



Crl.A(MD)No.197 of 2023

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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Balamurugan @ Auto Bala ... Appellant/Sole Accused

Vs.

State represented by,
The Inspector of Police,
Jaihindpuram Police Station,
Madurai District.
(In Crime No.1249 of 2017). ... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C to call for the records relating to the Judgment passed in S.C.No.588 of 2017 dated 25.11.2022 on the file of the IV Additional District and Sessions Court, Madurai and set aside the same and acquit the appellant/accused from all the charges levelled against him.



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For Appellant : Mr.Goplakrishnan Lakshmana Raja
Senior Counsel
for Mr.S.G.L.Rishwanth

For Respondent : Mr.T.Senthil Kumar
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.588 of 2017 dated 25.11.2022 on the file of the IV Additional District and Sessions Court, Madurai, thereby convicting the accused for the offences punishable under Sections 450, 302 and 506(ii) of I.P.C.

2.The case of the prosecution is that one week prior to 05.09.2017, the deceased and the accused had quarrelled with each other. Due to the said motive, on 05.09.2017 at about 01.45 p.m., in the afternoon, the accused with the intention to do away with the life



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of the deceased, trespassed into the house of the deceased and caused stab injuries over the deceased left chest, back and right hand. Immediately, the deceased was brought to the hospital and he was declared brought dead.

3.On the complaint, the respondent registered the F.I.R in Crime No.1249 of 2017 for the offences punishable under Sections 449, 302 and 506(ii) 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.22 and marked Ex.P1 to P16. The prosecution had produced Material Objects M.O.1 to M.O.10. On the side of the accused, no witnesses were examined and no documents 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 450, 302 and 506(ii) of I.P.C. He was sentenced to undergo seven years Rigorous Imprisonment and to pay a fine of Rs.2,000/- in default, to undergo one year Simple Imprisonment for the offence punishable under Section 450 of I.P.C; he was sentenced to undergo Life Imprisonment and to pay a fine of Rs.10,000/- in default, to undergo two years Simple Imprisonment for the offence punishable under Section 302 of I.P.C and he was sentenced to undergo five years Rigorous Imprisonment and to pay a fine of Rs.2,000/- in default, to undergo one year Simple Imprisonment for the offence punishable under Section 506(ii) of I.P.C. Aggrieved by the same, the present appeal has been preferred by the appellant.

6. The learned senior counsel appearing for the appellant submitted that though the prosecution examined P.W.1, P.W.2, and P.W.4 to P.W.6 as eyewitnesses to the occurrence, P.W.4 to P.W.6 did



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not support the case of the prosecution. Insofar as the evidence of P.W.1 and P.W.2 is concerned, it is neither cogent nor consistent, and their testimonies contradict each other. Their evidence is also not corroborated by the medical evidence. P.W.1 is the wife of the deceased and P.W.2 is the mother of the deceased. They are interested witnesses, and their evidence cannot be considered trustworthy. In fact, the prosecution failed to prove their presence at the scene of occurrence, as they used to go to work during the entire day. Therefore, P.W.1 and P.W.2 could not have been present at the time of the occurrence.

7.The alleged occurrence took place while the deceased was in the process of having lunch. However, this was not supported by the post-mortem doctor who conducted the autopsy and opined that undigested food was found in the stomach of the deceased. Therefore, this is completely fatal to the case of the prosecution. In fact, P.W.6 and P.W.11 had taken the deceased to the hospital;



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however, they did not even whisper about the presence of P.W.1 and P.W.2. Therefore, the prosecution failed to prove the charges, and the Trial Court mechanically convicted the accused.

8.Per contra, the learned Additional Public Prosecutor appearing for the respondent submitted that the eyewitnesses had deposed about the occurrence and that the prosecution had also proved the motive. One week prior to the occurrence, the accused and the deceased had quarrelled with each other, and due to this, on the date of the occurrence, the accused trespassed into the house of the deceased and stabbed him, that too in the presence of P.W.1, P.W.2, and P.W.4 to P.W.6. Though P.W.4 to P.W.6 turned hostile, the eyewitnesses P.W.1 and P.W.2 are trustworthy, and their evidence is cogent. Therefore, the prosecution has clearly proved the charges, and the Trial Court rightly convicted the accused and hence, it does not warrant any interference of this Court.



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

10. The deceased was working as a driver. While being so, there was quarrel between the deceased and the accused. Therefore, the accused decided to do away with the life of the deceased. On 05.09.2017 at about 01.45 p.m., when the deceased and his wife were having their lunch, the accused trespassed into their house, took a knife from his hip, and stabbed the deceased indiscriminately on his chest and back. The mother of the deceased was also present at the scene of the crime, and she raised an alarm. On hearing the alarm, the neighbours came to the house, and the accused immediately fled from the scene of the crime after threatening others with dire consequences. The deceased was immediately taken to the hospital, where he was declared dead.



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11.The wife of the deceased had deposed as P.W.1. She categorically deposed about the occurrence and the motive behind the crime. The accused trespassed into the house with a deadly weapon, which was marked as Material Object No.1, with the intention to do away with the life of the deceased. While P.W.1 and the deceased were having lunch, the accused stabbed the deceased indiscriminately with M.O.1. When P.W.1 and others attempted to prevent the accused from assaulting the deceased, he threatened them with dire consequences by brandishing the same knife and immediately fled from the scene.

12.The evidence of P.W.1 is clearly corroborated by P.W.2, who is the mother of the deceased. Though P.W.1 and P.W.2 are close relatives of the deceased, there are no circumstances to disbelieve their evidence. P.W.4 to P.W.6, who came to the scene of the crime on hearing the alarm raised by P.W.2, turned hostile. Even so, this would not affect the case of the prosecution, since the



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evidence of P.W.1 and P.W.2 is cogent and trustworthy.

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13.The learned senior counsel appearing for the appellant mainly contended that P.W.1 and P.W.2 could not have been present at the scene of the crime, as they used to go to work and would return home only in the evening after finishing their work.

14.On a perusal of the entire evidence, it is admitted that they used to go to work and would return home during lunch time. The occurrence took place at about 01.45 p.m., which is lunch time. Therefore, P.W.1 and P.W.2 had come home to have lunch at that time. At that juncture, the deceased was also present in the house, as he had not gone to work on that day. Further, the evidence of P.W.1 and P.W.2 is clearly corroborated by the postmortem report, which was marked as Ex.P.9. Hence, the contention of the learned senior counsel cannot be countenanced.



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15.The learned senior counsel appearing for the appellant vehemently contended that the postmortem report states that half-digested food was found in the stomach of the deceased, suggesting that the deceased had gone outside and eaten food, and therefore the occurrence could not have taken place inside the house.

16.On a perusal of the postmortem report, marked as Ex.P. 9, it is revealed that the stomach contained 300 grams of partially digested food particles. This does not mean that he had eaten outside or that the occurrence did not take place inside the house. Admittedly, the deceased had not gone to work on the day of the occurrence and had been at home since morning. Therefore, he could have eaten food prior to the occurrence.

17.The postmortem report also noted the following injuries:



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1. An oblique stab injury measuring 2.5cm x 1cm x cavity deep seen over left side upper chest. 3cm below left clavicle, 2cm lateral to midline, 11cm above left nipple, On dissection; The wound passes back ward, forward between 2nd and 3rd ribs and piercing upper lobe of left lung through and through and piercing the upper part of left atrium.

2. An oblique stab injury measuring 2.5cm x 1cm x muscle deep noted on outer aspect of left forearm, 4cm below the left elbow, 18cm above left wrist.

3. An oblique stab injury measuring 1cm x 1cm x muscle deep on back of left side chest, 2cm lateral to midline, 11cm below the shoulder.

4. An oblique stab injury measuring 1cm x 1cm x muscle deep noted on upper part of left arm, 6cm below the left shoulder joint.

Note: Wound margins were regular one end pointed and other end blunt.



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18.The doctor opined that the deceased appeared to have died due to external injury No.1 and its corresponding internal injuries. Therefore, the contention of the learned senior counsel that the occurrence did not take place inside the house cannot be countenanced by any piece of evidence. He further submitted that P.W.1 and P.W.2 are closely related and interested witnesses, and as such, their testimony cannot be relied upon to convict the accused. Though they are related and interested witnesses, they witnessed the occurrence, and their presence is also spoken to by P.W.4 to P.W.6. Though P.W.4 to P.W.6 turned hostile, they did not deny the presence of P.W.1 and P.W.2 at the scene. The realities of life must be kept in mind while appreciating evidence to arrive at the truth.

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



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20. 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. 588 of 2017 dated 25.11.2022 on the file of the IV Additional District and Sessions Court, Madurai. Hence, the appeal fails and is dismissed. The respondent is directed to take steps to secure the appellant and produce him before the Trial Court for taking further steps.

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

NCC :Yes/No
Index :Yes/No
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To

1.The IV Additional District and Sessions Court,
Madurai.

2.The Inspector of Police,
Jaihindpuram Police Station,
Madurai District.

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



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G.K. ILANTHIRAIYAN, J.
AND
R. POORNIMA, J.

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