



Crl.A.No.206 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : **20.07.2023**

Pronounced on : **21.12.2023**

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Crl.A.No.206 of 2019
and Crl.M.P.No.17691 of 2019

Jamuna Rani

..... Appellant / Accused

Vs.

The State represented by
Inspector of Police,
R.8, Vadapalani Police Station,
Chennai - 600 026.

..... Respondent / Complainant

Prayer : Criminal Appeal filed under Section 374(2) Cr.P.C., against the Judgment and sentences of the Mahilar Neethi Mandram, Chennai in S.C.No.321 of 2016, convicting and sentencing the appellant to undergo imprisonment for life and to pay a fine of Rs.5,000/- and in default to undergo further period of 6 months simple imprisonment by its Judgment, dated 12.04.2018.

For Appellant	: Mrs.S.Sridevi
For Respondent	: Mr.S.Raja Kumar APP



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JUDGMENT

WEB COPY **R.SURESH KUMAR, J**

This Criminal Appeal has been directed against the conviction and sentence imposed by the Sessions Judge / Mahila Court, Chennai (Mahalir Neethimandram, Chennai) in S.C.No.321 of 2016, dated 12.04.2018.

2. Briefly the prosecution case are as follows :

(i) That the appellant / accused had been residing as a tenant in the house of P.W.1 and deceased Krishnaveni. The P.W.1, Rani is the daughter of the deceased Krishnaveni. The appellant's aunt one Padma and the appellant were the members of a Self-Help Group headed by the P.W.1, Rani. In the Self-Help Group transaction there had been some wrangle between the appellant and P.W.1. Though the appellant was a tenant of deceased's house, where the P.W.1 also was residing along with the deceased in one portion, at one point of time the deceased Krishnaveni wanted the appellant to vacate the house because there were number of male persons movement in the house which was not conducive. The appellant immediately not agreed for vacating the house and in this regard also, there



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was some commotion between them, thereafter for two months rent was not paid and the appellant asked the P.W.1 and the deceased to deduct the advance amount, accordingly for two months advance amount was deducted. The remaining amount of Rs.7,000/- was paid back to the appellant by the P.W.1 and the deceased, thereafter the appellant vacated the house.

(ii) After some months, the appellant had given a police complaint in Vadapalani police station against P.W.1 that, a sum of Rs.85,000/- was due and payable by the P.W.1 to the appellant / accused. The said case having been enquired was closed by the police.

(iii) Even thereafter, the appellant / accused had come to the P.W.1 on 01.07.2016 morning and demanded the money, for which the P.W.1 claimed to have stated that, there has been no due payable by them to the appellant and this issue has been closed by the police. Therefore the P.W.1 asked the appellant to leave the matter and go.



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(iv) These commotion according to the prosecution had created some vengeance in the mind of the appellant / accused as she felt that, the deceased, i.e., the mother of the P.W.1 was instrumental for the appellant vacating the premises of the deceased and P.W.1 also had not returned back the money allegedly payable by P.W.1 and for all these reasons the appellant / accused wanted to teach a lesson.

(v) With that intention, the appellant on the same day, i.e., on 01.07.2016 at about 5.30 p.m, went to Balavinayagar Temple, where the deceased Krishnaveni was tying the flower as she used to sit in front of the temple for selling the flower. At that time, P.W.1 Rani was also along side with her where the appellant / accused came to the spot with some lamps (அகல் விளக்கு) in a bowl and when the appellant comes closer to the deceased Krishnaveni, immediately the appellant poured the oil like substance at the body of the deceased and also the burning அகல் விளக்கு, i.e., light at the body of the deceased. With the result, the deceased was burnt and the persons in the nearby tried to rescue the deceased by pouring water but in the meanwhile the appellant / accused left the place and the deceased sustained burn injuries at the face, chest, both hands and legs.



(vi) The people nearby called 108 Ambulance vehicle, where the deceased was taken to Kilpauk Medical College Hospital accompanied by P.W.1 and her son and one more person. At that time, the deceased was conscious and she was able to speak.

(vii) At about 7.30 p.m, the prosecution, i.e., the Vadapalani Police came and enquired about the incident, where, the mother of the P.W.1, i.e., the deceased was able to give statement to the police. Thereafter at about 11.30 p.m, the Magistrate came to the Hospital and after he consulted with the Doctor, he left, as at that time, the deceased was not conscious and she was not able to speak. Though treatment had been continuously given in the Hospital to the deceased, at about 4.30 a.m, in the next day morning, the deceased succumbed to injuries as the Doctor came and declared her death.

3. The prosecution has examined 15 witnesses on their behalf. Exs.P.1 to P.17 were marked. That apart, Material Objects M.Os.1 to 8 were also produced and marked.



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4. The learned Sessions Judge having recorded the evidence of the 15 witnesses who deposed on behalf of the prosecution and after hearing the arguments of both sides, having gone into Exs.P.1 to P.17 and M.Os.1 to 8, and had come to a conclusion that, the death of the deceased was the direct consequence to the burns of her due to the fire set on her body on the day of the occurrence by the accused. Therefore the learned Judge has come to the conclusion that, by setting fire on the body of the deceased and causing death of the deceased due to the burn injuries, the accused had committed the offence of murder. Accordingly, the learned Sessions Judge has imposed the punishment of life sentence on the appellant / accused and also imposed a fine of Rs.5,000/-, in default to undergo further period of six months S.I.

5. Challenging the said conviction and sentence imposed by the Sessions Judge as stated supra, the present Criminal Appeal has been filed.

6. According to the prosecution, there were two eye witnesses, i.e., P.W.1, Rani and P.W.2, Durai. P.W.1, Rani, who is none other than the daughter of the deceased Krishnaveni, has deposed that, she was with her



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mother who is the deceased on the fateful day at the evening 5.30 p.m in front of the Balavinayagar Temple, where the mother of the P.W.1 was tying the flowers for selling the same to the devotees who come to the temple. At that time, the appellant / accused came with burning lamps (அகல் விளக்கு) in a bowl, which she poured on the body of the mother of P.W.1 uttering the word that you should die. Immediately, it was set on fire on the body of the deceased and attempt has been made with the help of neighbours who poured water collected in a bucket on the burning body of the deceased and she was immediately rushed to the hospital through the 108 Ambulance, where she was admitted at about 7 p.m, where immediate treatment had been given. She further deposed that, the deceased was conscious enough to speak to the police people who came at about 7.30 p.m and statement was recorded by the police from the deceased. Thereafter at about 11.30 p.m, when Magistrate came, by that time, the deceased become unconscious as only she was breathing and that position continued till 4.30 a.m, where the deceased had a last breathe and accordingly, the Doctor declared her death.



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7. P.W.1 has also stated with regard to the motive and intention of the appellant / accused against the deceased, for which, she narrated that, the appellant / accused was a tenant in one portion of the house of the deceased and P.W.1, where the deceased P.W.1 also was living together with the deceased, in other portion of the house. Initially the appellant came as a tenant by giving assurance that, she was single and therefore a small portion was enough for her and the monthly rent was fixed at Rs.1500/- and advance was fixed at Rs.10,000/- and after some time since there was lot of men movement to see the appellant, the deceased, i.e., the mother of the P.W.1 got annoyed and therefore she asked the appellant to vacate the premises. P.W.1 has further stated that, the appellant immediately did not agree for vacating the premises and after some time she agreed to vacate it and without paying the rent for two months, which was asked to be deducted from the advance of Rs.10,000/-, accordingly a sum of Rs.3,000/- was deducted, i.e., Rs.1,500/- rent for two months and remaining Rs.7,000/- of the advance amount paid by the appellant has been returned back to her by P.W.1.



8. Thereafter a police complaint after some time was given by the appellant against the P.W.1 as if the P.W.1 has to pay a sum of Rs.85,000/- payable to the appellant / accused during the alleged transaction in the Self-Help Group, where the appellant was the member and P.W.1 was the President. The said complaint has been closed by the police after enquiry and even thereafter on the fateful day, i.e., on 01.07.2016, the appellant again came to the house of the P.W.1 as well as the deceased and started asking money and picked up quarrel and where the appellant had stated that, she will teach a lesson to the P.W.1 and her mother. Only in the same day, i.e., on 01.07.2016 evening at 5.30 p.m, this occurrence had taken place and rest of the thing also had been stated by the P.W.1 till death of the deceased at Hospital on the next day early morning at 4.30 a.m.

9. P.W.2 is also an eye witness and he is an independent witness as he has no connection with the family of the deceased. He had deposed that, on 01.07.2016 at about 5.30 p.m, he opened the Temple and went inside and at that time, the deceased Krishnaveni was sitting in front of the temple by tying the flowers, with her, P.W.1, daughter was also available. When he



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was performing the pooja to Navagrahas, at that time, the appellant had come with a bowl, wherein she had a lamp lighted already. When that being so, at that time, when he was performing the pooja to Navagraha, he thought that the appellant was bringing the lamp to light the lamp at Navagraha but the appellant suddenly poured the oil as well as the burning lamp at the body of the deceased Krishnaveni and immediately ran away. Therefore the fire was set at the body of the deceased Krishnaveni, she was running inside the temple and fell down where the people who were available in that place, immediately poured water collected from the tap and thereafter she was taken to Hospital. He saw that there was burn injuries at the head, back, leg and hand of the deceased. Thereafter he left the temple after closing the same and the next day when he came to the temple, he came to know that the deceased died that day at 4.30 a.m.

10. P.W.2 also identified the yellow green colour plastic bowl which was carried by the appellant at the time of pouring the oil at the body of the deceased.



11. Apart from these two eye witnesses, P.W.3 who is the son of the deceased and sister of the P.W.1 had deposed after hearing the occurrence through her sister P.W.1.

12. P.W.4 is the mahazar witness who also deposed. P.W.5 is the Doctor who was on duty on the day of the occurrence. He only admitted the deceased on 01.07.2016 at 7.05 hours. He deposed that, when the deceased was examined she was conscious and was capable to speak, she understood the question posed her and replied properly. He also deposed as if stated by the deceased that, on 01.07.2016 at about 6 p.m, at Vanniyar Street, Kodambakkam, Balavinayagar Temple, a known women poured kerosene on her and set her on fire, in the result, she sustained burn injuries at face, leg, chest, back and hands.

13. Like that, P.W.6 is also a witness who deposed with regard to the arrest and the statement the appellant / accused gave to the police. P.W.7 is the photographer who had taken photos at the place of occurrence as well as the body which was kept at the mortuary of the Hospital. P.W.8, Padma is



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an important witness as she claimed to be the relative of the appellant / accused and she also supported the case of the prosecution. P.W.9 was running a shop at the platform selling soap oil, phenoyl etc., and he deposed that for a sum of Rs.15 to Rs.20, the appellant / accused on 01.07.2016 at about 11 a.m, purchased the acid. P.W.10 was running a vessel shop at Bajanai Kovil Street, Vadapalani and he deposed that, on 01.07.2016, the appellant / accused purchased a silver bowl worth Rs.60/-. P.W.11 claimed to be the flower as well as the Agal Vilakku seller who deposed that, on 01.07.2016 the appellant / accused had purchased two Agal Vilakku and placed it in a plate just one hour prior to the occurrence.

14. P.W.12 is the Doctor, i.e., Assistant Surgeon (Plastic Surgery) at Royapettah Hospital and when she was working on 01.07.2016 at Kilpauk Medical College, a 70 years old lady, i.e., Krishnaveni, the deceased was taking treatment as inpatient and when she enquired at 7.30 p.m, on 01.07.2016, the deceased stated that a lady named Jamuna Rani near Kodambakkam on 01.07.2016 at 6 p.m had poured kerosene on her body and set her fire and the deceased was admitted in the Hospital at 64% burn



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injuries and on 02.07.2016 at about 4.30 a.m, in the early morning she died.

The Death Report given by her was marked as Ex.P.7.

15. P.W.13 is the Doctor who had conducted the postmortem and after postmortem he had given an opinion that, due to the shock of extensive burns the deceased appeared to have died and the postmortem certificate given by him was marked as Ex.P.8. P.W.14 is the Assistant Director, Chemical Division, Forensic Science Department and she deposed that, the Material Objects were placed before her for chemical examination, where she found that, in Item No.1, plant oil was available along with Hydrochloric Acid, like that in Item No.2, Hydrochloric Acid was available, in Item No.3, Chloride was available, in Item No.4 Hydrochloric Acid was available, in Item No.5, Hydrochloric Acid was available, in Item No.6, Chloride was available, in Item No.7 Chloride and vegetable oil was available and in Item No.8 Chloride was available. But in any of these material objects, the highly inflammable materials was not found.



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16. However, the Assistant Director, Chemical Division of Forensic

Science Department, in her cross-examination has deposed as follows :

"ஆய்வாளர் என்னை விசாரித்தார்.
வாக்குமூலம் பதிவு செய்யவில்லை.
டைரெக்டரேட்டுகளோடிக் அமிலம் அடர் அமிலமா
அல்லது நீர்த்த அமிலமா என்று
குறிப்பிடவில்லை. டைரெக்டரேட்டுகளோடிக்
அமிலம் தானாக தீப்பற்றி கொள்ளாது.
தாவர எண்ணெயோடு இருப்பதால்
தீப்பற்றிக்கொள்ள வாய்ப்பு உள்ளது. நான்
ஆய்வு செய்த பொருட்களில் எளிதில்
தீப்பற்றி கொள்ள கூடிய பொருட்கள்
காணப்படவில்லை. டாய்லட் கழுவும் ஆசிடில்
பொதுவாக டைரெக்டரேட்டு குளோரைட்ஸ் என்ற
வேதிப்பொருள் கலந்திருக்கும். நான் ஆய்வு
செய்த பொருளில் டைரெக்டரேட்டு குளோரைட்ஸ்
இருந்ததா என்றால் அது நிலையான
வேதிப்பொருள் இல்லை என்பதால் அது
குளோரைடு ஆக மாறிவிடும்."

17. P.W.15 is the Investigating Officer who has also deposed that, on receipt of the information from the Kilpauk Medical College Hospital, on the date of occurrence at about 7 p.m, he rushed to the Hospital and after taking



statement from the deceased, then he went back to the police station and registered FIR at about 10 p.m, thereafter he rushed back to the scene of occurrence, where in the mahazar, he has recovered some material objects in the presence of witnesses and thereafter he requested for postmortem as the deceased died at about 4.30 a.m, on the next day, before which, he had conducted the inquest also and after completing his investigation, by recording the statement given by the witnesses, he had prepared the charge sheet and filed the same.

18. If we look at the evidences that has been recorded before the Court below on behalf of the prosecution, all the 15 witnesses have deposed before the Sessions Court almost corroborating each other. There were two eye witnesses, one is P.W.1 and another is P.W.2. P.W.1 is the daughter of the deceased and who had been accompanied throughout the occurrence till the death of the deceased, therefore simply her evidence cannot be brushed aside only because she is the blood relation to the deceased. The reason being that, P.W.2 was the independent witness as he was the Archagar of the Temple, had made a clear deposition before the Sessions Court. The



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relevant portion of the deposition of P.W.2 reads thus :

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"1.7.2016 அன்று மாலை 5.30 மணிக்கு பால விநாயகர் கோவிலை திறந்துவிட்டு கோவில் உள்ளே சென்றுவிட்டேன். அப்போது கிருஷ்ணவேணி கோவில் வாசலில் உட்கார்ந்து பூ கட்டிக்கொண்டு இருந்தார். அவருடைய மகளும் உடன் இருந்தார். கோவிலுக்கு வலது புறத்தில் நவகிரகம் உள்ளது. நான் நவகிரகத்திற்கு பூஜை செய்து கொண்டிருந்தேன். அப்போது ஆஜர் எதிரி கையில் ஒரு பாத்திரம் அதில் மேல் ஒரு பவுல் வைத்து அதில் உள் ஒரு அகல் விளக்கு ஏற்றி எடுத்து கொண்டு வந்தார். நான் நவகிரகத்திற்கு பூஜை செய்து கொண்டிருந்த போது எதிரி கோவிலுக்குள் தான் வருகிறார் என்று நினைத்தேன். ஆனால் ஆஜர் எதிரி கையில் இருந்த பாத்திரம் மற்றும் விளக்கை கிருஷ்ணவேணி மேல் போட்டுவிட்டு ஆஜர் எதிரி ஓடிவிட்டார். கிருஷ்ணவேணி மேல் தீப்பற்றி எரிந்து சிவன் சன்னதிக்கு நேராக கோவில் வாசல் முன் வந்து ஓடி வந்து விழுந்தார். அங்கிருந்த நாங்கள் கிருஷ்ணவேணி மேல் தண்ணீரை ஊற்றி தீயை அணைத்தோம். கிருஷ்ணவேணியை சேரில் உட்கார



வைத்தோம். பின்பு ஆம்புலன்ஸ் வரவழைத்து
கிருஷ்ணவேனியை மருத்துவமனைக்கு
அனுப்பினோம்."

19. P.W.5 Doctor who admitted the deceased at the Hospital has
deposed in the following manner :

"நான் மேற்படி மருத்துவமனையில் மேற்படி
பணியில் இருந்த போது 1.7.2016 அன்று
இரவு 7.05 மணிக்கு 108 கோயம்பேடு
ஆம்புலன்ஸ் மூலம் கிருஷ்ணவேனி என்ற 70
வயது மதிக்கத்தக்க பெண் நபரை
தீக்காயங்களுடன் சிகிச்சைக்காக அழைத்து
வந்தார்கள். அவரை பரிசோதித்த போது
அவர் சுய நினைவுடன் இருந்தார். அவர்
பேசக் கூடிய நிலையில் இருந்தார், கேட்கும்
கேள்விகளை புரிந்து கொண்டு பதில்
அளித்தார். அவரை விசாரித்தபோது அவர்
தன்னை 1.7.2016 அன்று மாலை 6.00
மணியளவில் வன்னியர் தெரு கோடம்பாக்கம்
பாலவினாயகர் கோவில் தெருவில் தனக்கு
தெரிந்த ஒரு பெண் நபர் தன் மீது
மண்ணெண்ணெய் ஊற்றி தீயிட்டதாகக்
கூறினார். அவருக்கு முகத்திலும், இரண்டு
கைகளிலும், மார்பிலும், முதுகு பக்கத்திலும்,



இரண்டு கால்களிலும் தீப்புண் காயங்கள் இருந்தன. அவருக்கு முதலுதவி சிகிச்சை அளித்து மேல் சிகிச்சைக்காக தீவிர தீப்புண் சிகிச்சை பிரிவில் உள் நோயாளியாக உடனடியாக அனுமதிக்கச் செய்தேன். நான் வழங்கிய விபத்து பதிவேட்டு நகல் அ.சா.ஆ.3. போலிசார் என்னை விசாரணை செய்தார்கள். ஏ.ஆர். நகலையும் பெற்றுக் கொண்டார்கள்."

20. P.W.8 also an independent witness, who in fact a relative of the appellant / accused. She has deposed in the following manner:

"எதிரி எனது உறவினர். எதிரி கிருஷ்ணவேணி வீட்டில் குடியிருந்தார். எதிரி சினிமா ஷீட்டிங் செல்வார். இந்த வழக்கில் இறந்து போன நபர் பெயர் கிருஷ்ணவேணி. அவர் பால விநாயகர் கோவிலில் பூ வியாபாரம் செய்து வந்தார். அவர் கோவில் அருகில் உள்ள சந்தில் குடியிருக்கிறார். எதிரி இறந்து போன கிருஷ்ணவேணியின் மகள் ராணி என்பவருக்கு பணம் கொடுத்திருந்தார். அது சம்பந்தமாக அவர்களுக்கிடையே பிரச்சனை இருந்தது. எதிரி பணம் கொடுத்த விவரம் வாங்கிய



விவரம் தெரியாது. கிருஷ்ணவேணி எதிரியை
வீட்டை காலி செய்யுமாறு சொன்னார்.
அதனால் எதிரி வீட்டை காலி செய்து வேறு
வீட்டிற்கு குடிபெயர்ந்து விட்டார். எதிரி
கிருஷ்ணவேணி மீது காவல் நிலையத்தில்
புகார் கொடுத்திருந்தார். சரியான ஆதாரம்
இல்லாததால் கிருஷ்ணவேனியிடம் எதுவும்
எழுதி வாங்க முடியவில்லை. எதிரியும்
கிருஷ்ணவேனியும் கோவில் அருகில் சண்டை
போட்டதாகவும் அப்போது எதிரி
கிருஷ்ணாயில் எடுத்து சென்று
கிருஷ்ணவேணி மீது ஊற்றிவிட்டதாக
சொன்னார்கள்."

21. P.W.10 and P.W.11 were the shop holders who deposed that, the appellant purchased some of the material objects which were used by her for carrying the lamp as well as the oil / acid which she poured on the body of the deceased as per the deposition of the eye witnesses.

22. The Doctor report also says that, due to the heavy shock because of the burn injury throughout the body, the death had occurred. Even the P.W.14 has deposed that, though there has been no highly inflammable



materials available in those material objects which were placed before her for chemical analysis, but in each of the object, the Hydrochloric Acid and / or vegetable oil were found. In her cross-examination she stated that, in the toilet acid, generally a chemical called Hypochlorides would be available and since the said Hypochlorides is not a standard chemical and it would easily become chloride at the time of examination, whether the Hypochlorides was available or not was not analysed by her. Even this answer extracted from P.W.14 from the defence side in the cross-examination will not help the case of the defence side.

23. Insofar as P.W.15 who is the Investigating Officer, he has deposed completely from the movement he received the information from the Hospital on the fateful day at 7 p.m, till he completes the investigation and files the charge sheet, where absolutely there has been no contradictory found and what has been stated by the Investigating Officer based on the charge of the prosecution side has been corroborated by all the witnesses.



24. Insofar as the motive of the appellant is concerned, it has been proved by the prosecution because of the episode, where, she was the tenant under the deceased and compulsorily she was vacated, where, there had been a quarrel between them and thereafter there had been a commotion and quarrel between the family of the deceased including the P.W.1 and the appellant regarding the alleged money transaction in the Self-Help Group went to the police station, where it was closed. Therefore all these earlier happenings makes it clear that, there had been a ill-will and motive in the minds of the appellant to teach a lesson to the deceased and her family including the P.W.1.

25. Assuming that, the P.W.1 is the daughter of the deceased, therefore her eye witness cannot be taken into account, P.W.2, the Archagar of the temple is an independent witness, he had no compulsion to make such a evidence to be recorded before the Court and therefore the witness of P.W.2 cannot be easily brushed aside.



26. The eye witnesses, the witness as well as the entire prosecution case has been corroborated by each of the witnesses who have been examined before the Court below and therefore we can easily come to a conclusion that, the prosecution has cogently presented the case with proper evidence recorded and deposited before the trial Court without any flaw.

27. These aspects have been considered by the trial Court in the Judgment impugned, where the learned Judge has come to a following conclusion :

"34. The deceased was admitted in the burns ward in KMC Hospital on 01.7.2016 and she succumbed to her injuries on the next day (i.e.,) 02.7.2016 at about 4.30 a.m. Death Report-Ex.P.7 confirms the same. Dr.Jithendar Singh, who has conducted postmortem has been examined as P.W.13. P.W.13 has given opinion that the deceased would appear to have died of shock due to extensive burns. Viscera Report is marked as Ex.P.9. So it is proved that the death of the deceased was the direct consequence of the burns on her due to the fire set on her body on the day of



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occurrence by the accused. By having a ill-will against the deceased and by conceiving an idea to kill her and preparing a design and plan to achieve that end and by completing the same, by setting fire on the body of the deceased and caused the death of the deceased due to the burn injuries, the accused has committed the offence of murder.

35. P.W.15 Investigation Officer has conducted inquest on the body of deceased Krishnaveni on 02.7.2016 in the presence of panchayatars and the Inquest Report is available as Ex.P.16. The opinion of the panchayatars as to the cause of death is also found to be due to setting up of fire on the body of deceased by Jamuna Rani (accused) by throwing lighted lamps and acid on 01.7.2016 at about 6.00 p.m.

36. P.W.1 Rani has stated in her evidence that at the time when the Magistrate came to the Hospital to record the dying declaration of the deceased, the deceased was not conscious and hence the Magistrate did not record the statement of deceased. As per her evidence, the Magistrate came to the Hospital at about 11.30 p.m. However, the deceased was conscious at about 7.30 p.m and



the police came and recorded the complaint statement.

37. The learned counsel for the defence has submitted that P.W.15 failed to get the endorsement of the Doctor in the Complaint statement Ex.P.12 that the deceased was conscious when she was giving statement before the police. The Investigation Officer P.W.15 submitted that the doctors refused to make any endorsement in the statement. However, P.W.5, Dr.Suresh Babu, who admitted the deceased in the Hospital on 01.7.2016 at about 7.30 p.m and P.W.12, Dr.Sankari who has given treatment to the deceased subsequently have confirmed that the deceased was conscious at the time when she was brought to the hospital and she was admitted in the burns ward also and more particularly at 7.30 p.m. So in these backdrop of facts and evidence Ex.P.12 complaint statement of the deceased cannot be thrown away as a concocted story by the police.

38. According to the law of Criminal Jurisprudence, every offence consists of four stages namely : (1) Intention, (2) Preparation, (3) Attempt, (4) A completed act. The evidence of the



prosecution as analysed above is found to be sufficient enough to prove all the four elements of Intention, Preparation, Attempt and completion of the offence of murder by the accused beyond reasonable doubt. Hence, I proceed to record that the prosecution has proved that due to previous motive, the accused has committed the offence of murder of the deceased Krishnaveni by setting fire on the body of the deceased by throwing lighted clay lamps and by pouring acid and vegetable oil along with it and thus the prosecution has proved the charge of murder u/s. 302 IPC against the accused. And thus the point is answered."

28. Having gone through the evidence recorded on behalf of the prosecution before the Court below, we are of the view that, the prosecution has proved the case beyond reasonable doubt and therefore the reasoning given by the learned Judge and the conclusion reached by her to declare the appellant / accused has guilt of offence punishable under Section 302 IPC is fully justifiable. Therefore the conviction and sentence imposed by the trial Court against the appellant / accused is not liable to be interfered with.

29. Resultantly, this Criminal Appeal fails and the conviction and



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sentence made by the trial Court in S.C.No.321 of 2016, dated 12.04.2018

is hereby confirmed. Accordingly, this Criminal Appeal is dismissed.

Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (K.B., J.)
21.12.2023

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation : Yes / No

tsvn

To

1. The Sessions Judge / Mahila Court,
Chennai.
2. The Inspector of Police,
R.8, Vadapalani Police Station,
Chennai - 600 026.
3. The Public Prosecutor
High Court of Madras, Chennai.



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Crl.A.No.206 of 2019

**R.SURESH KUMAR, J.
and
K.KUMARESH BABU, J.**

tsvn

**Judgment in
Crl.A.No.206 of 2019**

21.12.2023