

**IN THE COURT OF ASSISTANT SESSIONS JUDGE,
MADURANTAKAM.**

**Present: Mr. T. GANESH, B.A., B.L.,
Assistant Sessions Judge,
Madurantakam.**

**Wednesday, this 03rd day of June, 2026
Sessions Case No. 78/2020
(CNR.No.TNCG13-000457-2020)**

State of Tamil Nadu,

Rep. By its Inspector of Police,

Madurantakam Police Station,

(Crime No. 310/2016)

... Complainant

..Vs..

1. Laxmanan @ Kumar, (aged about 32 years)

S/o. Ramamoorthy,

No. 35, A/2 Power Station Road,

Surakottai,

Madurantakam Taluk,

Kanchipuram District.

2. Manikandan, (aged about 34/2016 years)

S/o. Mahendiran,

No. 31, Selva Vinayakar Koil Street,

Madurantakam Taluk,

Kanchipuram District.

... Accused

**Case Summary appended as per the Circular of Hon'ble High Court,
Madras in ROC.No.814/2020/RG/F1 dated 07.04.2021, Rule 106 Cr.R.P.**

SL No.	Name of the accused	Date of Remand	Date of Surrender	Released on
(i)	Laxmanan @ Kumar, (aged about 32 years) S/o. Ramamoorthy	28.05.2016	--	21.07.2016
(ii)	Manikandan, (aged about 34/2016 years) S/o. Mahendiran	28.05.2016	--	04.07.2016

(ii)	Dt. of filing of the complaint/Final report in the court	Filing of Complaint	Filing of Final Report	
		28.05.2016	05.03.2019	
(iii)	Date of committal of the cases to the Court of Sessions:	D.O.C: 05.03.2020 PRC.No. 5/2019 On the file of Judicial Magistrate, Madurantakam.		
(iv)	Date of questioning of the accused u/s 228, 240, 246 & 251 of the Cr.PC 1973 as the case may be	10.08.2021		
(v)	Filing of all miscellaneous petitions and their results including the results on	Crl.M.P. No.	Date of Filing	Result

	challenge before superior Courts; except routine	1. CrI.M.P.No. 1/2025 filed on 28.02.2025, U/s.348 of BNSS, by accused and this petition is allowed on 28.02.2025.		
	petitions like petitions under Section 317 of the Code/355 of BNSS;	1. CrI.M.P.No. 262/2021 filed on 21.12.2021, U/s.317 of CrPC, by accused 8 and this petition is allowed on 21.12.2021.		
(vi)	Date of examination in- chief and cross-examination of a witness;	Name of the Witness	Date of Chief	Date of Cross
		1. V. Kannan.	14.09.2021	16.04.2025
		2. K. Gokulraj.	14.09.2021	16.04.2025
		3. K. Loganayagi.	14.09.2021	16.04.2025
		4. Kasiyammal.	28.09.2021	16.04.2025
		5. Murugan.	28.09.2021	28.09.2021
		6. Suresh.	23.11.2021	23.11.2021
		7. Sanmuga Sundharam.	23.11.2021	23.11.2021
		8. Velmurugan.	23.11.2021	23.11.2021
		9. Dr. Mr. Ravi.	01.10.2024	01.10.2024
		10. S.Gothandam.	14.03.2025	14.03.2025
		11. Dr.Mr. Rajesh.	15.09.2025	15.09.2025
		12. V. Venkatesan.	12.02.2026	12.02.2026
	Witnesses from the side of Accused	Nil	--	--

(vii)	Date of examination of the accused under section 313 of the Code;	19.02.2026
(viii)	Details of abscondance of an accused and his appearance /production, as the case may be; and	--

(ix)	Grant of stay by superior courts and the results thereof	High Court No. and Date of Stay	Result
		NIL	
(x)	Details of victim compensation ordered	<p>1. The fine amount of Rs. 6000.00 (Rupees Six Thousands) shall be paid as compensation to the victim namely Pw2 K.Gokulraj U/s. 357 of Cr.P.C.</p> <p>2. Since the Fine imposed is found inadequate, the State Government is directed to pay the necessary compensation to the victim PW2 K.Gokulraj as per Rules through District Legal Services Authority.</p>	
Offences Complained of / reported		<p>1. Section 294(b) of IPC for accused persons: For uttering obscene words in or near a public place.</p> <p>2. Section 352 of IPC for accused persons: For assault or use of criminal force otherwise than on grave provocation.</p> <p>3. Section 307 of IPC for accused persons: For attempt to commit murder.</p> <p>4. Section 34 of IPC for accused persons: For acts done by several persons in furtherance of common intention.</p>	
Plea of the Accused		Accused persons pleaded not guilty.	

Findings of the Court	1 st Accused found guilty Under Section 294(b) and 326 of I.P.C and the 2 nd accused found guilty Under Sections 294(b) and 326 r/w 34 of I.P.C. Both accused found not guilty under sections 352 and 506(i) of I.P.C.
The Final Order	1 st accused to undergo Simple Imprisonment for one month under Section 294(b) of I.P.C and Sentence him to undergo Simple Imprisonment for three years and a fine of Rs. 3,000/- in default to undergo one month Simple Imprisonment under Section 326 of I.P.C. and the 2 nd accused to undergo Simple Imprisonment for one month under Section 294(b) of I.P.C and Sentence him to undergo Simple Imprisonment for three years and a fine of Rs. 3,000/- in default to undergo one month Simple Imprisonment under Section 326 r/w 34 of I.P.C. That the Sentences shall run concurrently.

This case coming on 25.04.2026 for final hearing in the presence of the Additional Public Prosecutor Mr.G.S.Suresh Babu, appearing for the State and of M/s. K. Thilagaraj, K. Ajitha and K. Idayaraj , Advocates for the Accused persons, and upon hearing the arguments of both sides and upon perusing the documents and evidences put forth in this case and having stood over till this day for consideration this Court delivered the following.

JUDGMENT

Inspector of police, Madurantakam Police station laid charge sheet against the accused persons in the following indictment:

On 27.05.2016 at about 08.30 hours, due to previous enmity, the accused persons namely A1 Laxmanan @ Kumar and A2 Manikandan, being relatives of the defacto complainant, came in front of the house of the defacto complainant at Sooraikottai, Madurantakam; that they abused the defacto complainant in obscene words, when he came outside along with his second son Gokulraj; that both the accused assaulted them; that when the wife of defacto complainant namely

Loganayagi and his sister Kasiammal intervened, the 1st accused took an iron rod and attacked the head of the witness Gokulraj with an intention to kill him; that both the accused criminally intimidated the witnesses. Hence the accused persons appear to have committed the offences punishable under sections 294(b), 307, 352 and 34 of Indian Penal Code (herein after I.P.C).

2. Upon the appearance of the accused persons, on service of summons, they were served with free case copies U/s 207 of Criminal Procedure Code(herein after Cr.P.C). The learned Judicial Magistrate, on considering the materials on record, has concluded that this case had to be tried by the court of sessions. Accordingly, it was committed U/s 209 of Cr.P.C to the Hon'ble Principal District and Sessions Judge, Chengalpet where it was taken on file in S.C. No. 78/2020 and made over to this court for trial.

3. This court considering the case records and documents submitted therewith; and after hearing the submissions of accused and prosecution on this behalf, was of view that there are grounds for presuming that the accused persons have committed offences which are exclusively triable by this court. Therefore, the charges against the 1st accused under sections 294(b), 307, 506(i) and 352 of IPC and charges against 2nd accused under sections 294(b), 307 r/w 34, 506(i) and 352 of I.P.C were framed against them, explained and read over to them. They however, pleaded not guilty and claimed to be tried.

4. At the trial, the prosecution called Pw1 to Pw12 with Exs.P1 to Ex.P9 and M.O.1. Prosecution case in essence as spoken by the witnesses is as follows,

Pw1, the defacto complainant, deposed that on 25.07.2016 he went to attend the funeral of his uncle Elumalai, where a quarrel arose between him and the accused persons, as they questioned him as to why he had come late to the funeral; that the persons gathered for the funeral pacified the quarrel and sent him back to his house; that due to the said enmity, on the same day at about 8.30 p.m., both the accused persons came in front of his house and abused him and his wife in obscene words;

that the 1st accused, with iron rod, attacked the head of his son Gokulraj, who came to restraint them; that the 2nd accused instigated the 1st accused to attack his son; that he took his son to the Government Hospital, Madurantakam, thereafter to Government Hospital, Chengalpattu and thereafter to Government General Hospital, Chennai, where he admitted him and surgery was performed; that on the next day he lodged a complaint, Ex P1 before Madurantakam Police Station.

Pw2, the victim cum son of the Pw1, deposed that both accused persons related to them; that he and Pw1 went to attend the funeral of his grandfather Elumalai who died on 27.05.2016; that at that time the accused persons quarreled with his father as why the procession not yet started; that the persons present there pacified them and sent them away; that on the same day at about 8.30 p.m., both the accused persons came in front of his house in a drunken condition and abused them in filthy language, which unable to state and picked up quarrel; that the accused persons abused his father, mother and other family members in obscene words; that when he and his mother questioned them, the 1st accused took an iron rod from somewhere and attacked him on his head; that due to that he lost consciousness and his vision became blurred and hearing became dull; that he was immediately taken to Government Hospital, Madurantakam, thereafter referred to Government Hospital at Chengalpattu and then to Government Hospital at Chennai; that surgery was performed on the same night by opening his skull; that since he remained in the intensive care unit for one full day, he was not aware of what happened thereafter; that on the next day his father lodged a complaint before Madurantakam Police Station; that he did not remember whether the police had enquired him; and that the entire occurrence took place due to the instigation made by the 2nd accused against the 1st accused and therefore complaint was also given against the 2nd accused.

Pw3, the eye witness cum wife of Pw1, deposed that the 1st accused Laxmanan @ Kumar is her own younger brother and the 2nd accused is her maternal uncle's son; that on 25.07.2016 there was a quarrel between Pw1 and the accused persons in the

funeral ceremony of her younger father-in-law Elumalai, as they questioned him as why he had come late to the funeral; that thereafter the quarrel was pacified and Pw1 returned home; that due to the said enmity, on the same day at about 8.30 p.m., both the accused persons came in front of her house and abused her, her younger sister and her mother in obscene words; that both the accused assaulted her husband; that the 1st accused attacked the head of Pw2 with iron rod, who came for rescue; that her son was frequently suffering from headache and was unable to go for work despite his education and was remaining at home; that due to the attack with iron rod his skull got fractured and surgery was performed by removing a portion of the skull bone; that when pressed by hand the affected portion would sink inward; that the 2nd accused instigated the 1st accused to assault her son; that thereafter she took her son to Government Hospital, Madurantakam, and since treatment could not be given there, he was referred to Government Hospital at Chengalpattu; that the doctors there informed her that his skull bone had fractured and that chances of survival were less and advised her to take him to Government General Hospital at Chennai ; that on the same night surgery was performed on Pw2's head; that on the next day her husband lodged complaint against both the accused persons; and that the police enquired her regarding the occurrence.

Pw4, the eye witness, sister cum mother in law of Pw1, deposed that the accused persons are her relatives; that there was quarrel arose between Pw1 and the accused persons, as they questioned Pw1 as why he had come late to the funeral; that thereafter the persons who attended the funeral pacified the quarrel and sent Pw1 back to his house; that due to the said quarrel, on the same day during night hours both the accused persons came in front of Pw3's house and abused her, Pw3 and her disabled daughter Lakshmi in obscene words; that the accused persons without even considering her as their mother, abused her in obscene words and assaulted them; that when she, Pw2 and Pw3 went to pacify the quarrel, her son took an iron rod and attacked the head of her grand son; that thereafter they took Pw2 to Government

Hospital, Madurantakam, thereafter referred to Government Hospital, Chengalpattu and finally to Government General Hospital, Chennai where surgery was performed to him; that the entire occurrence took place due to the instigation made by the 2nd accused against the 1st accused.

Pw5, the Observation Mahazar witness, deposed that he was residing at Madurantakam and working as a driver; that the first signature found in the Observation Mahazar shown to him was that of him; that he did not remember the exact date on which he signed the same, but he signed it in the year 2016; that he signed it on 27.05.2016 at about 8.30 p.m. at Government Hospital, Chengalpattu on the request made by the police; that when Pw1 had gone to attend the funeral of Elumalai, quarrel arose therein; that thereafter both the accused persons came to the house of Pw1, picked up quarrel and abused them in obscene words; that the accused attacked Gokulraj on his head with an iron rod; that he witnessed the occurrence directly; that thereafter the injured was taken to Government Hospital, Madurantakam, and since treatment could not be given there, he was taken to Government Hospital at Chengalpattu and thereafter to Government Hospital at Chennai, where he underwent surgery on the very same night; that he was admitted as inpatient for one month; that even now Pw2 was suffering from giddiness and was continuously taking tablets and had not recovered completely; and that the police enquired him regarding the occurrence; that the Signature in the Observation Mahazar was marked as Ex.P2. However, Pw5 was treated as hostile by the prosecution.

Pw6, the another Observation Mahazar witness, deposed that the signature found in the Observation Mahazar was not that of him and that the police not enquired him. Hence he was treated as hostile.

Pw7 and Pw8, the Confession and Seizure Mahazar witnesses, turned hostile to the case of prosecution and deposed that signatures found in the confession statement

and seizure mahazar dated 28.05.2016 were not that of them and that the police did not enquire them.

Pw9, the Expert Witness, deposed that on 27.05.2016 at about 11.00 p.m., while he was on duty in the emergency ward at Government Medical College Hospital, Chengalpattu, Pw2 was brought to him through 108 ambulance for treatment; that at that time the injured was conscious; that the injured informed him that at about 8.30 p.m. on the same day he was attacked by a person with an iron rod; that the injured had sustained injury on his head with a suture measuring about 3 cm; that he gave first aid and admitted him as inpatient; and that the police enquired him regarding the occurrence; that the Accident Register is marked as Ex.P3;

Pw10, the then Special Sub-Inspector of Police of the complainant police station deposed that on 28.05.2016, while he was in charge of the police station, at about 8.00 a.m., Pw1 preferred a complaint; that on receipt of the said complaint and based on the contents therein, he registered a case in Crime No.310/2016 under Sections 294(b), 324, 506(2) and 307 IPC, Ex P4; that he forwarded the original report to the Judicial Magistrate, Madurantakam; that one copy was placed before the Inspector of Police for further investigation.

Pw11, the Expert Witness, deposed that when was working as Assistant Professor at Chennai Rajiv Gandhi Government Medical College Hospital, on 28.05.2016, Pw2 was admitted in the said hospital for treatment; that the injured had sustained head injuries; that his right side skull found broken and blood clot found in the brain; that surgery was performed and the blood clot was removed; that thereafter he was discharged on 04.06.2016; that he opined that the injury sustained by Pw2 was grievous in nature, where the report marked as Ex P5.

Pw12, the Investigation Officer, deposed that in 2016, while he was working as Inspector of Police, Madurantakam Circle, Pw10 placed before him the First Information Report in Crime No.310/2016 for investigation; that after receiving the

same, on 28.05.2016 at about 09.00 a.m., he proceeded to the place of occurrence, prepared Observation mahazar and rough sketch, Ex P6 and P7, in the presence of witnesses Murugan and Suresh; that thereafter he examined the witnesses and recorded their statements; that thereafter on 28.05.2016 at about 10.30 a.m., he arrested the accused persons near lake bund at Madurantakam, where the 1st accused voluntarily gave a confession statement in the presence of witnesses Shanmugam and Velmurugan; that in the said confession statement, the 1st accused confessed that if he was taken, he would identify and produce the iron rod used for the occurrence; that the said portion leading to recovery marked as Ex P8; that thereafter at about 12.00 noon, near the house of the defacto complainant, the 1st accused identified and produced an iron rod, M.O.1, measuring about 3 feet in length and the same was recovered in the presence of the same witnesses under Seizure Mahazar, Ex P9; that thereafter he examined witnesses Shanmugam and Velmurugan separately and recorded their statements; that thereafter he brought the accused persons to the station and sent them to judicial custody through due process of law; that thereafter he examined Dr.Ravi, who gave first aid treatment to the injured Gokul Raj, recorded his statement and obtained the copy of the Accident Register; that thereafter he examined Dr.Rajesh, who gave further treatment to Gokul Raj, and recorded his statement and obtained the wound certificate; that thereafter he altered the Sections of law in this case from Sections 294(b), 324, 506(ii) and 307 IPC into Sections 294(b), 352 and 307 r/w 34 IPC and prepared the alteration report marked as Ex.P10 and forwarded the same to the Court; and that after completing investigation, he filed the final report against the accused persons under Sections 294(b), 352 and 307 r/w 34 IPC.

5. When the accused persons were questioned U/s. 313 Crpc as to incriminating circumstances available against them in evidence on record, they denied it as false. They, however, have not chosen to lead any evidence either oral or documentary.
6. Heard both sides and perused the records.

7. The point for determination is whether the 1st accused is guilty under sections 294(b), 307, 506(1) and 352 of IPC and 2nd accused is guilty under sections 294(b), 307 r/w 34, 506(1) and 352 of IPC.

8. The point:

The prosecution case is that on 02.07.2008, due to previous enmity the accused persons scolded the witnesses in obscene words, attacked the defacto complainant, attacked the head of Pw2 with iron rod with an intention to murder him and gave life threat to the witnesses.

9. The learned Prosecutor would submit that the prosecution by way of examining Pw1 to Pw5 proved the overt act as against the accused persons, that expert witnesses namely Pw9 and Pw11 proved the grievous injury caused to the Pw2, that the investigation officer proved the entire case of prosecution. He further argued that the mother of the 1st accused namely Pw4 herself deposed about the alleged attack made upon the Pw2. Hence the learned prosecutor argued that the prosecution case was proved beyond reasonable doubt and hence seeks to convict the accused persons with major punishment.

10. Per contra, the learned counsel appearing for the accused persons would contend that the Pw1 alone root cause for the occurrence, where he alone quarreled with the accused persons, that there are lot of contradictions between the prosecution witnesses, that Pw1 to Pw4 are relatives, that the other material witnesses turned hostile to the case of prosecution, that there is contradiction in respect of property recovered and that lot of latches in the investigation. Hence the learned counsel for the accused persons seeks to acquit them on the ground of benefit of doubt.

11. In order to substantiate the charges against the 1st accused under sections 294(b), 307, 506(1) and 352 of IPC and charges against 2nd accused under sections 294(b), 307 r/w 34, 506(1) and 352 of IPC the prosecution has examined **Twelve** witnesses as Pw1 to Pw12 and marked M.O.1.

12. This court has framed charge under section 294(b) I.P.C as against both accused as they scolded the witnesses in obscene words on 27.05.2016 at about 08.30 p.m in front of the house of Pw1. Pw1 clearly deposed that the accused persons scolded him and Pw3 in obscene words in front of his house. Nothing adverse was culled out from the mouth of Pw1 to deny or dispute the said obscene words scolded by the accused persons. In support of the version of Pw1 and prosecution case the other material witnesses namely Pw2 to Pw4 also clearly deposed that the accused persons scolded them in obscene words on the said date, time and place of occurrence. Nothing adverse was culled out from the mouth of them by the accused persons to deny or dispute it. The learned counsel for the accused persons argued about the time of occurrence by highlighting the cross examination of Pw1 as such he deposed that the alleged occurrence took place about 08.00 p.m. In Pw1 cross,

"மீண்டும் எதிரிகள் எத்தனை மணிக்கு தகராறு செய்தார்கள் என்றால் இரவு 8.00 மணி அளவில் வந்து தகராறு செய்தார்கள்".

Here no doubt that the Pw1 deposed that the alleged occurrence took place at 08.00 p.m. But Pw1 in his chief evidence clearly deposed that the said occurrence took place at 08.30 p.m. It is pertinent to note that the said cross examination of Pw1 about the time of occurrence is only a stray evidence and the said time deposed in cross examination would not fetch more importance as Pw1 clearly deposed that the accused persons scolded in obscene words. Nothing adverse was put to Pw1 to Pw4 by the accused persons about the obscene words used by the accused persons.

At the outset the above said cross examination by the accused persons would itself fortify that the accused persons came to the place of occurrence and quarreled with the Pw1 and his son. Learned counsel for the accused persons argued that Pw1 to Pw4 are relatives with each other and hence their evidence should not be taken into account. It is pertinent to note that both the accused persons and Pw1 to Pw4 are relatives as admitted by accused persons. Even Pw4 is none else than the mother of the 1st accused, also deposed that the accused persons scolded her in obscene words.

It was neither denied nor disputed by the accused persons in her cross examination. Further Pw5, an another witness clearly deposed that the accused persons came to Pw1's house, quarreled with him and scolded in obscene words. On perusal of records, though he was cited as mahazar witness, he in enquiry by investigation officer clearly deposed about the incident as eye witness. Unfortunately for the reasons best known to the accused persons, there was no cross examination by them to deny the alleged evidence deposed by Pw5 in respect of obscene words. So, the prosecution has clearly proved the presence of accused persons in the place of occurrence, as admitted in cross examination of Pw1 and scolded the Pw1 to Pw4 in obscene words by way of examination of Pw1 to Pw5. Hence there is no doubt that the accused persons had committed the offence punishable under section 294(b) of I.P.C.

13. Next this court has triggered charge under section 307 of I.P.C as against the 1st accused as such the 1st accused attacked the head of Pw2 with iron rod with an intention to kill him and caused grievous injury. To substantiate the offence under section 307 of I.P.C, the prosecution has to establish that the accused had an intention to murder the Pw2. Here it is admitted case of accused persons, as per cross examination of Pw1, that there was an quarrel between the Pw1 and accused persons in a death ceremony on the same day. As per prosecution case in furtherance of the said quarrel the accused persons came to the house of Pw1. In fact the said presence of the accused persons in front of the house of Pw1 was admitted by the accused persons as per cross examination of Pw1 as stated supra. There is no explanation offered by the accused persons that why they were present in front of the house of Pw1 that too at 08.30 p.m. This would pithily shows the presence of the accused persons in front of the house of Pw1 in night hours on the same day of quarrel.

Now it has to be seen whether the accused persons came there with an intention to murder Pw1. Pw1 the defacto complainant deposed that 1st accused attacked the head of Pw2 with iron rod. Pw2 the injured also deposed clearly that the 1st accused

attacked his head with iron rod. Pw3 and Pw4 the eye witnesses cum the mother and grand mother of the Pw2 also clearly deposed that the 1st accused attacked the head of Pw2 with iron rod. Nothing adverse was culled out from the mouth of Pw1 to Pw4 about the attack made by the 1st accused. It is pertinent to note that Pw2 namely the injured was not cross examined extensively by denying the alleged offence under section 307 I.P.C. In Pw2 cross examination itself the accused persons admitted about the weapon used in the offence. In Pw2 cross,

"யார் கையில் ஆயுதம் இருந்தது என்றால் அவர்கள் வரும் பொது கையில் ஆயுதம் இல்லை. அதன் பிறகு ஆயுதம் இருந்தது என்றால் 1வது எதரி கையில் ஆயுதம் இருந்தது".

Here the accused persons implidely admitted about the weapon used in the offence. Except the above said cross examination nothing was put to the Pw2 by denying the attack by the 1st accused on his head with iron rod. Though the confession witnesses namely Pw7 and Pw8 turned hostile to the case of prosecution, the cross examination of Pw2 itself would prove that the 1st accused was in possession of weapon at the time of occurrence.

Next it has to be seen whether the prosecution has proved the alleged attack made by the 1st accused upon the head of Pw2. No doubt that the prosecution witnesses namely Pw1 to Pw5 clearly deposed about the attack made by the 1st accused on the head of Pw2 with iron rod. Learned counsel for the accused persons argued that Pw1 to Pw4 are related to each other and that there is no independent witness examined by the prosecution. But the accused persons themselves admitted in cross examination of Pw1 that there are no independent residents near the scene of occurrence and hence none of them witness the occurrence. In Pw1 cross,

"சம்பவம் இடம் சுற்றி வீடுகள் கிடையாது. அதனால் சம்பவத்தை யாரும் பார்க்கவில்லை என்றால் சரிதான். எவ்வளவு மணி நேரம் தகராறு நடைபெற்றது என்றால் சுமார் ஒரு மணி நேரம் நடைபெற்றது".

When the accused persons themselves admitted no independent public witnessed the incident, then how the prosecution can fetch independent eye witness to the occurrence. But it is pertinent to note that the accused persons are also related to the prosecution witnesses namely Pw1 to Pw4. The 1st accused is son of Pw4 and the 2nd accused is also close related to them. Pw4 who is none else than the mother of the 1st accused, clearly deposed that the 1st accused alone hit the head of Pw2. In Pw4 chief evidence,

"சண்டையை மடக்க நானும், என் பேரன், கோகுல்ராஜ் மற்றும் அ.சா.3 லோகநாயகி ஆகியோர் சென்றபோது என் மகன் குமார் இரும்பு ராடை எடுத்து என் பேரனின் தலையில் ஓங்கி அடித்தான்".

So, the mother of the 1st accused herself deposed that her son namely the 1st accused attack the head of Pw2. No mother would depose against her own son unless and until there is concrete evidence to show that there was dispute between her and her son. But here Pw4 the mother of 1st accused depose as against her own son, which shows the credibility of the evidence of Pw4. In fact the cross examination of Pw4 becomes more credible as the accused persons themselves admitted the attack made to Pw2. In Pw4 cross,

"வீட்டில் அ.சா.2 ஐ அடித்தபோது நான் வீட்டினுள் இருந்தேன் என்றால் இல்லை, வீட்டின் வெளியே தான் இருந்தேன்".

Further

"எதனால் அடித்தார்கள் என்ற விவரம் எனக்கு தெரியாது என்று சொன்னால் சரியல்ல. எனக்கு தெரியும். அந்த ஆயுதம் சுமார் 5 அடி இருக்குமா என்றால் இல்லை".

Here the cross examination of Pw4 itself would categorically prove the attack made by the 1st accused upon the Pw2. Even Pw4 has clearly stated that she was present outside the house of Pw1, where the alleged occurrence took place. Nothing adverse was culled out from Pw4 to deny or dispute the said attack made by the 1st

accused upon the Pw2. Further there is nothing was put to Pw4, the mother of the 1st accused, that why she depose against her own son namely the 1st accused. At this juncture the evidence of the mother of the 1st accused namely Pw4 itself enough to conclude that the 1st accused attacked the head of Pw2 with iron rod.

Apart from that Pw5 who was cited as mahazar witness in list of witness clearly deposed that he witnessed the alleged attack on the head of Pw2 with iron rod. Though he was cited mahazar witness in list of witnesses, on enquiry by the investigation officer, he clearly stated that he witnessed the incident. He also clearly deposed in evidence about the alleged attack made by the 1st accused upon the Pw2. But it is awful state that the accused persons endorsed that there is no cross examination for Pw5 evidence. Though Pw5 was treated as hostile in respect of observation mahazar, his evidence in respect of the attack made upon the Pw2 stands good, as there is no cross examination by the accused persons. This would show that the accused persons admitted the evidence of Pw5, as it was not contradicted by way of cross examination. So, the evidence of Pw5 would also prove that the 1st accused attacked the head of Pw2 with iron rod. At this juncture the prosecution by way of Pw1 to Pw5 proved the attack made by the 1st accused with iron rod on the head of Pw2.

Now it has to be seen the nature injuries inflicted upon Pw2. As per prosecution case Pw2 sustained grievous injury on his head. Evidence of Pw11 and Ex P5, the would certificate would prove that the Pw2 has sustained grievous injury on his head. Pw9 would prove that the Pw2 sustained injury and he came for treatment, which is evidenced under Ex P3, the accident register. Learned counsel for the accused persons put a suggestion to Pw9, the doctor who treated Pw2 as such the injury caused to the Pw2 would be sustained if a person fell down and hit on a sharp portion. But the said suggestion was not put to Pw2 that he sustained injuries due to his own fall in a sharp portion of land. Nothing was put to Pw2 to deny the case of prosecution that the 1st accused attacked the Pw2's head with iron rod. Learned

counsel for the accused persons argued that there is contradiction in respect of length of the iron rod between Pw1 and Pw2, where they deposed that it was 3 and 2 feet length. Mere the said contradictions would not be ground to reject the case of prosecution, as the prosecution witnesses cannot able to depose the correct length of the said iron rod which was in possession of the 1st accused at the time of occurrence. Further the witnesses cannot able to see the correct and accurate measurement of the length of iron rod which was used in commission of offence by the accused persons. So, the said contradictions in respect of the length of the iron rod by Pw1 and Pw2 would not be a fatal to the case of prosecution.

In summation the prosecution has proved that the 1st accused used iron rod to attack Pw2 and the evidences would clearly shows that the 1st accused attacked the head of Pw2 with iron rod and that he sustained grievous injury.

Next the prosecution by way of Pw9 and Pw11 has clearly proved that the injury caused due to the attack over the head of Pw2 was grievous one by way of Ex P5. Even the accused persons admitted that the said injuries and treatment taken by Pw2 by way of cross examination of Pw11. In Pw11 cross examination,

"அடிப்பட்ட நபரை பார்வையிட்டு மற்றும் சிகிச்சை அளித்தது என் தலைமையிலான குழு என்றால் சரிதான். அறுவை சிகிச்சை 28.05.2016 அன்று செய்யப்பட்டது. அந்த அறுவை சிகிச்சை சாதாரணமானது என்று சொன்னால் சரியல்ல. ஏற்கனவே செங்கல்பட்டு மருத்துவமனையில் சிகிச்சை அளிக்கப்பட்டு அதன் தொடர்ச்சியாகத்தான் நான் மேல் சிகிச்சை மேற்கொண்டேன் என்றால் சரிதான்".

Here the accused persons categorically admitted that the Pw2 took treatment at Hospital at Chengalpattu and thereafter at Chennai. Further the above said cross examination would also prove that the Pw11 and his team alone treated the Pw2 and that the surgery performed was not a simple one. At this juncture it can be safely

conclude that the Pw2 got treated by Pw9 and Pw11 and that the injuries sustained by him was grievous one.

Next it has to be seen whether the said injury would leads to death of Pw2. No doubt that as per Ex P3 and P5 the said Pw2 has sustained injuries on his head. Further the iron rod used for the offence also seized by the investigation officer and marked as M.O.1. Though the confession cum seizure witnesses turned hostile to the case of prosecution, nothing was put to Pw2 to deny about the said weapon. Further as per cross examination of Pw2 stated supra the accused persons themselves admitted about the use of weapon by the accused persons. So, there is no doubt that the prosecution has proved the use of weapon by the 1st accused. In respect of seriousness of the injuries inflicted upon Pw2, the prosecution witness namely Pw11, the doctor who treated Pw2 and performed surgery to Pw2 clearly deposed that the Pw2 sustained fracture on his head and that there was clot in brain. He further deposed that Pw2 underwent surgery to remove the said blood clot. Ex P5 would also substantiate the same. No doubt that if the said fracture was not treated in time, then it would surely leads to death of Pw2. But at the same time it has to be seen whether the accused persons had an intention to murder Pw1. It is not the case of prosecution that there was prior meeting of mind by the accused persons to murder the Pw2. Only at the time of attacking the Pw2 the 1st accused shouted to murder the Pw2. Further no prosecution witnesses deposed that the accused persons with an intention to murder the Pw2 made an attack on the head of Pw2. Without any intention to kill Pw2, it is unsafe to conclude that the 1st accused committed offence under section 307 of I.P.C.

At the same time the injuries inflicted upon the head and the surgery underwent would prove that the injury is grievous in nature. Mere the Pw2 inflicted grievous injury would not be enough to conclude that the 1st accused has intention to murder Pw2. On this context this court wants to rely upon a recent decision of our Hon'ble Apex Court in ***Roshan Lal Vs The State of Haryana***, reported in, ***2026 INSC 524, dated 22.05.2026***

“Undoubtedly, the injuries sustained by Amar Singh (PW3) were grievous in nature, and the medical evidence demonstrates that the injury to the head subsequently led to serious complications. However, the gravity of the injury by itself cannot be determinative of the offence under Section 307 IPC unless the prosecution is able to establish the requisite mens rea contemplated under the provision. The intention to commit murder cannot be presumed merely because the injuries were ultimately opined to be dangerous to life. In the absence of evidence showing prior motive, premeditation, repeated deliberate blows with deadly weapons, or any conduct indicative of a determined effort to cause death, this Court is unable to hold that the appellants possessed the intention or knowledge necessary to attract Section 307 IPC in the light of Bipin Bihari (supra)”.

This decision squarely applies to this case, where it is not the case of prosecution that there was continuous attack by the accused persons towards Pw2 and that there is no prior motive, premeditation etc., to murder Pw2. At this juncture it is unsafe to conclude that the accused committed offences punishable under section 307 of I.P.C.

At the same time the prosecution has proved that the injuries sustained was grievous one which will endanger the life of Pw2. Here the Pw2 sustained injury on his head, where bone got fractured and that he underwent surgery as per evidence of Pw9 and Pw11. So, the fracture of a bone constitutes grievous hurt within the meaning of Section 320 I.P.C, the offence committed by the 1st accused is squarely covered by Clause 7 of the said section. Here the 1st accused attacked the head of Pw2 with iron rod, M.O.1, which is nothing but dangerous and it is safe to conclude that the 1st accused has committed offence under Section 326 of I.P.C, instead of Section 307 of I.P.C. This court by invoking power under section 216 of CrPC alter the charge under section 307 of I.P.C into Section 326 of I.P.C. As the punishment for Section 326 of I.P.C is lesser than the punishment for the offence under Section 307 of I.P.C, it is not necessary for denovo trial of the case, as both the prosecution and

the accused persons will not be prejudiced for alteration of charge under section 326 I.P.C from 307 of I.P.C.

In summation of above said discussions the prosecution has proved that the the 1st accused attacked the head of Pw2, with iron rod, caused grievous injury which comes under clause 7 of Section 320 of I.P.C, beyond reasonable doubt. At this juncture this court hold that the 1st accused has committed the offence punishable under section 326 of I.P.C.

14. Next it is the case of prosecution that the 2nd accused accompanied the 1st accused to the house of Pw1 with an intention to attack the witnesses and hence he was charged under section 307 r/w 34 of I.P.C. As per discussion held in above said para there is no doubt that the 1st accused has committed the offence punishable under section 326 of I.P.C. Hence the charge under section 307 r/w 34 of I.P.C was altered into Section 326 r/w 34 of I.P.C. Here the presence of the 2nd accused in the place of occurrence was also implidely admitted by the accused persons in the cross examination of witnesses. Even the prosecution witnesses namely Pw1 to Pw4 also clearly deposed that the 2nd accused alone mastermind for the attack made by the 1st accused upon the Pw2. This was not denied by the accused persons in cross examination of said Pw1 to Pw4. So, there is no doubt that the 2nd accused also had a common intention with the 1st accused to attack Pw2 who was attacked with iron rod by the 1st accused. As the offence of section 326 of I.P.C was proved as against the 1st accused, then there is no doubt that the 2nd accused has committed the offence under section 326 r/w 34 of I.P.C.

15. Next it is the case of prosecution that the accused persons gave life threat to the Pw1 and hence they were triggered with charge under section 506(i) of I.P.C. Unfortunately Pw1 himself didn't depose that the accused persons gave life threat while they move out of the scene of occurrence. Even the other prosecution witnesses also didn't depose that the accused persons gave life threat. So, it is unsafe to held

that the accused persons gave life threat to the Pw1, which is punishable under section 506(i) of I.P.C.

16. Next it is the case of prosecution that the accused persons scolded the Pw1 and attacked suddenly, where this court framed charge under section 352 of I.P.C, as there is no medical record produced by Pw1 about any of the injuries sustained due to the said attack. This court also framed charge under section 352 of I.P.C as there is no injury complained by Pw1. But Pw1 in his evidence itself didn't depose that the accused persons attacked him. Nothing on record to show that the accused has attacked Pw1 or other witnesses. At this juncture it is unsafe to held that the accused persons have committed offence under section 352 of I.P.C.

17. Finally the learned counsel for the accused persons argued by pointing out latches in the process of investigation and seeks to acquit the accused persons. When the ocular witnesses prove the offences against the accused persons, then mere there are latches in the investigation process would not be fatal to the case of prosecution. Further in this case the mother of the 1st accused herself clearly depose as against her son, who is 1st accused. Nothing was established to show that there was previous enmity between the 1st accused and his mother namely Pw4, to depose against the accused persons. Apart from that as already stated, the evidence of Pw5 was not contradicted by the accused persons, as he sail with the case of prosecution case in respect of the obscene words scolded by the accused persons and also the attack made upon the Pw2. Hence the prosecution witnesses, though the mazhar and confession witnesses turned hositle, the ocular witnesses prove the offences under section 294(b) and 326 of I.P.C as against the accused persons.

18. In summation of above said discussions this court concludes that the prosecution has proved the offences triggered against the accused persons beyond reasonable doubt in respect of offences under section 294(b) and 326 of I.P.C, as against the 1st accused and offences under section 294(b) and 326 r/w 34 of I.P.C, as against the 2nd accused. Hence this court held by way of above said evidences that the

1st accused has committed the offences punishable under u/s 294(b) and 326 of I.P.C, the 2nd accused has committed offences under section 294(b) and 326 r/w 34 of I.P.C and they were found guilty U/s 235(2) of Cr.pc. So, the accused persons were questioned in respect of the sentences to be imposed on them.

1st Accused – Lakshmanan @ Kumar

கேள்வி: உம்மை இந்த நீதிமன்றம் இ.த.ச பிரிவுகள் 294(b) மற்றும் 326 – ன் கீழ் குற்றவாளி என முடிவு செய்கிறது, நீர் என்ன சொல்கிறீர்?

பதில்: பொய் வழக்கு.

2nd Accused – Manikandan

கேள்வி: உம்மை இந்த நீதிமன்றம் இ.த.ச பிரிவுகள் 294(b) மற்றும் 326 r/w 34 – ன் கீழ் குற்றவாளி என முடிவு செய்கிறது, நீர் என்ன சொல்கிறீர்?

பதில்: பொய்யான வழக்கு.

19. Heard the accused persons and their counsel. Both the accused persons were aged about 32 and 34 at the time of occurrence. Apart from that there is no previous conviction inflicted upon them or any criminal cases pending against them. No doubt, as per records, the accused persons are first time offender. Anyhow considering the offence under Section 326 of I.P.C, they are not entitled to the benefit of invoking Probation of Offenders Act. Hence considering the age of the accused persons and their regular appearance before this court from 2020, this court inclined to sentence the accused persons as stated below.

In the result this court found 1st accused Laxmanan @ Kumar, S/o.Ramamoorthy is guilty U/s. 294(b) and 326 of I.P.C and not guilty under Sections 506(i) and 352 of I.P.C and Sentence to undergo a Simple Imprisonment for one month under Section 294(b) of I.P.C and sentence him to undergo Simple

Imprisonment for three years and a fine of Rs. 3,000/- in default he shall undergo one month Simple Imprisonment under Section 326 of I.P.C. and that the 2nd accused Manikandan, S/o. Mahendiran is found guilty U/s. 294(b) and 326 r/w 34 of I.P.C and found not guilty under Sections 506(i) and 352 of I.P.C and Sentence to undergo a Simple Imprisonment for one month under Section 294(b) of I.P.C and Sentence him to undergo Simple Imprisonment for three years and a fine of Rs. 3,000/- in default he shall undergo one month Simple Imprisonment under Section 326 r/w 34 of I.P.C. That the Sentences shall run concurrently. The period already undergone by the accused persons shall be set off U/s 428 of Cr.P.C. The fine amount of Rs. 6000.00 (Rupees Six Thousands) shall be paid as compensation to the victim namely Pw2 K.Gokulraj U/s. 357 of Cr.P.C.

20. Material object no.1, namely the iron rod shall be confiscated to state after expiry of appeal time.

21. The copy of the judgment shall be provided to the accused persons immediately.

22. Since the Fine imposed is found inadequate, the State Government is directed to pay the necessary compensation to the victim PW2 K.Gokulraj as per Rules through District Legal Services Authority.

Directly typed in my personal lap top, corrected and pronounced by me in open court, on this 03rd day of June, 2026.

Assistant Sessions Judge,
Madurantakam.

LIST OF WITNESSES :

Prosecution side:

Name of the Witness No.	Name of the Witness.	Description
PW1	V. Kannan.	Defacto Complainant.
PW2	K. Gokulraj.	Victim

PW3	K. Loganayagi.	Eye Witness.
PW4	Kasiyammal.	Eye Witness.
PW5	Murugan.	Observation Mahazar.
PW6	Suresh.	Observation Mahazar.
PW7	Shanmuga Sundaram.	Confession and Seizure Mahazar Witness.
PW8	Velmurugan.	Confession and Seizure Mahazar Witness.
PW9	Dr. Mr. Ravi.	Expert Witness.
PW10	S.Gothandam.	Duty Officer.
PW11	Dr.Mr. Rajesh.	Expert Witness.
PW12	V. Venkatesan.	Investigation Officer.

Defence side: Nil.

LIST OF EXHIBITS:

Prosecution side:

Sl.No.	Date	Description of documents	Proved by/ Attested by
Ex.P1	-	Complaint.	PW - 1
Ex.P2	-	Signature of Pw5 in the Observation Mahazar.	PW - 2
Ex.P3	-	Accident Register.	PW - 9
Ex.P4	-	First Information Report.	PW - 10
Ex.P5	-	Expert opinion.	PW - 11
Ex.P6	-	Observation Mahazar.	PW - 12
Ex.P7	-	Rough Sketch.	PW - 12
Ex.P8	-	Admissible Portion in the Confession Statement.	PW - 12

Ex.P9	-	Seizure Mahazar.	PW - 12
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Defence side: Nil.

MATERIAL OBJECTS:

Prosecution side:

Sl.No.	Date	Description of documents	Proved by/ Attested by
M.O.1		3 Feet Iron Rod.	PW - 12

Defence side: Nil

Assistant Session Judge,
Madurantakam.

TNCG130004572020



Fair / Draft Judgment

SC No. 78/2020

D.D 03.06.2026

Sub Court,

Madurantakam.