

IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PERAMBALUR DISTRICT, TAMIL NADU STATE.

Present: Thiru.V.Padmanabhan, M.A., M.L., D.H.,
Principal District and Sessions Judge.

Wednesday, this the 1st day of April, 2026.

Criminal Appeal No.2/2025
(Filing No.CRLA.79/2025)
(CNR No.TNPB01-000093-2025)
in
S.C.No.1/2024

Name of the court from which : The Assistant Sessions Judge, Chief
court the Criminal Appeal is : Judicial Magistrate Court, Perambalur.
preferred
Trial Court Case No. : S.C.No.1/2024

Criminal Appeal No. : Crl.A.No.2/2025

Name of the appellant/ac- : Seeni @ Seenivasan, 45/24,
cused : S/o. Ramasamy,
residing at No.3 Malayappan Salai,
Thuraiyur Post & Taluk,
Trichy District.

Name of the respondent/ : State: Inspector of Police,
complainant : Padalur P.S.
Cr.No.403/2016.

Date of Order : 29.11.2024.

Result of the Trial Court : The accused is found guilty for the offence
u/s.397 of IPC and he is sentenced to
undergo simple imprisonment for the period
of 1 year and imposed fine of Rs.1,000/-, i/d
1 month simple imprisonment.

The remand period is ordered to be set off under section 428 of Cr.P.C. and the sentences for the accused is ordered to be run concurrently.

Whether the criminal appeal is allowed, or modified, or confirmed.

In the result, the Criminal Appeal is dismissed and the judgment dated 29.11.2024 passed by the learned Assistant Sessions Judge, Chief Judicial Magistrate Court, Perambalur in S.C.No.1/2024 is hereby confirmed. The trial court is directed to secure the accused to serve the sentence.

It is ordered that the period during which the accused was in custody from 26.11.2016 to 21.06.2017 shall be set off and the remaining period of sentence shall be undergone concurrently with the sentences imposed in S.C. Nos. 2/2024, 3/2024, and 4/2024.

Date of, or on which

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|-----------------|--------------|
| 1. Presentation | : 03.01.2025 |
| 2. Filing | : 06.01.2025 |
| 3. Last Hearing | : 18.03.2026 |
| 4. Judgment | : 01.04.2026 |

This Criminal Appeal coming before this Court on 18.03.2026 for final hearing in the presence of Thiruvargal.N. Tamilselvan and R. Nayagan, Advocates for the appellant/accused and Thiru.P. Senthilnathan, Public Prosecutor for the State and upon hearing the arguments of both sides and on perusing the records and having stood over till this date for consideration, this Court delivered the following :

JUDGMENT

The memorandum of appeal is filed by the appellant u/S.415(3)(a) of BNSS to set aside the judgment passed against the accused by the Assistant Sessions Judge, Chief Judicial Magistrate Court, Perambalur in S.C.No.1/2024, dated 29.11.2024.

2. The brief facts, which are relevant for consideration in this appeal as per the prosecution case are as follows:

(a) Pw1 resides at Pudhuviralipatti. Pw2 is Pw1's son and Pw3 is Pw1's daughter-in-law. On a particular day, 8 years prior to this case incident, when Pw1 was grazing cattle in her field at about 10.00 a.m., a person was talking on the phone and another one was sitting in a two wheeler. She went back at 12.00 p.m., to untie the cow and tie it in the shade. At that time, the accused hit her on the back of her head with iron rod. When she turned around, he hit her on the forehead and snatched her chain from her neck. When she raised hue and cry, Pw2 and Pw3 came there, the accused snatched away gold chain weighing about 4 sovereigns from Pw1's neck. The Pw1 sustained injury. Immediately, Pw2 and Pw3 admitted her in the hospital. When she was in hospital, the Paladalur police came to the hospital and received Ex.P1 complaint from her. The police informed her that the chain was recovered and the same was get back by her from the court which is M.O.1. She identified the accused in the police station.

(b) On 22.08.2016 at about 01.45 p.m., when Pw9 was on duty in Govt. Hospital, Perambalur, he treated Pw1. Pw1 had stated that one unknown person attacked her with weapon near Kuppusamy Kovil. Pw9 noted the following injuries on Pw1.

1. Lacerated injury 6x3x4 cm over right side forehead, skull exposed.
2. 5x4x4cm lacerated injury over occipital region.

After giving first aid treatment, he referred Pw1 for further treatment to Govt. Hospital, Trichy. On going through the treatment particulars and C.T.Scan, he

opined that Pw1 sustained grievous injuries. In this regard, he issued Ex.P8 wound certificate.

(c) The Pw8/Periyasamy, is a retired Sub-Inspector of Police. When he was working as Special Sub-Inspector of Police at Padalur Police Station, on 22.08.2016, on receipt of information from the Government Hospital, Perambalur, went to the hospital and obtained Ex.P1 complaint from Pw1. Thereafter, he returned to police station at about 16.45 hours, he registered FIR in Cr.No.403/2016, u/s.394 of IPC. He sent the complaint and the FIR to the Judicial Magistrate Court, Perambalur. The FIR is Ex.P6.

(d) The Pw10/Karunanithi, is a retired Inspector of Police. When he was working as Circle Inspector of Police attached with Padalur Police Station, on 22.08.2016, he took up the case for investigation and went to scene of occurrence, where he prepared observation mahazar and rough sketch in the presence of Pw4 and Pw7. The observation mahazar is Ex.P2 and the rough sketch is Ex.P9. He examined the witnesses Pw1 to Pw5 and Pw7 and recorded their statements. Then, he got transfer.

(e). The Pw11/Sivakumar, the then Circle Inspector of Police attached with Padalur Police station taken the case for further investigation. On 25.11.2016, in connection with the case of Padalur Police Station Cr.No.560/2016, u/s. 392 r/w 397 of IPC, he along with Sub-Inspector of Police namely Subramanian, Head Constable Senthamaraikannan and another one Constable Meganathan who were attached to Padalur Police station involved in vehicle check up on Chennai-Trichy NH Road, opposite to Perumalpalayam Ancheneyar temple. During inspection, they intercepted a TVS XL Heavy Duty two wheeler without registration, which was proceeding from North to South direction. The rider was stopped and enquired. Upon conducting a search, a knife was found inside the petrol tank cover. The accused confessed about his involvement in this case incident in the presence of the

then V.A.O. Irur Village namely Pw6 and the then Village Assistant. He further confessed that on earlier occasions, he had attacked an elderly women living alone in the villages of Pudukkottai, Pudukkottai, Chettikulam, Thenur, Mangoon, and T. Patharpettai in Trichy District and he assaulted the victims with a wooden log and robbed gold ornaments including a mangalsutra and chain. Thus, it came to know that the accused already involved in Padalur P.S. Crime Nos. 469/2016, 493/2016, and 520/2016 incidents. The Pw11 arrested him on the same day at about 02.00 hours. At that time, the accused gave confession statement. The admissible portion of confession statement is Ex.P4. In pursuant to it, he recovered a gold chain weighing about 4 sovereigns and a ½ sovereign gold mangalsutra from the house of accused kept in the bureau in the presence of same witnesses, under seizure mahazar. He examined Pw6 and one Kannupillai and recorded their statements. Then, he re-examined the Pw1 and recorded her statement. He examined the doctor who treated Pw1 and obtained wound certificate. He examined the Head Constable namely Pw4 who typed the confession statement of accused through laptop and recorded her statement. He sent the material object to the court through Form 91. After completion of investigation, he laid final report against the accused u/S.394 of IPC against the accused.

(f) The case against the accused was taken on file as PRC.No.26/2023 on the file of Judicial Magistrate Court No.II, Perambalur. On appearance of accused, copies of the documents u/S.207 of Cr.P.C. furnished to him and having found that offence u/S.397 of IPC is exclusively triable by the Sessions Court, committed the same to the Principal District and Sessions Court, Perambalur. The same was taken on file as S.C.No.1/204 and made over to the Assistant Sessions Court(Chief Judicial Magistrate Court, Perambalur), Perambalur for disposal in accordance of law. On appearance of the appellant/accused, the trial Court had framed the charge u/S.397 of IPC and questioned him.

(g) During trial, the prosecution, in order to sustain their case, examined Pws.1 to 11 and marked Exs.P1 to 10 and M.O.1. After closing of prosecution evidence, the incriminating evidence available from the deposition of Pw1 to Pw11 were put to the accused U/S.313(1)(b) of Cr.P.C. The accused denied the incriminating evidence available against him. After proceeding U/S.313(1)(b) of Cr.P.C. the case was posted for arguments. After hearing the arguments of the prosecution and the defence and on appreciation of evidence, the learned Assistant Sessions Judge, Perambalur had arrived at a conclusion that the accused is convicted and sentenced to undergo simple imprisonment for the period of 1 year and imposed fine of Rs.1,000/-, i/d 1 month simple imprisonment.

3. Aggrieved by the judgment of conviction and sentence of imprisonment imposed by the learned Assistant Sessions Judge, Chief Judicial Magistrate Court, Perambalur in S.C.No.1/2024, dated 29.11.2024, the accused has preferred this appeal before this Court.

4. Grounds of Appeal:

i) The judgment of the trial Court is against law and no weight of evidence and probabilities of the case.

ii) The witnesses were tutored before examining in the court.

iii) There are material contradictions between the evidence of witnesses recorded before the Judicial Magistrate Court No.II, Perambalur and recorded during trial.

iv) There is a delay in lodging FIR. The alleged weapons used by the accused is not at all recovered by the investigation officer and the same was not considered by the trial court.

v) Only for statistical purpose, the FIR was registered and on that basis, the final report was filed.

vi) When the case was posted for arguments, the section was altered from u/s.394 IPC to u/s.397 IPC which is against the Evidence Act and Code of Criminal Procedure.

vii) The Village Administrative Officer during cross examination would admit that he signed in the police station. The Investigating Officer did not give intimation to the Village Administrative Officer at Thuraiyur. The alleged confession and recovery is not proved through meaningful evidence.

ix) There are material contradictions in Pw1 to Pw9's evidence. As per FIR, no witness seen the occurrence directly and no neighbours were cited as witnesses and the same was not considered by the trial court. Hence, the appeal may be allowed by setting aside the conviction and sentence passed by the learned Assistant Sessions Judge, Chief Judicial Magistrate Court, Perambalur in S.C.No.1/2024, dated 29.11.2024

5. Heard and records perused.

6. Point for consideration:

Whether the judgment of conviction recorded by the learned Assistant Sessions Judge, Chief Judicial Magistrate Court, Perambalur in S.C.No.1/2024, dated 29.11.2024 is perverse, warranting interference by this Court as appellate Court?

On Point:

7. The case of the prosecution is that on 22.08.2016 at about 12.00 p.m., the accused snatched away the gold chain along with mangalsutra from the neck of Pw1 with intention to commit robbery and also caused injuries to her. On the other hand, the accused has chosen to face trial by denying the charge.

8. The prosecution relied on two main chains of circumstances to bring the accused under the ambit of charges levelled. The first circumstance is that on the date of incident being 22.08.2016 at about 12.00 p.m., when Pw1 was in her field, the accused had snatched the gold chain along with mangalsutra from her neck and also assaulted her with iron rod. The second circumstance is that arrest of the accused on 25.11.2016 at 02.00 p.m. and seizure of gold chain along with mangalsutra in pursuance of admissible portion of the confessional statement.

9. The prosecution has the duty to prove both the circumstances without broken links through meaningful evidence. In order to prove the first circumstance, the prosecution has called the Pw1 to Pw3 herein. Pw1 is the defacto complainant herein. She authored Ex.P1 complaint after the occurrence. She has given cogent evidence without infirmity. Pw1 would testify that on the date of incident when Pw1 was in her field, the accused assaulted her with iron rod on her head and suddenly snatched her gold chain from her neck. Further, Pw1 has deposed that after arrest of the accused, she identified the accused in the police station. Moreover, during trial, she identified the accused from the witness box.

10. The learned counsel for the accused has tested Pw1 through cross examination by disputing her evidence. This Court could not see any infirmity from her evidence, particularly, she did not have any motive towards the accused to lodge complaint by involving her valuables. During the course of cross examination, no motive has been attributed against the witness in this context. Further, the evidence of Pw2 and Pw3, independent witnesses also corroborates the evidence of Pw1. Therefore, these evidence is intact. Thus, the Pw1 has given a positive evidence to prove the first circumstance against the accused.

11. In respect of the second circumstance, Pw11 has given evidence to the effect that on 25.11.2016 at 14.00 hours, he arrested the accused at Perumalpalayam Ancheneyar Temple opposite. According to him, he arrested the accused in the presence of Pw6 and one Kannupillai and he recorded his confession statement. In pursuance of his confession, the accused was taken to his house where he produced the gold chain and Mangalsutra. The Admissible portion of confession statement and seizure mahazar have been marked as Ex.P4 and Ex.P5 respectively. Combined reading of Pw6 and Pw11's testimony along with admissible portion of confession statement and seizure mahazar would show that the accused had produced 4 sovereigns of gold chain and ½ sovereign of gold mangalsutra kept in the bureau of his house in the presence of witnesses after giving disclosure statement before the then Inspector of Police. Thus, the second circumstance relied on by the prosecution as against the accused to connect him with the crime has been proved through meaningful evidence without any mis-link.

12. The learned counsel appearing for the accused during argument hearing argued that no weapon allegedly used by the accused at the time of incident was not recovered and this would raise a reasonable doubt over the prosecution case. This argument has no force at all. As already indicated, the victim namely Pw1 specifically spoken about the identity of the accused and her evidence in respect of involvement of the accused in this case incident is quite natural and believable one. That be the case, the said defence is not acceptable one.

13. Further, the defence counsel contended that during cross examination, the Village Administrative Officer has admitted that he put his signature in the police station and this would raise a reasonable doubt over the alleged confession statement and recovery theory. Here, the evidence of investigation officer is cogent and convincing the Court in respect of arrest, recording of confession statement and

recovery of material objects in the presence of witnesses. Further, the victim/Pw1 also identified the gold items during trial. In such circumstances, the alleged contradictions pinpointed by the defence counsel is no way affect the prosecution version.

14. Considering the above discussions, this Court holds that the judgment of the trial court need not be interfered and the conviction judgment of the trial court is hereby confirmed and the appeal is dismissed and thus, the point is answered accordingly.

15. In the result, the Criminal Appeal is dismissed and the judgment dated 29.11.2024 passed by the learned Assistant Sessions Judge, Chief Judicial Magistrate Court, Perambalur in S.C.No.1/2024 is hereby confirmed. The trial court is directed to secure the accused to serve the sentence.

It is ordered that the period during which the accused was in custody from 26.11.2016 to 21.06.2017 shall be set off and the remaining period of sentence shall be undergone concurrently with the sentences imposed in S.C.Nos. 2/2024, 3/2024, and 4/2024.

Dictated to the Executive Assistant, transcribed and typed by her through computer, corrected and pronounced by me in open Court, this the 1st day of April, 2026.

Principal District and Sessions Judge,
Perambalur.

Copy to:-

The Assistant Sessions Judge, Chief Judicial Magistrate Court, Perambalur.
(with L.C. records).

PDSJ Court,
Perambalur.

Fair/Draft Judgment
Crl.Appeal No.2/2025
D.D: 01.04.2026.