



Crl.A(MD)Nos.12 & 702 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2026

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

Crl.A(MD)Nos.12 & 702 of 2023

1.Crl.A(MD)No.12 of 2023:

Devi

... Appellant/Accused No.2

Vs.

The State represented by,
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(In Crime No.232 of 2020).

... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C to call for the records and set aside the Judgment and conviction in S.C.No.32 of 2021 on the file of the learned Sessions Judge, Mahila Court, Pudukkottai, dated 20.12.2022 and acquit the appellant.



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For Appellant : Mr.D.Rameshkumar
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

2.Crl.A(MD)No.702 of 2023:

Murali ... Appellant/Accused No.1

Vs.

The State represented by,
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(In Crime No.232 of 2020). ... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C to call for the records and set aside the Judgment and conviction in S.C.No.32 of 2021 on the file of the learned Sessions Judge, Mahila Court, Pudukottai, dated 20.12.2022 and acquit the appellant.

For Appellant : Mr.D.Rameshkumar
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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COMMON JUDGMENT

**(Judgment of the Court was delivered by
G.K.ILANTHIRAIYAN, J.)**

Both the appeals have been filed as against the Judgment passed in S.C.No.32 of 2021, dated 20.12.2022, on the file of the learned Sessions Judge, Mahila Court, Pudukottai, thereby convicting A.1 for the offences punishable under Sections 294(b), 324, 506(ii) and 302 of I.P.C and A.2 for the offences punishable under Sections 294(b), 324 read with 34 of I.P.C and 302 read with 34 of I.P.C.

2.The case of the prosecution is that both the accused are husband and wife and the deceased was their neighbour. They had a land dispute. Ten days prior to the occurrence, the first accused, who had been working in Singapore, returned to his village. Due to previous enmity, upon seeing the deceased and his wife, the first



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accused threatened the deceased with dire consequences and he also shouted at them.

3.While being so, on 23.03.2020 at about 05.00 p.m., the deceased and his family members were sitting in front of their house and were talking. At that time, the first accused and his wife, namely the second accused, came over and questioned them with abusive words, as if they were talking about them. This led to a verbal altercation between the two parties. Immediately, the first accused took a wooden log and pulled the hair of the deceased's daughter. When the deceased and his wife intervened, the first accused assaulted the deceased with the wooden log and also assaulted his wife on her left leg. As a result, both sustained injuries and were taken to the hospital. Due to the injuries sustained by the deceased, he died on the next day ie., on 24.03.2020.



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4.On the basis of the complaint, the respondent registered an F.I.R in Crime No.232 of 2020 for the offences punishable under Sections 294(b), 323, 324, 506(ii) and 302 of I.P.C and Section 4 of TNPHW Act, 2002. After completion of investigation, the respondent filed a final report and the same has been taken cognizance by the Trial Court. The Trial Court framed charges for the offences punishable under Sections 294(b), 324, 506(ii) & 302 of I.P.C and Section 4 of Prohibition of Women Harassment Act as against A.1 and framed charges for the offences punishable under Sections 294(b) and 302 of I.P.C as against A.2.

5.On the side of the prosecution, in order to bring the charges to home, they examined P.W.1 to P.W.11 and Exs.P1 to P15 were marked. The prosecution also produced Material Object M.O.1. On the side of the accused, they examined D.W.1 and D.W.2 and no documents were produced before the Trial Court.



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6. On perusal of the oral and documentary evidence, the trial Court found A.1 guilty for the offences punishable under Sections 294(b), 324, 506 Part II and 302 of I.P.C and A.2 for the offences punishable under Sections 294(b), 324 read with 34 of I.P.C and 302 read with 34 of I.P.C. A.1 was sentenced to undergo three months Rigorous Imprisonment and imposed a fine of Rs.10,000/- in default, to undergo one month Rigorous Imprisonment for the offence punishable under Section 294(b) of I.P.C; he was sentenced to undergo three years Rigorous Imprisonment and imposed a fine of Rs.30,000/- in default, to undergo one year Rigorous Imprisonment for the offence punishable under Section 324 of I.P.C; he was sentenced to undergo seven years Rigorous Imprisonment and imposed a fine of Rs.20,000/- in default, to undergo one year Rigorous Imprisonment for the offence punishable under Section 506 Part II of I.P.C and he was sentenced to undergo Life Imprisonment and imposed a fine of Rs.2,00,000/- in default, to undergo one year Rigorous Imprisonment for the offence punishable



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under Section 302 of I.P.C. A.2 was sentenced to undergo three months Rigorous Imprisonment and imposed a fine of Rs.10,000/- in default, to undergo one month Rigorous Imprisonment for the offence punishable under Section 294(b) of I.P.C; she was sentenced to undergo three years Rigorous Imprisonment and imposed a fine of Rs.30,000/- in default, to undergo one year Rigorous Imprisonment for the offence punishable under Section 324 read with 34 of I.P.C and she was sentenced to undergo Life Imprisonment and imposed a fine of Rs.2,00,000/- in default, to undergo one year Rigorous Imprisonment for the offence punishable under Section 302 read with 34 of I.P.C. Aggrieved by the same, the present appeal has been filed by the appellant.

7.The learned counsel appearing for the appellants submitted that the deceased was involved in the illegal liquor business at his house. Therefore, the customers, in order to purchase liquor, wrongfully entered into the accused's house. Therefore, the



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accused decided to build a compound wall in and around their house to prevent customers from entering. When the first accused returned to India, there was quarrel between the accused and the deceased's family. The deceased's family members provoked the first accused and on sudden provocation, the first accused assaulted the deceased with a wooden reaper. As a result, the deceased fell down and sustained an injury on his chest. The first accused also assaulted the deceased's wife on her leg. Both went to the hospital on their own. The wife of the deceased did not sustain any significant injury and the deceased died due to cardiac arrest.

8.The learned counsel appearing for the appellants further submitted that the deceased had met with an accident, which resulted in his illness. Therefore, the first accused did not murder the deceased with the intention to do away with his life. In a fit of sudden provocation, the first accused assaulted the deceased with a wooden reaper and this assault was not the cause of death. Without



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considering the above, the Trial Court mechanically convicted both the appellants.

9.Per contra, the learned Additional Public Prosecutor appearing for the respondent submitted that the first accused assaulted the deceased with a wooden reaper and also caused an injury on his scrotum by kicking him. He also assaulted the injured witness, P.W.1, on her leg. The deceased died due to the injuries he sustained. The injured witness was examined by the prosecution as P.W.1. All family members had deposed as P.W.2 to P.W.5. The doctor who had treated the deceased and P.W.1 deposed as P.W.7 and P.W.8. The doctor who conducted the autopsy deposed as P.W.9. All of them spoke about the specific allegations attributed against the accused and the Trial Court rightly convicted the appellants and it does not warrant any interference of this Court.



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10. Heard the learned counsel appearing on either side and perused the materials placed on record.

11. The injured had deposed as P.W.1. She deposed that on 23.03.2020 at about 05.00 p.m., when they were talking together, both the accused came to the scene of crime and scolded them with filthy language. The first accused also pulled the hair of P.W.4. When the deceased questioned him, the first accused assaulted the deceased with a wooden reaper. He also assaulted P.W.1 on her leg. Immediately, thereafter, the second accused arrived at the scene of crime and encouraged the first accused to do away with the life of the deceased. Therefore, even according to P.W.1, the first accused was the one who came to the scene of crime and assaulted the deceased with a wooden reaper. He also assaulted P.W.1 on her leg. Only thereafter the second accused came to the scene of crime. Hence, there is no evidence to show that the second accused also scolded them with filthy language and also assaulted them.

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12.The other witnesses also spoke about the specific overt act as against the first accused. No one has mentioned the second accused, who was allegedly involved in the crime. Hence, the prosecution failed to prove any charge against the second accused, there is no evidence to implicate her. Insofar as the first accused is concerned, the prosecution failed to prove any motive behind the crime.

13.Admittedly, the deceased was selling liquor illegally and the customers mistakenly entered into the house of the first accused to purchase alcohol. Therefore, the accused decided to build a compound wall in and around their house. They had also constructed the compound wall. Ten days prior to the alleged occurrence, when the deceased was riding his bicycle he met with an accident. The two-wheeler dashed against him, due to which he sustained injuries. While being so, during Covid-19 lockdown, the first accused

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returned from Singapore to his native place. He was kept in a separate room due to concerns about corona infection. Thereafter, when he went out to purchase some groceries and at that time an altercation occurred between the first accused and the deceased's family. Therefore, the first accused took a wooden reaper in front of the deceased's house and assaulted the deceased on his chest. Therefore, the deceased fell down. Hence, the first accused had no motive or intention to do away with the life of the deceased.

14.All of a sudden, due to a verbal altercation, the first accused took the wooden reaper and assaulted the deceased on his chest. Unfortunately, the deceased died due to cardiac arrest. Therefore, the prosecution failed to bring the charge under Section 302 of I.P.C against the accused. However, the first accused is liable to be convicted for the offence punishable under Section 304 Part II of I.P.C.



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15. In this regard, it is relevant to reply upon judgement of the Hon'ble Supreme Court of India in the case of ***Pulicherla Nagaraju @ Nagaraja Reddy v. State of A.P [2007 (1) SCC (CRI) 500]***, wherein it has been observed as follows:

“18. Therefore, the court should proceed to decide the pivotal question of intention, with care and caution, as that will decide whether the case falls under Section 302 or 304 Part I or 304 Part II. Many petty or insignificant matters like plucking of a fruit, straying of cattle, quarrel of children, utterance of a rude word or even an objectionable glance, may lead to altercations and group clashes culminating in deaths. Usual motives like revenge, greed, jealousy or suspicion may be totally absent in such cases. There may be no intention. There may be no pre-meditation. In fact, there may not even be criminality. At the other end of the spectrum, there may be cases of murder where the accused attempts to avoid the penalty for murder by attempting to put forth a case that there was no intention to cause death. It is for the courts to ensure that the cases of murder punishable under Section 302, are not converted into offences



punishable under Section 304 Part I/II, or cases of culpable homicide not amounting to murder, are treated as murder punishable under Section 302. The intention to cause death can be gathered generally from a combination of a few or several of the following, among other, circumstances :

- (i) nature of the weapon used;*
- (ii) whether the weapon was carried by the accused or was picked up from the spot;*
- (iii) whether the blow is aimed at a vital part of the body;*
- (iv) the amount of force employed in causing injury;*
- (v) whether the act was in the course of sudden quarrel or sudden fight or free for all fight;*
- (vi) whether the incident occurs by chance or whether there was any pre- meditation;*
- (vii) whether there was any prior enmity or whether the deceased was a stranger;*
- (viii) whether there was any grave and sudden provocation, and if so, the cause for such provocation;*



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(ix) whether it was in the heat of passion;

(x) whether the person inflicting the injury has taken undue advantage or has acted in a cruel and unusual manner;

(xi) whether the accused dealt a single blow or several blows. The above list of circumstances is, of course, not exhaustive and there may be several other special circumstances with reference to individual cases which may throw light on the question of intention. Be that as it may.”

16. On a perusal of the records, it revealed that there are no specific averments and allegations to attract the offence under Sections 294(b) and 506 Part II of IPC. The occurrence took place in front of the house of the deceased and therefore, the offence under Section 294(b) IPC cannot be attracted as against the petitioner.

17. To attract the offence under Section 294(b) of IPC, there must be an uttering of words in or near any public place to affect the



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person. In this regard it is relevant to extract Section 294(b) of IPC, as follows: -

"294. Obscene acts and songs —Whoever, to the annoyance of others—

(b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both."

18. Admittedly, there is absolutely no words uttered by the appellants in a public place as such to constitute the offence under Section 294(b) of IPC, there are no averments and allegations.

19. It is relevant to rely upon the judgment of the Hon'ble Supreme Court of India in the case of ***Pawan Kumar v. State of Haryana*** [(1996) 4 SCC 17], wherein the Hon'ble Supreme Court had held thus:-



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“9. In order to secure a conviction, the provision requires two particulars to be proved by the prosecution, i.e.

(i) the offender has done any obscene act in any public place or has sung, recited or uttered any obscene songs or words in or near any public place; and

(ii) has so caused annoyance to others. If the act complained of is not obscene, or is not done in any public place, or the song recited or uttered is not obscene, or is not sung, recited or uttered in or near any public place, or that it causes no annoyance to others, the offence is not committed.

....”

20. Therefore, to prove the offence under Section 294(b) of IPC, mere utterance of obscene words are not sufficient but there must be a further proof to establish that it was to the annoyance of others, which is also lacking in the case. The above judgment is squarely applicable to the present case and therefore, the offence



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under Section 294(b) of IPC is not at all attracted as against the appellants.

21.Insofar as the offence under Section 506 Part II of I.P.C is concerned, it is relevant to extract the provision of Section 506 Part II of IPC hereunder:

*“506. Punishment for criminal intimidation -
Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;*

*If threat be to cause death or grievous hurt, etc
- and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or [imprisonment for life], or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.”*



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22.It is relevant to rely upon the judgment of the Hon'ble Supreme Court of India in the case of ***Naresh Aneja @ Naresh Kumar Aneja v. State Of Uttar Pradesh & Anr [2025 INSC 19]***, wherein it was held as follows:

“13. Let us now examine the next charge for which the appellant stands accused. For an offence u/s 503 to be established, it must be shown that:- (1) Threatening a person with any injury; (i) to his person, reputation or property; or (ii) to the person, or reputation of anyone in whom that person is interested. (2) Such threat must be intentional; (i) to cause alarm to that person; or (ii) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or (iii) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat. Punishment for this offence is prescribed u/s 506 IPC, which is two years or with a fine or both, as applicable to this case.



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13.1 Manik Taneja v. State of Karnataka [(2015) 7 SCC 423] as affirmed by a bench of three judges in Parminder Kaur v. State of Punjab [(2020) 8 SCC 811] , records the principle of application of Section 506, IPC in the following terms: –

“11....A reading of the definition of “criminal intimidation” would indicate that there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do.

13. ...It is the intention of the accused that has to be considered in deciding as to whether what he has stated comes within the meaning of “criminal intimidation”. The threat must be with intention to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expression of any words without any intention to cause alarm would



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not be sufficient to bring in the application of this section. But material has to be placed on record to show that the intention is to cause alarm to the complainant....”

23.Further, this Court has also held in a plethora of judgments that empty threat does not prima facie mean that the case U/s.506, IPC is made out against the petitioner. Hence, in face no case is made out against the petitioner.

24.In view of the above, it can be seen that in the case on hand, even according to the case of the prosecution, the alleged threats issued by the appellants were only empty threats and they had no effect on the deceased person and did cause any fear amongst the deceased and his family.

25.Therefore, the charges under Sections 294(b) and 506 Part II of I.P.C are not made out and the conviction and sentence imposed as against A.1 for the offence punishable under Sections



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294(b) and 506 Part II of I.P.C cannot be sustained and the same are liable to be set aside.

26.Insofar as the offence under Section 324 of I.P.C is concerned, since the occurrence happened due to sudden provocation and the deceased was assaulted with a wooden reaper, the charge under Section 324 of I.P.C cannot be sustained and the same is liable to be set aside.

27.In view of the above, the conviction and sentence imposed on A.1 in S.C.No.32 of 2021, dated 20.12.2022, on the file of the learned Sessions Judge, Mahila Court, Pudukottai, for the offences punishable under Sections 294(b), 324, 506 Part II and 302 of I.P.C are set aside. A.1 is convicted for the offence punishable under Section 304 Part II of I.P.C and sentenced to undergo five years Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default, to undergo one month Simple Imprisonment.

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28.With the above modification, **Crl.A(MD)No.702 of 2023 is partly allowed**. It is made clear that if A.1 has already paid any fine, the same shall be adjusted towards the fine amount imposed by this Court. The fine amount, if any paid, in respect of the offences under Sections 294(b), 324 and 506 Part II of I.P.C shall be refunded to A.1 forthwith. The sentences of imprisonment shall run concurrently. The period of imprisonment already undergone by the appellant shall be set off under Section 428 of Cr.P.C.

29.In view of the above, the conviction and sentence imposed on A.2 in S.C.No.32 of 2021, dated 20.12.2022, on the file of the learned Sessions Judge, Mahila Court, Pudukottai, cannot be sustained and are liable to be set aside.

30.In the result, **Crl.A(MD)No.12 of 2023 is allowed** and the Judgment made in S.C.No.32 of 2021, dated 20.12.2022, on the



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file of the learned Sessions Judge, Mahila Court, Pudukottai, is hereby set aside and A.2 is acquitted of all the charges. The bail bond, if any, executed by A.2 shall stand cancelled. The fine amount, if any paid, shall be refunded to A.2. A.2 shall be set at liberty forthwith, if she is no longer required in connection with any other case.

[G.K.I.J.,] & [R.P.J.,]
11.02.2026

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To

1.The Sessions Court,
Mahila Court, Pudukottai.

2.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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