



Crl. A(MD)No.151 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.06.2026

CORAM:

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

AND

THE HONOURABLE Mr. JUSTICE K.K.RAMAKRISHNAN

Crl. A. (MD)No.151 of 2024

Jeyapandian

.. Appellant/sole accused

Vs.

**The State rep. by
The Inspector of Police,
Cumbum Police Station,
Theni District
Crime No.373 / 2012**

..Respondent/Complainant

**Appeals filed under Section 374(2) of Criminal Procedure Code,
against the judgment and order dated 18.09.2018 in S.C.No.68 of 2013
on the file of the Additional Sessions (Fast Track) Court, Theni.**

**For Appellant
For Respondent**

**: Mr.J.M.Aravind Paulraj
: Mr.G.Karuppasamypandian
Counsel for State**



Crl. A(MD)No.151 of 2024

WEB COPY

JUDGMENT

(Judgment of the Court was delivered by N.ANAND VENKATESH, J)

The sole accused has assailed the judgment and order passed by the Additional District and Sessions Court, (FTC), Theni District, in SC No.68 of 2013 dated 18.09.2018, wherein, he has been convicted and sentenced in the following manner:

Offences for which convicted (IPC)	Sentenced to undergo
506(II)	Rigorous imprisonment for two years
302	Life imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months

The above sentences are ordered to run concurrently.

2. The case of the prosecution is that the parents of the deceased Saravanan decided to get him married to one Meena. The said Meena is the sister of the appellant. From the very beginning, the appellant was raising objection over the marriage and he was against this marriage. On 2/13



Crl. A(MD)No.151 of 2024

16.12.2012, the deceased Saravanan, his parents and their family members went to the house of the appellant for conducting betrothal function. At that time, the appellant interrupted and attacked the deceased Saravanan by stabbing him with a knife (MO1) on his chest, stomach and other parts of the body. Due to the injuries, the deceased died on the way to the hospital.

3. PW1, who is the father of the deceased, gave a complaint (Ex.P1) to PW22 at 13.00 hrs. Based on the statement collected at Government Hospital, Cumbum, an FIR (Ex.P8) was registered for offence under Sections 302 and 506(II) IPC.

4. The printed FIR was despatched to the Court by PW23 at 4.00 p.m. on the same day.

5. The investigation was taken up by PW24 and he went to the scene of crime on 16.12.2012 at 14.00 hrs., and prepared the observation mahazar (Ex.P2) and the rough sketch (Ex.P9). He also recovered MO4



Crl. A(MD)No.151 of 2024

WEB COPY

and MO5 under Athatchi Ex.P3 in the presence of witnesses PW16 and PW17. PW24 conducted inquest on the dead body of the deceased at Government Hospital campus in the presence of panchayatdars and prepared the inquest report (Ex.P10). He thereafter gave a requisition letter for conducting the postmortem through PW21 and the postmortem was conducted by the Doctor PW18, who gave the autopsy report marked as Ex.P5, wherein the following injuries were noted:

“External injuries: (1) a stab injury apparently 10 cms at 5 cm breadth seen on the right side of chest, about 15 cms in depth is seen 10 cm above the right nipple; II stab injury over 10 cm x 5 cm depth, 10 cms above the umbilicus seen in the upper part of abdomen with omentum seen rt side, with foul smelling discharge (iii) an incised injury about 6x4 cms on the back of the left thumb in the left palm seen exposing femur tendons.”

6. A final opinion was given to the effect that the deceased would have died due to shock and profuse hemorrhage due to multiple injuries sustained.



Crl. A(MD)No.151 of 2024

WEB COPY 7. The investigating officer recorded the statements of the witnesses under Section 161(3) Cr.P.C. On 18.12.2012, the accused person was arrested at about 2.00 p.m., in the presence of witnesses (PW19) and based on the admissible portion of the confession (Ex.P6), the knife (MO1) was seized under Athatchi Ex.P7. Apart from that, MO2 and MO7 were also recovered under the same Athatchi. The material objects were sent to the Court under Form 95 with a request to send them to the Forensic Sciences Laboratory. On completion of the recording of statements from the witnesses and after collecting the postmortem certificate (Ex.P5), biological report (Ex.P11) and serological report (Ex.P12) and on completion of investigation, the police report came to be filed before the Judicial Magistrate, Uthammapalayam, which was taken on file in PRC No.15 of 2008.

8. The committal Court, after serving the copies under Section 207 Cr.P.C., committed the case under Section 209 Cr.P.C., which was made over to the file of the Additional District and Sessions Court (FTC), Theni. The same was taken on file in SC NO.68 of 2013.



Crl. A(MD)No.151 of 2024

WEB COPY

9. The trial Court framed charges under Sections 302 and 506(II) IPC and on being questioned, the accused person denied the charges.

10. The prosecution examined PW1 to PW24 and marked Ex.P1 to Ex.P12 and relied upon MO1 to MO7.

11. When the incriminating circumstances and evidence were put to the accused under Section 313(i)(b) of Cr.P.C., he denied the same as false.

12. The accused person did not examine any witness nor rely upon any documents.

13. The trial Court, considering the facts and circumstances and on appreciation of oral and documentary evidence, came to the conclusion that the prosecution has proved the case beyond reasonable doubts and accordingly convicted and sentenced the accused person in the manner



Crl. A(MD)No.151 of 2024

WEB COPY

stated supra. Aggrieved by the same, the present appeal has been filed before this court.

14. The learned counsel for the appellant submitted that the evidence of the eyewitnesses contradicts each other and all the witnesses were relatives, who were inimical to the accused person. He further submitted that there was no motive for the accused person to commit the crime. As an alternative submission, it was submitted that even if the case of the prosecution is taken to have been proved, it can be seen that there was heart burn for the appellant since he did not want his sister to get married to the deceased and when the betrothal function was conducted, the sustained provocation exhibited itself in terms of attack made against the deceased and therefore, the facts of the present case can be brought within exception I to Section 300 IPC and at the best, the appellant can be sentenced only under Section 304(II) IPC.

15. Per contra, the learned Counsel for the State submitted that the prosecution had examined 24 witnesses in this case, out of which, PW1



Crl. A(MD)No.151 of 2024

WEB COPY to PW11 were eyewitnesses. Apart from that PW12 to PW15 have seen the accused person coming out of the house after the incident. It was further submitted that the eyewitness account is sufficiently corroborated by the medical evidence in terms of postmortem report, biological report and serological report. Hence, it is contended that the prosecution has proved the case beyond reasonable doubts and therefore, the judgment passed by the trial Court does not warrant the interference of this court.

16. PW1 in this case is the father of the deceased. He has described the incident with graphic precision since he was standing right next to the deceased when he was attacked. His evidence has not been discredited in the cross-examination.

17. PW2 is the sister of the deceased. She has also described about the incident and the presence of the relatives when this gory incident took place. During cross-examination, PW2 has made a stray remark that she came to the room after hearing the cry of her brother. PW3 is the brother-in-law of the deceased. PW4 is the mother of the deceased and



Crl. A(MD)No.151 of 2024

WEB COPY their evidence is in line with the evidence of PW2.

18. PW5 is the elder brother of PW1 and he has also described the incident with graphic precision and his evidence has not been discredited in the cross-examination.

19. PW6 is the car driver in whose car, the deceased and his family members travelled and he also talks about the incident and his evidence has not been discredited. PW7 to PW9 were the friends of the deceased and they have also described about the incident in line with the other eyewitnesses. Their evidence has also not been discredited. The same is the case of PW11, who is another friend of the deceased.

20. PW10 is the cousin brother of the deceased, who also describes about the incident in line with the other witnesses and his evidence has also not been discredited. PW12 to PW15 are those witnesses who talk about what happened after the incident.



Crl. A(MD)No.151 of 2024

WEB COPY 21. The incident had taken place roughly around 11 a.m. on 16.12.2022 and the deceased was rushed to the Government Hospital campus and the information was received at about 11.30 am by PW22. The police officer went to the hospital and recorded the statement of PW1 and the FIR came to be registered on 16.12.2022 at 13.00 hrs., It has reached the Court on the same day at 16.00 hrs. The 161 statement recorded from the eyewitnesses had also reached the Court on 18.12.2022. Thus, there was no delay in registering the FIR, FIR reaching the Court and also the 161 statements of the witnesses reaching the Court. The eyewitness account is further corroborated by the postmortem certificate issued by PW18 and the injuries recorded are in line with the eyewitness account.

22. Apart from the above, the serological report shows that all the material objects seized matched with the blood group of the deceased. This further supports the eyewitness account.



Crl. A(MD)No.151 of 2024

WEB COPY

23. The alternative submission made by the learned counsel for the appellant is that there was sustained provocation for the accused person and therefore, the case has to be brought within exception I to Section 300 IPC. This submission is certainly misconceived. In the case in hand, the accused person cannot have any say in his sister marrying someone whom she and her family likes. Just because the accused person does not like the deceased marrying his sister, that does not mean that he can stab him indiscriminately and cause the death. This is a clear case where the accused person had used the dangerous weapon and indiscriminately stabbed the deceased without any provocation. Just because a person got angry against another person for no reason, that cannot be brought within the term “provocation”. At the best, it is a self induced provocation. Hence, this Court rejects the alternative submission made on the side of the appellant.

24. In the result, this Court holds that the prosecution has proved the case beyond reasonable doubts and this Court does not find any ground to interfere with the judgment and order passed by the Additional



Crl. A(MD)No.151 of 2024

WEB COPY Sessions (Fast Track) Court, Theni in SC NO. 68 of 2013 dated 18.09.2018. Accordingly, the criminal appeal stands dismissed.

[N.A.V, J.] & [K.K.R.K, J.]
17.06.2026

NCC : Yes

Index : Yes/No

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To

1.The Additional Sessions (Fast Track) Court, Theni.

2.The Inspector of Police,
Cumbum Police Station,
Theni District.

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

4.The Section officer (English Records)
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl. A(MD)No.151 of 2024

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Crl. A. (MD)No.151 of 2024

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