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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.10.2026
PRONOUNCED ON : 19.11.2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HON'BLE MR.JUSTICE B.KARTHIKEYAN

CRL A No. 291 of 2023

CNR: {HCMA010484692023}

Case QR

G.Moses Sharak
S/o. Gnanaprakasam,
No.3/5, Rex Street,
Chindadripet, Chennai - 600 002.

..Appellant(s)

Vs

State Rep.By
The Inspector of Police, F-1, Chindatripet Police
Station, Chennai - 600 002.
Cr.No.260/2018.

..Respondent(s)

Prayer: Criminal Appeal filed under Section 374 (2) of Crl.P.C., to set aside the Judgment dated 24.02.2023 in SC.No.179 of 2019 passed by the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai accordingly convicted and sentenced the Appellant /Accused for offences u/s.294(b), 302, 506(ii) of IPC.

For Appellant : Mr. D.Percival Pericles

For Respondent(s): Mr.C.R.Malarvannan
Additional Public Prosecutor

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JUDGMENT

B. KARTHIKEYAN, J.

This Criminal Appeal has been filed seeking to set aside the judgment dated 24.02.2023 passed by the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai, in S.C. No.179 of 2019.

2. The appellant, who was the sole accused before the trial Court in S.C. No.179 of 2019, was convicted and sentenced by the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai, on 24.02.2023, as follows:

Accused	***Provision under which convicted***	***Sentence***
Sole Accused	Section 294(b) IPC	Simple Imprisonment for three months and to pay a fine of Rs.1000/-, in default to undergo simple imprisonment for 15 days.
	Section 302 IPC	Rigorous Imprisonment for life and fine of Rs.10,000/-, in default to undergo simple imprisonment for six months.
	Section 506(ii) IPC	Rigorous imprisonment for seven years and to pay a find of Rs.5,000/-, in default to undergo simple imprisonment for three months
The aforesaid sentences were ordered to run concurrently.		

Out of the total fine amount of Rs.16,000/-, a sum of Rs.5,000/- each was ordered to be paid as compensation to PW1, the husband of the deceased, and PW2 and PW3, the son and daughter of the deceased, respectively. The

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judgment of conviction and sentence is under challenge in the present Criminal Appeal.

3. The Inspector of Police, F-1, Chindadripet Police Station had filed a final report in Cr.No.260 of 2018 before the learned Metropolitan Magistrate, accusing the accused of offences under Sections 294(b), 302 and 506(ii) IPC and the same was taken on file as PRC.No.58 of 2019, which was committed to the learned Principal District and Sessions Court, Chennai, who took the case on file in S.C.No.179 of 2019 and made over the case to Mahalir Neethimandram, Allikulam, Chennai.

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

The deceased Karpagam is the wife of PW1, Kaliyaperumal. PW2, Gowtham, and PW3, Gayathri, are their children. Originally, the family of the deceased and PW1 resided as tenants in a portion of a house owned by the accused and his relatives at No.3/5, Rex Street, Chintadripet, Chennai. The accused and his wife frequently quarrelled with each other, during which the deceased Karpagam used to intervene and pacify them. Ultimately, the wife of the accused deserted him. The accused suspected that the deceased Karpagam was responsible for his wife's decision to leave him and consequently developed animosity towards her. As a result, PW1 Kaliyaperumal and his family

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members vacated the premises and shifted their residence to an adjacent street, namely, Bazaar Street, Chintadripet, Chennai. However, as they continued the friendship with neighbours residing at Rex Street, they used to visit them on Sundays.

5. On 09.09.2018, between 7.00 p.m. and 8.00 p.m., PW1 Kaliyaperumal, along with his wife, the deceased Karpagam, and their children, namely, PW2 Gowtham and PW3 Gayathri, went to Rex Street. The deceased was chatting with her friends near the lane leading towards the house of the accused. PW1 and their children were also conversing with their friends and were standing at some distance from the deceased.

6. While the deceased Karpagam was talking to PW5 Kamala and her daughter PW6 Sheela, who were also residing near the house where the deceased had earlier lived as a tenant, the accused came out of his house carrying a hammer and struck the deceased on the back of her head. As a result, she sustained injuries and fell down. Immediately, PW1, PW2 and PW3, namely, the husband and children of the deceased, rushed towards the accused. However, the accused threatened them, stating that if they approached him, they would also meet with the same fate, and thereafter fled from the scene. It is also

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the case of the prosecution that, while assaulting the deceased, the accused abused her in filthy language, thereby causing insult and annoyance.

7. PW1 Kaliyaperumal, along with his children, took the injured Karpagam to Government Rajiv Gandhi General Hospital, Chennai, where she was admitted. PW11 Dr. Dineshkumar, who was on duty as the Casualty Medical Officer on 09.09.2018 at 8.45 p.m., examined the injured Karpagam. At that time, she was semi-conscious and was reported to have suffered vomiting, loss of consciousness and headache. Her blood pressure was also found to be high. However, no external injuries were noticed. PW11 administered first aid and referred the patient for further treatment as an inpatient. Intimation was also sent to the police from the hospital.

8. On 09.09.2018, at about 9.00 p.m., PW12 Mareeswaran, the then Sub-Inspector of Police, F-1, Chindadripet Police Station received the said intimation from Government Rajiv Gandhi General Hospital and proceeded to the hospital. He found the injured Karpagam undergoing treatment in Ward No.201. Since she was unconscious, he recorded the complaint statement given by her husband, PW1 Kaliyaperumal, at the hospital. Thereafter, he returned to the police station and at 10.15 p.m. registered a case in Crime No.260 of 2018 for the offences under Sections 341, 294(b), 324, 307 and 506(ii) IPC.

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9. PW13 Murugesan, Inspector of Police, F1 Chintadripet Police Station, took up the case for investigation. He visited the place of occurrence at 10.40 p.m. and prepared an observation mahazar and a rough sketch in the presence of witnesses PW7 Prabhu and one Akash. He also examined the other witnesses, including those who were projected as eyewitnesses to the occurrence. On the next day, i.e., 10.09.2018, at 12.30 p.m., the Investigating Officer attempted to arrest the accused at the junction of Anna Salai and West Cooum Road, Chintadripet. However, the accused attempted to escape, fell into a rubbish heap and sustained injuries, including a fracture in his right hand. At 12.45 p.m., the accused was arrested and brought to the police station. Thereafter, he was sent to Government Rajiv Gandhi General Hospital for medical treatment for the injuries sustained by him.

10. Subsequently, at 3.30 p.m., during interrogation, the accused gave a voluntary confession statement. The same was recorded in the presence of Saravanan and PW8 Veera. Pursuant to his disclosure statement, wherein the accused offered to identify and produce the weapon used in the commission of the offence, the accused was taken to Rex Street, Chintadripet. He identified and produced a hammer from a gutter near a church. The same was seized under the seizure mahazar marked as Ex.P11 in the presence of the same witnesses.

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11. On 11.09.2018, at 12.15 a.m., the Investigating Officer, PW13, received information that Karpagam, who had been undergoing treatment at the hospital, had succumbed to her injuries on 10.09.2018 at 9.45 p.m., despite treatment. Based on the said information, PW13 altered the offences to Section 302 IPC. On 11.09.2018 itself, between 9.45 a.m. and 10.45 a.m., he conducted an inquest over the body of the deceased Karpagam in the presence of panchayatdars and prepared an inquest report, which was marked as Ex.P14.

12. PW9 Dr. Narendra received a requisition for conducting the post-mortem examination from the Investigation Officer through PW10 Heymindar and conducted the post-mortem on 11.09.2018 at 11.40 a.m. He issued the post-mortem certificate, which was marked as Ex.P5, opining that the deceased had died due to the effects of head injuries. The viscera collected from the body of the deceased was sent to the Forensic Science Laboratory for analysis. However, the viscera report was not received. The Investigating Officer thereafter examined and recorded the statements of the medical officer, Dr. Narendra, who conducted the post-mortem examination, PW10 Heymindar, the Police Head Constable, and PW12 Mareeswaran, the Sub-Inspector of Police. He also recorded the statements of other witnesses completed the investigation and filed the final report.

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13. Based on the above materials, the trial Court framed charges under Section 294(b), 301 and 506(ii) IPC against the accused for the offences referred to above. The accused denied the charges, resulting in the trial. To substantiate its case, the prosecution examined PW1 to PW13 and marked Ex.P1 to Ex.P33. The iron hammer with a wooden handle was marked as MO1.

14. The husband of the deceased, PW1, their children, PW2 and PW3, and the neighbours, PW4, PW5 and PW6, were cited as eyewitnesses to the occurrence. However, before the trial Court, PW4 did not support the case of the prosecution and turned hostile. PW1, PW2, PW3 and PW6 deposed that the accused assaulted the deceased on the back of her head. On the other hand, PW5 deposed that the accused assaulted the deceased on the right side of her head by gesturing towards the right side of her head.

15. Though PW8 Veera identified his signature in the confession and seizure mahazars, he did not fully support the case of the prosecution. However, when he was cross-examined by the prosecution after being treated as hostile, he admitted that he had witnessed the recording of the confession statement and the seizure of the hammer, had signed as a witness and also identified the hammer.

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16. The evidence of PW9 Dr. Narendra, who conducted the post-mortem examination, was to the effect that the deceased died due to the effects of head injuries.

17. PW12 Mareeswaran, Sub-Inspector of Police, spoke about the receipt of the complaint from PW1 and the registration of the FIR in Crime No.260 of 2018 for the offences under Sections 341, 294(b), 324, 307 and 506(ii) IPC. PW13 Murugesan, the Investigating Officer, spoke about receiving the copy of the FIR and the investigation conducted by him, besides the arrest of the accused and the recovery of MO1 hammer pursuant to the confession and disclosure statement given by the accused. He also spoke about the alteration of the FIR and the filing of the final report against the accused for the offences under Sections 341, 509, 302 and 506(ii) IPC.

18. When the incriminating circumstances appearing against the accused were put to him under Section 313 Cr.P.C., he denied the same as false. He further stated that his mother and maternal uncle had filed a case in respect of their property in the year 2014. He also claimed that his relatives and the tenants had filed a false case against him with the intention of grabbing the property and that they had threatened him with filing false cases. On behalf of the defence, the accused examined himself as DW1. However, no documentary evidence

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was produced on his behalf. In his evidence as DW1, he spoke about the alleged dispute between him and his other family members, besides his arrest and remand.

19. Having considered the above materials, the trial Court found the accused guilty of the offences under Sections 294(b), 302 and 506(ii) IPC and sentenced him as stated above. The said conviction and sentence are under challenge in the present Criminal Appeal.

20. Heard the learned counsel appearing for the appellant and the learned Additional Public Prosecutor appearing for the respondent/State and perused the records.

21. As pointed out above, PW1 to PW6 were cited as eyewitnesses, out of whom PW4 turned hostile. Insofar as PW1, PW2, PW3 and PW6 are concerned, they have deposed that, on 09.09.2018 at about 7.45 p.m., the accused came out of his house holding a hammer and struck the deceased Karpagam on the back of her head. On the other hand, PW5 claimed that the accused assaulted the deceased on the right side of her head. Whereas, the medical evidence, in the form of the accident report (Ex.P7), post-mortem certificate, Ex.P5, and the evidence of the doctor who conducted the post-

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mortem examination, PW9, indicate that the head injury was on the left side of the head. This would be pointed out by the learned counsel appearing for the appellant to dispute the veracity of the prosecution claim that they are eye witnesses.

22. Apart from the above, the learned counsel for the appellant would point out that PW5 and PW6, who were projected as eyewitnesses, have disputed the presence of PW1, PW2, PW3 and PW4 at the scene of occurrence at the relevant time. In this regard, it is pointed out that PW5 categorically stated during her cross-examination that, at the time of the incident, the husband of Karpagam, namely, PW1, was not present. She further stated that the son and daughter of Karpagam were also not present, as they had gone to the church. PW6 also made a similar statement.

23. Thus, it is the contention of the learned counsel for the appellant that, in view of the evidence of PW5 and PW6, who were projected as independent eyewitnesses by the prosecution, the presence of PW1, PW2 and PW3 at the scene of occurrence is completely ruled out.

24. This apart, it is pointed out that, though the case of the prosecution is that the accused was arrested on 10.09.2018 at 12.30 p.m. near the junction of

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Anna Salai and West Cooum Road and that, at 3.30 p.m., he gave a disclosure statement in the presence of PW8 Veera and one Saravanan, pursuant to which the hammer allegedly used for committing the offence was recovered from the place where it had been concealed, PW5 and PW6 have deposed that, on the very next day of the occurrence, namely, 10.09.2018, the police visited the place of occurrence and recovered the hammer from a gutter at the instance of the accused. According to the learned counsel for the appellant, this evidence renders the prosecution claim regarding the arrest of the accused and the manner in which MO1 was recovered as completely false.

25. The learned counsel for the appellant would also contend that the failure of the prosecution to examine the doctors who treated the injured Karpagam during the intervening period, from the time of her admission in the hospital until her death on 10.09.2018 at 9.45 pm, is fatal to the prosecution case. According to him, unless the details of the treatment administered to the deceased are brought on record, it cannot be conclusively stated that she died on account of the injuries allegedly inflicted by the accused.

26. Per contra, the learned Additional Public Prosecutor appearing for the respondent would vehemently contend that PW1, PW2 and PW3 have clearly described the manner in which the deceased was assaulted by the accused.

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Further, the medical evidence, particularly the post-mortem report, clearly establishes that the deceased died due to the head injuries sustained by her.

27. Insofar as the discrepancy regarding the location of the injury on the deceased is concerned, the learned Additional Public Prosecutor would submit that the objections raised by the learned counsel for the appellant are unsustainable. It would be pointed out that the incident occurred suddenly and the witnesses would have been in a state of panic. It is not possible for an ordinary person witnessing such an incident to remember with clinical precision the exact portion of the head on which the accused assaulted the deceased.

28. The learned Additional Public Prosecutor would further submit that all the witnesses, namely, PW1, PW2, PW3, PW5 and PW6, have categorically stated that they saw the accused assaulting the deceased with a hammer on her head. According to him, the said evidence is sufficient to sustain the conviction recorded by the trial Court.

29. Considering that before looking at the culpability of the accused, it has to be established first that the death of the victim is a culpable homicide amounting to murder, we proceed to look into the objections of the appellant as to the cause of death. In this regard, the post-mortem certificate, Ex.P5, and

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the evidence of PW9 indicate the presence of the following ante-mortem injuries:

> *"1. Dark red contusion measuring 1 x 1 x 0.5 cm on the back of the middle third of the left arm.*
>
> *2. Sutured surgical incised wound measuring 20 cm on the left fronto-temporo-parietal region of the scalp. On removal of the sutures, the wound measured 20 x 0.5 cm, extending up to the scalp, with regular and gaping margins. On reflection of the scalp, dark red bruising measuring 17 x 16 cm, extending up to the scalp, was found on the left fronto-temporo-parietal region. Bony deficiency measuring 4 x 4 cm was noticed on the left temporal bone, with a radiating fissure fracture measuring 5 cm on the left temporo-occipital bone. Diffuse dark red bruising was noticed on the left temporalis muscle. On removal of the calvarium, the dura mater was found intact. A thick film of dark red subdural and subarachnoid haemorrhage was noticed on the surfaces of the right and left cerebral and cerebellar hemispheres. The brain was soft and oedematous. Lacerations measuring 2 x 1 x 1 cm and 1 x 1 x 1 cm were noticed on the left and right temporal lobes, respectively. Another laceration measuring 1 x 1 x 1 cm was noticed on the inferior surface of the right frontal lobe. On cut section, the findings were normal. A fracture measuring 6 cm was noticed on the floor of the left side of the middle cranial fossa."*

30. PW9, the doctor who conducted the post-mortem examination, has vouched for the contents of the post-mortem certificate and deposed that the deceased would have died on account of the injuries sustained by her on the head.

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31. A perusal of the post-mortem certificate and the evidence of PW9 reveals the presence of several internal injuries, including bony deficiency measuring 4 x 4 cm on the left temporal bone, with a radiating fissure fracture measuring 5 cm on the left temporo-occipital bone, and a fracture measuring 6 cm on the floor of the left side of the middle cranial fossa. These injuries, along with the other injuries to the head mentioned in the post-mortem certificate and spoken to by PW9, clearly indicate that they could have been caused by an assault with a hammer.

32. Even though, the learned counsel would point out to the non examination of the doctor who treated the deceased from the time she was admitted in the hospital till her death and the non production of chemical analysis report of viscera issued by the forensic department and the final opinion of the PW9 after taking note of the findings therein, we are of the view that these contentions have not been raised by the defence before the trial Court either during the cross examination of PW9, doctor who conducted post-mortem report or the PW13 investigation officer. Therefore, it is too late in the day to question the cause of death particularly in the light of the categorical assertion of PW9 both before the Court as well as in Ex. P5 post-mortem report that the deceased would appear to have died due to effects of head injuries. Even when

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PW13, the Investigation Officer was cross examined by the defence, the evidence of the doctor that the deceased would have died on account of the injuries sustained by her on the head has not been disputed. It was only been suggested that the deceased would have fallen down due to which such injuries, which caused her death would have occurred.

33. Next in question is the presence of PW1, PW2, PW3, PW5 and PW6 in the scene of occurrence. In this regard, it is pointed out that PW1, PW2, PW3 and PW6 have claimed that the deceased was struck on the back of her head, whereas PW5 has stated that she was struck on the right side of her head. However, as rightly pointed out by the learned Additional Public Prosecutor, when an incident of this nature occurs suddenly, the witnesses around would have been in a state of panic. Therefore, it is highly improbable for an ordinary person to remember with exact precision the particular portion of the head on which the accused struck the deceased with the hammer.

34. Moreover, one aspect that remains consistent in the evidences of PW1, PW2, PW3, PW5 and PW6 is that, on 09.09.2018, at about 08.00pm, the accused assaulted the deceased on her head with a hammer, which corresponds to the ante mortem injuries identified on the body of the deceased by PW9 in the post-mortem report, which in turn, correspond to injuries that could have

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been caused by an assault with a hammer. Therefore, merely because the eye witnesses had not precisely stated the portion of head of the deceased in which the accused struck with the hammer, their evidence, cannot be discarded.

35. The other contention raised by the learned counsel for the appellant is that PW5 and PW6 have deposed that the relatives of Karpagam, more particularly her husband and children, were not present at the scene of occurrence at the relevant time. In this regard, it is noticed that PW5 and PW6 have, in fact, stated during her chief examination that the deceased was present along with her relatives. It was only when a suggestion was put to them on behalf of the accused during cross examination to the effect that the husband and children of Karpagam were not present at the scene of occurrence that they had admitted the same. This would not necessarily mean that what they stated during their chief examination is false. It would only mean that the witnesses are making inconsistent statements, which would only lead to an enquiry as to whether these witnesses are trustworthy and whether they can be relied upon. Certainly, on the aspects in which they made inconsistent statements, it would not be safe to fall back upon their evidence. However, it is settled principle now that "*falsus in uno, falsus in omnibus*" has no application to the Courts in India and it is the duty of the Court to remove the chaff from the grain in its pursuit for truth. Reliance in this regard is placed on the decision of Supreme

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Court in ***T.G.Krishnamurthy vs. State of Karnataka***, reported in ***2023 LiveLaw (SC) 671*** and ***Mahendran vs. State of Tamil Nadu*** reported in ***AIR 2019 SC 1719***.

36. We are of the view that the evidence of PW5 and PW6 are otherwise consistent and trustworthy. They are individuals who reside near the scene of occurrence is not in dispute. Similarly, they are acquainted with both accused and the deceased is also not disputed. No reason has been suggested for them to adduce false evidence against the accused. Looking at the evidence of PW5 and PW6 in totality, their account of assault on the deceased appear believable. The only discrepancy pointed out by the defence with regard to the evidence of PW5 is that she had spoken about the deceased having sustained injuries on the right side of her head but there cannot be a reason to disbelieve her totally.

37. Insofar as the question of motive is concerned, the learned counsel for the appellant would contend that the alleged motive is a very weak motive and is highly unbelievable, pointing out that several days had elapsed after the wife of the accused left him and that there was no reason for the accused to have become agitated and committed such an offence after the lapse of considerable time. However, in a case where there is believable evidence in the form of eyewitness testimony, motive loses its significance and would not be relevant.

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Reliance in this regard is placed on the decision on Supreme Court in ***Madan vs. State of Uttar Pradesh***, reported in ***(2023) SCC OnLine SC 1473*** relying on its earlier decision in ***Darbara Singh vs.State of Punjab***, reported in ***AIR 2013 SC 840***. Therefore, in the case on hand, where the eye witness accounts of PW1 to PW3, PW5 and PW6 are trustworthy, motive pales into insignificance.

38. Similarly, a discrepancy is noticed with regard to the alleged recovery of the hammer from a gutter near the scene of occurrence. While the consistent case of the prosecution is that MO1 was recovered on 10.09.2018 pursuant to the disclosure statement made by the accused after his arrest, the evidence of PW5 and PW6 indicates that the police had visited the scene of occurrence on the following day and recovered the hammer from a gutter at the instance of the accused.

39. However, this discrepancy deserves to be brushed away as one of those instances where investigating officers, in their anxiety to present a foolproof case, have gone to any extent in the course of investigation, as merely for the fault of the investigation officer, truth cannot be allowed to suffer. It is well settled that even if the weapon allegedly used by the accused in assaulting the deceased is not recovered or its recovery is found to be doubtful, the same would not, by itself, vitiate the prosecution case based on ocular evidence

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corroborated by medical evidence. Reliance in this regard is placed on the decision of Supreme Court in ***Om Pal and others Vs. State of U.P (Now state of Uttarakhand)***, reported in ***2025 INSC 1262***, relying upon its earlier decision in ***Nankaunoo vs. State of U.P.*** reported in ***2016 (3) SCC 317***.

40. The ocular evidence of PW1, PW2, PW3, PW5 and PW6 is that the accused assaulted the deceased on her head with a hammer. Further, the injuries mentioned in the post-mortem report, which ultimately led to her death, correspond to the nature of the assault spoken to by the eyewitnesses. Therefore, the discrepancy in the prosecution case regarding the recovery of the hammer would not, by itself, vitiate the prosecution case.

41. The facts do not permit us to invoke any of the exceptions to Section 300 of IPC nor was it canvassed on behalf of the appellant. In such circumstances, we are of the view that there are no grounds to interfere with the findings of the trial Court insofar as the offence under Section 302 IPC is concerned, and consequently, the conviction of the accused for the offence punishable under Section 302 IPC deserves to be confirmed.

42. However, insofar as the offence under Section 294(b) IPC is concerned, it is settled law that mere utterance of swear words, profanity or

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using vulgar expletives is not sufficient to make out an offence. The prosecution must establish that the alleged words were lascivious, appeals to prurient interest, tends deprave or corrupt impressionable minds and causes annoyance in a public place. Reliance in this regard is placed on the decision of Supreme Court in ***Mani @ Subramaniyan vs. State of Tamil Nadu***, reported in ***2025 INSC 719***. In the present case, there is no material to establish the said essential ingredients of the said offence.

43. Moreover, PW1 has stated that, when the accused assaulted his wife, he abused her by uttering the following words:

"என் மனைவியை எதிரி அடிக்கும் போது அசி'ங்கமாக கோத்தா உன்னால் தான் என் குடும்பம் கெட்டுப்போய் விட்டு என்று கூறி அடித்தார்."

On the other hand, PW2 claims that the accused abused his mother by calling her "தேவிடியா" ,

However, PW2 has not stated that the accused used the same words spoken to by PW1. PW3, PW5 and PW6 have not stated anything about the specific words allegedly uttered by the accused during the assault.

44. In such circumstances, the evidence of PW1 and PW2, with regard to the alleged offence under Section 294(b) IPC, is insufficient to establish the

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commission of the said offence. Therefore, the conviction of the accused under Section 294(b) IPC cannot be sustained and deserves to be set aside.

45. Insofar as the offence under Section 506(ii) IPC is concerned, the evidence of PW1 is silent regarding any specific threat allegedly made by the accused. It is only PW2 who has claimed that, when he and PW1 approached the accused, the accused threatened them with similar consequences. More over, in the decision in ***Mani @ Subramaniyan vs. State of Tamil Nadu,*** reported in ***2025 INSC 719*** referred above, the Supreme Court has pointed out that for conviction under an offence of Criminal intimidation, it must be shown that there was an act of such threat. In the present case, even assuming that the evidence of PW2 in this regard is sufficient, there is no proof that such threat was intended to cause alarm to the complainant and other eyewitnesses to do or to omit to do any act.

46. Considering the same, we are of the view that conviction under Section 506(ii) IPC cannot be sustained. Accordingly, the conviction and sentence imposed on the accused for the offence under Section 506(ii) IPC also deserve to be set aside.

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47. In the result, the Criminal Appeal is partly allowed. The conviction and sentence imposed on the appellant/accused for the offence under Section 302 IPC are confirmed. However, the conviction and sentence imposed for the offences under Sections 294(b) and 506(ii) IPC are set aside.

(A.D.J.C.,J.) (B.K.,J.)
19 -11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

1. The learned Sessions Judge,
   Mahalir Neethimandram, Allikulam, Chennai.

2.The Inspector of Police,
   F-1, Chindatripet Police Station,
   Chennai - 600 002.

3.The Superintendent of Prison
  Central Prison, Chennai.

4.The Public Prosecutor,
   Madras High Court, Chennai.

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A.D.JAGADISH CHANDIRA, J.
AND
B.KARTHIKEYAN, J.

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Pre-delivery Judgment made in
CRL A No. 291 of 2023

19-11-2026

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