



Crl.A.No.46 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.08.2024

PRONOUNCED ON: 06.09.2024

CORAM

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

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Kasinathan

...
Vs.

Appellant

State through
The Inspector of Police,
Manalurpettai Police Station,
Villupuram District.
(In Cr.No.204/2013)

...

Respondent

PRAYER: The Criminal Appeal has been filed under Section 374 of Cr.P.C. to call for the records and set aside the judgment and conviction imposed by the Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram, in S.C.No.16 of 2015 dated 29.11.2016 against the appellant/accused.

For Appellant : Mr.S.Mohamed Ansar

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.16 of 2015 on the file of the Sessions Court, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram, is the appellant herein.

2.The Inspector of Police, Manalurpettai Police Station, Villupuram District, prosecuted the accused, for causing the death of Gowri and inflicting injuries with the Koduval upon his wife Revathi, who came to rescue her mother, punishable under Sections 302, 341 & 307 IPC.

3.In the trial Court, the prosecution examined 23 witnesses PW1 to PW23 and marked 31 documents Ex.P1 to Ex.P31 and also filed 7 material objects MO1 to MO7. On the side of the accused, no oral and documentary evidence were marked.



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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.

5. The trial Court, on considering the oral and documentary evidence, found guilty of the accused under Section 302 IPC convicted and sentenced to undergo Life imprisonment and to pay a sum of Rs.1,000/- towards fine, in default, to undergo simple imprisonment for one year under Section 302 IPC and found not guilty of the accused under Section 307 IPC and found guilty for the offence under Section 326 IPC and sentenced to undergo Ten years and to pay a sum of Rs.500/- towards fine, in default to undergo simple imprisonment for one year under Section 326 IPC. All these sentences are ordered to run concurrently. Aggrieved by this conviction and sentence, the accused filed this present criminal appeal.

6. The prosecution case is as follows:

(1). The deceased Gowri is the mother-in-law of the accused



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Kasinathan. The injured Revathi is the wife of the accused. They had two children namely Vishwa (PW14) and Vishnu (PW13). The accused belong to Kangaiyanur Village. Since there was dispute between the accused and his brother, the accused came and lived with the deceased along with his wife and children. The accused had the habit of consuming liquor and was roaming without going for any work. When the same was questioned by his mother-in-law and his wife, the accused used to beat them and even slipped the deceased. Aggrieved by this, the deceased Gowri chased him out of her house. Hence, the accused developed hatred towards the deceased thinking that she was a big hindrance to his matrimonial life and decided to eliminate her.

(2).On 19.8.2013 at about 1.30 pm., entered the house of the deceased with a 'Koduval' and on seeing the deceased and his wife talking in the backyard of the house shouted at the deceased by saying “என்னை வாழ விடமாட்டிங்களா ஏண்டி என் மனைவியை என் உடன் வாழ விடாமல் உன் வீட்டில் வைத்திருக்கிறாய் உன்னை கொலை செய்தால் எல்லாம் சரியாகிவிடும்” and fatally attacked the deceased



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with the Koduval and in the course of the same transaction attacked his wife Revathi with intention to kill her. The above incident was also witnessed by the sons of the accused. PW3 Govindan, PW4 Settu, PW5 Manivannan, PW6 Sagadevan and PW16 Kumar, on hearing the noise emanating from the house of the deceased, rushed to the occurrence place and saw the deceased Gowri and the injured Revathi lying down with injuries. Upon receiving information from his menial (PW2) Elumalai, Village Assistant, at about 2.00 pm., on 19.8.2013, the Village Administrative Officer, Kangeyanur (PW1) Sivasundram, rushed to the occurrence place along with his menial and thereafter, at about 4.00 pm., went to the police station and gave the complaint Ex.P1.

(3).Thereafter, the said Revathi was taken to the Government Hospital at Thiruvannamalai for treatment, where, she was examined by Dr.Sangeetha Devi (PW17) at about 4.30pm. The medical report (Ex.P8) shows that she was examined by the doctor at 4.30 pm., on 19.8.2013 and found four lacerated injuries on the body of Revathi. i.e. (i).1.5 x 2 x 1 cm lacerated injury on occipital region. (ii).2.5 x 2 x1 cm lacerated injury on



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right arm. (iii).3.5 x 3 x 2 cm lacerated injury on left shoulder. (iv).8 x 3 x 2 cm lacerated injury on left abdominal region. Among the four injuries, the doctor had opined in her report, injuries 1, 2 & 4 are simple in nature and injury 3 was grievous in nature. This corroborates the evidence of Dr.Sangeetha Devi (PW17) who stated that while she was on duty in the Government Hospital, Thiruvannamalai, she had examined Revathi on 19.8.2013 at 4.30 pm., and that she was found to have the above mentioned lacerated injuries on her body. She was given treatment and was referred for higher treatment. She further deposed that x-ray was taken and found that the injured had sustained fracture on the left forearm. On 21.8.2013, the injured Revathi was taken to Rajiv Gandhi Hospital at Chennai and was admitted as an inpatient and was discharged on 4.9.2013. Again, the injured Revathi was taken to the same hospital at Chennai on 23.9.2013 and was discharged on 1.10.2013. She further deposed that in the medical certificate issued at Chennai hospital, it was opined that the injured had sustained fracture on her left forearm and the nerves were affected. On 27.9.2013 the injured was examined by the psychiatrist and issued a certificate stating that the patient was mentally ill. The above facts were



also mentioned in her report marked as Ex.P8. Dr.Rajalakshmi (PW18) attached to Government Hospital, Thirukoilur, who conducted post-mortem over the body of the deceased Gowri, in her evidence as well in the post-mortem certificate and final opinion (Ex. P10 & P11) has noted the following injuries;

External examination:

1. Y shaped 12 x 3 x bone depth seen in the left Pareto occipital region with underlying skull bone fracture with herniation of brain matter through the skull fracture site.
2. Left hand was totally amputated from the left wrist joint, edge of the left forearm shows clotted blood with raw area.
3. Laceration 10 x 3 x 1 cm left forearm.
4. Laceration left arm 15 x 5 x 3cm.
5. 20 x 5 x 3 cm laceration left side abdomen.
6. Laceration left cheek 5 x 3 x 2 cm.
7. 5 x 4 x 2 cm laceration on right cheek extending to upper lip with loss of 8 tooth from left lateral incisor to right front molar



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tooth.

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8. Right hand amputated from the wrist as same as injury no.2.

9. 7 x 4 x 3 cm laceration on lower part of left thigh.

10. 5 x 3 x 3 cm laceration middle of left thigh seen.

In the above said injuries the borders were irregular and retracted. It was opined that the injuries were ante-mortem in nature.

Internal examination:

Head - Fracture in skull bone left parital region, membrane ruptured. Brain partly hanging out of the fracture area with clotted blood and the fracture site.

The hyoid bone, viscera from the internal organs were preserved for chemical analysis and after receipt of the report from the FSL, PW18, Dr.Rajalakshmi opined that the death would have occurred 24 to 36 hrs., prior to post-mortem due to shock and hemorrhage because of multiple injuries.



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WEB COPY (4).Upon receipt of Ex.P1 complaint, on 19.08.2013 at about 16.00

hrs., the then Sub-Inspector of police, Manalurpet P.S. (PW21) Panneerselvam, registered a case in Cr.No.204/2013 U/s. 341, 307, 302 IPC. The FIR is marked as Ex.P16. He then submitted the FIR to the Judicial Magistrate, Thirukoilur and the copies to the concerned authorities for further action. He then proceeded to the place of occurrence at about 16.30 hrs., and subjected the body of the deceased Gowri before the Government Hospital, Thirukoilur for post-mortem. On the same day, the Inspector of Police, Thirukoilur P.S. (PW22) Magesh, who was in charge of Manalurpet P.S. took up the case for investigation and at about 17.00 hrs., proceeded to the place of occurrence and prepared the observation Mahazar (Ex.P2) and Rough Sketch (Ex.P17) in the place of occurrence in the presence of witnesses Muthuraj (PW9) and Karkandu (PW10). At about 18.00 hrs., recovered the blood stained earth and ordinary mud (MO.4 & MO.5) from the scene of occurrence under the cover of seizure Mahazar (Ex.P18) in the presence of the above mentioned witnesses. On the same day, examined few witnesses such as Muthuraj (PW9), Karkandu



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(PW10), the Village Administrative Officer Sivasundaram (PW1) and Elumalai (PW2) and recorded their statements. He then submitted the material objects (MO.4 & MO.5) in Form 95 (Ex.P19) to the Court. On 20.8.2013 conducted inquest over the body of the deceased in the presence of witnesses and Panchayathars and recorded their statements. The inquest report is marked as Ex.P20. He then directed Gr.I., P.C. Tr. Srinivasan to subject the body of the deceased before the doctor for postmortem. He then recorded the statements of few more witnesses namely Govindan (PW3), Kumar (PW8), Manivannan (PW5), Sagadevan (PW6), Settu (PW4), Venkatesan (PW11), Logesh (not examined), Vishnu (PW13) and Vishwa (PW14). He then secured the apparels (MO.6 & MO.7) worn by the deceased at the time of occurrence in Form 91 (Ex.P21) which was collected at the time of postmortem. On 22.8.2013 at about 12.00 pm., arrested the accused behind the Manalurpet bus stop, near the Veterinary hospital and recorded his confession statement in the presence of Manalurpet Village Administrative Officer Tr.Elangovan and his menial Tr.Ganesan. Based on the disclosure statement (Ex.P5) given by the accused recovered the apparels (MO.2 & MO.3) of the accused worn at the



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time of occurrence and crime weapon (MO.1) under the cover of seizure mahazar (Ex.P7) and submitted the same in Form 95 (Ex.P22) to the Court for chemical analysis. He then made requisitions to the Judicial Magistrate, Thirukoilur for sending the hyoid bone and viscera of the deceased collected at the time of postmortem for chemical test. The requisition letters are marked as Ex.P23 & P24. He had also given requisition to the Judicial Magistrate, Thirukoilur for sending the material objects collected from the scene of occurrence for chemical test. The requisition letter is marked as Ex.P25. On 23.8.2013 recorded the statements of injured Revathi who was taking treatment at Government Hospital, Chennai. He then handed over the case records to the Inspector of Police, Arakandanallur P.S. who continued with the investigation and examined few witnesses. He then gave requisition letter (Ex.P26) to the Chief Judicial Magistrate, Villupuram for recording the statements of the child witnesses namely Vishnu (PW13) and Vishwa (PW14) U/s. 164 Cr.P.C. He then recorded the statement of Dr.Sangeetha Devi attached to Government Hospital, Thiruvannamalai who gave treatment to the injured Revathi, wife of the accused and received the wound certificate. He then recorded the



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statement of Dr. Rajalakshmi attached to Government Hospital, Thirukoilur who conducted postmortem over the body of the deceased and also recorded the statement of the Scientific Officer Tmt. Rosemani who conducted the chemical analysis test on the material objects. The viscera report is marked as Ex.P27. The chemical analysis report is marked as Ex.P28, P39 & P31. The hyoid bone report is marked as Ex.P30. He then recorded the statements of the police constables and the statement of the Sub-Inspector of Police, who had registered this case. Upon completing his investigation laid the final report against the accused.

7.The learned counsel appearing for the appellant submitted that the judgment and conviction of the Court below are against law, weight of evidence, unfair and perverse, unsustainable in law and ought to be set aside. The trial Court failed to consider the fact that there is no eyewitness and there are only hearsay witnesses and the prosecution failed to prove the case beyond all reasonable doubt. The trial Court failed to consider the fact that in the dying declaration Ex.P15, the victim Revathi did not sign at the end of the statement. Though the victim signed the previous questions



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and answers, not signing at the end of the statement made, it is unbelievable and the trial Court failed to appreciate this properly. Further, contended that the only alleged eyewitnesses PW13 Vishnu and PW14 Vishwa sons of the accused are minors during the cross examination and they deposed that they were tutored by their uncle. Therefore, the tutored witness cannot be relied on to convict the accused. The trial Court failed to appreciate these evidences properly. In the absence of PW13 & PW14, there is no eyewitness and no evidence to connect the accused with the crime. The prosecution failed to prove the charge against the accused person and the accused is entitled for acquittal and thus, pleaded to allow the criminal appeal and acquit the accused person.

8.The learned Additional Public Prosecutor appearing for the respondent supported the judgment of the trial Court and pleaded to dismiss the criminal appeal as it has no merit.

9.We have considered the matter in the light of the submissions made by the learned counsel appearing for the appellant as well as the



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learned Additional Public Prosecutor appearing for the respondent.

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10.This is a case of murder of a mother-in-law by her son-in-law.

The deceased Gowri is the mother-in-law of the accused Kasinathan. He married her daughter Revathi. They had two children namely Vishnu (PW13) aged 8 years and Vishwa (PW14) aged 7 years. Due to dispute, the accused Kasinathan left separately. On 19.08.2013 at about 1.30 p.m., the accused entered the house of the deceased Gowri with Koduval by uttering the following words “என்னை வாழ விடமாட்டிங்களா ஏண்டி என் மனைவியை என் உடன் வாழ விடாமல் உன் வீட்டில் வைத்திருக்கிறாய் உன்னை கொலை செய்தால் எல்லாம் சரியாகிவிடும்” and attacked on her head, hands, legs of all over body and thereby, caused grievous injuries. When his wife Revathi entered to prevent the incident, she was also assaulted by the accused. After filing of the charge sheet, his wife Revathi died. Therefore, she was not examined before the trial Court as a witness.

11.Among the 23 witnesses, PW13 Vishnu and PW14 Vishwa, sons



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of the accused are eyewitnesses to the occurrence. The other witnesses

PW3 Govindhan, PW4 Settu, PW5 Manivannan, PW6 Segadevan are immediately went to the place of occurrence on hearing the voice of the deceased and the injured Revathi. They found the deceased Gowri and her daughter Revathi had grievous injurious and Gowri died on the spot. They were informed by Revathi that her husband the accused Kasinathan assaulted them with Koduval and ran away from the place of occurrence. PW3 Govindhan informed the occurrence to PW2 Elumalai, Village Assistant to Kangeyanur Village then PW2 informed the incident to PW1 Sivasundram, Village Administrative Officer and he immediately came to the place of occurrence and on seeing the deceased Gowri and the injured Revathi, he immediately went to the Police Station and gave the complaint Ex.P1 to PW21 Panneerselvam, Sub-Inspector Police. He received the complaint and registered the case in crime No.204 of 2013 for the offences under Sections 341, 307 & 302 IPC. The printed FIR is Ex.P16 and forwarded the same to the Inspector of Police and the Inspector of Police PW22 Magesh, took up the case for investigation.



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12.The alleged eyewitnesses to the occurrence are PW13 Vishnu and PW14 Vishwa. For better appreciation, their evidences are reproduced hereunder.

P.W.13 Vishnu

”தற்போது நீதிமன்ற பெட்டியில் என்னுடைய அப்பா. என் அப்பா என் ஆயாவையும், அம்மாவையும் வெட்டி போட்டுவிட்டார். நான் ஆயா வீட்டில் விளையாடிக்கொண்டிருக்கும்போது என் அப்பா கத்தியை எடுத்துக்கொண்டு போனார். என் அம்மாவையும், ஆயாவையும் வெட்டிப்போட்டார்.”

P.W.14 Vishwa

“நான், கோபி, லோகேஷ், என் அண்ணன், கார்த்திக் ஆகியோர் வீட்டிற்கு வெளியே விளையாடிக்கொண்டிருந்தோம். அப்போது என் அப்பா கொடுவா எடுத்து வந்தார். என் அம்மாவையும், ஆயாவையும் வெட்டிவிட்டார்.”

13.The other witnesses PW3 Govindan, PW4 Settu, PW5 Manivannan, PW6 Sagadevan, though not an eyewitness to the occurrence but immediately after the occurrence, they went to the place of occurrence and found the deceased Gowri with severe injuries laid down on the floor



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and her daughter Revathi wife of the accused also found with injuries and Revathi informed them that her husband the accused Kasinathan assaulted them with Koduval and ran away from the place of occurrence.

14.Apart from this, PW20 Sujatha, Judicial Magistrate, Katpadi, recorded the dying declaration of Revathi and the dying declaration report is Ex.P15. Unfortunately, in the dying declaration report ExP15, the Magistrate not obtained the signature of the deceased Revathi, though she obtained the signature of the deceased Revathi in the previous pages with regard to the question and answer while testing her conscious but failed to obtain the signature after narrating the incident and it was admitted by the Judicial Magistrate, Sujatha PW20 during the cross-examination.

15.The learned counsel appearing for the accused contended that this dying declaration cannot be relied on and it is a suspicious one, because the deceased Revathi has not signed in the dying declaration though the



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learned Judge, while recording her statement, obtained her signature in the question and answer for testing her conscious but not obtained signature after narrating the incident, so narration of the incident is a doubtful one. Therefore, it cannot be relied on to prove the charge.

16. On perusal of dying declaration Ex.P15, it is noticed that the learned Judge did not obtain the signature of the deceased Revathi in the dying declaration, while he got the signature under the question and answer. The first two pages have the signature but there is no signature obtained with regard to the statement of the occurrence and failed to obtain the signature after recording her statement about the occurrence. It is in a separate sheet. Therefore, the argument of the learned counsel appearing for the accused cannot be rejected in this regard. Therefore, the dying declaration cannot be taken as a whole ground for proving the charge against the accused.

17. We have analysed the entire prosecution witnesses thoroughly.



The alleged eyewitnesses PW13 Vishnu and PW14 Vishwa are the sons of the accused. Admittedly, at the time of occurrence, they are in the house of the deceased Gowri. Their evidences are stated supra.

18.The contention of the learned counsel for the accused is that in the cross examination, two eyewitnesses admitted that his uncle PW11 Venkatesan brought them to the Court and stated how to give evidence in the Court. Therefore, these witnesses are tutored child witnesses. Therefore, it cannot be relied on to prove the charge against the accused.

19.On perusal of the abovesaid child witnesses PW13 Vishnu and PW14 Vishwa, it is noticed that the trial Judge undertook a voir dire with a view to satisfy himself that the witnesses are a competent witness. Evidence of a child witness is not required to be rejected per se, but the Court as a rule of prudence considers such evidence with closer scrutiny and on being convinced about reliability thereof can record conviction.



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**(Ratansinh Dalsukhhai Nayak vs State Of Gujarat, 2003 (4) Crimes
387 (SC)).**

20.Further, it is seen that the child witnesses gave statements before PW19 Gengaraj, Judicial Magistrate, Sankarapuram and the learned Magistrate deposed before the Court about the statement recorded by him and the statements of eyewitnesses were marked as Ex.P12 & Ex.P13. Further, in the cross-examination, the Investigating Officer, PW22 Magesh admitted that the two witnesses stated about the occurrence and they are eyewitnesses to the occurrence.

21.We have gone through the cross-examination of PW13 & PW14, they have stated in cross that their uncle brought them to the Court and stated how to give evidence. For better appreciation, the cross examination of PW13 Vishnu & PW14 Vishwa are reproduced hereunder:

P.W.13 Vishnu

”என்னை சென்னையிலிருந்து என் மாமா தான்
இன்று கோர்ட்டுக்கு அழைத்து வந்தார். என் மாமா
பெயர் வெங்கடேஷ் கோர்ட்டில் எப்படி சாட்சி



சொல்லபேண்டும் என்று என் மாமா எனக்கு
சொல்லிக்கொடுத்து தான் கூட்டி வந்தார். அதன்படி
தான் சாட்சி சொன்னேன்.”

PW14 Vishwa

“நான் சென்னையிலிருந்து என் மாமாக்கூட தான்
ஊருக்கு வந்தேன். வெள்ளிக்கிழமை வந்தேன். சாட்சி
எப்படி சொல்லவேண்டும் என்று மாமா
சொல்லிக்கொடுத்தார், அதுபடி தான் சாட்சி
சொல்கிறேன். என் அம்மாவுக்கு இடது கை மூட்டு
உடைந்திருந்தது. அப்பா என் அம்மாவின் இரண்டு
கால்களையும் வெட்டி விட்டார். இரண்டு கால்களிலும்
ரத்தம் வந்தது.”

So, their evidence could not be rejected as a tutored one. The witnesses gave evidence, which is quite natural and consistent with the evidence of other witnesses PW3 Govindan, PW4 Settu, PW5 Manivannan, PW6 Sagadevan, they immediately went to the place of occurrence and found the deceased Gowri and injured Revathi with injuries. This witnesses having sufficient understanding and competent witnesses, such evidence cannot be brushed away automatically, they are being an eyewitness. Their evidence is found truthful and their presence is



natural, just his uncle brought to the Court and stated how to give evidence cannot be termed as tutoring witnesses and apart from this, their statements were recorded by Judicial Magistrate PW19 Gengaraj. Before examining them in the trial Court, there was no opportunity to tute and their statements were recorded by the Inspector of Police under Section 161 Cr.P.C. there was no opportunity to tute them and the statement was recorded immediately after the occurrence. Hence, the trial Court is right in relying upon the evidence of PW13 & PW14. Their testimonies are consistent uniformly. The following principles have to be kept in mind while seeking corroboration for the evidence of a child witness:-

(i). It is not necessary that there should be independent confirmation of every material circumstance in the sense that the independent evidence in the case, apart from the testimony of the child witness, should in itself be sufficient to sustain conviction. All that is required is that there must be some additional evidence rendering it probable that the story of the child witness is true and it is reasonably safe to act upon it.

(ii) The independent evidence must not only make it safe to believe that the crime was committed but it must in



some way reasonably connect or tend to connect the accused with it by confirming in some material particular the testimony of the child witness that the accused committed the crime.

(iii) The corroboration must come from independent sources and that ordinarily the testimony of one child witness would not be sufficient to corroborate that of another, but, of course, the circumstances may be such as to make it safe to dispense with the necessity of corroboration and in those special circumstances a conviction so based would not be illegal.

(iv) The corroboration need not be by direct evidence that the accused committed the crime. It is sufficient if it is merely circumstantial evidence of his connection with the crime.

Munna v. State, 1985 CrLJ 1925 (All): 1985 (2) Crimes 107 : (1985) 11 ALR 619.

22. On perusal of the evidence, it is also seen that the blood found in MO3 – Lungi of the accused matched with Sarees and blouse MO6 & MO7 of the deceased Gowri and the Forensic report Ex.P31 states that in MO3



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and MO6 & MO7, same blood stain was found and after examining the same, it was found that the blood group of “O” found in all Mos.3, 6 & 7.

These are also corroborated with the evidence of PW13 & PW14 and other witnesses.

23. Therefore, on a careful consideration of the evidence of PW13 Vishnu and PW14 Vishwa, it is proved that the accused assaulted his mother-in-law deceased Gowri and his wife Revathi with Koduval and caused severe injuries on them.

24. In respect of child witness, the Hon'ble Supreme Court in *Nivrutti Pandurang Kokate Vs. State of Maharashtra reported in AIR 2008 SC 1460* held that evidence of child witness should not be rejected per se, instead it should be subjected to a close scrutiny.

25. Dr. Rajalakshmi, PW18 conducted the postmortem upon the body of the deceased Gowri and she found the multiple injuries on her body as



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stated above and gave postmortem certificate with opinion that the deceased would appear to have died due to shock and hemorrhage because of multiple injuries. The opinion and postmortem certificate are marked as Ex.P10 & Ex.P11.

26.The expression “beyond reasonable doubt” does not mean beyond all the doubt. The Supreme Court in *State of Punjab Vs. Ramdev, (AIR 2004 SC 1290)* criticized the tendency of Courts to acquit the accused giving undue weightage to insignificant circumstances and flimsy grounds. The Court observed:-

“An unmerited acquittal on benefit of doubt does no good to society. If prosecution has succeeded in making out a convincing case for recording a finding as to accused being guilty, the Court should not lean in favour of acquittal by giving weightage to insignificant circumstances or by resorting to technicalities or by assuming doubts and giving benefit thereof where non reasonably exists. A doubt has to be reasonable doubt and not an excuse for finding in favour



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of acquittal. An unmerited acquittal encourages and evolves in the society, a feeling of being the prawn for easy prey, more so when victim of crime is helpless woman or minor children.

27.It is clear from the testimony of Dr.Rajalakshmi PW18 conducting the postmortem upon the deceased that there were severe injuries on her body. In the Doctor's opinion, the injuries were sufficient in the ordinary course of nature to cause death. Therefore, the evidence of PW13 & PW14 is corroborated by the other evidences PW2 to PW4 and PW18 Dr.Rajalakshmi and postmortem certificate. The prosecution satisfactorily proved that the accused did cause the injuries found on the person of deceased, 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).



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WEB COPY 28. 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 appreciation of the evidence let by the prosecution and there is no merit in the criminal appeal.

29. In the result, the criminal appeal fails and the same is dismissed and conviction and sentence dated 29.11.2016 imposed on the accused by the trial Court in S.C.No.16 of 2015 is hereby confirmed.

Index: Yes/No
Internet: Yes/No
sms

(S.M.S.J.) (V.S.G.J)
06.09.2024

To

1. The Inspector of Police,
Manalurpettai Police Station,
Villupuram District.
2. The Sessions Judge,
Magalir Neethi Mandram,
(Fast Track Mahila Court),
Villupuram.



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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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06.09.2024