



Crl.A(MD)No.193 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2026

CORAM:

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

Crl.A(MD)No.193 of 2023

Mohan ... Appellant/Sole Accused

Vs.

The State represented by,
The Inspector of Police,
Karambakkudi Police Station,
Pudukkottai District.
(Crime No.26 of 2019). ... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C to call for the records relating to the conviction and sentence imposed by the trial Court by Judgment dated 07.02.2023 in S.C.No. 87 of 2019 on the file of the Mahila Court, Pudukkottai and set aside the same, acquit the appellant.

For Appellant : Mr.A.Arunprasad

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

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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.87 of 2019, dated 07.02.2023, on the file of the Mahila Court, Pudukkottai, thereby convicting the appellant for the offence punishable under Section 302 of I.P.C.

2.The case of the prosecution is that the deceased fell in love with the accused. When this came to the knowledge of the deceased's father, he arranged marriage for her with some other person. Therefore, the deceased compelled the accused, both over the phone and in person, to marry her. As a result, the accused became angry and with an intention to do away with the life of the deceased, he went to meet her after talking to her over the phone on 31.01.2019 at about 09.00 p.m. The accused asked the deceased to come out of her house to R.S.Pathy field, situated at the rear side of

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her house, where he was standing. While they were talking, the deceased again compelled him to marry her, which led to a wordy quarrel. During the quarrel, the deceased picked up a wooden log lying there and assaulted the accused on his head and body. In turn, the accused, who was already enraged, became furious and took out a knife which was hidden in his hip and stabbed the deceased in her left ear and chin. Further, he snatched the wooden log from the deceased and assaulted her with it. As a result, the deceased fell down in a pool of blood, sustaining grievous injuries and subsequently succumbed to those injuries.

3. Based on the complaint lodged by the father of the deceased, the respondent registered an F.I.R in Crime No.26 of 2019 for the offence punishable under Section 302 of I.P.C. After completion of the investigation, a final report was filed and the same was taken cognizance by the Trial Court.



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4.In order to bring the charges to home, the prosecution examined P.W.1 to P.W.10 and marked Exs.P1 to P20. The prosecution also produced Material Objects M.O.1 to M.O.7. On the side of the accused, Ex.D.1 was marked and no witnesses were examined before the Trial Court.

5.On perusal of the oral and documentary evidence, the trial Court found the accused guilty for the offence punishable under Section 302 of I.P.C and sentenced him to undergo life imprisonment and imposed a fine of Rs.2,00,000/- in default, to undergo one year Rigorous Imprisonment. Aggrieved by the same, the appellant has filed the present Criminal Appeal.

6.The learned counsel appearing for the appellant submitted that the appellant was not arrested by the respondent in the manner as alleged by the prosecution. Further, the appellant did not give any confession statement and no recovery was effected



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pursuant thereto. Therefore, the prosecution failed to prove the arrest and recovery of the weapon. The prosecution itself projected the case as though the deceased went to the scene of crime on the call made by the appellant. There was a wordy quarrel between them since the appellant refused to marry her, due to which the deceased attacked the appellant with a wooden log. Therefore, the appellant allegedly took the knife from his hip and assaulted her and also beat her with wooden log which was used by the deceased. This version of the prosecution is a cooked-up story without any supporting evidence. No witness has spoken about the case of the prosecution as projected and all the witnesses stated that they came to the scene of crime and saw both the appellant and the deceased injured. According to them, both sustained injuries and immediately the appellant was taken to the police station. Hence, the entire case of the prosecution is cooked up by the respondent without any piece of evidence and the Trial Court mechanically convicted the appellant for the offence punishable under Section 302 of I.P.C.



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7.The learned counsel appearing for the appellant further submitted that the prosecution completely suppressed the fact that the appellant also sustained injuries and did not subject him for medical examination. This omission is fatal to the case of the prosecution. Therefore, the conviction and sentence imposed on the appellant cannot be sustained and the same is liable to be set aside.

8.Per contra, the learned Additional Public Prosecutor appearing for the respondent submitted that P.W.1 to P.W.5 categorically deposed about the case of the prosecution as well as the motive. The appellant fell in love with the deceased, which was objected by P.W.1, the father of the deceased. Consequently, the deceased compelled the appellant to marry her. The appellant refused to marry her and as such the deceased initially attacked him with a wooden log. However, the appellant had gone to the scene of crime with the intention to do away with the life of the deceased and was carrying a knife. He took out the knife from his hip and stabbed her



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indiscriminately, resulting in her death on the spot. She fell in a pool of blood and died due to the injuries sustained. The arrest and recovery were duly proved by the prosecution and therefore, it does not warrant any interference of this Court.

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

10.The father of the deceased had deposed as P.W.1. He deposed that he was informed by one Ashok about the noise behind his house. Immediately thereafter, he went to the spot and saw the deceased lying in a pool of blood. The appellant was also present at the scene with a wooden log. He further spoke about the motive, stating that the appellant fell in love with the deceased and had offered to marry her. However, P.W.1 refused to permit the marriage and he was searching for another bridegroom. Due to which, the appellant came to the house of P.W.1 and murdered the deceased. He



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also categorically admitted that the appellant had sustained injuries on his head and all over his body. While he was present, the deceased was lying in a pool of blood and had already died. He did not witness the appellant allegedly attacking the deceased. Immediately thereafter, the police came to the scene of crime and took the appellant in their vehicle. The body of the deceased was also taken in ambulance to the Government Hospital, Pudukottai. On the same day at about 01.00 a.m., P.W.1 went to the police station and lodged the complaint. The relevant portion of his deposition is as follows:

“நான் சம்பவயிடத்திற்கு சென்று பார்க்கும்போது அங்கு என் மகள் பேச்சு மூச்சு இல்லாமல் கிடந்தார் என்றால், இறந்துவிட்டார். என் மகள் இறந்தபிறகு என் மகளின் பிரேதத்தை பிரேத பரிசோதனைக்காக புதுக்கோட்டை மருத்துவமனைக்கு போலீஸ் வாகனத்தில் வந்ததாக சொன்னார்கள். கோவிந்தராஜ் என்பவர் என் மகள் இறந்த பிறகு சம்பவயிடத்திற்கு வந்தார். எதிரியை பார்த்து ஏண்டா இப்படி செய்தாய் என்றும் கேட்டார். அதன்பிறகு கோவிந்தராஜ் எதிரியை சிகிச்சைக்கு கூட்டிச்சென்றார் என்றால், அவ்வாறு



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செய்யவில்லை. போலீசார்தான் எதிரியை அழைத்துச் சென்றார்கள். என்னையும் கறம்பக்குடி காவல்நிலையத்திற்கு ஒரு வண்டியிலும், ஆஜர் எதிரியை ஒரு வண்டியிலும் போலீசார் அழைத்துச்சென்றார்கள். என் மகளின் பிரேதத்தை பிரேத பரிசோதனைக்கு எடுத்துச்சென்றார்கள். எங்கள் வண்டியும், எதிரியை ஏற்றிச்சென்ற வண்டியும் கறம்பக்குடி காவல்நிலையத்திற்கும், பிரேதத்தை புதுக்கோட்டைக்கும் எடுத்துச்சென்றார்கள். அதுபோல் எடுத்துச்சென்றது வியாழக்கிழமை சம்பவம் நடந்த அன்றே. இரவு 1 மணிக்கு விசாரணை மேற்கொண்ட பிறகுதான் பிரேதத்தை எடுத்துச்சென்றார்கள். எங்களை இரவு 1 மணிக்குத்தான் காவல்நிலையத்திற்கு அழைத்துச்சென்றார்கள். அதன்பிறகுதான் கறம்பக்குடி காவல்நிலையத்திற்கு நான் சென்றபோது அங்குவைத்துதான் புகார் எழுதினார்கள். எங்கள் வீட்டிற்கு பின்னால் விளக்கு இருந்தது என்பதை நான் நீதிமன்றத்தில்தான் முதன்முதலில் சொல்கிறேன் என்றால், ஆமாம். நான் சம்பவயிடத்திற்கு செல்லும்போது என் மகள் மகாவெட்சமி பேச்சுமூச்சு இல்லாமல் கிடந்தாரா என்றால், என் மகள் இறந்துவிட்டாள். அதே இடத்தில் எதிரி பேச்சு மூச்சு இல்லாமல் இருந்தாரா என்றால், நன்றாக திடகாத்திரமாக இருந்தார். எதிரியின் தலையில் பலத்த காயங்களும், இரத்தக்கசிவும் இருந்ததா



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என்றால், அதை நான் கவனிக்கவில்லை, என் மகள் இறந்துகிடந்ததைதான் நான் பதற்றத்துடன் பார்த்தேன். போலீசார் விசாரணையில் எதிரியின் தலையில் இரத்தக்காயங்கள் இருந்தது என்று சொல்லியுள்ளேனா என்றால், எதிரியின் தலையில்காயம் இருந்திருக்கும். ஆனால் நான் அடிக்கவில்லை. சம்பவமிடத்திற்கு நான் மட்டும் சென்றேனா என்றால், என்பின்னால் அசோக்குமார், அதன் பிறகு தினகரன், கிருபாகரன், கமலக்கண்ணன், பாமணி, சாந்தி ஆகியோர் அவறி அடித்துக்கொண்டு சென்று பார்த்தோர். சத்தம் கேட்டுதான் பின்னர் ஊர் மக்களே வந்தார்கள்.”

11.Thus, it is clear that no one had actually witnessed the occurrence. However, the prosecution projected P.W.1 as one of the eyewitnesses to the occurrence. One independent witness was examined as P.W.2. She also went to the scene of crime only after that occurrence. She corroborated the fact that both the deceased and the appellant were very much available in the scene of crime. Thereafter, the police arrived at the spot and took the appellant to the police station. P.W.2 also confirmed that the appellant and the



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deceased fell in love and that P.W.1 refused to accept their love, thereby denying the marriage proposed by the appellant.

12.The cousin brother of the deceased had deposed as P.W.3. He deposed that he did not witness the occurrence and that after hearing the noise, he went to the scene of crime. According to him, after stabbing the deceased, the appellant fled away from the scene of crime. He further stated that he heard from the deceased's father ie., P.W.1, that he had seen the occurrence. Therefore, though the prosecution examined P.W.1 to P.W.5, none of them deposed that they had witnessed the occurrence. Though the prosecution projected them as eyewitnesses, they are not eyewitnesses to the occurrence and reached the scene only after the incident, where they saw both the appellant and the deceased sustaining injuries. During the cross-examination of P.W.1, a suggestion was putforth that while the deceased and the appellant were talking, a third party who did not accept their love affair attacked both of them, due to which the



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deceased sustained grievous injuries and died. Though this version was not proved by the defence, the prosecution has also failed to prove its case by any acceptable evidence. The prosecution projected the case in a way that the deceased attacked the appellant with a wooden log and that the appellant, in turn, stabbed her with a knife and assaulted her with the wooden log but the same was not supported by any evidence.

13.It is also curious to note that the charge itself was framed as against the appellant as follows:

“கடந்த 31.01.2019 அன்று இரவு 9 மணியளவில் குரக்காடு கீழ்த்தெருவில் சாட்சி 1-மகளான இறந்துபோன நபரின் வீட்டிற்கு பின்புறம் உள்ள R.S பதி கொட்டத்தில் இறந்துபோன நபரும், எதிரியாகிய நீரும் பேசிக் கொண்டிருக்கும்போது, இறந்த போன நபர் தன்னை திருமணம் செய்துகொள்ளுமாறு கேட்டதால் வாய்தகராறு ஏற்பட்டு, இறந்துபோன நபர் கீழேகிடந்த R.S பதி கட்டையை எடுத்து அடித்ததால் எதிரியாகிய உமக்கு கோபம் அதிகமாகி



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உமது இடுப்பில் மறைத்து வைத்திருந்த இரும்பு கத்தியால் இறந்துபோன நபரின் இடது காது மற்றும் தாவாங்கட்டையில் குத்தியும், இறந்துபோன நபரின் கையில் வைத்திருந்த R.S பதி கட்டையை பிடுங்கி அவரது தலை, கழுத்து, இடது கண் புருவம், தாவாங்கட்டை, தலையின் முன்பகுதி, பின்பகுதி மற்றும் இடப்பகுதி ஆகிய இடங்களில் சாமரியாக ஓங்கி அடித்துக்கொலை செய்துள்ளதன் மூலம், எதிரியாகிய நீர் இதச பிரிவு 302-ன் கீழ் தண்டிக்கத்தக்கதும், இந்நீதிமன்றத்தால் விசாரிக்கத்தக்கதுமான குற்றமொன்றை செய்திருக்கிறீர் என்றும்.”

14.However, there is absolutely no material produced by the prosecution to justify the framing of such a charge by the Trial Court. The Assistant to the Village Administrative Officer had deposed as P.W.6. He deposed regarding the arrest of the appellant, the alleged confession statement, recovery of the knife and clothes. According to P.W.6, the respondent arrested the appellant at Mullungkurichi, Periyakulam. Further, the appellant allegedly made a confession statement admitting that he murdered the deceased and



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signed the same. The said confession statement purportedly led to the recovery of the knife, which was produced as Material Object No.5. However, as per the evidence of P.W.1 to P.W.5, the appellant was very much present at the scene of crime and the police personnel arrived at the scene of crime immediately after the occurrence. The appellant was taken by the police to the police station and the deceased was taken to the hospital. Further, both the weapons, namely the wooden log and knife, were recovered from the scene of crime itself. Therefore, the evidence of P.W.6 is completely contradictory to the evidence of P.W.1 to P.W.5. In order to strengthen the case of the prosecution, P.W.6 was examined with regard to the arrest, confession and recovery. Further, though the appellant sustained injuries on his head and all over his body, he was not subjected for any medical examination and no Accident Register was prepared. This fact was also completely suppressed by the prosecution during the course of investigation. In the remand request submitted by the respondent while producing the appellant before



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the Court, the injuries were mentioned as follows:

“1.தலையில் இரத்த காயம் 2. வலது கை
மோதிர விரலில் காயம் 3. வலது கால் கட்டை
விரலில் காயம் 4. இடது கை கட்டை விரலில்
காயம் 5. இடது கை சுண்டு விரலில் காயம்
கொலை செய்யப்பட்ட மகாலெட்சுமி என்பவரால்
எதிரிக்கு காயம் ஏற்பட்டுள்ளது.”

15.Even thereafter, the appellant was not subjected to any medical examination, nor he was treated by a doctor. This fact is also corroborated by the evidence of P.W.2, who categorically deposed that the appellant sustained injuries on his left cheek, forehead, jaw and left ear and that he was covered with bloodstains. Therefore, the prosecution has miserably failed to prove the charge under Section 302 of I.P.C as against the appellant. The manner in which the prosecution projected the case is unsupported by any evidence and none of the witnesses have spoken in support of the prosecution version.



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16.In view of the above, the conviction and sentence imposed on the appellant in S.C.No.87 of 2019, dated 07.02.2023, on the file of the Mahila Court, Pudukkottai, cannot be sustained and are liable to be set aside.

17.In the result, this Criminal Appeal is allowed and the Judgment made in S.C.No.87 of 2019, dated 07.02.2023, on the file of the Mahila Court, Pudukkottai, is hereby set aside and the appellant is acquitted of all the charges. The bail bond, if any, executed by the appellant shall stand cancelled. The fine amount, if any paid, shall be refunded to the appellant. The appellant shall be set at liberty forthwith, if they are no longer required in connection with any other case.

**[G.K.I.J.,] & [R.P.J.,]
28.01.2026**

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To

1.The Mahila Court,
Pudukkottai.

2.The The Inspector of Police,
Karambakkudi Police Station,
Pudukkottai District.

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



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

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