



**IN THE COURT OF THE ADDITIONAL DISTRICT & SESSIONS JUDGE
ARUPPUKOTTAI**

Present : **Thiru. M. VASANTHA KUMAR, M. L.,**
Additional District and Sessions Judge, Aruppukottai

Tuesday, the 24th day of March, 2026

Criminal Appeal No. 126/2023

CNR. No. TNVR220004652024

Name of the trial Court.	:	Judicial Magistrate Court, Aruppukottai.
Number of the case in trial court	:	C.C. No. 186/2017
Name and description of the Appellant/accused		Mani @ Pettaimani, Age : 42/2023 S/o. Vellaipandi, MGR Nagar, Pettai, Tirunelveli.
Name and description of the Respondent/complainant	:	State through the Inspector of Police, Aruppukottai Taluk Police Station Cr. No. 225/2016.
To what offence the Trial Court passed the order.	:	under Section 394 of I.P.C.
Sentence and law under it was imposed in the trial court		The trial court has passed a judgment that the accused is found guilty for the offence under Section

		394 of I.P.C. and he was convicted and sentenced to undergo rigorous imprisonment for Three years and also to pay a fine of Rs. 2,000/- in default sentenced him to undergo simple imprisonment for One month. The remand period of accused i.e., from 29.07.2016 to 06.04.2017 totally 252 days is ordered to be set off in terms of Section 428 of Cr.P.C.
Whether the judgment of the trial court has been confirmed or modified or set-aside?	:	Appeal is dismissed. Conviction and sentence of the trial court is confirmed.
Finding of this court		In the result, this appeal is dismissed and the Judgment of conviction and sentence passed by the trial court namely Judicial Magistrate Court, Aruppukottai in C.C. No. 186/2017 dated 25.08.2023 is confirmed. The trial court is directed to secure the accused and commit him to prison to undergo the period of sentence.
Date of Presentation of the appeal	:	22.09.2023
Date of taken on file by Principal Sessions Court.	:	25.09.2023
Date of receipt of the Appeal by this court.	:	23.08.2024
Trial Court Judgment date	:	25.08.2023
Date of Judgment	:	24.03.2026

This Criminal Appeal was originally presented on 22.09.2023 before Hon'ble Principal District Judge, Virudhunagar District at Srivilliputtur and taken on file as C.A. No. 126/2023 on 25.09.2023 and made over to the Court of Additional District Judge, Virudhunagar on 04.10.2023 as per the order of Hon'ble Principal District Judge, Virudhunagar District at Srivilliputtur. Wherein this case was proceeded as C.A. No. 126/2023 and during the pendency of this case before Additional District Court, Virudhunagar, on constitution of this court, this case was transferred to this court on 10.08.2024 as per the proceedings of Hon'ble Principal District Judge, Virudhunagar District at Srivilliputtur in D.No. 7001 dated 25.07.2024 and case records were received by this court on 23.08.2024 and proceeded as C.A. No. 126/2023.

This Criminal Appeal came up before me on 03.03.2026 for final hearing in the presence of Thiru. M. Balamurugan, learned legal aid counsel for the Appellant/Accused and Thiru. K.M. Vijayakumar, learned Additional Public Prosecutor for the respondent/Complainant and having stood over for my consideration and this court delivered the following

JUDGMENT

1. This criminal appeal is filed by the Appellant/accused to set aside the Judgment of Conviction passed by the learned Judicial Magistrate, Aruppukottai in C.C. No. 186/2017 dated 25.08.2023.

2. **Brief facts of the Prosecution case in C.C. No. 186/2017 is as follows :**

On 20.07.2016 at about 11.15 a.m. when the Defacto Complainant JayaBuvaneshwari, was walking from south to north on the Kanjanaickanpatti Bypass Service Road, while proceeding near KGRR marriage hall, the present accused and one Abdulkadhar came on a two-wheeler and waylaid the defacto

complainant and Abdulkadhar got down from the two wheeler and took the knife, which was hidden by him in his hip and attacked the defacto complainant in her back and caused blood injury and then threatened her by showing knife and snatched 6.1/2 sovereign gold chain worth Rs. 1,30,000/-, which was worn around her neck. Therefore, the accused and Abdulkadhar had committed the offence under Section 394 of I.P.C. and hence the Inspector of Police, Aruppukottai Taluk Police Station has laid a charge sheet against the present accused Mani @ Pettai Mani and AbdulKadhar for the offence under Section 394 of I.P.C.

3. The trial court has taken cognizance as C.C. No. 60/2017 on 21.04.2017 against the above two accused. Thereafter, the trial court furnished copies of the documents relied by the prosecution to the above two accused under Section 207 of Cr.P.C. After perusing the material on records, the trial court has questioned the Accused and framed the charge against the present accused and Abdulkadar for the offences under Section 394 of I.P.C. The present accused Mani @ Pettai Mani had denied the accusation and claims to be tried. But, the accused Abdulkadar had admitted the accusation. Hence, the trial court held that the accused Abdulkadar was found guilty and convicted him on 14.12.2017. The case against the present accused Mani @ Pattarai Mani was split up from CC. No. 60/2017 and taken on file as C.C. No. 186/2017 and proceeded with the trial.

4. In order to prove the case, the prosecution has examined P.W. 1 to P.W. 12 and Ex. P-1 to Ex. P-15 were marked and M.O. 1 also marked.

5. **Brief facts of the Prosecution case as spoken by the witnesses is as follows :**

5.1 The defacto complainant Jeya Buvaneswari was examined as P.W.1. She has stated that she is residing at Kanjanaickanpatti. On 20.07.2016,

at about 11.00 a.m. after sending her children to school, she was going to Gandhinagar to go to her husband's grocery store at City Bazaar Aruppukottai. At about 11.15 a.m. while she was proceeding near KGR Mahal on the Bypass Service Road, two men came on a two-wheeler and waylaid her and told not to make noise and also asked to give the jewelry from her neck. When P.W. 1 refused to give the jewelry, the accused, who sit behind the two wheeler attached her with knife in her back side of right shoulder and caused bleeding injury. Then the said person took off her chain around her neck. Then P.W. 1 ran away and went to nearby workshop and told them about the incident. When they went to the occurrence spot, they are gone. Then P.W. 1 informed her husband P.W. 2 about the incident through the phone belongs to the people, who were in the workshop. After 15 minutes, P.W. 2 Manikandan along with his friend P.W. 3 Enathirajan arrived there. When P.W. 2 saw his wife P.W. 1, there was a bloody wound on her back. Thereafter P.W. 1, P.W. 2 and P.W. 3 went to Aruppukottai Taluk Police Station and P.W. 1 had lodged a complaint and P.W. 2 had signed in the complaint as witness. Ex. P-1 is the complaint and Ex. P-2 is the signature of P.W. 2 in the complaint.

5.2 P.W. 4 Selvaraj has been cited as eye witness by the prosecution. But P.W. 4 Selvaraj deposed that he was not in town on the day of the incident. Since he did not support the case of prosecution, he was treated as hostile.

5.3 On 20.07.2016 at about 01.00 p.m. when P.W. 10 Ganesan, Sub Inspector of Police was on duty in the Aruppukottai Taluk Police Station, P.W. 1 came there and lodged a complaint about the incident. P.W. 10 also received the same and registered a case in Cr. No. 225/2016 under Section 392 and 394 of I.P.C. and sent the F.I.R with complaint to the Judicial Magistrate Court and send the copies to higher officials. Ex. P-10 is the First Information Report.

Then P.W. 10 send the P.W. 1 with medical memo to Aruppukottai Government Hospital for treatment, since she suffered injury.

5.4 On 20.07.2016 at about 03.30 p.m. when P.W. 9 Doctor Murugeswaran was on duty in the Aruppukottai Government Hospital, P.W. 1 came there with medical memo given by Sub Inspector of Police, Aruppukottai Taluk Police station. When P.W. 9 examined her, he found one lacerated injury in the right side of below the back side of neck with the measurement of 10 x 1/4 c.m. P.W. 9 treated her as out patient and gave Accident register with wound certificate, which has been marked as Ex. P-9.

5.5 Since the investigation officer Mr. Rajarajan, died on 19.11.2021, the present Inspector of Police Mr. Parthiban was examined as P.W. 12 and he has deposed about the investigation. On 20.07.2015, Mr. Rajarajan, Inspector of Police took up the investigation of this case and on the same day at about 02.00 p.m. he visited the occurrence spot and prepared Observation Mahazar and Rough sketch in the presence of P.W. 5 Karthick and P.W. 6 Murugan. P.W. 5 Karthick and P.W. 6 Murugan also deposed about the observation mahazar and admitted their signatures in the observation mahazar. Ex. P-3 is the Observation Mahazar, Ex. P-4 is the signature of P.W.6 in the observation mahazar and Ex. P-14 is the Rough sketch. Then he interrogated P.W. 1 to P.W. 4 and Balakrishnan and recorded their statements separately. When he searched for the accused, on 21.07.2016, he came to know that when Kariyapatti Inspector of Police arrested the accused Mani @ Pettai Mani and Abdulkadhar in respect of Cr. No. 204/2016, they given confession statement by admitting the snatching of the chain in this case.

5.6 On 21.07.2016 at about 10.30 a.m. when P.W. 11 Mariyappan, Inspector of Police, Kariyapatti Police station arrested the accused Mani @ Pettai Mani and Abdulkadhar at Sattur Eatturvattam vilakku, at that time they

have given a confession statement. P.W. 11 recorded the confession statement in the presence of P.W. 7 Ranjith and P.W. 8 Kumar. On the basis of confession statement, it has been revealed that they were involved in Aruppukottai Taluk Police Station Crime No. 225/2016. At that time the accused Mani @ Pettai Mani has produced 4 sovereign gold thali chain related to the case of Kariyapatti police station. The accused Abdulkadhar had produced 6.1/2 sovereign gold chain related to the case in Cr. No. 225/2016 on the file of Aruppukottai Taluk Police station. P.W. 11 seized the above chains in the presence of P.W. 7 Ranjith and P.W. 8 Kumar under athatchi. The admitted portion in the confession statement has been marked as Ex. P-11 and Ex. P-12. Athatchi has been marked as Ex. P-13. But P.W. 7 Ranjith and P.W. 8 Kumar deposed that they did not know the facts of this case, but however they admitted their signature in the confession statement and Athatchi. The signatures of P.W. 7 and P.W. 8 were marked as Ex. P-5 and Ex. P-7 respectively and their signatures in the athatchi were marked as Ex. P-6 and Ex. P-8 respectively.

5.7 Thereafter on 26.07.2016, the Inspector of Police Rajarajan formally arrested the accused persons Mani @ Pettai Mani and Abdulkadhar and sent them to Judicial custody. On 09.08.2016, he handed over the seized 52.700 gram gold chain to Court under Form 91 and obtained P.R. No. 248/2016. Ex. P-15 is the Form 91. Thereafter he interrogated P.W. 9 Dr. Murugeshwaran, recorded his statement and received wound certificate. Thereafter, on 25.08.2016, after completing his investigation, the Inspector of Police Mr. Rajarajan laid a charge sheet against the accused persons viz. Mani @ Pettai Mani and Abdulkadhar for the offence under Section 392 and 394 of I.P.C.

6. On completion of prosecution witnesses, the present Accused was questioned under Section 313 of Cr.P.C. for the incriminating evidence

emerged against him. The Accused denied the evidence of Prosecution. On the side of defence, neither witnesses nor documents produced.

7. After full trial, the trial court held that the present accused is found guilty for the offence under Section 394 of I.P.C. and sentenced to undergo rigorous imprisonment for Three years and also to pay a fine of Rs. 2,000/- in default sentenced him to undergo simple imprisonment for One month.

8. Aggrieved over the Judgment of conviction passed by the Trial Court against the accused, the Appellant/accused had preferred this Appeal. In this Appeal, For the sake of convenience, the parties are referred as per the ranking in the trial court.

9. Point for determination

1. Whether the trial court has justified in convicting the accused for the offence under Section 394 of I.P.C ?
2. Whether this Appeal has to be allowed or not ?

10. Discussion on Points :

This appeal is preferred by the accused, who was suffered with an order of conviction for the offence under Section 394 of I.P.C. and sentenced to undergo Rigorous Imprisonment for Three years and also to pay a fine of Rs. 2,000/- in default sentenced him to undergo simple imprisonment for One month. The case of the appellant/accused is that the trial court has failed to consider the necessary ingredients under Section 394 of I.P.C. Further the trial court has erroneously convicted the accused, when the confession witnesses namely P.W. 7 and P.W. 8 are totally not supported the case of the prosecution and they were treated as hostile. Further, the trial court, in the absence of any evidence with regard to recovery has wrongly come to the conclusion that the accused has committed the offence. Further, in the absence of any identification parade, the prosecution case cannot be considered. The recovery of material

objects from the accused itself also doubtful and M.O. 1 was also not properly identified. Further it is argued that a false case has been put up against the accused, which was accepted by the trial court and several infirmities in the prosecution witnesses' evidence. But, the trial court has wrongly convicted the accused and hence prays to allow this appeal and set aside the conviction order.

11. On the other hand, the learned Additional Public Prosecutor submitted that the trial court has correctly weighed the evidence in proper perspective and after analyzing all the materials before the trial court and appreciating the evidence in proper perspective had rightly convicted the accused and there is no necessity to interfere with the well considered judgment passed by the trial court and prays to dismiss the appeal.

12. In this case, the accused herein and another accused namely Abdul Kadar were arrayed as accused in this case. The case of the prosecution is that on 20.07.2016 at about 11.15 a.m. when the Defacto Complainant/P.W. 1 JayaBuvaneshwari, was walking from south to north on the Kanjanaickanpatti Bypass Service Road, while proceeding near KGRR marriage hall, she was waylaid by the present accused and one Abdulkadhar, who had came in a two-wheeler and threatened the P.W. 1 to give her 6 1/2 sovereigns gold chain, which was worn by her. Then the accused Abdul Kadar got down from the two wheeler and took the knife, which was hidden by him in his hip and attacked the P.W. 1 in her back and stolen the 6.1/2 sovereign gold chain worth Rs. 1,30,000/-, from P.W. 1. Admittedly in this case, another accused namely Abdul Kadar has admitted the commission of offence and hence Abdul Kadar was convicted by the trial court on 14.12.2017 in C.C. No. 60/2017. The case against the present accused has been split up and he contested the case.

13. In this case, the defacto complainant was examined as P.W. 1 and her evidence is extracted hereunder for better reference.

....ஆஜர் எதிரி அன்றைய தேதியில் வண்டியை ஓட்டி
வந்தார். பின்னால் இருந்த நபர் செயினை கழற்றி
கொண்டார்....

P.W.1, in her chief examination, has categorically identified the accused and also specifically deposed about the overtact of the accused. P.W. 1 also put to cross examination. The suggestions made by the counsel for the accused stating that the accused had not involved in the occurrence was specifically denied by the P.W. 1. The relevant portion of the evidence of P.W. 1 in the cross examination is extracted hereunder for better reference.

.....சம்பவ இடத்தில் எதிரியை நான் பார்க்கவில்லை
என்றால் எனக்கு முன்னால் டீ வீலரில் காலை ஊன்றி
நின்று கொண்டிருந்தார். நான் பார்த்தேன்....

P.W. 1 has categorically deposed about the occurrence and also identified the accused.

14. The learned counsel for the accused contented that the evidence of P.W. 1 is not believable, since there was no identification parade was conducted by the Investigation officer. Further the counsel for the accused contended that the witnesses P.W. 6 and P.W. 7, who are the confession and recovery witnesses, were all treated as hostile, since they never supported the case of prosecution with regard to the confession and recovery of material objects. Hence the recovery of material objects is totally doubtful. No witnesses supported the case of prosecution. Relying upon the sole evidence of P.W. 1, the conviction rendered by the trial court is unsafe and it is against the fundamental principle of criminal jurisprudence. This court is unable to accept

the argument advanced by the learned counsel for the accused for the reason that the P.W. 1 is the victim, who has been lost her 6.1/2 sovereign gold jewels and she has been attacked by the accused and the occurrence time is morning 11.15 hours and it was a day light occurrence and there was sufficient sun light available at the time of occurrence and the P.W. 1 also carefully seen the accused. P.W. 1 suffered with such a unexpected attack and there is every possiblity for the normal human being to identify the person who had committed the crime and nobody will sail along with the defence case.

15. Further it is not the case of the accused that the occurrence was took place by hiding the face of the wrong doers. The P.W. 1 had identified the jewels, which have been seized from the accused, before the open court and she has received the jewels from the court. Further the P.W. 1 had informed the occurrence to her husband and his friend, who have been examined as P.W. 2 and P.W. 3. P.W. 2 and P.W. 3 has spoken about the complaint lodged with the police. There is no delay in lodging the complaint and after lodging the complaint, due to the injury sustained by the P.W.1, the P.W. 1 has been referred to Government Hospital, Aruppukottai. She has been treated by P.W. 9 Dr. Murugeswaran. Based on the police memo only P.W. 1 was admitted in the hospital. Even though the confession witnesses turned hostile, the evidence of P.W. 1 inspires the confidence of this court. It is a settled principle that the evidence has to be weighed and not counted. Based upon the sole testimony, an order of conviction shall be rendered and the same was settled by the Hon'ble Supreme court in Vadivel Thevar's case that if the evidence of any witness is fully reliable, the same cannot be required for a corroboration.

16. In this case, even though the recovery witnesses were turned hostile, but it is not affect the case of prosecution in its entirety for the reason that the P.W. 1 has categorically identified the accused and also spoken about the

overtact of the accused. This court feels that the evidence of P.W. 1 inspires the confidence of this court. There is no serious infirmity in the prosecution case. The contradictions pointed out by the counsel for the accused does not affect the case of prosecution in its entirety. Hence this court feels that the trial court had properly perused the evidence and there is no necessity to foist a false complaint against the accused. Further it is not the case of the accused that the P.W. 1 is related to either Investigation officer or any other person worked in the Police station. In the absence of any other reasons, this court cannot disbelieve the evidence of P.W.1. Hence this court feels that the evidence of P.W. 1 is fully reliable and the trial court had considered all the relevant aspects and rightly convicted the accused and there is no need to interfere with the judgment of conviction of the trial court and the appeal is lack of merits. Hence this appeal deserves to be dismissed.

17. In the result, this appeal is dismissed and the Judgment of conviction and sentence passed by the trial court namely Judicial Magistrate Court, Aruppukottai in C.C. No. 186/2017 dated 25.08.2023 is confirmed. The trial court is directed to secure the accused and commit him to prison to undergo the period of sentence.

Dictated by me to the steno-typist, transcribed and typed by her, corrected and pronounced by me in open court, on this the 24th day of March, 2026.

Additional District and Sessions Judge,
Aruppukottai.

Copy to:

The learned Judicial Magistrate,
Aruppukottai.