

Crl.A(MD)No.554 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 15.12.2025

PRONOUNCED ON : 07.01.2026

CORAM:

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

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- 1.Veluchamy @ Velu
- 2.Satheeshkumar @ Satheesh
- 3.Sankar ... Appellants/Accused Nos.1 to 3

Vs.

State represented by,
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(In Crime No.600 of 2020) ... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records from the lower Court and set aside the Judgment passed by the learned Principal Sessions Court / District Court, Karur in S.C.No.12 of 2021 dated 10.08.2022 by allowing this appeal.

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For Appellants : Mr.R.Shanmuga Sundaram
Senior Counsel
for Mr.S.Vinayak

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

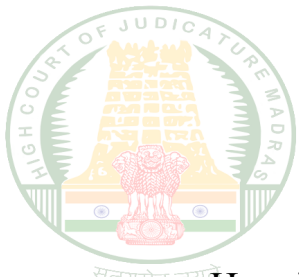
JUDGMENT

**(Judgment of the Court was delivered by
G.K.ILANTHIRAIYAN, J.)**

This appeal is directed as against the Judgment passed in S.C.No.12 of 2021 dated 10.08.2022, on the file of the learned Principal Sessions Court / District Court, Karur.

2.The case of the prosecution is that on 09.07.2020, during morning hours, the deceased misbehaved with the maternal uncle's daughter of the accused. Therefore, at about 09.30 p.m on the same day, the accused came to the house of the deceased and attacked him with a wooden log. As a result, the deceased fell down and got fainted. Immediately, the deceased was taken to the Government

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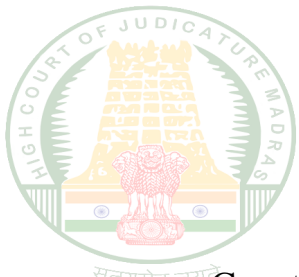
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Hospital, Tiruchirappalli, for treatment. He was admitted into the hospital as an inpatient and on 10.07.2020 at about 07.00 p.m., he succumbed to the injuries. On receipt of information from the Government Hospital, Tiruchirappalli, the respondent recorded the statement of P.W.1 and registered the F.I.R in Crime No.600 of 2020 for the offences punishable under Sections 294(b), 302 and 201 of I.P.C. After completion of investigation, a final report was filed and the same has been taken cognizance by the trial Court.

3.In order to bring the charges to home, the prosecution had examined P.W.1 to P.W.10 and marked Ex.P.1 to Ex.P.12. The prosecution produced Material Object M.O.1. On the side of the accused, no witnesses were examined and no documents were produced before the trial Court.

4.On perusal of oral and documentary evidence, the trial



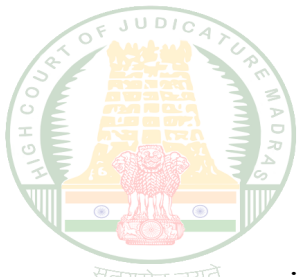
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Court found accused Nos.1 to 3 guilty for the offences punishable under Sections 294(b), 302 and 201 of I.P.C. They were sentenced to undergo life imprisonment each and to pay a fine of Rs.10,000/- each, in default to undergo one year Simple Imprisonment each for the offence punishable under Section 302 of I.P.C; they were sentenced to undergo three years Rigorous Imprisonment each and to pay a fine of Rs.1,000/- each in default to undergo six months Simple Imprisonment each for the offence punishable under Section 201 of I.P.C and they were sentenced to undergo 15 days imprisonment each and to pay a fine of Rs.100/- each, in default to undergo seven days Simple Imprisonment each for the offence punishable under Section 294(b) of I.P.C. Aggrieved by the same, A.1 to A.3 as appellants have preferred the present appeal.

5.The learned senior counsel appearing for the appellants submitted that the prosecution examined P.W.1 and P.W.2 as eyewitnesses, however, they are not trustworthy and it is unsafe to

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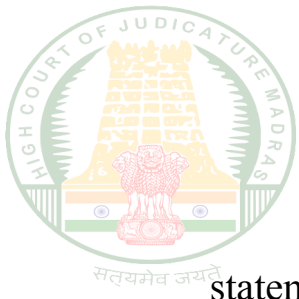
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convict the appellants on the basis of their testimonies. Their evidences are artificial, unnatural and unbelievable one. Though the alleged occurrence had taken place in their presence, they neither attempted to prevent the appellants nor took any steps to rescue the deceased from the hands of the appellants. There are material contradictions and discrepancies in the prosecution evidence and as such, the entire conviction cannot be sustained as against the appellants.

6.The learned senior counsel further submitted that the alleged occurrence had taken place in Thatco colony, which is stated to be near the house of the deceased. However, the prosecution did not even examine any independent witness to bring the charges to home. Even the lodgement of the complaint is in dispute. According to P.W.1, she had gone to the police station and lodged a complaint, whereas, as per the F.I.R., after receipt of the information from the hospital, the police personnel had gone to the hospital, recorded her

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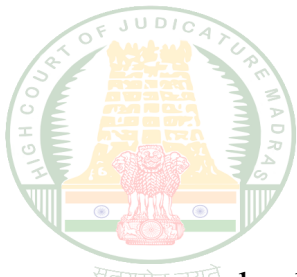
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statement and had registered the F.I.R. This contradiction is fatal to the case of the prosecution. Therefore, the very genesis of the prosecution case is highly doubtful.

7.The learned senior counsel further submitted that there was an inordinate delay both in registering the F.I.R and in forwarding the same to the Court. The alleged occurrence had taken place on 09.07.2020, whereas the F.I.R was registered only on 11.07.2020 at about 07.00 hours and reached the concerned jurisdictional Magistrate Court only on 13.07.2020 at about 07.30 p.m. There was absolutely no explanation by the prosecution for this delay. Though the deceased died on 10.07.2020, the postmortem was conducted only on 12.07.2020. In fact, immediately after the alleged occurrence, the deceased was taken to the Government Hospital at Nachallur, which in fact was deliberately suppressed by the prosecution. The deceased was taken to the Government hospital, Nachallur by Balan @ Balasubramanian and Madhan on a two

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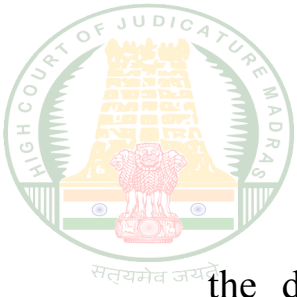
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wheeler, however, the prosecution did not even examine them, which vitiates the entire case of the prosecution. The prosecution also failed to establish motive for the appellants to commit murder on the deceased. The alleged occurrence had taken place during night hours. Even then, the prosecution failed to prove the existence of sufficient lighting at the scene of crime to identify the accused. Hence, the prosecution miserably failed to bring the charges to home and even then, the trial Court mechanically convicted the appellants.

8.Per contra, the learned Additional Public Prosecutor appearing for the respondent submitted that the accused and deceased are relatives. Since the deceased commented upon the accused cousin, the accused went to the house of the deceased and attacked him with a wooden log. The deceased sustained injuries and fell down. Immediately he was taken to the hospital. P.W.1 and brothers of the deceased were assured by the appellants that they would bear the entire medical expenses for the injuries sustained by

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the deceased and therefore, they did not lodge any complaint immediately. Only after the death of the deceased, the F.I.R had been registered and the investigation had been commenced. Hence, the said delay is not at all fatal to the case of the prosecution and the delay has been properly explained by the prosecution. P.W.1 and P.W.2 are eye witnesses and their testimony cannot be rejected at any cost. Small discrepancies cannot be fatal to the case of the prosecution. Therefore the trial Court rightly convicted the appellants and it does not warrant any interference of this Court.

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

10.Admittedly, the deceased misbehaved with the appellants' uncle's daughter named Shruti on 09.07.2020 during morning hours. The same was informed to the appellants herein and they had gone to the house of the deceased at about 09.30 p.m.

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According to the case of the prosecution, they had attacked the deceased with a wooden log. Though the deceased was taken to the hospital immediately, no complaint was lodged.

11.The mother of the deceased and one of the brothers of the deceased accompanied him to the hospital. Initially, they went to the Government Hospital, Nachallur. Thereafter, the deceased was referred to the Government Hospital Tiruchirapalli, for higher treatment. In the Government Hospital, Nachallur, no accident register was recorded by the concerned Medical Officer. However, on the same day, i.e on 09.07.2020, the deceased was taken to the Government Hospital, Tiruchirapalli, where the Medical Officer recorded the accident register, which was marked as Ex.P.6. This was the first document relating to the entire crime, wherein P.W.3 made a statement that the deceased had fallen down on his own near his house at about 9.30 p.m., on 09.07.2020.



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12. After recording the accident register, the deceased was admitted as an inpatient. On the next day, i.e., on 10.07.2020, at about 07.00 p.m., the deceased died in the hospital. Thereafter, it was intimated to the respondent and the police personnel had gone to the hospital and recorded a statement on 11.07.2020 at about 07.00 hours from P.W.1, who is the mother of the deceased. After recording the statement, the respondent registered the FIR in Crime No.600 of 2020 for the offences punishable under Sections 294(b) 302 and 201 of IPC at about 07.00 hours.

13. It is curious to note that the statement was recorded from P.W.1 in the hospital itself and at the same time, the respondent registered the FIR, which was marked as Ex.P9. However, Ex.P9 reached the jurisdictional Magistrate Court only on 13.07.2020 at about 07.30 p.m., for which there is no explanation on the part of the respondent.

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14. That apart, the mother of the deceased was examined as P.W.1 and the brother of the deceased was examined as P.W.2. Both deposed that P.W.1 went to the respondent police station and lodged the complaint. However, as per the case of the prosecution, the statement was recorded from P.W.1 in the hospital and the F.I.R was registered thereafter. These circumstances clearly show that the very genesis of the prosecution case is highly doubtful.

15. The accident register, marked as Ex.P6, clearly shows that P.W.3 categorically stated that the deceased sustained injuries due to a self-fall near his residence. Even till his demise, no one informed about the occurrence to the police or anybody. Only after his demise, the FIR has been registered by the respondent. Therefore, it is nothing but an afterthought.

16. P.W.1 deposed that immediately after demise of the

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deceased, she went to the police station and lodged the complaint.

One Murugan wrote down the complaint and lodged it before the respondent. In fact, P.W.1 further stated that she affixed her left thumb impression on the complaint. However, according to the prosecution, the police personnel went to the hospital, recorded the statement of P.W.1 and registered the FIR. She also deposed that immediately after the alleged occurrence, the deceased was taken to the Government Hospital, Nachallur and thereafter to the Government Hospital, Tiruchirapalli. However, this fact was completely suppressed by the prosecution and no accident register was recorded at the Government Hospital, Nachallur.

17.P.W.1 also deposed that on the date of occurrence, at about 10.00 a.m., the deceased was under the influence of alcohol and had quarreled with one Ravi, Subramanian and Kathir Velu, who had beaten him. She also stated that once again, one Ravi came to the deceased house at about 7.30 p.m and attacked him. The relevant

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portion of the deposition is as follows:
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“சம்பவத்தன்று காலை 10.00 மணிக்கு ஒத்தாம்பட்டி வாத்தியார் நல்லுசாமி என்பவருடைய களத்தில் வடிவேலு நல்ல போதையில் தகராறு செய்து, அங்கிருந்த குட்டைமாரியப்பன் மகன் ரவி, ரவி தம்பி சுப்பிரமணியன், கரிமுட்டம் மாரிமுத்து மகன் கதிர்வேலு ஆகியோர் அடித்து என் மகனை துரத்தினார்கள் என்றால் சரிதான் அன்று இரவு 7.30 மணிக்கு ரவி வீட்டிற்கு சென்று, ரவியின் மனைவி லதாவிடம் சாப்பாடு கேட்டு, உன் புருசன் காலையில் என்னை அடித்தான், எங்கு இருக்கிறான் என்று கேட்டு தகராறு செய்த சமயம் ரவி வந்து காலையில் அடி வாங்கியது பத்தாதா என்று சொல்லி திரும்ப அடித்தார் என்றும், அதில் என் மகன் அங்கேயே மயங்கி விட்டார் என்றும் சொன்னால் ரவி என் மகனை அடித்தது உண்மை.”

18.Thus, it is clear that on the date of occurrence, the deceased was under the influence of alcohol, quarreled with several persons and misbehaved with the relatives of the appellants herein. Further, the presence of P.W.1 and P.W.2 in the scene of occurrence is highly doubtful.



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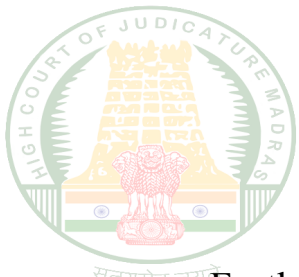


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19.The brother of the deceased had deposed as P.W.2. He deposed that immediately after occurrence, the deceased was taken to the Government Hospital, Tiruchirappalli. He did not even whisper about the deceased was taken to the Government Hospital, Nachallur. The friend of P.W.2 had deposed as P.W.3. He deposed that he took his car to the house of P.W.1 and P.W.2 to take the deceased to the hospital. He further deposed that initially, the deceased was taken to the Government Hospital, Nachallur and thereafter, to the Government Hospital, Tiruchirapalli. While they were proceeding to the Government Hospital, Tiruchirapalli, he picked up P.W.1. He further deposed that even before they reached the Government Hospital, Nachallur, P.W.2 was already present in the hospital.

20.According to P.W.2, P.W.2, his mother and the deceased went to the Government Hospital, Tiruchirapalli. Therefore, the presence of P.W.1 and P.W.2 in the scene of crime is highly doubtful.

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Further, according to them, they were in their house at the time of the alleged occurrence. However, they did not even intervene when the appellants attacked the deceased. It is not the case of the prosecution that the appellants came to the house of the deceased with deadly weapons or that they threatened others from coming to the rescue.

21. In fact, according to P.W.1, all three brothers were very much present in the scene of crime and no one had taken any steps to prevent the appellants from attacking the deceased. P.W.1 also deposed that there were several houses near their house and several persons had witnessed the occurrence. However, the prosecution even failed to examine any of them or record their statements under Section 161(3) of Cr.P.C. The prosecution did not bring them before the Court to corroborate the evidence of P.W.1 and P.W.2. Except P.W.1 and P.W.2, no one supported the case of the prosecution.



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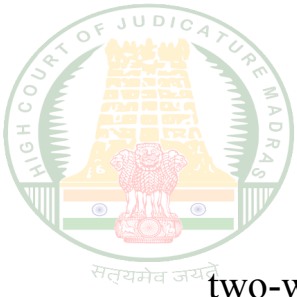
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22. Therefore, the alleged occurrence could not have happened in the manner stated by P.W.1 and P.W.2 in their depositions. The original case was that the deceased fell down on his own from a two wheeler and sustained injuries. This version is corroborated by the evidence of the doctor who registered the accident register, who had deposed as P.W.7.

23. P.W.1 also deposed that the deceased was taken to the Government Hospital, Nachallur by Balan @ Balasubramanian and Mathan in a two wheeler. However, neither of them was not examined by the prosecution.

24. The Sub Inspector of police, who registered the FIR deposed as P.W.9. He deposed that the intimation regarding the occurrence reached the police station on 09.07.2020 itself. Thereafter, he enquired P.W.1 and received a complaint from her, wherein she alleged that the deceased sustained injuries due to a

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two-wheeler accident. The relevant portion of his evidence is as follows:

“அதற்கு முதல்நாள் நான் மருத்துவமனைக்கு சென்று விசாரித்தேனா என்றால் விசாரித்தேன். அதற்கான தகவல் எனக்கு எந்த தேதியில் வந்தது என்றால் 09.07.2020 அன்று கிடைத்தது. அவ்வாறு சென்று விசாரித்தபோது, செல்லம்மாள் வாக்குமூலம் கொடுத்ததை பதிவு செய்தேனா என்றால் பதிவு செய்தேன். அந்த வாக்குமூலத்தில் செல்லம்மாள் தன் மகன் நின்றுக்கொண்டிருந்த வண்டியின் மீது அவர் விழுந்ததால் அந்த வண்டி மீண்டும் அவர் மீது விழுந்ததாக என்னிடம் சொன்னார். அந்த வாக்குமூலத்தினை ஒரு ஆவணமாக ஆய்வாளரிடம் கொடுக்கவில்லை என்றால் சரிதான்.”

25.From the above, it is evident that there were three complaints regarding the alleged occurrence. However, the first two complaints were suppressed by the prosecution and only after the demise of the deceased, the statement of P.W.1 was recorded that too in the hospital and the FIR was registered simultaneously, that too in the police station.

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26. After the demise of the deceased, P.W.1 completely changed her version and made a statement that the appellants had attacked the deceased with a wooden log and as such, he sustained injuries. Therefore, the circumstances under which these complaints were lodged, that too after a delay of two days from the date of alleged occurrence, make the very case of prosecution highly doubtful.

27. On a perusal of depositions of P.W.1 and P.W.2, they do not inspire confidence. The manner in which the F.I.R was registered and the delay in reaching the Court cast serious doubt as regards the manner of investigation. The alleged recovery of material objects also does not lend much credibility to the version of the prosecution and it seems to be stage-managed one. Therefore, the prosecution has miserably failed to prove any of the charges against the appellants.

28. In view of the above, the conviction and sentence

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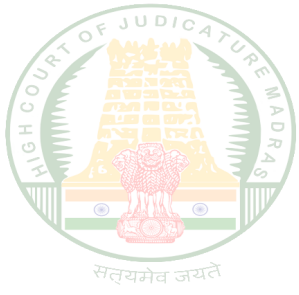
imposed on the appellants in S.C.No.12 of 2021 dated 10.08.2022, on the file of the learned Principal Sessions Court / District Court, Karur, cannot be sustained and are liable to be set aside.

29.In the result, this Criminal Appeal is allowed and the Judgment, dated 10.08.2022 made in S.C.No.12 of 2021, on the file of the learned Principal Sessions Court / District Court, Karur, is hereby set aside. The appellants are acquitted of all the charges. The bail bond, if any, executed by the appellants shall stand cancelled. The fine amount, if any paid, shall be refunded to the appellants. The appellants shall be set at liberty forthwith, if they are no longer required in connection with any other case.

[G.K.I.J.,] & [R.P.J.,]
07.01.2026

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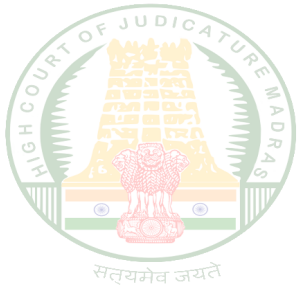
To

1.The Principal Sessions Court / District Court,
Karur.

2.The Inspector of Police,
Kulithalai Police Station,
Karur District.

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

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G.K. ILANTHIRAIYAN, J.
AND
R. POORNIMA, J.

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**Pre-Delivery Judgment made in
Crl.A(MD)No.554 of 2022**

07.01.2026

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