



**SESSIONS JUDGE MAHILA COURT, CUDDALORE DISTRICT,
CUDDALORE.**

**PRESENT:- Thiru. G. Kulasekaran., B.A.,B.L.,L.L.M.,
Sessions Judge, Mahila Court, Cuddalore.**

Friday, the 19th day of June, 2026

SESSIONS CASE No.8/2021

CNR.No. TNCD050000612021

Name of the Complainant	Inspector of Police Annamalai Nagar Police Station Cr.No.227 of 2019 Cuddalore District.
Name of the Accused	Muthamizhan, Age 23 S/o. Sankar 60/1, North Street, Pazhayagudalur Post, Kutthalam Taluk. Nagapattinam District.
Charges	Under Sections 341, 294(b), 506(ii), 326A IPC alternatively sec.307 IPC.
The period of remand of the accused	10.09.2019 30.01.2020 <i>(Accused released on bail as per order of Judicial Magistrate No.I Chidambaram in Crl.M.P.No.10 of 2020 dated 11.01.2020 petition u/s. 167(2)(a)(i) of CrPC.)</i>
The date of filing of the complaint/final report in the Court	Date of Complaint – 09.09.2019 Date of Final Report – 03.11.2020
The date of committal of the case to the Court of Session	15.12.2020 <i>(PRC.No.6/2020 Judicial Magistrate No.I Chidambaram)</i>



The date of questioning of the accused under Sec. 228 of Cr.P.C., as the case may be	23.03.2021																																															
Filing of the miscellaneous petitions and their results including the results of challenge before Superior Courts, except routine petitions like petition under section 317 of Code	<table><tr><th>Crl.M.P.No.</th><th>U/S.</th><th colspan="2">Date of Result and Order</th></tr><tr><td>748/2021</td><td>70(2) of CrPC</td><td colspan="2">Petition is allowed on 20.11.2021</td></tr></table>				Crl.M.P.No.	U/S.	Date of Result and Order		748/2021	70(2) of CrPC	Petition is allowed on 20.11.2021																																					
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Date of examination in Chief and Cross examination of a witness	<table><tr><th>No. and Name of Witness</th><th>Chief</th><th>Cross</th><th>Exhibits</th></tr><tr><td>Pw1 Suchitra/ Victim woman</td><td>05.11.24</td><td>05.11.24</td><td>P1, P2, MO-1</td></tr><tr><td>Pw2 Tr.Subramani</td><td>05.11.24</td><td>05.11.24</td><td>MO-2</td></tr><tr><td>Pw3 Madhavi</td><td>05.11.24</td><td>05.11.24</td><td>--</td></tr><tr><td>Pw4/ Radhika</td><td>05.11.24</td><td>05.11.24</td><td>--</td></tr><tr><td>Pw5 Tr.Ramesh</td><td>06.11.24</td><td>06.11.24</td><td>P3</td></tr><tr><td>Pw6 Tr.Veeramani/ Security of Hospital</td><td>07.11.24</td><td>07.11.24</td><td>P4, P5</td></tr><tr><td>Pw7 Tr.Rajasekar</td><td>19.11.24</td><td>19.11.24</td><td>--</td></tr><tr><td>Pw8 Dr.Kishore Kumar</td><td>16.04.25</td><td>16.04.25</td><td>P6</td></tr><tr><td>Pw9 Tr.Baranidharan/ Sub Inspector of Police</td><td>03.06.25</td><td>03.06.25</td><td>P7</td></tr><tr><td>Pw10</td><td>03.10.25</td><td>03.10.25</td><td>P8 to P12</td></tr></table>				No. and Name of Witness	Chief	Cross	Exhibits	Pw1 Suchitra/ Victim woman	05.11.24	05.11.24	P1, P2, MO-1	Pw2 Tr.Subramani	05.11.24	05.11.24	MO-2	Pw3 Madhavi	05.11.24	05.11.24	--	Pw4/ Radhika	05.11.24	05.11.24	--	Pw5 Tr.Ramesh	06.11.24	06.11.24	P3	Pw6 Tr.Veeramani/ Security of Hospital	07.11.24	07.11.24	P4, P5	Pw7 Tr.Rajasekar	19.11.24	19.11.24	--	Pw8 Dr.Kishore Kumar	16.04.25	16.04.25	P6	Pw9 Tr.Baranidharan/ Sub Inspector of Police	03.06.25	03.06.25	P7	Pw10	03.10.25	03.10.25	P8 to P12
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	Tr. Devendiran/ Inspector of Police			
Date of examination of the accused under section 313 of the Code	22.10.2025			
Details of abscondence of an accused and his appearance / production as the case may be	Abscondance	Appearance	Production	
	01.11.2021	20.11.2021	--	
Plea of the accused	Pleaded found not guilty			
Finding of the Judge	Accused is found guilty u/s.341, 506(ii), 326A of IPC. Accused found not guilty u/s. 294(b) of IPC.			
Sentence or Order	As found in the final order.			
Prosecution conducted by	Tmt. D.Valarmathi, Special Public Prosecutor			
Pleader for the accused	Tvl. V.Sivakumar C.Arikrishnan			

This case came up for final hearing before me on **13.05.2026** (*On 27.05.26 PO on leave, 29.05.26 accused absent, petition allowed*) in the presence of **Tmt. D. Valarmathi**, Special Public Prosecutor for the State, and **Tvl. V.Sivakumar, C.Arikrishnan**, Counsels for the Accused and after hearing the arguments of both sides, perusing the documents, and considering the considerations of this Court till date, this Court today delivered,

JUDGMENT

This case is a case arising out of a police report.

Prosecution case as stated in the final report:-

The complainant, Suchithra, is a second-year student of Physical Education



(BPES) at Annamalai University, staying at the Thamarai Illam hostel and going to college every day. The accused, Muthamizhan, aged 23, S/o. Sankar, No. 80/1, North Colony Street, Old Koodalur, Kutthalam taluka, Nagapattinam district, is a sports person. Since she was in 9th standard, Suchithra had been talking to and dating the accused, but later she avoided dating him because his actions were not right. In this situation, on 09.09.19 at around 06.00 pm, after finishing her exercise at the Annamalai University playground, Suchithra was walking with her friend and friends to her hostel at around 06.20 pm on 09.09.2019. The accused blocked Suchithra's path and improperly stopped her and called her to come and talk to him. When the accused called her, Suchithra told, "I will not talk to you." The accused blocked Suchithra's path and improperly stopped her, telling her not to talk to anyone else but to talk to him. He rudely scolded her by calling her a "prostitute, a scoundrel," created a riot in a public place, showed her the knife he had on his hip, threatened her with a knife, and tried to kill Suchithra by saying, "What if I die if I don't have you?" and while saying this the accused took a Acid bottle from his pant pocket and poured it to the face of the Suchithra which caused the greivous injuries on her lip, mouth, right side of her back and right side shoulder and committed the offence. Therefore, the Chidambaram Annamalai Nagar Police Inspector has filed a final report stating that the accused, Muthamizhan, has committed offences punishable under sections 341,



294(b), 506(ii), 326(A) and 307 of the IPC.

2. This case was registered in Judicial Magistrate Court No.1 Chidambaram as P.R.C. No.6/2020, and all the copies of the case documents have been provided to the accused of this case free of cost under Section 207 of the IPC. Later, after perusing the documents and evidence filed by the prosecution, the Judicial Magistrate Court No.1 Chidambaram has submitted the case to the Cuddalore Principal District Sessions Court for further proceedings as the charge under Section 307 of the IPC filed against the accused is an allegation that can only be tried by the Sessions Court. Later, as per the order of the Cuddalore Principal District Sessions Court, this case has been sent to this Court for trial.

3. When the documents of this case were received in this court and the accused appeared in court, after giving sufficient opportunity and opportunity to the prosecution and the accused, it was found that the final report and documents submitted by the prosecution were sufficient to lead to the conclusion that the accused had committed the crimes and to act accordingly, the accused was charged under Sections 341, 294(b), 506(ii), 326A IPC. alternatively Section 307 of IPC. and when the accused was read out the charges and explained to him and questioned, the accused denied the charges and told that this case should be tried. Therefore, the examination of witnesses in this case has been ordered.



4. In this case, witnesses PW.1 to PW.10 have been examined by the prosecution, and the exhibits P.1 to P.12 have been marked. Material Objects-1 and 2 were marked on the side of Prosecution.

5. The details revealed through the prosecution witness, documents and marked exhibits in this case are as follows:-

(a) **PW.1/Suchitra**, who currently lives in Kathiramangalam, Thanjavur district. She knows the present accused. She has known him since her school days. They became friends because they were involved in sports related matters. After school, they both joined Annamalai University together. She was questioned in the Chidambaram court regarding this case. She told what happened then. 164 statement was given by her to the Judge. The signature on it is hers. Before the incident, the two of them had a difference of opinion. The accused forced her not to talk to anyone. When she told her mother, her mother also told the accused that she should take care of her work from now on. She did not say whether she told this information in the confidential statement made before another court. She told whether she told her mother. In this situation, on 09.09.2019, she arrived there before she reached the college. His mother had told him not to talk to him, and when she told she would not talk, the accused wrote on a small piece of paper, "I Will Kill You." She read it and threw it away. She asked if she had told this information in the confidential statement



made before another court, she would state. That evening, they went to the Ground for practice in the Practical section. The accused came there and insisted that she should talk to him, put a knife to his waist and threatened to stab her if she did not come. When she was standing there in fear, her friends asked her what happened. She told them this information. Then she took her friend's phone from her mother and spoke to her mother. She was from another department, a person who had come to the Ground for a walk. When her mother asked the accused why he was doing this, the accused told that he would do that. From there, his friends took her to her hostel. His class teacher Subramani was standing outside the Ground, and she told him this information. He called the accused and reprimanded him and advised him to take leave. He asked the teacher to drop him off at the hostel. So he pushed the two-wheeler and he, Radhika and Madhavi and herself were walking to the hostel. At that time, he/accused was standing near the guest house in front of the hostel. When the master asked him why he was standing here, he told that he want to talk to that woman. While he was asking what he wanted to talk about, the accused threw acid in her face. Acid droplets hit his head and other parts. Immediately, there was smoke and she lost her eyesight. The accused while throwing acid saying that no one should get her who he did not get, "Die and die" and threw the acid bottle and ran away. When the accused threw the acid in the bottle, it seemed like it was spraying on the



people standing nearby, so they immediately moved away. From there, his senior Rajasekhar was there. Everyone took her to Raja Muthiah Medical College Hospital for the OP. There, she was immediately treated. There, the police immediately recorded her statement. Her eye, tongue and left side of her skin were peeled off. The complaint statement was given by her, and it has her signature on it. The police wrote it as she told it. After that, they read over to her. Complaint statement was marked as **Ex.P-1**. She was treated in the hospital for two weeks. The Judge questioned her in the Chidambaram court. She told her the same details that she has told in the court at present. She signed it. When the Judge questioned her in the court, she told that she had not told “*I will Come your*”, but she told “*I will Kill you*”. The portion in the 164 statement was marked as **Ex.P.2**.

(The learned Counsel for the Accused at the time of marking the 164 statements objected relying on 2023-2 Law weekly Crl.596 The Hon'ble High Court has observed that the prosecution has to take steps for making the Corroborative portions of 164 statments. In present case PW1 has stated that whatever she stated in the chief examination has been stated by her in her 164 statements. Hence objections is rejected. 164 statements marked in respect of Corroborative portions alone - Exhibit P2)

The knife that was allegedly kept in her waist and threatened her was marked as MO-1. She did not notice the acid bottle on that day, so she was unable to identify it. The police questioned her.

When she was cross-examined by the defence, she stated as follows:-

- *She can read and write Tamil and English.*



- *Since she studied at Annamalai University, she knows where the Ground, Guest House, other departments, and Thamarai Hostel are.*
- *If ICICI Bank is located, it is opposite the IT Department and Dental Department.*
- *If Shastri Hall is the main administrative building, then that is correct.*
- *ICICI Bank is located 500 m behind Shastri Hall.*
- *The ground where they practice is 200 m north of Shastri Hall.*
- *There is 150 m between Shastri Hall and the Guest House. There is only one Guest House.*
- *There is 500 m between Shastri Hall and the Thamarai Hostel where he stayed.*
- *They have to go to the hostel through the first gate.*
- *When she go to the Ground, there is the Music Department, Guest House, and the hostel next to it.*
- *The Music Department, Guest House is on the main road.*
- *This incident happened at the gate of the Guest House.*
- *It is not correct to say that the only way from the main road to the Guest House is to go through the crosswalk. The guest house is only about 10 m from the main road.*
- *She knew the accused for 6 years.*
- *It is correct to say that they were in love.*
- *She signed the 164 statement after reading it. It is correct to say that it is recorded in English that “I will come your”.*
- *It is not correct to say that she did not say the word “I will kill you” to the judge, she told them.*
- *On 09.09.2019, she gave a complaint statement between 7 and 7.30 am when she was being treated as an inpatient at Raja Muthiah Medical College.*



- *If there was any doctor present at that time, then they were.*
- *She was conscious.*
- *She did not know the grade of the police who came.*
- *Nobody asked her if she was conscious enough to give a statement.*
- *Disagreement with the accused is arisen when the accused say not going out with her friends. She won't talk to others unnecessarily and chatting.*
- *Their parents know that they were in love.*
- *Initially he threatened her with a knife.*
- *The accused did not threaten her with a knife in the guest house, when sir called her he put it in his pants.*
- *When the incident is said to have taken place, Radhika, Madhavi, Rajasekar, and the class teacher were stood closes to her.*
- *When he threw acid, there was only a distance of 1 foot between her and the accused.*
- *If acid was thrown on those nearby, it was on sir's side. Her name is Subramani. They were standing around her.*
- *If acid was thrown on others, it could have been.*
- *When the doctor questioned her, she told that acid was thrown on her head and other parts.*
- *If she told that the smoke immediately blinded her eyes, then it was not because of the smoke that she could not see, she could not see at that time. Now she can see.*
- *If ophthalmologists examined her, they did.*
- *An ENT doctor also examined her. The doctors there recommended Aravind Hospital, Puducherry.*
- *She went Aravind hospital after 10 days.*



- *She received treatment at Aravind Hospital and returned to Muthiah Hospital.*
- *In the 164 confidential statement, she told that on the morning of 09.09.2019, he came to Annamalai University at around 11 am, and when the accused gave him a speech, she went without speaking and sat on the last bench. She did not remember exactly whether the details of the accused saying "I will come your" on a paper were mentioned in the complaint statement.*
- *He told that the accused threatened her with a knife when he came to the ground, as she told in the complaint and police statement.*
- *In the complaint and statement, she told that he threatened her with a knife on his waist, but she did not say that he threatened her with a knife on his waist, she told that he threatened her with a knife on his waist.*
- *She did not remember when she was discharged from the hospital. She was in the hospital for 2 weeks.*
- *It is not correct to say that the accused did not throw acid on her and that there were no injuries.*
- *It is also not correct to say that the accused threatened her with a knife.*
- *It is not correct to say that the two of them were in love and that he told that if you don't come, I will die, so she is giving false testimony by making a false complaint against the accused.*
- *The witness has voluntarily stated that the family knew about the two of them being in love and that he told no only because he tortured her.*

(b) **PW-2 Mr. Subramani** / is currently residing in Annamalai Nagar.

He knows the accused and PW-1. On 09.09.2019, he was standing behind the Ground in front of the Department at 6 pm. At that time, students were coming out. At that



time, the students told that there was some problem between the accused and PW-1. At that time, he called the accused and told him not to cause trouble and sent him away. At that time, PW-1 and the students who came with her asked him to accompany them until the hostel. So, while he was pushing the two-wheeler to the hostel where they were staying, the accused again asked PW-1 to speak. He asked them to speak. Then suddenly, he/accused took it from the accused's hand and blew it on PW-1. Immediately smoke came out. The students nearby ran away. PW-1 told that her eyes were burning. He called 2 students and sent them to Annamalai Hospital in his two-wheeler for treatment. When he met the doctor, the doctor told that the bathroom acid had been thrown to her, that she was being treated for her eyes, and that there was nothing else. Then, through his HOD, he informed the police station. He had a light drop of acid on his hand. The bottle from which he was told to have been acid-filled can be identified if she look at it in person. The acid bottle shown to him was marked as **MO-2**. He learned that they were already in love. The police questioned him.

When he was cross-examined by the defence, he stated as follows:-

- *On 09.09.2019, at around 7 o'clock, the police questioned him at the hospital.*
- *After that, he was not questioned. They took his address.*
- *He did not show his hand to the Doctor and took treatment, then he was not injured due to acid.*
- *There is only one Guest house in Annamalai University.*



- *He has been working there for 24 years.*
- *There is a Guest house for guests and a Guest house for employees.*
- *The incident took place opposite the New Guest house where the guests stay.*
- *The Music Department and Zoology Department are all on the main road, but its name is unknown.*
- *The department where he works is 200-300 m away from Music College.*
- *The accused ran away through the Chemistry Department after throwing acid.*
- *The direction of the main road is east-west.*
- *The Chemistry Department is east of the Guest house.*
- *The old Guest house is 200 m away from the Chemistry Department. Opposite is the Zoology department.*
- *The accused ran towards the east from the guest house.*
- *The auto driver chased the boy and caught him.*
- *The auto driver ran after the students shouted.*
- *The name and identity of the auto driver is unknown.*
- *If the accused ran away with the acid bottle in his hand, then yes.*
- *If he is giving false testimony on what the police told him that the incident did not happen as he says, and that no acid was thrown on him or on Pw1, then it is not right.*
- *It is not right that the police did not question him at 7 pm on 09.09.2019.*

(c) **PW-3 Mrs. Madhavi** / is currently resides in Melmaruvathur. She was studying Physical Education in 2018 at Annamalai University. She knows the present accused and Pw1. Pw1 is her class-mate. On 09.09.2019, she and all the students playing in Koko and went to the Ground. At that time, it was around 6 pm, Pw1 did not told her that she was scared. Pw1 did not talk to her, and she/this witness also did not talk to her, Pw-1 told Radhika who came with her that the accused was



threatening her. Then everyone went in a group to Subramanian sir to tell him. He was the only one who was there as a staff. She did not go with him, she went last. She did not know what they talked about. She came to know that they had asked the sir to take them. They were all going in two rows. The accused was standing near the Guest house. After that, they told that the accused threw acid on Pw1. They did not see it in person because they came from behind, but they saw smoke coming. Smoke came from the place because the acid was thrown. The people there ran away after seeing the acid. Pw1 was the only one there. They told that Pw.1 had an eye injury and had been taken to the hospital. They told that she was not affected. The accused ran away from there after the smoke came. After that, they went to the hostel.

She was treated as a partly hostile witness by the prosecution, saying that the police did not interrogate her and she denied the prosecution case as she witnessed the incident and at present gave false testimony.

When she was cross-examined by the accused, she testified as follows-

- *There must have been 10 Koko girls.*
- *She did not know that they had 2 guest houses in the college.*
- *The place where the accused was told to have been standing when they were going was 200 m away.*
- *It is correct to say that it was dark then.*
- *It is not known directly what caused the smoke. It was found out at the hospital that it was toilet acid.*
- *She went to the hospital at 6.30 on the day of the incident. She did not go after that.*



(d) **PW-4 Radhika** / is currently working as a Physical Teacher in a private school in Veppur. She knows the present accused and Pw-1. On 09.09.2019 at 6 pm, when they were finishing the ground, there was a problem between the accused and Pw-1. At that time, they were coming in a gang. Subramanian was standing on a Scooty outside the Master's Department. Someone asked them to leave them in the hostel. She did not know why they called him. He was coming with them. They went a little behind. The accused was standing near the guest house and told that he wanted to talk to Pw1. At that time, the accused took the bottle in his hand and poured it on Pw1's face, immediately there was smoke and they all ran away. They left Pw1 at the hospital and came. The police interrogated her. She did not remember now if she can identify by looking at the bottle.

When she was cross-examined by the accused, she testified as follows-

- *There must have been about 10 of these Koko women.*
- *She don't remember if they came with Madhavi or how they came. They came in a group.*
- *She don't remember if they came last.*
- *Whether asked it was 500 meters away from the place where the smoke came from. No, it was only 20 meters away.*
- *It is correct to say that it was dark by then.*
- *Pw-1 was also going ahead of her, she didn't remember how many people were going with her.*



- *The police interrogated her that day at the hospital. It must have been 7 pm then.*
- *Since it was dark then, she didn't know what happened when the smoke came, it wasn't that dark, it was just a little light.*
- *She didn't remember how many people went between Pw-1 and them.*
- *It is not correct to say that, the incident did not happen as she told and that she did not see anything and the police did not question her on 09.09.2019, and she told as instructed by the police that the smoke came from the bottle.*
- *The police questioned her and took all her addresses.*
- *It is correct to say that, she did not specifically told the details of the smoke coming from there during the police interrogation.*
- *The police only questioned her about the incident.*
- *She did not remember what she told to the police.*

(e) **PW-5 Ramesh** / is currently resides in Chidambaram Annamalai Nagar. It is not known what happened regarding the case. On 29.10.2019, the police came to the Guest House at Annamalai University at around 12.00 pm and questioned him and preparing a picture. He signed the statement as witness. At that time, he was going from home to town. The signature on the Observation Magazar shown to him is his signature. Observation Mahazar was marked as **Ex.P3**. He signed only one paper and signed blank paper.

He was treated as a hostile witness by the prosecution side and when the prosecution's case was presented and cross-examined, he testified as follows-



- *It is correct to say that, on the day of the incident, 10.09.2019, at around 6.50 am, the police seized a 500 ML plastic bottle of Redson Toilet cleaner from the scene opposite the Annamalai University guest house.*
- *It is correct to say that, he forgot to mention it during the chief examination as it has been a year.*

When he was cross-examined by the accused side, he testified as follows-

- *The name of the road where the guest house is located is unknown.*
- *It is east-west. From there, the police station is 1 1/2 km away, which is the main road.*
- *If you go east from the guest house, you do not know how many villages there are.*
- *It is correct to say that, there is a lot of traffic since it is the main road.*
- *It is not correct that he put the signatures on blank paper at the police station. He put them at the scene.*

(f) **PW-6 Veeramani**/ He works as a Security Guard at Raja Muthiah Hospital, Chidambaram. He has seen the accused. He has seen the accused in the emergency ward of Raja Muthiah Hospital. 5 years ago, he did not remember the date and month. At 11 am, the police of Annamalai Nagar Police Station had come to question a patient in the emergency department of Annamalai University Medical College OP. The said patient is the present accused. At that time, the accused gave a statement to the police. He tried to stab a person with a knife. In the confession statement allegedly given by the accused, the witness stated the details that the accused had told the police and based on that, he told that the accused showed the



place where the knife was kept. *(In this situation, the defence counsel stated that the details given by the witness should not be recorded and that the confession was made in front of the witness and that the police recorded it and that it could only be recorded.) (The Learned Counsel for the Accused further represented that the Witness cannot state before Court anything which he told before the Police and the grounds that Section 25 of Evidence Act prohibits any statement to the police excepting discovery of a new fact and the said portion can be marked. It is also objected stating that witness is not an eyewitness nor res gestae witness. This Court is not inclined to accept the contention with regard to representation that the evidence deposed by the witness cannot be recorded. However, this Court aware that the evidence with regard to discovery of new fact is alone admissible. The evidence adduced by the witness from the witness box cannot be restricted from recording. Admissibility of the evidence would be decided at the time of analyzing the evidence of the witness. Relevancy and admissibility are totally different. Hence examination of witness is proceeded.)*

He told that he had poured acid on her and that he could identify the knife he had hidden. But he did not go with him, but his escort, Radhakrishnan, went. He did not see him take the knife. After half an hour, they brought the accused and the knife. The signature on the confession statement shown to him is his signature. Radhakrishnan signed with him. His signature are marked as **Ex.P4 and 5**.

He was treated as a hostile witness by the Prosecution side and while cross-examination by the prosecution side, the entire Prosecution's case was presented to him, and he denied it.

When he was cross-examined by the Accused side, he testified as follows-

- *Since he works as a clerk, it is correct to say that he should sign the attendance register when he visits to work.*



- *His working hours are from 7 am to 2 pm.*
- *It is correct to say that he should sign the time he leaves work and goes home.*
- *It is not correct to say that the police checked whether he was at work on that day.*
- *It is not correct to say that, the accused gave a statement to the police in his presence.*
- *The way the police wrote the statement is that they wrote it by hand.*

(g) **PW-7 Rajasekar** / is currently working in a private company in Chennai. He knows the accused. He was studying second year at Annamalai University in 2018. At that time, the accused was his Junior. On the evening of 09.09.2019, they were playing in Kokko. It was around 6 pm. At that time, the professor in their college, Subramanian, asked the accused to take him to the bus. He took him. When they were going to take him to the bus, the accused told him that you go, I will come. So he went to play again. When they returned from playing between 6.20 and 6.40 pm, there was a crowd at the guest house. They ran and saw. There, a Junior of their college named Suchitra was crying. She told that her whole body was burning and cried rapidly. At that time, the Professor gave him his two-wheeler and asked him to take the girl to Raja Muthiah Hospital. He and his friend Poomani took her. The woman was admitted to the Emergency Ward. Only then he learns that accused had thrown acid on the woman. The police interrogated him.

He was treated as a partial hostile witness by the prosecution side, and when the prosecution's case was presented in full and cross-examined, he denied it.



When he was cross-examined by the Accused's side, he testified as follows-

- *The police questioned him and asked who took him to the hospital. They asked him on the same day, 09.09.2019.*
- *If he is lying and saying that he never took the woman to the hospital, then it is not correct.*
- *He was the one who took her.*
- *If the Lotus Hostel is a women's hostel, then it is correct. If men are not allowed in it, then it is correct.*
- *If the police told him during the interrogation that he stayed at the Lotus Hostel, then it is not correct.*
- *If he does not know anything directly about the incident, then it is correct.*

(h) **PW-8 Dr. Kishore Kumar** / while working as an Emergency Medical Officer at Raja Muthiah Hospital, in the year 2019, at around 6.30 pm in the evening of September, a 19-year-old woman named Sushila, a resident of Adi Dravidar Street, Nariveli Village, Kathiramangalam Post, Thiruvudaimarudur Taluk, was staying at the Lotus Hostel at Annamalai University, Chidambaram was brought to the emergency department by a professor named Subramani. When she was examined, she stated that she was attacked with toilet cleaning acid by an known person near the Annamalai University Guest House on September 9, 2019 at around 6.20 pm. Further, when she was examined, she was conscious and mentally alert. Details of the injuries - 1) The size of the burn wound caused by the acid was found to be 2x2 CM. 2) Irritation and superficial ulceration were found on the upper chest and back. 3) There was a discolored film on the left eye caused by acid. The patient



was consulted by a surgeon, an ophthalmologist, and an ear and throat specialist. According to the ophthalmologist's advice, the retina of his left eye was discolored and the tear duct was swollen. Therefore, based on the above-mentioned injury, he gave evidence that the injury she suffered was a grievous injury. Wound certificate is marked as **Ex.P6**. The above injuries could have been caused by the acid used for toilet purposes.

When cross-examined by the Accused's side, he testified as follows-

- *Whether the police were informed from the hospital, they were informed to the police station outside the hospital.*
- *It is not known to whom in particular.*
- *The MNC number in the accident record is the number that was informed to the police.*
- *It is not known whether he directly knows the person mentioned as Subramani Professor, who is said to have brought the injured person.*
- *If anyone else came with the woman, it was only he who came.*
- *Regarding the date on which the investigator questioned him regarding the case, he questioned him within 1 hour of the day the information was received and the accident record was registered.*
- *Who told him that it was acid used for the toilet, he recorded what the victim told.*
- *He asked for that information while asking for the woman's history and wrote it down.*
- *He asked for it separately because she told that he poured it on her face first and then on her body.*
- *If there is a difference between acid and toilet cleaning liquid, it is correct.*
- *It is not known what kind of acid they will use to clean the toilet.*



- *If the victim was sent to an ophthalmologist, yes, he did. The doctor's name was Sridevi.*
- *If he directly knows what kind of treatment he gave to the eye, he found out by looking at the case sheet.*
- *If he knows the name of the ENT doctor, he does not know. If he does not directly know what kind of treatment he gave, then it is correct.*
- *If there is a difference between the accident record and the injury certificate, then it is correct.*
- *If he did not give any injury certificate in this case, it is correct. But he gave the injury certificate based on the comments received from the ophthalmologist and ENT doctor.*
- *In this case, it is not known whether the investigator obtained any documents from the ophthalmologist and ENT doctor and showed them to him and investigated.*
- *It is correct to say that, the police inspector obtained the Ex.P.6 document that he had on 09.09.2019.*
- *It is not known whether the documents received from the ophthalmologist and ENT doctor were handed over to the investigator.*
- *If he can say whether the injury to the eye is permanent or temporary or partially permanent, only an ophthalmologist can say.*
- *It is not correct to say that, there is no basis for the injury certificate he has registered.*
- *The victim does not have permanent vision loss in her left eye, but only partial vision loss.*
- *He mentioned the injury as grievous it because the remaining half of her vision will not be permanent.*
- *Although what he says is wrong, only an ophthalmologist can give an opinion on whether the woman has complete or partial vision, but it is correct.*
- *It is not correct to say that, the victim's vision is good.*
- *It is not correct to say that, he wrongly say that her vision is partial.*
- *The victim was in the hospital for 12 days.*



- *It is correct to say that, the final opinion can be given only after the 12-days after full examination. Therefore, it is correct to say that, he gives his opinion on the day the victim was admitted to the hospital.*
- *It is not correct to say that, it was not acid that was poured on the victim, it was just water.*
- *It is not correct to say that, Professor Subramani did not come to the hospital with the victim and he did not bring the victim that day.*
- *It is not correct to say that, his opinion is not legally valid.*
- *It is not correct to say that, he gave such a opinion as per the request of the police Inspector.*

(i) **PW-9 Mr.Baranitharan** / Sub Inspector of Police, who is currently working as an Sub Inspector at Chidambaram Town Police Station. On 09.09.2019 at 21.00, while he was on duty as an Sub Inspector at Chidambaram Annamalai Nagar Police Station, Chidambaram, on information received from Chidambaram Raja Muthiah Medical College Hospital, he interrogated Selvamani's daughter Suchithra (age -19) from Thiruvaidaimarudur taluka, Thanjavur District, who was undergoing treatment there as an in-patient and recorded the details given by her. He registered the first information report under Sections 341, 294(b), 326A, 307 of the IPC. in Chidambaram Annamalai Nagar Police Station Crime No. 227/2019 (The First Information Report was marked as **Ex.P7**). The complainant's complaint and the First Information Report sent to the Judicial Magistrate, Chidambaram. He sent the other copies to the Inspector for further investigation. The Inspector interrogated him and he told him what had happened.



When he was cross-examined by the Accused's side, he testified as follows-

- *He received the information from Raja Muthiah Hospital, Chidambaram, between 7:00 PM and 8:00 PM. The exact time is not known.*
- *He received the information.*
- *The time of receipt of the information was mentioned in the First Information Report/Ex.P7. It is correct to say that, in Ex.P7 in Colum No.3 it was not mentioned the information received from the Hospital.*
- *Pw1 was admitted as an inpatient in the emergency department of the hospital.*
- *He did not know the details of the Doctor.*
- *He did not get the answer from the Doctor to find out whether Pw1 was conscious when she gave her statement.*
- *Court Question:- Whether Pw1 was conscious during the interrogation.*

Answer- Pw.1 was conscious during the interrogation.

Cross-examination continuation:-

- *He recorded the complaint at 20.00.*
- *It is correct to say that, it was mentioned at the end of the complaint statement that " Today, 09.09.2019, at 21.00, he recorded the statement and a case was registered under Crime No. 227/2019 U/s.294(b), 341, 326A, 307 I.P.C."*
- *The complaint statement was written by the police officer who accompanied him. He does not remember exactly.*
- *It is correct to say that, there was no note in the document that it was written by the police officer who accompanied him.*
- *It is correct to say that, a note was not received from the doctor that Pw.1 gave the statement in the presence of the doctor.*
- *Court Question:- whether the doctor was present when he took her statement?*
- *Answer- the doctor was present when he took her statement.*

Cross-examination Continuation-



The distance between the police station and the Chidambaram Judicial Magistrate Court is 5 km.

- *If you go by two-wheeler, you can go in half an hour.*
- *If you ask who took the First Information Report to the court, it was the constable who took it. He did not remember the name of Constable.*
- *It is correct to say that, there is a note in Ex.P7 that the First Information Report was received at 11.40 P.M on 10.09.2019 at the Judicial Magistrate's House.*
- *He did not know the reason for the First Information Report being sent to the court after a delay of 24 hours.*
- *It is not correct to say that, the complaint statement was prepared after obtaining only the signature of Pw.1.*
- *In complaint statement does not say that " the accused threatened her with a knife while coming from the ground", but it says that he was coming near the guest house. It does not say that it is the ground.*
- *It is not correct to say that no incident as mentioned in the complaint statement took place and that the complaint statement was prepared for the sake of the case.*
- *It is not correct to say that the doctor in the Emergency Department was not questioned because the complaint statement was prepared after the fact and that the First Information Report was sent to the court 24 hours late.*

(j) **PW-10**, Devendran/ Police Inspector, who is currently working as a Police Inspector at Kumaratchi Police Station. In September 2019, while working as the Inspector of Annamalai Nagar Police Circle, on 09.09.2019, the then Sub Inspector Mr.Baranitharan, who was working there, on the basis of information received from Annamalai Nagar RMM GH, registered a First Information Report under Sections 341, 294(b), 326(A), 307 IPC at Annamalai Nagar Police Station on



the basis of the statement obtained from Suchithra, aged 19, who was undergoing treatment as an inpatient. He took up the matter for investigation at 06.00 am on 10.09.2019 in front of the Annamalai University Guest House, the place of the incident, in the presence of witnesses Ramesh and Uthirapathy, and prepared a Observation Mahazar and a roughsketch. (The Roughsketch is marked as **Ex.P8**). Then he examined the eye witnesses of the incident, namely Subramanian, Madhavi, Radhika, Priyanka, and Rajasekar, and recorded their statements separately. Then the he examined the witnesses Ramesh and Uthirapathy and prepared their statements. He prepared the seizure mahazar and seized a white plastic bottle of Redson toilet cleaner, about 500 ml in size, left by the accused at the scene of the incident, in the presence of witnesses Ramesh and Uthirapathy. (That seizure mahazar is marked as **Ex.P9**). Then he examined the complainant Suchithra, the victims in this case, Maheshwari, Cholan Babu, and Jeevita,, at the Annamalai RMM GH Emergency Department and recorded their statements separately. From the investigation of this case, based on the statements of the witnesses and his secret investigation, it was revealed that the incident was true. Later, when he was in search of accused in this case, the accused, who was admitted as an inpatient at the RMM GH Emergency Department, was arrested on 10.09.2019 at 11.00 am after informing the grounds and he was arrested and informed his relatives about the arrest at 11.10 am and fulfilled



the orders of the Supreme Court. The accused in the Emergency Department voluntarily gave a confession about the incident in this case in the presence of witnesses Veeramani and Radhakrishnan. In that confession, he told that “if I am taken, I will mention the place of the incident and the knife used in the incident” (*the learned counsel for the accused’s side stated that the word "used" mentioned in the confession cannot be recorded in the statement of this witness. The documents were considered. It is stated in the confession that the accused told that the place where the knife was hidden in the confession was mentioned with the word "used". Therefore, the objection of the learned counsel for the Accused side is rejected and this word is also recorded in the statement of the witness*). On being told that he was hiding near his room in Therkiruppu, after completing the treatment at 9:00 PM, he took the accused who was undergoing treatment and went to the place specified by him. In the presence of witnesses Veeramani and Radhakrishnan, he seized a small knife about 19 cm long, a yellow handle about 9 cm and its iron part about 10 cm in the hand-holding magazine. (The 3 lines from the beginning of "Me" to the end of "I present myself" on the 3rd page of the admitted portion of the confession is marked as **Ex.P10.**) (That seizure mahazar is marked as **Ex.P11.**) Then he came to the station with the accused and the seizure mahazar and after a physical examination, he was handed over to the para. Then he sent the accused to judicial custody with proper escort and sought an remant order. He examined the doctor who treated the complainant Dr Jeevita and Dr Kishore Kumar and obtained medical certificates and recorded their statements.



Based on their statements, the section of the case was altered from 341, 294(b), 326(A), 307 IPC to 341, 294(b), 326(A), 307, 506(ii) IPC and a section alteration report was prepared and sent to the court. (The section alteration report is marked as **Ex.P12**). Later, a request letter was given to record the statement of the victim/witness Suchithra under section 164(4) CrPC and witness Suchithra was produced before Judicial Magistrate No.1, Chidambaram through Constable Thiripura sundari 1888 and a confidential statement was recorded. He interrogated and recorded the statement of Gr.II Constable Tripurasundari 1888, who was produced to record a statement under Section 164(4) of the CrPC. He then interrogated and recorded the statement of Sub Inspector Baranitharan, who had registered the First Information Report in this case. With this, he completed his investigation and filed a final report against the accused under Sections 341, 294(b), 326(A), 307, 506(ii) IPC on 12.11.2019. He recorded the details given by witness Madhavi, witness Veeramani, and Rajasekar as statements.

When cross-examined by the accused's side, he testified as follows-

- *If the road in Annamalai Guest House has a name, he does not remember that name.*
- *When asked what is mentioned in the case diary, it is mentioned as Annamalai University Main Road.*
- *When asked where Annamalai University Main Road starts and ends, it starts at Rajendran Statue and ends at Post Office Corner, it starts at the Post Office Corner.*
- *If it is said that the distance from the place called Rajendran Statue to the Post Office*



Corner is 3 km, it is not correct. The witness said that he would only know if he measured it. (After the court asked him to give a proper answer) he said that it might be about one and a half kilometers.

- *If it is told that the name of the road where the Rajendran Statue is located is Railway Peder Road, it is said to be Sivapuri Road.*
- *If you want to go from Rajendran Statue to the Post Office Corner, past the Vice-Chancellor's House, the Pool, Shastri Hall, the Chemistry Department, the Zoology Department, the Musical Department, then the Guest House after the Musical Department and then the Post Office Corner.*
- *There are only one guest house in Annamalai City. There are many rooms.*
- *If the rough sketch marked as Ex.P8 and 10 as the incident site, then it is correct.*
- *When asked on what basis he mentioned the incident site, he marked the incident site as mentioned by an eyewitness to the incident.*
- *When asked if there were any clues at the scene, there were.*
- *It was seized in the presence of witnesses.*
- *It is correct to say that the road mentioned as the incident site is the Annamalai University Main Road.*
- *When he says that the main road is a heavy-traffic area, he says that only vehicles coming to the college can pass through it.*
- *He says that if he asks if private cars and autos can pass through that route, the watchman will check and let them pass.*
- *There are watchmen near the Rajendran statue. If he is wrong in saying this, then it is not correct.*
- *When asked whether the Redson toilet cleaner bottle that was allegedly seized at the scene was at the scene from 06.00 pm, the time of the incident, to 06.00 am on 10.09.2019, the answer is yes.*
- *When asked whether he sent the bottle for chemical analysis to find out whether the contents of the seized bottle were acid or some other liquid, he said no because it was an empty bottle.*



- *No, whether it was sent to an expert to find out whether there were fingerprints on the empty bottle.*
- *If the new guest house is mentioned as the old guest house in the rough sketch, then it is correct.*
- *It is within the same compound.*
- *If there is a road between two guest houses, then there is no road. There is a way to go. It is not a public road.*
- *When asked whether Lotus House is a men's hostel or a women's hostel, he says that Lotus House is a women's hostel.*
- *How far is Lotus House from the guest house? The guest house is on this side of the road, and the lotus house is on that side. I don't know the distance.*
- *It is not mentioned whether Lotus House is mentioned on the rough sketch.*
- *It is not mentioned whether the accused has submitted medical documents related to the treatment received with the final report.*
- *If the doctor had asked the accused what his injuries were and whether he was conscious, then there was no need for that because the accused gave a conscious statement.*
- *It is correct to say that the village of Therkiruppu mentioned in the confession has many streets.*
- *It is not stated on which street the place where the accused stayed, Therkiruppu, was located, because the accused identified it.*
- *It is not stated whether it was the accused's own place or a rented place, a cottage or an apartment building, but it is stated that it was near the room where the accused was staying.*
- *Nothing else is stated.*
- *Whether the place mentioned as near the room was an empty place or a bush, I do not remember at the moment.*
- *When asked whether it was not mentioned in the case diary, the accused did not mention it because he himself gave a confession and took it away.*
- *It is not correct to say that the accused did not give any confession to him and did not produce anything.*



- *He says that if the doctor associated with the emergency department where the accused was was not questioned, then the accused and the complainant fell in love and came to the place where the Suchitra was studying and committed the crime in this case, so the accused was admitted to the emergency department to protect her from her fellow students.*
- *Whether these details are mentioned in the case diary or not.*
- *If the seized items along with Form 95 were not sent to the court, then it is not correct.*
- *Whether he interrogated the ophthalmologist and the ENT specialist who treated Suchitra, then he questioned Kishore Kumar to give a final report on the reports of the ophthalmologist and the ENT specialist. therefore, he did not interrogate the ophthalmologist and the ENT specialist separately.*
- *If he did not send the medical treatment reports of the ophthalmologist and the ENT specialist to the court, then he sent only the final comment. The other documents are in the government hospital.*
- *Whether he did not question the doctor who treated Suchitra at the Aravind Eye Hospital in Puducherry, then he did not inquire.*
- *If he had said in the chief examination that doctors Jeevita and Kishore Kumar had treated Suchithra, then Jeevita was not a doctor. The attendant who was with Suchithra.*
- *He was a friend who stayed with Suchithra in room no. 318 at the Thamarai Illam.*
- *He said that he had questioned Jeevita at the hospital. He was not a doctor.*
- *If he had mentioned that Jeevita was a relative of Suchithra when he questioned her, he had mentioned that.*
- *It is not correct to say that the MO-1 bottle and MO-2 knife that he claimed to have seized in this case have no connection with this case.*
- *It is not correct to say that the MO-1 bottle and MO-2 knife were prepared in the background for this case and that is why these items were not sent to the court with Form 95.*
- *It is correct if the security room is mentioned near the place of incident mentioned in the Ex.P8. Observation Mahazar.*
- *It is correct if the security present at that place did not question anyone.*
- *It is not correct to say that a false final report has been filed against the accused without*



properly investigating the case.

- *It is not correct to say that the accused has no connection with this case.*

(f) The Special Public Prosecutor endorsed that since Lw5 had been gained over by the accused, Observation Mahazar and Confession and Seizure Mahazar witnesses were spoken by Pw5 and Pw6 hence Lw8 and 10 may be dispensed and LW11 to 13 were hearsay witnesses the evidence of Lw11 to 13 may be dispensed with and regarding 164 statement was spoken by Pw1 the evidence of Lw15 and Lw16 and Lw5 may be dispensed with and the prosecution side evidence is closed.

6. On 22.10.2025, when the accused was questioned under Section 313(1)(b) of the CrPC regarding the evidence against the accused, the accused denied the allegations and said that it was a false witness, that a false case had been filed against him, that he would file a separate statement and that he had witnesses to interrogate on his behalf. Witness was not examined on the accused's side. The accused filed the following statement under Section 313(5) of the CrPC.-

நானும், அ.சா. I - சுசித்திராவும் பல ஆண்டுகளாக காதலித்து வந்தோம். சுசித்திரா வேண்டுகோளுக்கிணங்க சிதம்பரம் அண்ணாமலை பல்கலை கழகத்தில் ஒன்றாக B.P.E.S. சேர்ந்து படித்து வந்தோம். இதற்கிடையில் நான் அ.சா. I - சுசித்திராவிடம் ஏன் அபி என்ற நபரிடம் பேசினாய் என்று கேட்டு மனமுடைந்து எலிமருந்து சாப்பிட்டுவிட்டேன். அதன் பிறகு கடந்த 9.9.2019-ந் தேதியன்று விளையாட்டு மைதானத்தில் பயிற்சி முடித்து அ.சா. I - சுசித்ராவிடம் ஏன் என்னிடம் பேச மாட்டேன் என்கிறாய் என்று கேட்டேன். அப்பொழுது மைதானத்திற்கு செல்லும் நுழைவு வாயிலில் அருகில் இருந்தவர்கள் என்னை தவறாக நினைத்து அடித்துவிட்டார்கள். அதனால் நான் மயக்கமடைந்து விட்டேன். என்னை சிதம்பரம் அண்ணாமலை பல்கலைக்கழக மருத்துவ கல்லூரியில் சேர்த்துவிட்டார்கள். என் மீது பொய் வழக்கு பதிவு செய்துள்ளார்கள், நான் எந்த தவறும் செய்யவில்லை என்பதை பணிவுடன் தெரிவித்துக் கொள்கிறேன்.



7. Prosecution side Argument:-

The Learned Special Public Prosecutor would argue that, the victim (PW-1) testified regarding the accusations against the accused and identified the knife used to threaten her; that PW-2 who was a professor from the victim's college who was present at the scene testified about the incident and the accused throwing acid on PW-1; that PW-3 and PW-4 testified that the accused threw acid on PW-1; that PW-5 stated the acid bottle was recovered from the scene; and that PW-6 testified regarding the recovery and the seizure mahazar. Furthermore, it was submitted that PW-8 testified about treating PW-1 and issuing the wound certificate on the day of the incident; that the prosecution witnesses corroborated the complaint filed by PW-1; and that the complaint, investigative statements, and the statement recorded under Section 164 of the CrPC formed a cohesive chain of evidence established through prosecution witnesses, documents, and material objects. Consequently, the prosecution argued that the maximum punishment should be imposed on the accused for the offenses committed.

8. Accused side Argument-

The learned counsel representing the accused cited the following details in support of their arguments:-

- The complaint regarding the incident was received on 09.09.2019; the witness



was examined and the case registered on the same day. However, PW-9 admitted that the First Information Report (FIR) was sent to the court with a delay, on 10.09.2019.

- PW-9 stated that the distance between their police station and the Judicial Magistrate Court in Chidambaram is 5 km, and that the journey takes half an hour by two-wheeler.
- The location where M.O. 1 (Material Object 1) was seized is not specified.
- PW-6—a security guard at Raja Muthiah Hospital and a witness to the confession statement and the seizure mahazar—stated that he did not accompany the team during the seizure of the prosecution's material evidence, nor did he witness the recovery of the knife.
- The record indicates that M.O. 2 was seized at 6:00 AM on 10.09.2021.
- During the chief examination, PW-1 stated that the accused threw the acid bottle and fled. During cross-examination, PW-2 admitted, when asked if the accused had taken the acid bottle away with him, that he had indeed done so.
- The acid bottle alleged to have been seized was sent to the Forensic Science Laboratory, but no report was obtained.
- There is insufficient evidence to support the charge under Section 326A of the IPC.



- During cross-examination, PW-8 (the doctor) admitted that the Police Inspector had collected the document marked as Ex.P-6 from him on 09.09.2019; however, the document Ex. P-6 indicates that the opinion was provided on 28.09.2019.
- PW-2 the professor did not go to the hospital for treatment.
- The incident occurred opposite the 'New Guest House'/guest accommodation; however, the person stationed in the security room did not questioned.
- PW-1 stated that she has eyesight /was able to see.
- As per the prosecution case,the acid involved was toilet-cleaning acid.
- PW-1 and PW-2 stated that the police questioned them on 09.09.2019. However, the Investigating Officer (PW-10) stated that he took up the case for investigation and examined the witnesses at 6:00 AM on 10.09.2019.
- Witnesses PW-3 to PW-5 did not testify in support of the prosecution's case regarding acid.
- Although a complaint was lodged on the very day the acid attack occurred, the acid was not sent to the forensic science laboratory.
- Despite PW-1 claiming to have received treatment at Aravind Eye Hospital, no documents regarding this were submitted in the case.
- PW-6, the witness regarding the confession statement, stated that the police



wrote the statement by hand; however, the alleged confession statement given by the accused appears to have been recorded on a computer.

- The wound certificate (Ex. P-6) issued by the doctor (PW-8) states that Professor PW-2 brought PW-1 for treatment, and the doctor (PW-8) testified to the same effect. However, Professor PW-2 (Subramani) stated that on the day of the incident, he sent two students to take PW-1 to Annamalai Hospital for treatment on his two-wheeler.

Therefore, it was argued that since the charges against the accused have not been proven beyond reasonable doubt, the accused should be given the benefit of the significant doubts arising from the prosecution's evidence and acquitted of the charges.

9. The Points for consideration:-

The arguments of both sides were heard. The prosecution's evidence and documents were carefully considered. The issue to be resolved is whether the prosecution's charges against the accused u/s. 341, 294(b), 506(ii), 326A of IPC alternatively Section 307 of IPC. have been proven beyond a reasonable doubt in this case.

10. Solutions to the problem, along with explanations and reasons:-

The details of the punishment for the charges leveled against the accused in this



case are as follows:-

341 IPC	<i>341. Punishment for wrongful restraint.—Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.</i>
294(b) IPC	<i>294. Obscene acts and songs.—Whoever, to the annoyance of others, (a) xxxxxxxxxx (b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.]</i>
506(ii) IPC	<i>506. Punishment for criminal intimidation.— xxxxxx If threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or [imprisonment for life], or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.</i>
326A IPC	<i>[326A. Voluntarily causing grievous hurt by use of acid, etc.—Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine: Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim: Provided further that any fine imposed under this section shall be paid to the victim.</i>
307 IPC	<i>307. Attempt to murder.—Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to 1 [imprisonment for life], or to such punishment as is hereinbefore mentioned.</i>

11. Under Section 326A of the IPC, the offense is defined as causing permanent or partial damage, disfigurement, or injury to any part or parts of a



person's body, whether by throwing acid or by **any other means**, with the intent to cause such injury or harm, or with the knowledge that such injury is likely to be caused.

12. ACID -TEST

Notwithstanding the expansion in Section 326A itself of the nature of substance by the use of the phrase “any other means”, the legislature has in fact in a subsequent provision Explanation 1 of Section 326B itself provided meaning to the word “acid” used in Section 326A. “Acid”, as per the said Explanation, includes any substance which has acidic or corrosive character of burning nature capable of causing bodily injury leading to scarce or disfigurement or temporary or permanent disability. Therefore by this provision, it is quite evident that the legislature has included in the meaning of “acid” two clear and categorical aspects: first, any substance with an acidic/corrosive/burning nature; and second, that it has the capability of causing bodily injury leading to scars or disfigurement or temporary or permanent disability. The word “acid” therefore as used in Section 326A is not merely restricted to substances which are classically/scientifically termed as acids but extends and includes all those substances which have acidic/corrosive/burning nature and are capable of causing scarring/disfigurement/temporary or permanent disability. This is notwithstanding the fact that by including “any other means”, the legislature



has intended to apply Section 326A to a larger set of substances/methods which may cause such injuries to the person.

13. The scope of [Section 326A](#) IPC was discussed by Hon'ble Supreme Court of India in the case titled as '[Maqbool Vs. The State of Uttar Pradesh](#)' AIR 2018 SC 5101.

The relevant part of the said judgment is reproduced verbatim as under:-

"6. Section 326-A carries title of "voluntarily causing grievous hurt by use of acid" whereas Section 326-B does not carry any such indication in the title regarding the nature of injury as grievous. But on closer analysis, it can be seen that both the Sections provide for eight types of injuries - (i) permanent damage,

(ii) partial damage, (iii) deformity, (iv) burns,

(v) maiming, (vi) disfigurement, (vii) disability or (viii) grievous hurt.

7. The first seven of the injuries referred to in the Sections are classified based on the normal aftereffect of acid attack whereas the eighth one is on the gravity of the effect. Under Section 326A and Section 326B, grievous hurt is only one among the eight injuries. In view of the explanation under Section 326B, the resultant damage or deformity under 326A or 326B is not required to be irreversible. The other seven injuries may be either simple or grievous. The nature of injury being simple or grievous, is irrelevant for distinguishing between Section 323 and [Section 326A](#) of IPC or between Section 326A and [Section 326B](#) of IPC. If the injury referred to under Section 326A or 326B is one among the specified eight injuries, whether the seven of them be simple or grievous, the special provisions are attracted.

XX X XXX XXX

9. Thus, merely because the title to [Section 326A](#) of IPC speaks about grievous hurt by use of acid, it is not a requirement under the Section that the injuries caused should be invariably grievous. Even if the seven injuries are simple, Section 326A, and under Section 326B the mere act of throwing or attempt, as indicated in the Section, would attract the offence.

10. The title to the provision need not invariably indicate the contents of the provision. If the provision is otherwise clear and unambiguous, the title pales into irrelevance. On the contrary, if the contents of the provision are otherwise ambiguous, an aid can be sought from the title so as to define the provision. In the event of a conflict between the plain expressions in the provision and the indicated



title, the title cannot control the contents of the provision. Title is only a broad and general indication of the nature of the subject dealt under the provision.

XXX XXX XXX

16. As we have already discussed above, it is not the percentage or gravity of injury, which makes the difference. Be it simple or grievous, if the injury falls under the specified types under Section 326A on account of use of acid, the offence under Section 326A is attracted.

Section 326B would be attracted in case the requirements specified are met on an attempted acid attack."

231. From the above stated judgment, it has been squarely established that there are eight kind of injuries contemplated under [Section 326A](#) IPC, out of which first seven injuries can be simple hurt; still offence under [Section 326A](#) IPC would be made out.

232. In the present case, the victim suffered burn injuries on her face and right eye due to throwing of acid on her face. This injury may not fall within the definition of grievous hurt as provided by [Section 320](#) IPC as the prosecution has failed to prove that permanent disfiguration or permanent privation of right eye of the victim has been caused. However, even if the injury is simple one, [Section 326A](#) IPC would still be attracted. Hence, this court is of the considered opinion that the prosecution has successfully proved that the accused persons had conspired to throw acid on the victim with an intention to cause partial damage to her face and eye, and the accused persons are liable to be convicted for the offence under [Section 326A](#) IPC

14. Therefore, based on the guiding principles established by such precedents and against the backdrop of the facts of the present case, this Court concludes as follows:-

In this case, the medical evidence regarding the injuries sustained by the victim's eye, based on consultations with an ophthalmologist and an ENT specialist, is exhibited as accident register copy with final opinion as to the nature of injuries (No. C1012). This document was marked as Ex.P-6 through PW-8, Dr. Kishorekumar. Ex.P-6 details the history and nature of the injuries as follows:-



“ Patient was brought to Causality with alleged H/O Acid attack by using Toilet cleaner while walking on pedestrian throw and over for her face and other parts of the body by one known man at about 26.00pm near Annamalai University Guest House on 09.09.2019.

C/o. Burning sensation near nose, throat.

Loss of vision Left Eye.

Injuries:-

- 1) ulceration over tongue 2x2 cm**
- 2) Redness and multiple superficial ulcer and burning sensation over upper chest and back.**
- 3) Haziness of left cornea.**

Final Opinion:- A case of Acid attack. Surgery, Ophthol, ENT opinion obtained.

Injuries as per A.R. Copy.

Left Eye- Acid burns with Corneal Epithelial defect with limbial ischemia.

Chest Xray PA neck- Normal study – Wounds are grievous.

15. Thus, based on the medical record, it is evident that the injured person sustained partial damage to several parts of the body. PW1, PW2, and PW4 have clearly testified that the accused threw acid on the face of the injured person (PW1) while she was walking near the Annamalai University Guest House. During cross-examination, PW5 acknowledged that the police recovered an acid bottle near the scene of the incident. The accident register entry at Annamalai University's Raja Muthiah Medical College was made at 06:34 PM, immediately following the incident which occurred at 06:20 PM. The testimony provided by the injured person (PW1), regarding the accused throwing acid on his face, his immediate admission to the hospital, the lodging of a complaint at the hospital, and the statement given before another court under Section 164 of the Cr.P.C. is linked each other and prove the



evidence of Pw1 regarding the injuries and commission of the offence by the accused is cogent and credible. Careful scrutiny of the evidence shows that the statements of (PW-1) Suchithra and (PW-2) Subramaniyan are clear, cogent and credible. They have been subjected to cross-examination, but they remained stick to the prosecution version and no such fact, contradiction or inconsistency could emerge, so as to create any doubt about their testimony. Keeping in view of the fact that, after incident, injured/PW1 taken to hospital and was admitted there and that on the same night it is apparent that the first information report of the incident was lodged without any undue delay. Version of (PW-1) Suchithra finds corroboration from testimony of (PW-2) Subramaniyan, PW3 Madhavi, PW4 Radhika, PW5 Ramesh, and PW7 Rajasekar which are fully consistent with medical evidence. It is also to be kept in mind that the accused caught red handed by the fellow students and admitted to hospital as deposed by the PW2 and PW10. The presence and commission of offence by the accused by throwing acid (or other substance which have acidic/corrosive/burning nature and are capable of causing scarring/disfigurement/temporary or permanent disability.) to the face of PW1 was also clearly deposed by PW3, PW4 and PW7 deposed about the seizure of the M.O.2 (Toilet clean Acid Bottle).

16. From the perusal of the aforesaid provision of Section 326A I.P.C., coupled



with evidence of this case, it is clear that if a person causes burns by throwing acid or any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt the offence is covered under Section 326A I.P.C. So far as the facts of the present case are concerned, PW1 injured Suchithra has specifically stated in her examination-in-chief that accused poured acid over the body of injured Suchithra which causes burning injuries.

17. As per the Ex.P6, in the incident, Pw1 sustained following injuries :-

For the purpose of clarity the scientific medical term of the injuries explained in the bracket followed the injuries mentioned in the certificate.

- 1) ulceration over tongue 2x2 cm
- 2) Redness and multiple superficial ulcer and burning sensation over upper chest and back.
- 3) Haziness of left cornea. *(a serious symptom that disrupts light focusing and indicates underlying swelling, infection, injury, or scarring.)*

Left Eye-Acid burns with Corneal Epithelial defect with limbal ischemia.

(Acid burns causing a corneal epithelial defect with limbal ischemia are considered a true ophthalmic emergency. The extent of limbal ischemia is a critical prognostic factor, as it signifies damage to the limbal stem cells required to regenerate the corneal surface.)

18. PW8 Dr.Kishore kumar has stated in his examination in chief about the injuries sustained by the PW1 injured and Finally opined that it is a case of Acid



attack. Surgery, Ophthol, ENT opinion obtained and the said injuries are grievous in nature. Thus, this court finally concludes that from the evidence of PW1 Suchithra and PW8, Dr.Kishorekumar offence under Section 326A I.P.C. is clearly established against the accused.

19. Regarding how the testimony of an injured person should be approached in a criminal case, the Honorable Supreme Court has laid down the following principles in the following Judgments:-

I) In Jarnail Singh v. State of Punjab, (2009) 9SCC 719, the Supreme Court reiterated the special evidentiary status accorded to the testimony of an injured accused. The fact that the witness sustained injuries at the time and place of occurrence, lends support to his testimony that he was present during the occurrence. In case, the injured witness is subjected to lengthy cross-examination and nothing can be elicited to discard his testimony, it should be relied upon. It was held in para 20 and 21 as follows:-

20. In [Shivalingappa Kallayanappa v. State of Karnataka](#) 1994 Supp (3) SCC 235, this Court has held that the deposition of the injured witness should be relied upon unless there are strong grounds for rejection of his evidence on the basis of major contradictions and discrepancies, for the reason that his presence on the scene stands established in case, it is proved that he suffered the injury during the said incident.

21. In [State of U.P. v. Kishan Chand and Ors.](#) (2004) 7 SCC 629, a similar view has been re-iterated observing that the Testimony of a stamped witness has its own relevance and efficacy. The fact that the witness sustained injuries at the time and place of occurrence, lends support to his testimony that he was present during the occurrence. In case the injured witness is subjected to lengthy cross examination and nothing can be elicited to discard his testimony, it should be relied upon (vide [Krishan & Ors. V. State of Haryana](#) (2006) 12 SCC 459).

II) The Supreme Court in the case of [Abdul Sayeed Vs State of Madhya Pradesh](#) reported in (2010) 10 SCC 259. was pleased to held in para 26



26. The question of the weight to be attached to the evidence of a witness that was himself injured in the course of the occurrence has been extensively discussed by this Court. Where a witness to the occurrence has himself been injured in the incident, the testimony of such a witness is generally considered to be very reliable, as he is a witness that comes with a built-in guarantee of his presence at the scene of the crime and is unlikely to spare his actual assailant(s) in order to falsely implicate someone. "Convincing evidence is required to discredit an injured witness". (Vide *Ramlagan Singh & Ors. v. State of Bihar*, AIR 1972 SC 2593; , AIR 1975 SC 12; *Machhi Singh & Ors. v. State of Punjab*, AIR 1983 SC 957; *Appabhai & Anr. v. State of Gujarat*, AIR 1988 SC 696; *Bonkya alias Bharat Shivaji Mane & Ors. v. State of Maharashtra*, (1995) 6 SCC 447; *Bhag Singh & Ors.* (supra); *Mohar & Anr. v. State of Uttar Pradesh*, (2002) 7 SCC 606; *Dinesh Kumar v. State of Rajasthan*, (2008) 8 SCC 270; *Vishnu & Ors. v. State of Rajasthan*, (2009) 10 SCC 477; *Annareddy Sambasiva Reddy & Ors. v. State of Malkhan Singh & Anr. v. State of Uttar Pradesh* Andhra Pradesh, AIR 2009 SC 2261; *Balraje alias Trimbak v. State of Maharashtra*, (2010) 6 SCC 673).

III) In a recent judgement rendered by Hon'ble Apex Court in *Neeraj Sharma vs. State of Chhattisgarh*, (2024) 3 SCC 125 in respect of importance of injured witness in a criminal trial, the Hon'ble Apex Court has, in paragraphs 22 and 23, held as under:

22. The importance of injured witness in a criminal trial cannot be over stated. Unless there are compelling circumstances or evidence placed by the defence to doubt such a witness, this has to be accepted as an extremely valuable evidence in a criminal Trial.

23. In the case of *Balu Sudam Khalde v. State of Maharashtra* 2023 SCC OnLine SC 355 this Court summed up the principles which are to be kept in mind when appreciating the evidence of an injured eye-witness. This court held as follows:

"26. When the evidence of an injured eye-witness is to be appreciated, the under-noted legal principles enunciated by the Courts are required to be kept in mind:

(a) The presence of an injured eye-witness at the time and place of the occurrence cannot be doubted unless there are material contradictions in his deposition.

(b) Unless, it is otherwise established by the evidence, it must be believed that an injured witness would not allow the real culprits to escape and falsely implicate the accused.

(c) The evidence of injured witness has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly.

(d) The evidence of injured witness cannot be doubted on account of some embellishment in natural conduct or minor contradictions.

(e) If there be any exaggeration or immaterial embellishments in the evidence of an injured witness, then such contradiction, exaggeration or embellishment should be discarded from



the evidence of injured, but not the whole evidence.

(f) The broad substratum of the prosecution version must be taken into consideration and discrepancies which normally creep due to loss of memory with passage of time should be discarded."

(Emphasis supplied)

20. As per the above Judgment of the Hon'ble Supreme Court, the law on the point can be summarized to the effect that the testimony of the injured witness is accorded a special status in law. This is as a consequence of the fact that the injury to the witness is an inbuilt guarantee of her presence at the scene of the crime and because the witness will not want to let her actual assailant go unpunished merely to falsely implicate a third party for the commission of the offence. Thus, the deposition of the injured witness should be relied upon unless there are strong grounds for rejection of her evidence on the basis of major contradictions and discrepancies therein. The testimony of the injured witness (PW-1) is of great significance in this case, as the injuries sustained confirm her presence at the scene of the incident. Her testimony is consistent and credible. The accused himself admits his presence at the place of occurrence in the statement filed u/s.313(1)(b) Cr.P.C. The accused also admits in the statement that “அ.சா-1 சுசித்ராவிடம் ஏன் அபி என்ற நபரிடம் பேசினாய் என்று கேட்டு மனமுடைந்து எலி மருந்து சாப்பிட்டுவிட்டேன். அதன்பிறகு கடந்த 09.09,2019 அன்று விளையாட்டு மைதானத்தில் பயிற்சி முடித்து அ.சா-1 சுசித்ராவிடம் ஏன் என்னிடம் பேசமாட்டேன் என்கிறாய் என்று கேட்டேன்.” Therefore, the circumstantial evidence, specifically the conduct of the accused and the medical records, forms a complete chain linking the accused to the



crime. There are no material contradictions that would undermine the credibility of the injured witness. Her account regarding the manner of the assault and the weapon used is consistent and clear. Medical evidence, comprising the injury certificate and the doctor's testimony, clearly corroborates the injuries described by the witness. The nature and location of the injuries align with the ocular testimony. Nothing significant emerged during cross-examination to refute her testimony or diminish its credibility. When the testimony of an injured witness is supported by medical evidence, it becomes credible and worthy of firm reliance. Therefore, this Court finds no grounds to reject the testimony of the injured witness/PW1. PW-1 has consistently testified regarding the overt acts of the accused and the manner in which the acid assault was committed; no material information emerged during cross-examination to undermine the credibility of her testimony. Witnesses to the seizure document/mahazar have corroborated the prosecution's contention regarding the recovery of the Toilet clean acid bottle used in the commission of the crime. The key item seized, M.O.2 (500 மில்லி பிடிக்கக்கூடிய வெள்ளை நிற பிளாஸ்டிக் பாட்டில், அதில் Redsun Toilet Cleaner என்று அச்சிடப்பட்ட ஸ்டிக்கர் ஒட்டப்பட்டது) Acid bottle align with the statement provided by the injured witness and seizure witness. Furthermore, the testimony of the investigating officer regarding the seizure of this Material Object-2 is credible. The recovery of crime related objects as part of the investigation further reinforces the statement of the injured witness.



21. It is also pertinent to note that P.W-2, P.W-3, and P.W-4 in this case are "eyewitnesses." Testimonies given by eyewitnesses generally carry significant evidentiary weight. Unless there are clear and substantial contradictions or inconsistencies that undermine their credibility, such testimonies cannot be dismissed as unreliable. If there is any exaggeration in the testimony that does not affect the core aspects of the case, such exaggeration should be disregarded; it does not warrant the rejection of the entire testimony. Therefore, this court conclude that, doubt raised by the accused regarding the falsity of evidence of this case is baseless.

22. The learned counsel for the defense argues that, ophthalmologist Doctor was not examined and therefore, there is no evidence to show that PW1 suffered a loss of vision. Upon examining the evidence to decide about this arguments this court finds that during the testimony, PW1 categorically stated that “என் கண், நாக்கு, இடதுபுற தோல் ஆகிய இடங்களில் தோல் உரிந்துவிட்டது.” the skin on her eye, tongue, and left side of his body had peeled off during the incident. Furthermore, Prosecution Witness Pw-8 Doctor categorically stated that following initial treatment, PW1 was referred to the ophthalmology department and opinion obtained. As per the Ex p6, the injuries diagnosed as discussed prior portion of this Judgment which reveals that the Pw8 issued final opinion only after getting Ophthalmologist and ENT Doctor opinion. Therefore, this argument of the accused side is considered unacceptable.



23. The personal testimony of PW1 is convincing and fully credible. Therefore, even without taking into account the evidence of PW2 and PW4, the testimony of PW1 corroborated by medical and other evidence is sufficient to establish that accused has committed the offense under section 326 A IPC. It is a well-settled rule of law that the testimony of an injured witness is more reliable as he bears the marks of the injuries he sustained during the incident and so corroborates the truth.

24. Discussion about the charge framed u/s. 341 of IPC:-

As regards applicability of Section 341 of the IPC, the testimony of Pw1, the victim girl, which is reproduced herein below for the purpose of clarity, would reveal that the victim girl/Pw1 was intentionally prevented by the accused from proceeding further and thereby wrongfully restrained the Pw1 is also made out.

Pw1:- Chief examination:-

“ ஆகையால் அவர் வண்டியை தள்ளிக்கொண்டு நான், அவர், ராதிகா, மாதவி ஆகியோர் ஹாஸ்டல் வரை நடந்துசென்றுக்கொண்டிருந்தோம் அப்போது ஹாஸ்டலுக்கு முன்னால் இருந்த கெஸ்ட் ஹவுஸ் அருகே நிற்குகொண்டிருந்தார். மாஸ்டர் அவரிடம் ஏன் இங்கு நிற்கிறாய் என்று கேட்டபோது நான் அந்த பெண்ணிடம் பேச வேண்டும் என்று சொன்னார். நான் என்ன பேச வேண்டும் என்று கேட்டுக்கொண்டிருந்த நிலையில் எதிரி என் முகத்தில் ஆசிட்டை ஊத்திவிட்டார்.”

25. The above evidence of the victim girl/Pw1 which describe the offence of wrongful restraint committed by the accused squarely falls within the scope and ambit of Section 341 of IPC.



26. Discussion about the charge framed u/s. 506(ii) of IPC:-

As regards applicability of Section 506(ii) of the IPC, the testimony of Pw1, the victim girl, which is reproduced herein below for the purpose of clarity, would reveal that the victim girl/Pw1 was threatened by the accused that caused alarm or fear in the mind of the victim girl is also made out.

Pw1:- Chief examination:-

"நான் என்ன பேச வேண்டும் என்று கேட்டுக்கொண்டிருந்த நிலையில் எதிரி என் முகத்தில் ஆசிட்டை ஊத்திவிட்டார். என் தலை மற்றும் இதர பாகங்களில் ஆசிட் துளிகள் பட்டது. உடனடியாக அங்கு புகையாக ஆனது. எனக்கு கண் தெரியாமல் போனது. எனக்கு கிடைக்காத நீ யாருக்கும் கிடைக்கக்கூடாது என்று சொல்லி, செத்து ஒழி என்று சொல்லி ஆசிட் பாட்டிலை போட்டுவிட்டு ஓடிவிட்டார்."

27. The above evidence of the victim girl/Pw1 which describe the criminal intimidation committed by the accused squarely falls within the scope and ambit of Section 506(ii) of IPC.

28. Discussion about the charge framed u/s.294(b) of IPC:-

On perusal of the prosecution side evidence reveals that the prosecution has not proved the charges u/s. 294(b) of IPC.

29. Statement filed by accused under section 313 of CRPC

During the statement of accused recorded u/s 313 of code of criminal procedure, the accused for the first time took the defence that he was approached the PW1 on 9.9.2019 at the occurrence place only to ask the PW1, that why she was not spoken to



him. At the time the persons available in that place mis understood him and beaten him. But this defence can not be believed as the same was never put to the prosecution witnesses during his cross-examination and is thus an afterthought. The statement filed by the accused u/s. 313 of CrPC confirmed the motive of the accused as in the said statement itself. He mentioned that “அ.சா-1 சுசித்ராவிடம் ஏன் அபி என்ற நபரிடம் பேசினாய் என்று கேட்டு மனமுடைந்து எலி மருந்து சாப்பிட்டுவிட்டேன். அதன்பிறகு கடந்த 09.09,2019 அன்று விளையாட்டு மைதானத்தில் பயிற்சி முடித்து அ.சா-1 சுசித்ராவிடம் ஏன் என்னிடம் பேசமாட்டேன் என்கிறாய் என்று கேட்டேன்.” which reveals that he had intention to take revenge against the victim girl and also confirms that the presence of the accused at occurrence place on 09.09.2019.

30. Discussion regarding the Defence Counsel's argument concerning the inconsistencies in the prosecution's investigation procedure:-

The learned counsel for the defence in this case argued that the inconsistencies or gaps in the prosecution's investigation procedures weaken the prosecution's case as a whole. Therefore, in these circumstances, this Court deems it necessary to highlight the following observation made by the Hon'ble Supreme Court in its Judgment dated 20.05.2022 in the case of Manoj Vs State of Madhya Pradesh (Criminal Appeal 248-250 of 2015), and accordingly, the Court states the following:-

Para 157. This court has previously discussed the probative value of the evidence relied on by the prosecution, and rejected the way in which Neha was apprehended, the recoveries made on 23.06.2011, the TIP of the accused, the deposition of PW-10 and of PW-8, and the DNA and shoeprint analysis. The first question is whether having regard to the rejection of some of the prosecution



evidence, the case against the accused, as a whole, stands disproved. This aspect has been considered in earlier decisions of this court where defects in investigation, or lapses in the recollection during testimonies of witnesses, were involved.

In *State of U.P. v. Anil Singh*⁶², this court observed as follows:

7. It is also our experience that invariably the witnesses add embroidery to prosecution story, perhaps for the fear of being disbelieved. But that is no ground to throw the case overboard, if true, in the main. If there is a ring of truth in the main, the case should not be rejected. It is the duty of the court to cull out the nuggets of truth from the evidence unless there is reason to believe that the inconsistencies or falsehood are so glaring as utterly to destroy confidence in the witnesses. It is necessary to remember that a Judge does not preside over a criminal trial merely to see that no innocent man is punished. A Judge also presides to see that a guilty man does not escape. One is as important as the other. Both are public duties which the Judge has to perform.”

In *C. Muniappan v. State of Tamil Nadu*⁶³ it was held that:

“The defect in the investigation by itself cannot be a ground for acquittal. If primacy is given to such designed or negligent investigations or to the omissions or lapses by perfunctory investigation, the faith and confidence of the people in the criminal justice administration would be eroded. Where there has been negligence on the part of the investigating agency or omissions, etc. which resulted in defective investigation, there is a legal obligation on the part of the court to examine the prosecution evidence dehors such lapses, carefully, to find out whether the said evidence is reliable or not and to what extent it is reliable and as to whether such lapses affected the object of finding out the truth.

A similar approach was adopted in *Surajit Sarkar v. State of West Bengal and Shanker & Ors. v. State of Madhya Pradesh*. In *Harijana Thirupala and Ors. v. Public Prosecutor, High Court of A.P., Hyderabad* this court said that: “...The case of the prosecution must be judged as a whole having regard to the totality of the evidence. In appreciating the evidence, the approach of the court must be integrated not truncated or isolated. In other words, the impact of evidence in totality on the prosecution case or innocence of Accused has to be kept in mind in coming the conclusion as to the guilt or otherwise of the accused. In reaching a conclusion about the guilt of the accused, the court has to appreciate, analyse and assess the evidence placed before it by the yardstick of probabilities, its intrinsic value and the animus of witnesses.”¹⁵⁸ This court has further emphasized that if discrepancies in the depositions are minor, or that witness contradict themselves during their testimonies (as opposed to their previous police statements) what is important is the nature of contradictions.

In *Rammi @ Rameshwar v. State of Madhya Pradesh*⁶⁷, this Court held that:

24....Courts should bear in mind that it is only when discrepancies in the evidence of a witness are so incompatible with the credibility of his version that the Court is justified in jettisoning his evidence. But too serious a view to be adopted on mere variations falling in the narration of an incident (either as between the evidence of two witnesses or as between two statements of the same witness) is an unrealistic approach for judicial scrutiny.”

In *Appabhai and Anr. v. State of Gujarat*⁶⁸, it was ruled that “

The Court while appreciating the evidence must not attach undue importance to minor



discrepancies. The discrepancies which do not shake the basic version of the prosecution case may be discarded”.

In a similar vein, it was observed, in Vinod Kumar v. State of Haryana that

“Only when discrepancies in the evidence of a witness are so incompatible with the credibility of his version that it would be justified in jettisoning his evidence.”

31. Therefore, based on the guidance of these Hon’ble Supreme Court Judgments and the facts and circumstances derived from the evidence already discussed in this Judgment, this court concludes that the procedural irregularities in the prosecution's case, as argued by the defense, cannot be considered in favor of the defense, and that these procedural irregularities have not prejudiced the prosecution's case or its direct/Injured evidence.

32. The citation produced by the accused is not helpful for the accused in this case, because in that case it was held by the Hon’ble Calcutta High Court that unknown person threw acid to the injured / deceased in that case, who was sleeping. But in this case, the occurrence is daylight occurrence. The injured is the eye-witness and apart from the injured Pw2 to Pw4 also witnessed the occurrence and categorically deposed about the occurrence and involvement of the accused. Therefore, the citation filed by the accused will not any way helpful for the accused.

33. Conclusion :

To sum up, the circumstances establishing guilt of the accused, have been fully established by the prosecution. The facts established on record are consistent only



with the hypothesis of guilt of the accused. All the circumstances, as proved by prosecution, are conclusive in nature. The circumstances proved on record exclude every possible hypothesis and are not explainable on any except the guilt of accused. The chain of evidence in the present case is so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused. The circumstances proved on record in this case show that in all human probability it was the accused who had committed Throwing of acid like substance to the face of injured and causing grievous injuries to the Pw1. In the considered view of this court, the aforesaid circumstances are sufficient to form as regards the offence punishable u/s 326A IPC.

34. Therefore, finally, based on the evidence and documents presented by the prosecution, it was concluded that the charges against the accused under Section 341, 506(ii) and 326A of IPC. have been proven beyond a reasonable doubt by the prosecution through appropriate evidence and documents. Consequently, under Section 235(2) of the Code of Criminal Procedure, the accused, Muthamizhan, was found guilty of the offences under Section 341, 506(ii) and 326A of IPC. When questioned about the sentence to be imposed, the accused stated the following:-

எந்த தவறும் செய்யவில்லை. தண்டனை குறைத்து கொடுங்கள்.



35. Details of Punishment:-

Regarding the sentencing, the Defence Counsel, argued that considering the circumstances of the case and the fact that the family members of the accused depend on the income of the accused, the minimum possible sentence should be given to the accused. This court considered the arguments of both sides.

36. Since this court is decided to give a minimum sentence for the offence under section 326A of IPC. ie. 10 years, no adjournment was provided for the accused for determining the sentence. The arguments of the accused regarding the sentence is taken care off.

37. After considering the entire circumstances, the charges are proved against the accused and the punishment provided to it, this Court arrived at the conclusion that the following sentence would meet the ends of justice.

Accordingly, this Court proceed to pass the following Judgment:-

- In the result, considering the nature and gravity of the offence, this Court conclude that the accused Muthamizhan is found guilty of the offence mentioned in the Column No.1 of the Table below, under Sec.235(2) of Cr.P.C. and is convicted and sentenced to undergo imprisonment for the period mentioned in the Column No.2 of the Table below and to pay a fine mentioned in the Column No.3 of the Table below and in default of payment of fine to undergo the imprisonment for the**



period mentioned in Column No.4 of the Table below:-

Column No.1 Guilty of the offence	Column No.2 Conviction and Sentence	Column No.3 Fine Particulars	Column No.4 Punishment in default of paying fine
U/s. 341 of IPC.	Simple Imprisonment for a term of One month.	Rs.500/-	Simple Imprisonment of One Week.
U/s. 506(ii) of IPC.	Rigorous Imprisonment for a term of Two Years.	Rs.1000/-	Simple Imprisonment for Three months.
U/s. 326A of IPC.	Rigorous Imprisonment for a term of Ten years.	Rs.50,000/-	Simple Imprisonment for One Year.

- The said fine of Rs.51,500/- shall be paid to Pw1/Injured towards compensation, after appeal time is completed; (Fine not paid)
- The accused is acquitted for the offence u/s. 294(b) of IPC.
- All the sentences are to be run concurrently;
- The imprisonment has already undergone by the accused, if any, shall be set off as per Sec.428 of Cr.P.C.;
- The bail bonds, if any, of the accused shall stand canceled.
- In CP.No.11/2024 and exhibited MO-1 & 2 are ordered to be destroyed after appeal time.
- Furthermore, considering the grievous injury and its consequences suffered by the victim, Pw-1, due to the acid attack by the accused, it is recommended that a copy of this judgment be forwarded to the Cuddalore District Legal Services Authority to determine the compensation amount payable under the scheme formulated by the Government of Tamil Nadu.



Dictated to the Stenographer, directly typed in the computer, corrected and pronounced by me in the open court on this the **19th day of June, 2026.**

Sessions Judge,.
Mahila Court,
Cuddalore.

**ANNEXURE AS PER RULE NO.106 OF THE
CRIMINAL RULES OF PRACTICE 2019**

Name of the police station and the Crime number of the offence		Annamalai Nagar Police Station, (Cr. No. 227/2019)
Description of the accused	Name,	Muthamizhan,
	Father's Name	Sankar
	Occupation	Student
	Residence	60/1, North Street, Pazhayagudalur Post, Kutthalam Taluk. Nagapattinam District.
	Age	23/2019
Date of:	Occurrence	09.09.2019
	Complaint	09.09.2019
	Apprehension	10.09.2019
	Released on bail	30.01.2020 <i>(Accused released on bail as per order of Judicial Magistrate No.I Chidambaram in Crl.M.P.No.10 of 2020 dated 11.01.2020)</i>
	Commitment	15.12.2020



		(PRC.No.6/2020 of Judicial Magistrate No.I Chidambaram)
	Commencement of Trial	05.11.2024
	Closure of Trial	14.11.2025
Sentence or Order		As found in the Final Order.
Service of copy of Judgment of finding on accused		Immediately after the pronouncement of Judgment, digitally signed copy of Judgment provided to the accused for free of cost.
Explanation of Delay		No delay

Witnesses examined on the side of Prosecution-

Prosecu tion Witness No.	Name of Witness	Description
1.	Suchithra	Victim Woman / Complainant.
2.	Subramani	Professor / Eye witness to incident
3.	Madhavi	College Student / Eye witness to incident
4.	Radhika	College Student /Eye witness to incident
5.	Ramesh	Observation Mahazar & Seizure Mahazar witness.
6.	Veeramani	Security / Confession of Accused & Seizure Mahazar witness.
7.	Rajasekar	College Student / Eye witness to incident
8.	Dr.Kishore Kumar	Medical Officer
9.	Baranidharan	Sub Inspector of Police/ Receiving complaint from Pw1 and registering the FIR.
10.	Devendhiran	Inspector of Police / Investigating Officer / After completed the investigation and filed charge sheet.



Exhibited documents on the side of Prosecution-

Exhibits No.	Description of the Exhibit	Proved by/ Attested by
1.	Complaint statement of Pw1.	Pw1
2.	Admitted Portion of 164 CrPC Statement of Pw1.	Pw1
3.	Observation Mahazar.	Pw5
4.	Signature of Pw4 in Mahazar.	Pw6
5.	Signature of Pw4 in Confession Statement.	Pw6
6.	Wound Certificate.	Pw8
7.	First Information Report.	Pw9
8.	Roughsketch.	Pw10
9.	Seizure Mahazar.	Pw10
10.	Admitted Portion in confession statement of 3 rd page "என்னை" என்று ஆரம்பிப்பத்தில் இருந்து "ஆஜர் செய்கிறேன்" என்று முடியும் வரை உள்ள 3 வரிகள் கொண்ட பகுதி.	Pw10
11.	Seizure Mahazar.	Pw10
12.	Section Alteration Report.	Pw10

Witness examined on the side of Defence- Nil

Exhibited documents on the side of Defence- Nil

Exhibited Material Objects on the side of Prosecution:-

Material Object No.	Description of the Exhibit	Proved by/ Attested by
1.	Knife	Pw1
2.	Acid bottle (500 மில்லி பிடிக்கக்கூடிய வெள்ளை நிற பிளாஸ்டிக் பாட்டில், அதில் Redsun Toilet Cleaner என்று அச்சிடப்பட்ட ஸ்டிக்கர் ஒட்டப்பட்டது)	Pw2



Exhibited Material Objects on the side of Defence:- Nil

Sessions Judge,
Mahila Court,
Cuddalore.

Draft/Fair Judgment
S.C.No.8/2021
Date: 19.06.2026