



Crl.A.(MD)No.234 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 11.11.2025

Pronounced on : 09.01.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.A.(MD)No.234 of 2023

Dhanapal

... Appellant/
Sole Accused

Vs.

1.State represented by its
The Inspector of Police,
Velliyanai Police Station,
Velliyanai,
Karur District.
(Crime No.332 of 2021)

2.Marimuthu
*(R2 is impleaded as per order of the Court dated
20.04.2023 in Crl.M.P.(MD)No.6305 of 2023 in
Crl.A.(MD)No.234 of 2023)*

... Respondents

Prayer : This Criminal Appeal filed under Section 374(2) of Criminal Procedure Code, to set aside the conviction and sentence and fine imposed on the appellant by the Principal Sessions Court, Karur in S.C.No.59 of 2021 order dated 25.11.2022 by allowing this criminal appeal.



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WEB COPY For Appellant : Mr.K.C.Maniyarasu

For Respondents : Mr.K.Gnanasekaran
Government Advocate (Criminal Side) for R1

M/s.K.Abiya,
Legal Aid Counsel for R2

JUDGMENT

The Criminal Appeal is directed against the judgment of conviction made in S.C.No.59 of 2021 dated 25.11.2022 on the file of the Principal District and Sessions Court, Karur.

2. The appellant is the sole accused (hereinafter referred as 'accused') in S.C.No.59 of 2021 on the file of the Principal District and Sessions Court, Karur.

3. The Deputy Superintendent of Police, Karur Town Sub Division laid a charge sheet against the accused alleging that the second respondent Marimuthu / defacto complainant (hereinafter referred as 'complainant') along with his mother Karuppaiyee and sister Angalaparameshwari are residing at Karuppur, Uppidamangalam Post, Karur District, that the



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complainant is working as a salesman in Siva Textiles, Karur and he belongs to Hindu Chakkiliyar Community, that the accused belongs to Hindu Telugu Chettiar Community, that the accused married one Kanniyammal, wife of deceased Logithasan a relative of the complainant, that the complainant's sister Angalaparameshwari was given in marriage to Kanniyammal's son Balasubramanian, that the said Angalaparameshwari has been residing in her brother complainant's house for the past one year, that the said Kanniyammal and her husband (accused herein) used to receive the salary of the said Balasubramanian, who was working in an iron shop at Gandhigram, Karur, that the said Angalaparameshwari went to the shop of her husband Balasubramanian and received his salary two days prior to the occurrence, that the said Kanniyammal came to the house of the complainant and quarrelled with her daughter-in-law Angalaparameshwari and received back the salary of her son, that the said Angalaparameshwari informed the incident to her brother complainant, who in turn, contacted the said Kanniyammal through phone and enquired about receiving back the salary, that the accused had abused the complainant in filthy language and threatened him with dire consequences, that on 27.07.2021 at about 21.30 hours, when the complainant was lying



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in a rope cot in the front yard of his house, the accused came there with a aruval and attempted to attack him, that the complainant resisted with his left hand and as a result, he sustained cut injuries on his left hand small finger and on his forehead, that when the complainant's mother had intervened, she received a cut injury on her left hand, that the accused threatening the complainant that he would kill him, ran away from that place and that thereby the accused had committed the offences punishable under Sections 294(b), 324, 326 and 506(2) IPC r/w Sections 3(1)(r) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

4. The learned Sessions Judge took the case on file in S.C.No.59 of 2021 and ordered for issuance of summons to the accused. After appearance of the accused, copies of records were furnished to him under Section 207 Cr.P.C. on free of costs. The learned Sessions Judge, on hearing both the sides and on perusal of records, being satisfied that there existed a *prima facie* case against the accused, framed charges under Sections 294(b) IPC r/w 3(2)(va) of SC/ST (PoA) Act, 326 IPC r/w



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3(2)(va) of SC/ST (PoA) Act, 323 IPC r/w 3(2)(va) of SC/ST (PoA) Act, Section 4 of TNPHW Act and Section 506(2) IPC r/w 3(2)(va) of SC/ST (PoA) Act and the same were read over and explained to him and on being questioned, the accused denied the charges and pleaded not guilty.

5. The prosecution, to prove its case, examined 8 witnesses as P.W.1 to P.W.8, exhibited 17 documents as Ex.P.1 to Ex.P.17 and marked 1 material object as M.O.1.

6. The case of the prosecution emerging from the evidence adduced by the prosecution in brief as follows;

(a) P.W.1 Marimuthu (complainant) is the son and P.W.3 Angalaparameshwari is the daughter of P.W.2 Karuppaiyee. They are residing at Karuppur, Karur District. P.W.1 is working in a private concern Siva Textiles at Karur. P.W.1 belongs to Hindu Chakkiliyar Community. P.W.3 is the daughter-in-law of the accused. The accused demanded the entire income of P.W.3 and her husband. When P.W.1 questioned the same, there arose quarrel between him and the accused. On the date of occurrence, when P.W.1 was lying on a rope cot in the front yard of his



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house, the accused came with an aruval and attempted to attack on his head. P.W.1 resisted the same with his left hand and as a result, sustained cut injuries. The accused again attacked P.W.1 on his head, causing further cut injuries. Thereafter, the accused pushed P.W.1 into thorn bushes, due to which, he sustained injuries on his back. P.W.2 and P.W.3 witnessed the occurrence. P.W.2 intervened and attempted to prevent the attack made on P.W.1 and in the course of such intervention, sustained cut injuries on her left hand. Thereafter, the accused fled from the scene of occurrence. P.W.1 and P.W.2 were taken to Karur Government Hospital through a 108 ambulance.

(b) P.W.5 Dr.Sudha was on duty at about 11.00 p.m. on 27.07.2021 in Government Medical College Hospital, Karur. P.W.3 was brought in 108 ambulance and she informed that she was attacked by one known person with aruval. P.W.5 noticed a cut injury on her left hand by 4 x 1 x 1 cm. P.W.5 sutured the wound and directed her to admit as inpatient but P.W.3 refused and left against medical advise. P.W.5 issued accident register extract under Ex.P.4 and wound certificate under Ex.P.5. On the same day, P.W.1 came in the same 108 ambulance for treatment and he also informed that he was attacked by one known person with aruval at



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about 08.00 p.m. on that day. P.W.5 noticed four cut injuries on his left forehead, near the left ear, on the left palm and on the little finger of the left hand. P.W.1 was admitted as inpatient. P.W.5 found that P.W.1 had sustained a bone injury to the left palm. P.W.5 issued accident register extract under Ex.P.6 and wound certificate under Ex.P.7 certifying that the injury suffered by P.W.1 is of grievous in nature.

(c) When P.W.1 was taking treatment, Head Constable 1209 Rajasekar came to the hospital and recorded P.W.1's statement under Ex.P.1. P.W.6, the then Sub Inspector of Police attached to Velliyanai Police Station received the statement of P.W.1 from Head Constable Rajasekar and registered a case in Crime No.332 of 2021 under Sections 294(b), 324 and 506(2) IPC r/w Sections 3(1)(r) and 3(2)(va) of SC/ST (PoA) Act and prepared the First Information Report under Ex.P.8. He sent original complaint statement and FIR to the concerned Court and copies to the Deputy Superintendent of Police and other police officials.

(d) P.W.8, Deputy Superintendent of Police, Karur Town Sub Division, upon the receipt of the proceedings of the Superintendent of Police, Karur under Ex.P.10 appointing him as an investigating officer, took up the case for investigation and went to Government Medical



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College Hospital, Karur on 28.07.2021 at about 10.40 a.m. and recorded the statement of P.W.1 and P.W.2. Thereafter, he went to the occurrence place at about 11.30 a.m. and inspected the scene of occurrence and prepared observation mahazar under Ex.P.9 in the presence of P.W.7 Ramachandran and one Vijay and also drew a rough sketch under Ex.P.11. P.W.8 examined P.W.3, P.W.7 and Vijay and recorded their statements. On the same day, at about 01.20 p.m., P.W.8 arrested the accused near Muniyanoor Karuppasamy Temple and on enquiry, the accused gave a voluntary confession statement. P.W.8 recorded the confession in the presence of P.W.4 Vicky @ Vigneshwaran and one Kannan. On the basis of the admitted portion of the confession statement under Ex.P.12, when the accused was taken to his house, he had taken out the aruval, which was concealed in the thatched shed situated on the front yard of his house and P.W.8 recovered the said aruval (M.O.1) in the presence of same witnesses under the cover of seizure mahazar under Ex.P.13.

(e) P.W.8 then applied for community certificates of P.W.1, P.W.2 and accused before the Tahsildar, Karur and Krishnarayapuram. He received community certificates of P.W.1 and P.W.2 under Ex.P.14 and Ex.P.15 respectively. Since the Tahsildar, Krishnarayapuram informed that



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the accused was not residing within his limits, P.W.8 applied before the Tahsildar, Kodumudi and obtained community certificate of the accused under Ex.P.16. He examined P.W.5 (medical officer), who treated the injured witnesses, received the accident register extract and wound certificates and recorded her statement. P.W.8 altered the case for the offences under Sections 294(b), 324, 326 and 506(2) IPC r/w Sections 3(1)(r) and 3(2)(va) of SC/ST (PoA) Act r/w Section 4 of TNPHW Act and submitted alteration report under Ex.P.17. After completing the investigation, P.W.8 filed the final report against the accused. With the examination of P.W.8, the prosecution has closed their side evidence.

7. When the accused was examined under Section 313(1)(b) Cr.P.C. with regard to the incriminating aspects found against him in the evidence adduced by the prosecution, he denied the evidence as false and stated that a false case has been foisted against him. The accused examined his wife Kanniyammal as D.W.1 and his mother Kala as D.W.2 and not adduced any documentary evidence.

8. The gist of the defence evidence is as follows: D.W.1 deposed that her husband, Logithasan, had died and that she thereafter married the



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accused. P.W.3 is her daughter-in-law. According to D.W.1, when her son was attacked, she and the accused questioned P.W.1 and P.W.2 at the Munaiyanoor bus stop. At that time, P.W.1 and P.W.2 were allegedly under the influence of alcohol. A scuffle ensued between P.W.1 and the accused. D.W.1 further stated that she later came to know that P.W.1 had sustained injuries while proceeding on the road and that she does not know how the injuries were caused. D.W.2 deposed that she gave a complaint stating that her son had been attacked; however, the police took her son into custody and registered a case against him.

9. The learned Sessions Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, passed the impugned judgment dated 25.11.2022 convicting the accused for the offences under Section 324 IPC r/w 3(2)(va) of SC/ST (PoA) Act and under Section 323 IPC r/w 3(2)(va) of SC/ST (PoA) Act and sentenced him to undergo 3 years simple imprisonment and to pay a fine of Rs.10,000/-, in default to undergo 6 months simple imprisonment for the offence under Section 324 IPC r/w 3(2)(va) of SC/ST (PoA) Act and sentenced to undergo 1 year simple imprisonment and to pay a fine of



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Rs.1,000/-, in default to undergo 15 days simple imprisonment for the offence under Section 323 IPC r/w 3(2)(va) of SC/ST (PoA) Act. The learned Sessions Judge, by holding that the prosecution failed to prove the charges under Sections 294(b) IPC r/w 3(2)(va) of SC/ST (PoA) Act and 506(2) IPC r/w 3(2)(va) of SC/ST (PoA) Act and under Section 4 of TNPHW Act, acquitted him from the above said charges. The learned Sessions Judge, by holding that the prosecution failed to prove the charge under Section 326 IPC r/w 3(2)(va) of SC/ST (PoA) Act, invoking Section 222 Cr.P.C. convicted the accused for minor offence under Section 324 IPC r/w 3(2)(va) of SC/ST (PoA) Act. Aggrieved by the impugned judgment of conviction and sentence, the accused has preferred the present appeal.

10. Heard Mr.K.C.Maniyarasu, learned counsel appearing for the appellant / accused, Mr.K.Gnanasekaran, learned Government Advocate (Criminal Side) appearing for the first respondent police and M/s.K.Abiya, Legal Aid Counsel appearing for the second respondent / complainant.

11. Whether the impugned judgment of conviction and sentence imposed on the accused in S.C.No.59 of 2021 dated 25.11.2022 on the file



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of the Principal District and Sessions Court, Karur, is liable to be set aside? is the point for consideration.

12. The relationship not in dispute are that P.W.1 Marimuthu is the son and P.W.3 Angalaparameshwari is the daughter of P.W.2 Karuppaiyee and that the accused is the father-in-law of P.W.3.

13. It is the specific case of the prosecution that P.W.1 and P.W.2 belong to Hindu Chakkiliyar Community, whereas, the accused belongs to Hindu Telugu Chettiyar Community. The prosecution produced and exhibited the community certificates of P.W.1, P.W.2 and accused under Ex.P.14 to Ex.P.16 respectively. The defence has neither disputed the community of P.W.1 and P.W.2 and of himself nor disputed the genuineness or the contents of Ex.P.14 to Ex.P.16. Considering the evidence available on record, the learned Sessions Judge has rightly come to a decision that P.W.1 and P.W.2 are belonging to SC Community, whereas, the accused belongs to non SC Community.

14. It is also not in dispute that the accused married one



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Kanniyammal, wife of deceased Logithasan, who is a relative of P.W.1 and P.W.2. The accused and the said Kanniyammal had a son by name Balasubramanian and he married P.W.3 (sister of P.W.1 and daughter of P.W.2). Since the accused is related to P.W.1 to P.W.3, as rightly observed by the learned Sessions Judge, it can easily be inferred that the accused was aware that P.W.1 and P.W.2 are belonging to SC Community.

15. According to the prosecution, the accused's wife Kanniyammal used to receive the entire salary of her son Balasubramanian, who was working in an iron shop at Gandhigram, Karur, that two days prior to the occurrence, as per the case of the prosecution, P.W.3 went to the shop of her husband and received his salary and on coming to know about the same, the accused's wife Kanniyammal came to the house of P.W.1, quarrelled with her daughter-in-law P.W.3 and got back the salary amount and that when the same was questioned by P.W.1, there arose quarrels between him and the accused. As rightly contended by the Legal Aid Counsel appearing for the complainant, the evidence of P.W.1 to P.W.3 would reveal that there existed enmity between P.W.1 and the accused prior to the occurrence.



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16. As rightly pointed out by the learned Government Advocate (Criminal Side), P.W.1 gave cogent evidence narrating the entire occurrence, consistent with the version set out in the complaint. P.W.1 deposed that while he was lying on a rope cot in the front yard of his house, the accused came armed with an aruval and attacked him. When P.W.1 resisted the attack, he sustained cut injuries on his head, left palm, and the little finger of his left hand. P.W.2 deposed that upon witnessing the assault on her son, she intervened and attempted to prevent the attack, whereupon the accused also attacked her, resulting in cut injuries to her left hand. P.W.3, another eyewitness to the occurrence, corroborated the incident and the cut injuries inflicted on P.W.1 and P.W.2 by the accused.

17. The learned counsel appearing for the accused would submit that P.W.3, in her evidence, has stated that Petchiammal was also present at the occurrence place but the prosecution has not chosen to examine the said Petchiammal.

18. As rightly contended by the learned Government Advocate (Criminal Side), the prosecution has examined two injured witnesses,



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namely P.W.1 and P.W.2, and another occurrence witness, P.W.3, to establish the occurrence. Even assuming that one Petchiammal had also witnessed the incident, the non-examination of the said witness cannot be held to be fatal to the prosecution case. It is well settled that the testimony of an injured witness can, by itself, be sufficient to convict the accused, even if other witnesses have turned hostile, provided such evidence is found to be credible and reliable. The Hon'ble Supreme Court has consistently reiterated that the evidence of an injured witness carries a 'built-in guarantee' of his presence at the scene of occurrence and that such a witness is unlikely to falsely implicate an innocent person while allowing the real assailant to escape. As already pointed out, the evidence of P.W.1 to P.W.3 with regard to the occurrence is consistent, cogent, and convincing.

19. The learned counsel appearing for the accused would submit that P.W.1 to P.W.3 have made contradictory statements regarding the time of occurrence. According to the complaint, P.W.1 stated that the incident occurred at about 9.30 p.m., whereas P.W.3 deposed that the occurrence took place at about 11.00 p.m. Further, P.W.1, while being examined by



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P.W.5 for medical treatment, stated that he had sustained the injuries at about 8.00 p.m., which, according to the learned counsel, is wholly inconsistent with the version set out in the complaint.

20. It is evident from the records that P.W.2 was first examined by P.W.5, the Doctor, at 11.25 p.m., followed by P.W.1 at 11.50 p.m., both having been brought to the hospital in the same '108' ambulance. P.W.8, the Investigating Officer, deposed that the place of occurrence is situated at a distance of about 15 kilometres from the hospital, that the ambulance had to come from Karur to the scene of occurrence and, after taking the injured, return to Karur, which would take approximately one and a half hours. According to the prosecution, the incident occurred at about 10.30 p.m. As rightly contended by the learned Government Advocate (Criminal Side) and as correctly observed by the learned Sessions Judge, the ambulance, after picking up the injured witnesses P.W.1 and P.W.2, reached the hospital at around 11.30 p.m. Merely because P.W.3, an illiterate village woman, stated that the incident occurred at about 11.00 p.m., and because P.W.1 and P.W.2 did not specifically mention the time of occurrence in their evidence, the same would not affect the



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prosecution case. The learned Sessions Judge has rightly rejected the defence contention that there were contradictions regarding the time of occurrence giving rise to doubt about the incident itself.

21. The learned counsel appearing for the accused would next contend that the injuries allegedly sustained by P.W.1 are not corroborated by the medical evidence.

22. No doubt, P.W.5, in her evidence, has stated that P.W.1 sustained four cut injuries, namely, on his left forehead, near the left ear, on the left palm and on the little finger of the left hand. P.W.1, in his evidence, would say,

“அப்போது ஆஜர் எதிரி என் வீட்டிற்கு வந்து, படுத்திருந்த என்னை அவர் கையில் வைத்திருந்த அருவாளால் என் தலையில் வெட்ட வந்தார். நான் என்னுடைய இடது கையை வைத்து தடுத்ததில் என்னுடைய இடது கையில் வெட்டுப்பட்டு, இரண்டு விரல்கள் செயலிழந்து விட்டது. (சாட்சியின் இடது கை உள்ளங்கையில் சுண்டுவிரலுக்கு வெட்டுப்பட்ட காயத்தமும்பு உள்ளது) ஆஜர் எதிரி என்னை முதலில் வெட்டியபோது நான் இடது கையால் தடுத்தேன். பின்னர் இரண்டாவது முறையாக ஆஜர் எதிரி என்னை



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வெட்டியதில் எனது தலையில் வெட்டுப்பட்டு காயம் ஏற்பட்டது.”

23. As rightly contended by the Legal Aid Counsel appearing for the complainant and as rightly observed by the learned Sessions Judge, there is absolutely no contradiction between the testimony of P.W.1 and the medical evidence and the evidence of P.W.1 regarding the injuries sustained by him stands fully corroborated by the medical evidence.

24. The learned counsel appearing for the accused would submit that since there existed family disputes between P.W.3 and her husband, P.W.1 in a drunken mode had attacked the accused and his son and subsequently, when P.W.1 was proceeding in a two wheeler along with his mother P.W.2, fell down and sustained injuries and that with the help of those injuries, the above false case has been foisted against the accused.

25. No doubt, as rightly pointed out by the learned counsel appearing for the accused, the defence examined the wife and mother of the accused as D.W.1 and D.W.2 respectively. D.W.1 deposed that P.W.1 had attacked her son, that the accused questioned the same, that both of them engaged in quarrel and that she did not know how P.W.1 sustained



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the injuries. In cross-examination, she merely reiterated that she had witnessed a quarrel between the accused and P.W.1. D.W.2 the mother of the accused stated that the accused questioned P.W.1 as to why he had attacked his son; however, even according to D.W.2, she did not witness the occurrence. As rightly contended by the learned Government Advocate (Criminal Side) and the Legal Aid Counsel appearing for the complainant, the evidence of D.W.1 and D.W.2 does not in any manner support the case of the accused.

26. Considering the evidence available on record, as rightly contended by the learned Government Advocate (Criminal Side), the prosecution has clearly established that the accused attacked P.W.1 and P.W.2 with an aruval and caused injuries to them.

27. It is the specific case of the prosecution that P.W.1 sustained bone injuries on his left palm and on that basis, P.W.5 certified that injury suffered by P.W.1 as grievous in nature. However admittedly, the prosecution has neither produced any X-ray or X-ray report nor examined the Radiologist or Orthopaedic Doctor, who allegedly treated him. In such



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circumstances, the learned Sessions Judge, rightly held that the offence under Section 326 IPC was not proved, but at the same time, the prosecution has established that the accused attacked P.W.1 with an aruval and caused injuries to him. Accordingly, the learned Sessions Judge, by invoking Section 222 Cr.P.C., has rightly convicted the accused for the offence under Section 324 IPC r/w 3(2)(va) of SC/ST (PoA) Act.

28. Though the prosecution has established that the accused attacked P.W.2 with an aruval and caused injury, which would ordinarily attract the offence under Section 324 IPC, the learned Sessions Judge, noting that the charge had been framed under Section 323 IPC in order to avoid delay, proceeded to convict the accused for the offence under Section 323 IPC read with Section 3(2)(va) of the SC/ST (PoA) Act. The said course adopted by the learned Sessions Judge, having regard to the facts and circumstances of the case and the settled legal position, cannot be faulted. Accordingly, this Court holds that the conviction of the accused for the offence under Section 323 IPC r/w Section 3(2)(va) of the SC/ST (PoA) Act is liable to be confirmed.



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29. Now turning to the sentence, the learned Sessions Judge awarded 3 years simple imprisonment and fine of Rs.10,000/- for the offence Section 324 IPC r/w 3(2)(va) of SC/ST (PoA) Act and 1 year simple imprisonment and fine of Rs.1,000/- for the offence under Section 323 IPC r/w 3(2)(va) of SC/ST (PoA) Act.

30. As already pointed out, the accused is related to P.W.1 to P.W.3. The learned counsel appearing for the accused would submit that the accused is about 40 years of age and is the sole breadwinner of his family. It is further submitted that the accused has no previous criminal antecedents and, therefore, seeks leniency in the matter of sentence.

31. In view of the foregoing discussion, this Court is of the considered opinion that the sentence imposed on the appellant warrants interference and deserves to be reduced. Accordingly, the judgment dated 25.11.2022 passed in S.C.No.59 of 2021 on the file of the Principal District and Sessions Court, Karur, is modified as follows:

(i) The conviction of the appellant for the offence under Section 324 IPC read with Section 3(2)(va) of the SC/ST (Prevention of Atrocities) Act



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is confirmed. However, the sentence is reduced to simple imprisonment for a period of one year and a fine of Rs.25,000/-, in default, to undergo simple imprisonment for a period of three months.

(ii) The conviction of the appellant for the offence under Section 323 IPC read with Section 3(2)(va) of the SC/ST (Prevention of Atrocities) Act is confirmed. However, the sentence is reduced to simple imprisonment for a period of three months. The sentence of fine and the default sentence imposed by the trial Court shall remain unaltered.

(iii) Both the sentences shall run concurrently.

(iv) The trial Court is directed to disburse the fine amount of Rs.26,000/- imposed on the appellant as compensation to P.W.1 and P.W.2, in the sum of Rs.16,000/- and Rs.10,000/- respectively, as contemplated under Section 357(1) Cr.P.C.

(v) The period of sentence, if any, already undergone by the appellant during investigation and trial shall be set off under Section 428



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(vi) The trial Court is directed to take necessary steps to secure the appellant to undergo the remaining period of sentence, if any.

32. With the above modification, the Criminal Appeal is partly allowed.

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NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

- 1.The Principal Sessions Judge,
Karur.
- 2.The Inspector of Police,
Velliyanai Police Station,
Velliyanai,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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Pre-Delivery Judgment made in
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Dated : 09.01.2026