

Amutha vs the State Rep by

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Court : Chennai

Decided On : Feb-10-2026

Judge : Honourable Mr Justice P. Velmurugan, Honourable Mr. Justice M. Jothiraman

Appeal No. : CRL A/427/2019

Appellant : Amutha

Respondent : The State Rep by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 20.01.2026 Delivered on : 10.02.2026

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN AND THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN CrI.A.No. 427 of 2019
Amutha W/o.Baskar Appellant Vs.

1. The State Rep.by Inspector of Police, Kiliyanur Police Station, Crime No.173 of 2013.

2. Krishnaveni
3. Madhanraj
4. Madhankumar
5. Kathamuthu
6. Parthiban
7. Rani
8. Moorthy @ Krishnamoorthy
9. Marimuthu
10. Suresh
11. Jayaraj
12. Kumar
13. Murali
14. Dass @ Sivaprakasam
15. Janarthanan
16. Sivakumar
17. Jeyasekar
18. Veeramani
19. Velu
20. Jayagandhan
21. Vinoth @ Vinothkumar

22. Karunanidhi

23. Gnanasekaran

24. Ramadas . Respondents

Prayer: Criminal Appeal filed under Section 372 read with 482 Cr.P.C., against the judgment and order of acquittal passed by the learned I Additional Sessions Judge, Tindivanam in S.C.No.247 of 2015 dated 28.04.2017 by acquitting the accused of all the charges under Sections 148, 294(b), 341, 302, 323, 352, 324 and 302 read with 149 IPC. For Appellant : Mr.S.Suresh For Respondents : Mr.A.Damodaran Additional Public Prosecutor assisted by Ms.M.Arifa Thasneem for R1 Mr.B.Kumarasamy for Mr.N.Elumalai for R2 to R24

JUDGMENT

(Judgment of the Court was made by P.VELMURUGAN, J.) This Criminal Appeal is directed against the judgment of acquittal dated 28.04.2017 passed by the learned I Additional District and Sessions Judge, Tindivanam, in S.C.No.247 of 2015, whereby the accused (A1 to A23) were acquitted of the offences punishable under Sections 148, 294(b), 341, 302, 323, 352, 324 and 302 read with Section 149 of the Indian Penal Code.

2. The appellant herein is the de-facto complainant, who was

examined as P.W.1 before the trial Court and respondents 2 to 24 are arrayed as Accused Nos.1 to 23. For the sake of convenience, the parties are hereinafter referred to in accordance with their ranking before the Court below.

3. The case of the prosecution, in brief, is as follows :-

(i) The de-facto complainant (P.W.1) is the wife of the deceased

Baskar. There existed prior enmity between the deceased Baskar and the first accused, Krishnaveni, in connection with Panchayat election-related activities. In the said election, the deceased had worked for one Vilvamani, the former

President of Kiliyanur Panchayat.

(ii) On 29.05.2013, the deceased conducted a function at the

Mariamman Temple of the village along with the former Village President Vilvamani. After the temple function, the deceased returned home with his wife Amudha, the de-facto complainant. On 30.05.2013 at about 00.30 hours, the first accused, along with the other named accused, allegedly assembled in front of the house of the deceased, armed with deadly weapons, with the intention of murdering the deceased. On hearing the commotion, the de-facto complainant came out of the house. At that time, the first accused questioned the de-facto complainant about the whereabouts of her husband/Baskar. On hearing the noise, the deceased came out of the house and attempted to escape. Thereupon, all the accused chased him. It is alleged that the fifth accused caught hold of the deceased opposite to the house of one Arumugam and stabbed him on the stomach with a knife; the fourth accused inflicted a cut injury on his neck; the second accused cut his right wrist; the third accused caused an injury on the front portion of the neck; the eighteenth accused assaulted the deceased on the back of his head; and the seventh accused attacked him with an iron pipe on his right shoulder. It is also alleged that the first accused pulled the hair of the de-facto complainant and assaulted her. Due to the said attack, the deceased

sustained grievous injuries and succumbed to the same. Thereafter, the body of the deceased was taken to PIMS Hospital, Puducherry, in an ambulance by the Head Constable Kalaimani/P.W.15.

(iii) Subsequently, the de-facto complainant preferred a complaint,

pursuant to which, the Sub Inspector of Police/P.W.14, Kiliyanur Police Station registered an F.I.R/Ex.P.32 in Crime No.173 of 2023 for the offences punishable under Sections 147, 148, 294(b), 341, 427, 323, 324 and 302 IPC, which were subsequently altered into Sections 147, 148,

294(b), 341, 352, 323, 324, 452 and 302 read with Section 149 IPC. Thereafter, FIR was forwarded to the jurisdictional Court and also to the higher officials.

(iv) P.W.16, Inspector of Police took up the investigation and

inspected the scene of occurrence on 30.05.2013 at about 10.00 a.m., prepared Observation Mahazar and Rough Sketch in the presence of witnesses Venkatesan and Nagaraj, and recorded the statements of material witnesses. Thereafter, the body of the deceased was sent for post-mortem through P.W.15, Head Constable. Further, on 30.05.2013, the Inspector of Police recorded the confession statements of A5, A4, A3 and A7 and,

pursuant to the admissible portions of the said confessions, he seized two knives, one iron rod and one iron pipe from the accused persons in the presence of P.W.7 (Village Administrative Officer) and P.W.10 (Village Assistant). The seized material objects were sent for serological examination. As per Ex.29 - Blood Group Report, the Blood Group of the deceased was determined as O positive, and the blood-stains found on the material objects were also of Blood Group O positive.

(v) The post-mortem was conducted on 30.05.2013 by P.W.12,

Doctor. Upon completion of the post-mortem, P.W.12 opined that the deceased died due to multiple grievous injuries. The viscera were sent for chemical analysis, and the report revealed that there was no alcohol or poisonous substances on the viscera of the deceased.

(vi) The Inspector of Police arrested A1 in the presence of witnesses -

Sudhakar and Venkatesan. Thereafter, A2 Madhanraj was arrested on 09.09.2013 and his confession statement (Ex.P.44) was recorded by the Inspector of Police in the presence of witnesses Velu and Venkatesan. Upon completion of the investigation and after obtaining the post-mortem report, Serology Report,

Chemical Examination Report and Viscera Report, the Investigating Officer concluded that the named accused had committed the offences alleged by the prosecution and accordingly he filed the final report in Crime No.173 of 2013 against A1 to A23 before the jurisdictional Court.

(vii) The learned I Additional District and Sessions Judge,

Tindivanam, took the charge sheet on file in P.R.C.No.19 of 2024 and, after completing all the formalities under Section 207 Cr.P.C., the Court committed the case to the Principal District and Sessions Court, Villupuram, as one of the offences was exclusively triable by a Court of Session. Thereafter, the learned Principal District and Sessions Judge, took the case on file in S.C.No.247 of 2015 and made over the same to the I Additional District and Sessions Court, Tindivanam for disposal in accordance with law. The learned I Additional District and Sessions Judge, Tindivanam, after completing all the formalities, and framed charges as follows :

- (1) Under Section 148 IPC against A1 to A23 ;
- (2) Under Section 302 IPC against A2, A3, A4, A5 and A18;
- (3) Under Section 294(b) IPC against A1 to A23;
- (4) Under Section 352 IPC against A1;
- (5) Under Section 341 IPC against A1 to A23;
- (6) Under Section 323 IPC against A1;
- (7) Under Section 324 IPC against A7; and
- (8) Under Section 302 read with Section 149 IPC against A1, A6 to A17 and A19 to A23.

4. During the course of trial, in order to substantiate the charges

framed against A1 to A23, the prosecution examined totally 17 witnesses as P.Ws.1 to 17 and marked 47 documents as Exs.P.1 to P.47, besides producing 10 material objects, which were marked as M.Os.1 to 10.

5. After completion of the examination of the prosecution witnesses,

the incriminating circumstances emerging from the evidence, were put to A1 to A23 under Section 313 Cr.P.C., and they denied the same as false. On the side of the defence, no oral evidence was adduced, however, three documents were marked as Ex.D1 to Ex.D3. On conclusion of the trial and upon hearing the arguments advanced on either side, the learned I Additional District and Sessions Judge, Tindivanam, held that the prosecution had failed to prove its case beyond all reasonable doubts and accordingly, found A1 to

A23 are not guilty and acquitted them of all the charges. Though the prosecution has not preferred any appeal so far, the de-facto complainant/P.W.1 has filed the present appeal before this Court challenging the said judgment of acquittal.

6. Learned counsel appearing for the appellant submitted that the trial

Court failed to properly appreciate the evidence of P.W.1 to P.W.6, who are projected as eye-witnesses and who have consistently spoken about the overt acts attributed against A1 to A23. It was contended that the prosecution had clearly established the motive and prior enmity relating to the occurrence through the evidence of the eye-witnesses. Further, the testimony of the eye-witnesses stood duly corroborated by the medial and scientific evidence. The Mahazar and Confession witnesses have categorically deposed that A2, A3, A5 and A18 were arrested and that they have voluntarily gave confession statements, pursuant to which material objects containing blood-stains were recovered and duly marked.

7. Learned counsel for the appellant further submitted that P.W.1, the de-facto complainant and wife of the deceased, who was also an eye-witness

to the said occurrence, had given a clear and cogent account of the incident and has specifically deposed that, at the instigation of A1, the other accused assaulted her husband, in addition to, detailing the specific injuries inflicted by the accused. It is contended that the trial Court, without properly appreciating the said evidence, mechanically acquitted the accused, mainly on the ground that the prosecution had failed to satisfactorily explain the alleged delay in lodging the FIR and in forwarding the same to the Court. It is further contended that, admittedly there was no delay in lodging the complaint. The occurrence took place at 00.30 hours on 30.05.2013 and the complaint was lodged on the same day at 8.30 a.m., and the intervening time had been satisfactorily explained by the tense law and order situation prevailing in the village and the mental condition of P.W.1, who had just lost her husband. The delay in forwarding the FIR to the Court was also duly explained by P.W.14 and it does not vitiate the prosecution case.

8. It was further submitted that the trial Court erred in holding that the

earlier complaint by P.W.1 was suppressed. Though P.Ws.1 to 6 have deposed that the police reached the scene of occurrence within an hour of the occurrence and enquired P.W.1, however, nowhere in their depositions, they

have stated that any complaint was earlier given prior to the original complaint or that such a complaint was suppressed by the prosecution. On the contrary, P.W.1 has categorically stated that she lodged the complaint on 30.05.2013 at 8.30 a.m only. Hence, the finding of the trial Court in this regard is imaginary and erroneous. The further finding of the trial Court that non-conduct of the inquest in the scene of occurrence and the dispatch of the body for post-mortem at about 3.45 p.m., on 30.05.2013, created doubt in

the prosecution case, which is unsustainable. In view of the law and order

situation and the commotion between two groups in the village, the Investigating Officer could not be expected to conduct the inquest on the spot. Therefore, the said delay does not vitiate the prosecution case.

9. It is further contended that the trial Court gravely erred in

discarding the evidence of P.W.1 to P.W.6 as interested and contradictory. P.W.1, an eye witness to the occurrence, has clearly spoken about the manner of assault and the injuries inflicted by the accused, and her testimony is fully corroborated by the evidence of P.Ws.2 to 6, P.W.14, and the medical evidence. Hence, the so-called contradictions are wholly immaterial, and the

acquittal based on such hyper-technical reasonings are perverse and unsustainable.

10. Further, the trial Court erred in holding that the prosecution failed

to establish recovery and availability of light in the scene of occurrence. Even assuming that the mahazar witnesses turned hostile, recovery is only a corroborative circumstance and not substantive piece of evidence. The clear and cogent testimony of the eye-witnesses regarding the occurrence, cannot be discarded on that ground. The further finding that non-production of details relating to the rival cases and alleged non-compliance with Police Standing Orders (PSO 588A) vitiated the case of the prosecution as wholly unsustainable. Ex.D.1 and Ex.D.2 marked on the side of defence relate only to minor offences, and non-disclosure of the same by the prosecution, does not affect the core prosecution case. Hence, the impugned judgment of acquittal is perverse and the same is liable to be set aside and the accused are liable to be convicted and sentenced in accordance with law.

11. Learned Additional Public Prosecutor appearing for the first respondent-Police, on instructions, submitted that the case was promptly

registered on the complaint of the wife of the deceased/P.W.1 and investigation was conducted on the same day by examining all material witnesses, and the body was sent for post-mortem, viscera was forwarded for forensic analysis, and A3, A4, A5 and A7 were arrested on 31.05.2013, leading to recovery of material objects, pursuant to their voluntary confessions in the presence of independent witnesses. P.W.1 to P.W.6, being the eye witnesses have consistently deposed that all the accused were sharing a common object, armed with deadly weapons, chased and assaulted the deceased, resulting in his death, and their evidence stands fully corroborated by the medical evidence and the nature of injuries being in complete consonance with the post-mortem findings. Despite such cogent oral and documentary evidence coupled with medical evidence established overt acts against the accused. The trial Court discarded the prosecution case on the basis of trivial contradictions, which renders the acquittal as perverse and hence, the same is liable to be set aside.

12. Per contra, learned counsel appearing for respondents 2 to 24 submitted that the entire prosecution case is vitiated by mala-fides and deliberate false implications. There was prior enmity between the first

accused group and one Vilvamani group, arising out of the Panchayat elections. It was contended that the first accused having been elected as Panchayat President for three consecutive terms, P.W.1 nurtured deep seated animosity, particularly due to the alleged non-laying of a tar road in front of P.W.1s shop-cum-residence. This provided ample and compelling motive for P.W.1 to falsely implicate A1 and her family members in a grave offence. It was further argued that the murder of the deceased Baskar was not witnessed by P.W.1 and other eye-witnesses at all, and that the names of A1 to A23 were mechanically introduced,

without any independent corroboration, solely to wreak vengeance and tarnish the political standing and social reputation of A1. Crucially, no specific overt acts have been attributed against A1 to A23, rendering their implication legally unsustainable.

13. It is further contended that the investigation suffers from serious

lapses and infirmities, inasmuch as there are material contradictions in the testimonies of P.W.1 to P.W.6 regarding the route allegedly taken by the deceased while fleeing from his house. Such contradictions go to the very root of the prosecution case, demolishes the theory of a single, and

continuous occurrence, and make the ocular evidence wholly unreliable. It is further contended that there was an inordinate and unexplained delay in lodging the complaint as well as in forwarding the FIR to the Court and the statements of witnesses recorded under Section 161 Cr.P.C. to the jurisdictional Court. The prosecution has utterly failed to offer any cogent and acceptable explanation for such abnormal delay, thereby, giving rise to a serious and reasonable suspicion regarding the very genesis of the occurrence and registration of the case, rendering the prosecution version doubtful. As per the version of the so-called eye witnesses, the occurrence took place in the vacant plot opposite to the house of one Arumugam, where the deceased allegedly attempted to escape from the clutches of the accused and the eye-witnesses intervened to rescue him. It is the further case of the prosecution that the accused restrained the eye-witnesses and assaulted the deceased with deadly weapons. However, neither P.W.1, nor any of the alleged eye-witnesses, sustained even a simple injury in the said occurrence, which creates grave doubt about the presence of eye-witnesses in the scene of occurrence. In view of the above cumulative infirmities, it was contended that the prosecution case riddles with suspicion, improbabilities and serious investigative lapses, entitling the accused to be given the benefit of doubt.

The Court below after hearing both sides and upon a careful appreciation of the oral and documentary evidence on record, has rightly acquitted the accused and there is no perversity in the impugned order of the trial Court. Therefore, there is no merit in the appeal and the same is liable to be dismissed.

14. We have heard the learned counsel on either side and perused the materials available on record.

15. Admittedly, it is the case of the prosecution that due to prior

enmity arising out of Panchayat election rivalry and oppose to the conducting of Mariamman Temple festival, the accused unlawfully assembled, threatened the deceased, chased him, and assaulted him with deadly weapons, causing his death.

16. The prosecution examined P.W.1 to P.W.6 as eye-witnesses, of

whom, PW-1 is the complainant and wife of the deceased. She has deposed that there existed prior enmity between two rival groups in the village arising out of the election to the post of Panchayat President. According to

her evidence, the deceased had canvassed in favour of one Vilvamani, whereas the first accused contested the election and was elected as Panchayat President. Owing to this, the first accused and her group frequently intimidated and threatened the deceased. On 29.05.2013, a dispute arose during the Mariamman Temple festival conducted by the deceased. Thereafter, on 30.05.2013 at about 00.30 hours, the named accused unlawfully assembled in front of the house of the deceased, armed with deadly weapons. When the deceased attempted to escape, he was chased and brutally assaulted by the accused with knives, iron rods and iron pipes, causing multiple grievous injuries, due to which, he succumbed on the spot. P.Ws.2 to 6 witnessed the occurrence, but were prevented from rescuing the deceased. Further, P.W.1 lodged the complaint on the date of occurrence itself i.e., on 30.05.2013 at about 8.30 a.m.,

17. P.W.2, who is one of the eye witnesses to the occurrence had,

clearly deposed about the prior enmity between the first accused and the deceased arising out of the Panchayat election and temple festival dispute in the village. He has stated that on the date of occurrence, the first accused, along with other accused, unlawfully assembled in front of the house of the

deceased only with an intention to murder the deceased. When the accused persons attempted to drag the deceased out, he ran away, but he was chased and assaulted by A2, A3, A4, A5, A7 and A18 with knives, iron rods and iron pipes, causing fatal injuries. P.W.2 and other witnesses were prevented from rescuing the deceased. He further deposed that the accused thereafter fled from the scene of occurrence and that, shortly thereafter, the police arrived on the spot and took the deceased to the hospital. His evidence is clearly corroborated by the testimony of P.W.1 with regard to motive, occurrence and assault.

18. P.W.3, P.W.4, P.W.5 and P.W.6, who are also the eye-witnesses to

the occurrence, had clearly deposed about the manner of the occurrence and the assault, including the injuries inflicted on the deceased by the accused. Their evidence stands fully corroborated by the testimonies of P.W.1 and P.W.2.

19. P.W.8, one of the mahazar witnesses, clearly deposed about the preparation of observation mahazar (Ex.P.10) and rough sketch (Ex.P.34), seizure of blood-stained earth (M.O.1) and ordinary earth (M.O.2) under

Ex.P11 and recovered of M.O.3 and M.O.4, pursuant to the voluntary confession statements (Exs.P12 and Ex.P14) of A2 Madhanraj and A1 Krishnaveni under seizure mahazars Ex.P.13 and Ex.P15 respectively.

20. P.W.11, Forensic Laboratory Officer, has examined the material

objects submitted by the Police and given a chemical analysis report Ex.P26. The report confirmed that human blood was detected on six

seized material objects. Among them, M.O.3 and M.O.4 contained Blood of Group O positive, which matched with the Blood Group of the deceased, as established through serology report (Ex.P29) and viscera report(Ex.P30). P.W.12, the Doctor who conducted the post-mortem, clearly deposed about the nature, number and location of injuries, and also the cause of death, and had given post-mortem report Ex.P.31.

21. On a careful appreciation of the evidence of P.Ws.1 to 6 would

reveal that, owing to previous enmity relating to the Panchayat President elections and temple festival, on 30.05.2013 at about 00.30 hours, A1 instigated the other accused to commit the murder of Baskar. Pursuant to such instigation, A2, A3, A4, A5, A7 and A18 attacked the deceased with

deadly weapons, while the other named accused waylaid him, and inflicted fatal injuries, causing his death on the spot. The evidence of P.W.8 proves the observation mahazar, confessions, and recovery of material objects M.O.1 to M.O.4. under Ex.P12 to Ex.P15, while the specific overtacts attributed to the attacking accused, which stands consistently proved. The medical evidence of P.W.12, supported by the post-mortem report (Ex.P31) fully corroborates the ocular testimony regarding the nature of injuries and also the cause of death. The scientific evidence of P.W11 confirms the presence of human Blood O positive group on the weapons, tallying with the Blood Group of the deceased. Further, P.Ws.13 to 17, the investigating officers, have cogently spoken about the receipt of complaint, arrest of the accused, recoveries made pursuant to confession statements, preparation of mahazars, forwarding of material objects for Forensic examination, and filing of the charge sheet. This Court being the first appellate Court, is required to examine as to whether the prosecution has proved its case beyond reasonable doubts and whether the judgment of the trial Court suffers from any perversity or improper appreciation of evidence.

22. The main defence raised by the accused is regarding the alleged

delay in lodging the complaint, delay in registration of the FIR and delay in forwarding the same to the Court. It is not in dispute that the occurrence took place on 30.05.2013 at about 00.30 hours and that the complaint came to be registered on 30.05.2013 at 8.30 a.m. and that there was some delay in forwarding the FIR to the Court.

23. In *State of H.P. Vs. Gian Chand*, reported in (2001) 6 SCC 71, the

Honble Apex Court has held that delay in lodging the FIR cannot be used as a ritualistic formula for doubting the prosecution case and discarding it solely on the ground of delay in lodging the First Information Report. Delay has the effect of putting the Court in its guard to search if any explanation has been offered for the delay, and if offered, whether it is satisfactory or not. If the prosecution fails to satisfactorily explain the delay and there is possibility of embellishment in prosecution version on account of such delay, the delay would be fatal to the case of the prosecution. However, if the delay is explained to the satisfaction of the Court, the delay cannot, by itself, be a ground for disbelieving and discarding the entire prosecution case.

24. In the present case, P.W.1 and the other eye witnesses have

consistently stated that immediately after the occurrence at about 00.30 hours, a tense law and order situation prevailed in the village. The police had reached the scene shortly, and thereafter, discussions were held with the village elders. In such circumstances, the formal complaint came to be registered in the morning at 8.30 a.m. In cases arising out of group clashes and brutal attacks during village festivals, mere delay in lodging the FIR cannot be viewed with suspicion or treated as fatal to the case of the prosecution, more so, a woman who has just lost her husband in a brutal attack by a large group of known persons, cannot be expected to lodge a complaint immediately.

25. When the substantive evidence is otherwise reliable and

trustworthy, mere delay in lodging the FIR and minor defects in investigation, do not affect the core of the prosecution case. In the case on hand, the evidence of P.W.1 is cogent, consistent and it inspires the confidence of the Court. P.W.2 to P.W.6, who are neighbours and eye-witnesses, have clearly spoken about their presence in the scene of occurrence and the overt acts committed by the accused and their evidence

corroborates with the version of P.W.1 in all material particulars. The medical evidence fully corroborates the ocular evidence. The Forensic Report also confirms the presence of human blood on the material objects, which were recovered based on the confession statements. The prosecution has thus clearly established that the deceased died due to the grievous injuries inflicted by the accused using deadly weapons. The delay in forwarding the FIR to the Court has also been satisfactorily explained through the evidence of P.W.14 and it does not vitiate the prosecution case. Even assuming that there was some deliberation prior to lodging of the complaint, considering the background of village rivalry, the position of A1 as the Village President, and the prevailing law and order situation, such delay cannot be construed as an attempt to falsely implicate the accused.

26. The further defence raised by the accused is that neither the

observation mahazar nor the rough sketch, makes any reference to the availability of a source of light in the scene of occurrence, nor do they explain the manner in which the accused were identified in the darkness of night. However, in the present case, P.W.1 to P.W.6 have clearly deposed about the existence of previous motive and long-standing enmity between

the parties. The accused and the eye-witnesses were admittedly known to each other and all of them belong to the same village and rival factions, and the incident arose out of political rivalry connected with the Panchayat elections.

27. It is settled law that where the accused are known to the witnesses,

absence of proof regarding the source of light is not fatal and identification of the accused does not become doubtful merely because the occurrence took place during night hours. In such circumstances, the question of mistaken identity does not arise. The absence of a specific reference to the source of light in the observation mahazar or rough sketch, by itself, will not render the eye-witness testimony as unreliable, particularly when the witnesses had ample opportunity to identify the accused and their evidence is otherwise cogent and trust-worthy.

28. In the case on hand, P.W.1 has categorically deposed about the

prior motive and enmity between the deceased and the accused. She has further stated that, on the date of occurrence, all the accused unlawfully assembled in front of her house, shared the common object to murder the

deceased and assaulted him. She has specifically attributed the overt acts against A2, A3, A4, A5, A7 and A18. Though A1 did not physically assault the deceased, it has been clearly brought out in evidence that only on her instigation, the other accused came and they were armed with deadly weapons and attacked the deceased, while the remaining accused surrounded and way-laid him, thereby abetting the commission of the offences. P.W.1 has also stated that the some of the named accused prevented the eye- witnesses from rescuing the deceased. Her testimony stands corroborated with the evidence of other eye-witnesses. Thus, it is evident that all the accused shared the common object of murder and actively participated in the commission of the offences, and hence, the offence punishable under Section 302 read with Section 149 IPC is clearly attracted. However, the trial Court has ignored the

evidence of the credible eyewitness and acquitted the accused solely on the basis of minor discrepancies and trivial contradictions.

29. In the judgment of Haribhau Vs. State of Maharashtra, (2025)

SCC Online SC 2301, the Honble Supreme Court has categorically held

that, once the prosecution had established beyond all reasonable doubts that the accused were members of an unlawful assembly, sharing the common

object to commit murder, and when the essential ingredients of Section 149 IPC are made out, the appellate Court may reverse a trial Courts acquittal, if such acquittal suffers from manifest perversity, unreasonable findings, or misappreciation of evidence. It is further observed in that case that an acquittal cannot be sustained merely on the basis of minor discrepancies or trivial contradictions, when the core prosecution case itself stands proved by cogent and trust-worthy evidence. Further, it is well settled that when several accused are involved, it need not necessarily prove a specific overt act as against each and every accused. Further, it is not out of place to state that every member of an unlawful assembly shall be guilty of the offence committed in prosecution of the common object. Section 149 IPC says that if an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such of that object, every person who, at the time of the commission of such offence, is a member of the said assembly, shall be held guilty of that offence.

30. On a careful re-appreciation of the entire evidence on record, we find that the prosecution has proved its case beyond all reasonable doubts and also proved the presence of the accused as members of an unlawful

assembly and also the existence of a common object to cause the death of the deceased. The evidence of eye-witnesses is cogent, consistent

and it inspires the confidence of the Court and stands corroborated by other material evidence. The trial Court has discarded reliable evidence wholly on untenable grounds, placing undue emphasis on minor discrepancies and trivial contradictions, which do not go to the root of the prosecution case. Such an approach amounts to a clear misappreciation of evidence and renders the acquittal perverse.

31. In view of the settled principles laid down by the Honble

Supreme Court, the impugned judgment of acquittal cannot be sustained and is liable to be set aside. Upon a cumulative appreciation of oral, documentary and medical evidence, we find that, Charges Nos.1 to 5 and 8 stand proved against all the accused. However, charges Nos.6 and 7 under Sections 323 and 324 IPC are not proved against A1 and A7 for want of medical evidence.

32. In the result, the judgment of acquittal dated 28.04.2017 passed by the learned I Additional Sessions Judge, Tindivanam in S.C.No.247 of 2015,

is hereby set aside. The respondents 2 to 24/A1 to A23 are hereby found guilty of the charges under Section 148, 294(b) and 341 IPC; A2, A3, A4, A5 and A18 are hereby found guilty of the charge under Sections 302 IPC; A1 is found guilty of the charge under Sections 352 IPC; and A1, A6 to A17 and A19 to A23 are hereby found guilty of the charges under Section 302 read with Section 149 IPC. However, A1 is not found guilty of charge under Section 323 IPC and A7 is not found guilty of charge under Section 324 IPC, since the prosecution has established the major charges and had proved its case beyond all reasonable doubts against all accused.

33. In view of the judgment of reversal pronounced today convicting

the respondents 2 to 24/A1 to A23 for the charged offences, the respondents/A1 to A23 are directed to appear before the Court on 17.02.2026 for hearing them on the question of sentence to be imposed against them, failing which the first respondent Police shall secure them and produce before the Court on the said date. Post on 17.02.2026. (P.V., J.) (M.J.R., J.) 10.02.2026 Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No ms CrI.A.No. 427 of 2019

P.VELMURUGAN, J.

and

M.JOTHIRAMAN, J.

(Judgment of the Court was made by P.VELMURUGAN, J.)

This Court, by judgment dated 10.02.2026, found the respondents 2 to 24/A1 to A23 guilty of the charges, namely A2, A3, A4, A5 and A18 for the offence under Section 302 IPC; A1 for the offence under Section 352 IPC; A1, A6 to A17 and A19 to A23 for the offences under Section 302 read with Section 149 IPC. However, A1 is not found guilty of the charge under Section 323 IPC and A7 is not found guilty of the charge under Section 324 IPC.

2. Since it is a reversal judgment and the accused have to be heard on

the question of sentence to be imposed on them, the matter has been listed today. Accordingly, the respondents 2 to 11 and 13 to 22 and 24/accused 1 to 10 and 12 to 21 and 23 appeared before this Court. Now it is reported by the learned Additional Public Prosecutor appearing for

the 1st respondent/Police that the respondents 12 and 23 i.e. A11 namely Kumar S/o.Velayudham and

A22 namely Gnanasekaran S/o.Parasuraman died and he also produced the copies of their death certificates.

3. In view of the above, the charges against the respondents 12 and 23/A11 and A22 stand abated and this Criminal Appeal is dismissed as against the respondents 12 and 23/A11 and A22 as abated.

4. Upon questioning, the private respondents/accused 1 to 10 and 12

to 21 and 23 stated that they have not committed any offence as alleged by the prosecution and they were not involved in the offence. They further stated that they did not know even what had happened on that day.

5. This Court has considered the submissions made by private respondents/accused 1 to 10 and 12 to 21 and 23 on the question of sentence.

6. Having regard to the facts and circumstances of the case and the

grave nature of the offence, this Court finds that the prosecution has proved that the private respondents/accused have committed the offences as stated above. Hence, they are convicted and sentenced as detailed below; S.No. Accused Conviction for Sentence the offence u/s.

1. A2, A3, A4, U/s. 302 IPC Life imprisonment with fine of Rs.1,000/- each

A5 and A18 in default, to undergo 6 months simple imprisonment. 2 A1, A6 to U/s.302 read Life imprisonment with fine of Rs.1,000/- each A10, A12 with Section 149 in default, to undergo 6 months simple to A17 and IPC imprisonment. A19 to A21 and A23

7. Since A1 has been awarded life imprisonment, no separate sentence is imposed on A1 for the offence under Section 352 IPC.

8. Since it is a reversal judgment and having regard to the facts and circumstances of the case, the substantive sentence of imprisonment alone imposed on the accused, is suspended till the expiry of appeal period. [P.V.,J.] [M.J.R.,J.] 17.02.2026 ksa-2 Note : Registry is directed to issue copy of the judgment by today itself (i.e, on 17.02.2026). To

1. The I Additional Sessions Judge, Tindivanam.
2. The Inspector of Police, Kiliyanur Police Station.
3. The Public Prosecutor, High Court, Madras. Copy to:
 1. The Superintendent of Jail, Central Prison, Cuddalore
 2. The Superintendent of Jail, Central Prison (Women), Vellore

P.VELMURUGAN, J.

and

M.JOTHIRAMAN, J.

ksa-2

Judgment in

17.02.2026

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