



Crl.A(MD)No.950 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

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1.Murugaiah

2.Karuppasamy

... Appellants

Vs.

State Represented by

The Inspector of Police,

Thermal Nagar Police Station,

Thoothukudi District.

(Crime No.266/2014)

...Respondent

PRAYER: Criminal Appeal filed under Section 374 of the Criminal Procedure Code to call for the entire records of the judgment passed in S.C.No.444 of 2015 dated 04.10.2024 on the file of the I Additional District Sessions Judge, Thoothukudi, Thoothukudi District and to allow the appeal and to release of appellants/accused -A1 and A2.



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For Appellants : Mr.S.Muthu Malai Raja

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

JUDGMENT

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

This Criminal Appeal is filed against the conviction and sentence passed against the appellants in the judgment dated 04.10.2024 passed by the learned I Additional District Sessions Judge, Thoothukudi, Thoothukudi District in S.C.No.444 of 2015 by convicting and sentencing the appellants for the offence punishable under Section 302 IPC and sentenced to undergo imprisonment for life and to pay a sum of Rs.5000/- in default, to undergo three months Simple imprisonment.

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

a) The complainant was running an old iron shop. The appellants, along with their associates, used to demand mamool from the complainant, namely Ganesan. This was brought to the notice of his son, Muthukumar (the deceased). Subsequently, Accused 1 to 4 came to the shop and once again demanded money, which the deceased refused to



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pay. Even one week prior to the occurrence, there had been a quarrel between the deceased and the accused regarding the payment of mamool.

b) Due to the said previous enmity, on 12.11.2013 at about 2.30 p.m., when the complainant, his brother, his son Muthukumar and others were conversing in their shop, Accused 1 to 3, along with another accused, came there and demanded a sum of Rs.500/-. The complainant refused to pay the amount and his son also stated that they would not give any money. This led to a wordy altercation between the parties.

c) During the course of the quarrel, all the accused pushed the deceased near the house of one Selvam. Thereafter, A1 took a billhook concealed by him and attacked the deceased, inflicting cut injuries on his face, left cheek, left ear, left eye and left wrist. A2 inflicted injury on his left cheek, left eye, left ear, left wrist, A3 took a billhook and indiscriminately inflicted cut injuries on the chin, nose, left side of the mouth and other parts of the body of the deceased and A4 also inflicted injury on his son's nose indiscriminately. Due to the attack, the deceased fell down in a pool of blood.

d) On witnessing the occurrence, the complainant and other witnesses attempted to apprehend the accused. However, the accused, brandishing their weapons, threatened the witnesses with dire



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consequences and fled from the place of occurrence. Thereafter, the complainant and his brother took Muthukumar in a 108 ambulance to the Government Hospital, Thoothukudi, where the Doctor examined him and declared that he was brought dead.

e) After receiving the complaint (Ex.P1) from the complainant, the Special Sub Inspector of Thermal Nagar Police Station, Mr.Veerabaghu, (P.W.16) registered the FIR in Crime No. 134 of 2013 for the offences under Sections 294(b), 342, 302, 506(ii) and 387 of the IPC against A1 and under Sections 302, 506(ii), and 387 of the IPC against A2 and A4.

f) Thereafter, the Inspector of Thermal Nagar Police Station, Mr.Sureshkumar (P.W.19) took up the case for further investigation. He visited the place of occurrence, prepared the observation mahazar (Ex.P.2) and rough sketch (Ex.P31), recorded the statement of P.W.2 and recovered M.O.6 to M.O.10. On 14.11.2013 he arrested the accused, their confession statements were recorded under Ex.35, Ex.37, Ex.40, Ex.42 and recovered M.O.1 to M.O.4, M.O.11 to M.O.14 were recovered under recovery mahazar Ex.P.38, Ex.P.39, Ex.P.41 and Ex.P.43.

g) Thereafter, the investigating officer sent a request to the Judicial Magistrate to conduct an identification parade. The Judicial



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Magistrate conducted the identification parade and the accused were identified by witnesses. The identification parade report was marked as Ex.P.15. P.W18 Dr.Manoharan conducted postmortem on the dead body and issued the postmortem certificate (Ex.P30). P.W.20, Dr.Sorna Jothi, issued the accident register (Ex.P34).

h) The original complainant was Ganesan, the father of the deceased, who lodged the complaint (Ex.P1) and identified the accused during the identification parade. At the time of filing the final report, Ganesan/complainant died and during trial, the fourth accused also died.

i) P.W.21, Mr.Raji, after completing the investigation, filed a final report against the accused for the offence punishable under Sections 294(b), 342, 302, 506(ii) and 387 of the IPC against A1 and under Sections 302, 506(ii), and 387 of the IPC against A2 and A4

3) On receipt of the records, the learned Judicial Magistrate No.II, Thoothukudi, took up the case in P.R.C.No.45 of 2014 and issued summons to the accused. After appearance of the accused, copies of the entire records were furnished to him free of cost under Section 207 Cr.P.C.



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4) Since the offence was exclusively triable by the Sessions Court, the learned Judicial Magistrate committed the case records to the learned I Additional District Sessions Judge, Thoothukudi, under Section 209(A) Cr.P.C. for further action.

5. The learned I Additional District Sessions Judge, Thoothukudi, Thoothukudi District received the case records, numbered it as S.C.No.444 of 2015 and took up the case for disposal according to law. After receipt of the case records, the learned I Additional District Sessions Judge, Thoothukudi, Thoothukudi District framed charges against the accused under Sections 302, 387, 294(b) and 506(ii) of IPC against A1 and under Section 302, 387 and 506(ii) of IPC against A2 to A4. 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.

6. On the side of the prosecution, P.W.1 to P.W.21 were examined and Ex.P1 to Ex.P43 were marked and produced M.O.1 to M.O.14. On the side of the accused, no witness was examined. On the side of the Court one Exhibit was marked as Ex.C1.



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7. After a full trial, A3 died, the trial Court convicted A1, A2 and A4 for the offence punishable under Section 302 IPC and sentenced them to undergo imprisonment for life and to pay a sum of Rs.5000/- in default, to undergo three months of simple imprisonment, against which, the present Criminal Appeal has been filed by A1, A2.

8. The learned counsel for the appellants submitted that the trial Court failed to appreciate the material contradiction of the prosecution witnesses statements of P.W.1 to P.W.6, who are the interested witnesses and also contradicted with Ex.P1, Ex.P20 and Ex.P34. The recovery of weapons from the appellants also contrary to the Criminal Procedure Code and also does not attract Section 27 of Evidence Act. In this regard, P.W.10 and P.W.17 statements are totally false and contrary to law. He further contended that the previous motive had not been established by the prosecution witnesses of P.W.7 and P.W.13.

9. In this case, P.W.14, the owner of the vehicle (M.O.5), deposed regarding the relevant facts and details during his examination



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and cross-examination. However, the trial Court mistakenly treated P.W. 14 as a hostile witness. Hence, the appellants pray this Court to allow the criminal appeal.

10. The learned Additional Public Prosecutor appearing for the State, submitted that all the witnesses spoken about the conduct and character of the accused and the motive for committing the offence. The arrest of the accused, their confession statements and the recovery of material objects has also been duly proved. The learned trial Court, after considering the oral and documentary evidence on record, rightly convicted the accused. Hence, he prayed for dismissal of the appeal.

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

12. Now this Court has to decide whether the judgement rendered by the trial Court is proper or liable to be set aside ?

13. At the time of trial the complainant died, the brother of



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the complainant was examined as Pw1, in his evidence he clearly stated that on 12.11.2013 at about 2.30 p.m., he, the complainant (his brother) and the complainant's son (the deceased) were talking among themselves in their shop. At that time, A1 to A4, came there and demanded a sum of Rs.500/- as mamool. The complainant and his son, the deceased, refused to pay the amount. Thereafter, a wordy quarrel arose between them. Subsequently, A1 to A4 took the deceased near the house of one Selvam, took the billhook that they had concealed and attacked the deceased indiscriminately all over his body. The deceased fell down in a pool of blood. On witnessing the occurrence, the complainant and other witnesses attempted to apprehend the accused. However, the accused persons brandished their weapons, threatened the witnesses with dire consequences and fled from the place of occurrence. Thereafter, the complainant and his brother took Muthukumar in a 108 ambulance to the Thoothukudi Government Hospital. The doctor examined him and declared him dead. The evidence of P.W.1 is clearly corroborated by the evidence of P.W.2.

14. P.W.1 was examined on 05.09.2019 and was cross-examined by the defence on 06.01.2020. Likewise, P.W.2 was examined



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on 05.09.2019 and cross-examined by the defence on 28.01.2020. As there was a lapse of about five months before their cross-examination, minor contradictions appeared in their statements.

15. P.W.3 also spoke about the motive for the occurrence and categorically stated that the accused came to the place and demanded money from the deceased's father, who was the complainant. A wordy quarrel arose between them, after which the accused took Muthukumar and attacked him with an aruval, resulting in his death.

16. P.W.7 is an independent witnesses. He deposed about the presence of accused in the place of occurrence with weapons and deposed that the accused created problem with the complainant.

17. Since the accused persons were involved in several criminal cases, the independent witnesses turned hostile out of fear.

18. P.W.14, the owner of the vehicle, categorically stated that on 12.11.2013, the date of occurrence, A1, who is his neighbour, took his vehicle stating that he had to go to Thoothukudi town. A2 and A3 also



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accompanied him in the vehicle. However, the vehicle was not returned.

Subsequently, the police informed him that the said vehicle had been used in the commission of the murder. This evidence proves the conduct of the accused both prior to and subsequent to the occurrence.

19. The Doctor who conducted the postmortem issued Ex.P30 postmortem certificate noted that the deceased had sustained about 12 cut injuries all over his body and that he died due to excessive bleeding from those injuries.

20. It is further seen that this appeal has been filed only by A1 and A2. The witnesses have clearly stated that the accused persons demanded money from the deceased and his father and that they refused to pay the same. Therefore, the accused attacked the deceased with a billhook and inflicted severe injuries, resulting in his death. While lodging the complaint, P.W.1 clearly mentioned the names of the accused persons and also identified them during the identification parade. During the course of trial, the complainant died. However, the other witnesses have clearly spoken about the involvement of the accused in the crime.



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21. The occurrence took place at about 2.35 p.m. The complaint was lodged on the same day at 5.30 p.m., and the FIR reached the Court at about 11.30 p.m. on the same day. Therefore, there is no inordinate delay either in lodging the complaint or in forwarding the FIR to the Magistrate Court.

22. The prosecution has established the guilt of the accused beyond reasonable doubt. The trial Court, after taking into consideration the materials available on record, held the accused guilty of the offence under Section 302 IPC. The control sample of the deceased showed a particular blood group. The material objects, namely the dresses worn by the accused and the deceased and the weapons seized from the accused, were sent for chemical analysis. As per Ex.P18, the bloodstains found on the dresses recovered from A1 and A2 and the weapon recovered from A2 tallied with the blood group of the deceased.

23. The judgment of the trial Court is proper and there are no strong grounds to interfere with the same.

24. On a careful perusal of the entire records, we find that there are no materials available to interfere with the judgment of the trial



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Court. The Criminal Appeal has no merit and is liable to be dismissed.

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25. Accordingly, the Criminal Appeal stands dismissed and the judgment passed in S.C.No.444 of 2015 on the file of the learned I Additional District Sessions Judge, Thoothukudi, Thoothukudi District dated 04.10.2024 is hereby confirmed.

(G.K.I., J.) & (R.P., J.)
17.02.2026

Index : Yes / No

NCC : Yes / No

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To

1. The I Additional District Sessions Court,
Thoothukudi, Thoothukudi District.
2. The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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