



Crl.A.Nos.548 & 384 of 2020 and 204 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM :

THE HON'BLE MR. JUSTICE M.S.RAMESH

AND

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.A.Nos.548 & 384 of 2020 and 204 of 2021

and

Crl.M.P.No.11466 of 2023

- | | |
|-----------------------------|---|
| 1. Anand | ... Appellant in Crl.A.No.548/2020 – A2 |
| 2. Ravichandran | ... Appellant in Crl.A.No.384/2020 – A3 |
| 3. K.Elango @ Pachal Elango | ... Appellant in Crl.A.No.204/2021 – A1 |
| | v. |

State by:

The Inspector of Police,
Puduchatram Police Station,
Namakkal District.

(Cr.No.517 of 2014) ... Respondent/Complainant in all cases.

Common Prayer: Criminal Appeals filed under Section 374(2) of Code of Criminal Procedure, 1973, against the conviction of the appellants and sentence in S.C. No.99 of 2015 dated 31.10.2019, on the file of the learned Principal Sessions Judge, Namakkal and set aside the conviction and sentence imposed in judgment dated 31.10.2019 and acquit the appellants.

For Appellants

in Crl.A.Nos.548 & 384/2020 : Mr.B.A.Sujay Prasanna

in Crl.A.No.204/2021 : Mr.S.Arunkumar



CrI.A.Nos.548 & 384 of 2020 and 204 of 2021

For Respondent : Mr.E.Raj Thilak
in all CrI.As. Additional Public Prosecutor

COMMON JUDGMENT

(Order of the Court was delivered by SUNDER MOHAN,J.)

These Criminal Appeals have been filed by Accused Nos.1 to 3, challenging the conviction and sentence imposed upon them vide judgment dated 31.10.2019 in S.C.No.99 of 2015 on the file of the learned Principal Sessions Judge, Namakkal.

2. As facts pleaded and submissions made are the same, these three Criminal Appeals are taken up together, heard and disposed of by this Common Judgment.

3. For the sake of convenience, the parties are referred to as per their ranking before the trial Court.

4(i) The case of the prosecution is that on 15.12.2014 at about 8.30p.m., all the accused were proceeding in a motorcylce bearing Regn.No. TN28-AM-7204, to go to an isolated place for consuming liquor; that they saw a TVS-50 Super XL Motorcycle bearing Regn.No.TN28-AE-1055



parked in the road; that they also saw the deceased and PW4 near the bike having oral sex and when they went near them, PW4 ran away and they caught hold of the deceased; that when they enquired from the deceased, he told them that he was married and had children; that when the accused asked the deceased to call his wife with an intention to rape her, the deceased called his father [PW1] to send his wife to his house situated in his agricultural land; and that thereafter all the accused along with the deceased, consumed liquor.

(ii) It is the further case of the prosecution that while the accused and deceased were going to the agricultural land passing through a layout called 'Padayappa' Garden plot, the deceased raised hue and cry and the accused apprehending that the deceased would expose them decided to do away with the deceased; that A2 and A3 caught hold of the deceased and banged his head on the tree; that A1 pressed and strangled his neck using a lungi and the other accused also joined him in strangulating the deceased; that all the accused took the bike of the deceased and fled away from the scene of the occurrence; and that when the wife and other relatives of the deceased



went in search of the deceased, they found the dead body of the deceased in an abandoned Spinning Mill and suspecting that he was done to death, PW1-father of the deceased, lodged a complaint [Ex.P1] before the respondent Police, on 16.12.2014 at about 10.00 a.m.

(iii) PW14, the then Inspection of Police received the complaint and registered the FIR [Ex.P22] in Cr.No.517 of 2014 for the offences under Sections 302 and 201 of the IPC; he thereafter went to the scene of the occurrence where the body was found and prepared the Observation Mahazar [Ex.P24] and the Rough Sketch [Ex.P23]; he seized the bloodstained earth [M.O.4] and the earth that was not bloodstained [M.O.5] under the Seizure Mahazar [Ex.P25] in the presence of the witnesses; he conducted an inquest at about 12.45 p.m., and prepared the inquest report [Ex.P26]; he thereafter sent the body for postmortem, which was conducted by PW12, who had issued Ex.P17-postmortem certificate; he seized the dress materials of the deceased and sent it to the Court under Form-91; and thereafter, he made a requisition to the Court to send the articles for forensic science examination.



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(iv) On 28.12.2014 at about 10.00 a.m., PW8, the Village Administrative Officer of Kalyani Village, brought A3-Ravichandran, belonging to Nochipatti Village, along with the extra judicial confession [Ex.P4] given by him and PW14 arrested the accused at about 10.15 a.m., in the presence of the Village Administrative Officer and other witnesses. On the confession given by A3, he seized the two-wheeler viz., TVS-50 Super XL bearing Regn. No.TN28-AE-1055 belonging to the deceased, from a well in the land belonging to one Shanmugam. Thereafter, after the examination of a few other witnesses, he handed over the investigation to PW16.

(v) On 17.02.2015, A2-Anand, surrendered before the Court in Salem and PW16 made a request for police custody of A2. He took the accused into police custody on 04.03.2015 and recorded his confession in the presence of PW10-Village Administrative Officer of Navani Village and other witnesses and seized the bike belonging to A2 under Seizure Mahazar



[Ex.P12]. On 03.04.2015, he arrested A1-Elango and recorded the confession in the presence of PW11-Village Administrative Officer of Pachal village and the other witnesses and seized a knife in a bush near his house. Thereafter, he sent the articles for forensic science examination and filed the final report on 08.06.2015 against the accused for the offences, under Sections 302 and 201 r/w 302 of the IPC before the learned Judicial Magistrate No.II, Namakkal.

(vi) On the appearance of the accused, the provisions of Section 207 Cr.P.C., were complied with, and the case was committed to the Court of Session in S.C.No.99 of 2015 and was made over to the learned Principal Sessions Judge, Namakkal, for trial. The trial Court framed charges against the accused, and when questioned, the accused pleaded 'not guilty'.

(vii) To prove the case, the prosecution examined 19 witnesses as P.W.1 to P.W.19, marked 35 exhibits as Ex.P1 to Es.P35, and marked 5 Material Objects as M.O.1 to M.O.5. When the accused were questioned, u/s.313 Cr.P.C., on the incriminating circumstances appearing against them,



they denied the same. The accused did not examine any witnesses or mark any documents.

(viii) On appreciation of oral and documentary evidence, the trial Court found that the prosecution had established the case beyond reasonable doubt and held the appellants guilty of the offences charged against them. The appellants are convicted and sentenced as follows:

<i>Accused No.</i>	<i>Offence under Section</i>	<i>Sentence imposed</i>
A1 to A3	302 IPC	Each of them to undergo imprisonment for Life and to pay a fine of Rs.10,000/-, in default to undergo SI for four years.
	201 IPC	Each of them to undergo rigorous imprisonment for three years and to pay a fine of Rs.10,000/-, in default to undergo SI for nine months
The sentences were ordered to run concurrently.		

Hence, all three accused have preferred the above appeals challenging the said conviction and sentence.

5. Heard, Mr.B.A.Sujay Prasanna, learned counsel appearing for the appellants in CrI.A.Nos. 548 & 384 of 2020; Mr.S.Arun Kumar, learned counsel appearing for the appellant in CrI.A.No.204 of 2021; and Mr.E.Raj Thilak, learned Additional Public Prosecutor appearing for the



respondent/State.

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6.(i) The learned counsel for the appellants submitted that the case, which is based on circumstantial evidence, has not been conclusively proved; that the prosecution relied upon the evidence of PW4 to prove that the deceased was last seen together with the accused; and that PW4 is an unreliable witness and no Test Identification Parade was conducted and therefore, his identification in Court for the first time, three years after the occurrence, is valueless.

(ii). The learned counsel further submitted that the extra judicial confession said to have been given by A3 does not inspire confidence as PW8 was a total stranger to A3 and belonged to a different village; that in the extra judicial confession, there is no reference to the disposal of the bike belonging to the deceased in a well and that therefore, the alleged recovery of the bike of the deceased, from the well on the confession cannot be believed; and that the other circumstance of PW7 seeing the movement of two bikes in the night, is of no avail to the prosecution.



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(iii) The learned counsel relied upon the judgments of Hon'ble Supreme Court and this Court, in support of the submission that extra judicial confession to a stranger, cannot be believed and that identification in Court for the first time is valueless and he prayed for acquittal of the appellants.

7(i) The learned Additional Public Prosecutor *per contra* submitted that there cannot be an universal rule that in all cases, Test Identification Parade has to be conducted and it would depend on the facts and circumstances of each case, as to whether the identification in Court, can be believed.

(ii) The learned Additional Public Prosecutor further submitted that the circumstances have been proved conclusively and the circumstance of last seen has been established through the evidence of PW8, PW7 and the extra judicial confession given by A3 to PW8.

(iii) The learned Additional Public Prosecutor also relied upon the judgment of the Division Bench of this Court, in ***Vandu @ Madasamy v***



State by the Inspector of Police, Srivilliputtur Taluk Police Station,

Srivilliputtur, Virudhunagar District, reported in 2007 (1) MWN (Cr.)

302 (DB), in support of the submission that extra judicial confession need not be discarded merely because it was given to a stranger, if it otherwise inspires confidence and there is no reason to interfere with the judgment of the trial Court. Hence, he prayed for the dismissal of these appeals.

8. We have carefully considered the rival submissions and have perused all the relevant records.

9(i). The prosecution had examined 19 witnesses, as stated earlier, to establish its case through circumstantial evidence. PW1 is the father of the deceased, who speaks about the lodging of the complaint and about locating the body of the deceased in an abandoned Spinning Mill. PW2 is the wife of the deceased, who had also gone in search of the deceased after he went missing. She had identified the vehicle of the deceased in Court. PW3 is a relative of the deceased and assisted PW1 and PW2 in the search for the deceased.



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(ii) PW4 is the key witness for the prosecution, who saw the deceased last with the accused, in the night, on 15.12.2014. He also speaks about the unnatural relationship that he had with the deceased and he was caught by the accused, while he was having oral sex with the deceased.

(iii) PW5 corroborates the evidence of PW1 and speaks about the phone call made by the deceased to PW1, on the night, asking the wife of the deceased to meet the deceased in the house on their agricultural land. PW6 speaks about PW2 borrowing his bike to meet the deceased. PW7 speaks about the two bikes crossing them and saw two persons on the first bike and three persons on the second bike.

(iv) PW8 is the Village Administrative officer of Kalyani Village, before whom A3 is said to have made an extra judicial confession. PW9 is the witness to the seizure of the bike of the deceased on the confession of A3. PW10 is the Village Administrative Officer of Navani Village, who was the witness to the confession of A2 and the seizure of his bike bearing Regn.No.TN28-AM-7204. PW11 is another Village Administrative Officer,



who had witnessed the arrest and confession of A1 and the seizure of knife on his confession.

(v) PW12 is the postmortem doctor. PW13 is the corpse Constable. PW14 is the first investigating officer, who conducted the investigation. PW15 is the witness to the complaint given by PW1. PW16 is the second investigating officer who filed the final report. PW17 runs a provisions store and speaks about selling water and tumblers to the accused at about 8.30 p.m., on 15.12.2014. PW18 is the Constable who had assisted the investigating officers. PW19 is the witness to the observation mahazar [Ex.P24] and the seizure mahazar [Ex.P25].

10. It is the prosecution case that PW1 and PW2 saw the deceased in an abandoned Spinning Mill, pursuant to which a complaint was lodged and the investigation has commenced. PW12 the postmortem doctor in his report [Ex.P17] found the following injuries.

“Injuries:

1) Dark red abrasion over

A) Centre of forehead M-3.5x2.5cms



- B) Right side forehead M-2x2cms
 - C) Outer aspect of right eye M-2x2cms
 - D) Right cheek M-2x2cms
 - E) Left cheek extends upto left temple M-6x3cms
 - F) Below the left knee M-1x0.5cms
 - G) Back of right elbow M-4x4cms
 - H) Back of left leg M-4x2cms
 - I) Back of left thigh M-20x2cms
 - J) Multiple scratch abrasion over both the gluteal region extends upto the back of abdomen
 - K) Middle of the nose M-1.5x0.5cms
 - L) Left knee M-1.5x1.5cms
2. Laceration over centre of forehead M-1.5x0.5x0.5cms
 3. Contusion on the left side of chest M-9x8x0.5cms
 4. Contusion over mucosa of the lower lip M-4x1.5x0.5cms
 5. Well defined horizontal ligature abrasion completely encircling the neck M-38x8cms and it is situated 4cms above supra sternal notch and 4cms below mid chin, 5cms below right mastoid process and 4cms below left mastoid process.

O/D Neck: Dark red contusion over left side strap muscle M-8x6x0.5cms fracture body of thyroid cartilage with surrounding soft tissue contusion and extra vasation of blood... Hyoid bone-intact.”

He had given his final opinion [Ex.P19] after the chemical analysis report which reads as follows:

“the deceased would appear to have died due to the combined effect of ligature strangulation and head injuries.”



The prosecution thus had established that the deceased suffered a homicidal death.

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11. In order to prove the involvement of the accused, the prosecution has relied upon the following circumstances:

- (a) circumstance of PW4 seeing all the accused with the deceased on the night of 15.12.2014;
- (b) the extra judicial confession given by A3 to PW8;
- (c) the recovery of the bike of the deceased from a well, pursuant to the confession of A3;
- (d) the arrest of other accused and recoveries made on their confession;
- (e) the evidence of PW7, who had seen two bikes, two persons on one bike and three person on the other bike; and
- (f) the evidence of PW17 to prove that the



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CrI.A.Nos.548 & 384 of 2020 and 204 of 2021

accused bought water and tumblers for consuming
liquour on the night of 15.12.2014.

12. (i) As regards the first circumstance, viz., last seen together, spoken to by PW4, it is seen that both PW1 and PW2 knew that the deceased had left the hotel along with PW4, which is clear from the complaint-Ex.P1 and the evidence of PW1. It is also there in the evidence that PW4 joined PW1 and PW2 in search of the deceased. Therefore, had PW4 seen the deceased along with the accused, he would have informed the said fact to PW1 and PW2. However, neither PW1 nor PW2 had stated that PW4 informed them about his seeing the deceased with the accused. This is also confirmed by the fact that there is no mention of the deceased being with three persons in the complaint. Therefore, in our view, the version of PW4, is highly doubtful.

(ii) That apart, there was no Test Identification Parade conducted after the accused were arrested to ensure that the prosecution had arrested the correct accused, as admittedly, the accused were total strangers to PW4. It



is well settled that the first time identification, in Court in the absence of Test Identification Parade, would have no value, especially in a case of this nature, where it is the case of PW4 that he was having oral sex with the deceased and when he saw the three accused coming in a bike, he ran away. Therefore, he could have hardly seen the accused. That apart, it was during the night hours. Therefore, his identification in Court after three years, in our view, would have no value. In this regard, we rely upon the judgment of the Hon'ble Supreme Court in *Kanan and others v. State of Kerala*, reported in (1979) 3 SCC 319, wherein it is observed as follows:

“...It is well settled that where a witness Identifies an accused who is not known to him in the Court for the first time, his evidence is absolutely valueless unless there has been a previous T. I. parade to test his powers of observations. The Idea of holding T. I. parade under Section 9 of the Evidence Act is to test the veracity of the witness on the question of his capability to identify an unknown person whom the witness may have seen only once. If no T. I. parade is held then it will be wholly unsafe to rely on his bare testimony regarding the identification of an accused for the first time in Court....”

This principle of law has been reiterated in several other judgments of the Hon'ble Supreme Court and this Court and it does not require any further elaboration. Even in the judgment relied upon by the learned Additional



Public Prosecutor, in ***Dana Yadav alias Dahu and others v. State of Bihar***

reported in **(2002) 7 SCC 295**, this principle was reiterated. It would be useful to refer to the following observations:

“38. In view of the law analysed above, we conclude thus:-

(a) If an accused is well known to the prosecution witnesses from before, no test identification parade is called for and it would be meaningless and sheer waste of public time to hold the same.

(b) In cases where according to the prosecution the accused is known to the prosecution witnesses from before, but the said fact is denied by him and he challenges his identity by the prosecution witnesses by filing a petition for holding test identification parade, a court while dealing with such a prayer, should consider without holding a mini inquiry as to whether the denial is bona fide or a mere pretence and/or made with an ulterior motive to delay the investigation. In case court comes to the conclusion that the denial is bona fide, it may accede to the prayer, but if, however, it is of the view that the same is a mere pretence and/or made with an ulterior motive to delay the investigation, question for grant of such a prayer would not arise. Unjustified grant or refusal of such a prayer would not necessarily enure to the benefit of either party nor the same would be detrimental to their interest. In case prayer is granted and test identification parade is held in which a witness fails to identify the accused, his so-called claim that the accused was known to him from before and the evidence of identification in court should not be accepted. But in case either prayer is not granted or granted but no test Identification parade held, the same ipso facto can not be a ground for throwing out evidence of identification of an accused in



court when evidence of the witness, on the question of identity of the accused from before, is found to be credible. The main thrust should be on answer to the question as to whether evidence of a witness in court to the identity of the accused from before is trustworthy or not. In case the answer is in the affirmative, the fact that prayer for holding test identification parade was rejected or although granted, but no such parade was held, would not in any manner affect the evidence adduced in court in relation to identity of the accused. But if, however, such an evidence is not free from doubt, the same may be a relevant material while appreciating the evidence of identification adduced in court.

(c) Evidence of identification of an accused in court by a witness is substantive evidence whereas that of identification in test identification parade is, though a primary evidence but not substantive one, and the same can be used only to corroborate identification of accused by a witness in court.

(d) Identification parades are held during the course of investigation ordinarily at the instance of investigating agencies and should be held with reasonable despatch for the purpose of enabling the witnesses to identify either the properties which are subject matter of alleged offence or the accused persons involved in the offence so as to provide it with materials to assure itself if the investigation is proceeding on right lines and the persons whom it suspects to have committed the offence were the real culprits.

(e) Failure to hold test identification parade does not make the evidence of identification in court inadmissible rather the same is very much admissible in law, but ordinarily identification of an accused by a witness for the first time in court should not form basis



of conviction, the same being from its very nature inherently of a weak character unless it is corroborated by his previous identification in the test identification parade or any other evidence. The previous identification in the test identification parade is a check valve to the evidence of identification in court of an accused by a witness and the same is a rule of prudence and not law.

(f) In exceptional circumstances only, as discussed above, evidence of identification for the first time in court, without the same being corroborated by previous identification in the test identification parade or any other evidence, can form the basis of conviction.

(g) Ordinarily, if an accused is not named in the first Information report, his identification by witnesses in court, should not be relied upon, especially when they did not disclose name of the accused before the police, but to this general rule there may be exceptions as enumerated above.”

From the above judgment, it is clear that only in exceptional circumstances, the first time identification of an accused person by the witness in Court can form the basis for conviction. The present case, in our view, is not an exceptional one. The witness [PW4], had barely seen the accused in the night hours and his identification in Court, cannot be believed, in the absence of a Test Identification Parade.

(iii) That apart, on the perusal of the record, we find that the



statement of PW4 was recorded on 17.12.2014. However, his statement was sent to the Court only on 08.06.2015. No explanation has been offered for the delay in sending the statement, which raises doubt as to whether PW4 was really examined on 17.12.2014.

13. (i) The next circumstance, which was relied upon by the prosecution, is extra judicial confession said to have been given by A3 to PW8. Admittedly, A3 and PW8 belong to different villages. PW8 is a total stranger to A3. The extra judicial confession is elaborate and contains the entire history. It is highly improbable that an accused would confide in a total stranger such minute details. The extra judicial confession in any case to a stranger, is a weak piece of evidence and it is safe to look for corroboration.

(ii) The learned Additional Public Prosecutor relied upon the judgment of the Division Bench of this Court in ***Vandu @ Madasamy v State by the Inspector of Police, Srivilliputtur Taluk Police Station, Srivilliputtur, Virudhunagar District***, reported in **2007 (1) MWN (Cr.) 302 (DB)**, wherein this Court has held as follows:



11.Secondly, the prosecution had to its benefit an extra judicial confession made by the accused to P.W.8 the Village Administrative Officer. In a given case, before accepting the extra judicial confession, the Court has to apply three tests, viz.,

"1.To whom the said extra judicial confession is made?;

2.Whether the person to whom the extra judicial confession is made, his evidence inspires the confidence of the Court?; and

3.Whether the extra judicial confession is consistent to the prosecution case?"

If these tests are applied to the present case, the Court is thoroughly satisfied that the prosecution case has passed all the above three tests. P.W.8, is the Village Administrative Officer of the same place. The accused appeared before him and made the confessional statement. It is recorded by the Village Administrative Officer, P.W.8 and also the accused was immediately taken to the Police Station along with the extra judicial confession. It is true that Village Administrative Officer and the accused were not previously acquainted to each other. That by itself cannot be a reason to reject the extra judicial confession and in the instant case, the evidence of P.W.8 is marshalled by the lower Court and it inspired the confidence of the Court.

12.Apart from this, the entire narration in the extra judicial confession is consistent to the prosecution case. In such circumstance, the lower Court was perfectly correct in relying its decision on the piece of evidence also and thus, the last seen theory spoken to by P.Ws.1 and 3 and also the extra judicial confession



given by the accused, both put together, in the opinion of the Court, would be the sufficient circumstances pointing to the guilt of the accused.”

The facts in the above case are distinguishable. PW8 in this case does not belong to the same village, as stated earlier. Therefore, the evidence of PW8 that the accused, a total stranger belonging to a different village, approached him to give an extra judicial confession, does not inspire confidence.

(iii) In this regard, we may rely upon the following observations made by another Division Bench of this Court in ***Sanjeevan @ Reghu v. State of Tamil Nadu, rep. by its Inspector of Police, Puthukadai Police Station, Puthukadai, Kanyakumari District***, reported in **2012 (3) MWN (Cr.) 388 (DB)**.

“35. The appellant belongs to Vannan Vilai in Puthukkadai. It comes under the jurisdiction of VAO, Arudesam Village. PW.7 is the VAO of Painkulam Village. Vannan Vilai does not belong to his jurisdiction. On 16.9.2006, he is stated to have held additional charge of Arudesam village. At the village level, the post of VAO is very important, as he has to discharge and attend to multifarious functions. So, VAO of one area cannot simply come and occupy the chair of another VAO. No written proof from a superior officer, such as Tahsildar, placing PW.7 in additional charge of VAO, Arudesam village has been produced.



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CrI.A.Nos.548 & 384 of 2020 and 204 of 2021

36. Till 16.09.2006, PW-7 is an utter stranger to the appellant. Appellant had no prior acquaintance with him. Nothing has been produced or explained as to the appellant reposing confidence in such a stranger/ PW.7 to reveal everything to him. Ex.P-5 contains photographic details of the whole life history and all the matters pertaining to the prosecution case. According to prosecution, then the appellant was in distress. It is unlikely that a person placed in such a sorrowful situation will choose an utter stranger to recount from A to Z concerning commission of sodomy and murder. In the circumstances, it looks very odd.”

In view of the above, the extra judicial confession does not pass the test of credibility and therefore, we are unable to rely on the same in the absence of any corroboration. In any case, the said confession would not be of any use as against the other accused. Even assuming it inspires confidence, it can only lend assurance to the other evidence on record as against the other accused. There is no other acceptable evidence against the other accused.

14. (i) That apart, we find that in the said extra judicial confession, A3 has not stated about their disposal of the bike belonging to the deceased in a well. However, it is the prosecution case that in his police confession, he had stated so and the bike was recovered from the well on his confession. This again appears to be artificial and consequentially, the circumstance of



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recovery of the bike also cannot be attributed to A3.

(ii) The ownership of the bike was also not established, though, PW2 in her evidence would identify the bike by stating that the name Priya Venkatasalam was written on it. In any case, since we find that the recovery on A3's confession is doubtful, the identification of the bike would have no significance.

15. The recovery of A2's bike is of no consequence, as the prosecution had not established that the accused had gone on that bike to commit the offence and similarly, the recovery of a knife from A1 is also of no consequence, as it is not the prosecution case that a knife was used to attack the deceased.

16. Further, the evidence of PW7 that he saw two bikes and that in one bike, he saw two persons travelling and in the other bike, three persons travelling, again would not be of any avail to the prosecution, as he had not identified the accused, as the persons who travelled in the bike.



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17. The other circumstance of PW17 selling water bottles and tumblers to the accused, on the night of 15.12.2014, would be of no avail to the prosecution, as it does not offer any link in the chain of circumstances.

18. Thus, we are of the view that the prosecution has not established the circumstances conclusively and in any event, the circumstances do not form a complete chain pointing out only the guilt of the accused and hence, the judgment of conviction and sentence cannot be sustained and are liable to be set aside.

19. In the result, the Criminal Appeals stand allowed. The conviction and sentence imposed upon the appellants in S.C.No.99 of 2015 dated 31.10.2019 on the file of the learned Principal Sessions Judge, Namakkal, are set aside. The appellants are acquitted of all charges and are directed to be released forthwith, unless their presence is required in connection with any other case. The fine amount, if any, paid by the appellants shall be refunded. Bail bonds, if any, executed shall stand discharged.



Crl.A.Nos.548 & 384 of 2020 and 204 of 2021

Consequently, the connected Criminal Miscellaneous Petition is closed.

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(M.S.R.,J.) (S.M.,J.)
21.06.2024

Index : yes/no
Speaking/Non-speaking order
Neutral citation : yes/no
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To

1. The Principal Sessions Judge,
Namakkal.

2. The Inspector of Police,
Puduchatram Police Station,
Namakkal District.

3. The Superintendent,
Central Prison, Coimbatore.

4. The Superintendent,
Central Prison, Salem.

5. The Public Prosecutor,
High Court, Madras



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M.S.RAMESH,J.

AND

SUNDER MOHAN,J.

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