



Crl.A.No.410 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.09.2024

PRONOUNCED ON: 03.10.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

**Crl.A.No.410 of 2023
and
Crl.M.P.No.2281 of 2024**

Karthick

...
Vs.

Appellant

State by
The Inspector of Police,
J-1, Saidapet Police Station,
(Law and Order), Chennai – 15.
Crime No.1083 of 2018.

...

Respondent

PRAYER: The Criminal Appeal has been filed under Section 374(2) of Code of Criminal Procedure against the conviction and sentence imposed on the appellant dated 08.02.2023 passed in S.C.No.400 of 2019 by the Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai.

For Appellant : Mr.R.Balakrishnan
For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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JUDGMENT

(Judgment of the Court is made by V.SIVAGNANAM,J.)

The accused in S.C.No.400 of 2019 on the file of the Sessions Court, Mahalir Neethimandram, Allikulam, Chennai, is the appellant herein.

2.The then Inspector of police namely Vijayakumar, prosecuted the accused for having caused the death of Sowmiya by murdering him an offence punishable under Section 302 IPC.

3.In the trial Court, the prosecution examined 11 witnesses PW1 to PW11 and marked 21 documents Ex.P1 to Ex.P21 and also marked 10 material objects MO1 to MO10. On the side of the accused, no oral evidence has been examined and marked 1 document Ex.D1.

4.When the incriminating materials were put to the accused under Section 313 Cr.P.C., he denied the same as false, he did not choose to examine any witness nor mark any documents.



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5.The trial Court, on considering the oral and documentary evidence, found guilty of the accused under Section 302 IPC and sentenced him to undergo imprisonment for life and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for six months. The period already undergone by the accused from 23.11.2018 to 12.02.2019 and from 08.02.2023 to 10.02.2023, shall be set-off under Section 428 Cr.P.C.

6.Out of fine amount of Rs.10,000/- paid by the accused, Rs.4,000/- each is ordered to be paid as compensation to Selvan.Harish and Selvan.Ashwin, children of the deceased under Section 357(1)(c) Cr.P.C. The compensation shall be disbursed after the expiry of appeal time, if there be any appeal, after the disposal of appeal.

7.Further, recommendation is made under Section 357A(3) Cr.P.C. to the District Legal Services authority, City Civil Court, Chennai, to award adequate compensation to Selvan.Harish and Selvan.Ashwin, aged 10 and



8 years respectively at the time of occurrence, who are the children of the deceased Tmt.Sowmiya, represented by a lawful guardian, after due enquiry Under Section 357A(1) Cr.P.C., out of the Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018. Aggrieved by this conviction and sentence, the accused filed this present criminal appeal.

8.The prosecution case is that the accused loved the deceased Tmt. Sowmiya and married her 10 years ago prior to the occurrence and they were living together. As the deceased was talking over the mobile phone for long hours, the Appellant/accused doubted her fidelity and quarreled with her. Due to the dispute on 13.11.2018 at about 06.00 am, a quarrel broke out between them and the parents of the deceased went and brought her to their house situated at the place of occurrence. On the next day 14.11.2018 at about 10.00 am the appellant/ accused came to the house of the parents of the deceased, entered into the bedroom where the deceased was present, locked the door and cut her neck and wrist with the blade knife on several places and caused her death at the spot. Hence the



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complaint by the mother of the deceased.

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9. Based on the complaint, a case was registered in J.1 Saidapet Police Station in Crime No.1083/2018 u/s. 302 IPC against the Appellant/accused on 14.11.2018 at about 10.00 hours by Thiru Vijayakumar, the then Inspector of Police and took up the case for investigation. During the course of investigation, the then Inspector of Police went to the scene of Crime, drew the rough sketch, prepared an observation mahazaar in the presence of witnesses. He examined the witnesses and recorded their statement.

10. During the course of investigation, on 23.11.2018 at about 13.30 hours, the then Inspector of Police arrested the Appellant/accused, enquired him and recorded his confessional statement in the presence of witness and after completing all legal formalities, the Appellant/accused was produced before the IX Metropolitan Magistrate Court, Saidapet, Chennai and remanded him to Judicial custody. After completion of an elaborate and detailed investigation, the then Inspector of Police filed a charge sheet before the IX Metropolitan Magistrate Court, Saidapet,



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Chennai and the same was taken on file in P.R.C. No. 53 of 2019 dated 23.10.2019. Then the case was committed to the Sessions Judge, Mahalier Neethimandram, Allikulam, Chennai and taken on file in S.C. No. 400 of 2019 dated 20.11.2019.

11.During trial, the prosecution has examined 11 Witnesses and marked 21 Exhibits and also 10 Material objects were marked. On the defence side, no witness was examined and one document was marked as Ex.D1.

12.The learned counsel for the appellant/accused submitted that the prosecution examined 11 witnesses. PW1 Tmt.Vanitha mother of the deceased is the only eye witness to the occurrence. According to the prosecution, PW1 Tmt.Vanitha appeared before the Police Station at 11.30 hours and gave a written complaint Ex.P1 which was received at 12.00 hours and subsequently, FIR was registered in Crime No.1083 of 2018 under Section 302 IPC. During the cross examination, PW1 stated that she did not know when she went to the Police Station, it may be 3.00 p.m..



Further, stated that after seizing the material objects by the police, she gave

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the complaint. This evidence shows that the complaint would have been given at 3.00 p.m. But seizer mahazer shows that it was prepared on 14.11.2018 at 2.00 p.m.. It makes the prosecution case doubtful and the genuineness of the FIR is also doubtful. PW2 Sekar and PW3 Manickam deposed that the police were present at the house between 10.30 to 11.00 hours. At the time of occurrence, the accused also suffered self injury but the police failed to receive the complaint from him. There are many contradictions in respect of sending the body to the hospital and seizure. PW4 Yuvaraj is a chance witness. PW7 Tariq Anwar is a relative to PW1. PW5 Dr.John Solomon recorded in the accident register Ex.P4 that when he admitted the accused for treatment, one Mumtaj brought him to the hospital and stated that he was attacked with Aruval by his wife but Mumtaj was not examined by the prosecution. The judgment and conviction of the trial Court is against law, weight of evidence and probabilities of the case and has committed a grave error in charging and convicting the accused and thus, the prosecution failed to prove the charge



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against the accused beyond the reasonable doubt and thus, pleaded to acquit the accused from the charge under Section 302 IPC.

13.The learned Additional Public Prosecutor appearing for the respondent submitted that the trial Court properly appreciated the evidence of prosecution witnesses and rightly convicted, after scrutinizing the evidence of the prosecution witnesses and supporting documents. In this case, death was the direct result of the injuries inflicted by the accused on vital organs of the body of the deceased. It is clearly deposed by PW1 Vanitha. Further, PW6 Doctor evidence also corroborated that the injuries caused by the accused is sufficient to bring about her death and there is no ground for interference and thus, pleaded to dismiss the appeal as it has no merit.

14.We have considered the matter in the light of the submission made by the learned counsel for the appellant as well as the learned Additional Public Prosecutor for the respondent and perused the materials available on record.



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15. With regard to quality of evidence, the following observations in Malik's Murder Trial Text Book is worthwhile to be noted as follows: As a general rule, a Judge should weigh not number witnesses. The tendency of modern improvements in the rules of evidence has been to admit every kind of evidence, leaving it to the Court to form its own opinion of the weight to be assigned to the evidence when admitted. The old Evidence Act (Section 28, Act II of 1855) enacted that, except in cases of treason, the direct evidence of one witness, who is entitled to full credit should be sufficient for proof of any fact and the present Act (Section 134 post) enacts that no particular number of witnesses shall, in any case be required to the proof of any fact. The number of witnesses therefore, is a less important consideration than the weight to be attached to the individual testimony of each or to the sum of the testimonies of all taken together. But the number of witnesses may nevertheless under certain circumstances, be of very great importance "where direct testimony", says Mr. Starkie, "is opposed by conflicting evidence, or by ordinary experience, or by the probabilities supplied by the circumstances of the case, the consideration of the number of witnesses becomes most material. It is more improbable



that a number of witnesses should be mistaken, or that they should have conspired to commit a fraud by direct perjury than that one or a few should be mistaken or willfully perjured. In the next place, not only must the difficulty of procuring a number of false witnesses be greatly increased in proportion to the number but the danger and risks of detection must be increased in a far higher proportion; for the points on which their false statements may be compared with each other, and with ascertained facts, must necessarily be greatly multiplied". The first portion of these remarks applies with far less force in India than in England; but the latter portion is equally applicable in both countries. In false cases in India there is generally no lack of witnesses; and any deficiency in the weight of the witnesses individually is sought to be made up by number. In fact one mark of a false case is not uncommonly the extraordinary number of person who are said to have seen some occurrence, which in the natural course of things would have been witnessed by a limited number of persons only. At the same time cases sometimes arise which illustrate the truth of the remark that two or three persons are far more easily found than a larger number, who from motives of interest or malignity, will combine to



aggrandize themselves or to ruin and opponent. Their story, too, being for the most part simple, is readily concocted and remembered, while its very simplicity renders it extremely difficult, on cross-examination, to detect the imposture. It is on this account that the uncorroborated statements of single witness, especially when they testify to atrocious crimes, such as rape, etc., or are known, like accomplices, to be persons of bad character and to have an interest in the result, have ever been regarded with merited distrust, and are now in practice, generally deemed insufficient to warrant a conviction. It sometimes happens that several witnesses are called, and appear to be bearing concurrent testimony to the same thing when they are really attesting different things, one witness being called to prove one of the facts, and other witness to prove another of the facts, which go to make up the entire case; but two witnesses being never called to prove the same fact, lest, they should contradict each other on cross-examination.

16. There are decisions of the different High Courts in India in which the Court insisted on corroboration of the testimony of single witness not as a proposition of law but in view of the circumstances of those cases. On



consideration of the relevant authorities and the provision 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, Court 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



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comes.

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17. In view of these considerations there can be no hesitation in holding that the contention that in 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 the 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. In England, both before and after the passing of the Indian Evidence Act, 1872, there have been a number of statutes forbidding convictions on the testimony of a single witness. The Indian Legislature has not insisted on laying down any such exceptions to the general rule recognised in Section 134. The section enshrines the well recognized maxim that "Evidence has to be weighed and not counted". Our Legislature has given statutory recognition to the fact that administration of justice may be hampered if a



particular number of witnesses were to be insisted upon. 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 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 established on the testimony of a single witness, even though a considerable number of witnesses may be forthcoming to testify to the truth of the case for the prosecution. Hence, 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.

18.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 reproach 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. Situation 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 tender 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. There are exceptions to this rule, for example, in cases of sexual offences or of the testimony of an approver, both these are cases in which the oral testimony is, by its very nature suspect, being that of a participator in crime. But, where there are no such exceptional reasons operating, it becomes the duty of the Court to convict, if it is satisfied that the testimony of a single witness is entirely reliable. (Vadivelo Thevar v. State of Madras, A.I.R. 1957 S.C. 614 at 618, 619.)

19. In this case, the husband Karthick accused murdered his wife Sowmiya. The occurrence took place in the house of his wife Sowmiya. The only witness to the occurrence is PW1 Tmt. Vanitha, who is the mother-in-law of the accused and mother of the deceased.

20. The case of the prosecution is that the accused loved the deceased Tmt. Sowmiya and married her 10 years ago prior to the occurrence and



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they were living together. As the deceased was talking over the mobile phone for long hours, the appellant/accused doubted her fidelity and quarreled with her. Due to the dispute on 13.11.2018 at about 06.00 a.m., a quarrel broke out between them and the parents of the deceased went and brought her to their house situated at the place of occurrence. On the next day 14.11.2018 at about 10.00 a.m. The appellant/accused came to the house of the parents of the deceased and entered into the bedroom where the deceased was present, locked the door and cut her neck and wrist with the blade knife on several places and caused her death at the spot. Hence, the complaint by the mother of the deceased.

21.PW1 Vanitha, mother of the deceased gave the complaint Ex.P1 and the same was received by PW10 Vijayakumar and registered FIR Ex.P10. PW2 Sekar, father of the deceased corroborated the evidence of PW1 his wife Vanitha with regard to the murder of his daughter. PW3 Manickam, since not supporting the prosecution case, was treated as a hostile witness. PW4 Yuvaraj, is the chance witness to the observation mahazer and seizure mahazer Ex.P2 & Ex.P3 respectively prepared by



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Investigating Officer PW10 Vijayakumar.

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22. PW5 Dr.John Soloman treated the accused and issued accident register Ex.P4. PW6 Dr.Karthika Devi conducted post mortem upon the body of the deceased and issued post mortem report Ex.P6. PW7 Thariq Anwar, eye witness to the seizer mahazer and his signature is in Ex.P7. PW8 Dr.Subramani initially saw the body of the deceased with injuries and sent it to the mortuary for postmortem and issued accident register Ex.P8. PW9 Lazar, Sub Inspector of Police produced Form 95 (1) Ex.P9 before the Court. PW10 Vijayakumar, Inspector of Police/Investigating Officer, received the complaint Ex.P1 and PW11 Pugalendi, Inspector of police, after continuing the investigation, filed biological report and serology report Ex.P20 & Ex.P21 respectively.

23.In this case, the only eye witness is the mother of the deceased and mother-in-law of the accused PW1 Vanitha. For better appreciation,



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her evidence is reproduced hereunder:

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14.11.2018 காலை சுமார் 8, 8.30 மணிக்கு எதிரி போன்செய்தார். என்மகள் என்ன செய்கிறார் என்று கேட்டார். தூங்குவதாக சொன்னேன். எழுப்பவேண்டாம் என்று சொன்னார். அப்போது வீட்டில் என் அப்பா டி.வி பார்த்துக்கொண்டு இருந்தார். நான் வேலை செய்துகொண்டு இருந்தேன். என் கணவர் வேலைக்கு போயிருந்தார். என் மகள் செளமியா ரூமில் தூங்கி எழுந்து முகம் கழுவிவிட்டு வந்தார். நான் சமையல் அறையில் இருந்தேன். எதிரி வந்தது எனக்கு தெரியாது. என் மகள் இருந்த பெட்ரூமிற்கு போனார். நான் ஏதோ நிழல் தெரிந்தது என்று நான் பெட்ரூமிற்கு போய் பார்த்தேன். எதிரி அங்கு இருந்தார். சமாதானம் பேச வந்துள்ளார் என்று நான் சடையல் அறை போனேன். பெட்ரூம் கதவு டாமல் என்று சாத்தும் சத்தம் கேட்டது. நான் ஏதோ பேசுகிறார்கள் என்று இருந்தேன். 10 நிமிடத்தில் ஐய்யோ என்று என் மகள் அலறும் சத்தம் கேட்டது. நானும் என் அப்பாவும் கதவை தட்டினோம். கதவு திறக்கவில்லை நாங்கள் கதவை அழுத்தி தள்ளி அந்த இடைவேளையில் பார்த்தபோது இடது கையில் என் மகள் இரத்தம் சொட்ட சொட்ட கையை பிடித்துக்கொண்டு இருந்தார். எதிரி என் மகளை கையில் சாய்த்து கதவிற்கு பின்புறமாக அழைத்துச்சென்றார். அப்போது பிளேடால் எதிரி என்



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மகளின் கழுத்தை அறுத்தார். கதவை தட்டியும் திறக்க வில்லை. நான் சத்தம் போட்டேன். ரோட்டில் உள்ளவர்களும் அக்கம் பக்கத்தில் வீட்டில் உள்ளவர்கள் வந்து கதவை உடைத்தார்கள். அப்போது எதிரி என் மகள் பக்கத்தில் படுத்துக்கொண்டு அவர் கழுத்தை கத்தியால் அறுத்துக்கொண்டு இருந்தார். நான் ஏன்டா இப்படி செய்யிர என்று கத்தியை பிடுங்கி ஓரம் வைத்தேன். எதிரி கழுத்தில் அறுத்த காயம் இருந்தது. என் மகள் மயக்கத்தில் இருக்கிறார் என்று நினைத்தேன். என் மகளுக்கு கைகளில் மணிக்கட்டின் உள்புறம் அருக்கப்பட்டு இருந்தது. கழுத்தில் பாலமாக அறுக்கப்பட்டு இருந்தது. நான் என் கணவருக்கும், ஆம்புலன்சுக்கும் தகவல் சொன்னேன். ஆம்புலன்சில் வந்த நபர் என் மகளை பார்த்துவிட்டு இறந்துவிட்டதாக சொன்னார். எதிரியை ஆம்புலன்சில் அழைத்துச்சென்றார்கள். போலிசில் புகார் கொடுத்தேன்.

24. Corroborating the evidence of PW1, PW2 has deposed in his evidence. The relevant portion of the evidence of PW2 runs as follows:

14.11.2018 அன்று நான் ஆட்டோ ஓட்ட போயிருந்தேன். காலை 10 மணிக்கு என் மனைவி எனக்கு போன் செய்து சௌமியாவை எதிரி கழுத்தை அறுத்து சாகடித்து விட்டதாக சொன்னார். நான் வீட்டிற்கு வந்தேன். எதிரி வீட்டில் இருந்தார். எதிரி கழுத்தை அவரே அறுத்து கொண்டதால் அவரையும்



ஆம்புலன்சில் ஏற்றி சென்றார்கள். என் மகள் வீட்டில் இறந்திருந்தார். என் மகளுக்கு இரண்டு கைகளிலும் மணிக்கட்டிலும் கழுத்திலும் அறுத்து இருந்தது. போலீசார் என்னை விசாரித்தார்கள்.

25.The above two witnesses have clearly narrated about the occurrence and stated that the accused caused injuries and cut the deceased neck and wrist with the blade knife M.O.1 and the accused also cut his neck by using M.O.2 blade knife.

26.We have perused the testimony of Doctor Karthika Devi PW6 and Post mortem report Ex.P6. It is clear from the testimony of Doctor, who conducted the autopsy, that she found the following injuries on the body of the deceased:

1.குறுக்கான வெட்டுகாயம் 4 x 1 செமீ தோல் ஆத்திற்கு கழுத்தின் முன்புறம் தாடையில் இருந்து 4 செமீ க்கு கீழும் மார்பு எழும்பில் இருந்து 9 செமீ மேலும் காணப்பட்டது.

2. ஒரு குறுக்கான வெட்டுகாயம் 19 x 6 செமீ அளவில் தண்டுவட ஆத்தில் கழுத்தின் முன்பகுதியில் தாடையில் இருந்து 6 செமீ கீழும் மார்பு எழும்பில்



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இருந்து 7 செமீ மேலும். வலது காது எழும்பில் இருந்து 6 செமீ தூரத்திலும் இடது காது எழும்பில் இருந்து 4 செமீ தூரத்திலும், தண்டுவட எழும்பு தெரியும்படி தண்டிக்கப்பட்ட மூச்சு குழாய்கள், இரத்த குழாய்கள், தைராய்டு குறுத்து எழும்பு, நரம்புகள் மற்றும் தசை நார்கள் காணப்பட்டது. நாவடி எழும்பு முழுமையாக காணப்பட்டது.

3.ஒரு குறுக்கான வெட்டுக்காயம் 6 x 0.7 செமீ தோல் ஆழத்திற்கு கழுத்தின் இடது பக்கம் தாடை எழும்பில் இருந்து 4 செமீ கீழும், இடது கழுத்துப்பட்டை எலும்பிற்கு 6 செமீ மேலும் காணப்பட்டது.

4.ஒரு சாய்வான வெட்டுக்காயம் 1 x 1 செமீ தோல் ஆழத்தில் இடது கன்னத்தில் காணப்பட்டது.

5.ஒரு குறுக்கான வெட்டுக்காயம் 1.5 x 1 செமீ தோல் ஆழத்தில் வலது புஜத்தில் வெளிபுறத்தில் காணப்பட்டது. அது தோல் பட்டையில் இருந்து 10 செமீ கீழும் வலது முழுங்கையில் இருந்து 16 செமீ மேலும் காணப்பட்டது.

6.ஒரு சாய்வான வெட்டுக்காயம் 3 x 1 செமீ தோல் ஆழத்தில் வலது முன்னங்கையில் உள்



புறத்தில் வலது முழுங்கையில் இருந்து 5 செமீ கீழும்.
வலது மணிக்கட்டில் இருந்து 15 செமீ மேலும்
காணப்பட்டது.

7.ஒரு குறுக்கான வெட்டுக்காயம் 3 x 2.5 செமீ
தசை ஆழம் வலது மணிக்கட்டில் உள்புறத்தில்
காணப்பட்டது.

8.ஒரு குறுக்கான வெட்டுக்காயம் 6 x 2 செமீ
தசை ஆழம் இடது மணிக்கட்டில் உள்புறத்தில்
காணப்பட்டது.

9.ஒரு குறுக்கான வெட்டுக்காயம் 6 x 2 செமீ
தசை ஆழம் இடது முன்னங்கையின் உள்புறத்தில்
இடது முழுங்கையில் இருந்து 16 செமீ கீழும் இடது
மணிகட்டில் இருந்து 4 செமீ மேல் காணப்பட்டது.

10.ஒரு சாய்வான வெட்டுக்காயம் 6 x 1 செமீ
தசை ஆழம் இடது முன்னங்கையின் முன் புறத்தில்
இடது முழுங்கையில் இருந்து 14 செமீ கீழும், இடது
மணிகட்டில் இருந்து 6 செமீ மேலும் காணப்பட்டது.

11.ஒரு சாய்வான வெட்டுக்காயம் 2 x 1 செமீ



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அளவில் இடது தோல் பட்டையில் காணப்பட்டது.

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In the doctor's opinion, these injuries are certainly sufficient in the ordinary course of nature to cause death.

27. In the abovesaid medical evidence, the fact is that death is the direct result of the injuries inflicted by the accused on vital organ of the body of the deceased.

28. In Virsa Singh Vs. State of Punjab (AIR 1958 SC 465), their lordship observed that the prosecution in the first place was required to establish objectively that a bodily injury had been caused. Secondly, the nature of the injury must be proved. Thirdly, it must be proved that there was an intention to inflict that particular bodily injury, that is to say, that it was not accidental or unintentional.

29. Having regard to the nature of wounds inflicted by the accused, it must be deemed that intention of the accused was atleast to cause such



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bodily injury as was likely to cause death. When serious injury has been caused on a vital part with a dangerous weapon, it must necessarily lead to the inference that the accused intended to kill the deceased.

30.On fact, we find that the prosecution satisfactorily proved that the accused did cause the injuries found on the deceased Sowmiya that the accused intentionally inflicted those injuries and that the injuries were sufficient in the ordinary course of nature to cause death and the death was actually caused. The requirements of clause thirdly of Section 300 IPC (Sec.101 (c) The Bharatiya Nyaya Sanhita, 2023) are fully satisfied and the offence committed is that of murder punishable under Section 302 IPC(Sec.103 of The Bharatiya Nyaya Sanhita, 2023).

31.In view of the above, the charge against the accused is proved beyond all reasonable doubt and we do not find any justifiable ground to interfere with the findings of the trial Court based upon the proper



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appreciation of the evidence let by the prosecution and there is no merit in the criminal appeal.

32. In the result, the criminal appeal fails and the same is dismissed and conviction and sentence dated 08.02.2023 imposed on the accused by the trial Court in S.C.No.400 of 2019 is hereby confirmed. Consequently, connected miscellaneous petition is closed.

Index: Yes/No
Internet: Yes/No
sms

(S.M.S.J) (V.S.G.J)
03.10.2024

To

1. The Sessions Judge,
Mahalir Neethimandram,
Allikulam, Chennai.
2. The Inspector of Police,
J-1, Saidapet Police Station,
(Law and Order), Chennai – 15.
Crime No.1083 of 2018.



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3. The Public Prosecutor,
High Court, Madras.

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S.M.SUBRAMANIAM,J.
AND
V.SIVAGNANAM, J.

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Pre-delivery Judgement in
Crl.A.No.410 of 2023
and
Crl.M.P.No.2281 of 2024



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03.10.2024