

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 1<sup>st</sup> day of April, 2026.

Criminal Appeal No.4/2025  
(Filing No.CRLA.85/2025)  
(CNR No.TNPB01-000099-2025)

in

S.C.No.3/2024

Name of the court from which court the Criminal Appeal is preferred	: Assistant Sessions Judge, Chief Judicial Magistrate Court, Perambalur.
Trial Court Case No.	: S.C.No.3/2024
Criminal Appeal No.	: CrI.A.No.4/2025
Name of the appellant/accused	: Seenii @ Seenivasan,45/24, S/o. Ramasamy, residing at No.3 Malayappan Salai, Thuraiyur Post & Taluk, Trichy District.
Name of the respondent/complainant	: State: Inspector of Police, Padalur P.S. Cr.No.493/2016.
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	In the result, the Criminal Appeal is

modified, or confirmed.

dismissed and the judgment dated 29.11.2024 passed by the learned Assistant Sessions Judge, Chief Judicial Magistrate Court, Perambalur in S.C.No.3/2024 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. 1/2024, 2/2024, 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 Thiruvalargal.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.3/2024, 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 Thenur Village, Alathur Taluk. Pw2 is the victim. Pw1 is Pw2's son. Pw3 is Pw1's wife. Pw4 is Pw1's co-brother. Pw1 is Pw6's uncle. Pw7 is Pw1's sister. Pw8 is Pw2's aunt. On a particular day, seven years prior to this case incident, when Pw2 was sleeping on a cot in her brother-in-law's house, she was assaulted on her head with a stick by the accused. Pw1 admitted her to Annai Hospital at Thuraiyur. Thereafter, she had taken further treatment as an inpatient for 32 days at Geethanjali Hospital, Trichy. Subsequently, the police informed her that her gold ornaments had been recovered. Then, Pw2 went to the police station where she identified both the accused and her jewels. Later, she got back her jewels through the Court which are marked as M.O.1 to M.O.3. In this regard, Pw1 lodged Ex.P1 complaint.

(b) On 13.10.2016 at about 04.30 p.m., when Pw13 and another one doctor namely Kayalvizhi were on duty in Geethanjali Hospital, Trichy, he treated Pw2. Pw13 noted suture done on left side parietal temporal on Pw2's head. On going through the treatment particulars, C.T.Scan and X-ray, he opined that Pw2 sustained grievous injuries. In this regard, he issued Ex.P7 accident register, Ex.P8 wound certificate and Ex.P9 medical records.

(c) The Pw14/Subramanian, is a retired Sub-Inspector of Police. On 13.10.2016, when he was working as Sub-Inspector of Police at Padalur Police Station, on receipt of information from Geethanjali Hospital, Trichy, he proceeded to the hospital and obtained Ex.P1 complaint from Pw1 since Pw2 was unconscious. Thereafter, he returned to police station at about 20.00 hours, he registered FIR in Cr.No.493/2016, u/s.394 of IPC. He sent the complaint and the FIR to the Judicial Magistrate Court, Perambalur. The FIR is Ex.P10.

(d) The Pw15/Karunanithi, is a retired Inspector of Police. When he was serving as Circle Inspector of Police attached with Padalur Police Station, on 14.10.2016, 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 Pw9 and Pw10. The

observation mahazar is Ex.P3 and the rough sketch is Ex.P11. He examined the witnesses Pw1, Pw3 to Pw8 and one Panneerselvam and recorded their statements. Then, he got transfer on 07.11.2016.

(e) The Pw16/Sivakumar, the then Circle Inspect 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. 392/397 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 Pw11 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, 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 chains. Thus, it came to know that the accused already involved in Padalur P.S. Crime Nos.469/2016, 403/2016 and 520/2016 incidents. The Pw16 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  $\frac{1}{2}$  sovereign mangalsutra,  $\frac{1}{2}$  sovereign gundu (2 Nos.) and  $\frac{1}{2}$  sovereign coin (2 nos.) from the house of accused kept in the bureau in the presence of Pw11 and one witness Kannupillai, under seizure mahazar. He examined Pw11 and witness Kannupillai and recorded their statements. Then, he examined the Pw2 and recorded her statement. He examined Pw13 who treated Pw2 and obtained wound certificate. He examined the Head Constable namely Pw12 who typed the confession statement of accused through laptop and Pw14 and

recorded their statement. He sent the material objects to the court through Form 91. The Form 91 is Ex.P12. He sent the accused to judicial custody. After completion of investigation, he laid final report against the accused u/S.394 of IPC.

(f) The case against the accused was taken on file as PRC.No.28/2023 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.3/204 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 against the accused and questioned him.

(g) During trial, the prosecution, in order to sustain their case, examined Pws.1 to 16 and marked Exs.P1 to 12 and M.O.1 to M.O.3. After closing of prosecution evidence, the incriminating evidence available from the deposition of Pw1 to Pw16 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, Chief Judicial Magistrate Court, 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 Chief Judicial Magistrate, Perambalur in S.C.No.3/2024, 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.3/2024, 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.3/2024, 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 13.10.2016 at about 01.30 p.m., the accused snatched away the gold chain along with thali, coins and gundus from the neck of Pw2 with intention to commit robbery and also caused injury 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 13.10.2016 at about 01.30 p.m., when Pw2 was sleeping in her brother-in-law's house, the accused had snatched the gold ornaments namely thali, coins and gundus from her neck and also assaulted her with stick. The second circumstance is that arrest of the accused on 25.11.2016 at 02.00 p.m and seizure of M.Os.1 to 3 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 and Pw2 herein. Pw1 is the defacto complainant while Pw2 is the victim herein. He authored Ex.P1 complaint after the occurrence. Pw2 has given cogent evidence without infirmity. Pw2 would testify that on the date of incident when she was sleeping in her brother-in-law's house, the accused assaulted her with stick on her head and suddenly snatched her gold ornaments from her neck and escaped from the place. Further, Pw2 has deposed that after arrest of the accused, she identified the accused in the police station. Moreover, during trial, she also identified the accused from the witness box.

10. The learned counsel for the accused has tested Pw2 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 Pw1,

independent witnesses also corroborates the evidence of Pw2. Therefore, these evidence is intact. Thus, the Pw2 has given a positive evidence to prove the first circumstance against the accused.

11. In respect of the second circumstance, Pw16 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 Pw11 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 ornaments seen in the M.Os.1 to 3. The Admissible portion of confession statement and seizure mahazar have been marked as Ex.P4 and Ex.P5 respectively. Combined reading of Pw11 and Pw16's testimony along with admissible portion of confession statement and seizure mahazar would show that the accused had produced 1/2 sovereign of thali, 1/2 sovereign of gundu (2 Nos.) and 1/2 sovereign of coin (2 Nos.) 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 Pw2 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/Pw2 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.3/2024 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. 1/2024, 2/2024, 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 1<sup>st</sup> 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.4/2025  
D.D: 01.04.2026.