

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.

Monday, this the 30th day of March, 2026.

Criminal Appeal No.16/2024
(Filing No.CRLA.863/2024)
(CNR No.TNPB01-001189-2024)

in

C.C.No.16/2021.

Name of the court from which court the : District Munsif cum Judicial
Criminal Appeal is preferred : Magistrate Court, Veppanthattai.
Trial Court Case No. : C.C.No.16/2021.

Criminal Appeal No. : CrI.A.No.16/2024

Name of the appellants/accused : 1. Murugesan, 42/2024,
S/o. Subiramani.
2. Kaviyarasan, 39/2024,
S/o. Krishnamoorthi.
3. Prabhu @ Pandu, 37/2024,
S/o. Thangavel.
All are residing at
Ambedkar Street, Veppanthattai Taluk,
Perambalur District.

Name of the respondent/
complainant : State: Sub-Inspector of Police,
Arumbavur P.S.
Cr.No.1144/2020.

Date of Order : 07.05.2024.

Result of the Trial Court : The accused 1 to 3 are found not guilty
for the offence u/s.506(i) of IPC and
they are acquitted as per section 248(1)

of Cr.P.C.

The accused 1 to 3 are found guilty for the offence u/s.294(b) and 323 of IPC and they are sentenced to undergo simple imprisonment for the period of each 1 month and imposed fine of Rs.1,000/- each, i/d 2 weeks simple imprisonment for the offence u/s.294(b) of IPC.

The accused 1 to 3 are found guilty for the offence u/s.323 of IPC and they are sentenced to undergo simple imprisonment for the period of each 3 months and imposed fine of Rs.1,000/- each, i/d 1 month simple imprisonment. The period of sentences passed against the accused persons are ordered to run concurrently.

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

In the result, the Criminal Appeal is partly allowed in the following terms:

The conviction and sentence imposed on the appellants/accused persons by the trial Court u/s.294(b) is confirmed. The imposition of sentence of each 3 months is reduced to each one month and the imposition of fine amount of each Rs.1000/- is confirmed for the

offence u/S.323 of IPC. The incarceration period of the accused persons from 06.06.2024 to 15.07.2024 is set off u/S.428 of Cr.P.C.

Date of, or on which

- | | |
|-----------------|--------------|
| 1. Filing | : 07.06.2024 |
| 2. Last Hearing | : 17.03.2026 |
| 3. Judgment | : 30.03.2026 |

This Criminal Appeal coming before this Court on 17.03.2026 for final hearing in the presence of Thiru.S. Sathish, Advocate for the appellants 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 appellants u/s.374(3) of Cr.P.C. to set aside sentence passed by the District Munsif cum Judicial Magistrate Court, Veppanthattai in C.C.No.16/2021, dated 07.05.2024 against the appellants/accused or remand the case to trial court for the purpose of cross examination.

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

(a) Pw1 Manikandan is the injured in this case and his wife is Pw2. Pw3 is neighbour. On 23.11.2020 at about 11.30 a.m., when Pw1 and Pw2 were selling food items in a pushcart, the A1 to A3 came there and enquired about the price of the mutton and intestinal. When the Pw1 responded for it, immediately, they uttered filthy language towards him by stating why are you saying such a high price? and A1 assaulted him with wooden log on his left eye, and A2 grabbed the wooden log from A1 and hit him on his left shoulder. At that time, A3 also grabbed the wooden

log from A2 and assaulted on his back side. Further, they tore his clothes and chased him for 1-1/2 k.m . and assaulted him and also threatened to kill him if he reported about this matter at the police station. Thereafter, Pw2 admitted the Pw1 in the Government Hospital, Perambalur. After taking treatment, Pw1 lodged Ex.P1 complaint.

(b) The Pw6/Dr.Muruganandham is now serving as Senior Assistant Doctor in Government Hospital, Perambalur. On 23.11.2020 at about 03.50 p.m., the then duty doctor namely Dr.Kiruthika gave treatment to Pw1. Now, she was transferred. As per records, she examined Pw1 and found the following injuries:-

1. Contusion 3x2 cm over left cheek.
2. Contusion 2x2 cm on left shoulder.
3. Laceration injury on right elbow.

On going through the treatment particulars and X-ray films and CT scan, he found that, Pw1 sustained only simple injuries. In this regard, Pw6 issued Ex.P4 Wound Certificate.

(c) On 24.11.2020, the then Sub-Inspector of Police namely Pw7 attached with Arumbavur P.S., at about 14.00 hours, received the complaint from Pw1 and on the basis of complaint, he registered a case in Cr.No.1144/2020, u/s.294(b), 323 and 506(i) of IPC. The FIR is Ex.P5. At about 15.00 hours, he visited the scene of occurrence and prepared observation mahazar and rough sketch in the presence of Pw4 and Pw5 and obtained their signatures in the observation mahazar. The observation mahazar is Ex.P2 and rough sketch is Ex.P6. He examined the witnesses Pw1 to Pw5 and recorded their statements separately. Whereupon at about 16.30 hours, he arrested A1 at the Veppanthatti bus stop and brought to the station and at about 18.00 hours released on station bail. On 01.12.2020 at about 17.00 hours, when A2 surrendered before the Arumbavur police station, he arrested him and thereafter, released on station bail at about 18.00 hours. On 15.02.2021 at about

16.00 hours, he arrested A3 at Arumbavur Palakarai in the presence of witnesses and released on station bail at about 17.00 hours. Then, he examined the doctor namely Pw6 since who treated Pw1 was transferred and obtained wound certificate Ex.P4. At the end, on 17.02.2021, he completed the investigation and laid final report against the accused persons.

(d) The learned District Munsif cum Judicial Magistrate, Veppanthattai had taken cognizance of the offence u/S.294(b), 323 and 506(i) of IPC and numbered the case as C.C.No.16/2021. The learned Judicial Magistrate had sent summons to the accused persons. On appearance of accused persons, copies were furnished u/s.207 of Cr.P.C. and after hearing the arguments of the prosecution and defence, had framed charges against the accused persons u/S.294(b), 323 and 506(ii) of IPC. They denied the charges and pleaded not guilty and claimed to be tried.

(e) The prosecution, in order to sustain their case, examined Pws.1 to 7 and marked Exs.P1 to P6. After closing of prosecution evidence, the incriminating evidence available from the deposition of Pw1 to Pw7 were put to the accused persons U/S.313(1)(b) of Cr.P.C. The accused persons denied the incriminating evidence available against them. 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 District Munsif cum Judicial Magistrate, Veppanthattai had arrived at a conclusion that the accused 1 to 3 are found not guilty for the offence u/s.506(i) of IPC and they are acquitted and they are found guilty for the offence u/s.294(b) and 323 of IPC and they are sentenced to undergo simple imprisonment for the period of each 1 month and imposed fine of Rs.1,000/- each, i/d each 2 weeks simple imprisonment for the offence u/s.294(b) of IPC. The accused 1 to 3 are found guilty for the offence u/s.323 of IPC and they are sentenced to undergo simple imprisonment for the period of each 3 months and imposed fine of

Rs.1,000/- each i/d each 1 month simple imprisonment.

3. Aggrieved by the judgment of conviction and sentence of fine imposed by the learned District Munsif cum Judicial Magistrate, Veppanthattai in C.C.No.16/2021, dated 07.05.2024, the accused persons have preferred this appeal before this Court.

4. Grounds of Appeal:

(i) The conviction and sentenced passed by the lower Court against the appellants are contrary to law and weight of evidence and also all probabilities of case.

(ii) The lower Court failed to consider that the injured/eye witness Pw1 has not permitted to cross examine by the appellants which clearly violates the right of the appellants.

(iii) The lower Court failed to consider that no opportunity was given to the appellants to cross examine the prosecution witnesses 1 to 5 which violates right guaranteed under Article 21 of Constitution of India.

(iv) The lower Court failed to consider the fact that the case was taken on file as early as in the year of 2021 and witnesses were examined in the year of 2023 and no opportunity was offer to the appellants to cross examine them.

(v) The trial Court failed to consider fact that hurried justice is nothing but a buried justice. Hence, the lower Court passed the present impugned order without offering the opportunity to the appellants for cross examined the prosecution witnesses is highly unsustainable. Hence, on the sole ground it is liable to be set aside.

(vi) The lower Court failed to appreciate fact that if the counsel on record is not cross examined the prosecution witnesses. Hence, the duty caused upon the court to appoint an legal aid counsel to support the appellants.

(vii) The lower Court erroneously convicted the appellants without considering the fact that the prosecution has not proved the case beyond reasonable doubt for the charges framed against the appellants.

(viii) The lower Court erroneously convicted the appellants by giving benefit of doubt in favour of the prosecution instead of giving benefit of doubt in favour of the appellants.

(ix) The lower Court convicted the appellants neither assigning any reasons for rejecting the defence nor flaws on the part of the prosecution to prove the charges framed against the appellants.

(x) The lower Court ought to have acquitted the appellants from all the charges by giving benefit of doubt in favour of the appellants per the criminal law. Hence, the appeal may be allowed by setting aside the sentence passed by the learned District Munsif cum Judicial Magistrate, Veppanthattai in C.C.No.16/2021, dated 07.05.2024 against the appellants/accused or remand the case to trial court for the purpose of cross examination.

5. Heard and records perused.

6. Point for consideration:

Whether the judgment of conviction recorded by the learned District Munsif cum Judicial Magistrate, Veppanthattai in C.C.No.16/2021, dated 07.05.2024 is perverse, warranting interference by this Court as appellate Court?

Point:

7. The prosecution case is that on 23.11.2020 at about 11.30 a.m., when Pw1 was selling food items in a pushcart, A1 to A3 came there and enquired about the price of the food items, when the Pw1 informed it, immediately, the accused persons abused filthy language towards him by stating how could charge such high price and assaulted him and thereby inflicted injuries. Further, they criminally intimidated him.

8. It is well settled in law that while appreciating the evidence, the Court has to take into consideration whether the contradictions/omissions had been of such magnitude

that they may materially affect the trial. Minor Contradictions, inconsistencies, embellishments or improvements on trivial matters without effecting the core of the prosecution case should not be made a ground to reject the evidence in its entirety. Where the omission(s) amount to a contradiction, creating a serious doubt about the truthfulness of a witness and other witness also make material improvements before the Court in order to make the evidence acceptable, it cannot be safe to rely upon such evidence. The discrepancies in the evidence of eye-witnesses, if found to be not minor in nature, may be ground for disbelieving and discrediting their evidence. In such circumstances, witnesses may not inspire confidence and if their evidence is found to be in conflict and contradiction with other evidence or with the statement already recorded, in such a case it cannot be held that prosecution proved its case beyond reasonable doubt.

9. As a general rule, a court can and may act on the testimony of a single witness though uncorroborate. One credible witness out weighs the testimony of a number of other witnesses of indifferent character.

10. Unless corroboration is insisted upon by statute, Courts should not insist on corroboration except in cases where the nature of the testimony of the single witness itself requires as a rule of prudence, that corroboration should be insisted upon, for example in the case of a child witness, or of a witness whose evidence is that of an accomplice or of an analogous character.

11. Whether corroboration of the testimony of a single witness is or is not necessary, must depend upon facts and circumstances of each case and no general rule can be laid down in a matter like this and much depends upon the judicial discretion of the judge before whom the case comes. In this legal premise also the court has to appreciate the evidence of Pw1 and Pw2 and material on record. In this legal premise the trial court has correctly appreciated the evidence of Pw1 and Pw2 and material on

record.

12. Here, Pw1 authored Ex.P1 complaint, it converted into FIR and then investigation was commenced. Pw1 under his examination in chief narrated that at the time of incident, when he was selling food items in his pushcart, the accused persons came there at about 11.30 a.m., and they enquired about the rate of food items; when he stated the price, immediately, the accused persons objected the same by saying why the price was so high and also used obscene words towards him and attacked with wooden log with his left eye, left shoulder and also backside; when he started to flee away from the spot, the accused persons chased him and also attacked him; thereafter, he went to Government Hospital, Perambalur for treatment and that after taking treatment, he lodged Ex.P1 complaint. Pw1's evidence in this regard inspired confidence in the mind of this Court. Infact, he was not cross examined by the defence. In his evidence, he would state that at the time of incident, his wife namely Pw2 and another one eye witness namely Pw3 interfered. The Pw2 also gave evidence in same tune are also corroborates the Pw1's evidence. This would also strengthen the Pw1's evidence. Pw1's evidence also gets corroboration from medical evidence.

13. The doctor namely Pw6 testified that on 23.11.2020 at about 03.50 p.m., the Pw1 came to the hospital. On examination, the duty doctor found following injuries on him:-

1. Contusion 3x2 c.m. over left cheek
2. Contusion 2x2 c.m. over left shoulder, clavicle
3. Abrasions(multiple) over Right elbow.

The Accident Register is also marked as Ex.P4. Indeed his evidence and contents of Ex.P4 also corroborates on bodily injuries of Pw1.

14. Coming to the supporting evidence, the prosecution is in better footing. PW.7, the then Sub-Inspector of Police received the complaint from the Pw1 and on that basis, he registered FIR and conducted the investigation. According to him, he took all efforts to bring the accused persons under the book. During trial, he also spoken about the arrest of accused persons. His evidence corroborates the prosecution case to bring the accused persons under the ambit of charges.

15. The learned counsel appearing for the accused persons pointed out that, no independent witness namely Pw3 and Pw5 have not supported the prosecution case and this would raise a reasonable doubt over the prosecution case. This argument is not acceptable. Here, as already indicated, Pw1 and Pw2's evidence is reliable, trustworthy and the same inspired confidence in the mind of the Court. Further, they were not cross examined on defence. In such circumstances, the hostility attitude of the eye witnesses does not affect the prosecution case. In this regard, the trial Court also specifically discussed and appreciated Pw1 and Pw2's evidence.

16. The learned counsel for the accused persons by relying judgment reported in Harilar Etc. Vs. State of Madhya Pradesh(Now Chattisgarah)-Crl.A.Nos.2216-2217 of 2011) case argued that there is a delay in registering the FIR. Further, he contended that as per prosecution version, the occurrence took place on 23.11.2020 whereas the FIR was registered on 24.11.2020 at about 14.00 hours and this would raise a reasonable doubt and Ex.P1 complaint is highly doubtful. This argument has no force at all. Indeed, this aspect was not cross examined by the defence by putting questions while Pw1 and Pw7 were in a witness box. It is well settled in law that delay in FIR not always fatal to the prosecution case. At the same time, the delay should be explained. In this regard, the Pw1 has given explanation. In his evidence, he has specifically stated that the accused persons threatened him by stating that if he prefers complaint in the police station, they would murder him. In the back drop of

manner of incident as narrated by Pw1, this Court feels that the reason for the delay in lodging FIR is quite natural and believable one. That be the case, there is no delay in lodging FIR as pinpointed by the defence. In the judgment Harilar Etc. Vs. State of Madhya Pradesh(Now Chattisgarah)-Crl.A.Nos.2216-2217 relied upon by the accused persons, the Hon'ble Apex Court held as follows:

When an FIR is delayed, in absence of proper explanation, the courts must be on guard and test the evidence meticulously to rule out possibility of embellishments in the prosecution story, inasmuch as delay gives opportunity for deliberation and guess work”.

As already indicated, in this case the reason for delay is acceptable one.

17. Atlast, the learned counsel appearing for the accused persons by relying the judgments reported in Seetharaman @ Mani Vs. State, rep. By The Inspector of Police, N-4, Harbour Police Station, Chennai-600 081(Crl.A.No.596 of 2018 and Crl.M.P.No.13197 of 2018) and Ashok Vs. State of Uttar Pradesh (Crl.A.No.771 of 2024) cases contended that during trial, no opportunity was granted to the accused persons to cross examine the prosecution witnesses and no legal aid counsel was engaged by the Court itself and that case may be remanded to trial Court. This argument has no force at all. A perusal of depositions of witnesses, it reveals that the Pw1 to Pw4 were chief examined on 02.05.2023. Thereafter, Pw5 and Pw6 on 13.06.2023 while Pw6 and Pw7 were chief examined on 20.06.2023. The trial court correctly recorded that despite opportunity was granted for cross examine the witnesses, the accused persons did not come forward to do that exercise. Thus, it is clear that the prosecution witnesses were examined with sufficient intervals. But, the accused persons were not prepared to cross examine the witnesses, though, they engaged a counsel during trial. From perusal of records, further it reveals that after examination of all witnesses, the accused persons filed an application to re-call the witnesses in Crl.M.P.No.683/2023 and the same was dismissed on 03.08.2023.

Thereafter, no revision or appeal was filed. In other words, the order reached finality. In such circumstances, the argument put forth on the defence that no opportunity was granted for the accused persons is not acceptable one. That be the case, the facts and circumstances relied upon by the cases are not applicable to the facts of the case in hand.

18. The learned counsel appearing for the accused persons further contended that the wooden log which was allegedly used by the accused persons at the time of occurrence was not recovered by the Investigation Officer. This argument has no force at all. It is well settled principal that, conviction can be solely based on solitary evidence, if it inspires confidence and appears to be absolutely trustworthy, unblemished and is of sterling quality. As already indicated Pw1 and Pw2's evidence inspired confidence in the mind of this Court. That be the case, the non-recovery of the wooden log, no way affect the prosecution case.

19. 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.

20. Coming to the sentence imposed on the accused persons, it is seen from the records that the accused persons are facing criminal trial from the year 2021. The trial Court imposed each 1 month simple imprisonment and fine of Rs.1000 each for the offence u/s. 294(b)of IPC and imposed each 3 months simple imprisonment and fine of Rs.1,000/- each for the offence u/S.323 of IPC. Considering all the above attending circumstances of this case, evoke mitigating circumstances to take lineant view to some extend on the sentencing process and the accused persons in the Court's considered view deserved for minimum sentence. Thus, the point is answered accordingly.

21. In the result, the Criminal Appeal is partly allowed in the following terms:

The conviction and sentence imposed on the appellants/accused persons by the trial Court u/s.294(b) is confirmed. The imposition of sentence of each 3 months is reduced to each one month and the imposition of fine amount of each Rs.1000/- is confirmed for the offence u/S.323 of IPC. The incarceration period of the accused persons from 07.06.2024 to 15.07.2024 is set off u/S.428 of Cr.P.C.

Dictated to the Executive Assistant, transcribed and typed by her through computer, corrected and pronounced by me in open Court, this the 30th day of March, 2026.

Principal District and Sessions Judge,
Perambalur.

Copy to:-

The learned District Munsif cum Judicial Magistrate, Veppanthattai.
(with L.C. records).

PDSJ Court,
Perambalur.

Fair/Draft Judgment
Crl.Appeal No.16/2024
D.D: 30.03.2026.