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CrI.A.No.375 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 10.02.2026
PRONOUNCED ON: 26.02.2026

CORAM

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

CrI.A.No.375 of 2018

V.Alli,
W/o.Raja,
Agaram Colony, Parangipet,
Cuddalore District.

Appellant(s)/PW3 victim-wife of the deceased

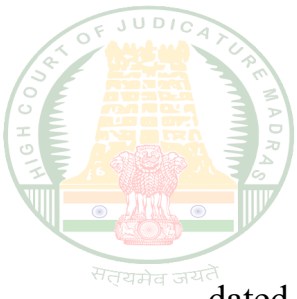
Vs

1.State represented by
The Inspector of Police,
Parangipet Police Station,
Cuddalore District.

Respondent/Complainant

2.Kanakaraj
S/o.Sundaramurthy
Kodikal Nagar, B.Mathur,
Cuddalore District.

Respondent(s)/Accused



CrI.A.No.375 of 2018

Criminal Appeal filed under Section 372 Cr.P.C. against the judgment dated 12.02.2018 passed in S.C.No.103 of 2015 on the file of the II Additional District and Sessions Court, Chidambaram and to set aside the same.

For Appellant(s): Mrs.V.S.Jothilakshmi
for Mr.R.Sankarasubbu

For R1: Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem

For R2: Mr.E.V.Chandru @ Chandrasekaran
Legal aid counsel

JUDGMENT

(delivered by M.Jothiraman, J.)

Challenging the judgment of acquittal dated 12.02.2018 passed in S.C.No.103 of 2015 on the file of the II Additional District and Sessions Court, Chidambaram, the appellant/PW3/wife of the deceased has preferred the above appeal.

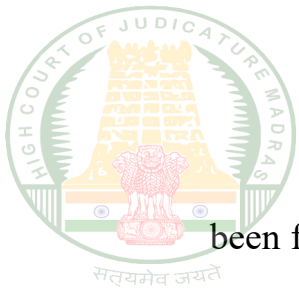
2. The brief case of the prosecution is as follows:

2.1 PW1—Rangaramanujam, Village Administrative Officer, deposed that on 16.04.2013, he along with his Assistant Balakrishnan, proceeded on his two-wheeler towards Manjaikuzhi; when they reached Thideerkuppam near the land belonging to Shek Abdula (PW6), they noticed



a huge crowd gathered there; on reaching the spot, they found bloodstains on the earth and observed a closed newly dug pit; he (PW1) instructed his Assistant to slightly dig the pit, upon which, they noticed two fingers protruding from inside; thereafter, they closed the pit and proceeded to Parangipettai Police Station at about 10.30 a.m., where, he lodged a complaint (Ex.P1); he also informed his higher official viz. Tahsildar (PW8), over the phone; subsequently, the Tahsildar (PW8) arrived at the place of occurrence at about 11.30 a.m. and the Inspector of Police also came to the spot; in his (PW1) presence, the pit was dug open and a male dead body was found and taken out; the body was in a naked state and had a head injury; the forensic officials also arrived at the scene and sniffer dogs were brought to the place; on enquiry with the general public, it was ascertained that the deceased was one Raja, who was working as an Advocate Clerk; PW8 prepared the mahazar statements and thereafter, sent the body for postmortem examination.

2.2 PW2—Suresh, deposed that on 16.04.2013, at about 11.00 a.m., while he was travelling in his two-wheeler, he noticed people running in P.Mutlur village; on enquiry, he (PW2) came to know that a male body had



been found in a pit; he went to the spot and identified the body as Raja, who was the son of his paternal uncle; he immediately informed the brother of Raja viz. Kannan (PW4) over the phone.

2.3 PW3—Valli, wife of the deceased Raja, deposed that her husband, Raja, was working as an Advocate Clerk under Mr.Pakkirisamy; she knew the accused; the accused approached her husband for obtaining a bail order and gave money for the said purpose; as there was a delay in obtaining the bail order, the accused came to their house two or three times and demanded return of the money from her husband; her husband informed the accused that he would repay the amount, however, the accused threatened her husband by stating that, if the money was not repaid, he would face dire consequences; the said incident happened two days prior to the occurrence; on the day of occurrence, her husband had gone to the Court and did not return home; on 16.04.2013 at about 12.00 noon, through PW4, she came to know that her husband's body was buried in a pit; she immediately rushed to the place and identified the naked dead body as that of her husband; after about a week, the police enquired her and she identified the handkerchief (M.O.1).



2.4 PW4—Kannan, brother of Raja, deposed that on 16.04.2013 at

about 12.00 noon, he received information from Suresh (PW2) that the body of his brother Raja was buried in a pit; immediately, he (PW4) along with PW3, his parents and villagers, went to the spot and saw that his brother's body was taken out from the pit; he noticed an injury on the head of Raja, swelling on the throat and a bone fracture on the right leg; he identified the body before PW8; PW4 further deposed that the accused gave a sum of Rs.8,000/- to his brother for obtaining a bail order; thereafter, the accused demanded return of the said amount and he (PW4) advised Raja to return the money; two days prior to the occurrence, the accused threatened Raja with dire consequences; he (PW4) also identified the kerchief (M.O.1) belongs to Raja.

2.5 PW5—Tamilarasi, mother of Raja, deposed that she knew the accused and that her son was working as an Advocate Clerk under one Mr.Pakkirisamy; she stated that her son had received money from the accused for obtaining a bail order; since bail order was not obtained, the accused threatened Raja to return the money; in the year 2013, on one Monday, Raja went to Court, but, did not return home; she (PW5) attempted



to contact him over his mobile phone; however, his phone was switched off; thereafter, while she (PW5), PW3 and PW4 were at home, they came to know that Raja was buried in a pit at Thideerkuppam.

2.6 PW6—Shek Abdulla, deposed that on 16.04.2013 at about 09.00 a.m., a huge crowd gathered in his land; on seeing the same, he noticed bloodstains on the ground; PW1/Village Administrative Officer came to the place and he instructed his Assistant to dig the pit, upon which, a part of a leg was seen; thereafter, PW1 lodged a complaint (Ex.P1); the police and the Tahsildar arrived at the spot and taken out the body from the pit; one Suresh (PW2) identified the body as that of Raja, who was working as an Advocate Clerk; the police seized the bloodstained earth (M.O.2) and sample earth (M.O.3) under the seizure mahazar (Ex.P3); the police also prepared the observation mahazar (Ex.P2), in which, he (PW6) affixed his signature.

2.7 PW7—Sankaran, Village Administrative Officer, deposed that on 23.04.2013, he received information from the Parangipettai Police Station that the accused was arrested and is in police custody and he was



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requested to be a witness; accordingly, he (PW7), along with his Assistant Veeramani, went to the police station; the police read over the confession statement given by the accused, which had already been recorded, in which, he (P.W.7) signed as a witness and his signature in the confession statement was marked as Ex.P4; he further deposed that the material objects produced by the accused were in the custody of the police; at about 11.30 a.m., the police obtained his signature in the seizure mahazar (Ex.P5) relating to the seizure of bloodstained earth (M.O.4), sample earth (M.O.5) and handkerchief (M.O.1), which were said to have been recovered near the land of Anjaneyar Temple; on the same day, around 13.30 hours, near Periyapattu Puduvaikalmettu Street, the police recovered a wooden log (M.O.6) measuring 72 cm. and ashes of burnt cloth (M.O.7) and his signature in the seizure mahazar was marked as Ex.P6; again, on the same day around 14.30 hours, the police recovered a spade (M.O.8) at the backyard of the house of one Bhavani/sister of the accused in Vaikalmettu Street under the seizure mahazar (Ex.P7).

2.8 PW8—Vijaya, Tahsildar, deposed that on 16.04.2013, she received information from PW1/Village Administrative Officer and also a



requisition letter from the Parangipettai Police Station to exhume the body buried in the land of PW6; she went to the spot, where the body was buried; in the presence of police and forensic officials, the body was exhumed from the pit; she (PW8) conducted inquest over the body and prepared the inquest report (Ex.P8); she also issued Form 86 (Ex.P9), recorded the statements of witnesses present at the spot (Ex.P10), and sent a letter (Ex.P11) and other case records to the District Munsif-cum-Judicial Magistrate, Parangipettai.

2.9 PW9—Dr.Suganya, who conducted autopsy on the body of Raja, deposed that she received a requisition from the Tahsildar to conduct postmortem on the body of Raja; on examination, she noted the injuries and preserved the internal organs for chemical analysis; after receiving the chemical analysis reports (Exs.P12 and P13), she issued the postmortem certificate (Ex.P14), wherein, she opined that the deceased would appear to have died 12–24 hours prior to autopsy due to injury to vital structure brain.

2.10 PW10—Balakrishnan, Head Constable, deposed that he handed over the requisition letter from the Inspector of Police to the doctor concerned for conducting autopsy on the body of Raja.



WEB COPY 2.11 PW11—Annamalai, Sub-Inspector of Police, deposed that on 16.04.2013 at about 10.30 a.m., while he was at the police station, PW1/Village Administrative Officer appeared and lodged a complaint (Ex.P1); based on which, he registered a case in Crime No.109 of 2013 under Section 174(1) Cr.P.C. and prepared the First Information Report (FIR) (Ex.P15) and forwarded the copy of the FIR to the Tahsildar and his higher officials.

2.12 PW12—Rosemani, Junior Scientific Officer, deposed that on 27.05.2013, she received the internal organs of the deceased Raja in a sealed cover; after conducting examination, she issued chemical analysis reports (Exs.P12 and P13).

2.13 PW13—Jayanthi, Scientific Officer, deposed that she received the material objects for analysis; after conducting chemical and serological examination, she issued the reports (Ex.P16 and P17).



WEB COPY 2.14 PW14—Dr.Geethanjali, deposed that she examined the hyoid bone specimen and opined that the same was intact and issued the report (Ex.P18).

2.15 PW15—Veeramani, Village Assistant, deposed that he is working under PW7/Village Administrative Officer; on 16.04.2013, PW7 received a phone call from Parangipet Police Station, pursuant to which, he along with PW7 went to the police station; the police enquired them and recorded their statements, in which, he (PW15) and PW7 affixed their signature; at that time, the second respondent/accused was also present in the police station; he admits the signature found in the confession statement of the second respondent/accused as Ex.P19; he (PW15) and PW7 also signed in the observation mahazar (Ex.P2) said to have been prepared by PW16/Inspector of Police on 23.04.2013 around 11.30 a.m., at the scene of occurrence; his signature found in the observation mahazar (Ex.P2) was marked as Ex.P20; he (PW15) and PW7 also signed in the seizure mahazars (Exs.P29 to 31) said to have been prepared by PW16/Inspector of Police on 23.04.2013 around 12.30 hours, 13.30 hours and 14.30 hours, respectively,



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at the scene of occurrence; his signature found in the seizure mahazars were marked as Exs.P21 to 23; he (PW15) and PW7 affixed their signatures in the aforesaid exhibits at the police station.

2.16 PW16—K Kalimulla, Inspector of Police, deposed that he had received the FIR (Ex.P15) registered by PW11 and took up the case for investigation; he sent the requisition letter to PW8/Tahsildar, Chidambaram, to exhume the body; on 16.04.2013 at 11.30 a.m., he went to the scene of occurrence and assisted PW8/Tahsildar to exhume the body; he prepared the observation mahazar (Ex.P2) and drawn rough sketch (Ex.P24) in the presence of PW6 and PW10; from the scene of occurrence, he seized bloodstained earth (M.O.2) and sample earth (M.O.3) in the presence of the same witnesses under the seizure mahazar (Ex.P25); on 17.04.2013, he came to know that the second respondent/accused surrendered before the Judicial Magistrate No.II, Tindivanam; in continuation of his investigation, he altered the case from one under Section 174(1) Cr.P.C. to one under Sections 302 and 201 IPC on 18.04.2013 under the alteration report (Ex.P26); he filed an application to take the second respondent/accused into police custody; in pursuance of the order passed by the Court on 22.04.2013, he



(PW16) brought the second respondent/accused to the police station on 23.04.2013 at 9.30 a.m.; he enquired the second respondent/accused in the presence of PW7 and PW15 and the second respondent/accused voluntarily gave confession statement and the same was recorded; in pursuance of the confession statement, the second respondent/accused took them to the place, where, the body of Raja was buried and at 11.30 a.m., the second respondent/accused identified the place where he buried the body; he (PW16) prepared the observation mahazar (Ex.P27) and drawn rough sketch (Ex.P28) in the presence of the same witnesses; from there, he (PW16) seized bloodstained earth (M.O.4), sample earth (M.O.5) and handkerchief (M.O.1) under the seizure mahazar (Ex.P29) and he further seized the wooden log (M.O.6) and burnt cloth ashes (M.O.7) under the seizure mahazar (Ex.P30); thereafter, the second respondent/accused took them to the backyard of his sister's house, where, he identified the spade (M.O.8) and the same was recovered under the seizure mahazar (Ex.P31); the admissible portion of the confession statement of the second respondent/accused was marked as Ex.P32; he examined the witnesses and recorded their statements; again on 24.04.2013, the second respondent/accused was remanded in judicial custody; he (PW16) sent the



material objects to the Court concerned under Form 95 (Exs.P33 and P34); he gave requisition letter (Ex.P35) to the Court concerned for sending the material objects for forensic analysis; he also gave requisition letter to conduct hyoid bone examination and therefore, he got transferred to some other police station.

2.17 PW17—Arokiaraj, Inspector of Police, deposed the he took up the case for further investigation, examined the witnesses and recorded their statement; he went to the place of occurrence and examined the witnesses.

2.18 After completing the investigation and based on the evidence collected, the Investigating Officer (PW17) filed a final report in P.R.C.No.29 of 2013 before the District Munsif-cum-Judicial Magistrate, Parangipet, against the second respondent/accused for the offences under Sections 302 and 201 IPC.

2.19 On appearance of the second respondent/accused, the provisions of Section 207 Cr.P.C. were complied with and the case was committed to the Court of Session in S.C.No.103 of 2015 and was made



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over to the II Additional District and Sessions Court, Chidambaram, for trial.

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2.20 The trial Court framed the charges under Sections 302 and 201 IPC against the second respondent/accused. When questioned, the second respondent/accused pleaded 'not guilty'.

2.21 To prove the guilt of the second respondent/accused, the prosecution examined seventeen witnesses and marked thirty six exhibits and eight material objects.

2.22 After completion of prosecution side evidence, when the second respondent/accused was questioned under Section 313 Cr.P.C. on the incriminating circumstances appearing against him, he denied the same. No witness was examined on the side of the defence and no document was marked.

2.23 Upon appreciation of the oral and documentary evidence and upon hearing either side, the trial Court, found that the prosecution has



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miserably failed to prove its case beyond all reasonable doubts and by judgment dated 12.02.2018 in S.C.No.103 of 2015, acquitted the second respondent/accused of all the charges.

2.24 Aggrieved over the same, the appellant/PW3/wife of the deceased, has preferred the above appeal.

3. The learned counsel appearing for the appellant would submit that through the evidence of PWs.2, 3 and 5, the prosecution has proved the motive for the offence. PW3 and PW5, mother and wife of the deceased Raja, respectively, have categorically deposed that the second respondent/accused threatened Raja with dire consequences with regard to repayment of money, since the second respondent/accused has paid money to Raja for getting bail order. Further, the prosecution has proved the last seen theory through the evidence of PW3, since two days prior to the occurrence the second respondent/accused threatened Raja with dire consequences. The prosecution has also established through the medical evidence that the death is a homicidal one. The prosecution has also proved the recovery of the material objects in pursuance of the confession statement



voluntarily given by the second respondent/accused through the evidence of PW7 and PW15. When the prosecution was able to prove the motive, last seen theory, recovery and homicidal death, then, the acquittal of the second respondent/accused is unsustainable in law. The entire circumstances point towards the murder of Raja and the place, where the body of Raja was buried was identified by the second respondent/accused. Hence, the Court below without appreciating the oral and documentary evidence in a proper perspective acquitted the second respondent/accused. Therefore, the judgment of the Court below is liable to be set aside and the respondent/accused has to be convicted and punished.

4. The learned Additional Public Prosecutor appearing for the first respondent/State would submit that the prosecution has prove the case beyond all reasonable doubts. The motive for the occurrence has been established through the evidence of PW3 and PW5, who categorically deposed that the second respondent/accused threatened Raja with dire consequences that if he did not return the money paid by him (second respondent/accused) for getting bail order, then, he will be done to death. The prosecution also proved the case that the second respondent/accused



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voluntarily gave confession statement, pursuant to which, the material objects were identified and handed over by the second respondent/accused and the same have been recovered. The material objects seized from the second respondent/accused connect the second respondent/accused with the crime and therefore, the judgment of the Court below is contrary to the law and the reasoning given by the Court below for acquitting the second respondent/accused is unsustainable in the eye of law.

5. *Per contra*, the learned counsel appearing for the second respondent/accused would submit that the prosecution has miserably failed to prove its case beyond all reasonable doubts. The case on hand rests on circumstantial evidence and the prosecution must prove its case with the chain of circumstances without any break. The prosecution has failed to prove the last seen theory, inasmuch as, no witness has deposed that he or she had seen the accused and Raja together immediately prior to the alleged occurrence. Though the prosecution relied upon the evidence of PW15 and PW7 with regard to the alleged confession statement given by the second respondent/accused and recovery of material objects thereof, whereas, PW15 categorically admits that he (PW15) and PW7 had gone to the police



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station and signed in the various mahazars prepared by PW16. Therefore, the evidence of PW7 also falsified that the second respondent/accused has voluntarily given confession statement and recovery of the material objects thereof. PW15 did not support the case of the prosecution and he was treated as hostile witness. Even, during the course of cross-examination by the prosecution, nothing elicited against the second respondent/accused. Though the prosecution was able to establish that the death is homicidal one, The prosecution has utterly failed to prove the circumstances of the case *viz.* motive, last seen theory and recovery of material objects, pointing the guilt of the second respondent/accused. The Court below, upon appreciating oral and documentary evidence in a proper manner, found that the prosecution has miserably failed to prove its case and acquitted the second respondent/accused. There is no perversity or infirmity in the judgment of the Court below warranting interference. Since there is no merit in this appeal, the same is liable to be dismissed.

6. We have considered the submissions made by the learned counsel on either side and perused the materials available on record.



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7. The law is well settled that in a criminal case irrespective of the gravity and nature of charges, the prosecution is under an obligation to prove the guilt of the accused by leading evidence, which is convincing and links the accused with the crime beyond all manner of reasonable doubt. In a case based purely on circumstantial evidence, the onus is upon the prosecution to prove the chain of circumstances beyond all manner of doubt. The law in respect of the same has been crystallized in ***Sharad Birdhichand Sharda v. State of Maharashtra (1984 (4) SCC 116)***, wherein, it was held that:-

“153. A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.

It may be noted here that this Court indicated that the circumstances concerned “must or should” and not “may be” established. There is not only a grammatical but a legal distinction between “may be proved” and “must be or should be proved” as was held by this Court in Shivaji Sahabrao Bobade v. State of Maharashtra [(1973) 2 SCC 793] where the observations were made:

“Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court



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can convict and the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions."

(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty,

(3) the circumstances should be of a conclusive nature and tendency,

(4) they should exclude every possible hypothesis except the one to be proved, and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused."

8. In order to prove the guilt of the second respondent/accused, the prosecution has relied upon the following circumstances:

- (a) Motive
- (b) Last seen theory
- (c) Recovery
- (d) Medical evidence



(a) Motive:

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(i) The prosecution has relied upon the evidence of PW3, PW4 and PW5, wife, brother and mother of deceased Raja, respectively, to prove the motive for the occurrence.

(ii) In her evidence, PW3 has stated that the second respondent/accused paid the money to her husband Raja for getting bail order and since there was a delay in getting the bail order, the second respondent/accused came to her house two or three times and demanded the return of money, in turn, her husband informed the second respondent/accused that he will repay the amount, however, the second respondent/accused stated that, if money is not paid, then, he will take steps in his own way. Two days prior to the occurrence also, the second respondent/accused came and demanded the money. After two days *i.e.* on Monday, Raja went to the Court and thereafter, not returned to the house.

(iii) PW4, in his evidence, has stated that Raja was working as an Advocate Clerk under an Advocate Mr.Pakkirisamy; the second respondent/accused demanded repayment of money from Raja two or three



times; the second respondent/accused paid a sum of Rs.8,000/- to Raja with respect to the filing of bail application, where, a case was registered as against the second respondent/accused in Neyveli Court. PW4 asked Raja to return the said amount. Two days prior to the occurrence, in morning, the second respondent/accused threatened Raja that if money is not paid, then, some unforeseen circumstance will happen.

(iv) It has been stated in the evidence of PW5 that Raja informed her (PW5) that he had received money from the second respondent/accused in respect of getting bail order and as he could not get the bail order, the second respondent/accused threatened Raja with dire consequences, hearing which, she (PW5) requested Raja to return the amount.

(v) From the evidence of PWs.3, 4 and 5, it is seen that they knew the second respondent/accused and the second respondent/accused paid money to Raja with respect of getting bail order. Further, it also reveals that Raja was working as an Advocate Clerk under one Advocate Mr.Pakkirisamy. The prosecution has proved the motive for the occurrence, however, not examined any independent witness to prove that the second



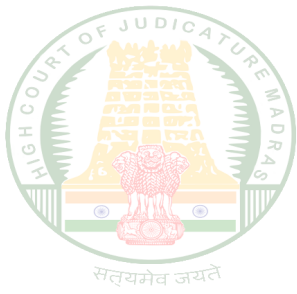
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respondent/accused had paid a sum of Rs.8,000/- to Raja. That part, the prosecution has also not produced any case details, in which, the second respondent/accused intends to avail bail order through Raja. Further, the prosecution has not chosen to examine the said Advocate Mr.Pakkirisamy under whom, Raja was working as an Advocate Clerk.

(b) Last seen theory:

(i) PW3/wife of Raja, in her evidence, has stated that on 16.04.2013 at 12.00 noon, she received information from PW4 that her husband Raja was murdered and buried in the land of Shek Abdulla in Thidirkuppam. She also stated that two days prior to the occurrence, the second respondent/accused came to her house and demanded money from Raja and thereafter, her husband went to the Court on Monday and did not return to the house.

(ii) Similarly, PW4 and PW5, in their evidence, have stated that two days prior to the occurrence, the second respondent/accused demanded money from Raja.



(iii) From the evidence of PWs.3 to 5, it is clear that two days prior to the date of occurrence, they have lastly seen the second respondent/accused along with Raja. The prosecution has not examined any witness to prove the fact that immediately before the alleged date of occurrence, *i.e.* on 16.04.2013, the second respondent/accused and Raja were seen together in a particular place or near the place, where, the body of Raja was buried. Hence, the prosecution has failed to prove the last seen theory, since the evidence of PWs.3 to 5 reveal that two days prior to the occurrence only, they have lastly seen Raja with the second respondent/accused.

(c) Recovery:

(i) In order to prove the recovery of the material objects in pursuance of the confession statement given by the second respondent/accused, the prosecution has relied upon the evidence of PW7/Village Administrative Officer, PW15/Village Assistant and PW16.

(ii) PW7/Village Administrative Officer, in his chief-examination, has stated that on 23.04.2013, he received the information from Parangipet Police Station that the second respondent/accused was arrested and the



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second respondent/accused was present in the police station, pursuant to which, PW7 and PW15 have gone to the police station and they have signed in the confession statement of the second respondent/accused, which has been already recorded by the police and read over to them. Further, PW7 stated that the police also informed that the spade (M.O.8), which was used by the second respondent/accused in the commission of crime, was also available in the police station. PW7 admits his signature found in the confession statement of the second respondent/accused (Ex.P4). Further, PW7 stated that the police informed him that on 23.04.2013 at 11.30 a.m. near P.Mutlur Anjaneyar Temple ground, they have seized the bloodstained earth (M.O.4), sample earth (M.O.5) and handkerchief (M.O.1) and requested him to be a witness and hence, he signed in the seizure mahazar (Ex.P5). Further, the police also informed PW7 that on the same day *i.e.* on 23.04.2013 at 13.30 hours, they have seized 72 cm. wooden log (M.O.6) and ashes of burnt cloth (M.O.7) near Periyapattu Puduvaikalmettu Street and the police requested him to sign in the mahazar and accordingly, he signed in the seizure mahazar (Ex.P6). Further, the police also informed PW7 that on the same day *i.e.* on 23.04.2013 at 14.30 hours, they have seized the spade (M.O.8) at the backyard of the house of one Bhavani/sister of the

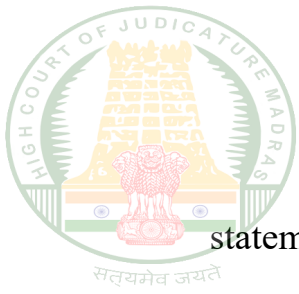


accused in Vaikalmettu Street and requested him to be a witness and therefore, he signed as a witness in the seizure mahazar (Ex.P7). Thereafter, PW7 was treated as a hostile witness and cross-examined by the prosecution side.

(iii) In his evidence, PW15 has stated similar to the version of PW7. PW15 has also been treated as a hostile witness and the prosecution has chosen to cross-examine him.

(iv) It is seen that the evidence of PW7 and PW15 does not support the case of the prosecution with regard to the recovery of material objects from the second respondent/accused in pursuance of the confession statement.

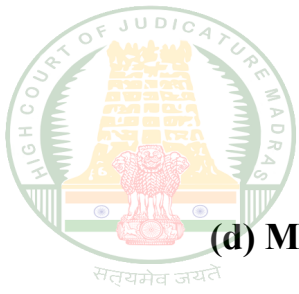
(v) In this regard, PW16, in his evidence, has stated that he had taken the second respondent/accused under the police custody by filing appropriate application before the Court concerned and on 23.04.2013 at 9.30 a.m., he enquired the accused in the presence of PW7 and PW15, while so, the accused voluntarily gave confession statement and the same has been recorded in the presence of PW7 and PW15. In pursuance of the confession



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statement, at 11.30 a.m., the second respondent/accused took them to the place, where, the body was buried and at 1.00 pm., he had prepared the observation mahazar (Ex.P27) and rough sketch (Ex.P28) He (PW16) also seized the bloodstained earth (M.O.4), sample earth (M.O.5) and handkerchief (M.O.1) and on the same day, around 13.30 hours, the second respondent/accused took them to Periyapattu Puduvaikalmettu Street, from there he identified and handed over the wooden log (M.O.6) measuring 72 cm. and ashes of burnt cloth (M.O.7) and thereafter, at 14.30 hours, the second respondent/accused took them to the backyard of his sister's house, where, he concealed the spade (M.O.8) and the same has been identified and handed over by the second respondent/accused under the seizure mahazar (Ex.P31). The admissible portion of the confession statement of the second respondent/accused was marked as Ex.P32.

(vi) The evidence of PW16 is contrary to the evidence of PW7 and PW15. PW7 and PW15 have categorically deposed that they have signed in the various mahazars prepared by the police in the police station. The evidence of PW16 alone is not sufficient to prove the case of the prosecution with regard to recovery of the material objects.



(d) Medical evidence:

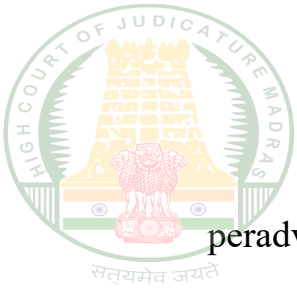
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(i) Through the evidence of Dr.Suganya, the prosecution has proved that the death is a homicidal one.

(ii) As per the serology report (Ex.P17), the bloodstain found in the earth and handkerchief was deducted to be of human blood and the grouping test is inconclusive. The prosecution has failed to prove the blood group pertains to Raja to connect the case with the weapon used in the crime. The prosecution has also failed to prove the nexus between the weapon and the second respondent/accused with the crime.

9. Though the prosecution has proved the motive for the occurrence and the death is a homicidal one, the other circumstances *viz.* last seen theory and recovery have not been proved.

10. In view of the foregoing discussions, this Court is of the view that it is unsafe to convict the accused without proving the chain of circumstances relied on by the prosecution. On a careful consideration of the evidence on record, the Court below has rightly found that in a case of circumstantial evidence, the prosecution has to prove its case beyond



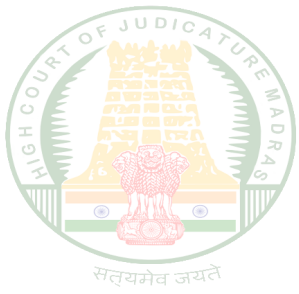
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peradventure without breaking the chain of circumstances. We do not find any perversity in the findings arrived at by the trial Court warranting interference.

In the result, we find no reason, much less any good reason, to interfere with the judgment and order of acquittal that has been passed by the trial Court and consequently, this criminal appeal is dismissed by confirming the judgment dated 12.02.2018 passed in S.C.No.103 of 2015 on the file of the II Additional District and Sessions Court, Chidambaram.

(P.V., J.) (M.J.R., J.)
26.02.2026

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



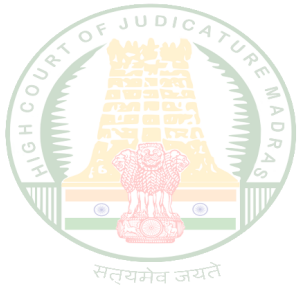
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1.The II Additional District and Sessions Judge,
Chidambaram.

3.The Inspector of Police,
Parangipet Police Station,
Cuddalore District.

4.The Public Prosecutor,
Madras High Court, Chennai – 600 104.



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

nsd

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26.02.2026

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