



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, CHENGALPATTU.**

Present: Thiru.T.Chandrasekaran, M.L.,
Principal District and Sessions Judge,
Chengalpattu.

Dated: Wednesday, the 19th day of August 2026.

Criminal Appeal No.8 of 2024
(CNR No.TNCG01-008864-2023)

(A Criminal Appeal preferred against the Judgment passed by
the learned Judicial Magistrate No.I, Tambaram
in C.C. No.9 of 2021 on 20.07.2023)

Vetrivel, aged 39 years, S/o.Pannerselvam,
No.106/20, V.O.C. Street, Kamarajar Nagar,
New Perungalathur, Chennai - 600 063.

... Appellant/Accused

//Versus//

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Peerkankaranai Police Station,
Cr. No.799 of 2019

... Respondent/Complainant

From which Court the Appeal is preferred	Judicial Magistrate No.I, Tambaram
Number of the case in Lower Court	C.C. No.9 of 2021
Number of the Criminal Appeal	Criminal Appeal No.8 of 2024
Name and Description of the Appellant	Vetrivel, S/o.Pannerselvam, Aged 39 years, No.106/20, V.O.C. Street, Kamarajar Nagar, New Perungalathur, Chennai - 600 063.
Name and Description of the Respondent	The State of Tamil Nadu, Rep. by the Inspector of Police, Peerkankaranai Police Station, Cr. No.799 of 2019



The Sentence and law under which it was imposed in the trial Court:	
In the result, the prosecution has not proved its case beyond all reasonable doubts against the Accused for the offences U/s.341, 294(b), 506(i) of IPC r/w. Sec.4 of TNPHW Act. Hence, the accused is acquitted from the offences U/s.341, 294(b), 506(i) of IPC r/w. Sec.4 of TNPHW Act as per Sec.248(1) of Cr.P.C. As the accused is found guilty of committing the offence <i>U/s.323 of IPC</i> and also on taking into consideration the plea of the accused, this court is inclined to impose a minimum sentence on the accused and the accused is sentenced to pay a fine of Rs.1,000/-, in default of fine, to undergo two weeks simple imprisonment.	
Date of Presentation	02.11.2023
Date of Filing	24.01.2024
Date on which notice issued by the Court	24.01.2024
Bail Bond if appellant has been let out on bail/sentence suspended	-----
Date on which the Appellant ordered to appear	24.01.2024
Date of First hearing	27.02.2024
Date of Final hearing	01.08.2026
Date of order and Sentence	19.08.2026
Whether confirmed, modified or reversed, and if modified, the modification	Confirmed -
In the result, the Criminal Appeal is dismissed. The judgment dated 20.07.2023 passed by the learned Judicial Magistrate No.I, Tambaram, in C.C. No.9 of 2021, insofar as it relates to the conviction of the appellant/accused for the offence punishable under Sec.323 of I.P.C and the sentence of payment of fine of Rs.1,000/-, in default to undergo two weeks Simple Imprisonment, is hereby confirmed.	



This Criminal Appeal came up before me on the 01.08.2026 for final hearing in the presence of M/s.C.V.Ilangovan, the learned counsel is appearing for the Appellant/Accused, M/s.V.Krishnamoorthy, the learned Public Prosecutor appearing for the Respondent/complainant, upon hearing both side arguments, upon perusing the records and having stood over the matter for consideration till this day, this Court has delivered the following:

JUDGMENT

This Criminal Appeal arises out of the Judgment pronounced by the learned Judicial Magistrate No.I, Tambaram in C.C. No.9 of 2021 dated 20.07.2023, whereon the learned Judicial Magistrate concluded that the prosecution has not proved its case beyond all reasonable doubts against the Accused for the offences U/s.341, 294(b), 506(i) of IPC r/w. Sec.4 of TNPHW Act. Hence, the accused is acquitted from the offences U/s.341, 294(b), 506(i) of IPC r/w. Sec.4 of TNPHW Act as per Sec.248(1) of Cr.P.C. As the accused is found guilty of committing the offence *U/s.323 of IPC* and also on taking into consideration the plea of the accused, this court is inclined to impose a minimum sentence on the accused and the accused is sentenced to pay a fine of Rs.1,000/-, in default of fine, to undergo two weeks simple imprisonment. The accused - who was convicted by trial court is the appellant herein.

2. Facts set out in C.C. No.9 of 2021 in short:

The defacto complainant is residing at No.106/20, VOC Street, Kamarajar Nagar, New Perunkalathur. The accused is living on rent in the house of the defacto complainant for the past seven years. Whereby, the



defacto complainant told the accused to vacate the house. But the accused has filed a civil case without vacating the house. Thus, the defacto complainant and the accused have been in a problem. On 20.12.2019, at about 10.30 A.M., the witness No.3 heard that the accused was standing near the compound wall behind the house and was making noise. When the defacto complainant came to hear the accused, the accused restrained the defacto complainant, used filthy words to the annoyance of others in a public place and kicked on her stomach. At that time the witnesses No.3 and 4 caught the accused, but he threatened them with dire consequences. Hence, the defacto complainant lodged a complaint before the Sub Inspector of Police, Peerkankaranai Police station, pursuant to which, a case in Cr. No.799 of 2019 was registered on the file of Peerkankaranai Police Station for the offences punishable U/s.341, 294(b), 323, 506(i) of IPC r/w. Sec.4 of TN Prohibition of Harassment of Women Act, 2002.

3. After observing the due formalities contemplated under Law, the Sub Inspector of Police, Peerkankaranai Police Station conducted investigation. After completion of investigation, the Investigating Officer laid Final Report before the Judicial Magistrate No.I, Tambaram, against the accused for the offences U/s.341, 294(b), 323, 506(i) of IPC r/w. Sec.4



of TN Prohibition of Harassment of Women Act, 2002.

4. The learned Judicial Magistrate No.I, Tambaram took cognizance of offences and the case was numbered as C.C. No.9 of 2021.

5. Before the learned Judicial Magistrate, in order to prove the case of the prosecution, on the side of the prosecution, the prosecution has chosen to examine five witnesses as prosecution witnesses PW.1 to PW.5 and five documents were marked as Ex.P.1 to Ex.P.5. The Complaint has been marked as Ex.P.1; the Accident Register has been marked as Ex.P.2; the First Information Report has been marked as Ex.P.3; the Observation Mahazar has been marked as Ex.P.4 and the Rough Sketch has been marked as Ex.P.5. No material objects have been marked. However no witnesses examined and no documents were marked on the side of the defence.

6. The deposition of prosecution side witnesses in brief are as follows:

PW1. Thiru.Vasanthi (defacto complainant):

The PW1 is the complainant/victim, she is the resident of Perungalathur; on 20.12.2019 at 10.30 P.M. in the night hours, some noise was heard in the ground floor portion of her house; while she went down to



see, the petitioner has scolded with obscene words; one Vijayabaskar came down and deterred / restrained the accused; one Jency and her husband also came down; meanwhile, Vetrivel (the accused) beaten her on her stomach and pushed her down, due to which, she sustained injuries; he scolded and threatened her that he will kill her before vacating the house; while she went to the police station, they instructed her to go to hospital; accordingly, she went to hospital and on the next day she lodged the complainant and the signature found in the Ex.P1 complaint is her signature.

PW2. Thiru.Nagandira Vijaya Baskar:

The PW2 is the resident of Madurai, working in a private company; on 20.12.2019 at 10.30 P.M. in the night, one Vetrivel - who residing at the ground floor portion of PW1 Vasanthi's house, scolded; while he went down, he scolded Vasanthi with obscene words; he, one Jency and her husband tried to deter / restrain him; above all, he kicked on the stomach of Vasanthi; he scolded and threatened her that he will kill her before vacating the house.

PW3. Tmt. Kalavathi:

The PW.3 is the resident of Perunkalathur; she don't remember the date; at about 10.00 P.M. in the night while she was sleeping, on hearing



some noise, she came out when one Vasanthi - who is residing opposite to her house came by crying; she stated that one person who is residing in the ground floor portion of her house kicked her; she went to the hospital immediately and on the next day, the police enquired her.

PW4. Dr. Tmt.Saranya:

The PW.4 is the Assistant Doctor at Tambaram Hospital; on 21.12.2019, while she was on duty at Emergency Ward of Tambaram Government hospital, evening at about 05.45 P.M., one Vasanthi came for treatment with police memo; she stated that on 20.12.2019 at 10.30 P.M., she was assaulted by a known person using leg; she further stated that she is having stomach pain and bleeding; she was conscious at that time; she referred her to the Maternity and Operation doctor and on receipt of their suggestion, she issued Ex.P2 Wound Certificate by stating as simple injuries.

PW5. Thiru.Bakkioyaraj, Sub Inspector of Police:

The PW.5 is the Investigating Officer; on 21.12.2019 at 11.00 A.M. in the morning, while he was working at Peerkankaranai Police Station (Law and Order), he received a complaint which was given by one Vasanthi and registered a case in Cr. No.799 of 2019 for the offences U/s.341, 294(b),



323, 506(i) of IPC r/w. Sec.4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, under Ex.P3 First Information Report; on 11.45 hours, he went to the SOC and prepared Ex.P4 Observation Mahazar and Ex.P.5 Rough Sketch in the presence of witnesses Rajasekar and Balasundar; he enquired the occurrence witnesses Jenci, her husband Jense, Nagendra Vijayabaskar, Kalavathi and recorded their statements; the injured Vasanthi was sent to Chrompet Hospital for treatment, under Medical Memo; later, the accused Vetrivel was arrested at 14.00 hours on the same day near the Perunkalathur Bus Stand; later he sent the accused to judicial custody; he enquired the doctor Saranya - who treated the injured and recorded her statement; after completion of investigation, on 27.07.2020, he filed the Final Report for the offences U/s.341, 294(b), 323, 506(i) of IPC r/w. Sec.4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002,

7. The adjudication of the trial court are as under:

- a) The accused kicking P.W.1 is corroborated by P.W.1 and P.W.2 evidence and not impeached by the Défense.
- b) It is pertinent to note that injury is not an essential criterion for attracting offense under Sec.323 of I.P.C.
- c) The P.W.1 and P.W.2 have spoken about the factum of the accused kicking P.W.1 on her lower abdomen.



d) The P.W.1 in her evidence categorically stated "வெற்றி வேல் என்னை வேகமாக வயிற்றில் அடித்து கீழே தள்ளி விட்டார். நான் காயமடைந்தேன்." The PW.2. in her evidence stated that “வசந்தி அம்மா வயிற்றில் உதைத்து விட்டார்”.

e) Thus the accused is found guilty of committing the offense under Sec.323 of I.P.C.

8. After completion of full-fledged trial, on 20.07.2023, the learned Judicial Magistrate No.I, Tambaram pronounced Judgment concluding that the prosecution has not proved its case beyond all reasonable doubts against the accused for the offences U/s.341, 294(b), 506(i) of IPC r/w. Sec.4 of TNPHW Act. Hence, the accused is acquitted from the offences U/s.341, 294(b), 506(i) of IPC r/w. Sec.4 of TNPHW Act as per Sec.248(1) of Cr.P.C. As the accused is found guilty of committing the offence *U/s.323 of IPC* and also on taking into consideration the plea of the accused, the court is inclined to impose a minimum sentence on the accused and the accused is sentenced to pay a fine of Rs.1,000/-, in default of fine, to undergo two weeks simple imprisonment.

9. Being aggrieved by the said Judgment of convicting / imposing fine of Rs.1,000/- for the offence U/s.323 of IPC, this Criminal Appeal has been preferred by the Appellant/ accused.



10. Grounds of Appeal:

- The part Judgement of the trial court is against the weight evidence, against the probabilities of the case and against question of law.
- That the trial court had failed to appreciate the evidence on a proper perspective and had arrived at on conclusion for the offence U/s.323 IPC.
- That the trial court had held that the prosecution has failed to prove its case by way of letting either any oral or documentary evidence.
- That the trial court failed to discuss the ruling and citation of the Hon'ble Apex Court submitted by the appellant in his arguments.
- That the trial court failed to note that lot of vital contradictions occurred in the prosecution witness of P.W.1 Vasanthi and P.W.2 Nagendra Vijaya Bhaskar. The PW.1 Vasanthi in her evidence sated "வெற்றி வேல் என்னை வேகமாக வயிற்றில் அடித்து கீழே தள்ளி விட்டார். நான் காயமடைந்தேன்." Whereas PW.2. Nagendra Vijaya Bhaskar in his evidence stated as: வசந்தி அம்மான் வயிற்றில் உதைத்து விட்டார்.
- That the trial court has failed to analysis the evidence of doctor, who deposed in cross examination stated as: "வயிற்று பகுதி மற்றும் பின் பகுதியில் கீழே விழுந்ததற்கான காயம் ஏதும் வழங்கவில்லை."
- That the trial court has wrongly arrived at the conclusion by relying upon the judgement of Harana Goundan Vs R 1941 1 MLJ 364 which is not applicable to this case.



- That the trial court failed to appreciate and discuss regarding the motive between the appellant and the de facto complainant due to civil dispute on O.S. No.20/2019 before the District Munsif Court, Tambaram.
- The appellant/accused prays to set aside the judgement passed by learned Judicial Magistrate No.I, Tambaram in C.C. No.9/2021 dated 20.07.2023 imposing a fine of Rs.1000 in default, to undergo simple imprisonment for 2 weeks for the offence u/s 323 of IPC and thereby acquit the appellant/accused.

11. The points for consideration in this appeal are:

1. Whether the learned Judicial Magistrate was justified in finding the appellant/accused guilty of the offence punishable under Section 323 IPC?
2. Whether the conviction and sentence imposed by the trial Court are liable to be interfered with in this appeal?
3. To what relief is the appellant entitled?

12. Heard the learned counsel appearing for the Appellant/Accused and the learned Public Prosecutor appearing for the Respondent State. Records perused. This Court independently considered the oral and documentary evidence let-in before the trial Court, by either side. Since the points are interrelated with each other, they are taken up together for consideration.



13. The learned counsel for the appellant/accused placed the following precedents and prayed to set-aside the judgment passed by the learned Judicial Magistrate No.I, Tambaram.

1. The Judgment of the Hon'ble Madurai Bench of Madras High Court passed in *Crl.A. (MD) Nos.86 and 87 of 2016 in (2022) 1 MLJ (Crl) 82* between *Ramu @ Raman and others Vs. Inspector of Police*.
2. The Judgment of the Hon'ble Madurai Bench of Madras High Court passed in *Crl.A. (MD) No.77 of 2017 in (2022) 1 MLJ (Crl) 421* between *Ganesan Vs. Deputy Superintendent of Police, Usilampatti*.
3. The Judgment of the Hon'ble Madurai Bench of Madras High Court passed in *Crl.A. (MD) No.430 of 20167 in (2022) 1 MLJ (Crl) 460* between *Sundarapandian and Another Vs. State Rep. by Deputy Superintendent of Police and Another*.
4. The Judgment of the Hon'ble High Court of Judicature at Madras rendered in *Crl.R.C. No.2108 of 2002 in 2004(1) MWN (Cr.) 120*.

14. For the convenience's sake the parties are referred to hereunder in accordance to their litigative status before the trial Court.

Point No.1 & 2:

15. This Criminal Appeal has been preferred by the appellant/accused challenging the judgment dated 20.07.2023 passed by the



learned Judicial Magistrate No.I, Tambaram, in C.C.No.9 of 2021, whereby the learned Magistrate, after trial, acquitted the accused of the offences punishable under Sections 341, 294(b) and 506(i) of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, but found him guilty of the offence punishable under Section 323 of the Indian Penal Code and sentenced him to pay a fine of Rs.1,000/-, in default to undergo Simple Imprisonment for two weeks.

16. The prosecution case, in brief, is that the defacto complainant/P.W.1 was residing at New Perungalathur and the accused was residing as a tenant in a portion of her house for about seven years. According to the prosecution, a dispute arose between the parties when P.W.1 required the accused to vacate the premises. It is further alleged that on 20.12.2019 at about 10.30 p.m., on hearing some noise near the house, P.W.1 came out and the accused abused her and assaulted her by kicking her on the stomach, as a result of which she sustained pain and injury. P.Ws.2 and 3 were stated to have witnessed or immediately noticed the occurrence. Thereafter, P.W.1 was taken for medical treatment and a complaint was lodged before Peerankaranai Police Station.

17. On the basis of the complaint, a case in Crime No.799 of 2019



was registered for the offences under Sections 341, 294(b), 323 and 506(i) IPC read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. After investigation, the police filed the final report before the learned Judicial Magistrate No.I, Tambaram. To establish its case, the prosecution examined five witnesses as P.Ws.1 to 5 and marked Exs.P1 to P5. Ex.P1 is the complaint, Ex.P2 is the Accident Register/ Wound Certificate, Ex.P3 is the First Information Report, Ex.P4 is the Observation Mahazar and Ex.P5 is the Rough Sketch. No witness was examined and no document was marked on the side of the accused.

18. The P.W.1/Vasanthi is the defacto complainant and injured witness. She deposed that on the relevant night she heard noise from the ground floor portion of the premises, came down and found the accused there; according to her, the accused abused her and assaulted her on the stomach and pushed her down, thereby causing injury. She further stated that the accused threatened her in connection with the dispute regarding vacating the premises. Her evidence is that thereafter she went to the police station and, on being directed to obtain medical treatment, went to the hospital and subsequently lodged the complaint. The P.W.2/Nagendra Vijaya Baskar has also spoken about the occurrence. His evidence is that



the accused abused P.W.1 and that, despite attempts to restrain him, the accused kicked P.W.1 on her stomach. He has also spoken about the threat allegedly given by the accused. The P.W.3/Kalavathi has stated that on hearing noise during the relevant night, she came out of her house and found P.W.1 crying and stating that the person residing in the ground floor had kicked her. Though P.W.3 did not remember every detail of the occurrence, her evidence lends corroboration to the fact that immediately after the occurrence P.W.1 was found distressed and complaining of having been assaulted. The P.W.4/Dr.Saranya, who examined P.W.1 at the Government Hospital, has stated that P.W.1 came for treatment with a police memo and informed the doctor that she had been assaulted by a known person using his leg and that she was suffering from stomach pain and bleeding. The doctor examined her and issued Ex.P2, recording the injuries as simple injuries. The P.W.5 is the Investigating Officer. He has spoken about receipt of the complaint, registration of the First Information Report, preparation of the Observation Mahazar and Rough Sketch, examination of the witnesses, sending of P.W.1 for medical treatment, arrest of the accused and completion of investigation.

19. This Court, being the first appellate Court, has independently



re-appreciated the entire oral and documentary evidence available on record. The power of the appellate Court to re-appreciate the evidence is undoubtedly wide. At the same time, the appellate Court is required to examine whether the conclusion reached by the trial Court is supported by the evidence and whether any material illegality, perversity or miscarriage of justice has occurred. In the present case, after an independent consideration of the evidence, this Court finds that the conclusion of the learned Magistrate regarding the offence under Section 323 IPC is supported by the evidence available on record.

20. The principal submission of the learned counsel for the appellant is that the evidence of P.Ws.1 and 2 suffers from contradiction as to the manner in which the assault was made. It is pointed out that P.W.1 has stated that the accused beat her on the stomach and pushed her down, whereas P.W.2 has stated that the accused kicked her on the stomach. It is therefore contended that the alleged contradiction goes to the root of the prosecution case. This Court is unable to accept the said submission. The alleged variation is not a contradiction of such a nature as to demolish the substratum of the prosecution case. The consistent and material part of the evidence of both witnesses is that the accused assaulted P.W.1 on the



stomach. Whether the assault is described as beating or kicking, the core allegation remains that the accused voluntarily caused physical force to P.W.1. The distinction in the expression used by the witnesses, particularly in describing an occurrence which took place during the night in the midst of a dispute, cannot by itself be treated as a material contradiction.

21. It is well settled that while appreciating evidence, the Court must distinguish between material contradictions affecting the core of the prosecution case and minor discrepancies arising out of normal human recollection. A criminal occurrence is not expected to be narrated by every witness in mechanically identical language. In fact, some variation in narration may be a natural consequence of the manner in which different persons perceived the same occurrence. In the present case, the evidence of P.W.1 is particularly significant because she is the injured witness. Her presence at the scene is not disputed. The defence has not established any circumstance showing that P.W.1 could not have been present at the place of occurrence. Her evidence that the accused assaulted her on the stomach is substantially corroborated by P.W.2.

22. The evidence of an injured witness ordinarily commands considerable weight because such a witness has a natural presence at the



scene of occurrence. However, the evidence of an injured witness is not to be accepted mechanically merely because she sustained an injury. It has to be tested on the touchstone of consistency, probability and corroboration. On such examination, the evidence of P.W.1 in the present case inspires confidence to the limited extent of the assault constituting the offence under Section 323 IPC. Equally the evidence of P.W.2 assumes significance in this context. The P.W.2 has specifically stated that the accused kicked P.W.1 on her stomach. His evidence corroborates the material portion of the testimony of P.W.1. Nothing substantial has been brought out in cross-examination to demonstrate that P.W.2 had falsely implicated the accused or that he had any compelling reason to depose falsely against him.

23. The defence has sought to rely upon the admitted civil dispute between the appellant and P.W.1 relating to the tenancy and the proceedings said to have been initiated before the Civil Court. The existence of such a dispute is a relevant circumstance which requires the evidence of the prosecution to be scrutinised with care. But the mere existence of prior civil litigation does not automatically render the prosecution case false. On the contrary, the existence of a dispute between the parties furnishes the background in which the occurrence is alleged to have taken place. The



Court cannot assume, merely because there was previous animosity, that the complainant necessarily fabricated an occurrence. What is required is an assessment of whether the occurrence is established through trustworthy evidence.

24. In the present case, the allegation of assault is not confined to the testimony of P.W.1 alone. The P.W.2 has corroborated the material part of the occurrence. The P.W.3 speaks about the immediate aftermath. The P.W.4, the doctor, establishes that P.W.1 presented herself for treatment and gave a history of having been assaulted by a known person using his leg, and Ex.P2 records simple injuries. Thus, there is material available on record which lends assurance to the testimony of P.W.1.

25. The learned counsel for the appellant has next contended that the medical evidence does not establish any injury corresponding to an assault on the stomach and that the doctor has stated in cross-examination that no injury was found on the stomach or back due to falling down. It is therefore argued that the ocular evidence ought to be rejected. The said contention also cannot be accepted in the facts and attending circumstances of the case on hand. The medical evidence in this case does not completely negate the occurrence. The P.W.4 has stated that P.W.1 came to the hospital



with a history of assault by a known person using his leg and that she complained of stomach pain and bleeding. Of course, the Ex.P2 records simple injuries.

26. More importantly, the absence of a serious or externally visible injury cannot by itself disprove an assault. The offence under Section 323 IPC is attracted when hurt is voluntarily caused. The prosecution is not required to establish a grave or permanent bodily injury. The nature and extent of injury may be relevant to the appreciation of the occurrence and the question of sentence, but the mere absence of a corresponding external injury on a particular part of the body cannot, by itself, nullify otherwise reliable ocular evidence. The trial Court has correctly noticed this aspect and has observed that injury of a particular nature is not an indispensable criterion for attracting Section 323 IPC. The conclusion of the trial Court in this regard cannot be characterised as perverse or legally unsustainable.

27. It is also significant that the trial Court did not accept the prosecution case in its entirety. The learned Magistrate acquitted the accused of the offences under Sections 341, 294(b) and 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act on the ground that those charges were not proved beyond reasonable doubt.



The trial Court thus demonstrated that it had scrutinised the prosecution evidence charge-wise and had not mechanically accepted the entire prosecution version. This aspect strengthens rather than weakens the conclusion regarding Section 323 IPC. The trial Court separated the proved part of the occurrence from the unproved allegations and recorded an acquittal wherever the evidence did not satisfy the requisite standard. Such an approach is consistent with the fundamental principle that the prosecution must prove each charge beyond reasonable doubt.

28. The appellant has also contended that the trial Court failed to properly appreciate the alleged motive arising from the civil dispute. This Court finds no merit in that submission. Motive is not a substitute for proof of the occurrence, nor is it invariably necessary where there is direct evidence. In the present case, the conviction is not founded merely on motive. It is founded principally upon the evidence of P.W.1, supported by P.W.2 and the surrounding circumstances and medical evidence. The fact that a civil dispute existed between the parties may provide a reason for their strained relationship, but it does not render the ocular evidence inherently unreliable. If the defence seeks to rely upon the civil dispute as a ground for false implication, it must demonstrate circumstances showing



that the prosecution witnesses had actually fabricated the occurrence. Alas, no such convincing circumstance has been established.

29. The learned counsel for the appellant has relied upon the judgments referred to in the memorandum and written submissions, including the decisions in *Ramu @ Raman and others Vs. Inspector of Police, Ganesan Vs. Deputy Superintendent of Police, Usilampatti, Sundarapandian and Another Vs. State*, and the decision of the High Court in Crl.R.C.No.2108 of 2002. The principles emerging from the decisions relied upon by the appellant are not disputed. However, the applicability of any precedent depends upon the factual circumstances in which the principle is applied. The authorities relied upon by the appellant cannot be invoked as a formula for rejecting otherwise acceptable evidence. The present case has to be decided on the evidence actually available on record. Here, there is direct ocular evidence regarding the assault, corroboration from P.W.2, immediate circumstances spoken to by P.W.3 and medical evidence showing that P.W.1 presented herself for treatment following the occurrence.

30. The appellant has not examined himself or any independent witness in support of his defence. It is true that the burden always remains



upon the prosecution to establish its case beyond reasonable doubt and the accused is under no obligation to prove his innocence. Nevertheless, where the prosecution evidence is found reliable, the absence of defence evidence cannot be used to fill any lacuna in the prosecution case. In the present case, this Court finds that the prosecution has independently discharged its burden insofar as Section 323 IPC is concerned.

31. One another important aspect is that the trial Court's finding is confined to a specific and limited act of assault. The accused was not convicted for all the offences with which he was charged. The learned Magistrate acquitted him of the allegations of wrongful restraint, obscene abuse, criminal intimidation and the offence under the special enactment. Therefore, the finding under Section 323 IPC cannot be said to be the result of an indiscriminate acceptance of the prosecution case. Therefore, the minor variation in the description of the manner of assault does not create a reasonable doubt concerning the basic occurrence. The discrepancy pointed out by the appellant is peripheral and does not affect the substance of the prosecution case.

32. The Court must also bear in mind that proof beyond reasonable doubt does not mean proof beyond every conceivable doubt. A reasonable



doubt must be founded upon reason and evidence and not upon fanciful possibilities or minor discrepancies. In the present case, the evidence relating to the assault is sufficiently cogent and consistent to satisfy the requisite standard of proof. The Sec. 323 IPC penalises voluntarily causing hurt. The evidence discussed above establishes that the appellant voluntarily used criminal force against P.W.1 and caused hurt to her. The ingredients necessary for the offence have therefore been established. This Court finds no illegality, perversity or material misappreciation of evidence in the finding recorded by the learned Judicial Magistrate. The learned Magistrate has considered the oral and documentary evidence and has arrived at a conclusion which is reasonably possible on the evidence available on record.

33. As regards sentence, the learned Magistrate has imposed only a fine of Rs.1,000/-, with a default sentence of two weeks' Simple Imprisonment. The learned Magistrate has expressly taken into consideration the plea of the accused and imposed the minimum and appropriate sentence having regard to the nature of the proved offence. The sentence is neither excessive nor disproportionate so as to warrant interference in appeal. This Court therefore finds that the appellant has



failed to demonstrate any ground warranting interference with the judgment of conviction and sentence passed by the learned Judicial Magistrate No.I, Tambaram.

34. In the result, the Criminal Appeal is dismissed. The judgment dated 20.07.2023 passed by the learned Judicial Magistrate No.I, Tambaram, in C.C. No.9 of 2021, insofar as it relates to the conviction of the appellant/accused for the offence punishable under Sec.323 of I.P.C and the sentence of payment of fine of Rs.1,000/-, in default to undergo two weeks Simple Imprisonment, is hereby confirmed.

Dictated to the Steno-typist, directly computerized by him, corrected and pronounced by me in open Court, on this 19th day of August 2026.

**Principal District and Sessions Judge,
Chengalpattu.**

**List of Witnesses and Evidences on Appellant's side: - NIL -
List of Witnesses and Evidences on Respondent's side: - NIL -**

**Principal District and Sessions Judge,
Chengalpattu.**