



Crl.A(MD)No.234 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2026

CORAM:

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

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Saravanan

... Appellant/Sole Accused

Vs.

State of Tamil Nadu through,
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

(In Crime No.136 of 2018).

... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 415(2) of B.N.S.S 2023 to call for the entire records connected to the Judgment in the Principal Sessions Judge, Sivagangai conducted trial in S.C.No.16 of 2019 dated 30.07.2021 and set aside the conviction and sentence imposed against the appellant.



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For Appellant : Mr.S.Ramesh Kumar
for Ms.M.Sudharani

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

JUDGMENT

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

This appeal has been preferred as against the Judgment passed in S.C.No.16 of 2019 dated 30.07.2021 on the file of the learned Principal Sessions Judge, Sivagangai, thereby convicting the accused for the offences punishable under Sections 341 and 302 of I.P.C.

2.The case of the prosecution is that on 16.04.2018, at about 08.00 p.m., due to property dispute, the accused trespassed into the house of the defacto complainant, abused her in filthy language, and threatened her husband with dire consequences. On 17.04.2018, at about 06.45 a.m., when the husband of the de facto



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complainant was on his way to the police station to lodge a complaint against the accused, the accused wrongfully restrained him, assaulted him with a wooden log, and abused him in filthy language. As a result, the victim sustained grievous injuries on his right ear and the back of his neck. Thereafter, the accused fled from the scene of the crime.

3.On the complaint, the respondent registered the F.I.R in Crime No.136 of 2018 for the offences punishable under Sections 294(b), 341 and 302 of I.P.C. After completion of investigation, a final report was filed and the same has been taken cognizance by the trial Court.

4.In order to bring the charges to home, the prosecution had examined P.W.1 to P.W.10 and marked Ex.P1 to P13. The prosecution had produced Material Objects M.O.1 to M.O.6. On the side of the accused, no witnesses were examined and no documents



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were produced before the trial Court.

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5.On perusal of oral and documentary evidence, the trial Court found the accused guilty for the offences punishable under Sections 341 and 302 of I.P.C. He was directed to pay a fine of Rs.500/- in default, to undergo one month Simple Imprisonment for the offence punishable under Section 341 of I.P.C. He was also sentenced to undergo Life Imprisonment and to pay a fine of Rs. 5,000/- in default, to undergo three months Simple Imprisonment for the offence punishable under Section 302 of I.P.C. Aggrieved by the same, the present appeal has been preferred by the appellant.

6.The learned counsel appearing for the appellant submitted that the prosecution failed to prove Ex.P.1, the complaint lodged by the defacto complainant. She was examined as P.W.1 and categorically deposed that although she gave the complaint orally, the scribe who reduced it into writing was not examined by the



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prosecution, which is fatal to the case of the prosecution. All the eyewitnesses examined by the prosecution are close relatives of the deceased and are interested witnesses.

7.Further, P.W.1 also admitted that she had not witnessed the occurrence when the accused quarrelled with Muthukannu, demanding his due amount of Rs.1,50,000/-, and that the deceased had warned the accused not to disturb the de facto complainant. The other eyewitnesses who were allegedly present at the time of occurrence did not take any steps to prevent the accused from attacking the deceased. Therefore, the entire case of the prosecution is false, and the prosecution has failed to prove the charges.

8.Per contra, the learned Additional Public Prosecutor appearing for the respondent submitted that it is a daylight murder. The accused assaulted the deceased indiscriminately on his head with a wooden log, as a result of which the deceased died on the



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spot. The wooden log was produced as Material Object No.1.

Though the eyewitnesses are relatives of the deceased, they are all witnesses of sterling quality, and their genuineness cannot be doubted in any manner. They deposed cogently and are trustworthy witnesses. Therefore, the prosecution has proved the charges beyond reasonable doubt, and the Trial Court rightly convicted the accused and the same does not warrant any interference by this Court.

9.Heard the learned counsel appearing on either side and perused the materials available on record.

10.The brother of the deceased had three sons. They sold the property and shared the sale proceeds equally. At the time of division, one of the sons was required to pay a sum of Rs.1,50,000/- to the accused towards the balance amount. However, he died two months prior to the occurrence without settling the said amount.



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11. Therefore, the accused quarrelled with the deceased's brother's wife, namely Muthukannu, regarding the payment of Rs.1,50,000/-, under the presumption that the said amount had been given to her for the construction of a house. The said incident was informed to the deceased, who in turn questioned the accused and warned him not to disturb her.

12. On 16.04.2018, the accused came to the house of the deceased, scolded the deceased and his wife using filthy language, and abused them. He also warned the deceased to stop supporting Muthukannu.

13. On 17.04.2018, when the deceased was proceeding to the police station to lodge a complaint, the accused restrained him at about 06.45 a.m., and abused him in filthy language. Thereafter, the accused assaulted the deceased indiscriminately with a wooden log on his face and neck, causing grievous injuries. The deceased was



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immediately taken to the Government Hospital, Karaikudi, where he was declared brought dead.

14.The wife of the deceased was examined as P.W.1. She deposed cogently and mentioned the presence of other eyewitnesses at the time of occurrence, namely P.W.2, P.W.3, and P.W.4. One of the neighbours was examined as P.W.2 and deposed that the accused assaulted the deceased with a wooden log on his forehead and the back of his neck, as a result of which he sustained grievous injuries and died. P.W.3 and P.W.4 corroborated the evidence of P.W.1 and P.W.2.

15.The mahazar witness was examined as P.W.5. The complaint was marked as Ex.P.1 and the observation mahazar was marked as Ex.P.2. P.W.5 supported the case of the prosecution. P.W.6 deposed regarding the arrest and confession of the accused. Pursuant to the confession, the wooden log was recovered from the accused



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and marked as Material Object No.1.

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16.The body of the deceased was subjected to postmortem examination. The doctor who conducted the postmortem was examined as P.W.7. He deposed that the external and internal injuries sustained by the deceased were the cause of death. According to him, the deceased appeared to have died due to hemorrhage and intracranial bleeding. The postmortem certificate was marked as Ex.P.5. The doctor further opined that the injuries noted in the postmortem report could have been caused by M.O.1.

17.Thus, the prosecution has proved the charges beyond reasonable doubt. There are no circumstances to disbelieve the eyewitnesses, though they are closely related and neighbours. Close relatives who are natural witnesses cannot be termed as interested witnesses merely on that ground. The realities of life must be kept in mind while appreciating evidence to arrive at the truth.



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18.The evidence in a criminal case need not be weighed on a delicate scale, and the prosecution is not required to prove the guilt with mathematical precision. It is sufficient if there is substantial and convincing evidence establishing the guilt of the accused.

19.In view of the above, the Trial Court has rightly convicted the appellant. This Court finds no infirmity or illegality in the conviction and sentence imposed by the Trial Court in S.C.No.16 of 2019 dated 30.07.2021 on the file of the learned Principal Sessions Judge, Sivagangai. Hence, the appeal fails and is dismissed.

**[G.K.I.J.] & [R.P.J.,]
24.02.2026**

NCC :Yes/No
Index :Yes/No
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To

1.The Principal Sessions Judge,
Sivagangai,

2.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

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



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