



Crl. A(MD)No.327 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.04.2026

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

AND

THE HONOURABLE Mr. JUSTICE K.K.RAMAKRISHNAN

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State represented by
the Inspector of Police,
Manachanallur Police Station,
Trichy
Crime No.224 of 2010

State rep. by
The Public Prosecutor
Madurai Bench of Madras High Court

.. Appellant/Complainant

Vs.

1.Murugesan
2.Mohanraj
3.Babu
4.Dhanbal
5.Balasamudhar

..Respondents/Accused 1 to 5

Appeal filed under Section 378(i) of Criminal Procedure Code,



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against the judgment and order dated 02.09.2022 in S.C.No.231 of 2012 on the file of the First Additional District and Sessions Judge, (PCR), Tiruchirappalli

For Appellants	: Mr.E.Antony Sahaya Prabakar Additional Public Prosecutor
For Respondents	: Mr.T.Leninkumar for R1 and R5

JUDGMENT

(Judgment of the Court was delivered by N.ANAND VENKATESH, J)

This Criminal Appeal has been filed by the State against the judgment of the I Additional District and Sessions Judge, (PCR), Tiruchirappalli made in SC No.231 of 2022 dated 02.09.2022, wherein, the trial court acquitted all the accused persons from all charges and set them at liberty.

2.The case of the prosecution is that A1 had asked for the sale of the property belonging to the family of the complainant for a lesser price and it was refused and as a result, there was a previous enmity. Apart from that, A1 was under the impression that the deceased was aware of the whereabouts of one of his wife, who is said to have eloped with one Velumani, S/o.Rajeshkumar. With this previous motive, on 07.12.2010, A1



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threatened to divulge the place where one of his wife had gone. A1 decided to do away the deceased and there was a criminal conspiracy among A1 to A4. A1 along with A2 to A4 on 10.12.2010, went to Kallipalayam cut road near SSB rice mill and were waiting for the de-facto complainant (PW1) and the deceased. They saw the deceased coming in a two wheeler along with the defacto complainant and they were bringing a milk can. The deceased was pushed down and A1 to A4 attacked him with aruval all over his body. As a result, the deceased died. They fled the scene of crime and based on the complaint given by PW1, the FIR (Ex.P28) came to be registered in Crime No.224 of 2010 by PW20.

3. The investigation was taken over by PW22, who went to the scene of crime and prepared the observation mahazar (Ex.P2) and rough sketch. He also seized the material objects from the place of occurrence. He conducted the inquest in the presence of the witnesses and prepared the inquest report, which was marked as Ex.P32. The dead body was sent for postmortem to the Government Hospital, Tiruchirappalli and the postmortem was conducted by PW18 and the autopsy report given by the



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Doctor was marked as Ex.P27 and the following injuries were noted:

“WOUNDS:

1. A transverse cut wound, 30 cm x 4 cm x bone deep, on the forehead. Cut fracture of frontal bone present, exposing the brain.
2. A transverse cut wound, 11 cm x 3 cm x bone deep, on the right frontal region of the scalp.
3. An oblique cut wound, 20 cm x 10 cm x bone deep, on the right temporal and right side of occipital regions of the scalp. Right ear is hanging and 21 wounds
4. An oblique cut wound, 6 cm x 2 cm x through and through, on the pinna of right ear.
5. An oblique cut wound, 12 cm x 10 cm x bone deep, on the right side of face.
6. A transverse cut wound, 18 cm x 6 cm x bone deep, on the nose, right cheek. Cut fracture of nasal bones and right upper jaw bone present.
7. A transverse cut wound, 17 cm x 4 cm x bone deep, on the right side of lower jaw. Cut fracture of lower jaw bone present.
8. A transverse cut wound, 10 cm x 4 cm x bone deep, on the right side of lower jaw, 3 cm below the 7th wound.
9. A transverse cut wound, 15 cm x 4 cm x bone deep, on the chin.
10. A transverse cut wound, 16 cm x 5 cm x bone deep, on the chin, 2 cm below the 9th wound. O/E The muscles, blood vessels and nerves are clean cut. Cut fracture of food pipe, wind pipe and Hyoid bone present.
11. A transverse cut wound, 9 cm x 1 cm x muscle deep, on the front of left side of neck.
12. Multiple linear cut wounds, of varying lengths, on the top of right shoulder and front of right arm.



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13. A transverse cut wound, 10 cm x 3 cm x bone deep, on the back of middle third of right forearm. Cut fracture of radius bone present.
14. A slash cut wound, 7 cm x 4 cm x bone deep, on the back of right wrist. The muscles, blood vessels, tendons and nerves are clean cut. Cut fracture of right ulna bone present.
15. A transverse cut wound, 8 cm x 5 cm x bone deep, on the back of right hand. Cut fracture of 1 to 4 meta carpal bones present.
16. A slash cut wound. 7 cm x 3 cm muscle deep, on the back right index finger.
17. An oblique cut wound, 13 cm x 4 cm x bone deep, on the right palm.
18. An oblique cut wound, 17 cm x 4 cm x bone deep, on the front of right wrist.
19. A vertical cut wound, 12 cm x 4 cm x muscle deep, on the back of upper third of right leg.
20. An oblique cut wound, 10 cm x 3 cm x bone deep, on the front of right sole of foot. Cut fracture of 1 to 3 metatarsal bones present.
21. A vertical cut wound, 9 cm x 2 cm x bone deep, on the back of left little finger. Cut fracture of proximal, middle and terminal phalanges are present.
22. A vertical cut wound, 3 cm x 1 cm x bone deep, on the back of left ring finger. Cut fracture of proximal phalanx present.
23. A vertical cut wound, 7 cm x 1 cm x bone deep, on the back of left middle and index finger. Cut fracture of proximal phalanges present.
24. Dark brown colour abrasions, of varying dimensions, on the front of left shoulder, front of left forearm, front of right knee.
25. Bruising of frontal, right temporal, right parietal regions of the scalp



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and right temporalis muscle-Dark red. Cut fracture of frontal bone present. Sub dural haemorrhage and Sub arachnoid haemorrhage on both cerebral and cerebellar hemispheres. Laceration of frontal lobe of right cerebral hemisphere present. Fracture base of skull-right anterior and middle cranial fossae present.

In all the above wounds, edges are clean cut. Blood is diffused in to the wound track of all the wounds.

The above mentioned wounds are ante-mortem. No other external, internal or bony wound. Other findings: Peritoneum intact, cavity empty; Pleura intact, cavity empty;

Pericardium intact, cavity straw colour fluid; Heart normal in size; Myocardium-normal, chambers - fluid and clotted blood; Valves - normal, Coronary vessels - patent, Great vessels -normal, Lungs c/s pale; Larynx, Trachea and Hyoid bone - vide wound column; Stomach - brown colour thick fluid, no specific smell, mucosa congested; Oesophagus-intact, mucosa pale; Pancreas pale; Gall bladder full no stone; Liver, Spleen and Kidneys c/s pale: Omentum and Mesentery - intact, normal; Small intestine-yellowish chyme, no specific smell, mucosa congested: Appendix-intact, normal; Large intestine -filled with gas; Urinary bladder - intact, empty; Pelvis-intact; Scalp, Skull bones, Membranes and Brain vide wound column; CSF-blood stained; Vertebral column and cord -intact; All other internal organs on c/s pale Opinion as to the cause of death:-"DIED OF SHOCK AND HAEMORRHAGE DUE TO MULTIPLE CUT WOUNDS"



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4. The investigation was taken over by PW23 and he continued to record the statements of witnesses under Section 161(3) of Cr.P.C.

5. Thereafter PW24 took over the investigation and after completion of recording the statements of all the witnesses and after receiving all the reports, on completion of investigation, the charge sheet was laid by PW24 before the Judicial Magistrate, No.III, Tiruchirappalli, which was taken on file in PRC No.26 of 2011. The accused persons were furnished with the copies under Section 207 Cr.P.C. and the matter was thereafter committed to the District and Sessions Court, Trichy for trial and it was made over to the I Additional District and Sessions Judge, (PCR), Tiruchirappalli and was taken on file in SC No.231 of 2012.

6. The trial Court framed the charges against the accused persons in the following manner:

Sl. No.	Rank of the accused	Charges under Sections (IPC)
1	A1 to A4	120(b), 341, 302, 302 r/w 201
2	A5	120(b), 302 r/w 109 IPC.

When questioned the accused persons denied the charges.



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WEB COPY 7. The prosecution examined PW1 to PW29 and marked Ex.P1 to Ex.P59 and relied upon MO1 to MO18.

8. The incriminating circumstances and the evidence were put to the accused persons when they were questioned under Section 313 (i)(b) of Cr.P.C., they denied the same as false.

9. The accused persons examined DW1 to DW3 as defence witnesses and marked Ex.B1 to B7.

10. The trial Court, on considering the facts and circumstances of the case and on appreciation of evidence, came to the conclusion that the prosecution has not proved the case beyond reasonable doubts against the accused persons and accordingly by judgment dated 02.09.2022, all the accused persons were acquitted from all the charges. Aggrieved by the same, the State has filed the present appeal before this Court under Section 378(I) of Cr.P.C.



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WEB COPY 11. The main ground urged by the learned Additional Public Prosecutor appearing on behalf of the State is that the judgment of the trial Court is completely bereft of any reasoning and even without appreciating the evidence that was let in on the side of the prosecution, all the accused persons were acquitted in this case.

12. The learned Additional Public Prosecutor further submitted that in the case in hand, there was an eyewitness account on the part of PW1, who is the brother of the deceased, who has spoken both about the motive as well as the overt acts attributed against the accused persons and the trial Court has not even discussed the evidence of PW1. He further submitted that the subsequent cross-examination of PW1, which took place after nearly 5 years, where there were certain apparent contradictions, cannot be taken into account to discredit the evidence of PW1.

13. A1 and A5 are represented through counsel. Since the other accused persons were not represented through the counsel, this Court directed the Investigating Officer to produce A2 and A3 before the Court



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and further directed A4 to be presented before this Court through the Video Conferencing mode, since it was brought to the notice of this Court that A4 is presently confined in Central Prison at Coimbatore with regard to some other criminal case. Accordingly A2 and A3 were present in person. A4 was present through Video Conferencing mode.

14. In our considered view, on considering the grounds raised on the side of the State and on hearing the submission on either side and on carefully going through the judgment passed by the trial Court, it can be seen that the trial Court has not even discussed the evidence of PW1 in the entire judgment. The trial Court takes into consideration the evidence of PW6, who is a hostile witness and straight away comes to a conclusion that the prosecution has not proved the charges beyond reasonable doubts. On the face of it, the judgment passed by the trial Court is perverse and the judgment has been rendered in a slipshod manner without any reasonings.

15. We noticed this illegality in the judgment even during the previous hearing and we were inclined to remand the matter back to the trial



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Court for the purpose of hearing arguments on both sides and to render a fresh judgment. Since A2, A3 and A4 were not before this Court, we directed them to be produced before this Court and accordingly A2 and A3 were produced in person and A4 was produced through the Video Conferencing from Central Prison, Coimbatore.

16. Section 386 of Cr.P.C., provides the power of the appellate court.

It will be relevant to extract Section 386(a) hereunder:

“386.Powers of the Appellate Court -

...

(a)In an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be re-tried or committed for trial, as the case may be, or find him guilty and pass sentence on him according to law;”

17. It is clear from the above that the appellate Court can reverse the order of acquittal and remit the matter back to the trial Court for further inquiry. At this juncture, the judgment that was relied upon by the learned



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Additional Public Prosecutor in ***Mukhtiar v. State of Punjab*** reported in ***1995 (1) SCC 760*** will have some relevance. The relevant portion is extracted hereunder:

“10. We have gone through the judgment of the learned trial Judge and find that the same is far from satisfactory. Both, the order of acquittal as well as the order of conviction, have been made by the trial court in a most perfunctory manner without even noticing much less, considering and discussing the evidence led by the prosecution or the arguments raised at the bar. The trial court noticed the prosecution case, the medical evidence and the material collected during the investigation of the case besides the arrest of different accused persons on different dates in paras 1 to 23 of the judgment. In paragraph 24 it noticed the names of the prosecution witnesses and in paragraphs 25 and 26 it noticed the fact that the accused had been examined under Section 313 CrPC. It was in paragraphs 28 to 32, noticed above, that the orders of acquittal and conviction were made. The trial court was dealing with a serious case of murder. It was expected of it to notice and scrutinise the evidence and after considering the submissions raised at the bar arrive at appropriate findings. In vain have we searched through the gcryptic judgment of the trial court, the reasons which prevailed with it to acquit the respondents in Criminal Apperl No. 489 of 1985 or convict the appellants in Criminal Appeal No. 434 of 1985. On the plainest requirement of justice and fair trial the least that was expected of the trial court was to notice, consider and discuss, howsoever briefly, the evidence of various witnesses as well as the arguments addressed at the



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bar. The trial court has not done so. The trial court apparently failed in the discharge of its essential duties. There is no mention in the judgment as to what various witnesses deposed at the trial, except for the evidence of the medical witness. The judgment does not disclose as to what was argued before it on behalf of the prosecution and the defence. The judgment is so infirm that we are unable to appreciate as to how the findings were arrived at. The judgment of the trial court is truly speaking not a judgment in the eyes of law. The trial court appears to have been blissfully ignorant of the requirements of Section 354(1)(b) CrPC. Since, the first appeal lay to this Court, the trial court should have reproduced and discussed at least the essential parts of the evidence of the witnesses besides recording the submissions made at the bar to enable the appellate court to know the basis on which the 'decision' is based. A 'decision' does not merely mean the 'conclusion' it embraces within its fold the reasons which form the basis for arriving at the 'conclusions'. The judgment of the trial court contains only the 'conclusions' and nothing more. The judgment of the trial court cannot, therefore, be sustained. The case needs to be remanded to the trial court for its fresh disposal by writing a fresh judgment in accordance with law."

18. Even in the above judgment, the Apex Court had noticed that the judgment of the trial Court contained only the conclusions and nothing more and therefore, the case was remanded back to the trial Court for fresh disposal. The case in hand is also somewhat similarly placed. The trial



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Court has not cared to examine the evidence of the witnesses and more particularly, the evidence of PW1 and has straight away come to the conclusion that the prosecution has not proved the case beyond reasonable doubts. This judgment of the trial Court, on the face of it, is illegal and hence, it deserves to be interfered with by this Court and the matter has to be necessarily remanded back to the file of the trial Court for fresh inquiry for passing the final judgment.

19. In the light of the above discussions, the judgment of the First Additional District and Sessions Judge, (PCR), Tiruchirappalli in SC No. 231 of 2012 dated 02.09.2022 is hereby set aside and it is remanded back to the file of the First Additional District and Sessions Judge, (PCR), Tiruchirappalli with the following directions:

(a) the accused persons, namely, A1 to A5 are directed to execute a bond for a sum of Rs.25,000/- along with two sureties for a like sum;

(b) They shall be directed to be present before the trial Court during every date of hearing;

(c) The trial Court is directed to take up the case from the stage of



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arguments and hear the arguments on the side of the State and the arguments on the side of the defence and pass a final judgment on its own merits and in accordance with law within a period of three months from the date of receipt of a copy of this judgment.

20. In the result, the criminal appeal is allowed in the above terms.

21. Registry is directed to send back the original records immediately to the trial Court.

[N.A.V, J.] & [K.K.R.K, J.]
20.04.2026

NCC : Yes/No

Index : Yes/No

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To

1.The First Additional District and Sessions Judge, (PCR), Tiruchirappalli

2.The Inspector of Police,
Manachanallur Police Station, Tiruchirappalli.

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

4.The Section officer (English Records)
Madurai Bench of Madras High Court,
Madurai.

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**N.ANAND VENKATESH, J
AND
K.K.RAMAKRISHNAN, J.**

RR

Judgment made in
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