the simple injury caused by the accused would attract the offence under Section 323 IPC is far-fetched and liable to be rejected. In such view of the above discussion, this Court is of the firm view that the findings rendered by the Courts below that the accused has committed the offence under Section 307 IPC cannot be found faulted with, and the Court below had rightly hold that the prosecution has proved the charge under Section 307 IPC beyond reasonable doubts.

15.Coming to the sentence part, this Court could not find any mitigating circumstances to reduce the sentence except the fact that the injury sustained by PW1 is simple injury. Therefore, this Court is of the considered opinion that the



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punishment of 5 years may be reduced to 4 years which in my considered opinion would meet the ends of justice. Accordingly, the sentence alone is modified to 4 years of Rigorous Imprisonment.

16. With the above modification, this Criminal Revision Case stands dismissed. Consequently, connected Miscellaneous Petition is also closed.

10-04-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To
1. The IV Additional District and Sessions Judge,
Coimbatore.

2. The Assistant Sessions Judge,
Pollachi.

3. The State Rep. by the Inspector of
Police,
Aanai Malai Police Station, Pollachi
Taluk, Coimbatore.



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C.KUMARAPPAN J.

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**CRL RC No.592 of 2026
AND
CRL.MP No.4474 of 2026**

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