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CrI.A(MD) No.833 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	14.08.2026
PRONOUNCED ON	01.09.2026

CORAM:

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA
and
THE HONOURABLE MR. JUSTICE B. MURUGESAN

CrI.A. (MD) No.833 of 2023

Antonyraj

... Appellant

vs.

The State
represented by the Inspector of Police
Manur Police Station
Tirunelveli District
(Cr.No.355 of 2020)

... Respondent

Criminal Appeal filed under Section 374 of Cr.P.C., to call for the records relating to the judgment dated 30.06.2023 made in S.C.No.210 of 2021 on the file of the Sessions Court, Mahila Court, Tirunelveli and set aside the conviction and sentence imposed as against the appellant/accused and allow the above appeal.

For appellant	:	Mr.R.L. Dhilipan Pandian
For respondent	:	Mr. D. Venkatesh Counsel for State of T.N. (CrI. Side)



J U D G M E N T

A.D. JAGADISH CHANDIRA, J.

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This criminal appeal is directed against the judgment of conviction and sentence dated 30.06.2023 passed in S.C.No.210 of 2021 (for short “the impugned judgment”) on the file of the Sessions Court, Mahila Court, Tirunelveli, Tirunelveli District (for short “the Trial Court”), in and by which, the appellant who was the sole accused, was convicted and sentenced as under:

Provisions under which convicted	Substantive sentence of imprisonment	Fine
Section 449 IPC	10 years rigorous imprisonment.	Rs.5,000/-, in default, to undergo three months simple imprisonment
Section 294(b)	2 months rigorous imprisonment	Rs.100/-, in default to undergo 2 weeks simple imprisonment
Section 302 IPC	Life imprisonment	Rs.5,000/-, in default, to undergo 3 months simple imprisonment
The aforesaid sentences were ordered to run concurrently and the sentence already undergone was directed to be set off under Section 428 Cr.P.C.		

3. The background facts leading to the filing of this criminal appeal, in a nutshell, is as follows:

3.1. The appellant resides in the upper portion of the house of Vadivelkumar (P.W.1 – *de facto* complainant) with his wife and two children. Since the appellant, a drunkard, was leading a wayward life, Vadivelkumar (P.W.1) was helping the appellant’s wife. Finding this, the appellant felt that Vadivelkumar (P.W.1) had illicit



illicit relationship with his wife. Though the appellant lodged a complaint in the police station in this regard on 04.06.2020, Vadivelkumar (P.W.1) was let off by the police. Since the appellant's wife left for her natal home with her children, the appellant thought that Vadivelkumar (P.W.1) was the cause for their separation. Owing to this, he nurtured grudge against Vadivelkumar (P.W.1).

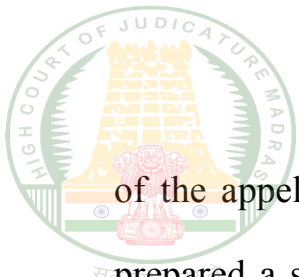
3.2. While so, around 7.00 p.m. on 22.07.2020, when Vadivelkumar (P.W.1) was returning home after his day's work, he found the appellant sharpening a sickle in front of his house, saying that he is going to eliminate a person. Thinking that he was shouting since he was in an inebriated state, Vadivelkumar (P.W.1) took it stoically. At that time, upon being asked by his mother to buy cement for flooring work, Vadivelkumar (P.W.1) purchased cement from Chelladurai (P.W.4) and returned home around 7.45 p.m.

3.3. When Vadivelkumar (P.W.1) returned home, there was a crowd in front of his house and when he enquired with his aunt Pichumani (P.W.2), she told him that around 7.30 p.m., when she returned from her day's work, on hearing a bang from his house, she enquired with Antony (P.W.3) [nearby shopkeeper] who said that the appellant entered into the house shouting that he is not going to spare some persons so that none will look at his wife. When Pichumani (P.W.2) entered the house of Vadivelkumar (P.W.1), she saw the appellant coming out of the house with



an aruval (M.O.1) with blood dropping from it and when enquired by Pichumani (P.W.2), he replied that she would also be done to death. Pichumani (P.W.2) went inside the house and saw the mother of Vadivelkumar (P.W.1) dead in the front hall with grievous cut injuries in her head and left hand. After having heard Pichumani (P.W.2), Vadivelkumar (P.W.1) went inside his house and found his mother dead in the front room with three grievous cut injuries in her central head and two big cut injuries near her left wrist. Thinking that Vadivelkumar (P.W.1) was inside the house, the appellant entered into the house and committed the murder of Anthoniyammal, mother of the deceased. Hence, the case.

3.4. Based on a complaint (Ex.P.1) given by Vadivelkumar (P.W.1), Madasamy, Sub Inspector (P.W.19) registered an FIR (Ex.P.17) in Manur P.S.Cr.No. 355 of 2020 against the appellant for the offences under Sections 449, 294(b), 302 and 506(ii) IPC and sent the original complaint and the FIR to the Judicial Magistrate No.V, Tirunelveli through Kombiah (P.W.12), Constable. Since the Inspector, Manur Police Station, was on leave, Samson (P.W.20), Inspector, Thazhayoothu Police Station, who was holding additional charge, took up the investigation of the case. He went to the place of occurrence at 9.30 p.m. on the same day and inspected the same in the presence of Raja (P.W.6), Arulappan (P.W.7) and prepared an observation mahazar (Ex.P.18) and rough sketch (Ex.P.19). He also recovered bloodstained mud (M.O.7), mud without bloodstain (M.O.8), Aadhaar card



of the appellant (M.O.9) at 10.30 p.m. in the presence of the same witnesses and prepared a seizure mahazar (Ex.P.20). He also conducted inquest over the body of the deceased in the presence of panchayatdars and witnesses and prepared an inquest report (Ex.P.21) and sent the body of the deceased for postmortem to the Government Medical College and Hospital, Tirunelveli and examined Vadivelkumar (P.W.1), Pichumani (P.W.2), Antony (P.W.3), Asirvadam (P.W.16) and Madasamy (P.W.19), Sub Inspector and recorded their statements. In the early morning of the next day *i.e.*, 23.07.2020, he arrested the appellant in M.Kuppanapuram Vilakku, recorded his confession statement in the presence of Ravichandran (P.W.8) and Michael (P.W.9) and seized aruval (M.O.1), lungi (M.O.5) and shirt (M.O.6) taken by the appellant from Anthoniar Thottam *vide* seizure mahazar (Ex.P.23) in the presence of the same witnesses and sent the appellant for remand. He also seized nightie (M.O.2), in-skirt (M.O.3) and blouse (M.O.4) of the deceased handed over by Subha (P.W.17), Woman Constable, and sent the same to the Court through Form 91. He also examined Kombiah (P.W.12), Ravichandran (P.W.8), Michael (P.W.9), Chelladurai (P.W.4), Varadaraj (P.W.5) and Maharajan (P.W.13) and recorded their statements on 24.07.2020 and handed over the investigation of the case to Sivakumar (P.W.21), Inspector, Manur P.S.

3.5. Sivakumar (P.W.21) who took up the case for further investigation, examined Mariappan (P.W.10-Wireman), Subha (P.W.17) and Rajeswari (P.W.11),

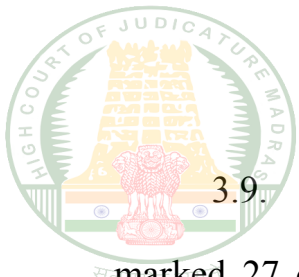


Head Clerk in-charge, Judicial Magistrate Court, Tirunelveli, and recorded their statements. Since he was transferred, he handed over the case to Ramar (P.W.22) (hereinafter referred to as “the I.O.”) for further investigation.

3.6. After examining various witnesses and collecting reports from the experts, the Investigation Officer completed the investigation and filed a final report against the appellant for the offences under Sections 449, 294(b), 302 and 506(II) IPC which was taken on file in P.R.C. No. 81 of 2020 by the Judicial Magistrate No. 5, Tirunelveli.

3.7 On appearance of the appellant and compliance of provisions of Section 207, Cr.P.C., the Judicial Magistrate No.V, Tirunelveli, committed the case to the Court of Session, Tirunelveli District, which made over the case to the Principal District and Sessions Court, Tirunelveli, where it was numbered as S.C. No.210 of 2021 and made over to the Trial Court for trial.

3.8. After hearing the appellant, the Trial Court framed charges against the appellant for having committed the offences under Sections 294(b), 449, 302 and 506(ii) IPC. When the charges were read over and explained to the appellant, he pleaded not guilty and sought to be tried.



3.9. In order to prove the case, the prosecution examined 22 witnesses and marked 27 documents and 9 material objects. That apart, the signatures of Raja (P.W.6), Arulappan (P.W.7), Ravichandran (P.W.8) and Michael (P.W.9) found in witness summonses were marked as witness exhibits 1 to 4.

3.10. After examination of the prosecution witnesses, when the appellant was questioned under Section 313 of Cr.P.C. on the incriminating circumstances appearing against him, he denied the same as false and examined his wife as D.W.1 but did not mark any document.

3.11. The Trial Court, after hearing the arguments on both sides, acquitted the appellant of the charge under Section 506(ii) IPC but convicted and sentenced him as tabulated in the opening paragraph *vide* the impugned judgment. Challenging the said conviction and sentence, the instant criminal appeal has been filed by the sole accused.

4. The learned counsel for the appellant advanced the following submissions:

i. Vadivelkumar (P.W.1) is said to have given the complaint (Ex.P.1) on the information given by Pichumani (P.W.2), his aunt, whereas, the presence of Pichumani (P.W.2) at the place of occurrence is doubtful. Admittedly, when there was



no cordial relationship between Vadivelkumar (P.W.1) and Pichumani (P.W.2), there is no possibility for her to have informed Vadivelkumar (P.W.1) about the incident.

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ii. The independent witnesses viz., Antony (P.W.3), Varadaraj (P.W.5), Raja (P.W.6), Arulappan (P.W.7), Ravichandran (P.W.8) and Asirvadam (P.W.16) have turned hostile and they have not supported the prosecution case.

iii. Non-examination of the nearby residents creates a grave suspicion in the prosecution case.

iv. When the witnesses for recovery, arrest and confession, viz., P.W.s 8 and 9 have not supported the prosecution case, the Trial Court erred in convicting the appellant.

v. The Trial Court has failed to take into consideration the contradictions, embellishments and exaggeration in the evidence of the witnesses.

vi. In this case which is based on circumstantial evidence, when the prosecution has failed to prove the chain of circumstances, the Trial Court erred in convicting the appellant.



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vii. Even as per the prosecution case, the appellant had a strong motive only against Vadivelkumar (P.W.1) and there was no rhyme or reason for him to have committed the murder of his mother.

5. Based on the above submissions, the learned counsel for the appellant sought setting aside of the impugned judgment and allowing of this criminal appeal.

6. *Per contra*, Mr.D.Venkatesh, learned Counsel appearing for the State of Tamil Nadu(CrI.Side) made the following submissions:

i. Concededly, the murder has happened inside the house and Pichumani (P.W.2) had seen the appellant coming out of the house with an aruval in his hand with blood dropping from the aruval and the presence of Pichumani (P.W.2) has also been spoken to by Antony (P.W.3). Under such circumstances, a burden is cast on the accused to give a reasonable explanation as required under Section 106 of the Evidence Act as to what happened inside the house and if the accused fails to offer a reasonable explanation, such failure becomes an additional link.

ii. When the evidence of Pichumani (P.W.2) is clear, non-examination of the nearby residents will not affect the prosecution case.



iii.Recovery cannot become vitiated merely because the panch witnesses have turned hostile.

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iv.When the chain of circumstances has been adequately proved to link the culpability of the accused, the motive becomes irrelevant.

7. Having heard both sides and perused the materials available on record, including the impugned judgment, this Court, now, proceeds to analyse the deposition of those witnesses, both on the side of the prosecution and defence, which are germane for deciding this criminal appeal.

7.1. Vadivelkumar (P.W.1), reiterating his stand in the complaint (Ex.P.1), deposed that the appellant, misunderstanding that Vadivelkumar (P.W.1) was the reason for the separation of his wife from him, with an intent to get rid of him, entered into his house on the evening of 22.07.2020 and since he was not there, he murdered his mother Anthoniammal, the deceased.

7.2. Pichumani (P.W.2), *inter alia*, deposed that on 22.07.2020, at around 7 or 7.30 p.m., when she returned from work, there came a bang from Anthoniammal's house; when she enquired with the nearby shopkeeper, he said that the appellant was creating a ruckus since afternoon; while so, the appellant came out of the house with



an aruval in his hand with blood dropping from it; when she enquired him, he threatened her saying that he would eliminate her too; she went inside the house and found Anthoniammal dead with three cut injuries in her head and two cut injuries in her hand; after she came out of the house and raised a hue and cry, a mob gathered and Vadivelkumar (P.W.1) also came. By narrating the previous enmity which the appellant harboured with Vadivelkumar (P.W.1) on account of his wife's separation from him, she further deposed that on the day of occurrence, the appellant came to the house of Vadivelkumar (P.W.1) only to murder him; since Vadivelkumar (P.W.1) was sent by the deceased to buy cement at that time and since the bike of Vadivelkumar (P.W.1) was parked in front of the house, thinking that Vadivelkumar (P.W.1) was in the house, he entered into his house, and when he was questioned by the deceased, he murdered her saying that it was only she who was in support of her son's relationship with his wife. She further categorically deposed that only because of the attack made by the appellant, the deceased breathed her last.

7.3. Antony (P.W.3) who was running a shop opposite to the house of Vadivelkumar (P.W.1), deposed that on the fateful day, at around 7 or 7.30 p.m., when he was in his shop, he heard a bang from the house of the deceased; at that time, since Pichumani (P.W.2) came after her day's work, at his instance, she went inside the house and came out raising a hue and cry that Antoniammal had died, after



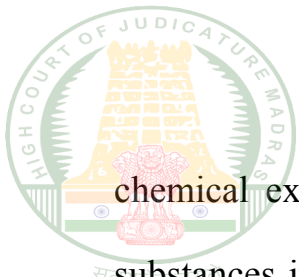
which, he shut his shop and opened his shop only after two days. However, this witness was declared hostile.

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7.4. Chelladurai (P.W.4), a bricklayer by profession and who also runs cement business in addition, and resides in the same street where Vadivelkumar (P.W.1) resides, *inter alia*, deposed that on 22.07.2020, after returning from work, Vadivelkumar (P.W.1) came to his shop, bought cement from him and went; after ten minutes, his wife informed him that the mother of Vadivelkumar (P.W.1) was done to death; he and his wife went to the house of Vadivelkumar (P.W.1) where he found his mother dead; the gathering in front of the house was saying that it was the appellant who had committed the murder.

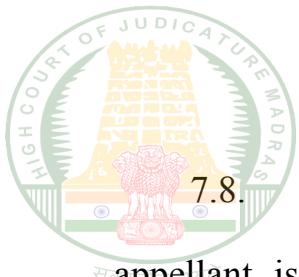
7.5. Varadaraj (P.W.5), a resident of the same village, deposed that on 22.07.2020, on hearing through grapevine in the village that Anthoniammal was killed, he went to her house and found her dead with injuries; the persons who had gathered there were talking that it was the appellant who had committed the murder.

7.6. Dr.Selvamurugan (P.W.15), who conducted postmortem of the deceased, deposed *inter alia* that he found as many as ten injuries in the head and hands of the deceased; on examination of internal organs, heart, blood vessels and uterus were found intact; her internal organs were sent for chemical examination and the



chemical examination report (Ex.P.10) stated that there was no presence of toxic substances in the internal organs; he issued post-mortem certificate (Ex.P.9) stating that the deceased would have died due to head injuries and excessive loss of blood owing to the said head injuries.

7.7. The I.O., *inter alia*, deposed that he took up the case for further investigation on 17.08.2020; he visited the scene of occurrence and examined the witnesses who stated what was stated by them to the previous Investigating Officer; he examined Dr.Selvamurugan (P.W.15) on 28.08.2000 who issued the post-mortem certificate (Ex.P.9); he also examined Anand, Writer, who had earlier received the complaint lodged by the appellant against Vadivelkumar (P.W.1) and also Ganesh Kumar, Sub Inspector, who made an enquiry on the said complaint; he sent the material objects for chemical analysis to the Regional Forensic Science Laboratory, (RFSL) Tirunelveli, and examined and recorded the statement of one Muthulakshmi, Junior Scientific Officer; in the biological report (Ex.P.25) given by the RFSL, it was stated that blood was found in M.Os.1 and 3 to 8 which were bloodstained mud, lungi shirt, sickle, nightie, skirt and blouse; after completing his investigation, he filed the final report against the appellant for the offences under Sections 449, 294(b), 302 and 506(II) IPC.



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7.8. The gist of the deposition of Shini Priskillal (D.W.1), wife of the appellant, is that there is no matrimonial discord between her and the appellant and no complaint whatsoever was given by the appellant against her in Manur Police Station; Vadivelkumar (P.W.1) was in love with the daughter of Pichumani (P.W.2); Pichumani (P.W.2) had stated that she would give her daughter in marriage to the appellant only if Anthoniammal is eliminated; after the incident, the husband of Pichumani (P.W.2) lodged a complaint stating that Pichumani (P.W.2) was missing. In essence, she deposed that this case is foisted against the appellant.

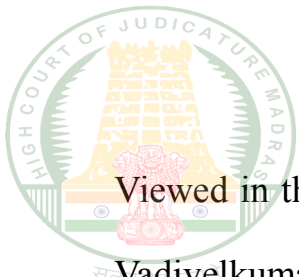
8. The point that arises for determination of this Court in this case, which is one of circumstantial evidence, is that whether the prosecution has proved the guilt of the appellant beyond reasonable doubt.

9. Coming to the sheet anchor submission of the learned counsel for the appellant that there is no motive at all for the appellant to do away with the deceased, inasmuch as, the appellant had previous enmity only with Vadivelkumar (P.W.1) who had illicit relationship with the wife of the appellant, the deposition of Vadivelkumar (P.W.1), Pichumani (P.W.2) and Antony (P.W.3) assumes greater significance. Pichumani (P.W.2) deposed that on 22.07.2020, around 7.30 p.m., after she returned from work, she heard a bang from the house of the deceased and after enquiring with Antony (P.W.3) about the same, when she went inside the house, she saw the



appellant coming out with an aruval in his hand with blood oozing from it. The deposition of Antony (P.W.3) that Pichumani (P.W.2) approached her and upon being narrated by him as to what transpired, she went inside the house, is very much in sync with the deposition of Pichumani (P.W.2).

10. In this regard, it is worth pointing out that Pichumani (P.W.2), in her deposition, has categorically stated that upon being asked by the deceased to buy cement, Vadivelkumar (P.W.1) parked his bike in front of his house and went to buy cement from Chelladurai (P.W.4) who resides in the same street and sells cement. This statement of Pichumani (P.W.2) is corroborated by the deposition of Chelladurai (P.W.4) who has deposed that Vadivelkumar (P.W.1) came to his house around 7.30 p.m. on 22.07.2020 to buy cement. It is pertinent to note, at this juncture, that since the residence of Chelladurai (P.W.4) is in the very same street, viz., Vadakku Theru, as is evident from his deposition, it is quite natural for Vadivelkumar (P.W.1) to have parked his bike in front of his house and gone by foot to buy cement from Chelladurai (P.W.4). Finding the bike of Vadivelkumar (P.W.1) in front of his house, it is equally natural for the appellant to think that Vadivelkumar (P.W.1) is inside his house. But, unfortunately for the appellant, Vadivelkumar (P.W.1) was not there in his house and since the appellant was questioned by the deceased, being irked by the same, he had attacked the deceased using aruval (M.O.1) and when he was coming out of the house after attacking the deceased, he was seen by Pichumani (P.W.2).



Viewed in this backdrop, the stance of the defence that the motive was only against Vadivelkumar (P.W.1) and not against the deceased, does not cut ice with this Court.

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11. Further, in this context, it is felicitous to point out that the Supreme Court, in **Suresh Chandra Bahri vs. State of Bihar [1995 Supp (1) SCC 80]**, has held that in a case of circumstantial evidence, proof of motive would supply a link in the chain of circumstances but all the same, absence of motive cannot be a ground to altogether reject the prosecution case. This ratio in this judgment was quoted with approval by the Supreme Court three decades later in **Subhash Aggarwal vs. The State of NCT of Delhi 2025 INSC 499**, wherein, it was held as under:

“24. Motive remains hidden in the inner recesses of the mind of the perpetrator, which cannot, oftener than ever, be ferreted out by the investigating agency. Though in a case of circumstantial evidence, the complete absence of motive would weigh in favour of the accused, it cannot be declared as a general proposition of universal application that, in the absence of motive, the entire inculpatory circumstances should be ignored and the accused acquitted.”

(emphasis supplied by us for ease of reference)

12. In this regard, the defence has raised yet another ground and that is, since Antony (P.W.3) has turned hostile, his evidence has to be effaced. This stance deserves to be stated only to be rejected in the light of the judgment of the Supreme Court in **Goverdhan vs. State of Chattisgarh [2025 INSC 47]**, wherein, the



admissibility of the testimony of a hostile witness has been explained in unequivocal terms. The relevant portion from the said judgment reads as follows:

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“That the evidence of a hostile witness in all eventualities ought not stand effaced altogether and that the same can be accepted to the extent found dependable on a careful scrutiny was reiterated by this Court in Himanshu vs. State (NCT of Delhi) (2011) 2 SCC 36 : (2011) 1 SCC (Cri) 593] by drawing sustenance of the proposition amongst others from Khujji v. State of M.P. [Khujji v. State of M.P., (1991) 3 SCC 627 : 1991 SCC (Cri) 916] and Koli Lakhmanbhai Chanabhai v. State of Gujarat [Koli Lakhmanbhai Chanabhai v. State of Gujarat, (1999) 8 SCC 624 : 2000 SCC (Cri) 13]. It was announced that the evidence of a hostile witness remains admissible and is open for a court to rely on the dependable part thereof as found acceptable and duly corroborated by other reliable evidence available on record”

(emphasis supplied by us for ease of reference)

13. The aforesaid view has also been echoed by the Supreme Court in **K.P. Tamilmaran vs. State [2025 INSC 576]**, wherein, it has been held that it is for the Court to distinguish the wheat from the chaff while dealing with the deposition of a hostile witness and that the Court can rely upon that part of the deposition of a hostile witness which is corroborated by other evidence on record.

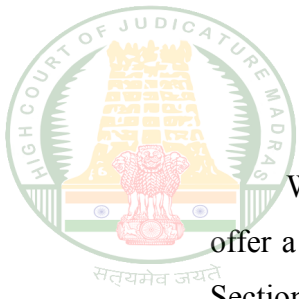
14. In passing, though not much important, this Court observes that the witnesses who have turned hostile are only P.Ws.3 and 6 to 9 and P.Ws.5 and 16 have not been declared hostile as averred by the appellant in the memorandum of grounds of appeal. Be that as it may, even assuming for a moment that the testimony



of Antony (P.W.3) cannot be given credence inasmuch he has turned hostile, it is pertinent to note that Chelladurai (P.W.4) has categorically deposed that he went to the place of occurrence and found the deceased dead and that the persons who had gathered there were talking that it was the appellant who was the perpetrator and this testimony remains unshaken.

15. Next, as rightly argued by the learned counsel appearing for the State of Tamil Nadu (Crl.Side) it is to be noted that when according to Pichumani (P.W.2), she saw the appellant coming out of the house with an aruval in his hand with blood dropping from it and when the presence of Pichumani (P.W.2) is also spoken to by Antony (P.W.3), the shopkeeper who runs the shop just opposite the place of occurrence, as per Section 106 of the Evidence Act, in this case which is predicated on circumstantial evidence, a burden is cast upon the appellant to prove the fact that is especially within his knowledge and that it was not he who committed the offence. But, in the instant case, the appellant has not discharged this burden. In this context, it is befitting to advert to the judgment of the Supreme Court in **Nagendra Sah vs. State of Bihar [(2021) 10 SCC 725]**, the relevant portion of which, reads thus:

“22. Section 106 of the Evidence Act will apply to those cases where the prosecution has succeeded in establishing the facts from which a reasonable inference can be drawn regarding the existence of certain other facts which are within the special knowledge of the accused. When the accused fails to offer explanation about the existence of said other facts, the court can always draw an appropriate inference.



When a case is resting on circumstantial evidence, if the accused fails to offer a reasonable explanation in discharge of burden placed on him by virtue of Section 106 of the Evidence Act, such a failure may provide an additional link to the chain of circumstances.....”

(emphasis supplied by us for ease of reference)

16. Coming to the deposition of Shini Priskillal (D.W.1), the sum and substance of her testimony is that she is not separated from the appellant, she is living together with him and this case is foisted on him. But, this solitary statement of hers is not supported by the defence in any form whatsoever. On the contrary, from a perusal of complaint (Ex.P.15) given by the appellant to Manur Police Station, it is manifest that he had sought action to be taken against Vadivelkumar (P.W.1) for the alleged illicit relationship which the latter had with the appellant's wife. Superadded, as noticed above, the I.O. has deposed that he examined Anand, Writer, who had earlier received the complaint lodged by the appellant against Vadivelkumar (P.W.1) on the allegation of his illicit relationship with the wife of the appellant, and also Ganesh Kumar, Sub Inspector, who made an enquiry on the said complaint.

17. With regard to the stance of the appellant that the chain of circumstances has not been proved by the prosecution, this Court finds that a careful appreciation and appraisal of the deposition of the witnesses as discussed above,



makes it abundantly clear that the depositions of Vadivelkumar (P.W.1), Pichumani (P.W.2), Antony (P.W.3) and Chelladurai (P.W.4) are cogent and convincing and there is no missing link in the chain of circumstances.

18. As for the stance of the defence that recovery made *vide* seizure mahazar (Ex.P.23) is doubtful because of Ravichandran (P.W.8) and Michael (P.W.9) who were witnesses to it having turned hostile, the same does not have legs to stand in the light of the very recent judgment of the Supreme Court in **Uperndra Khare vs. The State of Madhya Pradesh (Crl. A. No.1937 of 2013 decided on 25.05.2026)**, wherein, the settled principle that recovery cannot become vitiated merely panch witnesses have turned hostile, has been reiterated.

19. Lastly, this Court notices that the Trial Court, at paragraph 31 of the impugned judgment, has recorded a finding that based on oral and documentary evidence and the statement of the appellant recorded under Section 313 Cr.P.C., wherein, the appellant has not roped in the name of anyone else to have come to the house of the deceased at the time of occurrence, the prosecution has proved its case by way of circumstantial evidence, which is in complete agreement with this Court because of the discussion made above.



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20. Accordingly, this Court finds no ground to interfere with the well merited impugned judgment passed by the Trial Court convicting and sentencing the appellant based on circumstantial evidence.

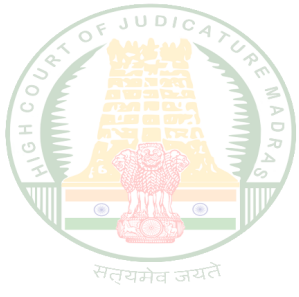
21. Resultantly, this Court upholds the impugned judgment and as a sequitur, this criminal appeal stands dismissed. The trial Court is directed to take steps to secure the appellant to undergo the remaining period of sentence.

[A.D.J.C.,J.] [B.M.,J]
01.09.2026

Index : Yes/No
cad/aav

To

1. The Inspector of Police
Manur Police Station
Tirunelveli District
2. The Sessions Judge
Mahila Court, Tirunelveli
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai
4. The Section Officer
Criminal Section (Records)
Madurai Bench of Madras High Court
Madurai



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CrI.A(MD) No.833 of 2023



A.D.JAGADISH CHANDIRA, J.
and
B.MURUGESAN, J.

cad/aav

Pre-delivery judgment
in
CrI.A. (MD) No.833 of 2023

01.09.2026