

**IN THE COURT OF THE II ADDITIONAL DISTRICT & SESSIONS JUDGE,
THANJAVUR.**

**Present : Thiru. P.Nagarajan, M.A., M.L.,
II Additional District and Sessions Judge, Thanjavur.**

**Friday the 3rd day of July 2026.
(Thiruvalluvar Andu 2057 – Aani Matham 19th day)**

**Criminal Appeal. No.146/2025
(CNR.No.TNTJ01-011532-2025)**

Name of the trial court	Judicial Magistrate No.II Court, Thanjavur.
Case of the trial court	C.C. No.117/2018
Appeal Number	C.A. No.146/2025
Appellants/Accused Name and Address	1) Surendran, age 37/2026, S/o. Nagarajan, Pottuvachavadi, Thanjavur. 2) Parthi @ Parthiban, age 35/2026, S/o. Nagarajan, Pottuvachavadi, Thanjavur.
Respondent/Complainant Name and Address	The State by Taluk Police Station, Thanjavur.
Findings of the trial court.	Accused A2, A3 are convicted u/s.248(2) of Cr.P.C and to undergo 6 months simple imprisonment with fine per accused Rs.10,000/- Totally Rs.20,000/- and in default of payment of fine shall undergo 2 months of simple imprisonment for the

	offence u/s.326 of IPC.
Whether the sentence imposed is confirmed, modified or reversed	Confirmed.
Date of presentation of Appeal	02.12.2025 at Principal Sessions Court, Thanjavur.
Date of filing of Appeal	04.12.2025 at Principal Sessions Court, Thanjavur
Date of made over to this court	10.01.2026
Date of final hearing	23.06.2026
Date of Judgment	03.07.2026

This criminal appeal was taken on file on 02.12.2025 on the file of the Principal Sessions Court, Thanjavur and made over to this court on 10.01.2026 for disposal. In this court, this appeal came up for final hearing on **23.06.2026** in the presence of **Thiru.M.R.R.Sivasubramanian**, Advocate for Appellants/Accused 2 and 3 and of Additional Public Prosecutor for Respondent/Complainant and hearing the arguments of both sides and having been stood over for consideration till this day, this court delivered the following...

JUDGMENT

(1) This appeal has been directed against the conviction, sentence recorded by the learned Judicial Magistrate No.II, Thanjavur in C.C. No.117/2018 by the judgment dated 29.11.2025.

(2) The appellants herein is the accused 2 and 3 before the trial court in a case

for the offence punishable u/s.326 of IPC.

(3) For the sake of convenience the parties herein are referred to as per their array before the trial court.

The case of the complaint before the trial court are as follows:

(4) The defacto complainant Rajalakshmi is a vendor and she runs a banana business stall in Burma colony. On 06.01.2017 one Rasathi A1 another shop vendor, hit Rajalakshmi and the defacto complainant reported this issue to her son Karthick. When Karthick reached home, A2, A3 came and attacked Karthick viciously using wooden log and the victim fainted. The victim Karthick was accompanied by his mother along with his brother Sakthivel to Thanjavur Medical College Hospital. FIR was registered on 10.01.2017 and initially case was registered u/s.323, 324 and 294(b) of IPC. Later when the police found out that the victim had suffered from a fracture and wound certification by the doctor endorsed as Grievous alteration report was filed u/s.294(b), 326 and 352 of IPC. Therefore the Inspector of Police, Taluk Police Station, Thanjavur had laid a final report u/s.294(b), 326 and 352 of IPC against accused persons.

(5) The Learned Judicial Magistrate No.II, Thanjavur took cognizance of the complaint, the four accused for the offence u/s.u/s.294(b), 326 and 352 of IPC and issued summons u/s.204 of Cr.P.C for the appearance of the accused. On such appearance of the accused the copies of the documents relied by the complainant have been furnished to them and after affording sufficient opportunity to them, they

have been questioned u/s.251 of Cr.P.C with reference to the substance of the accusation in the complaint. The four accused are denied the commission of any offence and therefore trial court has been conducted by the learned Judicial Magistrate No.II, Thanjavur. The defacto complainant mother and victim son had examined as P.W.1 and others examined as PW.2 and PW.3 to P.W.9 and marked the exhibits Ex.P1 to Ex.P9 and closed his evidence. The incriminating circumstances in the evidence of P.W.1 have been explained to the accused by the trial court u/s.313 (1)(b) of Cr.P.C, they have denied the circumstances as false. The four accused are not examined any witness on their side. After hearing the arguments of both sides and upon considering the oral and documentary evidence of both sides, the trial court has found that the accused 2 and 3 were convicted u/s.248(2) of Cr.P.C and sentenced simple imprisonment for six month for the offence u/s.326 of IPC and fine imposed each Rs.10,000/- (totally Rs.20,000) The aforementioned fine amount shall be paid as compensation to the victim PW2 has compensation u/s.357 of Cr.P.C.

(6) Aggrieved over the above judgment of the trial court, the accused 2 and 3 were prefer the appeal before this court by way of the present appeal.

(7) The grounds urged in the appeal are as follows:

The judgment of the trial court is against law, evidence and probabilities of the case and is not maintainable and liable to be dismissed in limine. The alleged occurrence have take place on 06.01.2017 and as PW9 he taken statement from PW1 only on 08.01.2017. The case was registered by the respondent only on 10.01.2017

and the reasons for the delay not explained. The statement dated 06.01.2017 not produced before this court. The PWs 1, 2 and 5 categorically stated in their presence 1 and 5 the said PW2 allegedly sustained injuries from the alleged accused. At about morning some incident allegedly happened in Burma Colony Bazaar in between PW1 and A1, this portion was not examined by the police. As per prosecution motive only in between PW1 and A1. But A2 not assaulted PW1 and PW5 and the prosecution suppressing the fact. The prosecution failed to produce X-ray to prove the offence u/s.326 of IPC. The injured PW2 and his brother informed before the Doctor known 3 male persons came assaulted. But in another doctor evidene 5 known persons came and allegedly caused. Hence the PW2 and PW5 had not been given correct particulars. In any view, the imposed of fine and dispersed alleged injured PW2 without given opportunity to the appellants. Therefore, the judgment of the trial court in C.C. No.117/2018 dated 29.11.2025 has to be set aside by allowing this Criminal Appeal.

(8) In this Criminal Appeal, there is no oral and documentary evidences adduced by both sides. The parties are referred to as per their status before the trial court.

(9) The point for determination in this appeal is

Whether this criminal appeal can be allowed or not?

(10) Point:

The learned counsel appearing for the appellants/accused has submitted that the

trial court failed to properly determine based on the essence of the case the veracity of the complaint regarding the monetary transaction between s per prosecution motive only in between PW1 and A1. But A2 not assaulted PW1 and PW5 and the prosecution suppressing the fact. Consequently, the approach taken by the trial court was incorrect, as it failed to conduct a proper inquiry in to the case and neglected to duly examine the documents. Therefore, the benefit of the doubt should be given to the accused and released the accused.

11) The learned Additional Public Prosecutor argued that the charges against the accused have been proven according to the evidence and documents examined by the prosecution and therefore the accused should be punished according to the above crime.

12) The prosecution revealed that on 06.01.2017 one Rasathi A1 another shop vendor, hit Rajalakshmi and the defacto complainant reported this issue to her son Karthick. When Karthick reached home, A2, A3 came and attacked Karthick viciously using wooden log and the victim fainted. Later, the victim had suffered from a fracture and wound certification by the doctor endorsed as Grievous alteration report was filed u/s.294(b), 326 and 352 of IPC. Therefore the Inspector of Police, Taluk Police Station, Thanjavur had laid a final report u/s.294(b), 326 and 352 of IPC against accused persons. The accused 2, 3 have been convicted by the trial court.

(13) In this case, PW2 and PW5 are the sons of PW1 and PW3 and PW4 are the observation mahazar witnesses. PW6 and PW7 are the Doctors who treated the

victim. PW8 filed a complaint from PW1 who is victim's mother, since the victim Karthick had both of his hands dressed, he was not able to sign and therefore the signature of PW.1 was procured. PW.9 is the person who registered the First Information Report. On perusal of PW1's deposition she deposed that on 06.01.2017, there was an altercation between herself and A1 Rasathi as to why the victim had opened her shop in Bharmar colony and she hit by A1. She returned home and informed her son about this issue through phone. Upon receiving information, the son Karthick came home and enquired about the incident. As they were talking, A2 Surendran and A3 Parthi entered the home at around 03.00 p.m., viciously attacked the victim Karthick by using a wooden log. As the aggressors were attacking, Karthick begged them with folded hands to spare him but the relentless attackers continued the attack. The complaint statement was marked as Ex.P.1. The PW.5 is the son of PW1 and eye witness who was present in the home of the defacto complainant and victim Karthick. He has deposed that on 06.01.2017 A2, and A3 attacked his brother Karthick using a wooden log and the latter was taken to TMCH in a two wheeler and PW2 had undergone treatment as inpatient for four days and out patient for three months.

(14) PW.6 evidenced that one Karthick was attacked using wooden log by three identifiable male members. On perusal of PW7's evidence it reveals that on 06.01.2017, Karthick was admitted through emergency ward, after treatment and upon perusal of the X-ray of Karthick the doctor had found that two bones (Ulna

bone) were fractured and the wound suffered by the victim is grievous and no X-ray report is attached and the trial court finds his evidence to be trustworthy.

(15) Further, the prosecution has charged the accused u/s.326 of IPC and the same has been proved by the oral testimony of PW1, PW2 and PW5. There are no contradiction between the aforesaid witnesses and though they belong to the same family, there are no exaggerations so as to render their testimony unbelievable. PW9 Investigation Officer registered the First Information Report against the accused and conducted the investigation into the case. The evidences of the PW1 to PW5 witnesses it is clearly evidenced that the accused 2, 3 are violently attacked PW2. It is clear that the prosecution has successfully established the charges against the accused 2 and 3.

(16) Accumulating all the above facts, the case of the complainant is very clear and the defense taken by the accused 2, 3 was clearly discussed earlier and this court comes to a conclusion that the case of the complainant and victim is proved and hence, this court feels satisfied to confirm the judgment of the trial court, since it needs no interference. Hence, this court proceeds to dismiss the criminal appeal by confirming the judgment of conviction, sentence passed by the trial court. Thus, the point is answered accordingly.

In the result, this appeal is dismissed and the judgment and sentence passed on 29.11.2025 in Judicial Magistrate No.II Court, Thanjavur in C.C. No.117/2018 is

confirmed. The trial court is directed to take steps to secure the accused to serve out the remaining period of sentence and also to collect the fine amount if not already collected.

This Judgment is dictated to Steno-typist by me, transcribed by her in computer, corrected and pronounced by me in the open court, this the **3rd day of July 2026.**

**II Additional District and Sessions Judge,
Thanjavur.**

**Copy to:
The Judicial Magistrate No.II Court,
Thanjavur.**

Judgment in
C.A.No.146/2025
Dated: 03.07.2026