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Crl.A.Nos.509, 647 and 648 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 29.01.2026

Delivered on : 20.02.2026

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.A.Nos.509, 647 and 648 of 2019

Shankar

S/o.Sarangan @ Sarangapani

..... Appellant
in Crl.A.No.509 of 2019

1. Ramani

W/o.Ravi

2. Santhosh @ Harikrishnan

S/o.Ravi

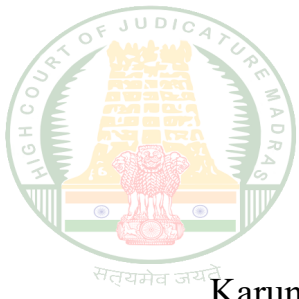
3. Arunkumar

S/o.Ravi

4. Thulasiraman

S/o.Margasagayam

..... Appellants
in Crl.A.No.647 of 2019



Crl.A.Nos.509, 647 and 648 of 2019

Karunakaran
S/o.Sarangan @ Sarangapani

..... Appellant
in Crl.A.No.648 of 2019

Vs.

The State of Tamil Nadu
represented by
Inspector of Police,
Veppankuppam Police Station,
Vellore District, Crime No.311 of 2012.

..... Respondent
in all Crl.As.

Common Prayer: Criminal Appeals filed under Section 374 (2) Cr.P.C., to set aside the conviction and sentence imposed upon the appellants by the learned I Additional District and Sessions Judge, Vellore made in S.C.No.137 of 2013 by judgment dated 31.07.2019.

For Appellants : Mr.M.R.Thangavel
(in Crl.A.Nos.509 and 647 of 2019)
Mr.R.Karthikeyan
(in Crl.A.No.648 of 2019)

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem
(in all Crl.As)



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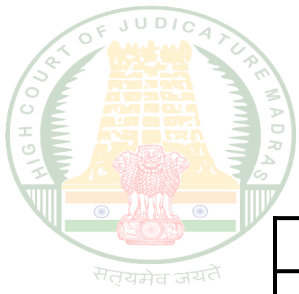
Crl.A.Nos.509, 647 and 648 of 2019

COMMON JUDGMENT

(Made by P.VELMURUGAN, J.)

These criminal appeals have been preferred against the judgment passed by the learned I Additional District and Sessions Judge, Vellore in S.C.No.137 of 2013, dated 31.07.2019 convicting the appellants for the offence(s) and to undergo the sentence(s) as detailed hereunder:-

Accused	Offence(s) punishable under Sections	Sentence(s) imposed
A1	148 IPC	Rigorous imprisonment for three years and fine of Rs.1,000/-, in default to undergo two months R.I.
	342 r/w 149 IPC	Rigorous imprisonment for one year and fine of Rs.1,000/-, in default to undergo two months R.I.
	302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo three months R.I.
A2	147 IPC (1count)	Rigorous imprisonment for two years and fine of Rs.1,000/-, in default to undergo two months R.I.
	294(b) IPC	Fine of Rs.1,000/-, in default to undergo two months R.I.
	323 IPC	Rigorous imprisonment for six months and fine of Rs.500/-, in default to undergo one month R.I.
	342 IPC	Rigorous imprisonment for one year and fine of Rs.1,000/-, in default to

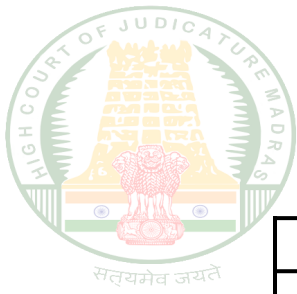


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		undergo two months R.I.
	302 r/w 149 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo three months R.I.
		A2 acquitted from the charge under Section 352 of IPC.
A3	147 IPC	Rigorous imprisonment for two years and fine of Rs.1,000/-, in default to undergo two months R.I.
	342 r/w 149 IPC	Rigorous imprisonment for one year and fine of Rs.1,000/-, in default to undergo two months R.I.
	302 r/w 149 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo three months R.I.
A4	147 IPC (1 count)	Rigorous imprisonment for two years and fine of Rs.1,000/-, in default to undergo two months R.I.
	324 IPC	Rigorous imprisonment for one year and fine of Rs.1,000/-, in default to undergo two months R.I.
	342 IPC	Rigorous imprisonment for one year and fine of 1,000/-, in default to undergo two months R.I.
	302 r/w 149 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo three months R.I.
		A4 acquitted from the charge under Section 352 of IPC.
A5	147 IPC (1count)	Rigorous imprisonment for two years and fine of Rs.1,000/-, in default to undergo two months R.I.
	342 r/w 149 IPC	Rigorous imprisonment for one year and fine of Rs.1,000/-, in default to



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		undergo two months R.I.
	302 r/w 149 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo three months R.I.
		A5 acquitted from the charge under Section 352 of IPC.
A6	147 IPC (1count)	Rigorous imprisonment for two years and fine of Rs.1,000/-, in default to undergo two months R.I.
	342 r/w 149 IPC	Rigorous imprisonment for one year and fine of Rs.1,000/-, in default to undergo two months R.I.
	302 r/w 149 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo three months R.I.
		A6 acquitted from the charge under Sections 324 and 352 of IPC.
		The sentences are ordered to run concurrently for all the accused.
		Set off allowed under Section 428 Cr.P.C for all the accused.

Challenging the above judgment of conviction and sentence, A1 has preferred Crl.A.No.648 of 2019, A2 has preferred Crl.A.No.509 of 2019 and A3 to A6 have preferred Crl.A.No.647 of 2019, respectively. Since the appeals are arising out of the common judgment, they are taken up together and disposed of by this common judgment. For convenience, the appellants will be hereinafter referred to as A1, A2 and A3 to A6 in this judgment.



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

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(a) A1 to A5 are the residents of Ongapadi Village and A6 is the resident of Thellur Village. A1 and A2 are the brother-in-laws of A3, A4 and A5 are the sons of A3, and A6 is the son-in-law of A3. About two years prior to the occurrence, A3 purchased a vacant house site from one Dayalan and registered the same in favour of her sons, A4 and A5. The vacant site of the deceased, Mathi @ Mathiyalagan, is situated adjacent to A3's property on the Northern side. When A3 caused her vacant site to be measured, it was found that a poromboke land measuring about six feet, lays in between the vacant sites of A3 and the deceased. Upon the deceased demanding a share in the said poromboke land, enmity arose between A3 and the deceased. Thereafter, when A3 attempted to dig a basement for construction of a house by encroaching upon the poromboke land, the same was resisted by the deceased and his wife Dharani, leading to a quarrel on 20.09.2012 at 10.30 a.m., during which time, A1 and his associates assaulted the deceased and his wife, thereby further intensifying the enmity.

(b) As the deceased continued to obstruct the construction, the accused decided to eliminate him. While so, on 20.09.2012 at 11.15 a.m., all



the accused unlawfully assembled near the vacant site belonging to A3, armed with deadly weapons, such as a crowbar and shared a common object to murder the deceased. At that time, A3 instigated A1 and handed over a crowbar, pursuant to which A1 struck a heavy blow on the head of the deceased, causing fatal injuries. Simultaneously, A2 and A4 caught hold of the deceased, thereby facilitating and abetting A1 for committing the murder. Subsequently, the wife of the deceased lodged a complaint (Ex.P1).

(c) P.W.11, Sub Inspector of Police, on receipt of Ex.P1 from P.W.1, registered a case in Crime No.311 of 2012 for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324 and 302 IPC and prepared the First Information Report, Ex.P13. Thereafter, P.W.11 forwarded the copies of FIR, to the jurisdictional Court and higher officials.

(d) P.W.12, Inspector of Police, on receipt of Ex.P13 from P.W.11, took up further investigation on the same day and went to the place of occurrence on 20.09.2012 at about 16.00 hours and in the presence of witnesses Seshadri and P.W.7 - Rajendiran, he prepared the Observation Mahazar Ex.P2 and drew Rough Sketch Ex.P14. Thereafter, he seized the



material objects M.O.2 blood stained soil mixed with small stones and M.O.3 ordinary soil mixed with small stones under the seizure mahazar Ex.P3. He enquired the witnesses P.Ws.1 to 7. Subsequently, on 21.09.2012, he conducted inquest on the body of the deceased in the presence of the witnesses and Panchayatdars and prepared the inquest report, Ex.P15. Thereafter, he sent the body of the deceased through the Head Constable, P.W.10 along with a requisition letter Ex.P.10 for conducting post-mortem.

(e) PW9-Doctor, on receipt of requisition, conducted post-mortem and issued the post-mortem certificate Ex.P11. P.W.10 Head Constable seized M.O.6 blood stained lungi and M.O.7 blood stained T-Shirt from the dead body and handed over the same to P.W.12.

(f) P.W.12 further proceeded with the investigation and has arrested the accused on 21.09.2012 at 13.30 hours near the Pichanatham Colony junction road and obtained the voluntary confessional statements of the accused in the presence of P.W.8 Village Administrative Officer and one Sagadevan. The admissible portion of the confession statement of A1 was marked as Ex.P4, A2 was marked as Ex.P5 and A4 was marked as Ex.P6,



respectively. On the basis of Ex.P4, P.W.12 seized M.O.1 crowbar from A1 under seizure mahazar (Ex.P7) near a bush situated on the river on the Western side of Ongapadi village. Further, he seized M.O.4 wooden log from A2 under seizure mahazar (Ex.P8) and M.O.5 spade from A4 under Ex.P9 in the presence of P.W.8 and witness Sagadevan. Thereafter, P.W.12 remanded the accused to judicial custody. He sent the seized material objects to the Court under Form-95. Thereafter, on receipt of the requisition letter, P.W.13 Scientific Officer examined the case properties and detected blood in M.O.1, M.O.2, M.O.6 and M.O.7 and not detected blood in M.O.3 and issued Ex.P16 Biological report. Ex.P17 Serology report was issued by the Assistant Director, Forensic Sciences Department. P.W.14 - Doctor examined the injured P.W.1 on 21.09.2012 at 9.30 a.m., admitted her as an in-patient, and issued the medical report Ex.P19 and the wound certificate Ex.P20.

(g) After completion of investigation, P.W.12 filed the final report in Crime No.311 of 2012 against A1 to A6 for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324 and 302 IPC before the Court.



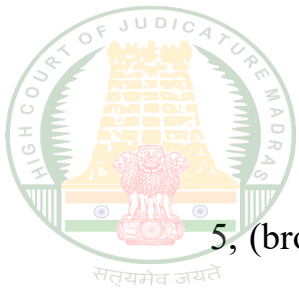
WEB COPY 3. The learned Judicial Magistrate No.III, Vellore took the charge sheet on file in P.R.C.No.8 of 2013 and after completing the formalities under Section 207 Cr.P.C., committed the case to the Principal District & Sessions Judge, Vellore, since the offences are exclusively triable by the Court of Session. The learned Principal District & Sessions Judge took the case on file in S.C.No.137 of 2013 and made over the same to the learned I Additional District and Sessions Judge, Vellore for disposal in accordance with law. The learned I Additional District and Sessions Judge, after completing all the formalities, framed charges against A1 for the offence punishable under Sections 148, 342 read with Section 149 and 302 IPC; against A2 for the offences punishable under Sections 147 (2 counts), 294(b), 323, 352, 342 and 302 IPC; against A3 for the offences punishable under Sections 147, 148, 352, 342 and 302 IPC; against A4 for the offences punishable under Sections 147 (2 counts), 323, 324, 352, 342 and 302 IPC; against A5 for the offences punishable under Sections 147 (2 counts), 352, 342 read with Section 149 and 302 read with 149 IPC; and against A6 for the offences punishable under Sections 147 (2 counts), 324, 352, 342 read with Sections 149 and 302 read with 149 IPC.



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4. During the trial, in order to substantiate the charges framed against A1 to A6, on the side of the prosecution, totally 14 witnesses were examined as P.Ws.1 to 14 and 20 documents were marked as Exs.P1 to P20, besides 7 material objects were marked as M.Os.1 to 7. On completion of examination of the prosecution witnesses and the incriminating circumstances were culled out from the evidence of the prosecution witnesses which were put to A1 to A6 under Section 313 Cr.P.C., and they have denied the same as false. However, on the side of the defence, no oral and documentary evidence was let in. On conclusion of trial and upon hearing the arguments advanced on either side, the learned I Additional District and Sessions Judge, Vellore, found A1 to A6 guilty of the offence(s) and sentenced them to undergo the sentence(s) as mentioned above, leading to the filing of the present appeals before this Court by the accused.

5. Learned counsel appearing for the appellants/A2 to A6 contended that all the alleged eye-witnesses are interested witnesses, as they are close relatives of the deceased. None of the independent witness had been examined to substantiate the occurrence. It is pointed out that P.Ws.2, 4 and



5, (brother, sister and son of the deceased) did not speak about the presence or specific overt acts of A2 to A6 at the scene of occurrence, and yet the prosecution did not treat them as hostile. Though P.W.1 (wife) and P.W.4 (sister) of the deceased, claimed to be eye-witnesses and deposed that A2 and A4 caught hold of the deceased and that A1 attacked him with a crowbar (iron rod), allegedly brought by A4, such version is not corroborated by the evidence of P.W.2 and P.W.5. The evidence of P.W.1, being uncorroborated and allegedly motivated by prior civil dispute, is unreliable.

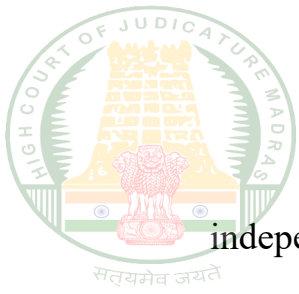
6. Learned counsel appearing for the appellants/A2 to A6 further contended that the complaint (Ex.P1) forming the foundation of the prosecution case, is doubtful. While P.W.1/*de-facto* complainant stated that she lodged a written complaint at about 3.00 p.m on 21.09.2012 at the hospital, where she was admitted, P.W.4 and P.W.11(Sub Inspector of Police), deposed that the complaint was lodged at the Police Station and that no examination took place at the hospital. This inconsistency, casts serious doubt on the genesis of the prosecution case itself. It is further submitted that P.W.11 admitted that two First Information Reports have been registered for the same occurrence, one of which was subsequently quashed by this Court



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in Crl.O.P.No.21442 of 2014, dated 13.10.2014. The non-disclosure of the said fact before the trial Court and the registration of multiple FIRs for the same occurrence, vitiates the investigation. It is further contended that though a charge under Section 352 IPC was framed against A2 to A6, no evidence was adduced in support thereof by the prosecution and hence, they were acquitted of the said charge. In the absence of cogent and consistent evidence, the conviction of A2 to A6 for the remaining charges is unsustainable and calls for interference by this Court.

7. In addition, the learned counsel appearing for the appellant/A1 submitted that the conviction of A1 is unsustainable, both on facts and in law. The trial Court failed to properly appreciate the oral and documentary evidence, particularly with regard to material discrepancies and lack of corroboration, and erroneously convicted A1. It is further submitted that the prosecution has not established the specific overt act attributed against A1 beyond reasonable doubt. The presence of P.Ws.2 to 5 at the scene of occurrence itself is doubtful. Further, the entire case rests upon the testimony of interested witnesses, who are the close relatives of the deceased, and their testimonies require careful scrutiny and cannot be accepted without



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independent corroboration. The learned counsel further contended that the genesis of the occurrence itself had been suppressed and that the prosecution has not placed the true and complete version before the Court. Admittedly, there exists a civil dispute between the *de-facto* complainant and A1 and the other accused. Owing to such prior enmity, a false case has been foisted against A1, when the complainant was unable to secure relief through lawful means. It is pointed out that except P.W.1, no other witness has clearly spoken about the presence and specific role of A1 at the scene of occurrence. The trial Court, without properly reconciling the inconsistencies and contradictions in the evidence, proceeded to convict A1 on assumptions and surmises, rather than on cogent and reliable evidence. Hence, it is prayed that the conviction and sentence imposed on A1 be set aside and that he may be acquitted of all the charges.

8. Per contra, learned Additional Public Prosecutor appearing for respondent-Police submitted that owing to the civil dispute that had arisen between the deceased and A3, the occurrence took place at the instigation of A3. It is contended that A1 to A6, sharing a common intention, joined together and that A1, with the active aid of the other accused, attacked the



deceased by using a deadly weapon (crowbar). As a result, the deceased sustained grievous injuries and subsequently succumbed to the injuries. The prosecution has established the guilt of the accused (A1 to A6) beyond reasonable doubt through cogent and reliable evidence. He further submitted that the ocular testimony of P.W.1, who is an injured eye witness, is natural, consistent and inspires confidence of this Court. Merely because the witnesses are related to the deceased, their evidence cannot be discarded, when it is otherwise trustworthy and duly corroborated by medical and documentary evidence. It is further submitted that the presence of the accused at the scene of occurrence and the specific overt acts attributed to each of them, have been clearly spoken to by prosecution witnesses. The medical evidence fully corroborates the ocular version regarding the manner of assault and the injuries sustained by the deceased and the injured witness (P.W.1). P.W.1 also sustained injuries during the occurrence and her presence at the scene cannot be doubted.

9. With regard to the alleged contradictions, it is contended by the learned Additional Public Prosecutor that they are minor discrepancies which do not go to the root of the prosecution case. Such minor variations



are natural in the testimony of witnesses deposing after lapse of time and do not discredit the core version of the prosecution. It is further contended that the prior land dispute between the parties, furnishes motive for the occurrence and does not by itself establish false implication. The registration of FIR and subsequent investigation were conducted in accordance with law and no prejudice had been caused to the accused. The trial Court rightly appreciated the oral and documentary evidence and properly convicted and sentenced the accused as noted above. Hence, the appeal deserves to be dismissed and the conviction and sentence imposed by the trial Court be confirmed.

10. We have heard the learned counsel appearing for the appellants and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record.

11. Admittedly, it is the case of the prosecution that due to prior enmity arising out of a land dispute between the deceased and the accused, all the accused formed an unlawful assembly on the date of occurrence, and attacked the deceased. A3, A5 and A6 allegedly surrounded the deceased,



A2 and A4 restrained him, and A1 assaulted him with a crowbar, inflicting grievous injuries that resulted in his death.

12. The prosecution examined P.W.1 to P.W.5 as eye-witnesses. Among them, P.W.1, the complainant and wife of the deceased, deposed that on 20.09.2012, while she was working near the school along with her husband and her sister-in-law (P.W.4), they were informed that land measurement was being carried out and that they went to the disputed site. There, A2, A4, A5, and A6 were digging the land, which led to a quarrel. A2 abused the deceased in filthy language, and A4 to A6 assaulted him. When P.W.1 intervened, A4 beat her on the nose with the wooden handle of a spade and A6 assaulted her on the head with a stone, causing injuries. P.W.3 and P.W.6 attempted to pacify the quarrel. Thereafter, A2 summoned A1, who arrived at about 11.15 a.m., whereupon a crowbar was handed over to him by A4. A3, A5 and A6 surrounded the deceased, while A2 and A4 caught hold of his hands, A1 then struck the deceased on the head with the crowbar (iron rod), causing grievous head injuries. The accused fled from the scene of occurrence as the villagers gathered. The deceased was taken to hospital, where he was declared as brought dead. P.W.1 lodged a complaint (Ex.P1)



and identified the crowbar (M.O.1). She also spoke about the injuries sustained by her and her subsequent treatment.

13. P.W.2, the brother of the deceased, deposed that there existed a land dispute between the accused and his brother Mathi @ Mathiazhagan. According to him, on 20.09.2012 at about 10.00 a.m., the Maniyakarar measured the disputed land. At that time, A1 (Karunakaran) stated that he would not give up the said land. P.W.2 further deposed that A1 assaulted his brother with a crowbar on his head, as a result of which, the deceased fainted and fell down. Thereafter, all the accused fled from the place of occurrence. He identified M.O.1 (crowbar) as the weapon used in the commission of the offence. He also deposed that all the accused were known to him, as they were residents of the same village. After the occurrence, the deceased was taken to the hospital, where he was declared brought dead. Subsequently, P.W.1 lodged a complaint before the respondent-Police.

14. P.W.3, deposed that there had been a land dispute between the deceased and the accused for about two years prior to the occurrence. On 20.09.2012 at about 11.00 a.m., a quarrel took place between the deceased



and the accused. He further deposed that his residence is situated at the place of occurrence. He stated that while he was engaged in a mobile phone conversation, the deceased fell down, and when the deceased was taken to the hospital, the Doctor declared him as brought dead. Though he was cited as an eye witness, he did not support the prosecution case regarding the actual occurrence or attributing any overt act on the accused and was treated only as a hostile witness. He only reiterated that there was a land dispute between the parties.

15. P.W.4 being the sister of the deceased, has deposed that there was a land dispute between her brother's family and the accused. She deposed that about two years prior to the date of occurrence, at around 11.00 a.m., while she was engaged in coolie work, she heard that a quarrel had arisen at the disputed land. Then she went to her house, which is situated near the disputed property and at that time, A2 and A4 initially attempted to assault the deceased with sticks, which was prevented by her along with Kumar (P.W.3) and Parthiban. Thereafter, she returned to her house. Subsequently, on the same day, A2 called A1 to come to the place of occurrence. A1 arrived there, and A4 handed over a crowbar to him. P.W.4 categorically



deposed that A1 attacked the deceased with the said crowbar, as a result, the deceased fell down on the spot with bleeding injuries on his head and nose.

The deceased was thereafter taken to the hospital in an ambulance. Thus, P.W.4 has specifically spoken about the overt act attributed against A1 in assaulting the deceased with the crowbar (M.O.1).

16. P.W.5, the son of the deceased, has deposed that on 20.09.2012 at about 11.15 a.m., A1 assaulted his father with a crowbar (iron rod) on his head in the garden area of their house. As a result, his father fell down and blood was oozing out from his head. On hearing the commotion, people gathered at the spot and the accused fled from the scene. Thereafter, his father was taken to the hospital in an ambulance, where he was declared dead. P.W.5 has identified the weapon used in the assault as M.O.1 crowbar (iron rod) as the weapon used in the commission of offence. In cross-examination, he affirmed that he had directly witnessed the occurrence and categorically stated that A1 stood opposite to his father and struck him with the crowbar. He further deposed that his mother (P.W.1) had also sustained injuries during the incident and had undergone treatment.



17. P.W.6, who is a resident of the same village, has not supported the case of the prosecution. Consequently, he was treated as a hostile witness.

18. P.W.7, one of the mahazar witnesses, clearly deposed regarding the preparation of the observation mahazar (Ex.P2) and the rough sketch (Ex.P14) and also deposed about the seizure of M.O.2 and M.O.3 under the seizure mahazar (Ex.P3).

19. P.W.8, the Village Administrative Officer, has clearly deposed regarding the recovery of material objects, the confession statements of the accused, and their arrest. His testimony establishes the procedural aspects of the investigation, particularly the recovery and seizure of incriminating articles, as well as the formal recording of confessions and the apprehension of the accused persons.

20. P.W.9 being the Doctor who conducted the post-mortem examination on the deceased, has deposed that he found the following injuries on the dead body :

- **External Injury:**
Lacerated wound measuring 7 cm × 2 cm × bone deep over the



back of the mid-parietal region, extending to the occipital region.

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- **Internal Findings (on dissection of scalp, skull, and dura):**
- Diffuse subscalp contusion over the back of the scalp on both sides.
- Marked subdural and subarachnoid hemorrhage over both cerebral hemispheres.
- Intracerebral hemorrhage on both sides.
- Cerebellar hemorrhage noted on the right side.

He has opined that the deceased would appeared to have died due to injuries sustained on the scalp and brain. The medical evidence thus clearly establishes that the fatal injuries were caused by a lengthy hard iron weapon, namely a crowbar. Accordingly, the medical evidence fully supports the prosecution case and it is consistent with the ocular testimonies of P.W.1, P.W.2, P.W.4, and P.W.5, without any contradiction.

21. P.W.10 is the Head Constable of Veppankuppam Police Station, and he has deposed that on 21.09.2012, as per the instructions of the Inspector of Police, he took the body of the deceased to the Government Hospital, Adukkamparai, for post-mortem. After its completion, he handed over the post-mortem report to the Inspector of Police.



22. P.W.11, the Sub-Inspector of Police, has deposed that he received the complaint (Ex.P1) from P.W.1 and, on the basis of the same, he registered the First Information Report (Ex.P13). He has further stated that the FIR was duly forwarded to the Judicial Magistrate No.3, Vellore, as well as to the higher officials concerned. His testimony thus establishes the formal initiation of the criminal proceedings and the procedural compliance in forwarding the FIR to the competent authorities.

23. P.W.12, the Inspector of Police, deposed that he carried out all the procedural formalities in the investigation, including inspecting the scene of occurrence, preparing the observation mahazar and rough sketch, seizing material objects, examining witnesses, conducting the inquest, sending the body for post-mortem, recording the confession statements of the accused, recovering the weapons based on their confession, and remanding the accused to judicial custody.

24. P.W.13, the Scientific Officer attached to the Forensic Science Laboratory, deposed that he examined the material objects forwarded by the investigating officer and issued the Biological report (Ex.P16), which



revealed the presence of blood on M.O.1, M.O.2, M.O.4 and M.O.5, whereas no blood was detected in M.O.3. He further deposed that the Serologist Report (Ex.P17) was issued by Assistant Director of Forensic Science Department and the viscera of the deceased was examined by Scientific Officer N.Suresh, who issued the Toxicological Report Ex.P.18.

25. P.W.14, the Doctor, has deposed that on 21.09.2012, while on duty in the Emergency Ward of the Government Vellore Medical College Hospital, he examined one Dharani (P.W.1), aged about 34 years, who reported that she had sustained injuries in an assault by five known persons on 20.09.2012. On examination, P.W.14 found a swelling on the left side of her head and admitted her as an in-patient. The Accident Register was marked as Ex.P19, and the medical report was marked as Ex.P20. He further opined that such injuries could have been caused if a person was attacked with an iron weapon like a crowbar.

26. This Court, being the first appellate Court and the final Court of fact finding, is required to independently re-appreciate the entire evidence on record and determine whether the prosecution has proved its case beyond



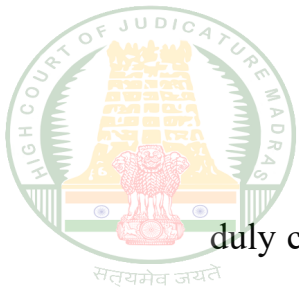
reasonable doubt and whether the judgment of the trial Court suffers from any perversity or misappreciation of evidence.

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27. On a careful re-appreciation of the entire evidence on record, this Court finds that P.W.1, being an injured eye witness and the author of the complaint, has spoken in a clear and cogent manner about the prior enmity between the parties, the manner of occurrence and also the specific overt acts attributed against each of the accused. The injuries sustained by her in the same transaction, establish her presence at the scene beyond doubt.

28. It is well settled that the testimony of an injured witness carries great evidentiary value and is ordinarily considered to be very reliable. The Hon'ble Supreme Court in *Abdul Sayeed Vs. State of Madhya Pradesh* reported in **(2010) 10 SCC, 259**, has held that the evidence of an injured witness stands on a higher footing, and as such, a witness would not ordinarily shield the real offender and falsely implicate another.

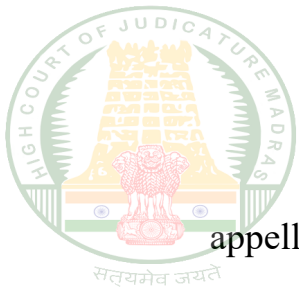
29. In the present case, the testimony of P.W.1, who sustained injuries in the very same occurrence, inspires confidence of the Court and stands



duly corroborated by medical evidence of P.W.14 and the records marked as Ex.P19 and Ex.P20. There is no material to discredit her version, and her evidence clearly establishes the role attributed to A1 in inflicting the fatal injury. Further, the occurrence admittedly took place near the residential houses, and all the accused were known to the witnesses. Hence, there is no dispute either with regard to the place of occurrence or the identity of the accused.

30. The ocular evidence provided by P.Ws.1, 2, 4 and 5 consistently establishes that A1 attacked the deceased on the head with a crowbar (iron rod) and the said version is duly corroborated by the medical evidence. P.W.9, who conducted the post-mortem, has noted the injuries on the deceased and opined that the death was due to head injury. The nature of the injuries recorded in the post-mortem certificate (Ex.P11) and the final opinion are consistent with the ocular version that A1 struck the deceased on the head with an iron rod. Thus, the medical evidence fully corroborates the evidence of ocular witness.

31. It is the contention of the learned counsel for the



appellants/accused that no specific overt acts were attributed against the other accused, except by P.W.1. However, the evidence of P.W.4 clearly reveals that A2 summoned A1 to the spot and A4 handed over the crowbar to him, confirms a common intention and the specific overt acts. A conjoint reading of the evidence of P.W.1 and P.W.4, along with the contents of the complaint, discloses the specific role played by each of the accused and establishes their participation in the occurrence.

32. The evidence of P.W.8, the Village Administrative Officer, regarding arrest, recovery and confession, has remained unshaken in cross examination. Nothing material has been elicited to discredit his testimony and his evidence is corroborated by the evidence of P.W.12 investigating officer. In cases arising out of village disputes, independent witnesses cannot realistically be expected, as villagers are often closely related or acquainted with the parties and may be reluctant to depose either for or against them. The absence of independent witnesses, therefore, does not weaken the prosecution case, when the testimony of the injured and natural witnesses are found reliable.



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33. It is a well settled principle in criminal jurisprudence that it is the quality of evidence and not the quantity that has to be considered. As held by the Hon'ble Supreme Court in *Vadivelu Thevar v. State of Madras (AIR 1957 SC 614)*, evidence has to be weighed and not counted. Conviction can be based on the testimony of a single wholly reliable witness, if the Court finds such evidence to be trustworthy and inspires confidence of the Court. Merely because certain witnesses have turned hostile or some independent witnesses have not been examined, the prosecution case cannot be discarded when the evidence of the injured eye-witness is credible and stands corroborated by medical and documentary evidence.

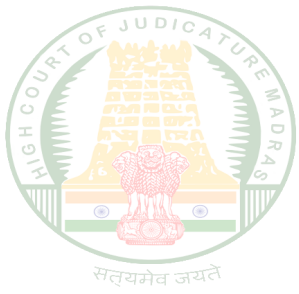
34. In the present case, the testimony of P.W.1 being an injured witness, is clear, consistent and inspires confidence of the Court. Her evidence is duly corroborated by the medical evidence and the supporting testimonies of other witnesses and documentary evidence. Therefore, the prosecution case cannot be rejected on the ground that the independent witnesses are not examined.

35. With regard to the discrepancies and contradictions pointed out by



the learned counsel for the appellants/A1 to A6, this Court finds that the same are minor and trivial in nature and do not go to the root of the prosecution case. The occurrence took place on 20.09.2012 and the witnesses were examined in chief after a considerable lapse of time and were also recalled subsequently on several occasions during the years 2016 and 2018. In such circumstances, minor discrepancies and variations are inevitable due to lapse of time and fallibility of human memory. Such minor discrepancies cannot be magnified to discard the prosecution evidence in toto.

36. This Court, being an appellate Court, has re-appreciated the entire evidence on record and finds that the ocular testimony is consistent, trustworthy and duly corroborated by medical and documentary evidence. There is no perversity or illegality in appreciation of the evidence by the trial Court. The prosecution has proved its case beyond reasonable doubt that A1 attacked the deceased with a crowbar, causing fatal head injury and that the other accused (A2 to A6) shared the common intention and participated in the occurrence.



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37. In view of the foregoing discussion, this Court finds that the trial

Court has rightly convicted A1 to A6 for the offences proved against them and imposed appropriate sentences as mentioned above. Insofar as the acquittal under Section 352 IPC is concerned, the State has not preferred any appeal against said finding. This Court finds no merit in the appeals and the same are liable to be dismissed.

38. In the result, these Criminal Appeals are hereby dismissed and the judgment of conviction and sentence passed by the Trial Court is confirmed. The bail bonds, if any, executed by the appellants, shall stand cancelled, and the authorities are directed to take necessary steps to secure their custody for undergoing the remaining period of sentence.

(P.V., J.) (M.J.R., J.)

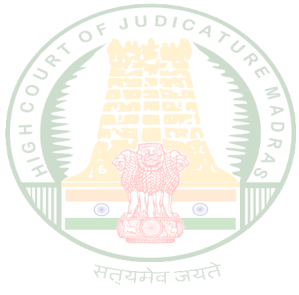
20.02.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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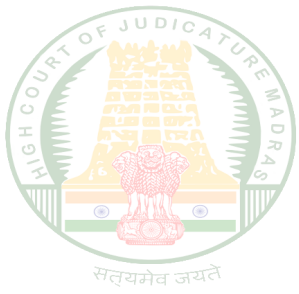
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To

1. The I Additional District and Sessions Judge,
Vellore.
2. The Inspector of Police,
Veppankuppam Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.



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CrI.A.Nos.509, 647 and 648 of 2019

P.VELMURUGAN, J.

and

M.JOTHIRAMAN, J.

ms

Judgment in
CrI.A.Nos.509, 647 and 648 of 2019

20.02.2026