

I ADDITIONAL DISTRICT & SESSIONS COURT, THOOTHUKUDI

Present:- Thiru. M.Thandavan, B.L.,

I Additional District & Sessions Judge,

Thoothukudi

Monday, the 3rd day of August 2026**S.C.No.254/2020****(CNR No. TNTT01 – 004453 – 2020)**

Name of the Committing Court and Case Number.	.. Judicial Magistrate Court, Srivaikundam PRC.No. 18/2020
Name of the Police Station and Crime Number.	.. Eral Police Station, Cr.No. 211/2019
State/Name of the Complainant	.. Inspector of Police, Eral Police Station
Name of the accused	.. 1. Sundar, (Age 37/2020) S/o. Balakrishnan, 2/77, Mutharamman Kovil Street, Maaramangalam, Eral, Thoothukudi District. 2. Samydurai @ Packiyaraj(Age 38/2020) S/o. Balakrishnan, 2/77, Mutharamman Kovil Street, Maaramangalam, Eral Taluk, Thoothukudi District.

3. Balakrishnan (Age 65/2020)

S/o.Balakrishnan,
2/77, Mutharamman Kovil Street,
Maaramangalam,
Eral Taluk,
Thoothukudi District.

4. Chinnadurai (Age 24/2020)

S/o. Subbiah,
1/169, Mutharamman Kovil Street,
Vadakkoor,
Maaramangalam,
Eral Taluk,
Thoothukudi District.

5. Poolpandi (Age 25/2020)

S/o. Muniyasamy,
1/3, Kilaviamman Kovil Street,
Maaramangalam,
Eral Taluk,
Thoothukudi District.

Charges framed against the accused :-

1st Charge
(Accused 1 to 5)

.. Rioting with deadly weapon
(Punishable u/s. 148 I.P.C.)

2nd Charge
(Accused 1 to 5)

.. Using obscene words
(Punishable u/s. 294(b) I.P.C.)

3rd Charge
(1st Accused)

.. Attempt to murder
(Punishable u/s.307 I.P.C.)

4th Charge
(Accused 2 to 5)

.. Voluntarily causing hurt by dangerous weapon
(Punishable u/s. 324(2 counts) I.P.C.)

5th Charge
(Accused 1 to 5)

.. Criminal intimidation
(Punishable u/s. 506(ii) I.P.C.)

6th Charge
(Accused 1 to 5)

.. Mischief causing property damage of Rs.50/- or more
(Punishable u/s. 427 I.P.C.)

7th Charge
(1st Accused)

.. Voluntarily causing simple hurt
(Punishable u/s. 323 I.P.C.)

8th Charge
(1st Accused)

.. Committing murder
(Punishable u/s. 302 I.P.C.)

Plea of the accused :

1st Charge

.. Not guilty

2nd Charge

.. Not guilty

3rd Charge

.. Not guilty

4th Charge

.. Not guilty

5th Charge

.. Not guilty

6th Charge

.. Not guilty

7th Charge

.. Not guilty

8th Charge

.. Not guilty

Finding of the Judge :

.. **In the result,** the 1st accused is hereby found guilty for the offences punishable u/s.302 and 324 IPC and the 1st accused is hereby convicted for those

offences u/s. 235(2) Cr.P.C. and the 1st accused is hereby sentenced to undergo the Life imprisonment for the offence punishable u/s.302 IPC and fined Rs.10,000/- in default the 1st accused shall under the simple imprisonment for 3 months. The 1st accused is hereby sentenced to undergo the rigorous imprisonment for term of 2 years for the offence punishable u/s.324 IPC and fined Rs.1,000/- in default the 1st accused shall under the simple imprisonment for 2 months. (Total fine amount Rs.11,000/-)

Both the sentences for imprisonment shall start to run concurrently.

The 2nd accused is hereby found guilty for the offence punishable u/s.323 IPC (2 counts) and the 2nd accused is hereby sentenced to undergo the rigorous imprisonment for 6 months.

The accused 1 to 5 are found not guilty for the offences punishable u/s.148, 294(b), 506(ii) and 427 IPC and the 1st accused is hereby found not guilty for the offences punishable u/s.307, 323 IPC, the accused 2 to 5 are hereby found not guilty

for the offence punishable u/s.324 (2 counts) IPC and the accused 1 to 5 are hereby acquitted u/s.235(1) Cr.P.C.

The bail bond executed by the accused shall stand cancelled after the lapse of appeal period or after the appeal if any.

The material objects remanded in this case in P.R. No.83/2024, M.O.1 to M.O.11 are useless, it is hereby ordered to destroy the same after the appeal period or after the appeal if any. .

This case came up before this Court on 03.03.2026 for final hearing in the presence of the Additional Public Prosecutor for the State and Thiru.R. Subramania Adithan, Advocate for the accused 1 to 3, Thiru. S. Chandrasekar, Advocate for the 4th accused, Thiru. A. Mahendran, Advocate for the 5th accused and upon hearing both sides and upon perusing the case records and having stood over till this date for the consideration of this Court, this Court delivers the following:-

JUDGMENT

The case of the prosecution is that the witness Premkumar, injured witness Thangavalli are the children of the other injured witness Shanthi residing in Saminathapuram, Maramangalam. The deceased Kalimuthu was the father of the

witness Premkumar. The accused 1 to 3 are residing in Maramangalam. The 2nd accused is the brother and the 3rd accused is the father of the 1st accused. The accused 4 and 5 are the friends and partners of the 1st accused. Four months prior to the occurrence in this case, when the marriage of the sister of the 1st accused took place, the witnesses Vinith, Murugan, Nishanth and Nivash quarrelled that their names were not printed in the banner. Therefore there was previous enmity between the family of the 1st accused and the family of the witness Premkumar due to which the FIR in Cr.No.120/2019 was registered against the above 4 persons. The 1st accused remains unmarried for several years and the witness Shanthi insulted the 1st accused that he is an impotent. Therefore the enmity got strengthened when the 1st accused told the other accused as to the above insult, the other accused told him that they are ready to do anything for the 1st accused. While so, on 12.11.2019 about 6.00 p.m., the witness Vinith and his wife Meena were going towards Eral from Maramangalam, the accused on seeing them showed his chappel. The said Vinith having returned from Eral, the said Vinith and the witness Premkumar went to the house of the 1st accused and there was a wordy quarrel. The persons nearby shouted and prevented the fighting. Therefore the enmity between the 1st accused and the witness Premkumar got more strengthened. Due to the above enmity on 13.11.2019 about 20.30 hours, when the witness Premkumar, Shanthi, Thangavalli and the deceased Kalimuthu were talking among themselves near Farmers Association Building in front of the house of

the witness Thangavalli, the 1st accused with knife and the accused 2 to 5 with wooden rods and unlawfully assembled there and scolded the witnesses as, "ஏல புண்டமக்களா, தேவடியா மக்களா எங்களை ஊர்க்காரர் மத்தியில் அசிங்கப்படுத்திட்டீங்க, நீங்க உயிரோடு இருக்கக் கூடாது, இத்தோடு செத்து தொலைங்க " and the 1st accused assaulted the witness Premkumar with knife and when witness blocked, the blow hit on the left palm. The accused 2 to 5 assaulted the witness with wooden rods on his head, left shoulder. When the deceased Kalimuthu shouted, the 1st accused assaulted him with knife with an intention to murder him on his chest and when the witness Shanthi went to prevent the occurrence, the accused 3 to 5 assaulted her with wooden rods on her head and neck. When the witness Thangavalli shouted, the 1st accused kicked the said Thangavalli on her stomach and when the witnesses nearby shouted, the accused persons criminally intimidated the injured witnesses and caused damages to the two wheeler bearing Reg. No. TN 69 AM 1798 which was parked there and went away. The said Kalimuthu was admitted in GH, Thoothukudi and referred to GH, Tirunelveli wherein the said Kalimuthu died on 16.11.2019. Therefore the 1st accused has been charge sheeted u/s.147, 148, 294(b), 307, 323, 324, 427, 506(ii), 302 r/w 149 IPC and Sec.3 of TNPPDL Act, the 2nd accused has been charge sheeted u/s.147, 148, 294((b), 324, 307, 427, 506(ii), 302 r/w 149 IPC and Sec. 3 of TNPPDL Act, and the accused 3 to 5

have been charge sheeted u/s. 147, 148, 294((b), 324, 326, 307, 427, 506(ii), 302 r/w 149 IPC and Sec. 3 of TNPPDL Act.

2. After the appearance of the accused in Judicial Magistrate Court, Srivaikundam, they were given free copies of prosecution side documents u/s 207 of Cr.P.C.

3. Then this case was found to be one to be heard by the Sessions Court it was committed to the Principal District Sessions Court, Thoothukudi u/s 209A Cr.P.C. and then transferred to this Court.

4. After the appearance of the accused in this Court, sufficient opportunities were given to themselves and prosecution upon considering the documents and as there is prima facie case against the accused, the charge framed u/s. 148, 294(b), 307, 506(ii), 427, 323 and 302 IPC against the 1st accused, u/s. 148, 294(b), 324(2 counts), 506(ii), 427 IPC against the accused 2 to 5 and the charge is read over and explained to the accused and the accused denied the charge. Hence ordered for trial of witnesses by the prosecution.

5. On the side of the prosecution, PW.1 to PW.25 were examined and Ex.P1 to Ex.P29 have been marked and M.O.1 to M.O.11 have been marked.

6. Case of the prosecution in brief as per the prosecution witnesses and Documents :

a) The PW1 namely the son of the deceased has deposed that the deceased Kalimuthu was his father. The PW1 knows the accused persons. On 12.11.2019 there

was a marriage in their locality for which the banner were installed. The name of the PW7 was not printed in the banner. Since the 1st accused and the said PW7 were close friends, the PW7 made a quarrel with the 1st accused. Therefore they were not in talking terms. On 12.11.2019 about 5.00 p.m., when the PW7 and his wife were going by two wheeler via Eral, the 1st accused who was standing near Farmers Association, Maramangalam and showed his cheppal towards the PW7. Therefore the PW7 told the same to the PW1. Therefore the PW1 and PW7 went to the house of the 1st accused and told the parents of the 1st accused about the act of the 1st accused. There was a death on that date. The parents of the 1st accused told that the 1st accused would not have acted so. Therefore the PW1 and PW7 went to the nearby house wherein a death took place and PW1 and PW7 told the persons attended the death as to the above occurrence. The village elders shouted the 1st accused and the PW1 and PW7 and sent them out. On 13.11.2019 about 8.30 p.m., the PW1 and his parents went to the house of the PW3 the sister of the PW1 and they were talking among themselves in front of the house of the PW3. The 1st accused came there with knife and assaulted the PW1 on his left palm when the PW1 blocked the attack by the 1st accused. The 2nd accused assaulted the PW1 on his head for which the PW1 underwent suture. When the father of the PW1 namely the same Kalimuthu came to prevent the occurrence, the 1st accused stabbed him with knife on his right chest and the said Kalimuthu fell down. The accused 2 to 5 came there and assaulted the mother

of the PW1 with wooden rod on her shoulder and head. When the PW4 and PW10 prevented the occurrence, the accused kicked the sister of the PW1 on her stomach. The 2nd accused also assaulted the sister of the PW1 with wooden rod. The PW10 informed to the 108 ambulance and PW1, PW3, his parents went to GH, Thoothukudi wherein the PW1 underwent suture. During the treatment, the police examined the PW1 and recorded the Ex.P1 complaint statement. On 16.11.2019 the said Kalimuthu in GH, Tirunelveli. The PW2 took treatment as inpatient for 10 days. The knife used by the 1st accused in the occurrence and the wooden rods used by the accused 2 to 5 in the occurrence have been marked as M.O.1 to M.O.5 respectively.

b) The PW2 the mother of the PW1, the PW3 the sister of the PW1 have corroborated the evidence of the PW1.

c) The PW4 the brother of the deceased has deposed that on 12.11.2019 there was a wordy quarrel between the 1st accused and the PW7. On the next day, there was a death in Maramangalam and the PW4 attended the death. The house of the 1st accused is lying adjacent to the house of death. The PW1 and PW7 called the 1st accused and there was wordy quarrel and the PW4 and others who attended the death shouted at the sight of them and sent out. On the same day, about 8.00 p.m., the PW4 went to the death house. About 8.15 p.m., there was noise near the Farmers Association and the PW4 and others who attended the death house went to that place. The 1st accused stabbed the brother of the PW4 with knife and the other accused

persons assaulted the women in that place with wooden rods. The PW1 to PW3 were assaulted. The PW10 informed the 108 ambulance and all the persons were taken to the GH, Thoothukudi. The PW4 followed them by two wheeler. The said Kalimuthu died 3 days after the occurrence in GH, Tirunelveli.

d) The PW5 to PW10 also corroborated the evidence of PW1.

e) The PW11 has deposed that the deceased Kalimuthu was his brother. On 12.11.2019 when the PW7 and his wife were going by two wheeler to Eral, the 1st accused showed the cheppal to them and scolded them with filthy languages. The PW7 told the same to the PW11. The PW1 went to the 1st accused and questioned him and there was a wordy quarrel. Therefore the 2nd accused assaulted the PW1 and PW2 with an wooden rod on their head. The 1st accused assaulted the said Kalimuthu on his left chest with knife. The PW10 informed to the ambulance and the said Kalimuthu was taken to GH, Tirunelveli wherein the said Kalimuthu died on 16.11.2019.

f) The PW12 has turned hostile. The signature of the PW12 in the observation mahazar and seizure mahazar have been marked as the Ex.P2 and Ex.P3.

g) The PW13 has deposed that on 14.11.2019 when the PW13 was working as the VAO, Maramangalam about 2.00 p.m., the PW13 and his assistant Muthupandi went Sambadi branch road and the police arrested the accused 1 and 2 and when enquired, the accused 1 and 2 gave voluntary confessions in the presence of them

recorded by the police. The relevant portions of the confessions by the accused 1 and 2 have been marked as the Ex.P4 and Ex.P5 respectively. On the basis of the Ex.P4, the 1st accused took them to Maramangalam behind the house of one Chenduran and presented the M.O.1 knife from the bush seized by the police under the Ex.P6 seizure mahazar. On the basis of the Ex.P5, the 2nd accused took them on the south of Maramangalam village in the field of one Balakrishnan and presented the M.O.2 to M.O.5 wooden rods seized by the police under the Ex.P7 seizure mahazar.

h) The PW14 has deposed that the PW14 issued the Ex.P8 receipt for Rs.2,215/- for the damage work for the two wheeler for the head lamp assembly, clutch lever, break lever, head lamp gril, front fork racer, speedometer box to his customer. The PW14 does not remember the name of the customer.

i) The PW15 namely the Assistant Executive Engineer has deposed that the PW15 issued the Ex.P9 certificate on the basis of the requisition of the Inspector that there was no power cut on 13.11.2019 in the Maramangalam village, Eral Taluk.

j) The PW16 has deposed that on 14.11.2019 when the PW16 was working as the Assistant Professor in Government Medical college Tirunelveli, the PW16 sent the death intimation to the outpost police station, Tirunelveli GH that the said Kalimuthu died on 14.11.2019 about 10.15 a.m.

k) The PW17 has deposed that on 13.11.2019 when the PW17 was working as the Assistant Civil Surgeon in Casualty in GH, Thoothukudi, the PW1 to PW3 and

the said Kalimuthu came to the hospital for treatment. The said Kalimuthu told that he was assaulted by 2 known persons about 8.30 p.m on the same day in his house. The said Kalimuthu was conscious. There was a stab injury with the measurement of 3 x 1 x 3 cm on his right chest. The PW1 told that he was assaulted in the same occurrence by known persons. There was a laceration with the measurement of 2 x 1 x 0.5 cms on the right forearm. There was a laceration with the measurement of 4 x 1 x 1 cm on the left parietal region. There was a laceration with the measurement of 2 x 1 x 0.5 cms on left forearm. There was an abrasion with the measurement of 2 x 1 cm on the left arm. The PW3 told that he was kicked by known 2 male persons on his stomach in the same occurrence. The PW2 told that he was assaulted by 5 known persons with wooden rods in the same occurrence and the PW2 told that there was pain on head, neck. There was a laceration with the measurement of 5 x 2 x 1 cm on his forehead. The PW17 issued the Ex.P10 AR copy whereby the PW17 has opined that the injury to the PW2 is grievous in nature. Since the PW3 went out against the medical advice, the opinion as to the injuries of the PW3 could not be given. The AR copy for the PW3 has been marked as the Ex.P11. Since the PW1 went out against the medical advice, the opinion as to the injuries of the PW1 could not be given. The AR copy for the PW1 has been marked as the Ex.P12. The AR copy for the said Kalimuthu has been marked as the Ex.P13. The PW17 has further deposed that there is possibility to die due to the stab injury sustained by the said Kalimuthu.

l) The PW18 has deposed that on 16.11.2019 when the PW18 was working as the Gr.I police in Eral P.S., the PW18 took the body of the said Kalimuthu along with the requisition letter of the Inspector to the Government Medical College and handed it over to the doctor. The PW18 accompanied the doctor during postmortem and after postmortem the PW18 handed over the body to the relatives. The PW18 received a white colour dhoti removed from the body of the deceased, the cotton with blood and handed them over in the station. The passport issued to the PW18 has been marked as the Ex.P14.

m) The PW19 has deposed that on 16.11.2019 when the PW19 was working as the Gr.I Police in Eral P.S., the PW19 received the alteration report u/s.147, 148, 294(b), 323, 324, 427, 307, 302, 506(ii) IPC about 12.30 a.m. and since Srivaikundam JM was on leave, the PW19 handed over the report to the Sathankulam JM. On 17.11.2019 about 10.00 a.m., the PW19 received the inquest report and handed it over to the above JM about 12.30 p.m. The passport issued to the PW19 has been marked as the Ex.P15.

n) The PW20 has deposed that on 16.11.2019 when the PW20 was working as the Joint Professor in Medico Lego Department in the Government Medical College, Tirunelveli, the PW18 brought the body of the said Kalimuthu for postmortem along with the requisition letter of the Inspector about 3.10 p.m. The PW20 commenced the

postmortem about 4.00 p.m. There was rigormortis all over the body. The nails in the hands and legs were pale. The PW20 found the following ante mortem injuries.

1. A sutured wound of length 15cm seen from 0.5cm above umbilicus to lower part of chest in midline.

2. A oblique shaped sutured wound of length 3cm seen over the lower part of right side of chest. It lies 2.5cm to the right of injury No.1, 15 cm below inner end of right clavicle and 9cm inner to right nipple. On removal of sutures, stab wound of size 4x0.5cm and it pierce through 6th inter costal space and then it pierces through right lobe of liver on its front surface of size 4x0.5cm and passes out of liver with the size of 3x0.5 cm. Cut section of liver pale.

On dissection of chest : Right lung adherent to chest wall. Left lung normal, c/s pale.

On dissection of abdomen : Intact gastro jejunal sutures(10 nos.) were found. On removal of sutures, lower end of stomach found attached with jejunal loop and surgical resection of duodenum was done.

OTHER FINDINGS :

Heart : Normal, coronaries patent.

Hyoid bone : Intact.

Stomach : Empty, n specific smell and mucosa pale.

Intestine : about 20ml of bile stained fluid with no specific smell and mucosa pale.

Spleen and Kidneys : appears normal, c/s pale.

Bladder : about 10ml of urine.

Brain : Oedematous, c/s pale.

Therefore the PW20 issued the Ex.P16 postmortem certificate whereby the said Kalimuthu would have died 6 – 24 hours prior to the postmortem due to the above stab injury. The final opinion has been given in the Ex.P16 itself.

o) The PW21 has deposed that on 13.11.2019 when the PW21 was working as Training S.I. in Eral P.S., about 22.30 hours and when the PW21 was in roaming duty, the PW21 received information from the police station and went to GH, Thoothukudi and received the injury intimation to the PW1 to PW3 and the said Kalimuthu and recorded the complaint statement from the PW1 and came to the station and registered the Ex.P17 FIR in Cr.No.211/2019 u/s.147, 148, 294(b), 323, 324, 427, 307 and 506(ii) IPC. The PW21 sent the same to the JM, Srivaikundam and presented the copies to the concerned higher officials.

p) The PW22 has deposed that on 04.07.2019 when the PW22 was working as the Head constable in Eral P.S., having received the information from the GH, Thoothukudi went to the hospital and recorded the complaint statement of Achiammal and came to the station and registered the FIR in Cr.No.122/2019 u/s. 294(b), 323, 506(i) IPC against PW7 to PW9 and one Nishanth and sent the same to the Court and presented the copies of the same to the concerned higher officials.

q) The PW23 has deposed that on 19.11.2019 when the PW23 was working as doctor in the GH, Thoothukudi, the PW23 took X-Ray to the PW2. There was a haemorrhage on the right portion of the brain. There was a fracture on nasal bone. The CT scan report has been mentioned in the Ex.P10 AR copy.

r) The PW24 has deposed that when the PW24 was working as the Inspector in Seithunganallur P.S. holding the additional post of Eral P.S. on 13.11.2019, the PW24 took the Ex.P17 FIR registered by the PW21 for investigation and on 14.11.2019 about 3.30 a.m., the PW24 proceeded to the place of occurrence namely Maramangalam near Farmers Association in front of the house of the PW3, the PW24 prepared the Ex.P19 and Ex.P20 observation mahazar and rough sketch in the presence of the PW12 and one Senthilvel and seized the pieces of tar road with and without blood, a fiber glass pieces and mirror pieces in the presence of the same witnesses under the Ex.P21 seizure mahazar. The tar road pieces with and without blood have been marked as the M.O.6 and M.O.7. The above fiber and mirror pieces have been marked as the M.O.8. The PW24 examined the PW12 and Senthilvel, PW4 and Marithangam and recorded their statements. The PW24 went to the GH, Thoothukudi and recorded the statement from the PW1. Since the PW2 was in unconscious state, the PW24 could not record his statement. The PW3 and Kalimuthu were referred to the GH, Tirunelveli. Since the said Kalimuthu was unconscious, statement could not be recorded. The PW24 examined the PW3 and recorded her

statement and seized the M.O.9 nighty with blood from the PW3. On 14.11.2019 about 14.00 hours, the PW24 arrested the accused 1 and 2 near Sambadi branch road and when enquired in the presence of the PW13 VAO and his assistant Muthupandi, the 1st accused gave a voluntary confession recorded by the PW24. The relevant portion of the same has been marked as the Ex.P4 on the basis of which the 1st accused took them near his house at Maramangalam and presented M.O.1 knife from behind the house of one Senthooran seized by the PW24 in the presence of the same witnesses under the Ex.P6 seizure mahazar. When the PW24 examined the 2nd accused in the place of arrest, the 2nd accused gave a voluntary confession in the presence of the same witnesses recorded by the PW24. The relevant portion of the same has been marked as the Ex.P5 on the basis of which the 2nd accused took them on the west of Maramangalam village to the field of the 2nd accused and presented the M.O.2 to M.O.5 wooden rods seized by the PW24 in the presence of the same witnesses under the Ex.P7 seizure mahazar. The PW24 when taking the accused 1 and 2 to the station, about 17.45 hours near Palayakayal bus stop, the accused 3 to 5 were standing and the PW24 arrested the accused 3 to 5 and subjected the accused persons to the judicial custody and sent the case properties under the Ex.P22 series (4 in Nos.) Forms 91 and handed over the case file to the Inspector Eral P.S.

s) The PW25 has deposed that the PW25 took the case for further investigation on 15.11.2019 and when enquired the witnesses already examined by the PW24, the

witnesses gave statement as given to the PW24. Therefore the PW25 did not record further statements. On 16.11.2019 having received the death intimation of the said Kalimuthu from GH, Tirunelveli, prepared the Ex.P23 alteration report u/s.147, 148, 294(b), 323, 324, 427, 307, 302, 506(ii) IPC. On the same day, the PW25 conducted the inquest in the presence of the Panchayatars in the above GH and prepared the Ex.P24 inquest report. The PW25 sent the body of the said Kalimuthu along with the requisition letter for postmortem through the PW18. The PW25 examined the PW11, PW10, PW1, PW3 and PW4 and recorded their further statements. Subsequently the PW25 examined the PW18 and recorded his statement. The PW18 accompanied the doctor during postmortem and handed over the body to the relatives after postmortem. The PW18 received the M.O.10 dhoti and M.O.11 cotton with blood and handed them over to the PW25 in the station. On 17.11.2019 the PW25 examined the PW5 to PW9 and one Meena and recorded their statements. The letter for the postmortem given by the PW25 has been marked as the Ex.P25. The PW25 examined the PW19 and PW22 and recorded their statements. On 26.11.2019, the PW25 sent the case properties to the Court for which the P.R.No.262/2019 was assigned. On 13.12.2019 the PW25 for sending the case properties to the Forensic Lab, Tirunelveli, gave the Ex.P26 letter. On 17.12.2019 the PW25 received the letter from the Court and sent the case properties to the Lab through the PW19. The above letter has been marked as the Ex.P26. On 18.12.2019, the PW25 examined Tr. Pathalamuthu, the

Head clerk of the Court and recorded his statement. The PW25 examined the PW2 and the PW17 doctor and recorded their statements. Since the PW2 sustained grievous injury, the PW25 prepared the alteration report u/s.147, 148, 294(b), 323, 324, 326, 427, 307, 302, 506(ii) IPC and sent the same to the Court. The Pw25 examined the PW14 and recorded his statement. The PW25 examined the PW20 doctor conducted the postmortem and recorded his statement on receiving the postmortem certificate. The PW25 examined the PW23 Radiologist and recorded his statement. On 26.02.2020, the PW25 examined the Scientific officer Velmurugan and recorded his statement on receiving the Ex.P27 and Ex.P28 namely the biological report and serological report. The letter from the Court to the Lab has been marked as the Ex.P29. The PW25 examined the Assistant Engineer, TNEB namely the PW15 and the wireman Chelladurai and received the Ex.P9 certificate. After completing the investigation, the PW25 laid the charge sheet against the accused persons u/s. 147, 148, 294(b), 323, 324, 326, 427, 307, 302, 506(ii) IPC and Sec. 3 of TNPPDL Act.

7) When questioned the accused u/s. 313(1)(b) of Cr.P.C., the accused denied the evidence and said that they had defense witnesses.

8) The point for consideration in this case is Whether the offences punishable u/s.148, 294(b), 307, 506(ii), 427, 323 and 302 IPC against the 1st accused, u/s. 148, 294(b), 324(2 counts), 506(ii), 427 IPC against the accused 2 to 5 has been proved beyond reasonable doubt.

9) Findings for the point for consideration :-

The case of the prosecution is that the PW2 is the wife of the deceased Kalimuthu, the PW1 and PW3 are the son and daughter of the deceased. The case of the prosecution is that there was a marriage of the sister of the 1st accused 4 months prior to the occurrence and the banner was erected in which the name of PW7 was missing though the PW7 was the close friend of the 1st accused. It is also the case of the prosecution that the PW7 and his wife were going to Eral by a two wheeler on 12.11.2019 about 6.00 p.m. and in the way the 1st accused was standing on the south of Maramangalam village and the 1st accused showed his cheppal towards the PW7 and his wife. Therefore the PW7 told the same to the PW1 and the PW1 and PW7 went to the house of the 1st accused and created scene. Therefore there was enmity between the 1st accused and the family of the PW1. Hence on 13.11.2019 about 20.30 hours when the PW1 to PW3 and deceased Kalimuthu were talking among themselves, the 1st accused with M.O.1 knife and the accused 2 to 5 with the M.O.2 to M.O.5 wooden rods unlawfully assemble there and assaulted the PW1 to PW3 and when the said Kalimuthu tried to prevent the occurrence, the 1st accused stabbed the said Kalimuthu on his right chest. Therefore the case of the prosecution is that the PW1 to PW3 sustained injuries and the said Kalimuthu died on 16.11.2019.

10) A careful perusal of the evidence of the PW1 to PW9 reveals that there is synchronized form of evidence as to the motive and assault by the accused persons

against the PW1 to PW3 and the deceased. The PW1 to PW3 are the injured cum eyewitnesses to the occurrence. The case of the prosecution is certain that the 1st accused assaulted the Pw1 with M.O.1 knife on his left palm. The case of the prosecution is certain that the PW7 to PW9 and one Nishanth assaulted the mother of the 1st accused namely one Achiammal for which the FIR in Cr.No.120/2019 was registered against them on the basis of the complaint given by the said Achiammal. Hence there existed previous enmity between the 1st accused and the witnesses. It is also the case of the prosecution that since the 1st accused showed his cheppal at the sight of the PW7 and his wife who were going by a two wheeler towards Eral, the PW7 told the same to the PW1 and the PW1 and PW7 went to the house of the 1st accused. Therefore it is also the case of the prosecution that the 1st accused and the PW1 got enmity against each other.

11) The case of the prosecution is also certain that the PW1 to PW3 are the injured cum eyewitness to the case. The PW1 has sustained lacerated injuries in the occurrence on his right forearm and left parietal region and left forearm and an abrasion in the left arm. Even as per the evidence of the PW7, the PW1 was assaulted by 2 known persons. As per the evidence of the PW17, the deceased Kalimuthu was assaulted by 2 known persons. As per the evidence of the PW17, the PW3 was also assaulted by 2 known persons. As per the evidence of the PW17, the PW2 was assaulted by 5 known persons. The PW1 to PW3 have not stated the names of the

persons assaulted them. It is not the evidence of the PW1 to PW3 that the PW1 to PW3 were assaulted by different persons. Therefore it can be presumed that the PW1 to PW3 and the deceased were assaulted by 2 same persons. The PW1 is certain that he was assaulted by the 1st accused with the M.O.1 knife on his left arm and the 2nd accused assaulted the PW1 on his head. But the PW1 has not deposed the assault by other accused persons against him. Hence as per the evidence of the PW1, it can be inferred that the PW1 was assaulted by the accused 1 and 2.

12) The PW2 namely the mother of the PW1 has told the PW17 doctor that she was assaulted by 5 known persons. The PW3 has told the PW17 that she was assaulted by 2 known persons. The evidence of the PW2 is that she was assaulted by the accused 2 to 5 with wooden rods. As per the statement given by the PW2 to the doctor, the PW2 was assaulted by 5 persons. As per the evidence of the PW2, the PW2 is said to have been assaulted by 4 persons. Hence the evidence of the PW2 and the statement given by the PW2 to the PW17 doctor are not cogent. Therefore the PW2 is not projecting the real propositions before the Court.

13) The PW3 namely the brother of the PW1 has deposed that the PW2 was assaulted the accused 2 to 4 with wooden rods. Therefore the PW3 is projecting a different version as if the PW2 was assaulted by the accused 2 to 4. Therefore the number of the accused assaulting the PW2 is not certain. But the PW3 is also certain that she was assaulted by the accused 1 and 2 in the occurrence. Therefore the

evidence of the PW1 and PW3 is certain that the deceased Kalimuthu was assaulted by the 1st accused and the PW1 and PW3 were assaulted by the accused 1 and 2. The said Kalimuthu, the PW1 and PW3 told the PW17 that they were assaulted by known 2 persons. Therefore it is evident that the said Kalimuthu and the PW1 to PW3 were assaulted by 2 persons. The evidence of the PW1 to PW3 is also certain that they and the deceased were assaulted by the accused 1 and 2 alone and there is no evidence by the PW1 to PW3 that the accused 3 to 5 assaulted either of the witnesses or the deceased. Hence the presence of the accused 3 to 5 in the place and at the time of occurrence has not been established by the prosecution. Therefore there is no evidence by the prosecution witnesses as to the presence of all the accused persons in the place of and at the time of occurrence. Hence it is held that the offence punishable u/s.148 IPC has not been proved by the prosecution.

14) The case of the prosecution is certain that the accused persons scolded the PW1 to PW3 and the deceased with filthy languages. None of the eyewitnesses and none of the injured cum eyewitnesses has spoken about the filthy languages said to have been uttered against the witnesses. In the absence of the evidence by any of the prosecution witnesses attracting the offence punishable u/s.294(b) IPC, this Court can not suo moto hold that the accused persons scolded the PW1 to PW3 with the particular words. Therefore it is also obvious to hold that the offence punishable u/s.294(b) IPC has not been proved.

15) The case of the prosecution is further that the accused persons criminally intimidated the witnesses namely the PW4 and Marithangam. It is not the evidence of the PW4 that the intimidation made by the accused persons caused apprehension in the mind of the PW4 that they would kill the PW4. It is also not the evidence of the PW4 that the accused persons acted in pursuance of executing their intimidation. In the absence of those aspects, the offence punishable u/s.506(ii) IPC has also not been established by the prosecution.

16) The PW1 to PW3 namely the son, wife and the daughter of the deceased are certain that the 1st accused assaulted the said Kalimuthu with knife on his chest. The case of the prosecution is also certain that the 1st accused assaulted the said Kalimuthu with the M.O.1 knife. The PW17 doctor is certain that there was a stab injury with the measurement of 3 x 1 x 3 cms on his right chest. The PW20 namely the doctor who conducted the postmortem is also certain that the said Kalimuthu has sustained the stab injury on his right chest and the said injury has been expanded to the Liver as the weapon has pierced through the Liver. The doctor is also certain that the said Kalimuthu has died 6 – 24 hours prior to the postmortem and issued the Ex.P16 postmortem certificate. The PW20 doctor is also certain that the said injury could have been caused by sharp edged weapon like knife. Therefore the medical evidence by the doctor corroborates the evidence of the PW1 to PW3 that the said Kalimuthu could have been assaulted in the time as stated by the prosecution.

Therefore the stab by the 1st accused with the M.O.1 to the deceased Kalimuthu has specifically been proved by the prosecution. Therefore it is held that the offence punishable u/s.302 IPC against the 1st accused has been established by the prosecution.

17) The evidence of the PW1 to PW3 reveals that the PW1 to PW3 and the deceased were assaulted by only 2 persons. The case of the prosecution is certain that the accused 2 to 5 assaulted the PW2 and PW3 with wooden rods. Hence it is evident that the 2nd accused alone has assaulted the PW2 and PW3. Apparently the 1st accused possessed the M.O.1 knife in the occurrence. It is not the evidence of any of the witnesses and it is not the case of the prosecution that the 1st accused assaulted any of the witnesses with wooden rod as the 1st accused possessed only a knife. Therefore it can be inferred that the 2nd accused alone assaulted the PW2 and PW3 with any of the M.O.2 to M.O.5. Apparently the PW2 has sustained grievous injury on her head as per the evidence of the Pw17. The wooden rod can not be deemed to be a deadly weapon. Therefore it is evident that the 2nd accused has committed the offence punishable u/s. 323 IPC.

18) As per the evidence of the PW17, there is no external injury to the PW3. Hence the assault against the PW3 has not been proved. If really any of the accused persons kicked the PW3 on her stomach, the PW3 would have specifically mentioned the name of the accused kicked her. Therefore it can be inferred that the PW1 and

PW2 alone sustained injuries in the occurrence. The PW2 is proved to have been assaulted by the 2nd accused. The PW1 has also deposed evidence that he was assaulted by the 2nd accused with the wooden rod after the assault by the 1st accused.

19) A careful perusal of the evidence of the PW17 reveals that there are lacerated injuries on the head, left forearm and an abrasion in the left arm to the PW1. The M.O.1 knife is a sharp edged weapon which can not cause the abrasion. Therefore it can be inferred that the abrasion could be caused with the wooden rod. Apparently the 2nd accused has committed the offence punishable u/s.323 IPC(2 counts) for assaulting the PW1 and PW2 with wooden rod.

20) Apparently the PW1 has sustained lacerated injury on the left forearm and right forearm. There is possibility of causing lacerated injury with knife. Therefore the assault by the 1st accused with the M.O.1 knife is established by synchronized form of the evidence by the PW1 to PW3 which is corroborated by the doctor namely the PW17. If really the 1st accused had intention to murder the PW1, the 1st accused would have stabbed on his chest or vital organ. The right forearm, left forearm are not the vital organs. Therefore it can be easily inferred that the intention of the 1st accused is not to murder the PW1. Therefore Sec. 307 IPC has not been established but the minor offence namely 324 IPC alone has been established. The 1st accused can be convicted for the minor offence in the absence of charge if the minor offence is

established during trial as per Sec.222(2) of Cr. P.C. Therefore the offence punishable u/s.324 IPC instead of 307 IPC has been established.

21) The case of the prosecution is certain that the accused persons caused damages to a two wheeler bearing Reg. No. TN 69 AM 1798 which was parked there to the tune of Rs.2,548/-. The eyewitnesses and the injured cum eyewitnesses have not deposed that the accused persons caused damages to the above two wheeler. Mere production of the damage certificate by the PW14 as per Ex.P8 can not make the Court presume that the accused persons caused damages to the above two wheeler. The owner of the two wheeler has not been examined. The RC of the two wheeler has not been produced. In the absence of the evidence by the owner of the two wheeler and in the absence of the RC to the two wheeler, this Court can not suo moto presume that the above two wheeler belonged to someone that the accused persons caused damages to the same. Therefore it is held that the offence punishable u/s.427 IPC has not been proved by the prosecution and thus the point for consideration is hereby answered.

22) When the 1st accused was informed that he is found guilty U/s.302 and 324 IPC and the 2nd accused was informed that he is found guilty U/s.323(2 counts) IPC and questioned about the sentenced to be imposed against them, the accused 1 and 2

requested to impose minimum punishment

23) Considering the submissions by the accused 1 and 2 and the learned Additional Public Prosecutor, this Court after balancing the mitigating and aggravating circumstances of this case in the light of forgoing discussions, has come to a just conclusion that there are only aggravating circumstances and not mitigating circumstances in this case and therefore this court holds that no leniency could be shown to the accused in awarding the sentenced by considering the brutality of the offence and the manner the said deceased was done to death.

In the result, the 1st accused is hereby found guilty for the offences punishable u/s.302 and 324 IPC and the 1st accused is hereby convicted for those offences u/s. 235(2) Cr.P.C. and the 1st accused is hereby sentenced to undergo the Life imprisonment for the offence punishable u/s.302 IPC and fined Rs.10,000/- in default the 1st accused shall under the simple imprisonment for 3 months. The 1st accused is hereby sentenced to undergo the rigorous imprisonment for term of 2 years for the offence punishable u/s.324 IPC and fined Rs.1,000/- in default the 1st accused shall under the simple imprisonment for 2 months. (Total fine amount Rs.11,000/-)

Both the sentences for imprisonment shall start to run concurrently.

The 2nd accused is hereby found guilty for the offence punishable u/s.323 IPC (2 counts) and the 2nd accused is hereby sentenced to undergo the rigorous imprisonment for 6 months.

The accused 1 to 5 are found not guilty for the offences punishable u/s.148, 294(b), 506(ii) and 427 IPC and the 1st accused is hereby found not guilty for the offences punishable u/s.307, 323 IPC, the accused 2 to 5 are hereby found not guilty for the offence punishable u/s.324 (2 counts) IPC and the accused 1 to 5 are hereby acquitted u/s.235(1) Cr.P.C.

The bail bond executed by the accused shall stand cancelled after the lapse of appeal period or after the appeal if any.

The material objects remanded in this case in P.R. No.83/2024, M.O.1 to M.O.11 are useless, it is hereby ordered to destroy the same after the appeal period or after the appeal if any.

Dictated by me to the Steno-Typist, directly typed by her in Computer and Corrected by me and Pronounced in open court on this 3rd day of July 2026.

**I Additional District & Sessions Judge,
Thoothukudi.**

Prosecution side Witnesses:-

PW1 Tr. Premkumar
PW2 Tmt. Shanthi
PW3 Tmt. Thangavalli
PW4 Tr. Mariappan
PW5 Tmt. Kasthuri
PW6 Tmt. Mariammal
PW7 Tr. Vinith

PW8 Tr. Murugan
PW9 Tr. Nivas
PW10 Tr. Maridurai
PW11 Tr. Sakthisivan
PW12 Tr. Marimuthu
PW13 Tr. Shanmugaraj
PW14 Tr. Ajithkumar
PW15 Tr. Mujibur Rahman
PW16 Tmt. Bedsy Priscilla
PW17 Tr. Ashok
PW18 Tr. Selvaraj
PW19 Tr. Selvam
PW20 Tmt. Seethalakshmi
PW21 Tr. Muthu Veerappan
PW22 Tr. Senthil Arumugam
PW23 Tr. Gunaseela Rajan
PW24 Tr. Regurajan
PW25 Tr. Pattani (Inspector of Police)

Prosecution side Documents:-

Ex.P1 14.11.2019 Complaint statement
Ex.P2 14.11.2019 Signature of the PW12 in the observation mahazar
Ex.P3 14.11.2019 Signature of the PW12 in the seizure mahazar
Ex.P4 14.11.2019 The relevant portion of the confession by the 1st accused
Ex.P5 14.11.2019 The relevant portion of the confession by the 2nd accused

Ex.P6	14.11.2019	Seizure mahazar (knife)
Ex.P7	14.11.2019	Seizure mahazar (4 wooden rods)
Ex.P8	--	Receipt for Rs.2,215/- issued by PW14
Ex.P9	--	Certificate issued by PW15
Ex.P10	13.11.2019	AR copy to the PW2
Ex.P11	13.11.2019	AR copy of the PW3
Ex.P12	13.11.2019	AR copy of the PW1
Ex.P13	13.11.2019	AR copy of the deceased Kalimuthu
Ex.P14	16.11.2019	Passport issued to the PW18
Ex.P15	17.11.2019	Passport issued to the PW19
Ex.P16	16.11.2019	Postmortem certificate
Ex.P17	14.11.2019	FIR
Ex.P18	13.11.2019	CT Scan report mentioned in the Ex.P10
Ex.P19	14.11.2019	Observation mahazar
Ex.P20	14.11.2019	Rough sketch
Ex.P21	14.11.2019	Seizure mahazar (Pieces of tar road with and without blood, fiber glass pieces)
Ex.P22	--	Forms 91 (4 in Nos.)
Ex.P23	16.11.2019	Alteration report
Ex.P24	16.11.2019	Inquest report
Ex.P25	16.11.2019	Requisition letter for postmortem
Ex.P26	16.12.2019	Court letter to the Forensic Lab, Tirunelveli for sending the case properties

Material Objects on the side of Prosecution :-

**I Additional District & Sessions Judge,
Thoothukudi.**

I Additional District & Sessions Court,

Thoothukudi.

S.C. No.254/2020

Judgment

Date : 03.08.2026.