



Crl.A.No.711 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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**RESERVED ON : 27.01.2026**

**PRONOUNCED ON : 26.02.2026**

Coram:

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

**Crl.A.No.711 of 2019 and  
Crl.M.P.Nos.14825 & 14824 of 2019**

1. Rajendran  
2. Jeyakumar

...Appellants

Vs.

State represented by  
The Deputy Superintendent of Police,  
Gingee Division,  
Villupuram District  
Representing Sathyamangalam Police Station,  
Sathiyamangalam.

...Respondent

**Prayer:** Criminal Appeal is filed under Section 374(2) Cr.P.C. to set aside the judgment dated 16.09.2019 made in Spl.S.C.No.73 of 2016 by the learned Sessions Judge, Special Court for SC/ST Act Cases, Villupuram, by allowing this appeal.



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For Appellants : Mr.S.Shunmugavelayutham, Senior Counsel  
for Mr.S.Udayakumar

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

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## **JUDGMENT**

### **P.VELMURUGAN, J.**

This criminal appeal has been filed by A1 & A2 to set aside the judgment of conviction and sentence passed against them in Spl.S.C.No.73 of 2016 dated 16.09.2019 by the learned Sessions Judge, Special Court for SC/ST Act Cases, Villupuram.

2 The case of the prosecution is that the deceased Mani on 06.02.2014 watered the land, which was cultivated by him and on the next day early morning at about 4.00 a.m. while he went to water the same land, died due to electrocution, since A1 erected an iron fencing giving electric connection from the pump set belonged to A2. On the next day when P.W.1 woke up, her husband was not at the home and at about 8.30 a.m. P.W.8 Nagaraj called her and told that her husband died in the canal near the land

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belonged to A1 Rajendiran. P.W.1 went to the place of occurrence and there she saw that the first appellant/A1 erected iron fencing and given electric connection from the Pumpset belonged to the second appellant/A2 and the deceased died due to electric shock. Therefore P.W.1 made complaint before the Sathiyamangalam Police Station, Sathiyamangalam, Gingee, which was marked as Ex.P1.

**2.1** On receipt of the complaint Ex.P1, P.W.19, the Special Sub Inspector of Police, Sathiyamangalam Police Station, registered an FIR in Cr.No.7 of 2014 and sent the same to P.W.20, who was the Inspector of Police(In-charge) of the Sathiyamangalam Police Station and P.W.20 conducted further investigation and handed over the case to P.W.21, who is the Inspector of Police, Sathiyamangalam Police Station. P.W.21, on coming to know that the deceased belonged to suppressed community, altered the charges including the provisions of the SC/ST (PoA) Act, and handed over the case to P.W.22, who was the Deputy Superintendent of Police, Gingee Sub Division. P.W.22 after completing investigation, filed charge sheet, which was taken on file in Spl.S.C.No.73 of 2016.

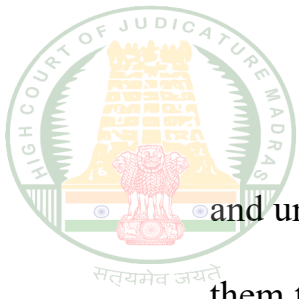


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3 Before the trial Court, in order to prove the charges, prosecution examined 22 witnesses as P.Ws.1 to 22 and marked 15 documents as Exs.P1 to 15, besides two material objects M.Os.1 and 2.

4 On completion of examination of the prosecution witnesses, incriminating materials were culled out from the evidence of prosecution witnesses and put before the accused under Section 313(1)(b) Cr.P.C. and they denied the same as false. On the side the defence, no oral evidence was let in and two documents were marked as Exs.D1 and D2.

5 The learned Sessions Judge, after trial and hearing the arguments advanced by the learned counsel on either side, by judgement dated 16.09.2019, found both the appellants/A1 & A2 guilty for the offence under Section 304(ii) IPC and since the deceased belonged to suppressed community, invoked the provisions of Section 3(2)(v) of SC/ST (PoA) Amendment Act, 2015 and convicted and sentenced each of them to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.1,000/- each, in default, to undergo simple imprisonment for a further period of 3 months,



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and under Section 3(2)(v) of SC/ST (PoA) Amendment Act, 2015, sentenced

them to undergo imprisonment for life and to pay fine of Rs.1,000/- each, in default, to undergo simple imprisonment for a further period of three months and directed the appellants/A1 & A2 to pay Rs.50,000/- each to the defacto complainant P.W.1, in default, to undergo simple imprisonment for a further period of six months. The learned trial Judge ordered the sentence to run concurrently.

6 Aggrieved over the said judgment of conviction and sentence, the appellants are before this Court with the present Criminal Appeal.

7 Mr.S.Shunmugavelayutham, learned Senior Counsel for the appellants would submit that this is the case, where there was no eye witness to the occurrence and the whole case rest upon the circumstantial evidence relied upon by the prosecution to record conviction for the alleged offences under Sections 304(ii) IPC and Section 3(2)(v) of SC/ST (PoA) Amendment Act, 2015. The circumstantial evidence is not pointing only to the circumstances that the accused alone are guilty of the alleged offences and the possibility of committing offences by other persons is not ruled out.

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**7.1** The alleged electricity connection said to have been taken from the second appellant's pump set, in fact belongs to one Kumaresan, was not examined by the prosecution to speak about the fact that the second appellant was doing agricultural operation in that land.

**7.2** P.W.13 is the Doctor, who conducted postmortem on the body of the deceased, had not conclusively offered his opinion about the cause of death. P.W.13 was not able to say how the electricity connection passed through which part of the body of the deceased and caused the burn injuries. Therefore the cause of death itself is doubtful.

**7.3** The deceased did not belong to Scheduled Caste or Scheduled Tribes and in such a case, the trial Court ought not to have invoked the provisions of SC/ST (PoA) Act. To invoke Section 3(2)(v) of SC/ST Amendment Act, prosecution must prove that the victim is belongs to Scheduled Caste or Scheduled Tribes community and the offence has been committed against him on basis that such person belongs to suppressed community. In the case on hand prosecution has failed to prove the above



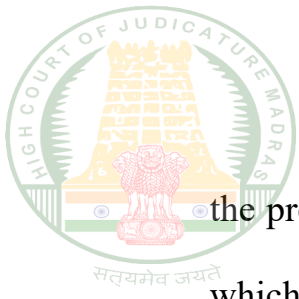
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ingredients to invoke Section 3(2)(v) of SC/ST (PoA) Amendment Act.

Prosecution failed to prove as to why the deceased has to cross through the land of the first appellant, when the witnesses have clearly stated the deceased can reach his cultivating land without crossing the first appellant's land.

**7.4** The learned Senior Counsel further contended that in the appellant's land there is no fodder cultivation or any root vegetables which would attract the pigs makes the appellant to put up live wire fence to protect the crops from pigs and hence there is no necessity for the appellant to put up live wire fencing on his land. Further as per the evidence of prosecution witnesses the alleged fencing was put up only on one side and not around the land and hence it is clear that it cannot be for the purpose as alleged by the prosecution.

**7.5** Further in this case as per the story of the prosecution the deceased belonged to Scheduled Caste and in such case, as per the provisions of Rule 7(1) of SC/ST Act, the investigation has to be done by the police office, not below the rank of Deputy Superintendent of Police, but in



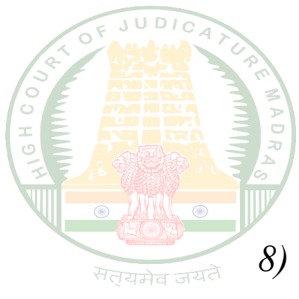
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the present case, the investigation was done only by the Inspector of Police, which is not proper. As per Rule 7(2) of SC/ST Act, investigation has to be completed within 30 days of the registration of the case and in the instant case FIR was registered on 07.02.2024 and final report was filed only on 08.11.2024 after the period of 9 months, which violates the rules enumerated under the Act.

**7.6** Therefore at any angle prosecution has not proved its case beyond all reasonable doubts especially when the case is solely based on the circumstantial evidence, it is the bounden duty of the prosecution to prove its case beyond all reasonable doubts, which is lacking in the present case. Therefore the judgment of conviction and sentence recorded by the trial Court is liable to be dismissed. In support of the contentions, the appellants relied on the following judgemnts.

- 1) *AIR 1964 Supreme Court 205 (Cherubin Gregory Vs. State of Bihar)*
- 2) *1984 CRI.L.J.1038 (Benoy Chandra Dey Vs. The State and another)*
- 3) *AIR 2000 Supre Court 1876 (Masumsha Hasanasha Musalman Vs. State of Maharashtra)*
- 4) *1992 CRI.L.J2397 (Kalaji alias Keshaji Vs. The State of Gujarat)*
- 5) *(20078) 6 SCC 528 (Dilip S.Dahanukar Vs. Kotak Mahindra Co.Ltd., and another)*
- 6) *(2010) 6 SCC 230 (K.Abbas H.S.A. Vs. Sabu Joseph and another)*
- 7) *(2010) 2 MLJ (Crl.)241 (Paranjothi Vs. State rep. By the Deputy*

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*Superintendent of Police, Erode)*

8) (2010) 2 MLJ (Crl.) 865 (*Irusappan Vs. State rep by the Deputy Superintendent of Police, Villupuram*).

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**8** The learned Additional Public Prosecutor appearing for the respondent police would submit that P.W.1 is the wife of the deceased. The appellants put up wire fencing and gave electric connection illegally from the pump set situated in the second appellant's land, in order to prevent the cattle entering into his grassland. The deceased was cultivating the land of one Mannureddiyar, which is situated next to the first appellant's land and when the deceased, in the early morning, went for watering his land, nearby the appellant's land, where he put up wire fencing, the deceased got electric shock and died on the spot. P.W.14, who is one of the villagers, while he went to cut banana leaf in the first appellant's pump set, saw someone was lying on the canal. He informed P.W.7 and P.W.7 informed P.W.8. P.W.8 informed the same to P.W1, who is the wife of the deceased and who set law into motion, had lodged complaint Ex.P1.

**8.1** P.W.19, on receipt of Ex.P1 complaint, registered an FIR in Cr.No.7 of 2014 for the offence under Section 304 IPC and the printed copy of the FIR has been marked as Ex.P7. P.W.20, who was the Inspector of 9/23



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Police (Incharge), Sathiyamangalam Police Station, had taken further

investigation by preparing Observation Mahazar, Rough Sketch, Recovery Mahazar and Inquest Report. Thereafter he handed over the case to P.W.21, who was the Inspector of Police, Sathiyamangalam Police Station and he altered the charges, since the victim belongs to suppressed community and sent request to appoint an Investigating Officer not below the rank of the Deputy Superintendent of Police, since provisions of SC/ST (PoA) Act, has been invoked. Thereafter P.W.22, who was the Deputy Superintendent of Police took the case for further investigation and after completing investigation, filed charge sheet for the offence under Section 304 IPC r/w Section 39(1) Electricity Act and Section 3(2)(v) SC/ST (PoA) Act, 1989.

**8.2** On the side of the prosecution, P.Ws.1 to 22 were examined, out of which, P.W.1 is wife, P.W.2 is father, P.W.3 is relative, P.W.4 is son of the deceased and P.Ws.5 to 10 are relatives and villagers of the deceased and they have spoken about death of the deceased and they all categorically deposed that the deceased died due to electric shock near the first appellant's land.

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**8.3** The first appellant only put up iron wire fencing and gave electric connection to the same from the pump set in the second appellant's land. The deceased was cultivating the adjacent land and when he went to water his land, nearing the fencing, he got electric shock and due to which he died on the spot.

**8.4** P.W.13, the Doctor, who conducted postmortem on the body of the deceased had noted burn injuries on the body of the deceased and stated that the same shall be caused due to electric shock.

**8.5** P.W.15, who was an Assistant Engineer (Electrical), TNEB deposed that the Wireman called him and informed that there was fencing near Agriculture Electric Service Connection No.85 pump set and one person died due to electric shock and he went to the place of occurrence and saw that there was electric wire connection in the fencing from the fuse carrier in the pump set and the deceased found dead near the fencing.



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**8.6** Therefore from the evidence of the prosecution witnesses, prosecution has proved that the first appellant put up iron wire fencing and illegally gave electric connection to the same and when the deceased crossed nearby the fencing, he got electric shock and due to which, he died on the spot.

**8.7** The trial Court rightly appreciated the evidence of prosecution witnesses and rightly convicted the appellants, which does not call for any interference of this Court and the appeal is liable to be dismissed.

**9** Heard the learned counsel appearing for the appellants and the learned Additional Public Prosecutor for the respondent police and perused the materials available on record.

**10** Admittedly in this case, there is no eye witness and the case is based on the circumstantial evidence. It is true that when the case is based on the circumstantial evidence, it is the bounden duty of the prosecution to prove the cardinal principles of last seen theory, motive and recovery.



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**11** In this case P.W.1, who is none other than the wife of the deceased, in the statement recorded under Section 164 Cr.P.C. has stated that the second appellant demanded the land, which was leased out to the deceased, in which, he was cultivating crops, and the owner of the land refused the same. Further P.W.1 deposed that one Anand Reddiyar told Mannu Reddiyar that the land should not be leased out to the suppressed community.

**12** Further P.W.1 deposed that she gave food to the deceased on the previous day at 9.00 p.m. and thereafter when she woke up at 4.00 a.m. he was not in the house. Thereafter at 8.30 a.m. Nagaraj, who was examined as P.W.8 called her through phone and informed that her husband died near the canal. She immediately went to the place of occurrence and saw that electric connection had been given illegally to the wire fencing put up in the land of the first appellant and her husband died near the canal, due to electric shock.

**13** P.W.2, who is the father of the deceased deposed that the first appellant had put up wire fencing in his land and one Raja shouted that there



was electric connection and he jumped there and none of us went near the fencing.

**14** P.W.3, one of the villagers deposed that when he was at home, he heard that the deceased had died and he saw one injury in the shoulder and both legs of the deceased. P.W.4 son of the deceased even though turned hostile, has stated that one Nagarajan informed him about the death of the deceased and there was wire fencing in the land of the first appellant with electric connection. Further in the statement recorded under Section 164 Cr.P.C. before the Judicial Magistrate, he has clearly deposed that his mother told him that the second appellant Jeyakumar demanded the land, in which they were cultivating, but Mannureddiyar, who is the owner of the land refused the same. Further there was wire fencing on the land of the first appellant, which was given electric supply and the deceased died due to electric shock and her mother got doubt in the death of the deceased.

**15** P.W.5, who is the relative of the deceased deposed that while her husband was going for work, he was informed that the deceased died and she went to Government Hospital where the deceased was taken and



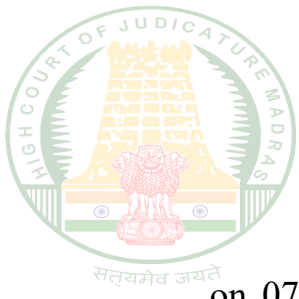
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thereafter she met P.W.1, who told her that she had been revenged and the appellants had given electric connection to the fencing put up on the first appellant's land.

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16 P.W.6, who is also a relative of the deceased deposed that on 07.02.2014 he was informed that the deceased died near the canal on the first appellant's land. He went to the place of occurrence and saw that the deceased lying dead in the canal. At the corner of the canal, he saw a wire had been fenced and he also saw that electricity supply was given from the Motor Room situated in the second appellant's land through a wire and none was allowed to go near the fencing.

17 P.W.7, who is one of the villagers, has deposed that he was informed that the deceased died near the first appellant's land. He informed the occurrence to the Nagarajan P.W.8. and thereafter villagers assembled there. He further deposed that near the fodder grass, as the cattle should not eat it, a fencing had been put up and he stumbled and fell down, however nothing happened to him.



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**18** P.W.8, in consonance with the evidence of P.W.7 deposed that

on 07.02.2014, when he was at the shop in the morning, Nehru and Raja came and told him that Mani was lying dead near the well. One Indrani was currently out of town and her son-in-law has cow fodder grass next to the well. He took his bike and went to see, where Mani was lying dead. There was a wire on the side of the canal where water is being poured and his motorbike key, which had been kept in the Bike got burnt due to the electric power and hence he alerted all not to go there.

**19** P.W.9 clearly deposed that on receiving the information, he went and saw the deceased lying dead and he found injuries on both the legs of the deceased and there was a wire tied to small sticks on the side of the road, which had been electrified. P.W.10, who is a relative of the deceased also deposed that he heard about the death of the deceased.

**20** P.W.11, who is Village Administrative Officer deposed that on 07.02.2014, his Village Assistant one Munusamy P.W.12 came and informed that one Mani was lying dead on the land of Rajendran and they both went to that place, where there was a Well on Rajendran's land and the deceased was

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found dead near the canal and there was a cow fodder field next to it. P.W.12  
deposed in consonance with the evidence of P.W.11.

**21** P.W.13 is the Doctor, who conducted autopsy on the body of the deceased deposed that she found one burn injury on the back side of the right hand  $20 \times 20$  cm 2<sup>nd</sup> degree, due to an electric shock, other burn injury  $6 \times 6$  cm 2<sup>nd</sup> degree on the back of the right knee and third burn injury  $10 \times 20$  cm 3<sup>rd</sup> degree on the back of the left knee.

**22** P.W.14 one of the villagers deposed that while he went to cut banana leaf, he saw someone lying near the Rajendran's land and he informed P.W.7 Raja. Thereafter he heard that the deceased was found dead near the Rajendran's land. P.W.15, who is the Assistant Engineer (Electrical) TNEB, deposed that the Wireman one Elumalai informed him that a person had been electrocuted and died due to the electric fence installed from the service connection No. 85. He saw that a light red electric wire had been taken from the fuse carrier to the electric fence. A person was found dead in the canal nearby. Immediately power supply was shut down from transformer No. SS4, which had provided electric power and he also recovered Rs.1500/- the loss caused to TNEB.



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**23** P.W.16, is the RDO, who issued certificates certifying the communities of the deceased and the appellants, which shows that the deceased belongs to suppressed community and the appellants are not members of SC/ST community.

**24** P.W.17 is the Valuation Officer in the Superintending Engineer's Office in Villupuram and he deposed that on 07.02.2014, the Wireman Ezhumalai spoke to the Assistant Electrical Engineer over phone that a person named Mani from Manalappadi village had died due to electric shock. He went to place of occurrence and saw that from the service connection number 85 on SS4, a white and red twisted wire from the fuse carrier belonging to Kumaresan was connected to the wire fencing. The deceased Mani, was found dead near canal. After the inspection, the Assistant Electrical Engineer called the Wireman Ezhumalai, and instructed him to cut off the electricity at the transformer at SS4.



**25** Therefore from the evidence of the above witnesses, it is crystal

clear that the appellants illegally took electric connection and connected the same to the wire fencing put up on the first appellant's land and when the deceased went near the wire fencing he got electric shock and succumbed to the same. This Court, as an appellate court, being a final Court of fact finding, while re-appreciating the entire evidence, finds that the prosecution has proved its case with cogent evidence.

**26** Even though the circumstantial evidence has to be established without any break of chain, in all the cases, it cannot be meticulously proved. Circumstantial evidence is evidence of circumstances which can be relied upon not as proving a fact directly but instead as pointing to its existence.

**27** Apart from claiming ignorance and denying the various incriminating evidence presented during the trial, the appellants chose not to adduce any evidence to explain their innocence. Thus, their silence and failure to explain any of the incriminatory circumstances, would strengthen the prosecution case based on circumstantial evidence against them as proved by the prosecution.

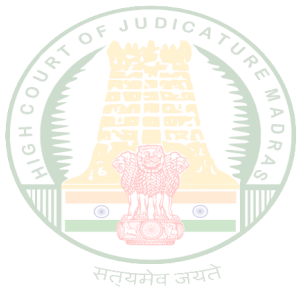


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28 In this regard, we may also refer to the decision of the *Hon'ble*

*Supreme Court* rendered in *Trimukh Maroti Kirkan v. State of Maharashtra reported in (2006) 10 SCC 681*, wherein, it was held that where the circumstantial evidence forms the basis of a case, where no eyewitness account is available, and when the incriminating circumstances are put to the accused, if the accused does not offer any explanation or the explanation that is found to be false, it provides an additional link to the chain of circumstances as observed in para 21 of the aforesaid decision which reads as follows:

*“21. In a case based on circumstantial evidence where no eyewitness account is available, there is another principle of law which must be kept in mind. The principle is that when an incriminating circumstance is put to the accused and the said accused either offers no explanation or offers an explanation which is found to be untrue, then the same becomes an additional link in the chain of circumstances to make it complete. This view has been taken in a catena of decisions of this Court.”*



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**29** While the accused is not obligated to answer the questions put to him under Section 313 Cr.P.C. and still can maintain his silence or deny the evidence, yet silence, evasive or wrong answers to the questions put by the court provides a perspective to the court in properly evaluating the incriminating materials which have been brought forth by the prosecution by drawing necessary inference including an adverse one. Examination of an accused under Section 313 Cr.P.C. will enable the accused to prepare and strategize his defence. He will have all the opportunities to discredit any prosecution witness or question any evidence through the tool of cross examination. He will thereafter have the opportunity to lead his defence evidence, if any. In the present case, despite the incriminating evidence which has come up against the appellants has been pointed out to them by the Court, they have not explained any of these but merely denied or feigned ignorance to which necessary inference can be drawn against them. Therefore we do not find any reason to interfere with the judgment of conviction recorded by the trial Court. There is no quarrel with the settled propositions cited by the learned counsel for the appellants, but in criminal case, each and every case has to be decided on its own merits, depending on

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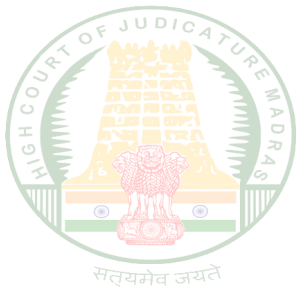
the facts and circumstances and those decisions are not applicable to the present case on hand.

**30** In the result, this Criminal Appeal stands dismissed. Consequently connected miscellaneous petitions stand closed. The trial Court is directed to secure the appellants to undergo remaining period of imprisonment, if any.

[PVJ] [MJRJ]  
26.02.2026

Speaking Order/Non Speaking Order  
Neutral Citation case: Yes/no  
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- To
1. The Sessions Judge, Special Court for SC/ST Act Cases, Villupuram,
  2. The Deputy Superintendent of Police, Gingee Division,  
Villupuram District.
  3. The Public Prosecutor, High Court of Madras.



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

**Pre-Delivery Judgement in  
Crl.A.No.711 of 2019 and  
Crl.M.P.Nos.14825 & 14824 of 2019**

26.02.2026

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