



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 27-01-2026

DATE OF DECISION : 17-02-2026

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

CRL A Nos.593, 595, 597 & 629 of 2019

Kumar @ Jayakumar
S/o.Vinayagam
Perumanguppam Village
Gudiyatham Taluk, Vellore District

Appellant in Crl A 593 of 2019

1. Muniyandi@ Ramesh
S/o.Gangadharan
No.72, Padavettamman Koil Street
Sembakkam, Vellore

2. Senthurnathan
S/o.Manogaran
No.6, Ambedkar Street
Perumal Nagar, Karugambuthur
Vellore

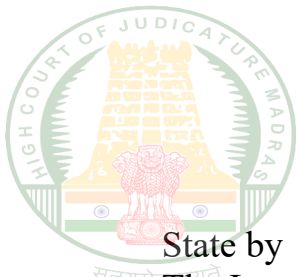
Appellants in Crl A 595 of 2019

Ashok
S/o.Jagadeesan
Battai Street, Perumal Nagar
Karugambathur, Vellore

Appellant in Crl A 597 of 2019

Rajesh
S/o. Raman
No.46, Batti Street, Perumal Nagar
Konavattam Post, Vellore
Vellore District

Appellant in Crl A 629 of 2019



Vs

State by

The Inspector of Police

K.V.Kuppam Police Station

Vellore District

(Cr.No.105/2008)

Respondent in all the Crl Appeals

Crl A Nos.593 & 595 of 2019 filed under Section 374(2) of Cr.P.C against the judgment of conviction and sentence passed by the learned I Additional District & Sessions Judge, Vellore in S.C.No.141 of 2013 dated 27.08.2019

Crl A Nos.597 & 629 of 2019 filed under Section 374(2) of Cr.P.C against the judgment of conviction and sentence passed by the learned I Additional District & Sessions Judge, Vellore in S.C.No.125 of 2019 dated 27.08.2019

For Appellants: Mr.R.Ganesh
Legal Aid Counsel in
Crl A Nos.593 & 597 of 2019

Mr.R.Thamaraiselvan in
Crl A No.629 of 2019

Mr.N.Manokaran for
2nd appellant (A5) in Crl A
No.595 of 2019

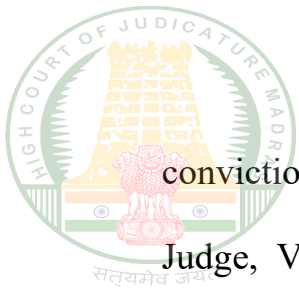
1st Appellant (A3) in Crl A
No.595 of 2019 - Died

For Respondent: Mr.A.Damodaran
Additional Public Prosecutor
assisted by
Ms.M.Arifa Thasneem

COMMON JUDGMENT

P.Velmurugan J.

1.1. Crl A No.593 of 2019 has been filed by A8 against the judgment of



conviction and sentence passed by the learned I Additional District & Sessions Judge, Vellore in S.C.No.141 of 2013 dated 27.08.2019 for the offence as detailed below:-

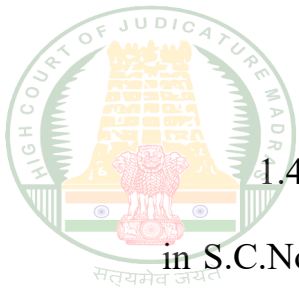
Accused	Offence(s) punishable	Sentence(s) imposed
A8	120-B IPC	Rigorous Imprisonment for 2 years

1.2. Crl A No.595 of 2019 has been filed by A3 & A5 against the judgment of conviction and sentence passed by the learned I Additional District & Sessions Judge, Vellore in S.C.No.141 of 2013 dated 27.08.2019 for the offences as detailed below:-

Accused	Offence(s) punishable	Sentence(s) imposed
A3 & A5	120-B IPC	Rigorous Imprisonment for 2 years (each)
	364 IPC	Rigorous Imprisonment for 10 years and fine of Rs.3000/-, i/d Rigorous Imprisonment for 2 months (each)
	302 IPC	Life imprisonment and fine of Rs.5000/-, i/d Rigorous Imprisonment for 3 months (each)
	201 IPC	Rigorous Imprisonment for 3 years and fine of Rs.1000/-, i/d Rigorous Imprisonment for 1 month (each). All the sentences ordered to run concurrently

1.3. Crl A No.597 & 629 of 2019 have been filed by A6 & A7 against the judgment of conviction and sentence passed by the learned I Additional District & Sessions Judge, Vellore in S.C.No.125 of 2019 dated 27.08.2019 for the offences as detailed below:-

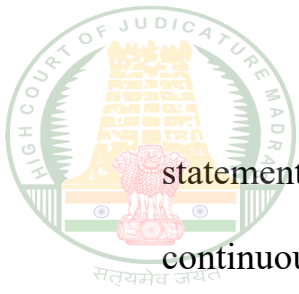
Accused	Offence(s) punishable	Sentence(s) imposed
A6 & A7	364 IPC	Rigorous Imprisonment for 10 years and fine of Rs.3000/-, i/d Rigorous Imprisonment for 2 months (each)
	302 IPC	Life imprisonment and fine of Rs.5000/-, i/d Rigorous Imprisonment for 3 months (each)
	201 IPC	Rigorous Imprisonment for 3 years and fine of Rs.1000/-, i/d Rigorous Imprisonment for 1 month (each). All the sentences ordered to run concurrently



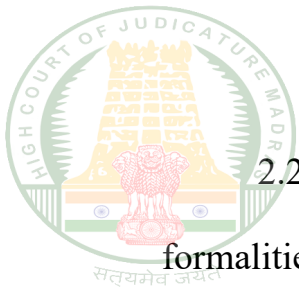
1.4. Totally eight accused were arrayed as A1 to A8 before the trial Court in S.C.No.141 of 2013 and pending trial, since A1, A2 & A4 died, the charges framed against them stood abated. Out of the remaining accused, since NBW was pending against A6 & A7, only A3, A5 & A8 were tried in S.C.No.141 of 2013 and the judgment of conviction and sentence as stated above was passed by the trial Court. So far as A6 & A7 are concerned, the case was split up in S.C.No.125 of 2019 and the judgment of conviction and sentence as stated above was passed by the trial Court.

1.5. It is now brought to our notice that pending Crl A No.595 of 2019, the 1st appellant-Muniyandi, S/o Gangadharan (A3) died on 19.07.2025 and a copy of death certificate is produced by the learned counsel for appellants in proof of the same. In view of the same, Crl A No.595 of 2019 as against 1st appellant/A3 stands dismissed as abated. For convenience, the appellants will be hereinafter referred to as arrayed and tried before the trial Court and the above criminal appeals concerning A8, A5, A6 & A7 respectively, are taken up together and disposed of by this common judgment.

2.1. The respondent Police filed a final report against the accused stating that A1 borrowed a sum of Rs.9,00,000/- from the deceased Manoharan to start a business and thereafter evaded to repay the said amount and hence, Manoharan lodged a complaint with Chittoor Police apart from a complaint



statement to the Superintendent of Police, Vellore District and compelled A1 continuously to repay the amount and that A1, who did not want to repay the money, developed grudge over the activities of Manoharan and decided to do away with him. Accordingly, A1, with the connivance of A2, who is his relative, entered into a criminal conspiracy with A3, A5 and A8 and that 15 days prior to 24.03.2008, with an intention to abduct Manoharan and to execute the said criminal conspiracy, A1 decided to give Rs.3,00,000/- and out of the said sum, A3 obtained Rs.1,00,000/- for himself and on behalf of A4, A6 to A8, and agreed to kill Manoharan for money and in continuation of the said transaction, on 24.03.2008 at about 10.15 P.M., A3 to A7 abducted the deceased Manoharan to Konakkai Thoppu situated at Kavasampattu road with an intention to commit murder and A1 to A7 joined together to execute the said criminal conspiracy and A3 and A7 tied the hands of Manoharan with a rope and dragged him to a bush nearby; A2 gagged his mouth; A3 and A4 gripped the legs of Manoharan and A1 to A7 altogether joined and voluntarily pushed the face of Manoharan into the sand, and Manoharan died due to suffocation and to screen the offence of murder, A1 to A7 inhumed the dead body by digging a pit and thereby A1 and A2 have committed the offences punishable u/s 120B, 302, 302 r/w 120B and 201 of IPC., A3 to A7 have committed the offences punishable u/s 120B, 364, 302 and 201 of IPC., and A8 has committed the offences punishable u/s 120B, 364 and 302 IPC.



2.2. The learned Judicial Magistrate, Katpadi, after completing the formalities, has committed the case in PRC No.11 of 2012 to the Principal Sessions Court, since the case is triable exclusively by Court of Session, which was taken on file in S.C.No.141 of 2013 and made over to the learned I Additional District & Sessions Judge, Vellore for disposal in accordance with law. The learned I Additional District & Sessions Judge, after hearing both sides and on perusing the documents and after finding a prima facie case against all the accused, framed the charges under Sections 120B, 302 and 201 IPC against A1 and A2; under Sections 120B, 364, 302 and 201 IPC against A3 and A5; under Sections 364, 302 and 201 IPC against A4, A6 and A7 and under Section 120B IPC against A8, respectively. When the charges were read over to the accused, they have pleaded not guilty and therefore the case was posted for trial.

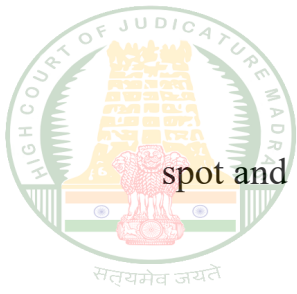
2.3. During the trial, in order to substantiate the above said charges, on the side of the prosecution, 20 witnesses have been examined as PWs.1 to 20 and 35 documents were marked as Exs.P.1 to 35, besides 26 material objects were exhibited as M.Os.1 to 26. After examining the evidence of prosecution witnesses, when the accused were questioned under Section 313 Cr.P.C with reference to the incriminating circumstances culled out from the evidence of prosecution witnesses, they denied the same as false. However, on the side of defence, no oral and documentary evidence was let in.

2.4. On conclusion of trial and after hearing the arguments advanced on



either side, the trial Court found the accused guilty of the charged offences and convicted and sentenced them to undergo the period of sentence(s) as stated above. Aggrieved by the same, the accused have preferred the present appeals before this Court.

3. In order to substantiate the charges framed against the accused, the Village Administrative Officer of Melur Kizhur was examined as PW1. He has deposed that on 28.03.2008, he heard from the Village Menial Manoharan, P.W.3-Lokesh and Margabandhu that the villagers discussed about the fact that there was a new pit dug and closed by somebody at the East of grove situated besides Kizhur Village temple and a foul odour emanated from there. On hearing the same, P.W.1 went to the spot along with the Village Menial, P.W.2-Village Headman and elders and while exhuming the pit to some extent, two legs wearing blue colour pant were found laid there. Immediately, P.W.1 lodged the complaint, Ex.P1 with K.V.Kuppam Police Station. P.W.14-Sub Inspector of Police registered the case in Cr.No.105 of 2008 u/s 174 of Cr.P.C., and prepared F.I.R., Ex.P27. After registration of case, the police arrived at the spot. Intimation was given to the Tahsildar, P.W.8. After his arrival, the dead body was exhumed and P.W.8 conducted inquest in the presence of P.W.1, Village Menial-Manoharan, Margabandhu, P.W.3-Lokesh, P.W.2-Village Headman and prepared the inquest report, Ex.P2. A team of Government doctors reached the



spot and since it was a case of unnatural death, he was enquired by the police.

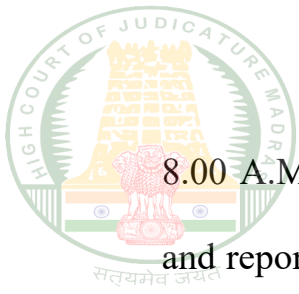
WEB COPY 4. PW2-Village Headman has deposed that though he knew A1 & A8 before, he did not know the other accused. On 28.03.2008 at about 10.00 A.M., when he was in his house, PW1-Village Administrative Officer and his menial Margabandu came and stated that a bad odour emanated from the temple land and therefore, PW2 along with PW1 and his menial went to the scene of occurrence and saw the human legs wearing blue colour pant. Thereafter, they went to the police station, where PW1 lodged the complaint. Subsequently, PW8 enquired PW2 and after the arrival of the Government doctors, he was enquired by the police.

5. PW3-Village Menial is a signatory to the Observation Mahazar, Ex.P3 prepared by the Tahsildar, PW8.

6. PW4 is a family friend of the deceased Manoharan, who has deposed that the deceased was initially doing travels business and since he sustained loss, he was doing agriculture. PW4 introduced A1 Sarathi to the deceased Manoharan. At the request of A1, the deceased gave Rs.9,00,000/- as loan to him in the year 2003 for granite business in the presence of P.W.4 and his friend Loganathan. Since A1 failed to start the business, the deceased demanded A1 to



return the money. But A1 did not discharge the debt and hence the deceased lodged a complaint with Chittoor Police and also gave a complaint to the Superintendent of Police, Vellore, which was enquired by the police. On 24.03.2008 at about 7.00 P.M., PW4 and deceased Manoharan were standing near Kumaran Hospital and talking with each other. At that moment, A3 Muniyandi @ Ramesh, A4 Vellai @ Jayakaran, A5 Senthurnathan, A6 Ashok, A7 Rajesh and A8 Kumar @Jayakumar came there by riding two wheelers. A3 Muniyandi had introduced the other accused to PW4 and to the deceased Manoharan. The deceased Manoharan told that he would make arrangements for A5 Senthurnathan, A4 Vellai and A7 Rajesh to join the Army, for which, A3 Muniyandi replied that he would meet the deceased again after making the cash ready and all the accused had left the place by riding the two wheelers. Thereafter, PW4 and Loganathan returned to their house at K.V.Kuppam. However, the deceased went to see A3 Muniyandi @ Ramesh once again by riding his TVS Victor two-wheeler bearing registration No.TN 23 J 4204, M.O.1. On that day the deceased was wearing M.O.2 blue colour pant and M.O.3 blue colour shirt. On the same day at about 09.30 P.M., while PW4 was standing at K.V.Kuppam bus stop, A1 Sarathi proceeded towards Kavasampattu road by riding a two wheeler. Loganathan showed the same to PW4. After half an hour, PW4 has seen the deceased going along with the accused by sitting on two wheeler as three persons in each two wheeler. On the next day at about



8.00 A.M., PW6-Manimegalai, the wife of deceased, called PW4 over phone and reported that her husband did not return to the house. PW4 told her that he saw the deceased along with the accused while he was conversing with his friend at K.V.Kuppam the previous night. The deceased was searched by his wife, PW6 and others. Since his whereabouts were not known, PW6 lodged a complaint with Katpadi Police Station on 30.03.2008. At the request of Katpadi Police, PW4, Loganathan and PW6 along with relatives went to the police station and identified the pant, shirt, underwear and waist-thread worn by the deceased.

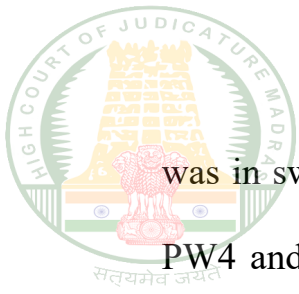
7. PW5-Selvanathan, who is the brother in law of the deceased, has deposed that he saw the deceased on 24.03.2008 conversing with the accused at Shenbakkam bus stop at about 09.00 P.M., and then three persons had travelled in the two wheeler owned by the deceased. While PW5 was returning to his house at Katpadi after seeing his parents from Shenbakkam, at about 12.00 midnight, he saw A2 Srinivasan riding the red colour two wheeler bearing registration No.TN 23 J 4204 owned by the deceased carrying two other persons. On the next day, he heard from PW6 that the deceased had not returned to the house.

8. PW6, who is none other than the wife of the deceased, has deposed that



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after her marriage with the deceased in the year 1996, she was blessed with two siblings. Though the deceased was doing travels business initially, since he sustained loss, he switched over to real estate business and he also helped people who are interested to join the Army. During the lifetime of the deceased, though she knew A1, she learnt about the other accused only after reading the newspaper. Loganathan, PW4 and A1 are her relatives. Since A1 was doing granite business, she learnt from her husband, PW4 and Loganathan that a sum of Rs.9 lakhs has been given by her husband to A1. Since A1 did not start the business, her husband lodged complaints before the Gudiyatham Police Station and Vellore Police Station. On 24.03.2008 at about 09.30 A.M., the deceased went out of the house after taking cash of Rs.6,000/- to pay the school fees for his daughter by riding M.O.1 red colour TVS Victor motorcycle bearing registration No.TN 23 J 4204. At that time, he was wearing M.O.2 blue colour pant, M.O.3 blue colour shirt, M.O.4 cut banian, M.O.5 white underwear, M.O.6 waist-thread, M.O.7 belt, M.O.10 spectacles and he was taking M.O.8 driving licence, M.O.9 identity card and M.O.11 Nokia cell phone along with him. On that day, at about 07.00 P.M., when PW6 spoke to her husband over cellphone, he informed that he would return to the house at about 10.00 P.M. Since he did not return to the house till 10.00 P.M., P.W.6 tried to contact him over phone. But his cell phone was in engaged mode. Since he did not return till 10.30 P.M., PW6 attempted to contact him once again, but his cell phone



was in switch off mode. On the next day at 08.00 A.M., when PW6 contacted PW4 and Loganathan over phone, she heard from them that her husband was talking with the accused at 07.00 P.M., on the previous day near Kumaran Hospital and also he was seen accompanied by the accused at 09.00 P.M. After all her search efforts ended in vain, she has lodged a complaint with Katpadi Police on 30.03.2008 and she has stated to the police that there was a previous enmity between A1 and her husband regarding the lending of Rs.9,00,000/- by her husband to A1. On receipt of information from the Katpadi Police Station, PW6 went to K.V.Kuppam Police Station on 05.04.2008 and identified the clothes worn by her husband and went to the occurrence spot along with police and identified the dead body of her husband.

9. PW7 is the mahazar witness who has spoken about the arrest of A1 to A7 and the recovery of material objects from them based on their voluntary confessional statements. PW8-Tahsildar conducted inquest over the body of the deceased and issued the inquest report, Ex.P2.

10. PW9-Doctor, on receipt of the body and the requisition from PW13-Head Constable, conducted postmortem and he noted the following:-

“Supreme symmetrical. RM absent in all 4 limbs. Highly decomposed. Discoloured. Bloated. Peely of skin all over the body present. Penis & scrotum distended. No external injuries seen. No fracture of long bones present.



Blebs all over the body present. Eye balls present. Tongue pulled out of mouth. Soil all over the body. Hair was very easily pulled off. Deglovy of skin present.”

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He issued the Postmortem Certificate, Ex.P18 and opined that the deceased would appear to have died about 72 to 96 hours prior to postmortem.

11. P.W.10-Deputy Director of Forensic Science Department has examined the right fore arm and skull of the deceased and also the blood stained soil and sample soil collected from the occurrence spot and issued Ex.P21, P22 D.N.A. Reports, Ex.P23 Anthropology Report and Ex.P24 Chemical analysis Report.

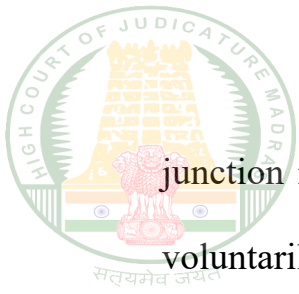
12. PW11-Sub Inspector of Police, on receipt of complaint from PW6, registered a case in Cr.No.241 of 2008 as "Man Missing" and prepared F.I.R., Ex.P25. He forwarded the express reports to the Court and to the higher officials.

13. PW12-Inspector of Police, on receipt of Ex.P25, took up investigation and enquired PW6 and recorded her statement. Later, when he came to know that the photograph of the deceased and the belongings of the deceased concerned in Cr.No.105 of 2008 of K.V.Kuppam Police Station tallied, he called PW6 on 31.03.2008 to identify her husband and accordingly, she had identified



the dead body as it was the dead body of her husband. In the meanwhile, PW13-Head Constable collected the clothes and belongings of the deceased after postmortem and handed over the same to the investigating officer through his special report, Ex.P26. PW14 is the Sub Inspector of Police, who registered the case in Cr.No.105 of 2008 and prepared the F.I.R., Ex.P27. PW15-Sub Inspector of Police of Chithoor Police Station registered a case in Cr.No.29 of 2007 on receipt of complaint through Court at Chithoor and prepared the F.I.R., Ex.P28 and after investigation filed the final report under Ex.P29. PW16 accompanied PW6 to the police station for lodging of complaint. PW17 is the official witness who recorded the statements of the witnesses and PW18 is the Sub Inspector of Police, who accompanied PW13 & PW14 on the instructions of Dy.Superintendent of Police, Katpadi to bring A1 for enquiry in connection with the money dispute between A1 and the deceased.

14. PW19-Inspector of Police, taking up further investigation, went to the scene of occurrence at 12.15 P.M. on 28.03.2008 and recorded the statements of PW3-Village Menial and Manoharan and prepared the Observation Mahazar, Ex.P31 and drew the rough sketch, Ex.P32. He also recovered the sample earth under M.Os.20 to 22 from the spot under the mahazar, Ex.P33. He filed the alteration report under Ex.P34 into Court for suspicious death. He had arrested A1 & A2 on 05.04.2008 at about 16.30 hours, near Kalyana Periyanguppam



junction road and recorded their confession statements, which they had given voluntarily in the presence of witnesses PW7 Pandiyan and Thirumalaikumar.

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On that day itself, at about 07.30 P.M., PW19 has seized the M.O.12 Bajaj motorcycle bearing registration no.TN 23 C 2523 from A1 in the presence of same witnesses under the seizure mahazar, Ex.P8. Further, on the basis of admissible portion of confession statement, Ex.P5, A1 was brought to his house and at about 08.15 P.M., PW19 has seized M.O.1 red colour TVS Victor motorcycle bearing registration No.TN 23 J 4204, which was hidden by him at the backyard of his house, under the seizure mahazar, Ex.P7 in the presence of same witnesses. Further, A1 was brought to Nathaimedu near the Water Tank as stated in his voluntary confessional statement, where PW19 seized the M.O.8 driving licence, M.O.9 identity card and M.O.10 spectacles of the deceased and M.O.3 blue colour shirt in the presence of witnesses in seizure mahazar, Ex.P6.

15. On the basis of admissible portion of confession statement, Ex.P9 given by A2, PW19 brought A2 to Kavasampattu Sanjeevirayan grove and seized M.O.13 spade with wooden handle produced by him from the hiding place near thorny bush under the seizure mahazar, Ex.P10 in the presence of same witnesses. Thereafter, PW19 took A1 and A2 at 10.00 P.M., to Shenbakkam and arrested A3, who was identified by A1 and A2 and recorded the voluntary confession statement given by A3 in the presence of same



witnesses. At Shenbakkam bus stop, PW19 has seized M.O.15 cash of Rs.3000/-, M.O.11 Nokia cell phone and M.O.14 Uuregistered Hero Honda motorcycle from A3 in the presence of same witnesses under the seizure mahazar. On receiving information, PW19 arrested A4 to A7 at Vellore bus stand at about 12.00 midnight and recorded the voluntary confession statement given by A4 in the presence of same witnesses, and consequently seized M.O.17 cash of Rs.9,000/- and M.O.16 gold ring weighing 1/4 sovereign under the seizure mahazar, Ex.P13 in the presence of same witnesses. On 06.04.2018, PW19 recorded the voluntary confession statement given by A5 in the presence of same witnesses and seized M.O.23 Rs.6,000/- and M.O.24 Ericson cell phone from him under the seizure mahazar, Ex.P14. On the same day, at about 02.15 A.M., PW19 has recorded the voluntary confession statement given by A6 in the presence of same witnesses and seized M.O.25 Rs.7,000/- and M.O.26 blue colour Nokia cell phone along with SIM Card from him under the seizure mahazar, Ex.P15. PW19 has further recorded the voluntary confession statement given by A7 in the presence of same witnesses at about 03.45 A.M., and seized M.O.18 cash Rs.5,000/- and a motorola cell phone under the seizure mahazar, Ex.P16. As stated by A4 in his voluntary confession statement, he has taken out a white rope, M.O.19 hidden in the thorny bush situated near Kavasampattu temple on the Kavanur to Virinchipuram road and produced the same, which was seized under the mahazar, Ex.P17. Then he brought the



accused and the case properties to the police station and remanded the accused to judicial custody and submitted the case properties into Court under Form-95.

He had enquired the witnesses and recorded their statements. Thereafter, he was transferred.

16. PW20-Inspector of Police, who took up further investigation in the case, gave a requisition to the Chief Judicial Magistrate, Vellore to record the statements of witnesses under Section 164 Cr.P.C through Court. On obtaining the final report from the doctor and after completion of investigation, PW20 laid the charge sheet before the jurisdictional Court as against all the accused for the offences as mentioned already.

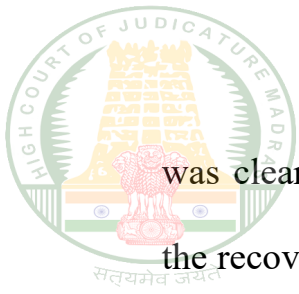
17. After a full-fledged trial, since the learned I Additional District & Sessions Judge, Vellore convicted and sentenced the accused for the offence(s) as stated already, the present appeals have been preferred before this Court.

18. The respective learned counsel appearing on behalf of the appellants would submit that there is no eye-witness in this case and the case of the prosecution rests upon circumstantial evidence and the cardinal principles of motive, last seen theory and recovery have not been proved by the prosecution in this case. The learned trial Judge failed to consider the fact that there is no



eye-witness and the motive also, as projected by the prosecution, has not been proved and none of the witnesses have spoken that prior to the death of the deceased, within a proximate time and place, the accused were seen together along with the deceased or that soon of the occurrence, they were seen near that place. Therefore, the last seen theory has not been proved by the prosecution in the manner known to law. In this case, there is no recovery and therefore the learned trial Judge failed to appreciate the oral or documentary evidence and merely convicted the accused based on the evidence of PWs.4, 5 & 6, who are not the eye-witnesses and hence the judgments of the trial Court are liable to be set aside and the appeals are to be allowed.

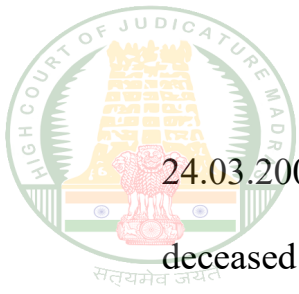
19. Per contra, the learned Additional Public Prosecutor would submit that in this case, though there is no eye-witness, the prosecution has proved its case beyond reasonable doubt by circumstantial evidence. PWs.4, 5 & 6 have clearly spoken about the motive and also P.Ws.4 & 5 have clearly spoken about the last seen theory. PW1 is the Village Administrative Officer who set the law into motion on hearing the news that the body of the deceased was buried in the scene of occurrence. He informed the news to the Tahsildar as well as the Government doctor, who conducted postmortem at the spot. Since the body was in decomposed state, DNA could not be detected. However, the witnesses identified the body and the clothes of the deceased. Therefore, since the motive



was clearly established and the last seen theory has also been established and the recovery of material objects based on the confession statements given by the accused have also been recovered, the three cardinal principles of motive, last seen theory and recovery have been proved by the prosecution in this case. The learned trial Judge, rightly appreciating the oral and documentary evidence, has convicted the accused on the charges framed against them and there is no merit in the appeals. Therefore the appeals are liable to be dismissed and the judgments of conviction and sentence imposed on the appellants/accused are to be confirmed.

20. Heard both sides and perused the materials available on record.

21. The deceased is the husband of PW6. PW1-Village Administrative Officer, immediately on hearing the news about the buried body at the scene of occurrence, informed the same to the Tahsildar, PW8 and on his arrival, informed the incident to the police and registered the complaint, Ex.P1. After they exhumed the body, which was in decomposed state, they summoned the doctor and the doctor also conducted postmortem at the spot and issued the postmortem certificate, Ex.P18. PW4, who is a family friend of the deceased, has clearly spoken about the motive in relation to a financial transaction that existed between A1 and the deceased and that prior to the occurrence, on



24.03.2008 at about 7 O'clock in the evening, while he was chatting with the deceased near Kumaran hospital, he saw the appellants/accused together riding the two wheelers. It is his specific evidence that the deceased went to see A3 Muniyandi @ Ramesh once again by riding his TVS Victor two-wheeler bearing registration No.TN 23 J 4204. PW5, who is the brother in law of the deceased, has also categorically stated that the deceased was seen together with the appellants/accused and he also saw A2 riding the red colour two wheeler bearing registration no.TN 23 J 4204 owned by the deceased. PW6, who is none other than the wife of the deceased, has also spoken about the non-arrival of her husband to the house on 24.03.2008 and she heard from PW4 that the accused accompanied her husband and that when she heard later that a dead body was found, she went to the occurrence spot and identified her deceased husband along with the clothes worn by him. Moreover, PWs.4 & 5 have stated that they saw the deceased along with the accused in the two-wheeler bearing registration no.TN 23 J 4204, M.O.1 wearing blue colour pant, M.O.2 and blue colour shirt, M.O.3 and based on the confession given by the accused, the said two wheeler and the clothes of the deceased were also identified by PW6-Wife. Therefore, to prove the circumstantial evidence, the last seen theory and recovery also stood established. A reading of the entire materials would show that the prosecution has proved the three cardinal principles of motive, last seen theory and the consequent recovery with corroborated evidence to establish the



guilt of the accused in this case. Under these circumstances, this Court does not find any perversity in appreciation of evidence by the trial Court while passing the judgments of conviction and sentence against the appellants/accused for the charged offences and the appeals are liable to be dismissed. Accordingly, all the appeals are dismissed.

22. It is seen from records that the appellants/accused are on bail. Therefore, the learned I Additional District & Sessions Judge, Vellore is directed to take steps to secure the appellants/accused and commit them to prison to undergo the sentence of life imprisonment so far as A5, A6, A7 are concerned and the remaining period of rigorous imprisonment so far as A8 is concerned. Bail bonds executed shall stand cancelled.

(P.VELMURUGAN J.) (M.JOTHIRAMAN J.)
17-02-2026

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

ss

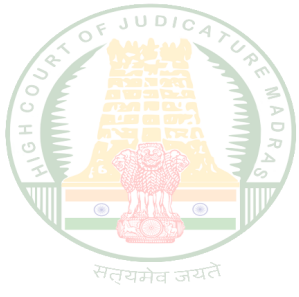


To

1. I Additional District & Sessions Judge
Vellore

2. The Inspector of Police
K.V.Kuppam Police Station
Vellore District
(Cr.No.105/2008)

3. The Public Prosecutor
High Court, Madras



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CRL A Nos.593 of 2019 etc



**P.VELMURUGAN J.
AND
M.JOTHIRAMAN J.**

SS

**Judgment in CRL A Nos.
593 of 2019 etc**

17-02-2026

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