



Crl.A(MD)Nos.1288 & 1289 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2026

CORAM:

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

Crl.A(MD)Nos.1288 & 1289 of 2025

and

Crl.M.P(MD)Nos.20692, 20314 & 20317 of 2025

1.Crl.A(MD)No.1288 of 2025:

Nagalingam

... Appellant/Accused No.1

Vs.

1.The State of Tamil Nadu,
Represented by the Deputy Superintendent of Police,
Thoothukudi Rural,
SIPCOT Police Station,
Thoothukudi District.
In Crime No.410 of 2019. ... 1st Respondent/Complainant

2.T.Veeralakshmi ... 2nd Respondent/Defacto Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C
to call for the records and set aside the judgment and conviction of
the lower Court in Sessions Case in S.C.No.22 of 2021 on the file of

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the learned Special Court for Trial of Cases under SC/ST (POA) Act,
Thoothukudi.

For Appellant : Mr.M.Chandrasekaran
For R - 1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R – 2 : Mr.S.Mandhiralingeswaran

2.Crl.A(MD)No.1289 of 2025:

1.Manikandan
2.Lakshmi Narayanan ... Appellants/Accused Nos.2 & 3

Vs.

1.The State of Tamil Nadu,
Represented by the Deputy Superintendent of Police,
Thoothukudi Rural,
SIPCOT Police Station,
Thoothukudi District.
In Crime No.410 of 2019. ... 1st Respondent/Complainant

2.Veeralakshmi ... 2nd Respondent/Defacto Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C
to call for the records and set aside the judgment and conviction of
the lower Court in Sessions Case in S.C.No.22 of 2021 on the file of
the learned Special Court for Trial of Cases under SC/ST (POA) Act,
Thoothukudi.



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For Appellants : Mr.K.Suyambulinga Bharathi
For R – 1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R – 2 : Mr.S.Mandhiralingeswaran

COMMON JUDGMENT

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

These appeals are filed to call for records and set aside the judgment and conviction of the Lower Court in Sessions Case in S.C.No.22 of 2021 dated 23.09.2025, on the file of the learned Special Court for the Trial of Cases under SC/ST (POA) Act, Thoothukudi.

2.Both appeals have been filed by A1 and A2 & A3 and hence, this Court is inclined to pass a common judgment.



3.THE CASE OF THE PROSECUTION:

3.1.The defacto complainant/P.W.1 is the mother of the deceased. The allegation made in the complaint made by P.W.1 is that about one month prior to the alleged occurrence, the deceased Vimalraj had illegally trespassed into the house of the accused persons at mid night 01:30 a.m. Due to that, the accused persons had quarreled with the deceased. Thereafter, on 13.10.2019 at about 02:00 a.m., the deceased Vimalraj is said to have fired the auto of the A1 which was parked close to his house. On this motive, at about 08:30 a.m, A2 and A3 along with another juvenile accused had gone to the house of the deceased to question about the earlier occurrence. Since the deceased was not in the house, they have asked P.W.1 to repair their auto and also threatened her that if the deceased did not repair their auto, they would damage their house and kill the deceased. Thereafter, at about 11:00 a.m, the accused persons have found the deceased in a drunken state lying at Chinnakannupuram Anthonyar Church.



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3.2. On seeing the deceased, A2 to A7 had abused the deceased and assaulted him causing injuries and had dragged him on the floor. Since the deceased became unconscious, they had taken him to the house of A1 and again all the accused have attacked the deceased and caused injuries to him. Thereafter, in order to conceal the body of the deceased, A1 and A3 along with the juvenile accused had taken the deceased in an auto to the house of the deceased and laid him in the back side of the house and they informed PW1 that they found the deceased in a drunken state so that they brought him to the house. Thereafter, the deceased Vimalraj was found to have already died.

4. Hence, a complaint was lodged by P.W.1 and the same was registered in Crime No.410 of 2019 for the alleged offences under Sections 302, 201, 506 Part II of IPC against the A1 and two other persons. Thereafter, the station officer who is in-charge of the



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respondent police station had started the investigation and prepared the observation mahazar and rough sketch. Also, he had prepared inquest report and recorded the statement of the witnesses. Subsequently, the respondent took up the investigation and filed final report and the same was taken cognizance by the Trial Court.

5.To bring the charges to home, the prosecution examined P.W.1 to P.W.28 and marked documents Ex.P.1 to Ex.P.36 and produced material objects which were marked as M.O.1 to M.O.4. On the side of the appellant, no witnesses were examined and no documents or material objects were produced.

6.There was a total of seven accused persons, and the learned Trial Judge, after conducting a full-fledged trial and on perusal of the oral and documentary evidences, convicted the appellants and sentenced them to undergo imprisonment for life and also to pay each a fine of Rs.5000/-, in default, to undergo 6 months



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simple imprisonment for the offence under Section 302 of IPC. They were also convicted and sentenced to undergo simple imprisonment of 7 years and also to pay each a fine of Rs. 1000/-, in default, to undergo simple imprisonment of 6 months for the offence under Section 201 r/w 302 of IPC. They were also convicted and sentenced to undergo imprisonment for life and also to pay each a fine of Rs. 5000/-, in default, to undergo simple imprisonment of 6 months for the offence under Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. The above sentences of imprisonment were ordered to run concurrently. The Trial Court found A4, A5 and A7 not guilty of any of the charges and hence, acquitted them and A6 was also abated from all charges. Aggrieved by the same, Accused No. 1 to 3 as appellants have filed these present appeals.



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7.ARGUMENTS ADVANCED BY THE LEARNED COUNSELS

APPEARING FOR THE APPELLANTS:

7.1.The learned counsel for the appellants contended that the judgement and conviction passed by the Trial Court is contrary to the law and against the weight of the evidence and probabilities of the case. It was pointed out that the prosecution failed to explain the delay in registering the FIR (Ex.P.24). According to the prosecution, the alleged occurrence took place on 13.10.2019 at about 15.00 hours but the incident was reported before the respondent police only at 21.00 hours after a delay of 6 hours. Such an unexplained delay raises serious doubts and creates a strong possibility of fabrication of the FIR and false implication of the appellants.

7.2.The learned counsel appearing for the appellants further submitted that the testimony of P.W.5 who is an alleged eye witness is unreliable and his presence at the scene of occurrence is



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highly doubtful. The Trial Court erred in relying upon the alleged eyewitness P.W.5. Except the P.W.5, all other witnesses turned hostile and did not support the case of the prosecution. The entire prosecution thus rests solely on the testimony of PW.5. However, the conduct of PW.5 neither attempting to rescue the deceased nor immediately informing P.W.1 is wholly unnatural and unbelievable. Such conduct casts serious doubt on his very presence at the place of occurrence and creates suspicion regarding the credibility of his testimony. P.W.5, Santhanaraj, is admittedly a relative of the deceased and is therefore an interested witness. His evidence of P.W.5 does not carry independent probative value, especially when he has not deposed anything specific regarding the involvement of the accused in the alleged occurrence. His testimony itself indicates that he was planted as an eyewitness by the prosecution taking advantage of his close relationship with the deceased. The Trial Court failed to properly evaluate this crucial aspect and erred in accepting his testimony as genuine. Further, the evidences and the



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prosecution records do not establish his presence beyond reasonable doubt and therefore, his testimony is unreliable.

7.3.It was further submitted that there were material contradictions in the lodging of the complaint (Ex.P1). The names of the accused persons were mentioned in the complaint. However, in her cross-examination, P.W.1 categorically stated that, she neither wrote the complaint nor was she was aware of the names of the accused. However, the prosecution failed to offer any plausible explanation as to how the FIR came to be registered with names and identities of the accused. This unexplained contradiction strikes at the very root of the prosecution case and severely undermines its genuineness.

7.4.It was the further contention of the appellants that the prosecution had completely failed to establish the motive behind the alleged offence. No witnesses or documentary evidence were



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produced to prove the existence of any motive for the accused to commit such offence. The prosecution version regarding motive is baseless, unsubstantiated and is devoid of evidentiary support. The entire theory propounded by the prosecution regarding the cause of enmity is concocted and lacks credibility, thereby creating serious doubt about the prosecution case and its alleged motive of the occurrence.

7.5.It was submitted that the Trial Judge has erroneously held that the medical evidence supports the prosecution case and proves that the death of the deceased by taking consideration of the evidence of P.W.19, the Postmortem certificate in Ex.P.20 and final opinion in Ex.P.21. It is submitted that, the deceased was undisputedly in a drunken state at a relevant time. Therefore, there is every possibility that the injuries could have been caused by a self-fall due to intoxication. But the Trial Court failed to appreciate the evidence on this aspect and erroneously convicted the accused.



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7.6.It was submitted that the prosecution failed to conduct Test Identification Parade under Section 9 of the Indian Evidence Act, 1872 to establish both the involvement of the accused and the presence of eyewitnesses at the alleged scene of occurrence. The evidence of P.W.5 reveals that he is a complete stranger to the accused persons, which he reiterated during his deposition. In such circumstances, it was mandatory for the prosecution to conduct Test Identification Parade to confirm the presence of the eyewitnesses and the involvement of the accused. However, the investigating officer stated when questioned, that he did not conduct a Test Identification Parade because the names and identities of the accused were allegedly known to the witnesses. This explanation directly contradicts the testimony of P.W.5, who clearly deposed that he did not know the names and identities of the accused. This inconsistency amounts to a material contradiction. The failure in conducting a Test Identification Parade gains significant importance in the light of these contradictions and is fatal to the prosecution's case.



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7.7.It was also submitted that the offences under the SC/ST Act will not be attracted in the alleged offence as the prosecution did not prove that the offence took place only for the reason that the deceased belonged to such community. The prosecution also failed to prove that the appellants had a previous knowledge that the deceased belonged to the SC/ST community.

7.8.In this regard, the counsels for the appellants relied upon the judgments of the Hon'ble Supreme Court in the cases of *Nazim & Others v. The State of Uttarakhand (Crl.A.No.715 of 2018)* and *Khuman Singh v. State of Madhya Pradesh (Crl. A.No. 1283 of 2019)*.

7.9.Therefore, it is their grievance that the Trial Court without considering the above details, had mechanically convicted the appellants and they pray for the interference of this Court in



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setting aside the sentence and conviction imposed by the Trial Court on the appellants.

**8.ARGUMENTS ADVANCED BY THE LEARNED
ADDITIONAL PUBLIC PROSECUTOR APPEARING FOR
THE STATE:**

8.1.Per contra, the learned Additional Public Prosecutor appearing for the first respondent submitted that the deceased had previously burned down the auto belonging to A1 and to wreak vengeance for the same, A1 had joined hands with the other accused and had murdered the deceased and hence, the motive behind the offence was clearly proved by the prosecution. It was submitted that though other witnesses turned hostile, the testimony of P.W.5 serves well to prove the case of the prosecution as P.W.5, as an eye-witness, had categorically described the occurrence and all other evidences produced by the prosecution corroborate the evidence of P.W.5 and

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irrefutably points towards the guilt of the appellants and hence, the Trial Court rightly convicted the appellants, and the conviction does not call for any interference of this Court.

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

10.FINDINGS AND DECISION:

10.1.To move forward in pursuance of deciding the case, this Court is inclined to frame the following issues:

(i) Whether the prosecution had established the motive behind the alleged offence?

(ii) Whether the evidence of P.W.5 and other evidences placed by the prosecution is reliable and irrefutably points towards the guilt of the appellants and whether the alleged offences are made out by them?



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(iii) Whether the alleged occurrence would attract the offences under the SC/ST Act?

10.2.Though the establishment of motive is not necessary to incriminate the accused to a case that is based on substantial evidence or very strong chain of circumstantial evidences, in the absence of any such substantial proof other than just a weak link of circumstantial evidences, the motive does play a major role in establishing the guilt of the accused. Hence, in this case, this Court is inclined to check the reliability of the evidence of P.W.5 which is the only evidence that makes this case that is not completely based on circumstantial evidences. Therefore, if the evidence of P.W.5 goes, this case will demand the prosecution to prove the motive beyond reasonable doubt.

10.3.The prosecution had examined P.W.1 who is the mother of the deceased and her testimony is as follows:

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“ஆஜர் எதிரிகளை தெரியும். கடந்த 13.10.2019ம் தேதி காலை சுமார் 07.30 மணிக்கு எனது மகன் விமல்ராஜ் வேலைக்குச் செல்வதாக என்னிடம் சொல்லிவிட்டு சென்றான். அன்று காலை சுமார் 08.30 மணியளவில் நானும், எனது கணவர், எனது மருமகள் சுடலைக்கனி மற்றும் எனது இளைய மகன் செந்தில்குமார் ஆகியோர் வீட்டில் இருந்த போது நாகலிங்கம் என்பவரின் மகன்களான மணிகண்டன், லெட்சுமி நாராயணன் மற்றும் கார்த்திக்ராஜா ஆகியோர்கள் எனது வீட்டிற்கு வந்து உன் மகன் விமல்ராஜ் எங்கே என்று என்னிடம் கேட்டார்கள்

நாங்கள் அவர்களிடம் எதற்கு அவனை கேட்கிறீர்கள் என்று கேட்டோம். அதற்கு அந்த மூன்று பேரும் என் மகன் விமல்ராஜ் நாகலிங்கத்தின் ஆட்டோவை தீ வைத்து எரித்துவிட்டான் என்றும். ஆட்டோவை சரி செய்து கொடுக்கவில்லை என்றால் எங்களின் இந்த வீட்டையும், தூத்துக்குடி வீட்டையும் அடித்து நொறுக்கி விடுவோம் என்று சொல்லிவிட்டுச் சென்றார்கள். அந்த மூன்று பேரும் என் மகன் விமல்ராஜையும் உயிரோடு விட மாட்டோம் என்று சொல்லிவிட்டு சென்றார்கள். அதன் பிறகு நாங்கள் எங்களின் மகன் விமல்ராஜுக்கு போன் போட்டோம். அவன் எடுக்கவில்லை. எனது இளைய மகன் செந்தில்குமார் எங்களை கேட்க சொல்லிவிட்டு



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வேலைக்குச் சென்றுவிட்டார்கள்.

.....

சந்திரகிரியை சேர்ந்த சந்தனராஜும், செய்தலையை சேர்ந்த ஞானராஜும் தூத்துக்குடி மகிழ்ச்சிபுரத்திற்கு வடக்குப் பக்கம் சின்னக்கண்ணுபுரம் சர்ச் பக்கம் வைத்து என் மகன் விமல்ராஜ் படுத்து கிடந்ததாகவும், அவனை எதிரிகள் மணிகண்டன், லெட்சுமிநாராயணன், கார்த்திக்ராஜா, மாரிமுத்து ஆகியோர்கள் சர்ச் பக்கம் வைத்து முதலில் அடித்ததாகவும், அதன் பிறகு நாகலிங்கத்தின் வீட்டின் அருகே உள்ள ஒத்தபனை முனியசாமி கோவில் அருகே வைத்து நாகலிங்கம், கார்த்திக்ராஜா, மாரிமுத்து, மணிகண்டன், லெட்சுமிநாராயணன், கொம்பையா, அர்ஜுனன், ராமகிருஷ்ணன் ஆகியோர்கள் சேர்ந்து அடித்ததாகவும், இன்னும் இவனை உயிரோடு வைத்திருக்கிறீர்களா என்று சொல்லி கொண்டே அடித்ததாகவும் சொன்னார்கள்.

.....

ஓட்டபிடாரம் காவல் நிலையத்திற்கு நானும், எனது கணவரும், எனது இளைய மகனும் அன்று மாலை சுமார் 06.00 மணிக்குச் சென்றோம்.

.....

நான் சம்பவத்திற்கு முன்பு எதிரிகளை நேரில் பார்த்தது கிடையாது. பேசியது கிடையாது.”



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10.4. On perusal of the evidence of P.W.1, it is seen that on 13.10.2019, the appellants have come to the house of the deceased in search of him. When they got to know that the accused was not there, they had informed P.W.1 that the deceased had burned down the auto that belongs to A1. They have warned P.W.1 that the deceased would face dire consequences. On the same day, in the evening at about 03:00 p.m., the deceased was brought home by the appellants. The deceased was found to be in an intoxicated state and had several injuries on his body. But it is pertinent to know that the accused while handing over the deceased to P.W.1 had stated that the deceased was lying down on the road as he was heavily intoxicated. Further they have also asked P.W.1 to repair the auto that the deceased had burned down. It was only later that the P.W.1 and the other family members of the deceased had gotten to know that the deceased had died. Further, P.W.1 or her family members were unaware of the identity of the accused until the day of occurrence.



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They also did know the connection between the accused and the deceased and the reason for the deceased to burn the auto of A1.

10.5.At this stage, P.W.5 who is the alleged eye witness had informed P.W.1 regarding the occurrence. P.W.5 is a relative to the deceased's family. He had informed P.W.1 that the deceased was lying down near the church and all the accused persons gathered and assaulted him and they further took him near the house of A1 and had again assaulted him. The cross examination of P.W.5 is extracted hereunder:

“நான் மகிழ்ச்சிபுரம் முனியசாமி கோவில் அருகே சென்ற போது முனியசாமி கோவில் முன்பு வைத்து விமல்ராஜை நாகலிங்கம், மணிகண்டன், லெட்சுமி நாராயணன் மற்றும் ஒருவரும் சேர்ந்து நீ தானே ஆட்டோவை தீ வைத்து கொழுத்தினாய் என்று சொல்லி அடித்து கொண்டு இருந்தார்கள். நான் இவர்களிடம் போய் என்ன பேசுவது என்று நினைத்துவிட்டு நான் பார்க்க வேண்டிய நபரை பார்ப்பதற்கு சென்று விட்டேன். அன்று மாலை சுமார் 04.30 மணிக்கு தூத்துக்குடியிலிருந்து குறுக்குசாலைக்கு போகும் போது விமல்ராஜின்



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அம்மாவிடம் நான் பார்த்த விசயத்தை சொல்வதற்கு அவர் வீட்டிற்கு சென்றேன். நான் குறுக்குசாலையிலுள்ள விமல்ராஜின் வீட்டிற்கு சென்ற போது விமல்ராஜ் வீட்டில் பத்து, இருபது ஆட்கள் கூட்டமாக இருந்தார்கள். விமல்ராஜ் ஆட்டு தொழுவத்தில் இறந்த நிலையில் கிடந்தான். நான் உடனே விமல்ராஜின் அம்மாவிடமும். அப்பாவிடமும் மதியம் 12.30 மணிக்கு விமல்ராஜை நான்கு நபர்களும் அடித்ததை பார்த்ததை சொன்னேன் அன்று மாலை சுமார் 06.00 மணிக்கு ஓட்டபிடாரம் காவல் நிலையத்திற்கு அவர்களுடன் சென்றேன். நாங்கள் ஓட்டபிடாரம் காவல் நிலையம் சென்ற போது காவல் ஆய்வாளர் அங்கு இல்லை.”

10.6.On perusal of his testimony, firstly, it can be seen that P.W.5 was totally unaware of the identity of the appellants or other accused persons. He was also unaware as to why the deceased was beaten by them. Secondly, it can be understood that he had seen the occurrence from a distance and it is also curious to note that even after being at the place of occurrence and witnessing the appellants and other accused persons assaulting his own relative, he did not attempt to prevent them from doing so.



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10.7.Furthermore, P.W.1 in her testimony had stated that she went to the police station to lodge a complaint only with husband and younger son. She had not stated that P.W.5 accompanied them, in contrast, P.W.5 had stated that he accompanied P.W.1 and her family members and was waiting outside the police station while they were lodging the complaint. Therefore, the evidences of P.W.1 and P.W.5 are contradictory to each other. Furthermore, on perusal of the F.I.R which was marked as Ex.P.24, it can be seen that there is no mention of the presence of P.W.5 at the time of lodgment of complaint. This fact further casts a doubt on the case of the prosecution as the complaint was lodged by P.W.1 on the information of P.W.5 and P.W.5 had also accompanied P.W.1 to the police station and this was categorically stated by both these witnesses in their testimony. Therefore, as rightly pointed out by the counsels for the appellants the very presence of the P.W.5 at the place of occurrence is doubtful and it is only to falsely implicate the



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appellants in the case, the prosecution had planted P.W.5 who is also in a way an interested witness as he is a relative of the deceased.

10.8.It is also crucial to note that, P.W.8, who had also allegedly seen the appellants assaulting the deceased near the house of A1, turned hostile and did not support the case of the prosecution. Further, apart from the evidence of P.W.1, no other evidence produced by the prosecution whispers about the motive of the accused persons behind the alleged occurrence.

10.9.As stated earlier, this Court is of the knowledge that the absence of motive will not automatically become a ground for acquittal when there exists strong circumstantial evidence. But when the prosecution case is based only on circumstantial evidences, the chain of such evidences shall be so complete and be seamless for the case to stand strong even without the establishment of the motive behind the crime.



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10.10.The same was also held by the Hon'ble Supreme Court in the case of ***Subash Aggarwal vs. the State of NCT of Delhi [2025 INSC 449]***. As this Court has arrived at a conclusion that the motive was not proved by the prosecution and that the evidence of P.W.5 is not reliable, it is pertinent to peruse the medical evidences produced by the prosecution.

10.11.The doctor who conducted the autopsy of the deceased was examined as P.W.19 and the deceased's post mortem report was marked as Ex.P20. P.W.19 had categorically submitted that the deceased had consumed alcohol prior to his death. Further, 14 external injuries were found on the body of the deceased but none of them were found to be fatal and it was not the case of P.W.19 that those injuries were the direct cause of the deceased's death. The cross examination of P.W.19 is extracted hereunder:



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“மது வாடை இருந்ததாக உள்ளூறுப்புகள் ஆய்வில் அறிக்கை வந்துள்ளது என்றால் சரிதான். அதனால் அவர் மது அருந்தி உள்ளார் என்றால் சரிதான். 1 முதல் 14 வெளிப்புற காயங்கள் சொரசொரப்பான தரையில் குடி போதையில் விழுந்து புரழும் போது ஏற்பட வாய்ப்புள்ளதா என்றால் கீழே விழுந்து இழுத்து செல்லப்பட்டால் இந்த காயங்கள் ஏற்பட வாய்ப்புள்ளது. அந்த 14 காயங்களும் சிவந்த தன்மையுடன் காணப்படுவதால் 24 மணி நேரத்திற்கு முன்பாக ஏற்பட வாய்ப்புள்ளது என்றால் சரிதான். அவரது கைகளில் எந்த காயமும் இல்லை. அவர் தன்னை தற்காத்து கொள்ளும் போது ஏற்பட காயங்கள் எதுவும் இல்லை என்றால் அது குறித்து கருத்து கூற இயலாது.

.....

1 முதல் 14 காயங்களும் சாதாரணமான காயங்கள் என்றும், மரணத்தை ஏற்படுத்தும் வகையிலானவை இல்லை என்றும் சொன்னால் சரிதான்”

10.12.On perusal of Ex.P21, which is the final opinion of P.W.19, it reveals that the doctor had not given any definitive reason for the death of the deceased. It is stated that the deceased would



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have died due to shock and hemorrhage due to multiple injuries.

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This shows that P.W.19 was not able to arrive at a single and definitive conclusion as to the reason for the death even when the postmortem was conducted within 24 hours of the death of the deceased. It has also been stated by P.W.19, that those external injuries could have been caused when a person falls down and was been dragged on the road. This does not entirely negate the possibility of the deceased falling on his own out of drunkenness and moreover, dragging a person on the road is a very trivial allegation as opposed to the charges framed against the appellants herein and this Court is not inclined to imagine and assume circumstances to incriminate the appellants without a definitive opinion from P.W.19. It was further stated by P.W.19 that there was no injuries on the hands of the deceased and this proves that he was not trying to defend himself when he was allegedly assaulted by the appellants. Even if the injuries had caused the death of the deceased, it has to be conclusively proved that the appellants herein were the



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ones who inflicted those injuries so that the possibility of any person other than the appellants being the author of the crime becomes impossible.

10.13.As noted above, it can be seen that both P.W.1 and P.W.5 have no previous knowledge about the identity of the accused, but the complaint and FIR were filed by implicating all the accused persons with their correct names and identity and there was also 6 hours delay in the lodgment of the complaint. Further the prosecution did not sufficiently prove to this Court that the testimonies of both these witnesses are reliable and authentic as they have significant and material contradictions. Further, in the absence of a reliable eye witness, the case of the prosecution becomes a case which is completely based on circumstantial evidence. In that case, it is important for the prosecution to have conducted a Test Identification Parade for the witnesses with regards to the identity of the accused.

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10.14. At this instance, it is helpful to refer to the judgement relied upon by the counsels for the appellants in the case of *Nazim & others v. The State of Uttarakhand (2025 INSC 1184)* wherein it was held as follows:

“41. Both PW-3 and PW-4 thus identified the Appellants for the first time in court. No TIP was conducted, even though PW-3 admitted he had never known the accused earlier. It is well settled that dock identification without a prior TIP has little evidentiary value where the witness had no prior familiarity with the accused. In P. Sasikumar v. State [(2024) 8 SCC 600], this Court acquitted the accused on precisely this ground, holding:

“17. The admitted position in this case is that the test identification parade was not conducted. All the prosecution witnesses who identified the accused in the Court [...] were not known to the present Appellant. They had not seen the present Appellant prior to the said incident. He was a stranger to both of them....



18. [...] Under these circumstances, TIP had become necessary particularly when both the accused, who are alleged to have committed this murder were arrested within two days.

19. [...] No explanation whatsoever has been given by the prosecution as to why TIP was not conducted in this case before a Magistrate as it ought to have been done.”

42. The Court further explained that TIP is only part of the investigative process and that the substantive evidence is dock identification; however, where the accused is a stranger to the witness and no TIP is held, courts must exercise extreme caution in accepting such identification. The following paragraph of P. Sasikumar (supra) is indicative of the same:

“21. It is well settled that TIP is only a part of police investigation. The identification in TIP of an accused is not a substantive piece of evidence. The substantive piece of evidence, is only dock identification that is identification made by witness in court during trial.



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23. [...] *In cases where an accused is a stranger to a witness and there has been no TIP, the trial court should be very cautious while accepting dock identification by such a witness.*

24. [...] *We are of the opinion that not conducting a TIP in this case was a fatal flaw in the police investigation and in the absence of TIP the dock identification of the present appellant will always remain doubtful. Doubt always belongs to the accused.”*

10.15.The above judgment is squarely applicable to the case on hand. When the alleged eye witness had no previous knowledge about the accused, the prosecution is duty bound to conduct a test identification parade but the prosecution has miserably failed in doing so.

10.16.Therefore, when the prosecution had failed to prove the involvement of the accused beyond reasonable doubt, this Court



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is not inclined to hold the appellants guilty solely on a doubtful eyewitness testimony.

10.17.As the last limb of the decision, it is pertinent to see whether the offences under the SC/ST Act are made out or not. To decide this issue, it is again helpful to refer to the judgement relied upon by the counsels for the appellants in the case of ***Khuman Singh v. State of Madhya Pradesh (CDJ 2019 SC 978)***, wherein it was held as follows:

“12.....Section 3 of the said Act deals with the punishments for offences of atrocities committed under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Section 3(2)(v) of the Act reads as under:-

“Section 3 – Punishments for offences of atrocities –

(1)

(2) Whoever, not being a member of a Scheduled Caste or a Schedule Tribe, -



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.....

(v) commits any offence under the Indian Penal Code punishable with imprisonment for a term of ten years or more against a person or property knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine”.

The object of Section 3(2)(v) of the Act is to provide for enhanced punishment with regard to the offences under the Indian Penal Code punishable with imprisonment for a term of ten years or more against a person or property knowing that the victim is a member of a Scheduled Caste or a Scheduled Tribe.

13. In Dinesh alias Buddha v. State of Rajasthan (2006) 3 SCC 771, the Supreme Court held as under:-

“15. Sine qua non for application of Section 3(2)(v) is that an offence must have been committed against a person on the ground that such person is a member of Scheduled Castes and Scheduled Tribes. In the instant case no evidence has been led to establish this requirement. It is not case of the prosecution 10



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that the rape was committed on the victim since she was a member of Scheduled Caste. In the absence of evidence to that effect, Section 3(2)(v) of the Atrocities Act been applicable then by operation of law, the sentence would have been imprisonment for life and fine.

As held by the Supreme Court, the offence must be such so as to attract the offence under Section 3(2)(v) of the Act. The offence must have been committed against the person on the ground that such person is a member of Scheduled Caste and Scheduled Tribe. In the present case, the fact that the deceased was belonging to “Khangar”-Scheduled Caste is not disputed. There is no evidence to show that the offence was committed only on the ground that the victim was a member of the Scheduled Caste and therefore, the conviction of the appellant-accused under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not sustainable.”



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10.18.The above cited judgment is squarely applicable to the case on hand as even in this case, it is not the case of the prosecution that the appellants had injured the deceased and caused his death only because he was a person belonging to the Scheduled Caste or Schedule Tribe Community. Just because the offence had taken place and the person who is affected by such offence happens to be a person belonging to the SC/ST community, it does not automatically make it a caste-based offence. There has to specific allegations and averments to that effect and only then a person who is an author of such a crime can be convicted under the SC/ST Act.

10.19.Further, no prudent person will commit an offence and bring the deceased to his own house and leave the dead body at the backyard in the presence of all his family members. Therefore, the cumulative effect of non-establishment of motive behind the alleged crime, unreliable eye-witness, material contradictions between the prosecution witnesses, unreliable medical evidences,



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failure of the prosecution in conducting the test identification parade to identify the accused, not placing substantial evidence to incriminate the appellants to this case and failing to prove the case beyond reasonable doubt, brings this Court to arrive at a conclusion that the appellants are not guilty of the offences alleged against them.

10.20. In view of the above, the convictions and sentences imposed on the appellants in S.C.No.22 of 2021, dated 23.09.2025, on the file of the learned Special Court for the Trial of Cases under SC/ST (POA) Act, Thoothukudi. cannot be sustained and are liable to be set aside.

10.21. In the result, these Criminal Appeals are allowed and the Judgment made in S.C.No.22 of 2021 dated 23.09.2025, on the file of the learned Special Court for the Trial of Cases under SC/ST (POA) Act, Thoothukudi, is hereby set aside and the appellants are



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acquitted of all the charges. The bail bond, if any, executed by the appellants shall stand cancelled. The fine amount, if any paid, shall be refunded to the appellants. The appellants shall be set at liberty forthwith, if they are no longer required in connection with any other case. Consequently, connected Miscellaneous Petitions are closed.

[G.K.I.J.] & [R.P.J.]
04.02.2026

NCC :Yes/No
Index :Yes/No
PS



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To

1.The Special Court for the Trial of Cases under SC/ST (POA) Act,
Thoothukudi.

2.The Deputy Superintendent of Police,
Thoothukudi Rural,
SIPCOT Police Station,
Thoothukudi 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.

PS

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04.02.2026