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CrI.A.(MD)No.310 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 13.02.2026

PRONOUNCED ON : 23.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

CrI.A.(MD)No.310 of 2023

Parimanam @ Ranjith

... Appellant/Accused No.2

Vs.

State Represented by

Inspector of Police,

Somarasam pettai Police Station,

Trichy District.

.. Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374 of Criminal Procedure Code, to call for the records and set aside the judgement passed by Learned II Additional District and Sessions Judge, Tiruchirappalli in S.C.No.232 of 2018 dated 28.02.2023 and acquit the appellant herein.



CrIA.(MD)No.310 of 2023

For Appellant : Mr.R.Gandhi,

Senior Counsel

for Mr.T.J.Ebenezer Charles

For Respondent : Mr.R.Meenakshi Sundaram

Additional Public Prosecutor

J U D G M E N T

(Judgment of the Court was delivered by the Hon'ble R.POORNIMA.J)

The appellant / Accused No.2 has filed this Criminal Appeal against the judgement and conviction passed by the learned II Additional District and Sessions Judge, Tiruchirappalli in S.C.No.232 of 2018 dated 28.02.2023, where the appellant/2nd accused was found guilty of offence under section 120B r/w. 302 of IPC and he was found guilty of offence under Section 342 of IPC.

2. The case of the prosecution is that the first accused, Jeyakanthan, proposed his love to one Sneha, the daughter of Kumar. The same was questioned by the deceased, Deva, which resulted in enmity between the first accused and the deceased. On the date of occurrence, the accused Nos.1 and 2, along with other persons, criminally trespassed into the house of the deceased during night hours. The second accused



caught hold of the legs of the deceased, while the first accused and juvenile accused Kutty Rajesh attacked him with an aruval and inflicted multiple cut injuries, due to which the deceased succumbed to the injuries. When the mother of the deceased (P.W.1) attempted to prevent the attack, the first accused assaulted her and caused injuries.

3. A complaint was lodged by the father of the deceased, who is also the husband of P.W.1, with the following averments:

(i) Sneha, who was studying in 12th standard, is the niece of the complainant. The first accused used to tease her, express his love, and compel her to accept his proposal. The deceased Deva, being her relative, son of the complainant cautioned the first accused not to continue such behaviour. However, the first accused ignored the warning and continued to tease Sneha.

(ii) On 13.06.2017, P.W.1 (the mother of the deceased), Kumar (the father of Sneha), and the deceased went to the house of one Arvind, where the first accused was present, and questioned him as to why he was continuously teasing Sneha. At that time, a wordy quarrel ensued, during which the first accused threatened that he would definitely kill the deceased Deva.

(iii) On 14.06.2017, at about 08.00 p.m., after dinner, the



complainant was sleeping on the floor, while his wife and son (deceased) were lying on the cot. At about 11.00 p.m., the complainant heard the alarm raised by his son and immediately woke up. He saw the first accused attacking the deceased with an aruval on his neck, leg, chest, right hand, and left leg indiscriminately. Two other persons were holding the legs of the deceased, thereby preventing him from moving. The complainant stated that he was not aware of their names and other particulars but could identify them.

(iv) Further, when his wife attempted to prevent the accused from attacking the deceased, the first accused also assaulted her. Thereafter, the accused fled away from the place of occurrence. The deceased succumbed to the severe injuries sustained in the attack. The complainant then sent his wife to the hospital through a 108 ambulance with the assistance of his sister.

4. The complaint was received by the P.W.22, Sub Inspector of Police, Somarasam pettai Police Station . He registered FIR (Ex.P14) in Crime No.254 of 2017 under Sections 449, 324, 302 of IPC on 15.6.2017 at about 00.30hrs. Thereafter, P.W.23, took up the case for investigation and he went the place of occurrence and prepared observation mahazar (Ex.P15) and rough sketch (Ex.P16). He recovered



CrIA.(MD)No.310 of 2023

blood-stained earth and ordinary earth (M.O.1 & 2) in a seizure mahazar (Ex.P17). He also conducted inquest on the dead body of the deceased and prepared inquest report under exhibit P 18. He obtained report from the Electricity Board (Ex.P8). He arrested the A2 on 15.06.2017 in the presence of Village Administrative Officer and recorded his confession report P 19 and recovered two-wheeler viz., Hero Honda Splendor plus bearing registration No. TN 48 M 7450 and another Hero Honda Splendor Pro bearing registration No. TN 48 R 3207. He also recovered blood-stained billhook (2Nos) and prepared seizure Mahazar (Ex.P17). Thereafter, he arrested the 1st accused on 16.06.2017 and recorded his confession statement (Ex.P20). He also recovered blood-stained dress from the deceased and sent all the material objects in Form-95 to the Judicial Magistrate Court (Ex.P22). He completed the investigation and filed charge sheet against the accused under Sections 149, 324, 341, 302 r/w.120(b) of IPC.

5. On receipt of the records, the Judicial Magistrate No.5, Tiruchirappalli, took up the case in P.R.C.No.23 of 2017 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.



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6. 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.

7. The Principal District and Sessions Judge, Tiruchirappalli, received the case records and numbered it as S.C.No.232 of 2018 and made it over to the II Additional District and Sessions Court, Tiruchirappalli.

8. On receipt of the records, the II Additional District and Sessions Court, Tiruchirappalli, framed charges against the Accused under Section 120(b), 302, 341, 449, 324 of 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.

9. On the side of prosecution P.W.1 to P.W.23 were examined and Ex.P1 to Ex.P22 were marked and produced M.O.1 to M.O.12. On the side of accused no evidences were produced.



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10. On conclusion of trial, the learned II Additional District and Sessions Judge, Tiruchirappalli, convicted the A1 & A2 and acquitted the A3 to A5 by judgment dated 28.02.2023, against which, the present Criminal Appeal has been filed by the appellant / A2 among the following grounds:

a) The trial Court wrongly taken the evidence of P.W.1 and based on her evidence the conviction was imposed upon the appellant which is not sustainable.

b) The trial Court failed to consider that at the time of cross-examination P.W.1, she stated that due to the injury ,she fainted, she gets conscious only at hospital, to that effect the order of the lower Court can be set aside. There were several material contradictions in the evidence of P.W.1, her evidence ought not to have been considered by the trial court.

c) The trial Court failed to consider that the prosecution projects that teasing one Sneha is a motive for this offence. But they did not bring the Sneha as a witness on the side of the prosecution and failed to prove the motive, the same is fatal to the case of the prosecution.

d) The trial Court failed to consider that there was delay in sending the FIR to the Court. The Lower court failed to consider the medical evidence goes against the prosecution case. The Trial Court failed to



consider that the arrest and recovery of material objects from the appellant is highly doubtful.

(e) The prosecution failed to prove the case against this appellant/A2 and hence, he prayed to set aside the judgment of the trial Court and to acquit the appellant from all charges.

11. The learned Additional Public Prosecutor appearing for the State contended that the complaint, marked as Ex.P1, was lodged by the father of the deceased. However, he is no more. P.W.1, who is the injured eyewitness, in her evidence clearly narrated about the occurrence. Based on her testimony, the Trial Court convicted the accused. Though the complainant has since died, in the complaint he had clearly stated that the first accused attacked the deceased while two other persons held the legs of the deceased. P.W.1, the eyewitness, has also spoken about the presence of A2 at the scene of occurrence. The evidence of the eyewitness is corroborated by the medical evidence. Therefore, the learned Additional Public Prosecutor prayed that this Court may dismiss the present Criminal Appeal.

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



WEB COPY

CrIA.(MD)No.310 of 2023



13. On perusal of the records, this Court finds that Ex.P1 is the complaint lodged by the husband of P.W.1 and the father of the deceased. In the said complaint, he stated that on the date of occurrence the first accused came and attacked the deceased with an aruval, while two unknown persons held the legs of the deceased. He had also stated that he was not aware of their identity but could identify them if produced before him. However, during the pendency of the trial he died. During his lifetime, the police did not conduct any identification parade to identify the said persons.

14. Except P.W.1, there is no other witness to support the prosecution case. In the present case, the appeal has been filed only by A2 and not by the other accused.

15. As per the charges framed against this appellant along with the other accused, it is alleged that they conspired together to commit the murder of the deceased, unlawfully entered the house of the deceased, restrained him by holding his legs, prevented him from moving, and caused the death of the deceased along with A1, besides causing injuries to P.W.1.



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16. During her chief examination, P.W.1, who is the mother of the deceased, an injured witness and an eyewitness, stated that A1 to A3 entered the house and attacked her son indiscriminately. When her son raised an alarm, she rushed towards him and she was also attacked. However, she has not specifically stated the overt act committed by each of the accused. Her evidence is contrary to the contents of the complaint and also inconsistent with the charge framed against Accused No.2.

17. Except P.W.1, no other witness has spoken about the overt act of the accused. All other witnesses turned hostile. P.W.1 has spoken about the motive only as against A1 and the deceased, and not against the present appellant. P.W.6 has also spoken about the motive only as against A1 and not against A2. The alleged conspiracy among the accused persons has neither been spoken to nor proved by the prosecution.

18. Since the sole eyewitness to the occurrence has given a version contrary to Ex.P1, the mere statement of P.W.1 that this appellant also attacked the deceased with an aruval cannot be accepted, especially when the prosecution case itself is that A2 only held the legs of the deceased. Therefore, the conviction based on such evidence is not safe



WEB COPY

CrIA.(MD)No.310 of 2023



19. Further, it is not the case of the prosecution that A2 attacked the deceased. The charge against this appellant is that he held the legs of the deceased and prevented him from moving. However, this fact was not spoken to by P.W.1 in her evidence. Therefore, the charge against Accused No.2 has not been proved.

20. Further, during cross-examination, P.W.1 clearly stated that she was not in a position to explain whether Accused Nos.2 and 3 inflicted any injury.

21. As per the complaint (Ex.P1), the husband of P.W.1 stated that A1 attacked the deceased and two unknown persons held the legs of the deceased tightly, while A1 alone attacked. Thereafter, his wife and others fled from the place of occurrence.

22. In view of the above inconsistencies and lack of clear evidence regarding the role of Accused No.2, the prosecution has failed to prove the charges against the appellant beyond reasonable doubt. Therefore, this Court is inclined to allow the criminal appeal.



CrIA.(MD)No.310 of 2023

23. Accordingly, the Criminal Appeal is allowed. The conviction and sentence imposed on the appellant/Accused No.2, by Judgment dated 28.02.2023, made in S.C.No.232 of 2018, on the file of the II Additional District and Sessions Judge, Tiruchirappalli, is set aside and the appellant is acquitted of all the charges. Fine amount, if any, paid by the appellant shall be refunded to him. Bail bond, if any, shall stand cancelled.

(G.K.I.J) (R.P.J.,)
23.03.2026

Index:Yes/No

NCC:Yes/No

GVN

To

1.The Principal District and Sessions Judge,
Tiruchirappalli.

2. The Inspector of Police,
Somarasam pettai Police Station,
Trichy District.

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



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CrI.A.(MD)No.310 of 2023

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and
R.POORNIMA, J

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CrI.A(MD)No.310 of 2023

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