



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

**PRESENT: Thiru. A.K.MEHBUB ALI KHAN, B.L.M, L.L.M.,
PG.D.PM/IR, Dip.in.J.J & J.Psy., P.G. DDF.,
Principal Sessions Judge, Ramanathapuram.**

Tuesday, the 24th day of March 2026

CRIMINAL APPEAL NO. 28/2025

(CNR No. TNRM01-001489-2025)

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|-----|-------------------------------------------------------------------------|----|---------------------------------------------------------------------------------------------------------------------------------------------|
| 01. | Trial Court | :: | The Judicial Magistrate, Additional Mahila Court, Ramanathapuram. |
| 02. | Trial Court's Case No. | :: | C.C.No. 323/2022 Date of disposal 21.03.2025 |
| 03. | Appellant's Name (A1) | :: | Muthanandham, (Aged 61/2025), S/o. Muthu, Vasantha Nagar, North 1 st Street, Rose Nagar, Ramanathapuram District. |
| 04. | Respondent's Name | :: | The State rep by, The Inspector of Police, Kenikkarai Police Station, Crime No. 652 of 2021. |
| 05. | To what Offence the Trial Court passed the order and the sentence | :: | U/s 324 of IPC. The accused was found guilty u/s 324 of IPC and convicted and |



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|-----|---------------------------------------------------------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | sentenced him to undergo S.I. for six months and sentenced him to pay a fine of Rs. 3000/- and in default S.I. for 1 month for the offence u/s 324 of IPC. |
| 06. | Whether the order of the Trial Court is confirmed or modified | :: | The Judgment of the Trial Court is modified. |
| 07. | Date of receipt of the appeal by this Court | :: | 09.04.2025 |
| 08. | Taken on file by this Court | :: | 12.04.2025 |
| 09. | Date of arguments heard | :: | Both side argument heard on 12.03.2026. |
| 10. | Date of Judgment | :: | 24.03.2026 |

This Criminal Appeal came on 12.03.2026 for hearing before this Court in the presence of Advocate Thiru. S.Pranavanathan, Advocate for the Appellant, Thiru. B. Karthikeyan, Public Prosecutor for the respondent, and upon hearing the arguments on both sides and upon perusing the material records and having stood over for consideration till this day, this Court delivers the following.....



JUDGMENT

The Criminal Appeal is preferred against the Judgment in C.C.No. 323/2022 passed by learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram on 21.03.2025.

2. Facts that are relevant to decide this appeal are as follows:

(I) Tr. Venkatesh Prabhu (P.W.1) was returning to his house from his shop in his bike around 6.30 P.M. on 21.08.2021. Ms. Susila, Sister of A2 Tamilarasi was walking on the road and the bike which went ahead of Tr. Venkatesh Prabhu's (P.W.1) back had splashed stagnated rain water on her. Doubting that Tr. Venkatesh Prabhu (P.W.1) had splashed the rain water on her, she started scolding him. On hearing the said Susila scolding her son Tr. Venkatesh Prabhu (P.W.1), his mother came there and asked Susila, why she was scolding her son in filthy language. At that time, Muthanandham (A1) and Tamilarasi (A2) came there shouted and abused P.W.1 in vulgar words and Muthanandham (A1) stabbed on P.W.1's right shoulder, left side of his back and right leg big toe with knife. A2 and Rajapandian (A3) attacked P.W.1's mother and threw chilli powder of her eyes. A1 to A4 attacked P.W.1 and his mother and A1 threatened that he would not leave them. At that time, Tr. Vinothkumar (P.W.2), Tr.



Anandharaj (P.W.4) who were doing interior civil works along with P.W.1 had come there to pick up P.W.1 for night work. They witnessed A1 stabbing, Tr. Venkatesh Prabhu (P.W.1) and tried to interfere and separated them. Later, P.W.1 and P.W.4 took P.W.1 in an auto to Government Hospital, Ramanathapuram. While P.W.1 was under treatment in the Government Hospital, Ramanathapuram, Tr. Gugeswaran (P.W.8) went there on receiving information from the hospital, received complaint statement (Ex.P.1) given by P.W.1 and registered F.I.R. (Ex.P.5) u/s 294(b), 324, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No. 652/2021. He sent the F.I.R. to the concerned Judicial Magistrate and higher officials.

II) Dr. Abdul Rahman (P.W.6) who was on duty at 7.45 P.M. at Government Hospital, Ramanathapuram had treated Tr. Venkatesh Prabhu (P.W.1) who was brought by his mother and stated to have been attacked by known persons with hands, wooden club and knife at 7.00 P.M. He had observed the following injuries on his body.

- 1) 3x1x1 c.m. stab injury on right shoulder.
- 2) 3x1x1 c.m stab injury on left back side.



He recorded the said injuries as simple injuries and registered the Accident Register (Ex.P.3). Tmt. Shanthi (P.W.3), the mother of P.W.1, on hearing the said Susila an abusing and scolding her son P.W.1 went there and asked why she was scolding her son. Immediately, A1 came there scolded in filthy words and stabbed P.W.1 on his right shoulder, left back side and right thumb. A2 and A3 had beaten her on her back and her ear. P.W.2 who came there to pick up P.W.1 took him to Government Hospital, Ramanathapuram.

(III) Tr. Guganeswaran (P.W.8), S.I. of Police after registering the F.I.R. took up investigation and went to the scene of crime and prepared the Observation Mahazar (Ex.P.6) and Rough Sketch (Ex.P.7) in the presence of Tr. Suresh (P.W.5) and Tr. Palanikumar (P.W.7). However, Tr. Suresh (P.W.5) and Tr. Palanikumar (P.W.7) have only admitted their signatures found in the Observation Mahazar as Ex.P.2 and Ex.P.4 respectively and were treated as hostile by the prosecution. Tr. Guganeswaran (P.W.8) examined the witnesses and recorded their statements and on getting information about A1, he arrested him on 04.09.2021 at Vasantha Nagar North Street and remanded into judicial custody. Since, the other accused had obtained anticipatory bail, he did not



arrest them. He examined the doctor and other witnesses, recorded their statements, obtained Accident Register copy and after completing the investigation filed the charge sheet against A1 to A4 for the offences 294(b), 324, 506(ii) of IPC and section 4 of Tamil Nadu Prohibition of Women Harassment Act on 05.03.2021.

3. After taking cognizance of the offences, the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram had conducted trial and after examination of witnesses and completion of trial, had found the 1st accused guilty for the offence u/s 324 of IPC and convicted and sentenced him to undergo S.I. for six months and sentenced him to pay a fine of Rs. 3000/- and in default S.I. for 1 month for the offence u/s 324 of IPC and had found the 1st accused not guilty for the offences u/s 294(b) and 506(ii) of IPC, A2 u/s 294(b), 324 of IPC, A3 and A4 u/s 324 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and acquitted the accused 1 to 4 for the above said sections.

4. **Being aggrieved by the said conviction and sentence, the accused (A1) has filed this appeal on the following among other grounds:-**



5. Grounds of Appeal

The Trial Court has erred in convicting the accused based on the evidence on the side of prosecution. The Trial Court has decided the case based on the irrelevant details of the case which is not correct. Further, the trial court did not consider the admitted fact that a wordy altercation had taken place between the first accused and the complainant from the morning of that day on which the alleged incident occurred; furthermore, it also failed to note the statement of the witness, Susheela, wherein she deposed that she did not know the details regarding the vehicle specifically. The Trial Court has convicted the accused only based on the evidence of the P.W.1 which is against the established Principles of Law. Therefore, the conviction and sentence passed by the Trial Court is not sustainable and has to be set aside. Thus, the appellant has prayed to allow the appeal and set aside the conviction and sentence passed by the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram in C.C.No. 323/2022 dated 21.03.2025.

6. The points that arise for determination in this appeal are

1. Has the prosecution proved the guilt of the accused beyond reasonable doubt?



2. Whether the appeal be allowed and the conviction and sentence passed by the Judicial Magistrate, Additional Mahila Court, Ramanathapuram in C.C.No. 323/2022 dated 21.03.2025 be set aside?

7. **Point No.1**

The learned counsel for the Appellant contended that no independent witnesses were examined and the Trial Court has convicted the accused only based on the evidence of interested witnesses. He further contended that the families had dispute between them and the accused had filed a complaint against P.W.1 and his family in Crime No. 875/2021. Therefore, the P.W.1 has given a false complaint against the family of A1. He also contended that no weapon was recovered and therefore the prosecution has failed to prove the guilt of the accused. So, he prayed to allow the appeal and set aside the conviction imposed by the Trial Court.

8. Per contra, the learned Public Prosecutor contended that the Trial Court has rightly convicted A1 for the offence u/s 324 of IPC and therefore no interference is required.

9. In this case, the evidence of P.W.1 to P.W.4 is clearly corroborating each other and all the four witnesses have categorically



stated that A1 had stabbed P.W.1 with knife on his back and right shoulder. This injury is corroborated by the evidence of Dr. Abdul Rahman (P.W.6) who has clearly mentioned that two stab injuries were found on right shoulder and left back side as per the Accident Register (Ex.P.3). Even though, an attempt was made by the accused to suggest that the said injuries might have been caused by falling down on broken glass pieces during work, it was negated by the medical expert namely Dr. Abdul Rahman (P.W.6). The doctor has categorically stated that it is not possible to sustain those two injuries by falling down on broken glass pieces. Therefore, it is clearly established by the prosecution that P.W.1 had sustained injuries only because of stabbing by a knife. However, the prosecution has not produced the knife which is said to have been used by the accused. It is needless to state that the non-recovery of the weapon does not affect the prosecution's case when there is sufficient ocular evidence corroborated by medical evidence. In this case, P.W.1 as well as P.W.2 to P.W.4 have categorically stated that A1 stabbed P.W.1 with knife. Therefore, in the absence of any reason to disbelieve the evidence of P.W.1 to P.W.4 or to discard their evidences, this Court strongly believes that the non-production of weapon is not fatal to the prosecution's case.



10. The contention of the learned defence counsel that the presence of P.W.2 and P.W.4 in the place of occurrence is doubtful because they reside 3 to 4 k.m. away from the place cannot be countenanced for the simple reason that both P.W.2 and P.W.4 have categorically stated that they went to the house of P.W.1 to pick him up for the interior work. Therefore, their presence on the scene of crime is natural and they have to be treated only as chance witnesses. Nothing more was elicited in their cross examination so as to disbelieve their presence or their evidences. The other eyewitness namely Tmt. Shanthi (P.W.3) is the mother of P.W.1 and therefore the defence counsel wanted to discard her evidence as interested. It is equally well settled that just because a witness happened to be the close relative of the victim, their evidences cannot be discarded. Further, P.W.3 also claimed have been attacked. It is equally important to note that an injured person would not leave the real culprits and implicate some other person falsely. In this case, just because there is a previous dispute between both families, there is no reason to believe that P.W.1 has filed a false complaint against A1 to wreck vengeance after sustaining injuries elsewhere. It is to be noted that no suggestion was made to P.W.1 to explain how he sustained injuries if not by A1. As already pointed out, doctor (P.W.6) has clearly ruled out the possibility of P.W.1 sustaining



injuries except than by stabbing. Therefore, considering the evidence of P.W.6 doctor along with the evidence of P.W.1 and other eyewitnesses, it is clearly established that the said injuries were caused only by A1 as projected by the prosecution. There is no possibility for P.W.1 to have sustained those injuries in any other way.

Therefore, in view of the discussion made above, it is held that the prosecution has proved the guilt of the accused Muthanandham (A1) u/s 324 of IPC beyond reasonable doubt.

11. Point No.2

Having held that the prosecution has proved the guilt of the accused u/s 324 of IPC, this Court further holds that the conviction of the accused u/s 324 of IPC is proper. However, considering that the accused is a physically challenged person the sentence is 6 months imprisonment requires interference and it is held that imposition of fine alone would be sufficient for the offence punishable u/s 324 of IPC. Therefore, it is held that the sentence imposed by the Trial Court against the accused has to be modified. Thus, the Judgment of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram in C.C.No. 323/2022 dated 21.03.2025 is modified



and consequently, it is held that the appeal is liable to be partly allowed and the Judgment of Trial Court is modified. This point is decided accordingly.

In the result, this appeal is partly allowed and the sentence passed by the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram in C.C. No.323/2022, dated 21.03.2025 is hereby modified and fine alone is confirmed. The sentence of simple imprisonment for 6 months is hereby set aside. Bail bond executed by the accused if any shall stand cancelled.

Dictated to Executive Assistant, transcribed and typed by her in the computer, corrected and pronounced by me in Open Court this the 24th day of March 2026.

Principal Sessions Judge,
Ramanathapuram.

Copy to

The Judicial Magistrate,
Additional Mahila Court,
Ramanathapuram.