

Crl.A(MD)No.545 of 2022 & etc., batch cases

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**RESERVED ON : 18.02.2026**

**PRONOUNCED ON : 27.02.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN  
AND  
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**Crl.A(MD)Nos.545, 586, 587, 590, 591, 605, 634, 635, 699, 700,  
800 & 860 of 2022, 497 of 2023, 36, 50, 52 & 67 of 2024**

**1.Crl.A(MD)No.545 of 2022:**

M.Suresh Kumar ... Appellant/Accused No.15

Vs.

1.The Deputy Superintendent of Police,  
Manamadurai Sub Division,  
Sivagangai District. ... 1<sup>st</sup> Respondent

2.Maheswaran  
3.Deivendran  
4.Sukumaran  
5.Malaisamy ... Respondents 2 to 5/Victims

(R 2 to R5 impleaded vide order dated 23.09.2022 in  
Crl.M.P(MD)No.11298 of 2022)

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**CrI.A(MD)No.545 of 2022 & etc., batch cases**

**PRAYER**:- Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records in Spl.S.C.No.65 of 2018 dated 05.08.2022 passed by the Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai and to set aside the Judgment of conviction and sentence.

For Appellant : Mr.G.Karuppasamy Pandian

For R – 1 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

**2.CrI.A(MD)No.586 of 2022:**

1.Ottakulathan @ Muniyandi @ Kandhasamy  
2.Ramakrishnan  
3.Muthuselvam  
4.Ramachandran  
5.Mayasamy ... Appellants/  
Accused Nos.10, 11, 19, 21 & 22

Vs.

1.The Deputy Superintendent of Police,  
Manamadurai Sub Division,  
Sivagangai District.

2.The Inspector of Police,  
Palayanoor Police Station,  
Sivagangai District.  
(Crime No.32 of 2018)

... Respondents 1 & 2

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CrI.A(MD)No.545 of 2022 & etc., batch cases

3.Maheswaran  
4.Deivendran  
5.Sukumaran  
6.Malaisamy

... Respondents 3 to 6

PRAYER:- Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records and set aside the order of conviction and sentence passed in Special S.C.No.65 of 2018 dated 05.08.2022 on the file of the Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai and allow this appeal and acquit the appellants/accused.

For Appellants : Mr.P.Andiraj

For RR 1 & 2 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

For RR 3, 5 & 6 : Mr.R.Sankara Subbu  
for Mr.G.Bhagavath Singh

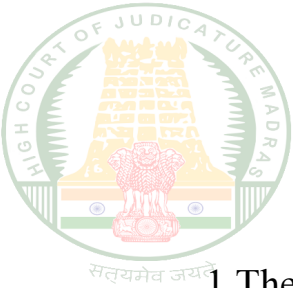
For R – 4 : Mr.C.Mayil Vahana Rajendran

**3.CrI.A(MD)No.587 of 2022:**

1.Chinnu  
2.Ravi

... Appellants/  
Accused Nos.16 & 24  
Vs.

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CrI.A(MD)No.545 of 2022 & etc., batch cases

1.The Deputy Superintendent of Police,  
Manamadurai Sub Division,  
Sivagangai District.

2.The Inspector of Police,  
Palayanoor Police Station,  
Sivagangai District.  
(Crime No.32 of 2018)

... Respondents 1 & 2

3.Maheswaran  
4.Deivendran  
5.Sukumaran  
6.Malaisamy

... Respondents 3 to 6

PRAYER:- Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records and set aside the order of conviction and sentence passed in Special S.C.No.65 of 2018 dated 05.08.2022 on the file of the Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai and allow this appeal and acquit the appellants/accused.

For Appellants : Mr.S.Sivasuria Narayanan

For RR 1 & 2 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

For RR 3, 5 & 6 : Mr.R.Sankara Subbu  
for Mr.G.Bhagavath Singh

For R – 4 : Mr.C.Mayil Vahana Rajendran

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CrI.A(MD)No.545 of 2022 & etc., batch cases

**4.CrI.A(MD)No.590 of 2022:**

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Chellammal ... Appellant/Accused No.17  
Vs.

1.The Deputy Superintendent of Police,  
Manamadurai Sub Division, Sivagangai District.

2.The Inspector of Police,  
Palayanoor Police Station,  
Sivagangai District.  
(Crime No.32 of 2018) ... Respondents 1 & 2

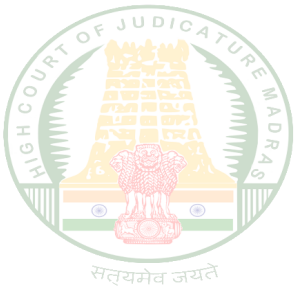
3.Maheswaran  
4.Deivendran  
5.Sukumaran  
6.Malaisamy ... Respondents 3 to 6

**PRAYER:-** Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records and set aside the order of conviction and sentence passed in Special S.C.No.65 of 2018 dated 05.08.2022 on the file of the Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai and allow this appeal and acquit the appellants/accused.

For Appellant : Mr.S.Sivasuria Narayanan

For RR 1 & 2 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

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Crl.A(MD)No.545 of 2022 & etc., batch cases

For RR 3, 5 & 6 : Mr.R.Sankara Subbu  
for Mr.G.Bhagavath Singh

For R – 4 : Mr.C.Mayil Vahana Rajendran

**5.Crl.A(MD)No.591 of 2022:**

Mattivayan @ Muthumani ... Appellant/Accused No.27

Vs.

1.The State represented by its,  
The Deputy Superintendent of Police,  
Manamadurai Sub – Division,  
Palayanoor Police Station,  
Sivagangai District.  
(Crime No.32 of 2018).

2.The Inspector of Police,  
Palayanoor Police Station,  
Sivagangai District.  
(Crime No.32 of 2018)

... Respondents 1 & 2

3.Maheswaran  
4.Deivendran  
5.Sukumaran  
6.Malaisamy

... Respondents 3 to 6

**PRAYER:-** Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records of the impugned judgment made in Special S.C.No.65 of 2018 on the file of the Special Court for Exclusive

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CrI.A(MD)No.545 of 2022 & etc., batch cases

Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai dated 05.08.2022 and set aside the same.

For Appellant : Mr.M.Jegadeesh Pandian

For RR 1 & 2 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

For RR 3, 5 & 6 : Mr.R.Sankara Subbu  
for Mr.G.Bhagavath Singh

For R – 4 : Mr.C.Mayil Vahana Rajendran

**6.CrI.A(MD)No.605 of 2022:**

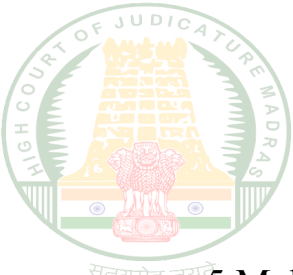
1.Kanith @ Kanith Kumar  
2.Karuppuraja @ Muniyandisamy  
3.Selvi  
4.Karuppaiah ... Appellants/  
Accused Nos.7, 8, 13 and 14

Vs.

1.The Deputy Superintendent of Police,  
Manamadurai Sub Division,  
Sivagangai District. ... 1<sup>st</sup> Respondent

2.Maheswaran  
3.Deivendran  
4.Sukumaran

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CrI.A(MD)No.545 of 2022 & etc., batch cases

5.Malaisamy

... Respondents 2 to 5

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**PRAYER**:- Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records in Special S.C.No.65 of 2018 passed by the Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai dated 05.08.2022 and to set aside the judgment of conviction and sentence.

For A-1 & A-2 : Mr.G.Karuppasamy Pandian

For A-3 & A-4 : Mr.V.Kathirvelu  
Senior Counsel  
for Mr.G.Karuppasamy Pandian

For R - 1 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

For R – 3 : Mr.C.Mayil Vahana Rajendran

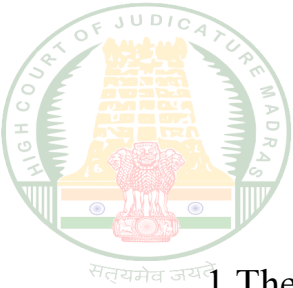
**7.CrI.A(MD)No.634 of 2022:**

Ilayaraja

... Appellant/Accused No.6

Vs.

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CrI.A(MD)No.545 of 2022 & etc., batch cases

1.The Deputy Superintendent of Police,  
Manamadurai Sub Division,  
Sivagangai District.

2.The Inspector of Police,  
Palayanoor Police Station,  
Sivagangai District.  
(Crime No.32 of 2018)

... Respondents 1 & 2

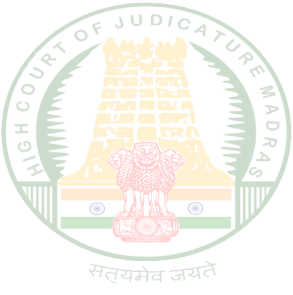
3.Maheswaran  
4.Deivendran  
5.Sukumaran  
6.Malaisamy

... Respondents 3 to 6

PRAYER:- Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records and set aside the order of conviction and sentence passed in Special S.C.No.65 of 2018 dated 05.08.2022 on the file of the Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai and allow this appeal and acquit the appellants/accused.

For Appellant : Mr.T.Gowthaman  
Senior Counsel  
for Mr.M.Dinesh Hari Sudarsan

For RR 1 & 2 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor



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CrI.A(MD)No.545 of 2022 & etc., batch cases

For RR 3, 5 & 6 : Mr.R.Sankara Subbu  
for Mr.G.Bhagavath Singh

For R – 4 : Mr.C.Mayil Vahana Rajendran

**8.CrI.A(MD)No.635 of 2022:**

Meenashi ... Appellant/Accused No.12

Vs.

1.The Deputy Superintendent of Police,  
Manamadurai Sub Division,  
Sivagangai District.

2.The Inspector of Police,  
Palayanoor Police Station,  
Sivagangai District.  
(Crime No.32 of 2018)

... Respondents 1 & 2

3.Maheswaran  
4.Deivendran  
5.Sukumaran  
6.Malaisamy

... Respondents 3 to 6

**PRAYER:-** Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records and set aside the order of conviction and sentence passed in Special S.C.No.65 of 2018 dated 05.08.2022 on the file of the Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai and allow this appeal and acquit the appellant/accused.

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CrI.A(MD)No.545 of 2022 & etc., batch cases

For Appellant : Mr.P.Andiraj  
For RR 1 & 2 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor  
For RR 3, 5 & 6 : Mr.R.Sankara Subbu  
for Mr.G.Bhagavath Singh  
For R – 4 : Mr.C.Mayil Vahana Rajendran

**9.CrI.A(MD)No.699 of 2022:**

Tavard @ Karthick ... Appellant/Accused No.26

Vs.

1.The State represented by its,  
The Deputy Superintendent of Police,  
Manamadurai Sub Division,  
Palayanoor Police Station,  
Sivagangai District.  
(Crime No.32 of 2018).

2.The Inspector of Police,  
Palayanoor Police Station,  
Sivagangai District.  
(Crime No.32 of 2018)

... Respondents 1 & 2

3.Mageshwaran  
4.Deivendran

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CrI.A(MD)No.545 of 2022 & etc., batch cases

5.Sukumaran

6.Malaisamy

... Respondents 3 to 6

**PRAYER:-** Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records of the impugned Judgment made in Special S.C.No.65 of 2018 on the file of the Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai dated 05.08.2022 and set aside the same.

For Appellant : Ms.S.Prabha

For RR 1 & 2 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

For RR 3, 5 & 6 : Mr.R.Sankara Subbu  
for Mr.G.Bhagavath Singh

For R – 4 : Mr.C.Mayil Vahana Rajendran

**10.CrI.A(MD)No.700 of 2022:**

Mutheeswaran @ Muthumuneeswaran

... Appellant/Accused No.20

Vs.

1.The State represented by its,  
The Deputy Superintendent of Police,  
Manamadurai Sub Division, Palayanoor Police Station,  
Sivagangai District.  
(Crime No.32 of 2018).

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Crl.A(MD)No.545 of 2022 & etc., batch cases

2.The Inspector of Police,  
Palayanoor Police Station,  
Sivagangai District.  
(Crime No.32 of 2018)

... Respondents 1 & 2

3.Mageshwaran  
4.Deivendran  
5.Sukumaran  
6.Malaisamy

... Respondents 3 to 6

**PRAYER**:- Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records of the impugned Judgment made in Special S.C.No.65 of 2018 on the file of the Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai dated 05.08.2022 and set aside the same.

For Appellant : Mr.M.Jegadeesh Pandian

For RR 1 & 2 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

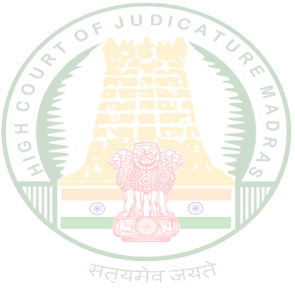
For RR 3, 5 & 6 : Mr.R.Sankara Subbu  
for Mr.G.Bhagavath Singh

For R – 4 : Mr.C.Mayil Vahana Rajendran

**11.Crl.A(MD)No.800 of 2022:**

Arul Naveen ... Appellant/Accused No.25

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CrI.A(MD)No.545 of 2022 & etc., batch cases

Vs.

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1.The State represented by,  
The Deputy Superintendent of Police,  
Manamadurai Sub Division,  
Sivagangai District.

2.The Inspector of Police,  
Palayanoor Police Station,  
Sivagangai District.  
(Crime No.32 of 2018)

... Respondents 1 & 2

3.Mageshwaran  
4.Deivendran  
5.Sukumaran  
6.Malaisamy

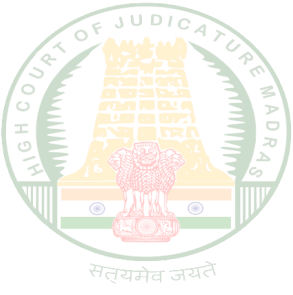
... Respondents 3 to 6

PRAYER:- Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records and set aside the Judgment and conviction made in Spl.S.C.No.65 of 2018 dated 05.08.2022 passed by the learned Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai and acquit the appellant herein.

For Appellant : Mr.M.S.Jeyakarthish

For RR 1 & 2 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

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CrI.A(MD)No.545 of 2022 & etc., batch cases

For RR 3, 5 & 6 : Mr.R.Sankara Subbu  
for Mr.G.Bhagavath Singh

For R – 4 : Mr.C.Mayil Vahana Rajendran

**12.CrI.A(MD)No.860 of 2022:**

Muthaiya @ Muthuservai ... Appellant/Accused No.18

Vs.

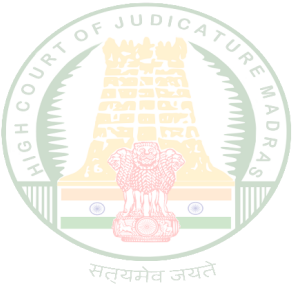
1.The State through,  
The Deputy Superintendent of Police,  
Manamadurai Sub Division,  
In Crime No.32 of 2018,  
Palayanoor Police Station,  
Sivagangai District. ... 1<sup>st</sup> Respondent

2.Maheshwaran  
3.Deivendran  
4.Sukumaran  
5.Malaisamy ... Respondents 2 to 5

**PRAYER:-** Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records in Spl.S.C.No.65 of 2018 on the file of the learned Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai and set aside the sentence and conviction awarded to A.18 by order dated 05.08.2022.

For Appellant : Mr.N.Anantha Padmanabhan  
Senior Counsel  
for M/s.APN Law Associates

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CrI.A(MD)No.545 of 2022 & etc., batch cases

For R – 1 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

For R – 4 : Mr.G.Bhagavath Singh

**13.CrI.A(MD)No.497 of 2023:**

1.Suman  
2.Arun  
3.Chandrakumar ... Appellant/Accused Nos.1 to 3

Vs.

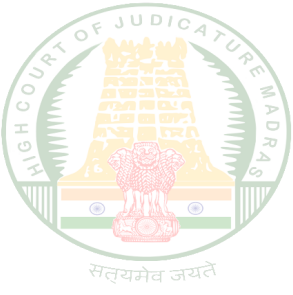
1.The State through,  
The Deputy Superintendent of Police,  
Manamadurai Sub Division,  
In Crime No.32 of 2018,  
Palayanoor Police Station,  
Sivagangai District. ... 1<sup>st</sup> Respondent

2.Maheshwaran ... 2<sup>nd</sup> Respondent

**PRAYER:-** Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records in Spl.S.C.No.65 of 2018 on the file of the learned Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai and set aside the sentence and conviction awarded to A.1 to A.3 by order dated 05.08.2022.

For Appellant : Mr.N.Anantha Padmanabhan  
Senior Counsel  
for M/s.APN Law Associates

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CrI.A(MD)No.545 of 2022 & etc., batch cases

For R – 1 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

For R – 2 : No appearance

**14.CrI.A(MD)No.36 of 2024:**

Akkini @ Akkiniraj ... Appellant/Accused No.4

Vs.

1.State through,  
The Deputy Superintendent of Police,  
Manamadurai Sub Division,  
Sivagangai District.

2.State through,  
The Inspector of Police,  
Palayanoor Police Station,  
Sivagangai District.  
(Crime No.32 of 2018).

... Respondents 1 & 2

3.Mageshwaran  
4.Deivendran  
5.Sukumaran  
6.Malaisamy

... Respondents 3 to 6

**PRAYER:-** Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records in Special Sessions Case No.65 of 2018 dated 05.08.2022 on the file of the learned Special Court for Exclusive

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Crl.A(MD)No.545 of 2022 & etc., batch cases

Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai and set aside the same and acquit the appellant.

For Appellant : Mr.R.Venkatesan

For RR 1 & 2 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

For RR 3 to 6 : No appearance

**15.Crl.A(MD)No.50 of 2024:**

Ravi @ Mukilan ... Appellant/Accused No.23

Vs.

1.The Deputy Superintendent of Police,  
Manamadurai Sub Division,  
Sivagangai District.

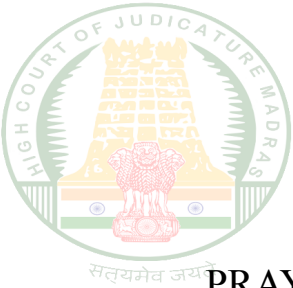
2.The Inspector of Police,  
Palayanoor Police Station,  
Sivagangai District.  
(In Crime No.32 of 2018).

... Respondents 1 & 2

3.Maheswaran  
4.Deivendran  
5.Sukumaran  
6.Malaisamy

... Respondents 3 to 6

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Crl.A(MD)No.545 of 2022 & etc., batch cases

**PRAYER:-** Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records in Special Sessions Case No.65 of 2018 passed by the learned Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai, dated 05.08.2022 and to set aside the judgment of conviction and sentence.

For Appellant : Mr.G.Karuppasamy Pandian  
for Mr.G.Karuppiah

For RR 1 & 2 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

For RR 3 to 6 : No appearance

**16.Crl.A(MD)No.52 of 2024:**

Michael Muniyandi ... Appellant/Accused No.9

Vs.

1.The Deputy Superintendent of Police,  
Manamadurai Sub Division,  
Sivagangai District.  
(In Crime No.32 of 2018).

2.The State represented by,  
The Inspector of Police,  
Palayanoor Police Station, Sivagangai District.  
(In Crime No.32 of 2018). ... Respondents 1 & 2

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Crl.A(MD)No.545 of 2022 & etc., batch cases

3.Maheswaran

4.Deivendran

5.Sukumaran

6.Malaisamy

... Respondents 3 to 6

PRAYER:- Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records and set aside the Judgment dated 05.08.2022 in Special Sessions Case No.65 of 2018 passed by the learned Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai, and thereby acquit the appellant from all the charges levelled against him.

For Appellant : Mr.Yogesh Kannna  
for Mr.M.Dinesh Hari Sudarsan

For RR 1 & 2 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

For RR 3 to 6 : No appearance

**17.Crl.A(MD)No.67 of 2024:**

Rajesh @ Rajeswaran

... Appellant/Accused No.5

Vs.

1.The State represented by its,  
The Deputy Superintendent of Police,  
Manamadurai Sub Division, Palayanoor Police Station,  
Sivagangai District.  
(In Crime No.32 of 2018).

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Crl.A(MD)No.545 of 2022 & etc., batch cases

2.The Inspector of Police,  
Palayanoor Police Station,  
Sivagangai District.  
(In Crime No.32 of 2018).

... Respondents 1 & 2

3.Mageshwaran  
4.Deivendran  
5.Sukumaran  
6.Malaisamy

... Respondents 3 to 6

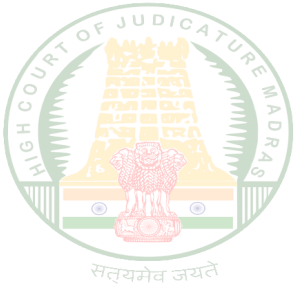
PRAYER:- Criminal Appeal is filed under Section 374 (2) of Cr.P.C to call for the records of the impugned Judgment made in Special S.C.No.65 of 2018 passed by the learned Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai, dated 05.08.2022 and set aside the same.

For Appellant : Mr.M.Jegadeesh Pandian

For RR 1 & 2 : Mr.M.Ajmal Khan  
Additional Advocate General  
Assisted by  
Mr.T.Senthil Kumar  
Additional Public Prosecutor

For RR 3 to 6 : No appearance

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CrI.A(MD)No.545 of 2022 & etc., batch cases

## COMMON JUDGMENT

**(Judgment of the Court was delivered by  
G.K.ILANTHIRAIYAN, J.)**

These appeals have been preferred as against the Judgment passed in Special Sessions Case No.65 of 2018, dated 05.08.2022 on the file of the learned Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai, thereby convicting the accused for the offences punishable under Sections 120(b) read with 302 of I.P.C read with Section 3(2) (v) of SC/ST (POA) Act, 148 of I.P.C read with Section 3(2)(va) of SC/ST (POA) Act, 302 I.P.C read with 149 of I.P.C read with Section 3(2)(v) of SC/ST (POA) Act (3 counts), 307 read with 149 of I.P.C read with Section 3(2)(v) of SC/ST (POA) Act (3 counts), 324 I.P.C read with 149 of I.P.C read with Section 3(2)(va) of SC/ST (POA) Act (2 counts), 3(1)(r) of SC/ST (POA) Act, 3(1)(s) of SC/ST (POA) Act, 452 of I.P.C, 3 of TNPPDL Act and 294(b) of I.P.C.

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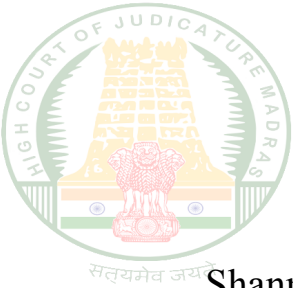
## 2.THE CASE OF THE PROSECUTION:

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2.1.Katchnatham Village of Palayanur Police Station limit is a small rural settlement comprising of 35 Scheduled Caste families and 2 Agamudaiyar families, with the local Karuppar Temple function as the cultural focal point of the community. While the village had witnessed occasional disputes in the past over precedence in temple honors, tensions escalated sharply in May 2018.

2.2.On 25.05.2018, during annual “Saami Aattam” festival at the Karuppar Temple, ceremonial honors were accorded exclusively to the scheduled caste residents, excluding the Agamudaiyar families. This decision deeply offended certain Agamudaiyar members, particularly A3, who perceived it as a public humiliation. On the next day, i.e., on 26.05.2018, during the day time, the Scheduled Caste Community in the same village organized a feast at the temple following the slaughter of a goat. On that day,

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Shanmuganathan (deceased), a resident of Katchanatham was standing on the Katchnatham Vilakku Road when A3 came there and on seeing Shanmuganathan, A3 had abused him using filthy language and question him as to why he wasn't shown any respect during the festival. At that time, police personnel from Thiruppachethi Police Station with Sub-Inspector, who happened to be passing by, took A3 to Thiruppachethi Police Station. There, on 26.05.2018, they registered a case against him in Crime No.55 of 2018 for the offence punishable under Section 294(b) IPC and released him on bail.

2.3.Consumed by resentment and determined to retaliate, A3 conspired with like-minded associates from nearby villages, gathering 32 individuals, many armed with sickle, swords, and other deadly weapons. On the night of 28.05.2018, at around 21:00 hrs, this armed mob entered Katchanatham with the deliberate intent to target members of the Scheduled Caste community. In the ensuing

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attack, three residents D1-Arumugam, D2-Shanmuganathan and D3-Chandrasekar were brutally murdered, and five others namely Maheswaran (PW1), Devendran (PW2), Sukumaran (PW6), Malaisamy (PW9) and Dhanasekaran (later Died) sustained grievous injuries.

3. Based on a written complaint from P.W.1, a complaint was registered in Crime No.32 of 2018 on 29.05.2018 for the offences punishable under Sections 147, 148, 294(b), 324, 307, 302, 379(NH) IPC, Section 3(3) of the TNPPDL (Prevention of Damage and Loss) Act, 1992, and Section 3(1)(r)(s), 3(2)(v-a) of the SC/ST (POA) Amendment Act, 2015 read with 149 IPC. Pursuant to the same, final report was filed and the same was taken cognizance by the Trial Court.

4. To bring the charges to home, the prosecution examined witnesses as P.W.1 to P.W.31, produced documentary evidences which were marked as Ex.P1 to Ex.P97 and marked material objects

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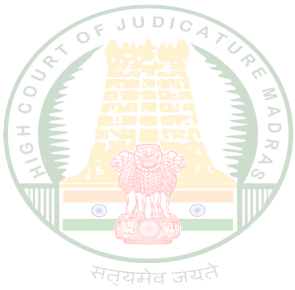
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as M.O.1 to M.O.20. The Court examined witnesses as C.W.1 to C.W.8 and marked documentary evidences as Ex.C1 to Ex.C19. The defence examined witnesses as D.W.1 to D.W.5, produced documentary evidenced which were marked as Ex.D1 to Ex.D8 and marked material objects as D.M.O.I to D.M.O.II.

**5.The Trial Court held a full-fledged trial and convicted the appellants as follows:**

- i. A1 to A27 were found guilty and were sentenced to undergo imprisonment for life and to pay fine of Rs.5000/- for offence U/s. 120(B) of IPC r/w. Section 302 IPC r/w. Section 3(2) (v) of SC/ST (POA) Act and in default of payment of fine, to undergo 2 years of RI.
- ii. A1 to A27 were found guilty and were sentenced to undergo 3 years RI and to pay fine of Rs.2000/- for offence U/s. 148 of IPC r/w. Section 3(2) (va) of SC/ST (POA) Act and in default of payment of fine, to undergo 6 months of RI.
- iii. A1 to A27 were found guilty and were sentenced to undergo

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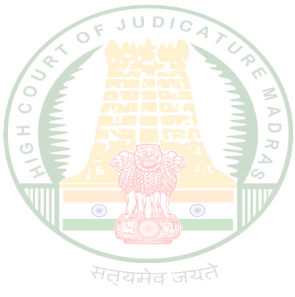
imprisonment for life and to pay fine or Rs.5000/-for the offence under Section 302 of IPC r/w. Section 149 of IPC r/w. Section 3(2)(v) of SC/ST (POA) Act and in default of payment of fine, to undergo 2 years of RI (3 counts).

iv. A1 to A27 were found guilty and were sentenced to undergo imprisonment for life and to pay fine of Rs.5000/- for offence U/s. 307 of IPC r/w. Section 149 of IPC r/w. Section 3(2)(v) of SC/ST (POA) Act and in default of payment of fine, to undergo 2 years of RI (3 counts).

v. A1 to A27 were found guilty and were sentenced to undergo imprisonment for 3 years and to pay fine of Rs.2000/- for offence U/s. 324 of IPC r/w. Section 149 of IPC r/w. Section 3(2) (va) of SC/St (POA) Act and in default of payment of fine, to undergo 6 months of RI (2counts).

vi. A1 to A27 were found guilty and were sentenced to undergo imprisonment for a period of 5 years and to pay of Rs.2000/- for offence U/s. 3(1) (r) of SC/St (POA) Act and in default of

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payment of fine, to undergo 6 months of RI.

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vii. A1 to A27 were found guilty and were sentenced to undergo imprisonment for a period of 5 years and to pay fine of Rs. 2000/- for offence U/s. 3(1) (s) of SC/St (POA) Act and in default of payment of fine, to undergo 6 months of RI.

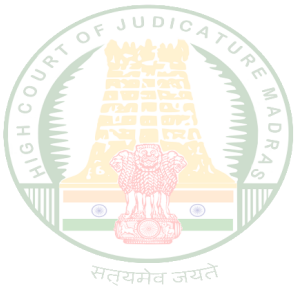
viii. A1 to A27 were found guilty and were sentenced to 7 years RI and to pay fine of Rs.2000/- for offence U/s. 452 of IPC and in default of payment of fine, to undergo 6 months of RI.

ix. A1 to A27 were found guilty and were sentenced to 5 years RI and to pay fine of Rs.2000/- for offence U/s. 3 of TNPPDL Act and in default of payment of fine, to undergo 6 months of RI.

x. A1 to A27 were found guilty and were sentenced to 3 years RI and to pay fine of Rs.200/- for offence U/s. 294(b) and in default of payment of fine, to undergo 2 weeks of RI.

Aggrieved by the same, A1 to A27 have filed these present appeals.

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## **6.ARGUMENTS ADVANCED BY THE LEARNED**

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### **COUNSELS FOR THE APPELLANTS:**

6.1.The learned counsels for the appellants contended that the judgment and conviction passed by the Learned Trial Court is contrary to the law and against the weight of the evidence and probabilities of the case.

6.2.It was pointed out that the prosecution did not establish the motive behind the crime beyond reasonable doubt. The alleged first honor during the course of temple festivities was not proved and the previous existence of any practice that surrounds untouchability or caste-based differences in that village was also not established. There is no piece of evidence that shows that the temple in question is in complete usage of the SC/ST community of the said village. Therefore, the story line put forth by the prosecution to prove the motive behind the crime is unbelievable. Furthermore,

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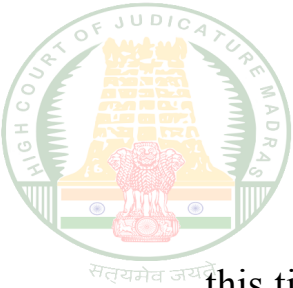
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there was no recovery of weapons from A16, A17, A23 and A24 that were allegedly used in the offence. The prosecution had thereby failed in establishing the motive and recovery which are the two keystones in proving a criminal charge.

6.3.It was submitted that the earliest information is contrary to the case of the prosecution, wherein, according to the prosecution, there were five injured persons of which three of them died during the occurrence on 28.05.2018 at 09.00 p.m., at the place of occurrence. Immediately the injured witnesses P.W.1, P.W.2, P.W.6, P.W.9 and one Dhanashekar who subsequently died were taken to the Government Hospital, Thiruppuvanam and they were treated with initial treatment and were then referred to the Government Rajaji Hospital at 11:00 p.m, wherein the Accident Register copy of the injured witnesses were marked as Exs.P72 to P76, wherein it has been stated that they were alleged to have been stabbed by 12 unknown persons, by using a sharp edged weapon. At

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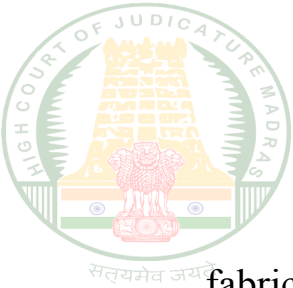
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this time, it was also specifically stated that the injured persons were conscious. Further, the other accident register recorded by the private hospital (Ex.P67) also states that they were attacked by 10 known persons.

6.4. Further the accident register copies of deceased D1 to D3 were marked through the Trial Court as Ex.C15, C16 and C17 which were issued by the Government Hospital, Thiruppuvanam which also state that D1 to D3 were allegedly have been attacked by 12 unknown persons and the said document were issued at about 11:10 p.m., to 11:20 p.m.

6.5. This initial information, wherein, the accused names were unaware, was later changed into 17 named accused and others on 29.05.2018 at about 05:00 a.m., which was registered as FIR in Crime No.32 of 2018 (Ex.P60). Further, the FIR was registered with a significant delay of 8 hours and therefore, there has been a

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fabrication of information and false implication of accused and the same cannot be ruled out and also renders the evidence of P.W.1 wholly unreliable.

6.6.It was further submitted that, the evidentiary value of P.W.10 who is the conspiracy witness under Section 120(B) of IPC is doubtful. According to P.W.10, he along with his brother had come from Manamadurai to Katchanatham. At that time, he alleged to have seen all the 33 accused persons and heard their conversation. Later, according to him, he witnessed the occurrence at about 09:00 p.m. It was submitted that P.W.10 is a planted witness and the same was established by the defence through cross examination, but the Trial Court failed to appreciate the same. He was examined after one month of the occurrence and if at all he had seen the conspiracy between the accused, he would have informed it to the police station and would have also warned the villagers. During his cross examination, he admitted that he informed about the conspiracy to

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P.W.1, but he also did not implicate the 33 accused immediately and hence, the evidence of P.W.10 ought not to be relied upon.

6.7.It was the further contention of the appellants that most of the accused persons' names such as A18, A20, A27, A25, A26 etc. were not even present in FIR (Ex.P60), inquest reports (Exs. P79, P80 & P84) or alteration report (Ex.P83). They were implicated much later without attributing any specific overt-act and further they were attributed overt-act first time during the trial. Therefore, the application of Section 149 of IPC is not at all applicable to the case on hand.

6.8.Mere presence of an individual in an unlawful assembly cannot render that person liable unless there was a common object and he was actuated by that common object and that object is one of those set out in Section 141 of IPC. It was submitted that, unless at least 4 witnesses give a consistent account against the

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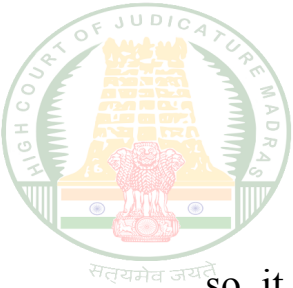
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accused persons, the allegations against them cannot be proved beyond reasonable doubt. Whereas in the present case, there is no consistent account of evidences between the injured witnesses with respect to the role of the accused persons herein. The judgments of the Hon'ble Supreme Court in the case of *Masalti v. State of Uttar Pradesh (1964 SCC Online SC 30 and Muthu Naicker v. State of Tamil Nadu [(1978) 4 SCC 385]* were relied upon by the counsels in this regard.

6.9.It was the further contention of the appellants that the Trial Court wrongly relied upon the presumption clause under Section 8 of the SC/ST (POA) Act so as to convict the accused by applying the above provision. In order to attract the said offence, the prosecution must establish that there was a common object between the accused persons, so as to form an unlawful assembly to commit the offence under the SC/ST (POA) Act. In this case, the prosecution has failed to establish the conspiracy between the accused and more

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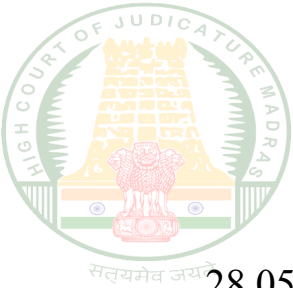
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so, it has failed to prove beyond reasonable doubt the presence of the accused persons at the time of the occurrence.

6.10. Therefore, when the prosecution erred in proving the foundation of facts, then the prosecution ought not to have invoked Section 8(2) of the SC/ST (POA) Act in order to convict the appellants. Furthermore, according to Rule 7(2) of the said Act, the investigation with regards to the SC/ST offences have to be completed within a period of 60 days, but in the case on hand, it was not complied with and the same was admitted by the IO (P.W.31) and hence it is fatal to the case of the prosecution.

6.11. It was further pointed out that, originally the accused were charged with the conspiracy under Section 120(B) of IPC r/w Section 302 of IPC r/w Section 3(2)(va) of the SC/ST (POA) Act as on 21.10.2019. The first charge did not speak about the presence and role of P.W.10 regarding the conspiracy which was hatched on

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28.05.2018 at about 08:30 p.m. it was only later on 05.02.2020,

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P.W.10 had narrated in his deposition about the alleged conspiracy. The Trial Court after appreciating all the evidences and at the very end of the trial had altered the offences by an alteration dated 15.06.2022 by incorporating the presence of P.W.10 as if he witnessed the conspiracy at about 06:30 p.m. It had caused great prejudice to the appellants because thereafter no opportunity was given to the counsels to recall the witnesses to question about the conspiracy.

6.12.The learned counsel for A.6 and A.9 specifically submits that both these appellants are brothers and were residing in a different village and have no motive to commit the crime as they have nothing to do with the temple honor given in a different village. It was stated that they were falsely implicated as they belong to the community of A1 to A3. Further, A6 had set up a plea of *Alibi* wherein the same was corroborated by the defence witnesses namely,

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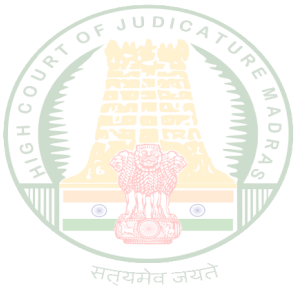
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D.W.2 to D.W.5. D.W.4, who is owner of the Lorry in which A6 was working as a cleaner, has categorically stated that during the date and time of occurrence, A6 was at a Petrol Bunk at Trichy Gandhi Market filling fuel for the lorry. CCTV footage (Ex.D3) was also produced to prove the same, but the Trial Court without appreciation the defence witnesses and evidences, erroneously convicted A6. Further A6, unlike his brother, A9, has no previous antecedents. Further, A9 and A3 were also not in talking terms as A9 was an accused in the murder case of A3's father. Therefore, A9 and A6 did not conspire with A3 and hence, they are innocent.

6.13.The learned counsel for A26 submits that neither the charges framed nor in the complaint any specific over-tact is mentioned against the A26. Further the Investigation Officer (P.W.31) had categorically stated that his name is not mentioned in the complaint and he had also stated that A26 was studying in Coimbatore at the time of the incident.

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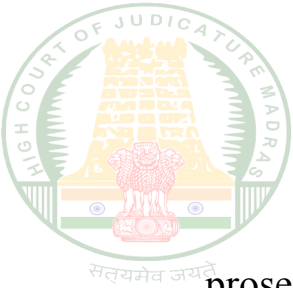
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6.14. In so far as the conviction under Section 294(b) of IPC is concerned, the Trial Court is oblivious to the march of law and also the legal requirements to satisfy the offence. While convicting the appellant under Section 294(b) of IPC, the Trial Court concluded that all the accused persons uttered obscene words. Even if it is admitted as true, it does not make out an offence unless there is evidence to show that the utterance of such words caused annoyance to the persons in the public place. The offence ought to have taken place in a public place and ought to have caused an annoyance to the public. These are the primary ingredients under the said provision. In absence of such evidence, the conviction under Section 294(b) of IPC cannot be upheld.

6.15. It was further submitted that there are significant and material contradictions in the deposition or testimonies of the prosecution witnesses and there was no corroboration between their statements. All the accused persons were not spoken about by all the

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prosecution witnesses. Without such corroboration, a specific overt act cannot be made out against the appellants. Further there are material discrepancies in the evidences produced by the prosecution and in the procedures followed and the same is fatal to the case of the prosecution.

6.16. Therefore, it is their grievance that the Trial Court without considering the above details, had mechanically convicted the appellants and they pray for the interference of this Court in setting aside the sentence and conviction imposed by the Trial Court on the appellants.

**7. ARGUMENTS ADVANCED BY THE LEARNED  
ADDITIONAL ADVOCATE GENERAL APPEARING FOR  
THE STATE AND OTHER COUNSELS APPEARING FOR  
THE VICTIMS:**

7.1. It was submitted that the learned Trial Court has meticulously appreciated both the oral and documentary evidence on

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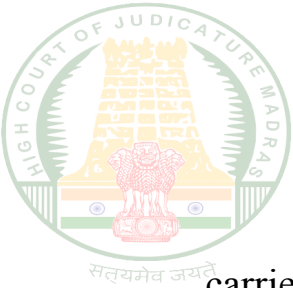
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record and has rightly convicted the accused for the offences punishable under Sections 120(b), 148, 149 r/w. 302, 307 r/w. 149, 324 r/w. 149, 452, 294(b) of IPC 3(2)(v) & 3(2)(va) of SC & ST (POA) Act & 3 of TNPPDL Act. The evidence of the eye-witnesses, corroborated by medical and recovery evidence, clearly establishes that the accused formed themselves into an unlawful assembly armed with deadly weapons and, in prosecution of their common object, committed the brutal murder of the deceased.

7.2. In cases of mob violence, the law is well settled that it is not necessary for the prosecution to prove a specific overt act against each individual accused. Once the prosecution establishes that the accused were members of an unlawful assembly and that the offence was committed in prosecution of the common object of such assembly, Section 149 IPC fastens vicarious and constructive liability on every member thereof. The common object can be gathered from the conduct of the accused, the nature of the weapons

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carried, the manner of attack, and the surrounding circumstances.

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When the evidence clearly demonstrates that the accused acted in concert, shared the common object to cause death, and actively participated in the occurrence, individual roles pale into insignificance. In such circumstances, individual liability merges into constructive liability, and every member of the unlawful assembly becomes equally responsible for the offence committed in furtherance of the common object. Therefore, the conviction recorded by the learned Trial Court is fully justified both on facts and in law, and warrants no interference.

7.3.It was submitted that in cases of mob attack involving multiple assailants and sudden violence, normal discrepancies in the testimony of witnesses are not only expected but are natural consequences of human perception and memory. Minor variations arising out of lapse of time, shock, fear, or confusion at the scene cannot be magnified to discredit an otherwise cogent prosecution

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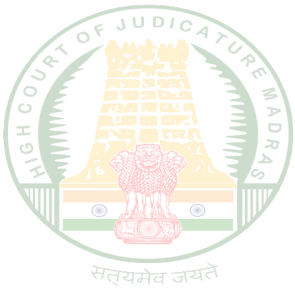
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case. The Hon'ble Courts have consistently held that only material contradictions which go to the root of the prosecution case and affect the substratum of the occurrence are relevant; trivial inconsistencies or embellishments are liable to be ignored.

7.4.It is further submitted that the Court must adopt a holistic and pragmatic approach in appreciating evidence, rather than a hyper-technical or microscopic scrutiny detached from ground realities. The First Information Report is not an encyclopedia of the entire prosecution case. It is merely a document intended to set the criminal law in motion and need not contain a detailed account of each and every overt act attributed to individual accused. Therefore, the non-mention of specific overt acts against each accused in the FIR is at best an omission and cannot be treated as a material contradiction so as to vitiate the prosecution case.

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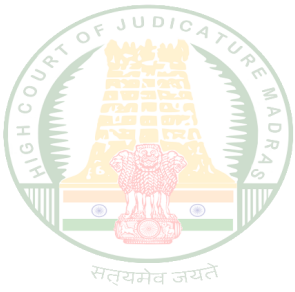


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7.5.It was submitted that, in the present case, PW-1, PW-2, PW-6 and PW-9 are injured witnesses, who have categorically spoken about the formation of unlawful assembly, the common object, and the manner in which the accused attacked the deceased and other victims. Their evidence is further corroborated by the medical records, wound certificates, and the testimony of the Doctor, thereby strengthening the prosecution case. Their presence at the scene is unquestionable, and their version cannot be brushed aside on trivial discrepancies. Apart from these injured witnesses, the prosecution has also examined five other eye-witnesses before the learned Trial Court, who have consistently narrated the sequence of events. The cumulative effect of the testimony of injured witnesses along with other eye-witnesses forms a coherent and consistent chain of evidence establishing the guilt of the accused beyond reasonable doubt. Hence, the learned Trial Court has rightly placed reliance upon their evidence and recorded conviction.

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7.6.It is submitted that, when there is clear, cogent and reliable ocular evidence establishing the occurrence and the participation of the accused, the question of motive pales into insignificance. Motive assumes relevancy primarily in cases resting on circumstantial evidence. Therefore, in the face of clear and convincing direct evidence, the argument relating to absence of motive does not in any manner weaken the prosecution case. Motive becomes irrelevant where there are credible eye-witnesses who have clearly spoken about the incident and the role of the accused. The conviction recorded by the learned Trial Court is thus well founded in law and on facts. This argument also holds good for the absence of recovery of weapons of the offence. The mere fact that the weapon of offence was not recovered cannot be treated as fatal to the prosecution.

7.7.It is respectfully submitted that A6 and A15 have taken a specific defence that they were not present at the scene of

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occurrence and were allegedly elsewhere at the relevant point of time. Such a plea is in the nature of *alibi*. It is well settled that when an accused sets up a plea of *alibi*, the burden squarely lies upon him to establish the same by cogent and satisfactory evidence. The standard required is not mere suggestion or probabilistic explanation, but clear and convincing proof showing that it was physically impossible for the accused to have been present at the scene of crime.

7.8. In the present case, no acceptable witness has been examined, nor has any credible material been placed before the Court to prove the absence from the scene. On the contrary, the consistent and categorical testimony of the injured witnesses and other eye-witnesses clearly fixes their presence and participation in the unlawful assembly. In the absence of any convincing material to establish the plea of *alibi*, the same has been rightly rejected by the learned Trial Court. A false plea of *alibi*, instead of aiding the

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defence, further strengthens the prosecution case. Therefore, the contention raised by A-6 and A-26 is devoid of merit, and the finding of guilt recorded against them does not warrant interference.

It was further submitted that it is a settled law that an appellate court will not interfere with a well-reasoned judgment of conviction unless the findings are manifestly illegal or wholly unsupported by evidence. In the present case, the conviction is based on proper appreciation of evidence and sound reasoning and hence it does not warrant any interference of this Court.

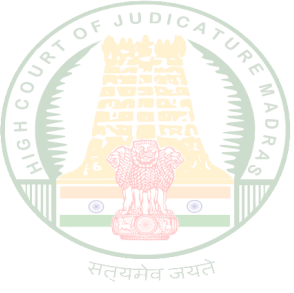
DECISION AND CONCLUSION:

8. There are totally 27 accused. They were charged as follows:

“முதலாவதாக:

சிவகங்கை மாவட்டம், மானாமதுரை தாலுகா, கச்சநத்தம் கிராமத்தில் பட்டியல் இனத்தைச் சேர்ந்த பள்ளர் சமுதாயத்திற்கு சொந்தமான கருப்பணசாமி கோவிலில் 25.05.2018ஆம் தேதி நடந்த திருவிழாவில் பட்டியல் இனத்தைச் சேராத அகமுடையர் சமுதாயத்தைச் சேர்ந்த 3வது எதிரி சந்திரகுமார் குடும்பத்தினருக்கு மரியாதை கொடுக்கவில்லை என்பதை மனதில் வைத்துக் கொண்டு 28.05.2018ஆம் தேதி இரவு 8.30 மணிக்கு எதிரிகளான நீங்களும் சட்டத்திற்கு

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முரண்பட்ட இளஞ்சிறார்கள் அக்கினிசாமி, அகிலன், அருள் என்ற பிரேம்குமார் ஆகியவர்களுடன் சேர்ந்து சட்ட விரோதமாக மாரநாடு கண்மாயில் ஒன்று கூடி அகமுடையார் இனத்திற்கு மரியாதை கொடுக்காத பள்ளர் சமுதாயத்தைச் சேர்ந்தவர்களை ஒழித்துக்கட்ட வேண்டுமென்று சதி திட்டம் தீட்டியமைக்காக 1 முதல் 27 எதிரிகளான உங்கள் அனைவர் மீதும் இதச 120(பி) உ /இ.இதச பிரிவு 302 உ/இ 3(2)(va) of SC/ST (POA) Actன் கீழும்

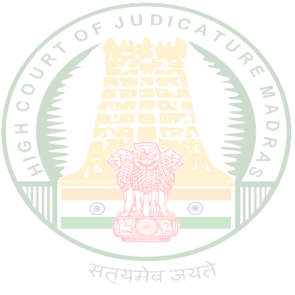
**இரண்டாவதாக:**

மேற்படி நேரத்தில், மேற்சொன்ன இடத்தில், மேற்படி கிராமத்தில், மேற்படி சதி திட்டத்தை நிறைவேற்றும் முகமாக ஆஜர் எதிரிகளான நீங்களும் மற்றும் உள்ள சட்டத்திற்கு முரண்பட்ட இளஞ்சிறார்கள் அக்கினிசாமி, அகிலன், அருள் என்ற பிரேம்குமார் கச்சநத்தம் கிராமத்தில் தெற்கு வடக்காக செல்லும் தெருவில் இரவு சுமார் 09.00 மணியளவில் கைகளில் வாள், அரிவாள், கத்தி மற்றும் பயங்கரமான ஆயுதங்களுடன் கலகம் விளைவிக்கும் குற்றமுறு எண்ணத்துடன் சட்ட விரோதமாக ஒன்று கூடியமைக்காக 1 முதல் 27 எதிரிகளான உங்கள் அனைவர் மீது இதச பிரிவு 148 உ /இ 3(2)(va) of SC/ST (POA) Actன் கீழும்

**மூன்றாவதாக:**

மேற்படி நேரத்தில், மேற்சொன்ன இடத்தில், மேற்படி கிராமத்தில், எதிரிகளான நீங்கள் அனைவரும் ஆயுதங்களுடன் வடக்கிலிருந்து தெற்கில் உள்ள கோவிலை நோக்கி “ஒத்தால ஒக்க பள்ள புண்ட மயன்களை எல்லாம் வெட்டிக் கொள்ளுங்கடா

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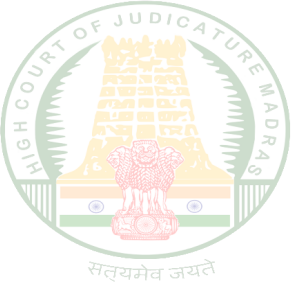
எங்களுக்கு தராத சாமி மரியாதை இனிமேல் யாரும் வாங்கக்கூடாது என்று கத்திக்கொண்டு கோவில் வரை சென்று திரும்ப அதே தெருவில் நடந்து வந்து கலவரம் செய்தமைக்காக 1 முதல் 27 எதிரிகளான உங்கள் அனைவரின் மீதும் 3(1)(r) (s) of SC/ST (POA) Actன் கீழும்

நான்காவதாக:

மேற்படி நேரத்தில், மேற்சொன்ன இடத்தில், மேற்படி கிராமத்தைச் சேர்ந்த சண்முகநாதனை அவரது வீட்டு வாசலில் அவரை கொல்ல வேண்டுமென்ற குற்றமுறு எண்ணத்துடன் 1வது எதிரி ஆகிய சுமன் தன் கையில் இருந்த வாளால் தலையில் வெட்டியும், உடன் நின்ற 2வது எதிரியாகிய அருண் இடது காலிலும், 3வது எதிரியாகிய சந்திரகுமார் வலது கையிலும் வெட்டி, மற்றும் சிலர் வாளால் வெட்டி, அதனால் ஏற்பட்ட காயங்களினால் சண்முகநாதனுக்கு இறப்பை ஏற்படுத்தியதாலும், அந்த சட்ட விரோத கும்பலின் உறுப்பினரான மற்ற எதிரிகளான நீங்கள் இருந்ததாலும், எதிரிகளாகிய உங்கள் அனைவரின் மீதும் இதச பிரிவு 302 உ/இ. 149 உ/இ. 3(2) (v) of SC/ST (POA) Actன் கீழும்

ஐந்தாவதாக:

மேற்படி நேரத்தில், மேற்சொன்ன இடத்தில், மேற்படி கிராமத்தைச் சேர்ந்த ஆறுமுகத்தை 6வது எதிரியாகிய இளையராஜா, 7வது எதிரியாகிய கனிக்குமார், 9வது எதிரியாகிய மைக்கேல் முனியாண்டி, 8வது எதிரியாகிய கருப்புராஜா ஆகியவர்கள் அவரை கொலை செய்ய வேண்டுமென்ற குற்றமுறு எண்ணத்துடன்



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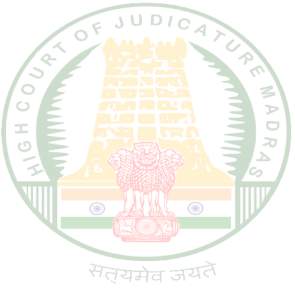
மாறி மாறி வெட்டி அவருக்கு முன் தலை, வலது முழங்கால் இடது கால், கை ஆகியவற்றில் கொடுங்காயங்கள் ஏற்பட்டு திருப்புவனம் அரசு மருத்துவமனையில் அந்த காயங்களினால் ஆறுமுகத்திற்கு இறப்பை ஏற்படுத்தியும் மற்ற எதிரிகளான நீங்கள் அந்த சட்ட விரோத கும்பலின் உறுப்பினராக இருந்ததினாலும், உங்கள் அனைவரின் மீதும் இதச பிரிவு 302 உ/இ.149 உ/இ. 3(2) of SC/ST (POA) Actன் கீழும்

ஆறாவதாக:

மேற்படி நேரத்தில், மேற்சொன்ன இடத்தில், மேற்படி கிராமத்தை சேர்ந்த மலைச்சாமி தடுக்க வந்த போது அவரை கொலை செய்ய வேண்டுமென்ற குற்றமுறு எண்ணத்துடன் 10வது எதிரியாகிய ஒட்டகுளத்தான் என்ற முனியாண் என்ற கந்தசாமி வாளால் வெட்டியும், 18வது எதிரியாகிய முத்தையா சட்டத்திற்கு முரண்பட்ட இளஞ்சிறார்கள் அக்கினிசாமி, அகிலன், அருள் என்ற பிரேம்குமா ஆகியவர்கள் வாள்களால் வலது தொடை, வலது கை புஜம், இடது முழங்கால், இடது கை புஜம், மணிக்கட்டு, வலது பக்க வயிறு ஆகியவற்றி வெட்டியும், அவருடைய இரண்டு கை, கால்கள், முழங்கால் ஆகியவற்றில் பலத்த காயம் ஏற்படுத்தியும், அந்த சட்ட விரோத கும்பலின் உறுப்பினர்களாக இரு மற்ற எதிரிகளான நீங்கள் இருந்ததினாலும் உங்கள் அனைவரின் மீதும் இதச பிரிவு 30 உ/இ.149 உ/இ.3(2)(v) of SC/ST (POA) Actன் கீழும்

ஏழாவதாக:

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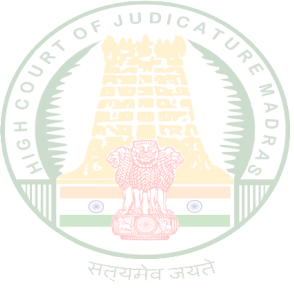
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மேற்படி நேரத்தில், மேற்சொன்ன இடத்தில், மேற்படி கிராமத்தில் நின்று கொண்டிருந்த தன்சேகரனை கொலை செய்ய வேண்டுமென்ற குற்றமுறு எண்ணத்துடன், 11வது எதிரியாகிய ராமகிருணன் வலது கை மணிக்கட்டு மற்றும் இடது முழங்காலில் வாளால் வெட்டியும். 12வது எதிரியாகிய மீனாட்சி அரிவாள்மனையால் தன்சேகரனின் இடது முழங்காலுக்கு கீழ் வெட்டியும், 13வது எதிரியாகிய செல்வி அரிவாள்மனையால் தன்சேகரனின் வலது முழங்காலில் வெட்டி கொடுங்காயங்கள் ஏற்படுத்தியும், அந்த சட்ட விரோத கும்பலின் உறுப்பினர்களான மற்ற எதிரிகளான நீங்கள் இருந்ததினாலும் உங்கள் அனைவரின் மீதும் இதச பிரிவு 307 உ/இ.149 உ/இ 3(2) (v) of SC/ST (POA) Actன் கீழும்

எட்டாவதாக:

மேற்படி நேரத்தில், மேற்சொன்ன இடத்தில், மேற்படி கிராமத்தில் தடுக்க வந்த சுகுமாறனை கொலை செய்ய வேண்டுமென்ற குற்றமுறு எண்ணத்துடன், 14வது எதிரியாகிய கருப்பையா அருவாளால் வலது கை புஜம், மணிக்கட்டு, வலது கால் கெரண்டை மற்றும் வலது கன்னத்தில் வெட்டியும், சட்டத்திற்கு முரண்பட்ட இளஞ்சிறார்கள் அக்கினிசாமி, அகிலன், அருள் என்ற பிரேம்குமார், அஜித் என்ற அஜய் தேவன் அருவாளால் இடது கை, வலது முழங்காலில் வாளால் வெட்டியும், இடது மார்பில் வாளால் குத்தியும் கொடுங்காயங்கள் ஏற்படுத்தியும் அந்த சட்ட விரோத கும்பலின் உறுப்பினர்களான மற்ற எதிரிகளான நீங்கள் இருந்ததினாலும் உங்கள் அனைவரின்

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மீதும் இதச பிரிவு 307 உ/இ.149 உ/இ.3(2)(v) of SC/ST (POA) Actன் கீழும்

ஒன்பதாவதாக:

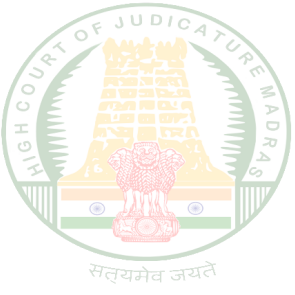
மேற்படி நேரத்தில், மேற்சொன்ன இடத்தில், மேற்படி கிராமத்தில் அங்கு நின்ற சந்திரசேகரை சட்டத்திற்கு முரண்பட்ட இளஞ்சிறார்கள் அக்கினிசாமி. அகிலன், அருள் என்ற பிரேம்குமார், அக்கினிசாமி வாள்களால் வெட்டியும், குத்தியும் அதில் ஏற்பட்ட டிருட்டு காயத்தின் காரணமாக சந்திரசேகருக்கு இறப்பை ஏற்படுத்தியுள்ளார்கள். அந்த சட்ட விரோத கும்பலின் உறுப்பினர்களாக, மற்ற எதிரிகளான நீங்கள் இருந்ததினால் உங்கள் அனைவரின் மீதும் இதச பிரிவு 302 உ/இ.149 உ/இ 3(2)(V) of SC/ST (POA) Actன் கீழும்

பத்தாவதாக:

மேற்படி நேரத்தில், மேற்சொன்ன இடத்தில், மேற்படி கிராமத்தில் தடுக்கச் சென்ற புகார்தாரர் மகேவரை 9வது எதிரியாகிய மைக்கேல் முனியாண்டி அருவாளால் இடது கை புஜம், இடது கை மணிக்கட்டு, வலது தோள்பட்டை, வலது முழங்கை ஆகியவற்றில் வெட்டி காயங்கள் ஏற்படுத்தியும், அந்த சட்ட விரோத கும்பலின் உறுப்பினர்களான மற்ற எதிரிகளான நீங்கள் இருந்ததினாலும் உங்கள் அனைவரின் மீதும் இதச பிரிவு 324 உ/இ.149 உ/இ. 3(2)(va) of SC/ST (POA) Actன் மூலம்

பதினொன்றாவதாக:

மேற்படி நேரத்தில், மேற்சொன்ன இடத்தில்,



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மேற்படி கிராமத்தில் அங்கு வந்த தெய்வேந்திரனை 14வது எதிரி ஆகிய கருப்பையா இடது கை புஜத்தில் அரிவாளால் வெட்டி சாதாரண காயங்கள் ஏற்படுத்தியும், அந்த சட்ட விரோத கும்பலின் உறுப்பினர்களான மற்ற எதிரிகளான நீங்கள் இருந்ததினாலும் உங்கள் அனைவரின் மீதும் இதச பிரிவு 324 உ/இ.149 உ/இ 3(2) (va) of SC/ST (POA)Act ன் கீழும்

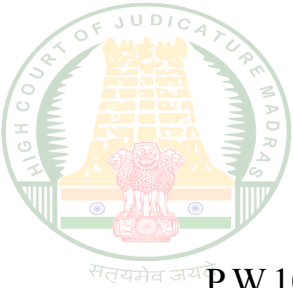
பன்னிரெண்டாவதாக:

மேற்படி நேரத்தில், மேற்சொன்ன இடத்தில், மேற்படி கிராமத்தில் சாமி அறிவழகன், தனசேகரன், மருதன், மனோகரன், கணேசன் மற்றும் ஆகியவர்களின் வீடுகளில் உள்ள ஓடுகளை அடித்து, உடைத்து ரூ.5635/- மதிப்புள்ளதை சேதப்படுத்தியும், வீட்டின் உள்ளே இருந்த டி.வி.களை சேதப்படுத்தியுள்ளதால், உங்கள் அனைவரின் மீதும் இதச பிரிவு 452ன் கீழோ அல்லது பொதுச் சொத்துக்கள் சேதாரம் மற்றும் அழிப்பு தடுப்புச் சட்டம் பிரிவு 3(1)ன் கீழும்”

9.The above charges were framed by the Trial Court based on the materials available on record.

10.While framing the charges, the Trial Court recorded the statements of the accused. Thereafter, upon perusal of the statements recorded under Section 161 of Cr.P.C. from the witnesses, particularly

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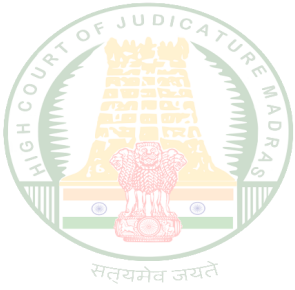
P.W.10, who spoke about the conspiracy entered into between the accused, the Trial Court noted certain discrepancies. The said conspiracy was stated to have taken place at about 06.30 p.m. at Maranadu Tank. However, the time of the conspiracy was mentioned as 08.30 p.m. instead of 6.30 p.m. Therefore, the Trial Court corrected the time to 06.30 p.m. in place of 8.30 p.m. in the first charge. After correcting the said charge, the statements of the accused were also recorded under Section 313 of Cr.P.C.

**The nature of occurrence is as follows:**

11.The deceased and the injured belong to the Pallar community. Accused Nos.1 to 22, 24, 26, and 27 belong to the Hindu Agamudaiyar community; Accused No.23 belongs to the Hindu Rajakula community; and Accused No.25 belongs to the Kodikara Vellar community.

12.There is a temple called Karuppanasami Temple situated at Katchanatham Village. It belongs to the victims' community. With regard to the conferment of honours during the festival of the Karuppanasami Temple, there were disputes between members of both communities.

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13. While being so, the festival was celebrated on 25.05.2018, and one of the accused's family members was not given any honour. Therefore, on 26.05.2018, when the second deceased was standing at Katchanatham Division Road, A.3 came there and abused him by using his community name for not giving honour to his family. He also threatened that he would inflict harm to the members of their community.

14. Immediately thereafter, the second deceased lodged a complaint against A.3, and the same was registered in Crime No.55 of 2018 for the offence punishable under Section 294(b) of I.P.C. Since no FIR was registered under the SC/ST Act, A.3 was released on bail at the police station itself. This was alleged to be the motive behind the entire crime.

15. After the release of A.3, on 28.05.2018 at about 6.30 p.m., all the accused, along with the juvenile accused, assembled at Maranadu Tank and entered into a conspiracy to do away with the lives of the members of the victims' community belonging to Katchanatham Village

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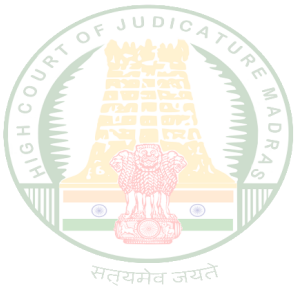
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for not giving them any honour. On the same day, at about 09.00 p.m., in order to carry out their conspiracy, all the accused came to the scene of occurrence armed with deadly weapons such as swords, sickles, and kitchen knives, and assembled unlawfully. They proceeded in a procession from the house of A.3, abusing the victims' family members by using their caste name. All the accused committed assault, as a result of which three persons died and five persons sustained injuries. The injured witnesses were examined as P.W.1, P.W.2, P.W.6, and P.W.9. One of the injured persons died during the pendency of the trial. However, the death of the said injured witness was not caused by the injuries sustained during the occurrence.

16. One of the main arguments advanced by the appellants is that, the Trial Court ought not to have altered the charge and that it had no power to alter the charge after recording the statements of the accused. It is relevant to extract the provision under Section 464 of Cr.P.C hereunder:

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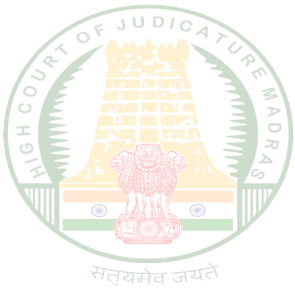
*“464. Effect of omission to frame, or absence of, or error in, charge.—(1) No finding, sentence or order by a Court of competent jurisdiction shall be deemed invalid merely on the ground that no charge was framed or on the ground of any error, omission or irregularity in the charge including any misjoinder of charges, unless, in the opinion of the Court of appeal, confirmation or revision, a failure of justice has in fact been occasioned thereby.*

*(2) If the Court of appeal, confirmation or revision, is of opinion that a failure of justice has in fact been occasioned, it may,—*

*(a) in the case of an omission to frame a charge, order that a charge be framed, and that the trial be recommended from the point immediately after the framing of the charge;*

*(b) in the case of an error, omission or irregularity in the charge, direct a new trial to be had upon a charge framed in whatever manner it thinks fit:*

*Provided that if the Court is of opinion that the facts of the case are such that no valid charge could be preferred against the accused in respect of the facts proved, it shall quash the conviction.”*



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17. Thus, it is clear that no finding of the Court becomes invalid merely on the ground that no charge was framed or on the ground of any error, omission, or irregularity in the charge, including any misjoinder of charges. It is also relevant to extract the provision under Section 216 of Cr.P.C hereunder:

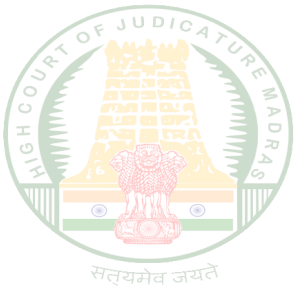
*“216. Court may alter charge.—(1) Any Court may alter or add to any charge at any time before judgment is pronounced.*

*(2) Every such alteration or addition shall be read and explained to the accused.*

*(3) If the alteration or addition to a charge is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence or the prosecutor in the conduct of the case, the Court may, in its discretion, after such alteration or addition has been made, proceed with the trial as if the altered or added charge had been the original charge.*

*(4) If the alteration or addition is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be*

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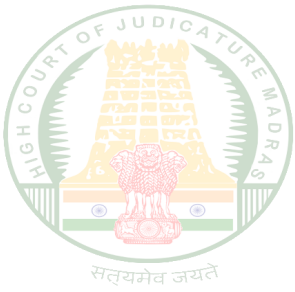
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*necessary.*

*(5) If the offence stated in the altered or added charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the altered or added charge is founded.”*

18.Thus, any Court may alter or add any charge at any time before pronouncing the judgment. As stated supra, after verifying the statements recorded under Section 161 of Cr.P.C., the Trial Court corrected the time of the conspiracy to 06.30 p.m. instead of 08.30 p.m. In fact, without causing any prejudice to the accused, and after correcting the time mentioned in the first charge, the statements of the accused were also recorded with reference to the corrected time of the conspiracy. Therefore, the same is not fatal to the case of the prosecution and hence, the argument advanced by the learned counsel appearing for the accused cannot be countenanced.

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19.The next argument is that there are several versions with regard to the numbers of accused, the specific overt acts attributed to each accused, and their presence at the scene of occurrence. All the injured persons were taken to the hospital for treatment, and the person who brought them made a statement before the doctor who examined them. Accordingly, the doctor recorded the details in the accident register, including the names and number of persons by whom the particular injured person was attacked. Therefore, the number of accused persons stated to have committed the assault on a particular injured person may differ from the total number of accused. However, it cannot be said that the entire occurrence is false on that ground alone.

20.Further, the FIR was registered only against 17 persons and others. It is settled law that an FIR is not an encyclopedia and need not contain the names of all the accused or specify the overt acts of each of them. It is a report recorded at the earliest stage of a criminal proceeding and it is sufficient, if it contains the basic information of the occurrence. Only after registration of the FIR the investigation can be proceeded,

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after completion of investigation and after recording the statements under

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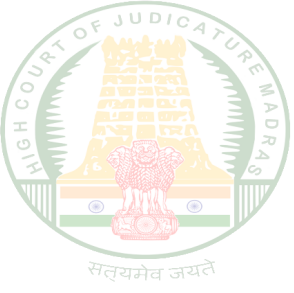
Section 161 of Cr.P.C., the Investigating Officer will file a final report.

Based on the specific overt acts attributed to the accused persons, the recovery of material objects, and the collection of other material evidence, specific charges will be framed against each accused. Therefore, any variation in the number of persons mentioned in the accident register, the complaint, or the FIR would not, in any manner, affect the case of the prosecution.

21.In order to bring home the charges, the prosecution examined P.W.1 to P.W.31. One of the injured witnesses was examined as P.W.1. The relevant portion of the evidence of P.W.1 is extracted hereunder:

“கடந்த 25.08.2018 அன்று வெள்ளிக்கிழமை கோவில் திருவிழா நடந்தது. எங்கள் ஊரை சேர்ந்த அகமுடையார் இனத்தை சேர்ந்த சந்திரகுமாருக்கும், எங்கள் இனத்தை சேர்ந்தவர்களுக்கு கோவில் மரியாதை கொடுப்பதில் கொஞ்சம் முன்விரோதம் இருந்தது. அதை மனதில் வைத்துகொண்டு மறுநாள் 26.05.2018 அன்று பகல் சுமார் 1.00 மணியளவில் எனது மாமா சண்முகநாதன், எனது சித்தப்பா தேவேந்திரன் மற்றும்

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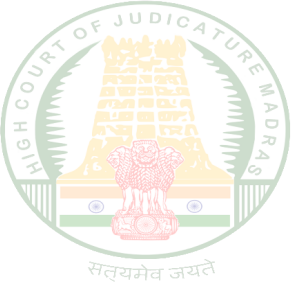
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பலர் எங்கள் ஊர் பாலத்தில் அமர்ந்திருந்தனர். அங்கிருந்து வந்த சந்திரகுமாரும், சுமீனும் எங்களை பார்த்து பள்ளப்பயல்களே, எங்களுக்கு என்னடா மரியாதை கொடுக்காமல் உட்கார்ந்திருந்தீர்கள் என்றும், நாங்கள் வரும்போது எழுந்திருக்க மாட்டீர்களா, திமிரா என்றும், உங்கள் ஜாதிகாரர்களை என்ன செய்கிறேன் பார்ரா என்றும் பிரட்டினார்கள். கோவிலிலிருந்து வீடு தேடி தேங்காய், பூ, பழம் கொடுப்பார்கள். காலாங்கி என கொல்லுவோம். அதை சந்திரகுமாருக்கு கொடுக்கவில்லை என்று முன்பகை இருந்தது. பாலத்தருகே சந்திரகுமார் மற்றும் சமன் மிரட்டியபோது நான் கோவிலில் இருந்தேன். சுமன் வீட்டிலிருந்து வாளை எடுத்து வந்தார். பின்னர் எனது ஊர்காரர்கள் சேர்ந்து அவரை மறித்தார்கள். எனது மாமா சண்முகநானும் சித்தப்பா தேவேந்திரனும் காவல் நிலையத்தில் புகார் கொடுக்க சென்றார்கள். சந்திரகுமார் அவர்களை கச்சநத்தம் பஸ் ஸ்டாப்பில் மறித்து என்னடா பள்ளப்பயலே போலிசில் புகார் கொடுக்க போறியா என மிரட்டியுள்ளார்கள். எங்களுக்கு பரியாதை கொடுக்காமல் கறி விருந்து சாப்பிடுங்கள் என்று கேட்டுள்ளார். அப்போது அந்த வழியாக ரோந்து வந்த திருப்பாசேத்தி போலிசார் என்னை பிரச்சனை என எனது மாமா சண்முகநாதனிடம் கேட்டார்கள். சந்திரகுமாரை போலிசார் கூட்டி சென்றார்கள். பின்னர் இரவு 8.00 மணிக்கு அவரை விட்டுவிட்டார்கள். மறுநாள் ஞாயிறுக்கிழமை கோவிலில் உச்சி பூசை நடந்தது. எங்கள் இனத்தவர்கள் கூட்டம்போட்டு சுமனின் அப்பா சந்திரகுமாரை போலிசார் பிடித்து சென்றுவிட்டார்கள் அதனால் பெரிய பிரச்சனை வரும் என்று நாங்கள் அனைவரும் வீட்டிற்கு ஒருவராக சேர்ந்து பழையனூர் காவல் நிலையத்திற்கு புகார்

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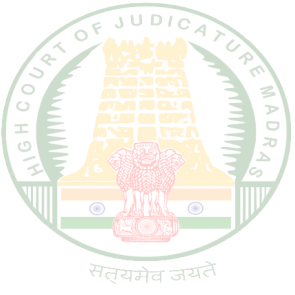
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கொடுத்தோம். நடவடிக்கை எடுக்கிறோம் என  
சொன்னார்கள்.

28.05.2018 அன்று இரவு சுமார் 9.00 மணியளவில் கச்சநத்தத்தில் உள்ள சுமனின் வீட்டிலிருந்து முத்தையா (எ) முத்துசேர்வை, அவரது மகன் சந்திரகுமார், அவரது தம்பி சரே'குமார், சந்திரகுமார் மகன் சுமன், சுமனின் தம்பி அருண்குமார், சின்னு, செல்லம்மாள், ரஜி செல்வி, செல்வி மகன் அகிலன், கருப்பையா ஈசப்பள்ளன் மகன் ராஜே'(எ) ராஜே'வரன், ராஜே'ன் அண்ணன் முத்திஸ்வரன், பாண்டி மகன் கனிக்குமார், கனிக்குமாரின் அண்ணன் கருப்புராஜா, ஓட்டகுலத்தான் (எ) கந்தசாமி, ஓட்டகுலத்தானின் மகன் முத்துசெல்வம், அவரது மற்றொரு மகன் அக்னிசாமி, பாண்டி மகன் மைகேல்முனியாண்டி, மைகேல்முனியாண்டியின் தம்பி இளையராஜா, போஸ் மகன் ராமசந்திரன், கோவிந்தன் மகன் ராமகிரு'ணன், சுள்ளபூள் கருப்பையா, மோகன் மகன் அஜய் (எ) அஜயதேவன், பிச்சை மகன் அக்னி (எ) அக்னிராஜ், அருள்நவீன், மட்டிவாயன்(எ)முத்துமணி, அருண் (எ) பிரேம்குமார், பிரசாந்த் (எ) அருண்பாண்டி, வார்டு கார்த்திக், ரவி (எ) முகிலன், மாயச்சாமி, மீனாட்சி ஆகியோர்கள் வாள், அருவாள், அரிவாள்மனையுடன் கோவிலை நோக்கி ஓடிவந்தார்கள். அந்த தெருவில் நின்ற எனது மாமா சண்முகநாதனை முதலில் சுமன் வாளால் தலையில் வெட்டினார். சுமன் தம்பி அருண்குமார் வாளால் சண்முகநாதனின் கையில் வெட்டினார். அவருடைய அப்பா சந்திரகுமார் வாளால் சண்முகநாதனின் கை மற்றும் காலில் வெட்டினார். அக்னி

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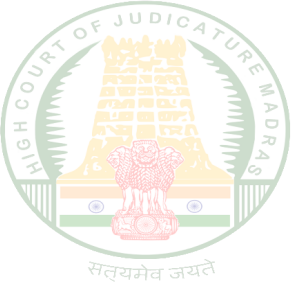
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(எ) அக்னிராஜ் வாளால் சண்முகநாதனின் கை மற்றும் காலில் வெட்டினார். ராஜே(எ)ராஜேவரனும் வாளால் சண்முகநாதனின் உடம்பில் மாற்றிமாற்றி வெட்டினார். போஸ் மகன் ராமசந்திரனும் வாளால் சண்முகநாதனை மாற்றிமாற்றி வெட்டினார். அருள்நவீனும் வாளால் சண்முகநாதனை வெட்டினார். எனது பெரியப்பா மலைச்சாமியை ஒட்டகுலத்தான்(எ)கந்தசாமி, அவருடைய மகன் முத்துசெல்வம்.. சுமன், சுமனின் தம்பி அருண், சுள்ளான் கருப்பையா, டவார்டு கார்த்திக், முத்தையா(எ) முத்து சேர்வை, சந்திரகுமார், சுரேகுமார் ஆகியோர் அருவாள், வாள் ஆகியவற்றால் வெட்டினார்கள். மார் 50 வெட்டுக்கள் இருக்கும். மாத்திமாத்தி வெட்டினார்கள். மாமா சண்முகநாதனுக்கு சுமார் 40, 50 வெட்டுக்கள் இருக்கும். எனது மாமா சந்திரசேகரை அக்னி(எ)அக்னிராஜ் வாளால் மார்பிலும், முத்துசெல்வம் வாளால் வயிற்றிலும், சுமன் வாளால் தலை, கை, காலிலும், கருப்பையா அருவாளால் கை, காலில் வெட்டினார்கள். முத்தீஸ்வரனும் மாற்றிமாற்றி வாளால் வெட்டினார். மாமாவை ஓடஓட வெட்டினார்கள். படியில் ஏறினார்.அவரை கீழே பிடித்து இழுத்து வெட்டினார்கள். மாமா தன்சேகரனை ராமகிருணன் வாளால் வெட்டினார். சின்னு, செல்லம்மாள், செல்வி, ரவி, அகிலன் ஆகியோர்கள் சேர்ந்து எனது மாமா தன்சேகரனை அரிவாள்மனை, வாள், அருவாள் ஆகியவற்றால் வெட்டினார்கள். எனது சித்தப்பா தேவேந்திரனை கருப்பையா அருவாளால் வெட்டினார்.

என்னை மைக்கேல்முனியாண்டி, ரவி (எ) முகிலன் வாளால் வலது கையில், இடது, கை மணிகட்டிலும், இடது கையிலும், வலது முதுகு

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பகுதியிலும், இடது முதுகு பகுதியிலும் வெட்டினார்கள். தற்போது சாட்சி மைக்கேல்முனியாண்டியும், டவார்டு கார்த்திக்கும் வெட்டியதாக சொல்கிறார்.

எனது ஐயா ஆறுமுகத்தை கனிக்குமார், கருப்புராஜா, சின்னு, செல்லம்மாள், மீனாட்சி, ரவி, ராமசந்திரன் ஆகியோரும், அவர்களுடன் சேர்ந்து மற்றவர்களும் ரோட்டில் போட்டு அருவாள் மற்றும் அரிவாள்மனையால் மாற்றிமாற்றி வெட்டினார்கள். ரோடு என்றால் எங்களது தெரு.

எனது மாமா சுகுமாரனை அக்னி (எ)அக்னிராஜ், அஜய்(எ)அஜய்தேவன், சுமன் சுமன் தம்பி அருண்குமார், பிரசாந்த் (எ) அருண்பாண்டி, அருள்(எ)பிரேம்குமார் ஆகியோர்கள் அருவாள், வாளால் மாற்றி மாற்றி வெட்டினார்கள். ராமசந்திரன், மாயச்சாமி ஆகியோரும் வெட்டினார்கள்.

வெட்டிவிட்டு எங்கள் தெருவில் வீடுகளில் ஓடுகளை உடைத்து, மாமா சண்முகநாதனின் வீட்டிலிருந்து பெரிய டிவியை உடைத்துவிட்டார்கள். எனது மாமா தனசேகரன் வீட்டிலிருந்த டிவியையும் உடைத்தார்கள். எனது சித்தப்பா மருதுபாண்டியின் அப்பா ஆறுமுகத்தின் வீட்டிலிருந்த டிவி, மிக்சி ஆகியவற்றை உடைத்து, நகைகளை எடுத்து சென்றார்கள். 34 பவுன் என்று சொன்னார்கள். சுமார் ரூ.3/- லட்சம் எடுத்து சென்றுவிட்டதாக சொன்னார்கள்.”

22.Thus, it is clear that the presence of A.1 to A.27 has been proved by the evidence of P.W.1. The same is also corroborated by P.W.2

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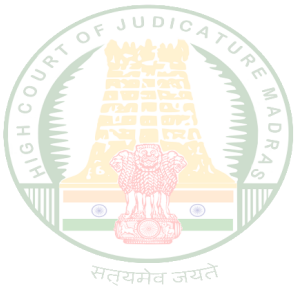
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and P.W.3. Though there are minor contradictions with respect to the specific overt acts attributed to each accused, the presence of all the accused is clearly corroborated by P.W.2 to P.W.7. During the cross-examination of P.W.1 by the accused, nothing was elicited to disprove the charges.

23.The Hon'ble Supreme Court of India has repeatedly held that discrepancies found in the ocular account of two witnesses, unless they are material and vital, cannot affect the credibility of their evidence. There are bound to be some discrepancies in the narration of different witnesses when they speak about details. Unless the contradictions are of a material nature, the same should not be used to discard the evidence in its entirety. Corroboration of evidence with mathematical precision cannot be expected in criminal cases. There may be minor embellishments, but variations on that account should not render the evidence of eyewitnesses unbelievable. Trivial discrepancies ought not obliterate otherwise acceptable evidence. In the present case, the prosecution has also proved the confession and recovery.

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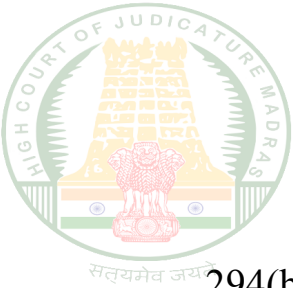
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24. Insofar as the recovery is concerned, it is not necessary to recover all the weapons used in the commission of the offence. Therefore, non-recovery of a weapon is not fatal to the case of the prosecution. In this regard, it is relevant to rely upon the judgment of the Hon'ble Supreme Court of India in ***Goverdhan and another v. State of Chhattisgarh [(2025) 3 SCC 378]***, wherein it was held that non-recovery of the weapon of the crime is not fatal to the prosecution case and is not a sine qua non for conviction, if there are direct and reliable witnesses.

25. In the case on hand, all the accused persons, as a mob, entered the village and completely ransacked the victims' families and their houses. Therefore, the non-recovery of certain weapons from the accused is not fatal to the case of the prosecution.

26. Insofar as the motive for the crime is concerned, one day prior to the occurrence, an F.I.R. was registered against A.3 in Crime No.55 of 2018 for the offence punishable under Section

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294(b) of I.P.C., and he was kept in the police station. Though he was granted bail at the police station itself, it irked A.3 and motivated him to commit the offence. Immediately after his release, he entered into a conspiracy with the other accused persons and committed the offence. This fact is not disputed by the defence. Therefore, the prosecution has clearly proved the motive behind the crime.

27.Further, the accused raised the ground that the prosecution failed to prove the confession and recovery of weapons.

28.In this regard, the Village Administrative Officer witnessed the confession statements of Othakulathan/A.10, Prasanth @ Arun Pandi, and Mattivayan/A.27. Two swords were recovered from A.10; swords were recovered from A.1; three swords were recovered from A.4; one sickle and two two-wheelers were recovered from Prasath @ Arun Pandi; and finally, one sickle was

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recovered from Muthumani. The Village Administrative Officer was examined as P.W.12. The confession statement of A.10 was marked as Ex.P.7. The panchanamas for the recoveries were marked as Exs.P.6 to P.10. The weapons were produced as Material Objects M.Os.12, 13, 17, 18, and 19. Further, the weapons recovered from A.1 under a panchanama were marked as Ex.P.51 and produced as Material Objects M.O.2 to M.O.4. Three swords were recovered from Agni @ Agni Raj and were produced as Material Objects M.O.14 to M.O.16. Therefore, the confession statements and the recovery of those objects were clearly proved by the prosecution. In fact, even non-recovery of the weapon will not affect the prosecution case, as it is settled law.

29.Further, the learned counsel for the accused raised a specific ground that the prosecution failed to complete the investigation and file a final report within a period of 60 days from the date of registration of the F.I.R., and therefore the entire trial is

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vitated. Under the Indian Penal Code, no time limit is prescribed for filing a final report in cases punishable with imprisonment exceeding three years. The SC/ST Act is a special enactment intended to prevent atrocities against members of the Scheduled Castes and Scheduled Tribes. The object of prescribing a 60-days time limit is to instill confidence in the minds of members of the Scheduled Castes and Scheduled Tribes that the nation ensures them speedy justice, and hence it cannot in any way be interpreted contrary to the object of the legislation.

30. Though the Investigating Officer did not seek further time to complete the investigation, a perusal of the records reveals that the Investigating Officer took considerable effort to collect the caste certificate, forensic report, and other relevant documents. Therefore, there was a delay. Further, any irregularity or deficiency in the investigation by the Investigating Officer does not necessarily lead to the rejection of the entire prosecution case when it is

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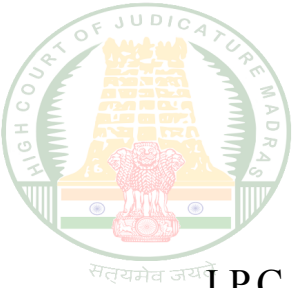
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otherwise proved. It only requires extra caution in the evaluation of the evidence. Therefore, the belated filing of the final report beyond the prescribed time under the Act cannot be fatal to the prosecution when the ocular testimony is found to be credible and cogent.

31. That apart, the accused were in no way prejudiced by the said delay. The object of the Act, insofar as the time limit is concerned, mainly applies to the victims. Therefore, mere delay in filing the final report would not affect the prosecution case.

32. The next point for consideration is the discrepancy in mentioning the number of accused persons in the initial documents, such as the Accident Register, complaint, F.I.R., and charge sheet. All the accused persons have been charged with offences punishable under Sections 120(b) read with 302 I.P.C., 148 read with Section 3(2)(v) of the SC/ST Act, 302 read with Section 149 I.P.C. read with Section 3(2)(v) of the SC/ST Act, 307 I.P.C. read with Section 149

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I.P.C. read with Section 3(2)(v) of the SC/ST Act, and 324 I.P.C. read with Section 149 I.P.C. read with Section 3(2)(v) of the SC/ST Act. Therefore, the mere presence of the accused persons with deadly weapons at the place of occurrence is sufficient to prove the charges under Sections 148 and 149 of the I.P.C.

33.The prosecution has clearly proved the motive for the crime. In order to commit the offence, all the accused persons conspired together and entered the village of the victims. All the eyewitnesses, namely P.W.1 to P.W.7, P.W.9, and P.W.11, categorically deposed about the presence of all the accused persons. Therefore, even though some of the accused persons did not have specific overt acts attributed to them, they cannot escape from the liability under Sections 148 and 149 of I.P.C. It is also proved that all the accused persons entered the village armed with deadly weapons. Therefore, they had the intention to commit the crime against the victims' families. As a result of the occurrence, three

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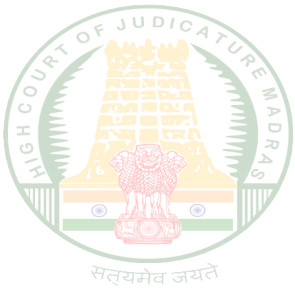
persons died and five persons sustained grievous injuries. Out of the five injured persons, one subsequently died. However, his death was not caused by the injuries sustained during the occurrence, but occurred later. Therefore, in order to prove the charges under Sections 148 and 149 of the I.P.C., it is not necessary to establish specific overt acts on the part of each accused persons.

34.It is relevant to extract the provision under Section 149 of I.P.C. hereunder:

*“149. Every member of unlawful assembly guilty of offence committed in prosecution of common object.—If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.”*

35.Thus:

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- (i) There must be an assembly of five or more persons;
- (ii) An offence must be committed by any member of that unlawful assembly;
- (iii) The offence committed must be in pursuance of the common object of that assembly; or
- (iv) The members of the assembly must have knowledge that the particular offence is likely to be committed in pursuance of the common object.

36. Therefore, if the members of the assembly knew that the said offence was likely to be committed in pursuance of the common object, every person who, at the time of the commission of that offence, was a member of that assembly would be guilty of the offence so committed. The first limb of the provision envisages the commission of an offence by a member of an unlawful assembly in order to attain the common object of that assembly, whereas the second limb of the provision envisages knowledge on the part of a

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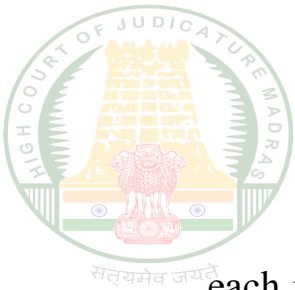
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member of the unlawful assembly regarding the likelihood of such offence being committed in prosecution of the common object.

37. In the case on hand, the prosecution has clearly proved the motive behind the crime, and as such, all the accused conspired together to attack and ransack the victims' families. Accordingly, all the accused assembled together pursuant to the conspiracy. Thereafter, they entered the village, and all the accused persons were armed with deadly weapons. This shows that every member of the unlawful assembly had knowledge that the offence was about to be committed. Therefore, the mere presence of each member of the unlawful assembly is sufficient to attract the charge under Section 149 of I.P.C.

38. Further, the common object is entirely different from common intention, as it does not require prior consent or a prior meeting of minds before committing the offence. It is sufficient if

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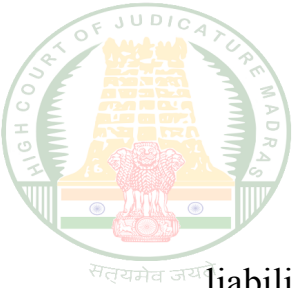
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each member has the same object in view, if their number is five or more, and if they act as an assembly to achieve that object. Moreover, it is not necessary that the intention or purpose required to render an assembly unlawful must exist from the outset. The time at which the unlawful intent is formed is not material. An assembly that is lawful at its commencement, or even for some time thereafter, may subsequently become unlawful. The common object may develop during the course of the incident at the spot itself. Therefore, Section 149 of I.P.C. makes all members of an unlawful assembly constructively liable when an offence is committed by any member of such assembly in order to accomplish the common object of that assembly, or when the members of the assembly knew that such an offence was likely to be committed.

39. Undoubtedly, once the existence of a common object amongst the members of an unlawful assembly is established, it is not imperative to prove that each member committed an overt act. The

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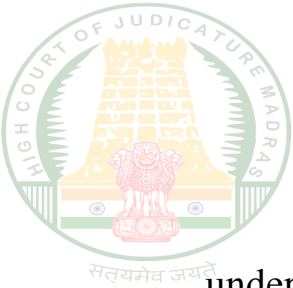
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liability under this provision is attracted once it is certain that an individual had knowledge that the offence committed was a probable consequence in furtherance of the common object, thereby rendering him a “member” of the unlawful assembly.

40. While ascertaining this fact, it is of utmost importance to consider whether the assembly consisted of some persons who were merely passive onlookers who had joined the assembly as a matter of idle curiosity, without the knowledge of the common object of the assembly, since such persons cannot be said to be members of the unlawful assembly. Therefore, the nucleus of Section 149, that is, the “common object”, has to be clearly established and the prosecution, in the present case, has succeeded in doing so.

41. In the case on hand, all the accused persons entered into a conspiracy to commit an offence against the victims’ family. They were also armed with deadly weapons and entered the village of the victims. Therefore, the prosecution has clearly proved the charges

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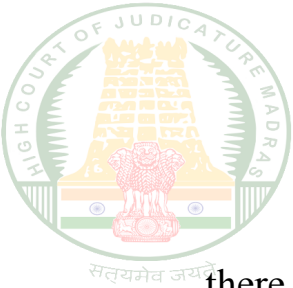
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under Sections 148 and 149 of I.P.C. read with Section 302 of the I.P.C., as well as the charge under Section 307 read with Section 149 of the I.P.C.

42. Therefore, in the case of mob-attack, the non-recovery of weapons and the absence of specific overt acts against each accused are not required to prove the charges under Sections 148 and 149 of I.P.C. when the “common object” of the members of such unlawful assembly is proved.

43. The learned counsel appearing for A.6 vehemently contended that A.6 was not present in the unlawful assembly and that no witness had spoken about his presence. Further, even according to the eyewitnesses, there is no specific overt act attributed to A.6. The said plea of alibi was supported by D.W.2 to D.W.4. D.W.2 spoke about the CCTV footage installed at the petrol bunk where A.6 was working as a cleaner in a lorry that had gone

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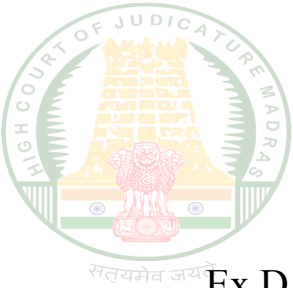
there to fill fuel.

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44.The driver of the lorry was examined as D.W.3. According to him, on 28.05.2018, he, along with A.6, loaded sugarcane into the lorry at Ariyalur and, while proceeding to Kerala via Trichy, Rajapalayam, and Kollam, they stopped at a petrol bunk to fill the fuel tank. They started at 08.00 p.m. from Ariyalur and filled diesel at about 10.50 p.m. Therefore, at the time of the alleged occurrence at about 09.00 p.m. on 28.05.2018, A.6 was not at the place of occurrence but was with D.W.3 in the lorry as a cleaner.

45.The owner of the lorry was examined as D.W.4. He deposed that he owned four lorries. On 28.05.2018, there was a load of Government sugarcane that had to transported from Sathamangalam near Ariyalur factory to Karunagappally, Kerala. Therefore, he engaged lorry bearing Registration No.TN-61-C-2385, in which D.W.3 was the driver and A.6 was the cleaner. The CCTV footage was marked as Ex.D.3, and the pen drive was marked as

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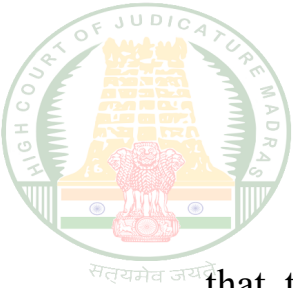
Ex.D.6.

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46.As per the evidence, on 28.05.2018 at about 10.50 p.m., A.6 was present at a petrol bunk in Tiruchirappalli. However, the occurrence took place at Katchanatham Village in Sivagangai District at about 09.00 p.m. According to A.6, he has been falsely implicated in this case since his brother, who is arrayed as A.9, had a previous criminal record in the locality. Therefore, it is contended that the respondent exaggerated the case by arraying persons with previous bad antecedents. In fact, A.9 was acquitted in the earlier case in CrI.A. (MD) No. 240 of 2020 by judgment dated 28.03.2024.

47.However, the Trial Court concluded that the video file of the CCTV footage was a modified one and, as such, rejected it. Technically, when a video file is transferred from the original source to another device, it may be reflected as “modified”. The video footage was identified and confirmed that A.6 was working as a cleaner in the lorry driven by D.W.3. The CCTV footage showed

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that the lorry driven by D.W.3, in which A.6 was engaged as a cleaner, stopped at the petrol bunk to fill diesel at about 10.50 p.m. The occurrence took place at about 09.00 p.m. on 28.05.2018. Though some witnesses have spoken about the overt act attributed to A.6, the video clippings of the CCTV footage cannot be rejected on technical grounds alone.

48.Further, admittedly, the distance between Katchanatham Village and the petrol bunk situated at Trichy is more than 160 kilometers. Therefore, it would not have been possible for A.6, after allegedly participating in the occurrence, to reach the petrol bunk at Trichy within one hour and fifty minutes, that too by lorry.

49.According to D.W.4, the husband of Santhi, the owner of the lorry, the vehicle was engaged to load sugarcane at the Government Sugar Factory, Ariyalur, and to unload it at Kollam in the State of Kerala. The lorry route was via Trichy, Rajapalayam,

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and Kollam. Therefore, the presence of A.6 at the place of occurrence is doubtful, and the prosecution has failed to prove his presence so as to attract the charges under Sections 148 and 149 of the I.P.C.

50.The learned counsel appearing for A.26 submitted that A.26 was not present at the scene of the crime. It was admitted by the Investigating Officer that none of the witnesses, in their statements recorded under Section 161 of Cr.P.C., had mentioned the presence of A.26. However, to substantiate this claim, A.26 failed to produce any evidence to show that he was not at the scene of the crime. Therefore, the said submission cannot be countenanced, as his presence and specific overt acts were categorically deposed by the injured and eyewitnesses.

51.In the overall circumstances, the prosecution has clearly proved the charges against all the accused except A.6, since his

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presence on the date of occurrence was highly doubtful. While our criminal justice system provides safeguards of a fair trial and the presumption of innocence until proven guilty, it also contemplates that a criminal trial is meant to deliver justice to all, the accused, the victims, and society and to provide a fair opportunity to prove the prosecution case. Only then can law and order be maintained. Courts do not merely function to ensure that no innocent person is punished, but also to ensure that a guilty person does not escape. Of course, minor variations in exhibits, medical, and ocular evidence cannot be ruled out. However, not every minor inconsistency would tilt the balance of justice in favor of the accused. Where the eyewitness accounts are found credible and trustworthy, other possibilities may not be accepted as conclusive.

52.In fact, the learned Additional Public Prosecutor appearing for the respondent vehemently contended that eyewitnesses P.W.2, P.W.3, and P.W.4 spoke about the specific overt

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acts of A.6, though the reliability of their evidence must be assessed.

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53.It is well settled, as laid down in the landmark judgment of *Vadivelu Thevar v. State of Madras [AIR 1957 SC 614]*, that there are three types of witnesses:

- (i) wholly reliable,
- (ii) wholly unreliable, and
- (iii) neither wholly reliable nor wholly unreliable.

54.Only in the case of the third category, where witnesses are partially reliable and partially unreliable, does the Court faces difficulty. Therefore, the Court is required to separate the charge from the crime to determine the truth and the genesis of the incident. As stated supra, in support of the plea of alibi, A.6 examined D.W.2 to D.W.5 and marked Ex.D.3 and Ex.D.6. Therefore, insofar as the overt acts attributed to A.6 are concerned, they are not believable, since the very presence of A.6 is highly doubtful. Hence, the evidence of the eyewitnesses is partly unreliable with respect to the

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overt acts of A.6 alone.

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55. Accordingly, the conviction and sentence imposed as against A.6 cannot be sustained and are liable to be set aside.

56. The learned counsel appearing for A.15 also raised a plea of alibi and specifically contended that A.15's name does not appear in the F.I.R., and that there was no specific overt act committed by him. Further, there was no confession statement and no recovery from A.15. To substantiate this contention, A.15 examined D.W.1, a dental doctor who treated the son of A.15 on the date of the alleged occurrence.

57. A perusal of the evidence of D.W.1 revealed that A.15 and his wife had brought their son for dental treatment on 20.07.2017, 24.07.2017, 28.05.2017, and 01.07.2018. On each occasion, he was accompanied by his father and mother for

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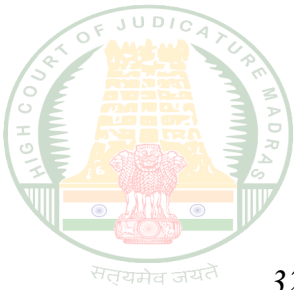
treatment. On the date of the occurrence, the son of A.15 was treated by D.W.1 at about 07.00 p.m. However, there is no evidence to show when the treatment was completed and when they left the clinic.

58. Therefore, the learned counsel appearing for A.15 contended that since A.15 had visited D.W.1's clinic for his son's dental treatment and that he could not have been present at the scene of the crime. Even according to A.15, his son was treated in the clinic of D.W.1. Whether A.15 actually brought his son to the clinic or not, there is no evidence to prove the same. On the other hand, the eyewitnesses specifically deposed about the overt acts committed by A.15 and confirmed his presence at the scene of the crime. Therefore, the plea of alibi raised on behalf of A.15 cannot be countenanced.

59. The prosecution proved the charges against all the accused except A.6 in the following manner:

Palavanoor PS Cr.No.32/2018 u/s 120(B), 147, 148, 452, 294(b), 324.

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326, 307, 302 (3 counts) IPC & 3(1) of TNPPDL Act & 3(1)(r)(s) 3(2)  
(v), 3(2)(va) of SC/ST (POA) Amendment Act, 2015 r/w 149 IPC

Accused overt act chart

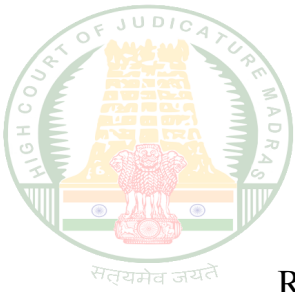
Deceased Persons:

Sl. No.	Deceased Name	Injury	PMC Report	Overt act as per charge sheet
1.	1) Arumugam (65/18) S/o.Konan, Katchanatham	1.cut on the right occipital region. 2.cut on the left wrist. 3.several cuts on the right knee. 4.cut on the right elbow and on the left knee	The deceased would appear to have died of injury No.1 to 24 and cumulative effect of all other injuries sustained by him, 12 to 24 hours prior to autopsy.	That on hearing the sound Arumugam came to the spot. A6 – Ilayaraja inflicted cut on the right occipital region of the Arumugam with sword. A7 – Kanith @ Kanith Kumar inflicted cut on the left wrist of Arumugam with sickle. A8 – Karuppuraja inflicted several cuts on the right knee of the Arumugam with sickle. A9 – Michael Muniyandi inflicted cut on the right elbow and on the left knee of the Arumugam with sickle.

Overt act as per Evidence / Deposition

P.W.1 B.Maheswaran- has deposed that accused Kanithkumar, Karuppuraja, Chinnu, Chellammal, Meenakshi, Ravi,

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Ramachandran inflicted cut on Arumugam with sickle and kitchen gadget on the street.

P.W. 3 A.Maruthupandi- Accused Ilayaraja, Michael Muniyandi, Kanith Kumar, Karuppu Raja inflicted cut on his father Arumugam with sword and sickle and the accused who went inside the house came out and they also inflicted cut on his father Arumugam along with those 4 persons.

P.W.4 A.Chinnamaruthu- Accused Michael Muniyandi, Ilayaraja, Kanith Kumar, Karuppuraja inflicted cut on Arumugam with sickle and sword. The other Accused persons also inflicted cut on Arumugam.

P.W.5 Gokulakrishnan- Ilayaraja, Michael Muniyandi, Karuppuraja, Kanithkumar minced Arumugam with sword and sickle.

P.W.6 Sukumaran- Accused Ilayaraja inflicted cut on the right side of the front head of the Arumugam with sword. Michael Muniyandi, Karuppuraja @Muniyandisamy, Kanithkumar, Tavard Karthick, Mattivayan @Muthumani, Arulnaveen and Sureshkumar minced Arumugam with sword and sickle.

P.W.7 R.Boominathan- Accused Ilayaraja, Kanithkumar, Karuppuraja, Michael Muniyandi, Selvi, Chellammal, Ravi, JCL Akilan and other inflicted injury on Arumugam with sword sickle and kitchen gadget.

P.W.10 Kannan- Accused Ilayaraja inflicted cut on the head of



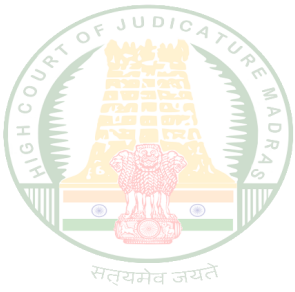
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the Arumugam with sword.

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SI. No.	Deceased Name	Injury	PMC Report	Overt act as per charge sheet
2.	2) Shanmuganathan (31/18) S/o.Arivalagan Katchanatham	1. cut on the head. 2. cut on the left leg. 3. cut on the left and right hand. 4. stabbed injury on the right chest. 5. stabbed injury below the right elbow. 6. a cut on the right wrist. 7. stabbed injury below the left chest. 8. several cuts on the left elbow.	“The deceased would appear to have died of shock and haemorrhage due to multiple injuries sustained by him, 12 to 24 hours prior to Autopsy.”	Shanmuganathan was standing in front of his house and A1 Suman saying that 'Hey cut and kill him' inflicted cut on the head of Shanmuganathan with a sword. A2 – Arun @ Arunkumar inflicted cut on the left leg of Shanmuganathan with a sword. A3 – Chandrakumar inflicted cut on the left and right hand of Shanmuganathan with Sword. A4 – Akkini @ Akkiniraj stabbed on the right chest of Shanmuganathan and below the right elbow with sword and inflicted a cut on the right wrist of Shanmuganathan. A5 – Rajesh @ Rajeshwaran stabbed below the left chest and inflicted several cuts on the left elbow of Shanmuganatha.

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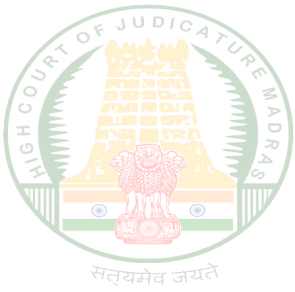
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P.W.1 B.Maheswaran- the complainant in this case and one of the injured witness has deposed that- Shanmuganathan was standing in-front of his house and Accused Suman first inflicted cut the head of the Shanmuganathan with sword. Arunkumar inflicted cut on the hand of the Shanmuganathan with sword. The father of the Suman namely Chandrakumar inflicted cut on the hand and leg of the Shanmuganathan with sword. Akkini @ Akkiniraj inflicted cut on the hand and leg of the Shanmuganathan with sword. Rajesh @ Rajeshwaran and Ramachandran inflicted several cut on the body of the Shanmuganathan with sword. Arul Naveen also inflicted cut on Shanmuganathan with sword. Shanmuganathan received approximately 40,50 cut injuries.

P.W.2 A.Deivendran- Suman inflicted a cut on the head of Shanmuganathan with Sword. Arunkumar inflicted a cut on the hands and legs of Shanmuganathan with sword and Chandrakumar inflicted multiple cuts on Shanmuganathan with sword. Fearing for his life Shanmuganathan tried get into the house at that time Muthaiah @

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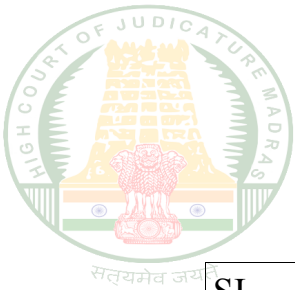
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Muthuservai dragged him out and inflicted a cut on him with sickle. Shanmuganathan with sword. Accused Chandrakumar, Arun Kumar, Akkini Raj, Rajeswaran, and others inflicted cut on Shanmuganathan with sword.

P.W.9 R. Malaisamy- Accused Suman inflicted cut on the head of Shanmuganathan with sword and Accused Akkiniraj, Rajeshwaran inflicted cut on Shanmuganathan with sword and sickle.

P.W.10 Kannan- Suman inflicted cut on the head of Shanmuganathan with sword. Arunkumar, Chandrakumar, Akkiniraj, Rajeshwaran, Tavard Karthik, Arulnaven inflicted cut on Shanmuganathan with sword and sickle.

P.W.11 D. SriDevi- Then Accused Suman inflicted cut on the head of the Shanmuganathan with sword and Accused Chandrakumar, Arun, Akkiniraj, Rajesh @ Rajeswaran and other accused persons those present here also inflicted cut on Shanmuganathan with sword.

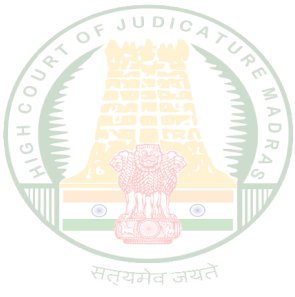


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SI. No.	Deceased Name	Injury	PMC Report	Overt act as per charge sheet
3.	30 Chandrasekar (34/18) S/o. Veerasamy Katchanatham	1. cut on the right elbow. 2. cut on the right knee. 3. cut on the right thigh. 4. cut on the left elbow. 5. stabbed injury on the right side chest.	Inter coastal drainage wound noted over the right side of his chest and he has noticed 20 injuries. "The deceased would appear to have died of shock and hemorrhage due to wound B-11 and B-20."	One of the Juvenile in conflict with law namely Arun @ Premkumar inflicted cut on the right elbow, right knee, right thigh and on the head of chandrasekar with sword and another Juvenile in conflict with law namely Akkinisamy inflicted cut on the left elbow and stabbed on the right side chest of the Chandrasekar with sword.

*P.W.1 B. Maheswaran- Accused Akkini @Akkiniiraj inflicted cut on the chest of Chandrasekar and Muthuselvam inflicted cut on the stomach of the Chandrasekar with sword. Suman inflicted cut on the head, hand and legs of the Chandrasekar with sword and Karuppaiah inflicted cut on the hand and leg of chandrakumar with sickle.*

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*P.W.2 A.Deivendran- When Chandrasekar tried to escape through stiarcase Ilayaraja dragged him and all of them as a group attacked Chandrasekar with sickle.*

*P.W.3 A. Maruthupandi- JCL Akkini @Akkinisamy, Ilayaraja and other Accused persons inflicted cut on Chandrasekar with sword and sickle.*

*P.W.4 A.Chinnamaruthu- JCL Arun @ PremKumar, JCL Akkini @ Akkinisamy inflicted cut on his elder brother Chandrasekar with sword, sickle.*

*P.W.5 GokulaKrishna- Ottakulatham Muniyandi, Muthaiah @Muthuservai, JCL Akilan inflicted several cuts on Chandrasekar with Sword and Sickle.*

*P.W.6 Sukumar- Jcl Arun @Premkumar, JCL Akkini @Akkinisamy, Ravi, Ramachandhiran, Muthuselvam, Mutheeswaran inflicted cut on the head, hand and leg of his brother Chandrasekar with sickle and sword.*

*P.W.10 Kannan- Juvenile in conflict with law – Jcl Arun @Premkumar, JCL Akkini @Akkinisamy, Muthuselvam, Ravi inflicted cut on Chandrasekar.*

*P.W.11. D.SriDevi- Accused Suman, Arun, Suresh and others inflicted cut on Chandrasekar.*



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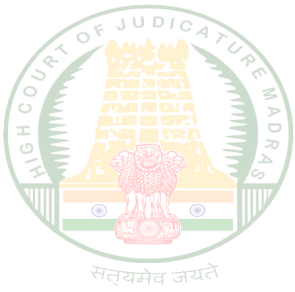
Injured Person

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Sl. No.	Injured Name	Injury	Wound certificate report	Over tack as per Charge sheet
1.	1) Malaisamy (50/18) S/o.Raman Katchanatham.	1.Cut on the right hand fingers. 2.Cut on the right knee. 3.Cut on the right elbow. 4.Cut on the thigh 5.Cut on the right shoulder. 6.Cut on the left knee. 7.Cut on the left hand shoulder and on the wrist. 8.Cut on the left hand on the wrist. 9.Stabbed injury on the right side stomach	Various sutured wounds found on his body.	A-10 Ottakulathan @Muniyandi @Kanthasamy inflicted cut on the right hand fingers, right elbow and on the right knee of the Malaisamy with sword.  A-18 Muthaiah @Muthuservai inflicted cut on the thigh, right shoulder and on the left Knee of the Malaisamy with sword and JCL. Akilan- One of the Juvenile in conflict with law inflicted cut on the left hand shoulder and on the wrist of the Malaisamy with sword and stabbed on the right side stomach of Malaisamy with sword and caused grievous injury to Malaisamy

*P.W.1 B.Maheswaran,- Ottakulathan @ Kanthasamy, Muthuselvam, Suman, Arun, Sullan Karuppaiah, Tavard Karthick, Muthaiah @ Muthuservai, ChandraKumar, SureshKumar inflicted cut on Malaisamy with sickle and*

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*sword.*

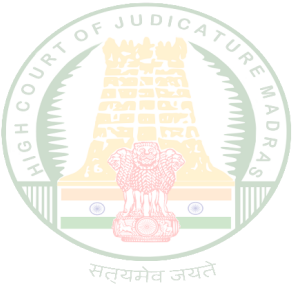
*P.W.2 A.Deivendran- Muthaiah @ Muthuservai, JCL. Akilan and Ottakulathan @ Muniyandi inflicted several cuts on Malaisamy.*

*P.W.3.A.Maruthupandi- The Accused persons MuthuServai, JCL. Akilan Karuppaiah and others inflicted cut on Malaisamy with sickle and sword.*

*P.W.4 A.Chinnamaruthu- Accused Muthuservai, JCL. Akilan and other Accused persons inflicted cut on his uncle Malaisamy with sword and sickle near the house of Shanmuganathan.*

*P.W.5 Gokulakrishnan- JCL. Akilan, JCL Arun @PremKumar inflicted cut on Malaiswamy with sword and sickle.*

*P.W.6. Sukumar- Ottakulathan Muniyandi @ Kandasamy, - JCL. Akilan, Muthuaiah @Muthuservai, Mayasamy, Sullan Karuppaiah inflicted cut on the hand, lef and right thigh of Malaisamy with sword and sickle. In that Malaisamy lost one of his finger.*



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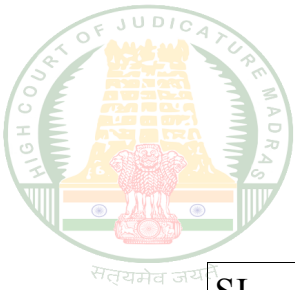
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*P.W.7.R.Boominathan- Muthuservai,- JCL. Akilan, Chinnu Chellammal, Ilayaraja, and others inflicted cut on Malaisamy with sword and kitched gadget.*

*P.W.9 R.Malaisamy- Muthaiah @ Muthuservai, - JCL. Akilan, Ottakulathan @ Muniyandi inflicted cut on him invariably with sword and sickle and due to that his right hand index finger is severed and he affirms that it is accused Muthaiah @ Muthuservai who inflicted cut on his right hand index finger.*

*P.W.10 Kannan- Accused Muthuservai, Ottakulathan @ Muniyandi,- JCL. Akilan, Sullan, Karuppaiah, Mayasamy inflicted cut on Malaisamy with sword, sickle.*

*P.W.11. D.SriDevi- The Accused Ottakulathan @ Muniyandi inflicted cut on Malaisamy with sword. Muthaiah @ Muthu Servai, JCL.Akilan and other accused persons those present here also inflicted cut on Malaisamy.*

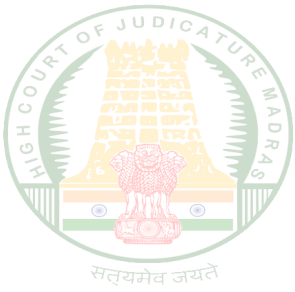


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SI. No.	Injured Name	Injury	Wound certificate report	Over tack as per Charge sheet
2.	2) Dhanasekaran (52/18) S/o.Subramanian Katchanatham	1.Cut on the right wrist. 2.Cut on the left knee. 3.Cut below the left knee. 4.Cut on the right knee.	That several Sutured wounds found in his body and he gave treatment to him.	A11 – Ramakrishnan inflicted cut on the right wrist, and on the left knee of the Dhanasekaran with sword. A12 – Meenakshi inflicted cut below the left knee of the Dhanasekaran with kitchen gadget. A13 - Selvi, inflicted cut on the right knee of the Dhanasekaran with a kitchen gadget. Thereby they have caused grievous injury to Dhanasekaran.

*P.W.1 B.Maheswaran,- Ramakrishnan inflicted cut on his uncle Dhanasekaran with sword and Chinnu, Chellammal, Selvi, Ravi, JCL. Akilan also inflicted cut on Dhanasekaran with sickle, sword and kitchen gadget.*

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*P.W.2 A.Deivendran- Chinnu, Meenakshi, Selvi, Ramachandhiran, Ravi inflicted cut on the legs and hands of Dhanasejaran with kitchen gadgets.*

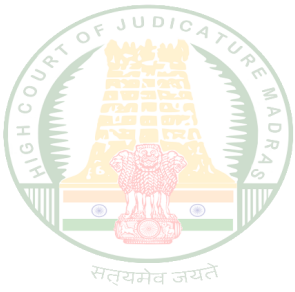
*P.W.3 A. Maruthupandi- Accused Chinny, Chellammal, Meenakshi, Selvi, JCL. Akilan, Karuppaiah, Ravi, Ramachandran inflicted cut on Dhanasekaran with sickle, sword, and kitchen gadget.*

*P.W.4 A. Chinnamaruthu- Accused Meenakshi, Selvi, Ramachandran, Ramakrishnan inflicted cut on Dhanasekaran with sword, sickle and kitchen gadget.*

*P.W.5 Gokulakrishnan- Ramakrishnan inflicted cut on the right hand of Dhanasekaran with Sword. Meenakshi inflicted cut below the left knee of Dhanasekaran with kitchen gadget and Selvi inflicted cut on the lower part of right leg of Dhanasekaran with Kitchen gadget.*

*P.W.6 . Sukumar- Ramakrishnan inflicted cut on his the right hand and left knee of Dhanasekaran with sword. Accused Selvi and Meenakashhi inflicted cut on the left knee, Right knee of Dhanasekaran with Kitchen gadget.*

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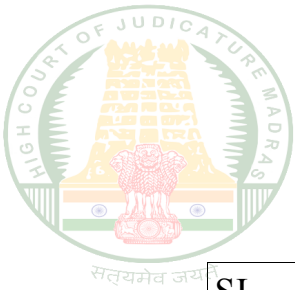
*Accused Chinnu, Chellammal, Ravi inflicted cut on hand, leg, left knee, right knee. Due to that Dhanasekaran still suffering to walk.*

*P.W.7. R.Boominathan- Accused Meenakshi, Selvi inflicted cut on Dhanasekaran with Kitchen gadget.*

*P.W.9 R.Malaisamy- has deposed that Accused Selvi, Meenakshi and others inflicted cut on the left leg and right leg of Dhanasekaran with kitchen gadget.*

*P.W.10 Kannan- Accused Ramakrishanan, Selvi, Meenakshi, Chinnu, Chellammal, Ramachandran inflicted cut on Dhanasekaran with sword, sickle and kitchen gadget.*

*P.W.11. D.SriDevi- Accused Meenakshi, Selvi inflicted cut on the knee of her husband Dhanasekaran with kitchen gadget. Accused Suresh beaten on the head of her husband with sword and caused severe damages to his nerves. Accused Chinnu, Ravi, Ramachandran, Mayasamy, Akkiniraj inflicted cut on her husband Dhanasekaran and her husband received over 50 cuts.*

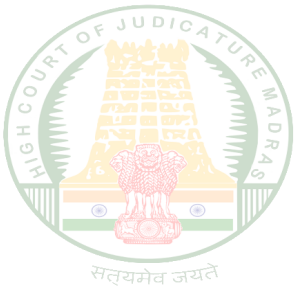


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SI. No.	Injured Name	Injury	Wound certificate report	Over tack as per Charge sheet
3	3.Sukumar an (23/18) S/o.Dhanas ekaran Katchanath am	1.Cut injury on right shoulder. 2.Cut injury on right wrist. 3.Cut injury on Right and left calf muscles. 4.Cut injury on the right chine. 5.Cut on the left hand. 6.Cut on the right knee. 7.Stabbed injury on the left chest.	Various sutured wounds found on his body.	A14 – Karuppaiah inflicted cut injury on right shoulder, Wrist, Right and left calf muscles and on the right chin of Sukumaran with Sickle. Juvenile in conflict with law Ajith @ Ajay devan inflicted cut on the left hand, right knee with sword and stabbed on the left chest of the Sukumaran and caused grievous injury.

*P.W.1 B.Maheswaran,- The Accused Akkini @ Akkiniraj, JCI.Ajith @ Ajaydevan, Suman, Arunkumar, Ramachandran, Mayasami, Prasanth @ of Arunpandi, JCL. Arun @ Premkumar inflicted cut on Sukumar an with sickle, sword.*

*P.W.3 A. Maruthupandi- Accused Karuppaiah, JCL. Akilan, Rajeshwaran, Mutheeswaran inflicted cut on*



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*Sukumaran with sword and sickle.*

*P.W.4 A.Chinnamaruthu- Karuppaiah, JCL Ajith @ Ajaydevan and other accused inflicted cut on Sukumaran with sword and sickle near the house of Murugan.*

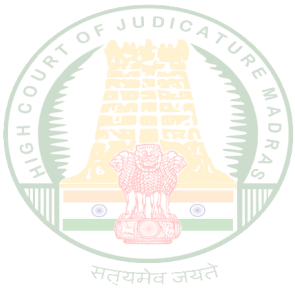
*P.W.5 Gokulakrishnan- JCL. Ajith @ Ajaydevan Karuppaiah and others minced Sukumar with sword and sickle.*

*P.W.6. Sukumaran- Accused Karuppatah inflicted cut on Sukumaran's right chin, right side head, right upper arm wrist, right hand shoulder and on the right side knee with sickle. Accused JCL Ajith @ Ajaydevan inflicted cut his left palm, left hand finger, left side chest with sword. The other Accused, persons Suman, Arun, Akkiniras, Arunpandi, Ravi @ Mukilan and Prasanth inflicted several cut on him and his right hand is still paralyzed. persons He further has deposed that he suffered totally 48 cuts.*

*P.W.7. R.Boominathan- Accused Karuppaiah, JCL Ajith @Ajaydevan and others inflicted cut the Sukumaran with sickle and sword.*

*P.W.10 Kannan- Accused Karuppaiah, JCL Ajith @ Ajaydevan, Akkini Raj, Arun Kumar, Suman, inflicted cut on Sukumaran with sickle and sword.*

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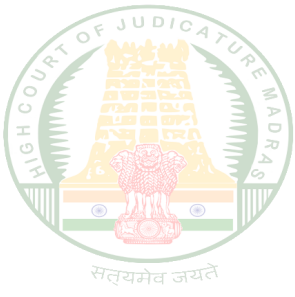
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*P.W.11. D.SriDevi- Accused Karuppaiah, JCL Ajith @Ajaydevan, Suresh, Akkiniraj, Suman, Arun, Meenakshi, Chinnu and other Accused persons those present here also inflicted cut on Sukumaran with sickle.*

SI. No.	Injured Name	Injury	Wound certificate report	Over tack as per Charge sheet
4.	4)Mahaswaran (18/8) S/o.Boominathan Katchanatham.	1.Cut on the left hand shoulder. 2.Cut on the left wrist. 3.Cut on the right shoulder. 4.Cut on the right elbow.	Cut injuries on left shoulder, left hand wrist, right fore arm and he gave opinion that all the said injuries are in simple in nature.	That Accused A9 Michael Muniyandi inflicted cut on the left hand shoulder, left wrist, right shoulder, right elbow of the complainant Maheswaran with sickle and caused the Simple Injuries to him.

*P.W.1 B.Maheswaran,- Michael Muniyandi, Ravi @ Mukilan inflicted cut to his left wrist, left leg, and on the right and left side of his hunch with sword.*

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*(later he has deposed that Michael Muniyandi and Tavarad Karthick inflicted cut on him).*

*P.W.3 A. Maruthupandi- Accused Ilayaraja, Michael Muniyandi inflicted cut on Maheswaran with sword and sickle.*

*P.W.4 A.Chinnamaruthu- Accused Michael Muniyandi inflicted cut on Maheswaran with sickle.*

*P.W.5 Gokulakrishnan- Karuppaiah inflicted cut on the righthand of Maheshwaran with sickle.*

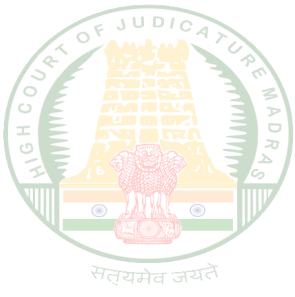
*P.W.6. Sukumar- Michael Muniyandi, Ravi @ Mukilan inflicted cut on the right shoulder, wrist, left hand of Maheshwaran with sword and sickle.*

*P.W.9 R.Malaisamy- Accused Michael Muniyandi inflicted cut the Maheswaran with Sickle.*

*P.W.10 Kannan- Accused Michael Muniyandi, Muthumani inflicted cut on Maheswaran with sickle and sword.*

*P.W.11. D.SriDevi-*

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*Accused Michael Muniyandi and others inflicted cut on Maheswaran.*

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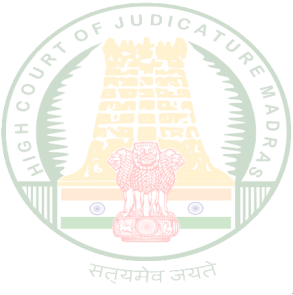
SI. No.	Injured Name	Injury	Wound certificate report	Over tack as per Charge sheet
5.	4)Deivendran (46/18) S/o.Arumugam Katchanatham.	1.Cut on the left hand shoulder.	That Deoven dran had a cut injury on his right shoulder and abrasion on right hunch.	That Accused A-14 Karuppaiah inflicted cut on the left hand shoulder of the Deivendran with sickle and caused simple injury.

*P.W.1 B.Maheswaran,- Karuppaiah inflicted cut on Deivendran with sickle.*

*P.W.2 A.Deivendran- When he (PW2) tried to push out the Accused, Karuppaiah inflicted a cut on his left hand.*

*P.W.3 A. Maruthupandi- Accused Karuppaiah minced Deivendran with sickle.*

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*P.W.4 A.Chinnamaruthu- Accused Karuppaiah inflicted cut on Deivendran with sickle*

*P.W.5 Gokulakrishnan-Michael Muniyandi inflicted cut on Deivendran with sword.*

*P.W.6. Sukumar- Karuppaiah minced Deivendran with sickle.*

*P.W.7. R.Boominathan- Accused Karuppiyah minced the Deivendran with sickle.*

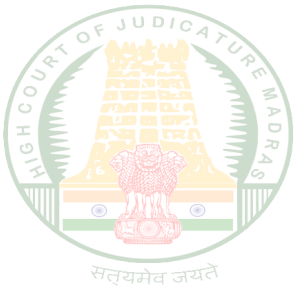
*P.W.9 R.Malaisamy- Accused Karuppiyah minced Deivendran with Sickle.*

*P.W.10 Kannan- Accused Karuppaiah minced Deivendran with sickle.*

*P.W.11. D.SriDevi- Karuppiyah inflicted cut on Deivendran with sickle.*

60.Insofar as the theory of conspiracy is concerned, the prosecution examined P.W.10 to prove the charge under Section 120(b) of I.P.C.

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61.A perusal of the evidence of P.W.10 revealed the presence of A.1 to A.27, who assembled at Marnadu Tank at about 06.30 p.m., i.e., just a few hours before the occurrence. They conspired together to commit the offence.

62.In a case of conspiracy, it is not necessary for the prosecution to prove conspiracy in the strict sense. It is sufficient for the prosecution to satisfy the Court of the existence of a conspiracy. According to P.W.10, all the accused persons assembled at Marnadu Tank prior to the commission of the offence. Therefore, it can reasonably be presumed that they engaged in a conspiracy. Once this initial presumption is raised, whatever is said, done, or written by any of the conspirators in prosecution of the conspiracy, from the moment they entered into the conspiracy until its completion, becomes relevant under Section 10 of the Indian Evidence Act to determine whether a conspiracy existed. All the eyewitnesses, including the injured witnesses, categorically deposed about the

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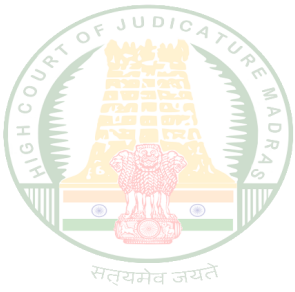
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specific overt acts of the accused persons.

63.It would be extremely difficult to find direct evidence in case of criminal conspiracy. The circumstances and surrounding factors have to be taken note of. Thus, it is clear that all the accused formed an assembly with deadly weapons. Thereafter, they entered the place of crime and committed the offence. Therefore, the act of the accused in assembling at night clearly establishes a premeditated plan. Their presence at the place of occurrence, carrying deadly weapons, and their actions while leaving the scene demonstrate that they had agreed on the plan and assembled with the intention to take the lives and harm the victims and deceased persons.

64.In the overall circumstances, the evidence clearly shows that the prosecution proved the charges beyond any doubt against all the accused except A.6, who successfully substantiated his plea of alibi with supporting evidence.

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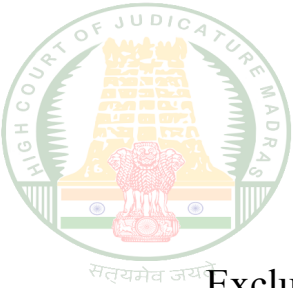
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65.This Court also viewed and examined Ex.D.3 keenly and confirmed the presence of A.6 at 10.50 p.m., at the petrol bunk located in Trichy. It is also not possible for A.6 to reach the petrol bunk within 1 hour and 50 minutes from the scene of the crime, since the distance between the petrol bunk and the scene of the crime is 164 kms., and it is impossible to reach the petrol bunk within that time that too by a heavy vehicle such as a lorry.

66.In view of the above, the conviction and sentence imposed on the appellant/Accused No.6 in Special Sessions Case No.65 of 2018, dated 05.08.2022 on the file of the learned Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai, cannot be sustained and are liable to be set aside.

67.In the result, **CrI.A(MD)No.634 of 2025 alone is allowed** and the Judgment made in Special Sessions Case No.65 of 2018, dated 05.08.2022 on the file of the learned Special Court for

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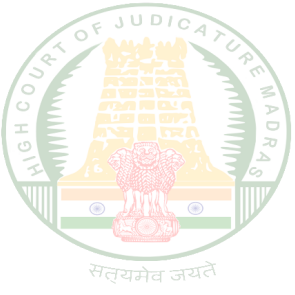
Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai, is hereby set aside and the **appellant/Accused No.6 is acquitted of all the charges**. The bail bond, if any, executed by the appellant/Accused No.6 shall stand cancelled. The fine amount, if any paid, shall be refunded to the appellant/A.6. The appellant/A.6 shall be set at liberty forthwith, if he is no longer required in connection with any other case.

68.Insofar as the other appeals are concerned, the Judgment made in Special Sessions Case No.65 of 2018, dated 05.08.2022 on the file of the learned Special Court for Exclusive Trial of Cases under the SC/ST (POA) Act, 1989, Sivagangai, is hereby confirmed and all other appeals are dismissed.

[G.K.I.J.] & [R.P.J.]  
27.02.2026

NCC :Yes  
Index :Yes/No  
PS

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**CrI.A(MD)No.545 of 2022 & etc., batch cases**

To

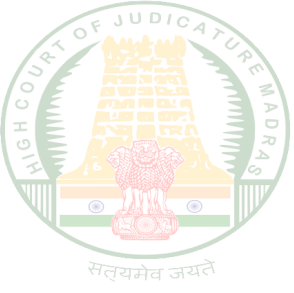
1.The Special Court for Exclusive Trial of Cases  
under the SC/ST (POA) Act, 1989,  
Sivagangai.

2.The Deputy Superintendent of Police,  
Manamadurai Sub Division,  
Sivagangai District.

3.The Inspector of Police,  
Palayanoor Police Station,  
Sivagangai District.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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**G.K. ILANTHIRAIYAN, J.**  
**AND**  
**R. POORNIMA, J.**

PS

**Pre-Delivery Judgment made in  
Crl.A(MD)Nos.545, 586, 587, 590,  
591, 605, 634, 635, 699, 700,  
800 & 860 of 2022, 497 of 2023,  
36, 50, 52 & 67 of 2024**

**27.02.2026**

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