



Crl.A(MD)No.280 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2026

CORAM:

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

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Balamurali Karthick

... Appellant/Sole Accused

Vs.

The State rep. by its
The Inspector of Police,
Thillai Nagar Police Station,
Trichy,
Trichy District.
(Crime No.320 of 2019)

... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 372 of Criminal Procedure Code, to call for the records relating to the impugned Judgment passed in S.C.No.195 of 2019 dated 21.10.2021 on the file of the III Additional District and Sessions Court, Tiruchirappalli and to set aside the same.



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For Appellant : Mr.N.Pragalathan
For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor

JUDGMENT

(Judgment of the Court was delivered by R.POORNIMA, J.)

This Criminal Appeal is filed against the conviction and sentence passed against the appellant/sole accused in the judgment dated 21.10.2021 made in S.C.No.195 of 2019 by the III Additional District and Sessions Court, Tiruchirappalli, in which judgment, Accused had been convicted for offence punishable under Section 302 of IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.5,00,000/- in default to undergo three years simple imprisonment.

2. The case of the prosecution in brief is as follows :

(a) On 14.06.2019, the daughter of the deceased was returning from college. P.W.1 had gone to pick her up, and she was waiting at the bus stop. When P.W.1's daughter was proceeding towards her, the accused, who had been following her, suddenly caught hold of her hair,



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pulled her towards him, and stabbed her with a knife. As a result, she fell down. The accused then indiscriminately stabbed her, inflicting multiple serious injuries. Upon hearing her alarm, P.W.1 rushed to the scene and pleaded with the accused to stop the attack. Immediately thereafter, the witnesses Nagalingam (P.W.3), Anjugam (P.W.4), Mailammal (P.W.5), Ravikumar (P.W.6), and Nagalaksmi (P.W.11) also rushed to the place of occurrence. The accused left the knife at the scene and fled. Subsequently, P.W.6 took the injured victim in an auto to the hospital, where, upon examination, she was declared brought dead. Thereafter, P.W.1 lodged the complaint (Ex.P1)

b) On 14.06.2019, the complaint was received by P.W.17, Thiru. Selvakumar, Sub-Inspector of Police, Thillainagar Police Station. A case in Crime No.320 of 2019 was registered under Section 302 IPC. The FIR (Ex.P17) was forwarded to the Judicial Magistrate and copies were sent to the concerned officials.

c) On 14.06.2019 at about 8.00 p.m., P.W.18, Thiru.Gnanasekar, Inspector of Police, took up the investigation. He visited the scene of occurrence and prepared the observation mahazar



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(Ex.P18) and rough sketch (Ex.P19) in the presence of witnesses Shanmugavel (P.W.7) and Kannan. He recovered the knife (M.O.1), bloodstained soil (M.O.2), and sample soil (M.O.3) under seizure mahazar (Ex.P20) and forwarded the material objects to the Court under Form 91 (Ex.P23). He examined the eyewitnesses present at the scene and recorded their statements.

d) On 15.06.2019, P.W.18 conducted the inquest over the dead body and prepared the inquest report (Ex.P21).

e) The Investigating Officer examined the accused, who was undergoing treatment at the same hospital, arrested him, and recorded his confession statement (Ex.P5). Pursuant thereto, he recovered the accused's bloodstained full-hand shirt (M.O.4) and jeans pant (M.O.5) under recovery mahazar (Ex.P22), and forwarded the material objects to the Court under Form 91 (Ex.P24). The accused was thereafter remanded to judicial custody.

f) Thereafter he sent a requisition for postmortem. P.W.15, Dr.Juliyana Jayanthi, conducted the postmortem and found approximately 29 stab injuries on the body. She issued the postmortem



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certificate (Ex.P12). The bloodstained clothes and other articles (M.O.6 to M.O.14) were recovered from the body and forwarded to the Court under Form 91 (Ex.P7). The viscera was also sent for chemical analysis.

g) P.W.19, Thiru. Velmurugan, continued the investigation. Upon receipt of the postmortem certificate and final opinion, he examined the Doctor and forensic experts and recorded their statements.

h) Upon completion of the investigation, the final report was filed against the accused for offences under Sections 294(b) and 302 IPC.

3. On receipt of the records, the Judicial Magistrate No.4, Tiruchirappalli, took up the case in P.R.C.No.151 of 2019 and issued summons to the accused. After the appearance of the accused, copies of the entire records were furnished to them free of cost under Section 207 Cr.P.C.

4. Since the offence is exclusively triable by the Court of Session, the learned Judicial Magistrate committed the case records to the Principal District and Sessions Judge, Tiruchirappalli under Section 209(A) Cr.P.C. for further action.



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5. The Principal District and Sessions Judge, Tiruchirappalli, received the case records and numbered it as S.C.No.195 of 2019 and made it over to the III Additional District and Sessions Court, Tiruchirappalli.

6. On receipt of the records, the III Additional District and Sessions Court, Tiruchirappalli, framed charges against the Accused under Section 302 IPC. The charges were read over and explained to the accused. The accused denied the charges and claimed to be tried. Therefore, the case was posted for trial.

7. On the side of the prosecution, P.W.1 to P.W.19 were examined and Ex.P1 to Ex.P26 were marked. Material Objects M.O.1 to M.O.14 were produced. On the side of the accused, D.W.1 to D.W.3 were examined and Ex.D1 to Ex.D3 were marked.

8. By judgment dated 21.10.2021, the trial court convicted the accused, against which the present criminal appeal was filed.



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9. The learned counsel appellant contended that:

a. There are contradictions in the evidence of eyewitnesses, but the trial Court failed to consider the same.

b. At the time of occurrence, the accused was also beaten by suspicious person and the same was not noted by the trial Court.

c. The trial Court failed to note that the investigation is shoddy and lopsided and brimming with embellishments to suit the case of the prosecution. There are serious lapses in the investigation and further stated that at the time of occurrence, the accused was mentally ill that was not taken into consideration by the trial Court and therefore, prayed to set aside the conviction and sentence passed by the trial Court.

10. The learned Additional Public Prosecutor submitted that the prosecution case is supported by the evidence of eyewitnesses P.W.1, P.W.3, P.W.4 to P.W.7, P.W.10, and P.W.12. These witnesses have clearly stated that the offence was committed by none other than the accused. It was further contended that when attempts were made to apprehend the



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accused, he fell down and sustained injuries. The accused was subsequently treated in the hospital, and the wound certificate was marked as Ex.P.11. The Investigating Officer recorded the confession statement of the accused while he was in the hospital, which fact was not concealed by the prosecution. It was also submitted that the FIR was registered without delay and that the statements of the eyewitnesses are duly corroborated by the medical evidence. The arrest, confession, and recovery have been satisfactorily proved. The Doctor opined that the deceased died due to multiple stab injuries to the abdomen and the complications arising therefrom. Therefore, the trial Court, after proper appreciation of both oral and documentary evidence, rightly found the accused guilty. There is no merit in the Criminal Appeal, and the same is liable to be dismissed.

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

12. P.W.1, the mother of the deceased, clearly stated that on the



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date of occurrence at about 5.45 p.m., when she went to pick up her daughter from the college, the accused followed her daughter, suddenly pulled her by holding her hair, and stabbed her indiscriminately. She also mentioned the names of other eyewitnesses who witnessed the occurrence, which took place in broad daylight at a public place. The evidence of the eyewitnesses, namely P.W.2, P.W.3 to P.W.6, and P.W.10 to P.W.12, corroborates the testimony of P.W.1. They categorically stated that it was the accused alone who stabbed the deceased. It has not been established that these witnesses had any motive or enmity to falsely implicate the accused. Although the witnesses were not cross-examined immediately after their chief examination, they were cross-examined by the defence one year later. Even then, they consistently reiterated the same version as stated in their chief examination. The defence was unable to discredit their testimony.

13. Except for minor contradictions, there are no material discrepancies in the evidence of the eyewitnesses. Their testimonies are cogent, consistent, and trustworthy. There is no reason to doubt their



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presence or credibility. The ocular evidence stands duly corroborated.

14. The occurrence took place at about 5.15 p.m. on 14.06.2019. The FIR was registered on the same day at about 18.45 hours, within one and a half hours. The FIR was received by the Judicial Magistrate on the following day at about 06.10 a.m. Such delay is neither unexplained nor fatal to the prosecution case. The evidence of the eyewitnesses is further corroborated by the medical evidence and the postmortem report.

15. P.W.13, Dr. Ashraf, who issued the Accident Register (Ex.P. 10), stated that soon after the occurrence, at about 6.20 p.m., the deceased was brought to Mahatma Gandhi Government Hospital. He noted multiple stab injuries and collapse of the intestine. At about 6.45 p.m., the accused was also brought to the hospital, stating that he had been attacked by five persons. The Doctor treated him and issued the wound certificate (Ex.P.11), opining that the injuries were simple in nature.



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16. P.W.14, Dr.Juliana Jayanthi, who conducted the postmortem, found approximately 29 stab injuries and collapse of the intestine. The postmortem report (Ex.P.12) and final opinion (Ex.P.15) confirm that the deceased died due to multiple stab injuries to the abdomen and the complications arising therefrom.

17. The arrest, confession, and recovery from the accused have been clearly established by the prosecution. Most of the eyewitnesses are independent witnesses. It has not been shown that they harboured any prior enmity against the accused. There is nothing on record to indicate perversity in the judgment of the trial Court.

18. D.W.1 to D.W.3 were examined on the side of the defence to establish that the accused was suffering from a psychological disorder. D.W.1, the wife of the accused, stated that the deceased frequently called her husband, which allegedly caused him mental pressure. However, no medical records were produced to substantiate this claim. D.W.2, a friend of the accused, also spoke about alleged psychiatric issues but failed to



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produce any supporting material.

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19. D.W.3, Dr.Nepoliyan, who treated the accused in jail, stated that the accused was treated for mental depression from 03.08.2019 onwards. During cross-examination, he admitted that the accused was normal at the time of admission to jail and that treatment was given subsequently for complaints of fear and sleeplessness.

20. When a defence of unsoundness of mind is taken, the burden lies on the accused to establish that at the time of occurrence he was not in a fit mental condition. No evidence has been produced to show prior psychiatric treatment. The accused was arrested, produced before the Judicial Magistrate, charges were framed, and he actively participated in the trial with legal assistance. No plea of insanity was raised at the appropriate stage.

21. During cross-examination, the defence suggested an altogether different version, alleging that the deceased sustained injuries



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while attempting to prevent an attack on the accused by others. No plea of unsoundness of mind was raised. The defence now advanced appears to be an afterthought. Subsequent mental pressure following arrest cannot absolve criminal liability.

22. It is true that the accused sustained injuries. The prosecution explained that such injuries occurred when he attempted to escape and fell down. The accused did not lodge any complaint alleging assault by others. Considering that the occurrence took place at a public place with several eyewitnesses, the possibility of the accused being attacked by the public cannot be ruled out.

23. There is no evidence to suggest a free fight. The deceased, an innocent young woman, died due to the brutal attack by the accused. The accused deserves no leniency. The prosecution has proved the case beyond reasonable doubt.

24. The learned counsel for the appellant submitted that the



25. The trial Court, after proper appreciation of the oral and documentary evidence, rightly convicted the accused. There is no merit in this criminal appeal. However, the fine amount is reduced from Rs.5,00,000/- to Rs.3,00,000/-.

26. In the result, this Criminal Appeal is dismissed and the Judgment dated 21.10.2021 passed in S.C.No.195 of 2019 on the file of the III Additional District and Sessions Court, Tiruchirappalli, is hereby confirmed, subject to the modification regarding the fine amount.

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Copy to

1. The III Additional District and Sessions Court,
Tiruchirappalli.

2. The Inspector of Police,
Thillai Nagar Police Station,
Trichy,
Trichy 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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