



Crl.A(MD)No.92 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2026

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

Crl.A(MD)No.92 of 2023

Murugan

... Appellant/Sole Accused

Vs.

State through,
The Inspector of Police,
Shencottah Police Station,
Tenkasi District.
(In Crime No.325 of 2016).

... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C to call for the entire records connected to the judgment in S.C.No. 770 of 2014 dated 15.07.2022 on the file of the Additional District and Sessions Judge (FTC), Tenkasi and set aside the conviction and sentence imposed against the appellant.

For Appellant : Mr.R.Jegadeeswaran
Legal Aid Counsel

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor



WEB COPY



CrI.A(MD)No.92 of 2023

JUDGMENT

**(Judgment of the Court was delivered by
G.K.ILANTHIRAIYAN, J.)**

This appeal is directed as against the Judgment passed in S.C.No.770 of 2014 dated 15.07.2022 on the file of the Additional District and Sessions Judge (FTC), Tenkasi, thereby convicting the accused for the offence punishable under Section 302 of I.P.C.

2.The case of the prosecution is that the deceased was the third wife of the accused. The deceased's earlier two marriages were unsuccessful. When the accused went to the deceased's place for construction work, the deceased fell in love with him, and they got married. The accused, however, was already married. The deceased came to know about his marital status only after their marriage, and as a result, she was living separately.



CrI.A(MD)No.92 of 2023

WEB COPY

3.While the deceased and the accused were living together, the accused did not go for any job and used to quarrel with the deceased for money, for consuming alcohol. One week prior to the incident, the accused planned to do away with the life of the deceased in order to obtain the documents of the house where the deceased was residing.

4.On 02.12.2016, at about 14.30 hours, the accused came to the house and quarreled with the deceased, demanding the house documents or money by mortgaging the property. Relatives were present at that time. The accused then went inside the house to take the documents. When the deceased followed him, he immediately locked the house from inside and murdered her by strangulating her neck with an electric wire.

5.On the complaint, the respondent registered the F.I.R in Crime No.325 of 2016 for the offence punishable under Section 302



CrI.A(MD)No.92 of 2023

of I.P.C. After completion of investigation, a final report was filed and the same has been taken cognizance by the trial Court.

6.In order to bring the charges to home, the prosecution had examined P.W.1 to P.W.20 and marked Ex.P.1 to Ex.P.20. The prosecution had produced Material Objects M.O.1 to M.O.6. On the side of the accused, no witnesses were examined and no documents were produced before the trial Court.

7.On perusal of oral and documentary evidence, the trial Court found the accused guilty for the offence punishable under Section 302 of I.P.C. He was sentenced to undergo Life Imprisonment and to pay a fine of Rs.2,000/- in default, to undergo two years Rigorous Imprisonment. Aggrieved by the same, the present appeal has been preferred by the appellant.



CrI.A(MD)No.92 of 2023

WEB COPY

8.The learned counsel appearing for the appellant submitted that there are contradictions in the testimonies of the prosecution witnesses regarding the duration of time that the appellant and the deceased spent inside the deceased's house on the date of the occurrence. This, according to the counsel, is fatal to the case of the prosecution.

9.Although the accused locked the house from inside with the deceased, no one attempted either to knock on the door or to break it until the accused came out. This indicates that there were no signs of noise or resistance from the deceased. Hence, it is doubtful whether the accused had actually murdered the deceased or whether the prosecution witnesses were truly present at the scene of the occurrence.



Crl.A(MD)No.92 of 2023

WEB COPY

10. Even according to the case of the prosecution, the accused strangled the deceased. If the deceased had been strangled, she would have definitely raised an alarm and resisted by shouting, especially since she knew that all her relatives were standing outside the house. Therefore, the entire story of the prosecution appears to be artificial in nature, and the prosecution failed to prove the charge beyond a reasonable doubt. Despite this, the Trial Court, without properly considering the facts and circumstances, mechanically convicted the accused.

11. Per contra, the learned Additional Public Prosecutor appearing for the respondent submitted that, in order to establish the charge, the prosecution had examined eyewitnesses as P.W.1 to P.W.4 and P.W.6. All the eyewitnesses categorically deposed and corroborated each other.



CrI.A(MD)No.92 of 2023

WEB COPY

12. Even assuming that P.W.1 to P.W.4 and P.W.6 were not present at the scene of the crime, since the accused was the husband of the deceased, it is presumed that they were together at the scene of the crime. Therefore, a presumption arises under Section 106 of the Indian Evidence Act, 1872. Except the accused, no one else was present at the scene of the crime, and the witnesses had seen the accused and the deceased together just 15 minutes before the occurrence. They had also seen the accused coming out of the house where the occurrence had taken place. Therefore, the prosecution clearly proved the charge under Section 302 of I.P.C and the Trial Court rightly convicted the accused and the same does not warrant any interference of this Court.

13. Heard the learned counsel appearing on either side and perused the materials available on record.



CrI.A(MD)No.92 of 2023

WEB COPY

14. Admittedly, the accused was the third husband of the deceased, and for the accused, the deceased was his second wife. While they were living under the same roof, the accused failed to pursue any employment and used to demand money from the deceased.

15. On the date of the occurrence, when P.W.1 to P.W.4 and P.W.6 were present in front of the deceased's house, the accused came there and demanded the property documents for the purpose of mortgage. The deceased refused, and the accused then went inside the house. The deceased followed him, after which the accused locked the door from inside. After approximately 15 minutes, he ran out of the house carrying a yellow bag. Thereafter, the witnesses found that the accused had murdered the deceased by strangulating her with an electric wire.



CrI.A(MD)No.92 of 2023

WEB COPY

16.P.W.1 to P.W.4 and P.W.6 are eyewitnesses to the occurrence. They categorically deposed about the incident and corroborated each other. There is no contradiction or exaggeration regarding the occurrence. Even in cross-examination, the defence failed to elicit any evidence to disprove the charge under Section 302 of I.P.C.

17.Though P.W.1 to P.W.4 are relatives and P.W.6 is a neighbor of the deceased, it cannot be said that they are interested witnesses. They were eyewitnesses to the occurrence, and their evidence is cogent and trustworthy. There are absolutely no circumstances to disbelieve their testimony. The minor contradictions regarding the time the accused was inside the house are not fatal to the prosecution's case.

18.The relevant portion of the evidence of P.W.1 is as follows:

9/14



CrI.A(MD)No.92 of 2023

“ஆஜர் எதிரியை தெரியும். ஆஜர் எதிரி எனக்கு கொழுந்தன் முறை. என் உடன்பிறந்தவர்கள் என்னுடன் சேர்த்து 4 பேர்கள், நான், மாரி, வெள்ளத்தாய், முருகன் ஆசியோர். என் தங்கை வெள்ளத்தாய் என் அம்மாவுடன் தேன்பொத்தையில் தனியாக குடியிருந்து வந்தார். ஆஜர் எதிரி அங்கு கொத்தனார் வேலைக்காக வந்திருந்தார். அந்த நேரத்தில் என் தங்கைக்கும் ஆஜர் எதிரிக்கும் பழக்கம் ஆகிவிட்டது. அதனால் என் தாயார் 5 கழஞ்சு நகை போட்டு இருவருக்கும் திருமணம் செய்து வைத்துவிட்டார். அதன்பின்பு ஆஜர் எதிரி என் தங்கையுடன் சிவகிரிக்கு சென்று விட்டார். ஆஜர் எதிரி என் தங்கையை திருமணம் செய்வதற்கு முன்பு வேறு ஒருவரை திருமணம் செய்திருக்கிறார். அது எங்களுக்கு தெரியாது. ஆஜர் எதிரிக்கு முதல் தாரம் மூலம் ஒரு குழந்தை இருந்த விபரமும் எங்களுக்கு தெரியாது. அதன்பின்பு சண்டை போட்டு ஆஜர் எதிரியும் என் தங்கையும் தேன்பொத்தைக்கு வந்துலிட்டார்கள். ஆஜர் எதிரிக்கும் என் தங்கைக்கும் பிறந்த ஆண்குழந்தை 13 வயதில் உள்ளது. தேன்பொத்தையில் என் வீட்டிற்கு கீழ்ப்பக்கம் உள்ள காலி இடத்தில் அவர்களை வீடு சுட்டி குடியிருக்க சொன்னேன் அங்கு குடியிருந்தார்கள். ஆஜர் எதிரி தினசரி குடித்துவிட்டு வந்து என் தங்கை வெள்ளத்தாயுடன் சண்டை போடுவார். சுமார் 3 வருடத்திற்கு முன்பு ஒருநாள் சுமார் மதியத்திற்கு



CrI.A(MD)No.92 of 2023

மேல் என் தங்கைக்கு போட்ட சங்கிலியை ஆஜர் எதிரி விற்றுவிட்டார். வீட்டு பத்திரத்தை என் தங்கையிடம் கேட்டு ஆஜர் எதிரி ரெம்ப சண்டை போட்டார். வீட்டு பத்திரத்தை வைத்து வீட்டை விற்று குடிக்கப்போகிறேன் என்று சண்டை போட்டார். நான் இருவரையும் விலக்கி விட்டேன். இருவரும் கேட்கவில்லை ஆஜர் எதிரி வீட்டிற்குள் முதலாவதாக சென்றார். என் தங்கை அவருக்கு பின்னால் வீட்டிற்குள் சென்றார். சிறிது நேரத்தில் கதவை அடைத்துவிட்டார்கள். அப்போது நானும், இன்னொரு தங்கை மாரியும் வீட்டிற்கு வெளியே இருந்தோம். சிறிது நேரம் கழித்து ஆஜர் எதிரி ஒரு மஞ்சள் பையுடன் வெளியே வந்தார். நாங்கள் என்ன என்று கேட்டோம். அவர் எங்களிடம் எந்த பதிலும் சொல்லாமல் வெளியே சென்றுவிட்டார். நாங்கள் வீட்டிற்குள் சென்று பார்த்தோம். என் தங்கையின் கழுத்தில் கயிறு போட்டு இறுக்கியதுபோல் கழுத்தில் தெரிந்தது. அவர் இறந்து கிடந்தார். அந்த தடம் கரண்டி ஓயர் சுற்றி இறுக்கிய தடம் போல் தெரிந்தது. அதன்பிறகு நாங்கள் செங்கோட்டை காவல்நிலையத்திற்கு நானும் என் தம்பி முருகன் என்பவரும் சென்று புகார் மனு கொடுத்தோம்.”

19.Thus, it is clear that the accused frequently demanded money from the deceased, and as a result, quarrel between them

11/14



CrI.A(MD)No.92 of 2023

occurred very often. On the date of the occurrence, the accused came to the house of the deceased and demanded the original property documents in the presence of P.W.1 to P.W.4 and P.W.6. When the deceased refused to hand over the documents, the accused went inside the house. The witnesses attempted to prevent him from entering; however, the accused went inside, and the deceased followed him. Immediately, he locked the door from inside. This indicates that the accused came to the house of the deceased with the intention to do away with her life.

20.The motive is also clearly established by the prosecution. The accused had sold the deceased's jewelry and frequently demanded money from her. He also threatened that if she did not give him money, he would kill her. Therefore, he came to the house of the deceased with the intention to do away her life. The prosecution examined P.W.6 and P.W.7 as eyewitnesses to the occurrence, and they are independent witnesses.



CrI.A(MD)No.92 of 2023

WEB COPY

21.Further, P.W.8 and P.W.9 deposed that quarrel frequently occurred between the deceased and the accused over demands for money to consume alcohol. Therefore, the prosecution clearly proved the charge, and the Trial Court rightly convicted the accused and the same does not warrant any interference of this Court. Accordingly, the appeal fails and is dismissed.

[G.K.I.J.,] & [R.P.J.,]
20.02.2026

NCC :Yes/No

Index :Yes/No

ps

To

1.The Additional District and Sessions Judge (FTC),
Tenkasi.

2.The Inspector of Police,
Shencottah Police Station,
Tenkasi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

13/14



WEB COPY



Crl.A(MD)No.92 of 2023

G.K. ILANTHIRAIYAN, J.
AND
R. POORNIMA, J.

ps

Crl.A(MD)No.92 of 2023

20.02.2026