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CrI.A.No.561 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.02.2026

DELIVERED ON : 26.02.2026

CORAM :

THE HON'BLE MR. JUSTICE P.VELMURUGAN
and
THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

CrI.A.No.561 of 2019

1.Madhesh
2.Kalaivani
3.Prema

... Appellants

Vs.

State Rep. by :-
Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri District.

... Respondent

PRAYER: Criminal Appeal filed under Section 374(2) Criminal Procedure Code, against the judgment and order dated 31.07.2019 made in S.C.No.262 of 2016 on the file of the Additional Sessions Court, Krishnagiri.

For Appellants : Mr.Arun Anbumani

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

**JUDGMENT****M.JOTHIRAMAN, J.**

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The appellants / accused have preferred this Criminal Appeal as against the judgment dated 31.07.2019 made in S.C.No.262 of 2016 passed by the learned Additional Sessions Judge, Krishnagiri District, in and by which they were convicted and sentenced as under:

| Rank of the Accused | Conviction under Section | Sentence of Imprisonment |
|----------------------------|---------------------------------|--|
| A1 and A3 | 302 r/w 34 IPC | Life Imprisonment with a fine of Rs.25,000/- each, in default to undergo 3 months Simple Imprisonment |
| A2 | 302 IPC | Life Imprisonment with a fine of Rs.25,000/- in default to undergo 3 months Simple Imprisonment |
| A1 to A3 | 506(ii) IPC | 7 years Rigorous Imprisonment and to pay a fine of Rs.10,000/- each, in default to undergo 3 months Simple Imprisonment. |

The Trial Court further directed that out of the total fine amount of Rs.1,05,000/-, a sum of Rs.1,00,000/- was ordered to be paid as compensation to PW1 under Section 357(1) CrPC and the sentences were ordered to run concurrently.

2. Brief case of the prosecution is as follows:

2.1. **PW1 – Tmt.Chandra** is the wife of the deceased Ramajayam and mother of the deceased Illayaraja. She deposed that for the past 20

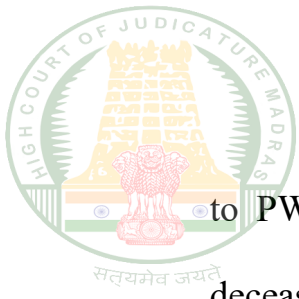


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years, enmity existed between the family of the accused and PW1's family. The accused quarreled with PW1's family when they were constructing the house and also there is enmity with regard to getting fish tender. One Dhanakodi S/o. M.R.Raja, M.R.Raja, Kalaivani / A2 / wife of Dhanakodi, Madhesh @ Raja / A1 S/o.Dhanakodi, Prema / A3 D/o.Dhanakodi and one Juvenile Accused S/o.Dhanakodi belong to the same family.

2.2. Prior to the occurrence, one day the said Dhanakodi came and informed to PW1's husband / deceased Ramajayam that no one giving food to him and asked to help him. The deceased Ramajayam and the deceased Illayaraja decided to purchase the land belonging to M.R.Raja to an extent of 31 cents for a sum of Rs.2,40,000/- and to that effect, a sale agreement was entered into between M.R.Raja and the deceased / Ramajayam and the agreement was entered into in the name of the deceased Illayaraja and a sum of Rs.1,00,000/- was given as advance sale consideration.

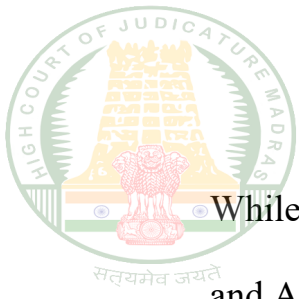
2.3. On 24.06.2010, PW1's family gone to the said land belongs to M.R.Raja for performing pooja, since the possession of the land was given



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to PW1's family on the previous day itself. On that day, PW1, the deceased Ramajayam, deceased Illayaraja, PW6-Tr.Sivalingam, PW2-Tr.Govindaraj, PW3- Tr.Krishnan, PW4-Tr.Mani, PW5- Tr.Sekar went to that agricultural land for performing pooja. When they were performing pooja in the agricultural land, after 15 minutes, accused / A1 to A3 and the Juvenile Accused came there and questioned them, why all of them have gathered there. The deceased Ramajayam replied that they had entered into a sale agreement with M.R.Raja and Rs.1,00,000/- advance was paid for 31 cents and balance sale consideration of Rs.1,40,000/- will be paid afterwards. At that time, all the accused picked up quarrel. PW1's son stated to A1 that if he has any record, to bring the same and not to disturb. While so, A1 to A3 stated that how dare he can ask evidence from them and stated to stop everything. A2 and A3 instructed A1 to chop him.

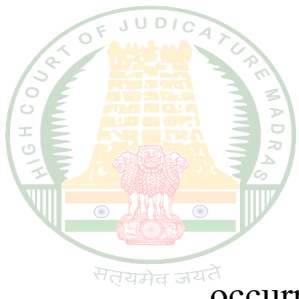
2.4. A1 assaulted the deceased Illayaraja on his neck with billhook. Immediately PW1 and the deceased Ramajayam shouted and questioned the same. A1 to A3 stated that they should also do away the life of Ramajayam. A1 assaulted the deceased Ramajayam with billhook on his neck and he fell down. Juvenile accused caught hold of the deceased Ramajayam and A2 attacked the deceased Ramajayam on his throat.



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While so, the Juvenile accused run and caught hold of PW1. Then A2 and A3 cut the private part of the deceased Ramajayam with billhook and the accused also scolded PW1. While PW1 raised hue and cry, all of them stated that they have murdered both of them. The accused also informed PW1 to do whatever she think and their uncle Meganathan, M.L.A., only directed them for the murder. A1 to A3 stated that their uncle Neelakandan was the Inspector and so they will come on bail and challenged her that she cannot do anything. Thereafter, all the accused gone through the way proceeding towards river.

2.5. PW1 deposed that she came to know through her brother Perumal that MLA Meganathan, Balaraman, Saththunavu @ Ramasamy, Panchayat President Krishnan were waiting near the river bank and they pick up accused persons in a car. After the occurrence, village people gathered. Police came to the occurrence place thereafter. Village people agitated to take action against the accused and after that Nagarasampatti Police brought PW1 to Nagarasampatti police station where PW1 gave complaint under Ex.P1. Police went to the scene of occurrence and sent the body of both the deceased for postmortem. PW1 identified the billhook – M.O.1 used by the accused at the time of occurrence.



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2.6. **PW2 – Tr.Govindaraj** deposed that 6 to 7 years prior to the

occurrence, he came to know that two of his village men were murdered by somebody else and after hearing the same, he rushed to the scene of occurrence and saw that the deceased Ramajayam and the deceased Illayaraja were found dead. He admits his signature under Ex.P2 found in the statement recorded under Section 164 CrPC.

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2.7. **PW3- Tr.Krishnan** deposed that he came to know about the murder of Ramajayam and Illayaraja while he was at his shop and the signature of PW3 found in the 164 CrPC statement is Ex.P3. **PW4- Tr.Mani, PW5-Tr.Sekar and PW6-Tr.Sivalingam** came to know about the murder of the deceased Ramajayam and Illayaraja. The signature of PW4 found in the 164 CrPC statement is Ex.P4 and the signature of PW5 found in the 164 CrPC statement is Ex.P5.

2.8. **PW7- Tr.Sakthivel**, who is the son of PW1 and the deceased Ramajayam, deposed similar to the version of PW1 with regard to the enmity existed between the family of the accused and PW1's family. PW7 informed that the accused murdered his father and his brother while he was working as Personal Security Officer to the Hon'ble High Court



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Judge at Chennai. After he rushed to the scene of occurrence, at 4.00 p.m.

on 24.06.2010 after getting leave and saw that his father and brother were lying down dead with cut injuries. Their bodies were taken to the hospital for conducting postmortem.

2.9. **PW8-Tr.Thangamani** deposed that on 24.06.2010, the deceased Ramajayam and Illayaraja invited him to perform pooja at the lands belonging to M.R.Raja. He stated that he would come little bit late. He gone to the place of occurrence at 8.30 a.m. He saw PW1 & PW9-Tr.Kutti @ Muthukumar in that place and the deceased Ramajayam and Illayaraja were found dead. PW1 informed that the accused persons murdered them and the accused were not there at that time. At 5.00 p.m., photographer came and took photographs from the scene of occurrence.

2.10. **PW9- Tr.Kutti @ Muthukumar** deposed that on 23.06.2010 at 06.00 p.m., his uncle the deceased Ramajayam informed him that he had purchased a land at Thalli from M.R.Raja and on the next day morning, Ramajayam and his family gone to perform boomi pooja and he was invited for that. On 24.06.2010 at 8.00 a.m., he came to Thalli and went to the land in which boomi pooja was performed. When he was at a



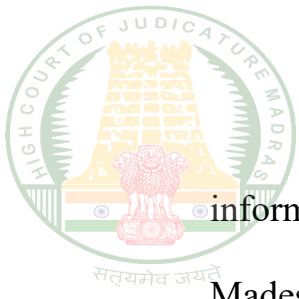
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distance of 50 feet to reach the place, he heard some shout from that land.

He reached the place and saw that A1 attacked Illayaraja with billhook on the back side of his neck, which was prevented by Ramajayam. At that time, A1 attacked Ramajayam on his right hand, left side of his stomach, left side of his neck on the front side with billhook. In the meantime, both of them fell down. PW2, PW5, PW4, PW3, PW6 and Pw9 rushed to that place. After Police arrived to the scene of occurrence within 45 minutes, the accused fled away from that place. After 45 minutes he again went to that place. Police enquired him.

2.11. **PW10- Tr.Balan / Photographer** deposed that on 24.06.2010, while he was at his studio at 9.00 a.m., Nagarasampatti police came to his studio and informed him to take photographs in the scene of occurrence. PW10 went to the scene of occurrence at 10.15 p.m., took 15 photographs in the occurrence place in several categories as per the instructions of police. The photographs taken is Ex.P6 (15 Nos.) and the CD is Ex.P7.

2.12. **PW11- Tr.Pownraj / Village Assistant** deposed that on 24.06.2010, when he was in the Village Administrative Office along with one Sudanthiram – Village Administrative Officer, village people



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informed that two dead bodies were found lying in the land belongs to one Madesh. They went to the occurrence place. At around 12.00 noon police came, enquired and recorded his statement. On the same day at 5.30 p.m., Burgoor police came to the scene of occurrence and prepared Observation Mahazar- Ex.P8. They also seized Blood Stained Soil and Ordinary Soil under Mahazar – Ex.P9. PW11 and the VAO-Sudanthiram signed as a witness in the said seizure mahazar.

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2.13. PW12 – Tr.Manickam, then Village Administrative Officer, Nagarasampatti deposed that on 02.07.2010, while he was in his office, Burgoor police Inspector called him at 12.00 noon to be a witness for enquiry in a case. Hence PW12 and the Revenue Inspector – Tr.Bathirasalam / PW14 went to Pochampalli bus stand. Women police were standing there and the accused / A2 and A3 were arrested by the Inspector of Police. A2 and A3 voluntarily gave confession statement and the same has been recorded. In the confession statement, he has signed as witness under Exs.P10 and P11 respectively. On 06.07.2010 at 3.00 p.m., the Inspector of Police, Burgoor called him and asked him to be a witness. Accordingly, PWs.12 and 14 went to Nagarasampatti Police Station, where they say A1 was present. On enquiry, A1 voluntarily gave



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confession statement and the admissible portion of the confession

statement of A1 is Ex.P12. In pursuance of his confession statement, A1

took them to Periyathalli near river bank, where, in the park land belongs

to one Raghuvaran, he has identified and handed over M.O.1 – Billhook,

M.O.2 – Blood Stained Shirt, M.O.3 – Pant and the same were seized

under Mahazar – Ex.P13. **PW14- Bathirasalam** also deposed similar to

the version of PW12.

2.14. **PW13- Dr.Hariram** conducted postmortem. He issued Ex.P16 – Postmortem Certificate in respect of the deceased Ramajaya, wherein the following injuries were noted:

“1.A cut injury at left side of neck about 6 x 4 x c cm involving muscles blood vessels damaged.

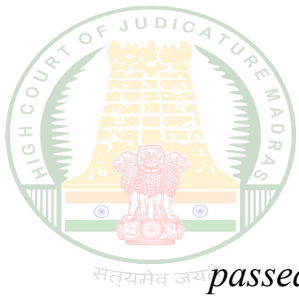
2. A cut injury at front of neck measuring 4 x 2 x 1 cm Trachea tubes damaged.

3.A cut injury on left shoulder measuring 2 x 1 x 1 cm.

4. A cut injury just below No.3 measuring 2 x 1 x 1 cm on left shoulder.

PW13 opined that the deceased would appear to have died of damage of blood vessel, loss of blood and shock.

PW13 issued Ex.P17- Postmortem Certificate in respect of the deceased Illayaraja, wherein the following injuries were noted:



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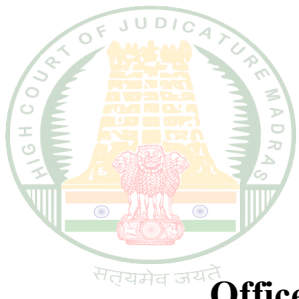
1. A deep cut injury at back of neck starts from left mastoid region passed around the base of skull and in right mandible about 20 x 6 x 6 cm involving muscles and blood vessels.

2. Fracture of occipital bone fracture of right mandible brain substances came out. Both carotid vessels were damaged.

PW13 opined that the death occurred due to cut Injury of neck, blood vessel damage, blood loss and shock. After conducting postmortem, he has handed over the dress materials collected from the deceased body to PW16 and PW17.

2.15. **PW18 – Tr.Ravichandran**, then Head Constable deposed that on 12.08.2010, he handed over the case properties recovered in this case to the learned Judicial Magistrate, Pochampalli and also handed over the same to the Forensic Laboratory for examination.

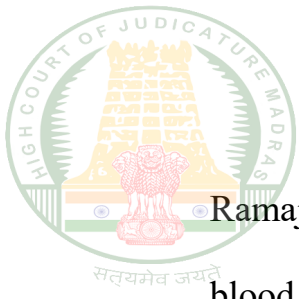
2.16. **PW19- Tr.Kabilan**, then Sub Inspector of Police, Kabilan deposed that while he was on duty at Nagarasampatti Police Station on 24.06.2010 at 4.40 p.m. PW1 gave a written complaint, based on which he registered a case in crime No.192/2010 for the offences under Sections 147, 148, 341, 506(ii) and 302 IPC. Ex.P23 is the registered F.I.R. He sent the FIR to the Court and also to higher officials.



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2.17. PW20- Tr.S.Rajkumar, Circle Inspector / Investigating

Officer deposed that while he was working as Burgoor Circle Inspector as full additional in-charge on 24.06.2010 at 16.40 hours, he received an information regarding registration of Ex.P23- FIR. After receiving the same, he took up the case for investigation at 17.45 hours. He visited the scene of occurrence in the presence of PW11 and one Sudanthiram/ VAO. He prepared Observation Mahazar – Ex.P8 and Rough Sketch – Ex.P24 in the presence of said witnesses. On the same day at 18.45 hours, he seized Blood Stained Soil – M.O.9, Ordinary Soil – M.O.10 under Mahazar Ex.P19. Since it is night hours, due to law and order problem, he sent the body through PWs.16 and 17 to Cauveripattinam Government hospital and kept in the mortuary. On 25.06.2010 at 6.00 a.m., he went to the Government Hospital and conducted inquest over the dead body Ramajayam in the presence of Panchayatdars and issued Inquest Report – Ex.25. As regards the deceased Illayaraja, at 9.15 to 11.30 a.m., he conducted inquest over the dead body and issued the Inquest Report Ex.P26. He examined the witnesses, recorded their statements and seized Blood Stained White Colour Full Sleeve Shirt- M.O.4, White Colour Sleeveless Banian – M.O.5, Green, Blue and White Cross Stripes Lungi with blood- M.O.6, Red Colour Waist Rope -M.O.7 from the deceased



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Ramajayam and Blue White and Green colour cross stripes lungi with blood stains - M.O.8, Black Red colour T shirt with blood stains – M.O.13, White colour sleeveless Baniyan – M.O.14 and Black colour waist rope with dollar- M.O.15 of the deceased Illayaraja were seized under Form 95 – Ex.P20.

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2.18. **PW21- Tr.M.S.M.Valavan-** then **Circle Inspector of Burgoor Police Station** deposed that he took up the case for further investigation on 29.06.2010, he examined M.R.Raja and PW13- Dr.Hariram and recorded their statements. On 02.07.2010, he filed a petition before the learned Judicial Magistrate, Pochampalli for taking A1 under police custody. He has also searched for other accused. On 02.07.2010 at Pochampalli Bus Stop, with the help of Grade I Police Constable, he has arrested A2 and A3 in the presence of PW12 and PW14. Signature of PW12 found in the confession statement of A2 is Ex.P18 and the signature of PW12 found in the confession statement of A3 is Ex.P19. He sent them to judicial custody on 06.07.2010. He took A1 into police custody in the presence of PW14 and PW12. During enquiry, A1 voluntarily gave confession statement and the same has been recorded in the presence of witnesses. In pursuant to the admissible portion of the



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confession statement under Ex.P12, A1 has identified the billhook and dress materials which were worn by him at the time of commission of crime. In pursuance of the confession statement, A1 took them to Thenpennai river bed to a land belongs to Malar, daughter of Periyathalli Natarajan, and in front of a thorny bush, A1 handed over M.Os.1 to 3 and the same were seized under Mahazar- Ex.P13. He sent the case properties to the Court under Form-91 – Ex.P20.

2.19. PW15 – Tr.Ramamoorthy, then Head Clerk, Judicial Magistrate Court, Pochampalli received the case properties through Form 95. A1 was sent to judicial custody. He sent a requisition under Ex.P21 to the learned Judicial Magistrate, Pochampalli for sending the case properties for forensic analysis and the permission letter granted is Ex.P22. He examined the witnesses and recorded their statements. He also sent a requisition under Ex.P27 before the learned Chief Judicial Magistrate, Krishnagiri to assign a judicial magistrate for recording statement of the witnesses under Section 164 CrPC. In pursuance to the requisition letter, learned Judicial Magistrate, Oothangarai was instructed to record the statements of the witnesses under Section 164 CrPC. Thereafter, the 164 CrPC statements of PWs.1 to 5 were recorded under



Exs.P28 to P32. He has also received the Serology Report – Ex.P33 and Biological Report – Ex.P34. Upon completion of his investigation, he has laid the final report against the accused persons.

2.20. In order to prove the charges framed against the accused, the prosecution has examined PWs.1 to 21, marked Exs.P1 to P34 and produced 15 material objects. Upon completion of prosecution side witness, when the accused were questioned under Section 313(1)(b) CrPC with regard to incriminating materials appearing against them, they denied the same as false. On behalf of the defence, neither any witness nor any document was marked.

2.21. The Trial Court, upon appreciating the oral and documentary evidence, convicted and sentenced the accused persons as stated above. Aggrieved over the same, the accused 1 to 3 / appellants herein have preferred the present Criminal Appeal.

3. Mr.Arun Anbumani, learned counsel appearing for the appellants / A1 to A3 has put forward the following contentions:

- (i) As per the evidence of PW1 and as per Ex.P1/complaint, the alleged occurrence held at around 8.00



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to 8.15 a.m. on 24.6.2010, whereas the FIR -Ex.P23 came to be registered by PW19 upon receipt of complaint from PW1 only at 16.40 hours.

(ii) The earliest information received by the Investigating Officer has been suppressed and the FIR was brought about belatedly i.e., after about 8 ½ hours of the occurrence after due discussion / deliberation, only upon the arrival of PW7 and the same is an afterthought. The genuineness of the complaint and the First Information Report implicating the appellants are in grave doubt.

(iii) There is considerable delay in the FIR reaching the Court and all these aspects are fatal to the prosecution.

(iv) The bodies of the deceased lying at the scene of occurrence for about 10 hours, which is wholly unusual and strange. There is no justifiable reason for the deceased bodies to be lying at the scene of occurrence from at least 9.00 a.m. till 7.00 p.m. on 24.06.2010 and that only after 7.00 p.m., the dead bodies were taken away from the scene of occurrence and sent to the mortuary.

(v) According to the prosecution, the murders resulting in death of the deceased were committed using M.O.1 – Billhook, however the prosecution has not established or explained as to how M.O.1 – Billhook surfaced at the scene of occurrence. PW1, the alleged eye witness does not say that M.O.1 was either brought by the appellants / accused or was available at the scene of occurrence. According to PW1, they were taking pooja articles to the scene of occurrence to



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perform boomi pooja, she did not mention about taking any billhook. No attempt was made by the prosecution to prove that M.O.1 – Billhook belonged to the appellants or was brought by him to the scene of occurrence. There is complete silence in the prosecution case in this regard.

(vi) According to the prosecution case, A1 had voluntarily gave confession statement on 06.07.2010 in the presence of PW12 and PW14 and in pursuance of the admissible portion of the confession statement of A1, material objects 1 to 3 were recovered. In his confession statement, A1 does not clearly mention whether he had concealed and kept M.Os.1 to 3. Therefore, the alleged confession statement given by the appellants and the recovery at the instance of A1 is not reliable and deserves to be discarded.

(vii) PW15 – Court Clerk categorically admits in his evidence that M.Os.1 to 3 were not produced in concealed condition and as per the Biological Report Ex.P34, blood was detected on M.Os.2 and 3 and not on M.O.1- Billhook. As per Serology Report – Ex.P33, it is seen that M.Os.2 and 3 contains human blood, but the result of the grouping test is inconclusive. Therefore, the prosecution has failed to prove that M.O.s.2 and 3 belonged to A1.

(viii) The prosecution has not taken steps to lift the finger prints of A1 on M.O.1. Failure to send M.O.1 for forensic examination for presence of any fingerprint, casts a doubt on the prosecution case. The prosecution did not show M.O.1 to PW13/ doctor who conducted autopsy for obtaining



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his opinion as to whether the injuries on the body of the deceased could have been caused with M.O.1.

(ix) The alleged eye witness- PW1 in her chief examination has not clearly identified M.O.1 weapon. Initially she deposed that M.O.1 shown to her was not used in the commission of offence. Subsequently she claims that since it was past 2 years, she was unable to remember on it. Thus, the identification of M.O.1 – weapon itself creates grave doubt and it is unsafe to rely upon such identification.

(x) PW1, in her chief examination, introduced new motives as the appellants stopping her from constructing a house, her husband / deceased Ramajayam providing food to A1's father and previous enmity existing for nearly 20 years. These aspects have not at all been mentioned in the complaint / Ex.P1 as well as in the statements recorded by Police. PW1 also improves her version about the attack and injuries inflicted on the deceased. These aspects have also not been stated in the complaint – Ex.P1 or before the police.

(xi) Regarding the attack on the deceased, the prosecution case is that A3 caught hold of the legs of the deceased Illayaraja and A1 brutally attacked the deceased with Billhook and that the Juvenile Accused caught hold of the deceased Ramajayam and A2 brutally attacked him with Billhook. However, in her testimony before the Court, PW1 deposed that A1 also attacked the deceased Ramajayam with Billhook. This is completely contrary to the prosecution case and her statement before the police.



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(xii) Severance of the private part of the deceased Ramajayam is not even the case of the prosecution. PW13 / doctor deposed that the private part of the deceased Ramajayam was intact. Ex.P16- Postmortem certificate makes no mention about any injury or dismembering of his private part. Even in Ex.P24- Inquest Report, there is no mention about such dismembering.

(xiii) The testimony of PW1 is untrustworthy and unreliable and it is wholly unsafe to give any credence to her testimony.

(xiv) It is the case of PW1 and PW7 that they had entered into an agreement for sale with M.R.Raja, grand father of A1 for the purchase of 32 cents in S.No.82, i.e., scene of occurrence for Rs.2,40,000/- and that Rs.1,00,000/- was paid as advance and the possession of the land was also given to them.

(xv) There is a contradiction as to the date of entering into the alleged agreement for sale with M.R.Raja. According to Ex.P1-complaint given by PW1, the alleged Agreement for Sale was entered into on 22.06.2010, however, PW1 in her evidence deposed that the date of the alleged sale agreement as 23.06.2010. PW7 deposed that he was informed that Kulla Gounder and Kuppusamy signed as witnesses in the Agreement for Sale. Neither M.R.Raja nor the said witnesses were examined by the prosecution before the Trial Court.

(xvi) PW1 deposed that she took pooja articles to the scene of occurrence and that the murder took place when the



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appellants came to the scene of occurrence after the Bhoomi Pooja commenced. Neither the Observation Mahazar- Ex.P8 nor Rough Sketch – Ex.P24 make any mention of any pooja articles. No pooja articles were even seized by the Investigating Officer. The photographs do not show any such articles near the bodies.

(xvii) PW9 claims to be an eye witness to an occurrence deposed that only A1 was present at the scene of occurrence and whereas PW20/IO categorically admits that PW9 is not an eye witness and he came to the scene of occurrence only after the occurrence.

(xviii) The prosecution has miserably failed to prove its case beyond all reasonable doubt and the Court below without properly appreciating the oral and documentary evidence, convicted and sentenced the appellants / accused and the same is unsustainable in law.

4. The learned counsel for the appellants, to strengthen his conditions, relied upon the following judgments of the Hon'ble Supreme Court of India :

(i) State of Punjab v. Sucha Singh and Others [(2003) 3 SCC 153]

to show that if the basic foundation of the prosecution case crumbles down, motive becomes inconsequential and at the same time, animosity is a double-edged sword.



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(ii) ***Amar Singh v. State (NCT of Delhi) [(2020) 19 SCC 165]*** to

show that failure on the part of the Investigating Officer in not showing the weapon in question to the doctor for obtaining opinion as to whether injuries sustained by the deceased could be caused by such weapon or not. This infirmity held to be a serious lapse on the part of the IO, particularly when conduct of sole eyewitness found unnatural.

(iii) Also relied upon the judgment of this Court in ***Kanagaraj and Others v. State, rep. By Inspector of Police, Pasuvandhanai Police Station, Tuticorin [2011 (1) MWN (Cr.) 172 (DB)]*** to show that inordinate and unexplained delay in registering the FIR and despatching the First Information Report to the Magistrate's Courts assumed importance.

(iv) Yet another judgment of this Court in ***Rengasamy v. State represented by Inspector of Police, Sethubvachatram Police Station, Thanjavur [2016 SCC Online Mad 25876]*** to show that arrival of the police on the spot, there also appear probability of suppression of earlier version of occurrence would create crucial doubt about the case of the prosecution.

5. *Per contra*, learned Additional Public Prosecutor appearing for the respondent would submit that PW1 categorically deposed in her



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evidence and in Ex.P1/complaint with regard to the delay in lodging the

complaint. In the complaint itself, it has been clearly stated that when

PW1 lodged the complaint before police, they refused to receive the

complaint and therefore, she had lodged the complaint at 16.40 hours

before PW19- Sub Inspector of Police. There is no suppression of any

material fact with regard to lodging of the complaint. PW1 categorically

deposed that her husband / deceased Ramajayam and her son / deceased

Illayaraja went for performing Boomi Pooja in the land which was

purchased from Mr.M.R.Raja, by entering into a sale agreement. PWs.2,

3, 4 and 6 were also present there to perform Boomi pooja and they also

brought pooja articles and that that time, after performing Boomi pooja,

within 15 minutes the accused arrived the scene of occurrence and they

questioned as to why they are performing pooja in their lands and also

prevented them. At that time, the deceased Ramajayam replied about the

agreement entered into with M.R.Raja and the deceased Illayaraja

questioned the accused whether if they have any record to show. Enraged

over the same, A1 attacked the deceased Illayaraja on his neck. At that

time, the Juvenile Accused caught hold of the deceased Ramajayam and

A2 assaulted the deceased Ramajayam. Therefore, at the time of

occurrence PW1 was present in the scene of occurrence and witnessed the



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murder of her husband and her son and she gave a detailed evidence regarding the brutal murders. Since the accused are influential persons, her complaint was received belatedly.

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6. The learned Additional Public Prosecutor would further submit that the Doctor who conducted autopsy and issued postmortem certificate as well as in his evidence stated that due to damage of blood vessels and loss of blood and shock, the deceased Ramajayan died and the death of the deceased Illayaraja was due to cut injury on his neck, brain damage, blood loss and shock. PW9, who is an independent witness corroborates the evidence of PW1 and the overt act attributed against the accused. The prosecution has proved its case beyond all reasonable doubt through the evidence of PW1 and PW9, who are eye witnesses to the occurrence and the motive in this case was also established through the evidence of PW1 and PW7. The prosecution has proved its case beyond all reasonable doubt. Upon appreciating the oral and documentary evidence, the Court below rightly found that the accused are found guilty of the charges framed against them. The Court below also found that the Medical Officer – PW13, who gave evidence before the Court below has not performed his official duty. Since the Court below found that as per



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Ex.P6- photograph with naked eyes saw that from the private part of Ramajayam, blood was oozing and his lungi was tainted with blood.

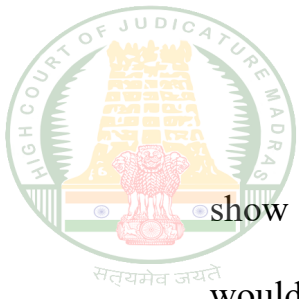
There is no infirmity or perversity in the judgment of the Court below.

7. To strengthen his contentions, the learned Additional Public Prosecutor has relied upon the following judgments:

(i) Judgment of the Hon'ble Supreme Court In ***Edakkandi Dineshan alias P.Dineshan and Others v. State of Kerala [(2025) 3 SCC 273]***, to show that either a partial, untrue version of one of the witnesses or an exaggerated version of a witness may not be a sole reason to discard the entire prosecution case, which is otherwise supported by clinching evidence such as truthful version of the witnesses, medical evidence, recovery of the weapons etc.

(ii) Judgment of the Hon'ble Supreme Court in ***Rama Devi v. State of Bihar and Others [(2024) 10 SCC 46]*** to show that the delay in forwarding the FIR to the Magistrate Court concerned is not fatal to the prosecution case. Mere delay by itself is not sufficient to disbelieve and discredit the prosecution case.

(iii) Yet another judgment of the Hon'ble Supreme Court in ***Ravinder Kumar and Another v. State of Punjab [(2001) 7 SCC 690]***, to



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show that it is a recurring feature in most of the criminal cases that there would be some delay in furnishing the first information to the police. It is to be noted that law has not fixed any time for lodging the FIR. Hence, a delayed FIR is not illegal.

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8. We have considered the submissions made on either side and perused the entire materials available on record.

9. In order to prove the charges framed against the accused, the prosecution has relied upon the following circumstances:

(I) Motive

(II) Eye witness of PW1

(III) Recovery of Material Objects

(IV) Medical Evidence.

MOTIVE

10. PW1, who is the wife of the deceased Ramajayam and mother of the deceased Illayaraja, categorically deposed that for the past 20 years, previous enmity existed between them. The accused often picked up quarrel with them. Prior to the date of occurrence, Dhanakodi, S/o.



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M.R.Raja came and informed the deceased Ramajayam that no one is providing food to him and he asked him to help him. Thereafter, on the request of M.R.Raja and his son Dhanakodi, the deceased Ramajayam and the deceased Illayaraja and PW1 have decided to purchase lands to an extent of 32 cents from M.R.Raja for a sale consideration of Rs.2,40,000/- and to that effect, an agreement for sale was entered into between M.R.Raja and the deceased Ramajayam and the agreement was executed in the name of the deceased Illayaraja and a sum of Rs.1,00,000/- was given as advance. PW1 also stated that possession was also handed over to the deceased Ramajayam by M.R.Raja, prior to the date of occurrence. When the deceased, PW1, PW2 to PW6 went to the agricultural lands for performing boomi pooja. At that time, after performing boomi pooja, within 15 minutes A1 to A3 and Juvenile accused came there and questioned them why all of them have gathered. The deceased Ramajayam replied that he had entered into agreement for sale with M.R.Raja and also informed about the payment of advance with regard to purchase of land and also informed that the balance sale consideration will be paid afterwards. All the accused picked up a quarrel and A1 to A3 got enraged and the deceased Illayaraja questioned A1 that if the land belongs to him, then A1 may bring relevant records to support his claim. Enraged



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over the same, A1 to A3 told how he can ask records from them and they informed to do away him. A2 and A3 also abetted A1 by stating to do away the deceased persons.

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11. PW7, Son of PW1 and the deceased Ramajayam deposed that accused persons are his relatives and for the past 20 years previous enmity existed between both the families. The accused persons have not provided food to the father of A1 [Dhanakodi]. So the deceased Ramajayam provided food to him. Previously there was a dispute between the accused family and PW1's family with regard to participating in fish tender auction and also at the time of constructing a new house. The grand father of A1 – M.R.Raja stated to the deceased Ramajayam that he is having 31 cents of land for his livelihood and he is willing to sell the same to the deceased Illayaraja and thereafter on 22.06.2010, a sale agreement was entered into between the deceased Illayaraja and M.R.Raja for a total consideration of Rs.2,40,000/- and Rs.1,00,000/- was paid as advance. In the said agreement, Kollu Gouder and Kuppuswamy stood as witness. PW7 in his chief examination deposed that the original sale agreement was in his home. From the evidence of PW1 and PW7, it is clear that there existed motive / previous enmity between the accused family and the



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deceased family for the past 20 years and the accused also interfered with

the affairs of the deceased family while participating in fish tender process

and also constructing new house. Further, it reveals that the grandfather of

A1 one M.R.Raja was having 31 cents of land for his livelihood. A1's

father Dhanakodi informed the deceased Ramajayam that no one is

providing food to him and he asked to help him. In pursuance to the

request made by M.R.Raja and his son Dhanakodi, the deceased persons

have decided to purchase the lands of 31 cents of M.R.Raja for

Rs.2,40,000/- and to that effect an agreement of sale was entered into and

the agreement was executed in the name of the deceased Illayaraja and a

sum of Rs.1,00,000/- was given as advance. Further the said M.R.Raja

has handed over possession of the land prior to the date of occurrence.

When the deceased and PW1 entered into the said land and after

performing Boomi Pooja, the accused has arrived the scene of occurrence

and involved in quarrel. PW1 and the deceased have also invited PW2 to

5, PW8 and PW9 to attend Boomi Pooja. In this regard, as per the

evidence of PW8, on 24.06.2010, the deceased Ramajayam and Illayaraja

invited PW8 to participate in the boomi pooja in the lands belongs to

M.R.Raja. Similarly, PW9 also deposed that on 23.06.2010 at 06.00 p.m.,

his uncle, Ramajayam informed him that he had purchased a land at Thalli



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belongs to M.R.Raja and on the next day morning, Ramajayam and his family were going to perform boomi pooja and he was invited for that.

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Therefore, the evidence of PW8 and PW9 corroborates with the evidence of PW1 that on 24.06.2010, boomi pooja was performed by the deceased family in the lands purchased by them belonging to one M.R.Raja, for which PW8 and PW9 were invited.

12. When PW1 and the deceased were in the said land after performing boomi pooja, within a short span of time, the accused persons entered into the said land and questioned about why they are performing boomi pooja. When the deceased persons were informed that they have already entered into a sale agreement and also obtained possession from the said M.R.Raja and also paid a sum of Rs.1,00,000/- advance. Since the lands belongs to A1's grandfather Mr.M.R.Raja, the said M.R.Raja entered into sale agreement for selling of his land and received Rs.1,00,000/- advance and handed over possession in favour of the deceased family. Therefore, there existed previous enmity and enragement and quarrel with the deceased. The prosecution has proved the motive for the commission of offence through the evidence of PW1 and PW7. The prosecution has also established the fact that on the date of



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occurrence, Boomi Pooja was performed by PW1's family in the lands purchased by the deceased family from M.R.Raja, through the evidence of PW8 and PW9.

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EYE WITNESS OF PW1

13. PW1 – Tmt.Chandra deposed that prior to the occurrence, one day the Dhanakodi came and informed to PW1's husband / deceased Ramajayam that no one giving food to him and asked to help him. The deceased Ramajayam and the deceased Illayaraja decided to purchase land belonging to M.R.Raja to an extent of 31 cents for a sum of Rs.2,40,000/- and to that effect, a sale agreement was entered into between M.R.Raja and the deceased / Ramajayam and the agreement was entered into in the name of the deceased Illayaraja and a sum of Rs.1,00,000/- was given as advance sale consideration. On 24.06.2010, when PW1's family gone to the said land belongs to M.R.Raja for performing pooja. PW1, the deceased Ramajayam, deceased Illayaraja, PWs.3 to 6 were present for performing pooja. After 15 minutes, A1 to A3 and the Juvenile Accused came there and questioned them, why all of them have gathered there. The deceased Ramajayam replied that they had entered into a sale agreement with M.R.Raja and Rs.1,00,000/- advance was paid for 31 cents and balance sale consideration of Rs.1,40,000/- will be paid

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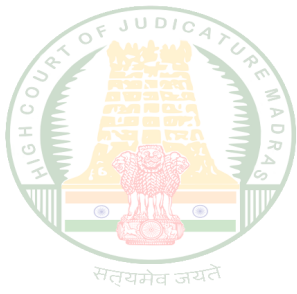
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afterwards. At that time, all the accused picked up quarrel. PW1's son stated to A1 that if he has any record, to bring the same and not to disturb.

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While so, A1 to A3 stated that how dare he can ask evidence from them and stated to stop everything. A2 and A3 instructed A1 to chop him. A1 assaulted the deceased Illayaraja on his neck with billhook. Immediately PW1 and the deceased Ramajayam shouted and questioned the same. A1 to A3 stated that they should also do away the life of Ramajayam. A1 assaulted the deceased Ramajayam with billhook on his neck and he fell down. Juvenile accused caught hold of the deceased Ramajayam and A2 attacked the deceased Ramajayam on his throat. While so, the Juvenile accused run and caught hold of PW1. Then A2 and A3 cut the private part of the deceased Ramajayam with billhook and the accused also scolded PW1. While PW1 raised hue and cry, then the accused and thereafter, all of them stated that they have murdered both of them.

14. The entire case rests upon the sole eye witness of PW1. At this juncture, it is relevant to quote the well-known maxim that "Evidence has to be weighed and not counted" has been given statutory placement in Section 134 of the Evidence Act which provides as under:



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“134. No particular number of witnesses shall in any case be required for the proof of any fact.”

This section marks a departure from the English Law where a number of statutes still prohibit convictions for certain categories of offences on the testimony of a single witness. This difference was noticed by the Privy Council in *Mohd. Sugal Esa Mamasan Rer Alalah v. King* [AIR 1946 PC 3 : 50 CWN 98 : 1946 All LJ 100] wherein it was laid down as under:

“It was also submitted on behalf of the appellant that assuming the unsworn evidence was admissible the court could not act upon it unless it was corroborated. In England where provision has been made for the reception of unsworn evidence from a child, it has always been provided that the evidence must be corroborated in some material particular implicating the accused. But in the Indian Act there is no such provision and the evidence is made admissible whether corroborated or not. Once there is admissible evidence a court can act upon it; corroboration, unless required by statute, goes only to the weight and value of the evidence. It is a sound rule in practice not to act on the uncorroborated evidence of a child, whether sworn or unsworn, but this is a rule of prudence and not of law.”

15. The Privy Council decision was considered by this Court in

Vadivelu Thevar v. State of Madras [AIR 1957 SC 614 : 1957 Cri LJ 1000 : (1957) 2 MLJ (SC) 69] in which it was observed as under:

“On a consideration of the relevant authorities and the provisions of the Evidence Act, the following propositions may be safely stated as firmly established:

(1) As a general rule, a court can and may act on the testimony of a single witness though uncorroborated. One credible witness



outweighs the testimony of a number of other witnesses of indifferent character.

(2) Unless corroboration is insisted upon by statute, courts should not insist on corroboration except in cases where the nature of the testimony of the single witness itself requires as a rule of prudence, that corroboration should be insisted upon, for example in the case of a child witness, or of a witness whose evidence is that of an accomplice or of an analogous character.

(3) Whether corroboration of the testimony of a single witness is or is not necessary, must depend upon facts and circumstances of each case and no general rule can be laid down in a matter like this and much depends upon the judicial discretion of the judge before whom the case comes.

In view of these considerations, we have no hesitation in holding that the contention that in a murder case, the court should insist upon plurality of witnesses, is much too broadly stated. Section 134 of the Indian Evidence Act, has categorically laid it down that ‘no particular number of witnesses shall, in any case, be required for the proof of any fact’. The Legislature determined, as long ago as 1872, presumably after due consideration of the pros and cons, that it shall not be necessary for proof or disproof of a fact, to call any particular number of witnesses.”

“It is not seldom that a crime has been committed in the presence of only one witness, leaving aside those cases which are not of uncommon occurrence where determination of guilt depends entirely on circumstantial evidence. If the Legislature were to insist upon plurality of witnesses, cases where the testimony of a single witness only could be available in proof of the crime, would go unpunished. It is here that the discretion of the presiding judge comes into play. The matter thus must depend upon the circumstances of each case and the quality of the evidence of the single witness whose testimony has to be either accepted or rejected. If such a testimony is found by the court to be entirely reliable, there is no legal impediment to the conviction of the accused person on such proof. Even as the guilt of an accused person may be proved by the testimony of a single witness, the innocence of an accused person may be established on the testimony of a single witness, even though a considerable number of witnesses may be forthcoming to testify to the truth of



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the case for the prosecution. Hence, in our opinion, it is a sound and well-established rule of law that the court is concerned with the quality and not with the quantity of the evidence necessary for proving or disproving a fact. Generally speaking, oral testimony in this context may be classified into three categories, namely:

- (1) Wholly reliable.
- (2) Wholly unreliable.
- (3) Neither wholly reliable nor wholly unreliable.

In the first category of proof, the court should have no difficulty in coming to its conclusion either way — it may convict or may acquit on the testimony of a single witness, if it is found to be above approach or suspicion of interestedness, incompetence or subornation. In the second category, the court equally has no difficulty in coming to its conclusion. It is in the third category of cases, that the court has to be circumspect and has to look for corroboration in material particulars by reliable testimony, direct or circumstantial. There is another danger in insisting on plurality of witnesses. Irrespective of the quality of the oral evidence of a single witness, if courts were to insist on plurality of witnesses in proof of any fact, they will be indirectly encouraging subornation of witnesses. Situations may arise and do arise where only a single person is available to give evidence in support of a disputed fact. The court naturally has to weigh carefully such a testimony and if it is satisfied that the evidence is reliable and free from all taints which tend to render oral testimony open to suspicion, it becomes its duty to act upon such testimony. The law reports contain many precedents where the court had to depend and act upon the testimony of a single witness in support of the prosecution.”

16. A perusal of the evidence of PW1 reveals that she lodged a complaint – Ex.P1 before PW19-Kabilan on 24.06.2010 at 16.40 hours. As per Ex.P1-complaint as well as the evidence of PW1, the occurrence took place around 08.00 or 08.15 a.m. on 24.06.2010. PW19-Sub
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Inspector of Police deposed that when he was on duty at Nagarsampatti

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Police Station, PW1 appeared before him at the police station and gave the complaint-Ex.P1 and in pursuance thereof, he registered the FIR – Ex.P23. PW1, in her evidence, stated that she lodged the complaint in the police station at 4.40 p.m., which was written by known person because she does not know to read and write and she does not remember the name of the person who wrote the complaint. PW1 categorically deposed the explanation for the delay stating that the police did not accept her complaint initially and that she has given statement after her son/PW7 arrived from Chennai.

17. On analysing the entire evidence of PW1, this Court comes to the conclusion that the evidence of sole eye witness- PW1 is cogent, consistent and reliable.

18. The learned counsel appearing for the appellant would submit that Nagarasampatti Police Station is situated 9 kms north west from the scene of occurrence. Ex.P1-complaint was given only on 16.40 hours, 8 ½ hours after the occurrence after due discussion and deliberation and the same is fatal to the prosecution case. PW19 categorically deposed that



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only PW1 gave complaint and no information was received by the police station about the occurrence and only after the receipt of complaint, PW19 and PW20 ran to the scene of occurrence, which was after 6.00 p.m., and the deceased bodies were lying there. PW1, in her cross examination, deposed that police came to the scene of occurrence upon coming to know about the occurrence and the villagers came to the scene of occurrence within 10 minutes and VAO arrived to the scene of occurrence within ½ an hour and Nagarasampatti police came to the occurrence place after ½ an hour after the arrival of VAO.

19. In this regard PW19 denied the suggestion that on 24.06.2010 before 10.00 am. itself, someone had committed murder of the deceased Illayaraja and Ramajayam and the same was informed to the police station and thereafter at 11.00 a.m., they reached the scene of occurrence. PW19 further denied the suggestion that the FIR was registered after due deliberations and discussions after the arrival of PW7. PW19 also denied the suggestion about receiving the information about the murder in the morning itself and the initial investigation was commenced and FIR and other papers were prepared. PW20/ Investigating Officer also testified similar version of PW17 and denied the suggestions put towards him.



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PW19 categorically deposed in his cross examination that it took about 20

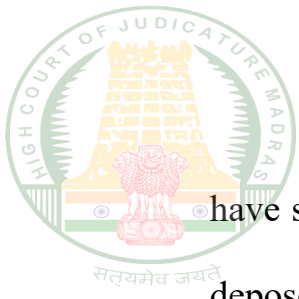
– 25 minutes to register Ex.P23- FIR and it was sent to the Court at about

6.00 p.m., and the papers were placed before PW20 for investigation.

20. PW9- Tr.Kutti @ Muthukumar categorically deposed about witnessing the occurrence and the overt act attributed by the accused persons, similar to the version of PW1. Though PW9 claims to be an eye witness deposed about the presence of the accused persons at the scene of occurrence, however PW20/Investigating Officer states that PW9 is not an eye witness and he came to the scene of occurrence, only after the occurrence.

RECOVERY OF MATERIAL OBJECTS

21. As per the evidence of PW12-Village Administrative Officer, who deposed about the arrest and confession statement of A2 and A3 on 02.07.2010 and his signature found in the confession statement of A2 and A3 under Exs.P11 and P12 respectively. He was also the witness for A1's confession statement and in pursuance to the admissible portion of confession statements, M.O.1- Billbook, M.O.2 – Shirt and M.O.3- Pant were recovered under Seizure Mahazar- Ex.P13, in which PWs.12 and 14



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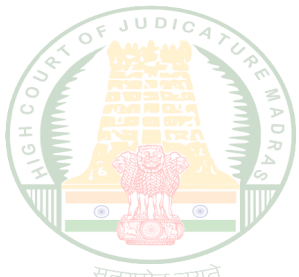
have signed as witnesses. In this regard, PW20/Investigating Officer also deposited about the recovery aspect. The evidence of PWs.12 and 14 is fully corroborated by the evidence of PW20 with regard to recovery of material objects in pursuance to the confession statement of A1.

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22. As per Ex.P33- Serology Report, it is seen that M.O.2-Shirt and M.O.3- Trousers were found with human blood which said to have been recovered from A1 in pursuance of his confession statement. It is further seen that the Shirt-M.O.4 pertaining to the deceased Ramajayam was found to be tainted with human blood “O” Group. It is also seen that the T-Shirt and Lungi pertaining to the deceased Illayaraja was found to be tainted with human blood “B” group. In this regard, during questioning under Section 313(1)(b) CrPC, the Accused / A1 has not given any explanation with regard to blood stains found in his Shirt – M.O.2 and in his Trousers- M.O.3.

MEDICAL EVIDENCE

23. PW13- Dr.Hariram, doctor who conducted autopsy has noted the following injuries while issuing Ex.P16 – Postmortem Certificate in respect of the deceased Ramajayam:



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“1.A cut injury at left side of neck about 6 x 4 x c cm involving muscles blood vessels damaged.

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2. A cut injury at front of neck measuring 4 x 2 x 1 cm Trachea tubes damaged.

3.A cut injury on left shoulder measuring 2 x 1 x 1 cm.

4. A cut injury just below No.3 measuring 2 x 1 x 1 cm on left shoulder.

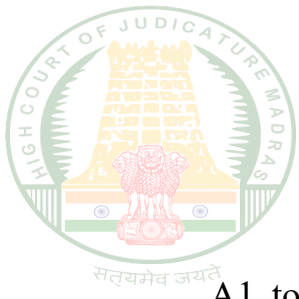
PW13 opined that the deceased would appear to have died of damage of blood vessel, loss of blood and shock.

24. PW13 issued Ex.P17- Postmortem Certificate in respect of the deceased Illayaraja, wherein the following injuries were noted:

1.A deep cut injury at back of neck starts from left mastoid region passed around the base of skull and in right mandible about 20 x 6 x 6 cm involving muscles and blood vessels.

2. Fracture of occipital bone fracture of right mandible brain substances came out. Both carotid vessels were damaged.

PW13 opined that the death occurred due to cut Injury of neck, blood vessel damage, blood loss and shock.

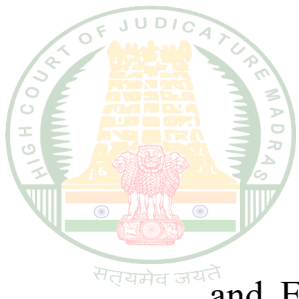


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25. In this regard, PW1, in her evidence, categorically deposed that

A1 took M.O.1 – Billhook and attacked the deceased Illayaraja on his neck and he fell down. On seeing the same, PW1 and the deceased Ramajayam raised hue and cry and at that time, all the 3 accused stated that they have to close Ramajayam also and by saying so, A1 assaulted the deceased Ramajayam with Billhook on his neck and he also fell down. Thereafter, the Juvenile Accused caught hold of the deceased Ramajayam tightly and A2 attacked on the throat of Ramajayam with Billhook. The Juvenile Accused caught hold of PW1 and then, A2 and A3 cut the private part of the deceased Ramajayam with Billhook and after that, they stated that they have finished / murdered both of them.

26. The injuries noted by the doctor / PW13, who conducted autopsy over the deceased bodies, tallied with the version of PW1 with regard to nature of injuries sustained by the deceased persons. Though PW13 deposed that the private part of the deceased Ramajayam was intact and there is no mention about any injury on his private part in the postmortem certificate issued by him.



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27. The Court below found that as per Ex.P6- series of Photographs

and Ex.P7-CD, on seeing through the naked eye it could be very well noted that the private part of the deceased Ramajayam was cut as the lungi was tainted with blood and the photographs are evident to show that the private part of the deceased Ramajayam was injured due to the attack by A2 and A3 with M.O.1-Billhook, as deposed by PW1. It is to be noted that the weapon used for the commission of crime was not shown to PW13 for obtaining his opinion as to whether the injuries on the bodies of the deceased could have been caused by the said weapon. Though there is minor contradictions with regard to injuries sustained by the deceased Ramajayam in his private part and not showing M.O.1 weapon before PW13/doctor for his opinion, the same is not fatal to the prosecution case. The prosecution case has been proved through medical evidence that the death is homicidal one.

28. From the evidence of PW1 along with Ex.P1-complaint would show that though PW1 chosen to lodge complaint before the concerned police, but the police refused to receive the same and only after the arrival of her son / PW7 from Chennai, who is working as Head Constable at Chennai, PW1 gone to the police station and gave written complaint. In



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the complaint, she has stated that even though she has given complaint, it was refused to be received and only after PW7 came, the complaint was accepted and the reason for the delay in lodging the complaint has been clearly mentioned in the complaint itself, which resulted in the First Information Report to set the law in motion.

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29. The prosecution has proved the motive for the occurrence through the evidence of PWs.1 to 7. Though there is minor contradiction in the evidence of PW1 as to whether M.O.1 weapon was either brought by the accused or it was already available at the scene of occurrence, it is not fatal to the prosecution case. In this case, the occurrence was held on 24.06.2010, PW1 was examined in chief on 11.10.2017, cross examined on the same day and thereafter, PW1 was recalled and further cross examined on 13.08.2018.

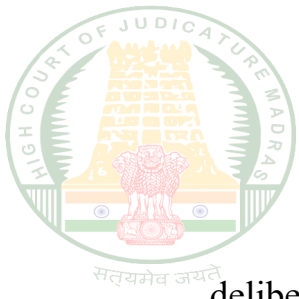
30. Upon perusing the evidence on record, this Court finds that the prosecution has cogently established the motive, ocular witness deposition, recovery and medical corroboration, each supporting the other. The long-standing enmity between both the accused and the victims' families, as seen from the evidence of PW1 and PW7 further aggravated



by the land dispute arising from the sale agreement, which shows a clear and convincing motive for the commission of the offence.

31. The evidence of ocular witness PW1 is also corroborated by the medical and recovery evidence. The overt acts of each accused have been distinctly proved through the evidence of PW1. A1 wielded M.O.1-billhook and dealt fatal blows on the necks of both deceased. A2 joined in the attack by cutting the throat and private parts of deceased Ramajayam, while A3 abetted and actively participated in the assault by instigating and supporting A1 and A2 in executing the murderous act along with the Juvenile accused, who facilitated the commission by restraining the victims during the assault.

32. The recovery of M.O.1-billhook and the bloodstained clothes-M.O.2 and M.O.3 pursuant to A1's voluntary confession Ex.P12, found bearing human blood. Ex.P33-Serology Report lends strong corroboration to the evidence of PW1-Eyewitness. The medical evidence of PW13-Postmortem doctor through Exs.P16 and P17, confirms that the injuries sustained were homicidal and correspond with the manner of assault described by PW1. Therefore, all the circumstances, taken together, form an unbroken chain unerringly pointing to the guilt of the accused.



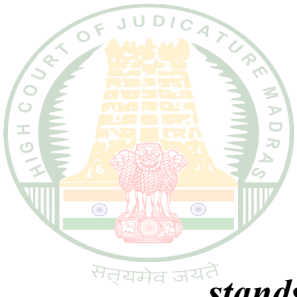
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33. This Court finds that the acts committed by A1 to A3 were

deliberate and carried out with a clear intention of causing the death of the deceased persons Ramajayam and Ilaiyaraja. The manner of assault, the recovery of weapon and the vital parts targeted leave no room for doubt that the offence committed squarely falls within the definition of “murder” under Section 300 of the Indian Penal Code, 1860 and does not fall under any of its exceptions. Hence, A1 to A3 are held guilty and liable to be punished under Section 302 IPC for the offence of murder.

34. It is also pertinent to note that it is a case of double murder. The Court below has not framed charges for the offence under Section 302 r/w. 34 IPC for 2 counts, however, the maximum sentence of life imprisonment has been imposed by the Court below.

35. The prosecution has proved the case beyond all reasonable doubt. The Trial Court, on a proper appreciation of oral and documentary evidences, has rightly convicted and sentenced the accused and this Court finds no perversity or illegality in the judgment of conviction and sentence passed by the Trial Court.



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36. In the light of the reasons assigned above, ***this Criminal Appeal***

stands dismissed, confirming the judgment of conviction and sentence dated 31.07.2019 made in S.C.No.262 of 2016 passed by the learned Additional Sessions Judge, Krishnagiri District. The appellants were granted the relief of suspension of sentence by this Court, pending appeal. In the light of dismissal of this criminal appeal, the respondents are directed to secure the presence of the appellants / accused for undergoing the remaining period of sentence.

[P.V., J.] [M.J.R., J.]
26.02.2026

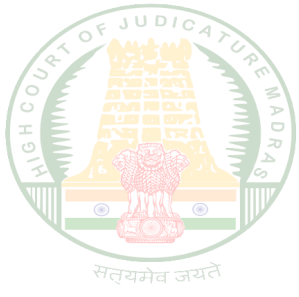
Index : Yes / No
Internet : Yes / No
Jvm

To

1. The Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri District.

2. Additional Sessions Court, Krishnagiri.

3. The Public Prosecutor,
High Court, Madras.



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Crl.A.No.561 of 2019

P.VELMURUGAN, J.
and
M. JOTHIRAMAN, J.

Jvm

Judgment in
Crl.A.No.561 of 2019

26.02.2026