



Crl.A(MD)No.565 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 01.08.2022

DELIVERED ON : 25.08.2022

CORAM :

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS. JUSTICE R.HEMALATHA**

Crl.A(MD)No.565 of 2019

Saravanan

... Appellant/Sole Accused

Vs.

State through,
The Inspector of Police,
Jeeyapuram Police Station,
Tiruchirappalli District.
(Crime No.497/2008)

... Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374 of Criminal Procedure Code, 1973, against the judgment and order dated 15.03.2012 made in S.C.No.27 of 2009 on the file of the Additional Sessions cum Fast Track Court, Tiruchirappalli.



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For Appellant : Mr.R.Manickaraj,
for Mr.R.Alagumani,

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

JUDGMENT

[Judgment of the Court was delivered by **R.HEMALATHA, J.**]

This criminal appeal has been filed against the judgment and order dated 15.03.2012 in S.C.No.27 of 2009 on the file of the Additional Sessions cum Fast Track Court, Tiruchirappalli. in and by which, the appellant was convicted for the offences punishable under Sections 302 and 392 r/w 397 IPC and sentenced to undergo Life Imprisonment for the offence under Section 302 IPC., and to undergo 7 years Rigorous Imprisonment for the offence under Section 392 r/w 397 IPC. The sentences were ordered to run concurrently. Challenging the said conviction and sentence, the appellant has come up with this Criminal Appeal.



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2. The case of the prosecution is as follows:

- i. Balakrishnan (P.W-1) and his wife Vasuki are residents of Kurur village, Kunnam Taluk, Perambalur District. He had two sons and one daughter and was also the owner of a rice mill. His elder son Rajan is the victim. The victim was living in Kuwait working as an A.C.mechanic and had come down to his native village to attend his brother(P.W-7) Aranganathan's marriage, which was slated for 31.10.2008. On 21.10.2008, the victim had taken the 'Maruti Zen' car belonging to Manoharan (P.W-15), his brother-in-law to Trichy. The purpose of this visit to Trichy was to distribute the wedding invitations to his friends and relatives in and around Trichy and also to receive younger brother Aranganathan (P.W-7), who was expected to arrive from Kuwait on 22.10.2008. In order to distribute the wedding cards, the victim had taken Vinothkumar (P.W-2)



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his longtime friend and also Saravanan, the appellant, who was his classmate. After distribution of the invitations and after all the three of them had lunch together in 'Hotel Mayas' near Chathram bus stand, Trichy, P.W-2 returned by bus to his village. Balakrishnan (P.W-1), who is the father of the victim tried to contact his son (victim) in the evening on 21.10.2008. When he found one of the two numbers switched off and the other number was not reachable, P.W-1 made telephonic enquiries to P.W-2 with whom the victim had gone for distribution of invitations and also checked with other acquaintance, but his efforts were futile. P.W-2 informed P.W-1 that he was dropped by the victim in Chathram bus stand by 3.00 p.m., and that the victim left with the appellant in the 'Maruti Zen' car. P.W-1 along with P.W-2 and Chelladurai(P.W-3), the maternal uncle of the victim, went to Trichy, the next day morning and reached the Airport to find out whether the victim's car



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was parked. Aranganathan(P.W-7), the younger brother of the victim, who had arrived from Kuwait early in the morning also was perplexed on not finding his brother to receive him. However, Aranganathan found his father (P.W-1), maternal uncle (P.W-7) and the victim's friend Vinothkumar(P.W-2) in the Airport and they all went to Trichy. After they reached Trichy, they tried to trace out the victim and his car. They got an information that a white Maruti Zen car was parked near Pettavaithalai on Trichy-Karur main road. On reaching the spot, they found the deserted car with no sight of either the victim or the appellant. However, in a short distance from the parked car, the body of the victim was found in the nearby coconut grove owned by one Natarajan. The body of the victim bore cut injuries on the neck region, face and other parts of the body. Word was passed on to the victim's wife Sowmya(P.W-4) and Vasuki, the mother of the victim.



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Simultaneously P.W-1 went to Jeeyapuram Police Station and gave a written complaint(Ex.P1). Even in the written complaint (Ex.P1), it is stated that the deceased went to Trichy by 'Maruti Zen' car bearing Registration No.TN 09 P 5666 to distribute the marriage invitation of his brother Aranganathan(P.W-7). The complaint further reads that Vinothkumar (P.W-2) and the appellant also accompanied the victim and that at about 3.30 p.m., the victim and the appellant dropped Vinothkumar(P.W-2) near main guard gate and thereafter, proceeded to Trichy. It is also stated that the victim was to receive his brother Aranganathan(P.W-7), who was coming down to Trichy from Kuwait the next day morning. P.W-4, the wife of the victim had informed that the victim was wearing two gold rings and one gold chain, which were not found on the body of the victim. According to her, he was also wearing a costly watch and also carrying one HDFC debit card, IOB



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debit card and another credit card.

- ii. Tmt. Mangayarkarasi(P.W-45) the Sub Inspector of Police, Jeeyapuram Police Station received Ex.P1 from P.W-1 on 22.10.2008, at 10.00 a.m., and registered an FIR(Ex.P31) in Crime No.497/08 for an offence under Section 302 IPC against an 'unknown person'. Though the name of the appellant found a place in the complaint(Ex.P1), he was not shown as an accused in the FIR because no one at that point of time thought that he would have committed murder of the victim. Only when the appellant did not even bother to attend the funeral of his close friend, did the needle of suspicion started pointing towards him. She sent the FIR to Court which was received by the Magistrate concerned at 11.30 a.m., on 22.10.2008. She then placed the entire records before the Inspector of Police (P.W-48) for investigation.



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iii. Thiru.Arumugam(P.W-48), the then Inspector of Police took up investigation in Crime No.497/08, went to the scene of offence and prepared an observation mahazar (Ex.P2) and a rough sketch (Ex.P34) in the presence of witnesses Gopal(P.W-12) and Natarajan(not examined). Thiru.Radhakrishnan (P.W-19), photographer took photographs(M.O.20 series). P.W-48 also pressed into service a sniffer dog.

iv. Thiru.Senthilkumar(P.W-40), Head Constable of Police and a dog trainer brought the dog 'Vari' to the place of occurrence. Vari, after sniffing, went to the western side of Karur-Trichy main road and stopped near Maruti Zen Car, which was parked over there.



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v. P.W-48 conducted inquest (Ex.P35) on the body of the deceased and thereafter sent the body for postmortem to Government Hospital, Trichy, through Ramasamy(P.W-43), Grade-I Police Constable attached to Jeeyapuram Police Station. He also recovered ordinary earth (M.O.10) and a bloodstained earth(M.O.9) in the presence of the same witnesses under the cover of a mahazar (Ex.P3). He seized the car 'Maruti Zen' bearing Registration No.TN 09 P 5666 under the cover of a mahazar (Ex.P4). Thereafter, he examined the witnesses and recorded their statements. On the basis of the statement of Sowmya (P.W-4) the wife of the deceased that a gold chain, 2 finger rings, IOB debit card, HDFC debit card and another credit card, 2 mobile phones, which the victim carried with him are missing, he altered the Sections of law to 302 and 392 IPC and sent the alteration report (Ex.P36) on the same day to Court.



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vi. Dr.Renugadevi, (PW44) conducted autopsy on the body of the deceased and found the following injuries:

- 1) A transverse slash cut wound, 21 cm x 6 cm x bone deep, on the nape of the neck. The muscles, blood vessels and nerves are clean cut. O/E the edges are clean cut and hanging downwards.*
- 2) A transverse cut wound, 24cm x 6 cm x bone deep, over lapping the first wound.*
- 3) An oblique slash cut wound, 18 cm x 4 cm x bone deep, on the right side of face, front of right side of neck, tailing to a length of 4 cm, on the front of right side of neck. The muscles, blood vessels and nerves are clean cut. O/E the edges are clean cut, Cut fracture of right maxilla bone present.*
- 4) A transverse cut wound 2 cm x 0.5 cm x muscle deep, on the right cheek.*
- 5) A transverse cut wound 5 cm x 2 cm x muscle deep, on the top of right shoulder.*
- 6) A transverse cut wound 6cm x 2 cm x bone deep, below the lobule of left ear, tailing to a length of 3 cm, on the front of left side of neck. O/E The edges are clean cut. The muscles, blood vessels and nerves*



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are clean cut.

- 7) A transverse cut wound 2 cm x 1 cm x muscle deep, on the left side of face.*
- 8) A transverse cut wound 5 cm x 2 cm x muscle deep, on the top of the left shoulder.*
- 9) Sub dural hemorrhage on both cerebral hemisphere present, Sub arachnoid hemorrhage on both cerebral and cerebellar hemisphere present. Brain stem hemorrhage present.*
- 10) Blood is diffused in to the wound track of all the wounds and are ante-mortem in nature. No other external, internal or bony wound present.*
- 11) Other findings: Peritoneum-intact, cavity-empty, Pleura-intact, cavity-empty, Pericardium-intact, cavity-straw colour fluid; Heart-normal in size; Myocardium- normal chambers-empty; valves-normal, Coronary vessels-patent, great vessels-normal; Lungs-c/s pale, Larynx, Trahea and Hyoid bones-intact, mucosa-pale; Stomach-undigested cooked rice particles, alcohol smell present, mucosa-congested; Oesophagus- intact, mucosa-pale, Pancreas-pale; Gall Bladder-empty; Liver-Spleen and Kidneys-c/s pale; Omentum and Mesentery-*



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intact, normal; Small intestine- yellow chine, alcohol smell present; mucosa-congested; Appendix-intact; Scalp, Skull bones, Membranes, Brain Vessels, sinuse and Brain-vide wound column; CSP- bloodstained; Vertebral column- vide wound column; cord-intact; All other internal organs on c/s pale.

In the opinion of the postmortem doctor(P.W-44) “*the deceased would appear to have died of multiple cut wounds*”. The Postmortem certificate was marked as Ex.P28.

vii.The dresses worn by the victim (M.O.26 to M.O.30) and a waist thread (M.O.31) and a pair of slippers (M.O.32) were sent to Court under Form 95 (Ex.P37).

viii.On 31.10.2008, P.W-48 arrested the appellant near Alanthur gate in the presence of witnesses Gopal (P.W-12) and Periyasamy (not examined). He then recorded the police confession of the appellant (admissible portion of



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which was marked as Ex.P38) based on which he recovered a gold ring(M.O3), Nokia cellphone(M.O11), IOB debit card (M.O5), HDFC Debit Card(M.O6), Furkon Bank Credit Card(M.O7), a travel bag(M.O17) purchased by the appellant using the debit card of the victim, payment of Bill (M.O15) in Sapthagiri Lodge, Pondicherry, Lotus Lodge Bill(M.O16), Pawn receipt (M.O13) issued by Suba Finance, Trichy, cash of Rs.2400/- from the appellant under a mahazar(Ex.P8) in the presence of same witnesses.

ix. P.W-48 took the appellant to the place of occurrence on 01.11.2008 at 5.30 p.m., and recovered a bloodstained billhook (M.O18) and bloodstained full-arm shirt (M.O19) under the cover of a mahazar (Ex.P6). He then proceeded to Suba Finance, Trichy, where the appellant had pledged a finger ring(M.O2) belonging to the deceased and recovered the same under the cover of a mahazar(Ex.P7).



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Kanthasamy(P.W-32), the owner of the shop had also signed on the seizure mahazar(Ex.P7). He then produced the appellant before the jurisdictional Magistrate for judicial custody.

- x. Thereafter, he showed the items recovered from the appellant to the prime witnesses and they also identified that they all belonged to the deceased victim. He also obtained the statement of accounts from IOB and HDFC banks in which the deceased had bank accounts (Ex.P33) Thereafter, he proceeded to Pondicherry and examined the witnesses Ramesh Babu, Thiruchelvam(P.W-29), Ganapathy(P.W-31) for purchase of various articles by the appellant using the debit card of the victim. He also examined the witnesses Yuvaraj(P.W-30), Padmaraj (P.W-22), Mohammed Abin(P.W-23) and Nawaz (P.W-24), various shop owners of Pondicherry, where the appellant



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had purchased several items by cash and also using debit cards and credit card of the victim subsequent to his death.

xi. The finger prints found on the Maruti Zen car bearing Registration No. TN 09 P 5666(M.O1) were lifted and sent to finger print expert through Court. Thiru.Soundararajan (P.W-39) finger print expert, had opined that the finger prints lifted from the car was that of the appellant and his report was marked as Ex.P25. P.W-48 also obtained call records of the cellphone numbers 9444151625 and 9443218094 of the victim, from the respective service providers and the call records were marked as Ex.P32. Thereafter, the accused was produced before the Judicial Magistrate on 03.12.2008 and his signatures were obtained for comparing the same with the signatures found on the bills and other documents allegedly signed by the appellant. On 05.12.2008, he sent a requisition to Sub



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Registrar, Chettikulam, requesting the latter to sent the mortgage deed signed by the appellant. On the same date, he recovered the documents relating to pledging of gold ring of the deceased by the appellant with Sriram Chit Fund, Villupuram.

xii. Thereafter, Thiru.Arumugam(P.W-48), Inspector of Police, examined the witnesses and recorded their statements and also collected various reports from experts. After completing investigation, he filed a final report against the appellant for the offences under Sections 302 and 392 r/w 397 IPC before the Judicial Magistrate No.III, Trichy, in P.R.C.No.II of 2009, who in turn, committed the case to the Court of Sessions after furnishing copies of documents to the accused under Section 207 of the Code of Criminal Procedure. The learned Principal Sessions Judge, Tiruchirappalli, took up the case on file in S.C.No.27 of



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2009 and made out the same to the Additional Sessions Judge(FTC), Tiruchirappalli. To the charges framed under Sections 302 and 392 r/w 397 IPC., the appellant pleaded not guilty. Hence, the case was posted for trial.

xiii. In order to establish the guilt of the accused, the prosecution examined 48 witnesses and marked 44 documents and 32 material objects.

xiv. When the appellant was questioned with regard to the circumstances appearing in evidence against him under Section 313 of the Code of Criminal Procedure, he denied of having committed any offence. However, he did not examine any witnesses on his side.

xv. The learned Additional Sessions Judge(FTC), Tiruchirappalli, after analyzing the oral and documentary



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evidence adduced on both sides, found the appellant guilty of the offences under Sections 302 and 392 r/w 397 IPC, and convicted and sentenced him as stated in paragraph No.1. Challenging the conviction and sentence passed by the trial Court, the present appeal is filed by the appellant along with a petition to condone the delay of 2662 days in filing the appeal, in Crl.M.P(MD)No.10043 of 2019. The delay was condoned by this Court, vide orders dated 20.11.2019.

3. Heard Mr.R.Manickaraj, for Mr.R.Alagumani, learned counsel appearing for the appellant and Mr.S.Ravi, learned Additional Public Prosecutor appearing for the respondent.

4.This is yet another sensational case of murder for gain. The hapless victim had come home to make arrangements and conduct the wedding of his younger brother P.W-7. Both the victim and P.W-7 were



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working in Kuwait and what would have normally ended on a happy note turned out to be tragic. The appellant was not a stranger to the victim. According to the prosecution, both of them had studied together in the same school and were also good friends. P.W-4, the wife of the victim, was the right person to know the financial details and transactions of the victim, had deposed that the appellant was constantly pestering the victim for money. Though this has been confirmed by P.W-1, P.W-2, P.W-3 and also by P.W-15, the deposition of P.W-4 becomes vital on this aspect due to her proximity to the victim. P.W-15, whose car the 'White Maruti Zen'(M.O1) was used by the victim, went one step further in his deposition when he stated that he had advised the victim to stay away from the appellant. This murder was not witnessed by any one. The entire case of the prosecution rests on the circumstantial evidence put up by the prosecution in a very effective manner. There are prosecution witnesses, who saw the victim along with the appellant at different points of time at different places. Ramar(P.W-8), who according to the prosecution was an invitee for the



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proposed marriage of P.W-7 had seen the appellant with the victim with the car Maruti Zen at 4.00 p.m., on 21.10.2008 near Pettavaithalai. According to P.W-8, both of them were engaged in a heated argument when he got down and enquired as to whether their car broke down and whether they require his help. P.W-8 was not related to the victim and though he was an acquaintance, according to him, he was introduced to the appellant by the victim on the same day when an invitation was given to him. Gopal (P.W-10) who was a resident of Pettavaithalai had seen the appellant at 6.00 p.m., on 21.10.2008 near Pettavaithalai canal. The appellant was seen returning after taking bath and according to Gopal (P.W-10), he also saw the white Maruti Zen car parked on the side of the main road. P.W-10 had further deposed that he had seen the car once again early in the morning the next day when he was proceeding to Pettavaithalai canal for taking bath. Another vital evidence was the depositions of Raja (P.W-9) and Ganesan (P.W-13). Both these persons were friends of the appellant and were requested by the appellant for a pick up from Alandurai gate at 8.30 p.m., on



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21.10.2008. Both of them have clearly stated that on receiving a call from the appellant, they went to Alandurai gate in a two wheeler and picked up the appellant and all the three of them came to a nearby wine shop, had drinks and while going, the appellant had to told them that he had to return Rs.200/- to his neighbour Valarmathi (P.W-11) from whom he had borrowed the amount. It was also stated by them (P.W-9 to P.W-13) that it was the appellant, who foot the bill in the wine shop. Valarmathi (P.W-11), who was a neighbour of the appellant, in her deposition, had stated that the appellant used to borrow money from her and since he was a family friend, she also used to give him money as and when he asked. She has also stated that he had taken Rs.200/- in the morning at 8.00 a.m., on 21.10.2008 stating that he has to go to Trichy, and he returned the money of Rs.200/- at 9.30 p.m., on the same day. He also offered a sweet box to be distributed to her children. Arunkumar(P.W-16), who was a classmate of the victim had deposed that he had seen both the appellant and the victim at 3.30 p.m., on 21.10.2008 near 'Ramba Theatre' in Trichy Chatram bus stand.



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Balu(P.W-17), another friend of the victim had also seen the victim and the appellant together at 10.30 a.m., on 21.10.2008 near Chathram bus stand, Trichy and he was also given an invitation by the victim for his brother's marriage. Janakaraj (P.W-18) a relative of P.W-1, had also seen the victim and the appellant together near 'Ramba Theatre' and in fact enquired the victim as to whether there was any problem with his vehicle. It has also been deposed by him that the victim was busy in distributing invitation and there was nothing to worry about his vehicle.

5.The evidence of Subhash(P.W-14) is that he was a school time friend of the appellant and on 21.10.2008 at about 3.00 p.m., the appellant had called him and informed that he was with the victim distributing the marriage invitations. At about 4.15 p.m., he apparently received another call from the appellant that he was near Kulithalai on the way to Mukkombu along with the victim in the victim's car. The third time, on the same day, P.W-14, called the appellant from the same



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number, when he was told clearly that he should desist from calling the appellant in the mobile number from which he had received calls earlier. In fact, it appears that he had told P.W-14 that he would make a call if necessary. On the very next day, in the morning, the appellant called up P.W-14 and asked him to go to Pondicherry as he had also planned to go over there. After reaching Pondicherry, both of them had stayed in 'Sapthagiri Lodge', Pondicherry for a day and P.W-14 found that the appellant was fully awake during the night and on the next day, the appellant had gone out and purchased number of items stating that he was planning to go abroad for which he required the same. Under the same pretext, the appellant also took the driving license from P.W-14. It later came to light that the driving license was used to hire a two-wheeler in Pondicherry. Subsequently, P.W-14 had left for Chennai. Ex.P14 and Ex.P16 are the bills for the stay in the lodge 'Sapthagiri' on 22.10.2008 to 23.10.2008 in which the name of the appellant and that of P.W-14 are mentioned. This was also supported by the deposition of Kumaran (P.W-27), receptionist of 'Sapthagiri' Lodge.



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6.The appellant appears to have stayed back in Pondicherry wherein he had taken on rent another room in 'Lotus Lodge' for which he paid an advance of Rs.1750/- using the debit card of the victim. Kamalraj(P.W-26), the manager of Lotus Lodge, has deposed that the appellant had indeed presented the debit card for paying the advance in 'Lotus Lodge' and subsequently wanted the details to be deleted from the system as he was willing to pay the rent by cash. As per the bills of 'Lotus Lodge' (Ex.P12), the appellant had checked out on 25.10.2008 at 10.00 a.m. During this period, the appellant appears to have used the debit cards and credit card, all belonging to the victim.

7.As per the version of Devasenapathy(P.W-21), the owner of the Latha Watch House, Pondicherry, the appellant had bought a Titan Watch for Rs.2550/- out of which Rs.450/- was paid by him through debit card and the remaining by cash. In the shopping spree undertaken by the appellant, he had purchased using the debit card of the victim



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some gift items worth Rs.7016/- from Mohammed Abin(P.W-23) (Gift shop owner) and duty free items worth Rs.1195/- from Nawaz (P.W-24). The appellant had also hired a two wheeler from the shop owned by Padmaraj (P.W-22), which is further substantiated by Ex.P10 and Ex.P11 being extracts of the Ledger maintained by the shop for hiring vehicles. Interestingly, this entry was in the name of the appellant and not in the name of the victim as found in other purchases. It is also evident from the depositions of Bala (P.W-25) of 'Kuber Jewellery', Pondicherry that the appellant had sold a gold chain for Rs.42,000/- on 22.10.2008. This gold chain belonged to the victim and was recovered by the police subsequently and was identified by the wife of the victim (P.W-4). The other purchases, which were done by the appellant using the debit cards and credit card included jewellery from 'Sri Lakshmi Jewellers', Pondicherry, as is seen from Ex.P17, ably supported by the deposition of Nandakumar (P.W-28), Cashier of Sri Lakshmi Jewellers, Purchase of liquor from 'SG wines', Pondicherry, is evidenced by Ex.P18 and ably supported by the deposition of Thiruchelvam (P.W-29),



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a computer operator of the shop, clothes purchased from the shop called 'Show Man', as per the deposition of Yuvaraj(P.W-30) a salesman working in the shop. Apart from this, he purchased a Peter England shirt from 'Madura Garments' as deposed by Ganapathy (P.W-31) the manager of the shop.

8.The prosecution has also taken efforts to establish that the appellant was in dire need of funds to pursue his dream of going abroad. As per the deposition of Chidambaram(P.W-33), the appellant had borrowed Rs.1,00,000/- for which a property in the name of the appellant and his father was mortgaged with him (Chidambaram). The mortgage deed was marked as Ex.P22. The appellant had also borrowed Rs.10,000/- from one Sivakumar(P.W-34), Rs.89,200/-from Shanmuganathan (P.W-35) and Rs.10,000/- from Prakash (P.W-36). All these witnesses, who had deposed of lending money to the appellant uniformly stated that the appellant required money to go abroad. It is also seen that on 21.10.2008 itself at about 8.30 p.m., the appellant had



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pledged a gold ring(M.O.2) belonging to the victim with one Kanthasamy (P.W-32) having a Pawn shop in Trichy and the pledge receipt was in the name of one Karthik Balakrishnan, which is a clear case of impersonation too. The Register containing the counterfoils of the receipts was marked as Ex.P20 and the counterfoil of the receipt bearing No.7832 was marked as Ex.P21.

9.Nawabjohn (P.W-41) from the Forensic Science Lab, Trichy, confirmed that there was ethyl alcohol in the stomach of the deceased and in other organs too. The viscera report was marked as Ex.P26. Soundararajan (P.W-39) Finger Print Expert, in his certificate of Latent Print Examination (Ex.P25) had opined that the finger prints found in the car matched with that of the appellant.

10.Mr.R.Manickaraj, learned counsel for the appellant made the following submissions:

1. There is no eyewitness to the alleged crime and when the



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prosecution relies on circumstantial evidence alone there is an oversearch to prove the guilt of the accused as done in this case also.

2. There is no motive for the murder and even as per the statements made by the prosecution witnesses, who knew the victim as well as the appellant harped on the friendship quotient between the two.
3. Possibility of misuse of debit cards/credit cards in the name of the deceased victim was high and such a misuse cannot be attributed to the appellant.
4. The appellant had held very high positions in Bangalore and by no stretch of imagination he could have given a thought of committing such an act.
5. The appellant had already served period of sentence of 8 years Rigorous Imprisonment and this fact should be considered even assuming that he was guilty.



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11. In any criminal case, which rests upon circumstantial evidence there need to be a chain of events linked to each other stronger and giving no room for the possibility of any other theory other than the one suggested by the prosecution.

12. Now, having gone through the case of the prosecution and various evidence gathered by the prosecution in order to prove the guilt of the accused, it is necessary to know whether the chain of events are closely knit and clearly points towards the guilt of the appellant. The chain of events leading to the murder can be summarised as follows:

1. On 21.10.2008, the victim planned to go to Trichy for distributing the invitations for the marriage of his brother (P.W-7) slated for 31.10.2008.
2. The victim took a white Maruti Zen car (M.O1) belonging to his brother-in-law and went to Trichy on 21.10.2008. He



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was accompanied by the appellant, who was his friend and another friend Vinothkumar (P.W-2).

3. It was also the plan of the deceased to stay back in Trichy and receive his brother Aranganathan(P.W-7), who was due to arrive from Kuwait the next day morning.
4. Vinothkumar(P.W-2) was with the appellant and the victim while distributing the invitations and thereafter all the three of them had lunch together at 'Hotel Mayas' near Chatham bus stand, Trichy, around 3.00 p.m.,
5. After having lunch, Vinothkumar(P.W-2) left the company of the deceased and the appellant and returned home.
6. P.W-1 was desperately trying to contact his son (deceased) in the evening of 21.10.2008, but in vain.
7. So, when P.W-1 contacted Vinothkumar(P.W-2), the latter stated that all the three of them (deceased, the appellant and Vinothkumar) went ahead with the distribution of



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invitation cards in Trichy, had lunch together in 'Hotel Mayas' at Chathram bus stand, after which he (P.W-2) returned home.

8. P.W-2 accompanied P.W-1 in search of the deceased .
9. P.W-1 and P.W-2 went to Trichy airport and received P.W-7, who came from Kuwait and thereafter, they all searched for the deceased.
- 10.The Maruti Zen car was found abandoned near Pettavaithalai.
- 11.There are more than one witness, namely P.W-16, P.W-18 and P.W-8, who all saw both the appellant and the victim together at different points of time on the same day. P.W-17 had seen them together in the morning itself.
- 12.P.W-10 saw the appellant at 6.00 p.m., on the same day near Pettavaithalai canal. He also saw the parked car (M.O1) both in the evening and on the next day morning.



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13.P.W-9 and P.W-13 were the friends of the appellant, who had picked him up from Alandur gate at 8.30 p.m., on the same day.

14.P.W-14, another friend of the appellant had received calls from the appellant at 3.00 p.m., and 4.15 p.m., when the appellant confirmed that he was with the victim in Trichy and on the second occasion near Kulithalai. It was also confirmed from him that at about 7.30 p.m., when he called the appellant he was sternly told not to call him on this number. The call details (Ex.P32) submitted by Sankaranarayanan(P.W-46) representative of the Service Provider, proves the prosecution case.

15.P.W-14 went to Pondicherry and joined the appellant as per the plan of the appellant both of them stayed in 'Sapthagiri Lodge', Pondicherry.

16.Earlier on 21.10.2008 itself the appellant pledged a gold ring (MO.2) in a Pawn shop in Trichy.



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- 17.The appellant in Pondicherry was with P.W-14 for only one day in 'Sapthagiri Lodge' when he reportedly did not sleep throughout the night.
- 18.After P.W-14 left Pondicherry, the appellant sold the gold chain belonging to the victim for Rs.42,000/- in Pondicherry to one Bala (P.W-25) of Kuber Jewellery.
- 19.The appellant went on a shopping spree using the debit/credit cards of the victim indiscriminately and even purchasing the gold jewellery, clothes and a Titan watch during his stay in Pondicherry.
- 20.He had also hired a two wheeler for 4 days and stayed in a luxurious hotel for a day and made payment in cash and card.
- 21.All these purchases were in the name of the deceased victim as evidenced by the bills and receipts adduced by the prosecution.



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22.He returned the two wheeler on 28.10.2008 and was arrested on 31.10.2008 by the police.

23.He had left a trail of evidence all through his journey making it crystal clear that he was the one, who murdered the victim for gain and made good his escape only to be caught in a fool proof manner from which there was no escape route for him.

13. In the backdrop of this chain of events strongly backed by the oral and documentary evidence for having misused the debit and credit cards of a dead person and for having impersonated the victim as well as a non-existing person, the possibility of any other theory for the murder of the victim that too in such a cruel manner does not exist. The investigating officer ably supported by all the prosecution witnesses have ruled out the possibility of any other theory and even in cases where eyewitness would be available such powerful narrative of the prosecution case would not have happened and the credit definitely



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goes to the hard work and sincere efforts put in by the investigating officer in making the prosecution strong and invincible.

14. In the light of such overwhelming evidence, the weakness of the defense has got exposed and whatever the points raised by the learned counsel for the appellant became ineffective. Therefore, we have no hesitation in confirming the conviction and sentence passed by the trial Court.

15. In the result,

- i. This Criminal Appeal is dismissed.
- ii. The conviction and sentence passed by the learned Additional Sessions Judge (Fast Track Court), Tiruchirappalli, in S.C.No. 27 of 2009, dated 15.03.2012, is confirmed.

[P.N.P., J.] & [R.H., J.]
25.08.2022

Index : Yes/No
Internet : Yes/No
PJJ



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**P.N.PRAKASH, J
AND
R.HEMALATHA, J**

PJL

To

1. The Additional Sessions Judge (Fast Track Court),
Tiruchirappalli,
2. The Inspector of Police,
Jeeyapuram Police Station, Tiruchirappalli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Pre-delivery Judgment made in
Crl.A.(MD)No.565 of 2019

25.08.2022