



Crl.A.(MD).No.415 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date of Reserved	03.02.2025
Date of Pronounced	23.03.2026

CORAM

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

Crl.A(MD)No.415 of 2022

Bose : Appellant/Sole accused

Vs.

**The State represented by
The Inspector of Police,
Thirupulani Police Station,
Ramanathapuram District.
(Crime No.78 of 2018)**

: Respondent/Complainant

PRAYER : Criminal Appeal filed under Section 374 of the Criminal Procedure Code, to call for the records in S.C.No.82 of 2019 dated 10.03.2022 on the file of the Principal Sessions Court, Ramanathapuram and to set aside the same by allowing the criminal appeal.



Crl.A.(MD).No.415 of 2022

For Appellant

: Mr.C.Susi Kumar

For Respondent

: Mr.T.Senthil Kumar
Additional Public Prosecutor

JUDGMENT

(Judgment of the Court was made by the Hon'ble **R.POORNIMA, J.**)

This Criminal Appeal is filed against the judgment of conviction and sentence passed by the learned Principal Sessions Court, Ramanathapuram, in S.C.No.82 of 2019 dated 10.03.2022 and consequently to acquit the appellant.

2. The Case of the prosecution is that on 14.06.2018, the complainant, his brother (deceased Krishnan), witnesses Ragupathy, Ramesh had gone to Ragunathapuram area in order to purchase reapers. Later when they went behind the brandy shop in Melur, the accused came and abused the deceased by stating that his cousin brother was murdered by a relative of the deceased and therefore, he wants to kill him and that no one can question or step him. Then he immediately took a beer bottle and gave a blow on the back side of the deceased head. The bottle was broken and he sustained injury on his head. His brother also fell down.



Crl.A.(MD).No.415 of 2022

Immediately the accused took a knife from his hip and stabbed the deceased on his neck, chest, right rib and above the right chest indiscriminately. When they tried to catch the accused, he also threatened them with dire consequences by showing the knife and fled away from the place of occurrence. At that time, he had a fall and sustained injury. Subsequently, he fled away from the place of occurrence in his two wheeler bearing Registration No.TN 65 T 6253. Immediately they have informed to the ambulance and the police. Then the dead body was taken to Ramnad Government Hospital and he lodged the complaint before the Thiruppullani Police Station with a prayer to take action against the accused.

(i). After receipt of the complaint (Ex.P1), P.W.8 Thiru.Ravichandran, Sub Inspector of Police, registered FIR in Crime No. 78 of 2018 for the offence under Section 294(b), 302 and 506(ii) IPC on 14.06.2018 at about 17 hours.

(ii). P.W.13 Tmt.Yamuna, who was in-charge Inspector of Keelakarai Police Station took up the case for investigation and she went to the place of occurrence prepared observation mahazar (Ex.P.4), rough sketch (Ex.P.7) in the presence of witnesses and recovered blood stained



Crl.A.(MD).No.415 of 2022

soil and brandy beer bottle (M.O.1, M.O.4 and M.O.5) under a recovery mahazar (Ex.P6). She arrested the accused on 15.06.2018 at about 11.30 hours and recorded his confession statement (Ex.P.8) and also recovered the two wheeler and the knife (M.O.2 and M.O.3) under a recovery mahazar (Ex.P.5). She conducted inquest on the dead body and prepared inquest report (Ex.P.9). She recovered the dresses of the deceased (M.O.6 and M.O.7) under Form-95 and forwarded the same to the Judicial Magistrate Court.

(iii). P.W.14, Tmt.Muthu Meenakshi, Inspector of Keelakarai Police Station, after finished her leave, took up the case for further investigation. She examined the witnesses and send a viscera for chemical examination. She received serological and biological report.

(iv). P.W.9 Dr.Jayakumar who had conducted the postmortem found the following injuries on the dead body and issued the postmortem report (Ex.P.3). The biological report, serology report and viscera report ExP.10 to Ex.P.12 were also collected by the investigation officer.

(v). After completing the investigation, on 01.09.2018 she filed final charge sheet against the accused for the offence under Sections 341, 294(b), 302 and 506(ii) IPC.



Crl.A.(MD).No.415 of 2022

WEB COPY

3. The Judicial Magistrate No.I, Ramanathapuram having taken cognizance of the case in PRC No.35 of 2018 against the accused. Completed all necessary formalities. Copies of the relevant documents were furnished to the accused in compliance with Section 207 Cr.P.C. Upon satisfaction of the statutory requirements the case was committed to the Court of Sessions. Thereafter, the Principal Sessions Court, Ramanathapuram, after completing the requisite formalities, framed charges against the Accused under Sections 341, 294(b), 302 & 506(ii) 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.

4. On the side of the prosecution, P.W.1 to P.W.14 were examined and Ex.P1 to Ex.P12 were marked. Material Objects M.O.1 to M.O.7 were produced. On the side of the accused, D.W.1 was examined and no document was marked. Court Witnesses were examined as C.W.1 & C.W.2 were marked.



Crl.A.(MD).No.415 of 2022

5. On conclusion of trial, the learned Principal Sessions Judge, Ramanathapuram, convicted the accused by judgment dated 10.03.2022, against which, the present Criminal Appeal has been filed by the appellant / accused.

6. The learned counsel appearing for the appellant/accused contended that there is a variation of the evidence of P.W.1 with regard to filing of complaint. The injury of the deceased was not properly spoken by P.W.1. The evidence of P.W.1 and medical evidence is not corroborated. Though it was alleged that P.W.2 and P.W.3 were took the body of the deceased, the blood stained clothes worn by the above witnesses were not recovered which creates serious suspicious. P.W.1 to P.W.3 are close relatives. But P.W.4 and P.W.5 who are independent witnesses had not spoken about the occurrence and turned hostile. There are contradictions between the evidence of eyewitnesses and their 161 statements. The prosecution failed to prove the case beyond all reasonable doubts and hence, prayed to set aside the order of the trial Court and to allow the criminal appeal and thereby acquit the appellant.



Crl.A.(MD).No.415 of 2022

7. The learned counsel appearing for the State would submit that the case is based on eye witnesses. P.W.1 to P.W.3 have spoken about the occurrence. Though P.W.4 and P.W.5 were cited as eyewitnesses, they turned hostile and did not support the prosecution case. But the evidence of P.W.1 to P.W.3 are cogent clear and without embellishment. Their evidence cannot be thrown away because they have clearly spoken about the occurrence. Soon after the occurrence, the complaint was lodged and FIR was also registered.

8. According to the prosecution, the occurrence took place at about 3.20 hours, the FIR was lodged at about 17.00 hours without an inordinate delay and the same was sent to the Judicial Magistrate Court on the same day at about 11.50 p.m. There is no delay in filing the FIR and sending the same to the Court. All the witnesses were examined and the eyewitnesses have spoken about the occurrence. The arrest, confession and recovery were also proved. The motive was also spoken by P.W.1 to P.W.3 and there is no infirmity in the order of the trial Court and the criminal appeal has no merit and the same is liable to be dismissed.



Crl.A.(MD).No.415 of 2022

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

10. The present case is based on the evidence of eyewitnesses to the occurrence. P.W.1, who is the complainant as well as the eyewitness to the occurrence, during his chief examination, had categorically deposed that on the date of occurrence himself, his brother (deceased), P.W.2 and P.W.3 were standing in a Farm near Melur, when his brother (deceased) was proceeding in front of them and at that time, the accused came and stated that his cousin brother murdered his cousin brother and he immediately attacked him with a beer bottle on his head. Therefore, the deceased sustained injury and fell down. The accused then took a knife from his hip and attacked on his neck, left chest and other parts of the body. When they tried to prevent him, he also tries to assault them. Therefore, they could not proceed further and he ran away from the place of occurrence and at that time, suddenly he had a fall and sustained injury. Thereafter, they called an ambulance and took the dead body of his brother to the hospital and lodged the complaint. The evidence of P.W.1 was supported by P.W.2 and P.W.3. The evidence of P.W.1 was corroborated



Crl.A.(MD).No.415 of 2022

by both P.W.1 and P.W.2. All the evidences categorically stated that initially the accused assaulted the deceased with a beer bottle on his head and subsequently, the accused taken a knife and stabbed him indiscriminately. It is proved that the accused was the one who committed the crime.

11. Though P.W.4 and P.W.5 were cited as eyewitnesses, they did not support the prosecution case. However, P.W.4 in his evidence had stated that three years back, he heard a loud noise and he went and witnessed that the deceased Krishnan had sustained stab injuries and was found to be dead. P.W.5 also stated that he saw the dead body and police also arrived at the place of occurrence and enquired him. He also stated that he knew the accused as he used to come and purchase alcohol and even at the time of occurrence, the accused had purchased liquor at about 12.00 p.m. It is proved by the evidence of P.W.4 and P.W.5 that the deceased died due to the stab injuries and the accused had also at that time had gone to purchase liquor in the shop belonging to P.W.5.

12. The evidence of eyewitnesses corroborated the medical



Crl.A.(MD).No.415 of 2022

evidence. P.W.9 Dr.Jayakumar, who conducted post mortem on the dead body of the deceased listed the following injuries that was found on the dead body :

External injures :

- 1. Multiple laceration over anterior aspect f neck skin depth*
- 2. Laceration 3 x 2 x 2 cm over suprasternal notch upto subcutaneous tissue.*
- 3. Laceration 3 x 2 x 1 cm below the left clavicle*
- 4. Laceration 3 x 2 x 2 cm over left chest lateral aspect below the axila*
- 5. Laceration 3 x 2 x 2 cm below left costal margin along the mid auxillary line.*

13. He also opined that there is a chance for the injuries 1 to 5 have been committed with a sharp edge weapon. It was suggested by the defence counsel that even if a person had a fallen due to a push, he could have sustained those injuries, but the Doctor denied the said suggestion. Again the Doctor was called after a period of 10 months and was cross examined once again. The defence counsel again suggested that if a person falls on a sharp edged material, he could sustain such injuries. But



Crl.A.(MD).No.415 of 2022

the same was again denied and the Doctor clearly stated that it is not possible, because the nature of injuries shows that he was attacked with a sharp edged weapon.

14. The arrest, confession and recovery was spoken by P.W.10 and P.W.12. The knife and beer bottle was recovered from the accused and a two wheeler was also recovered. Though P.W.1 had stated that the accused attacked his brother on his face, no such injury was found in the deceased's face. However, that is not fatal to the prosecution case. The Doctor (PW.9) clearly stated that the deceased sustained serious stab injuries on his chest and ribs.

15. The material objects bottle, lungi, shirt (deceased dresses) and knife were sent to the Forensic Lab for serological report which reveals that all the items belong to the same blood group ("B"). Though the prosecution did not produce any supporting evidence to prove that the accused had a previous motive to kill the deceased, the prosecution case solely rests on the evidence of eyewitnesses and hence, the prosecution need not prove the motive of the accused behind the occurrence.



Crl.A.(MD).No.415 of 2022

WEB COPY

16. In this case, the prosecution proved the case beyond all reasonable doubt. The trial Court, after considering the entire material records, had found the accused guilty for the offence committed by him. We do not find any perversity in the order of the trial Court and hence, the Criminal Appeal lacks merit and is liable to be dismissed.

17. In the result, this Criminal Appeal is dismissed and the Judgment dated 10.03.2022 passed in SC No.82 of 2019 dated 10.03.2022 on the file of the Principal Sessions Court, Ramanathapuram, is hereby confirmed.

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

Index:Yes/No
Internet:Yes/No
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Crl.A.(MD).No.415 of 2022

To
WEB COPY

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



WEB COPY



Crl.A.(MD).No.415 of 2022

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Crl.A(MD)No.415 of 2022

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