



Crl.R.C.No.1355 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 06.09.2024
PRONOUNCED ON : 19.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1355 of 2024
and Crl.M.P.No.11579 of 2024

Jayanthi

... Petitioner

Vs.

1.State Rep. By its
The Deputy Superintendent of Police,
Madhuranthagam Circle,
Kancheepuram Sub-Division,
Kancheepuram.

2.The Inspector of Police,
Uthiramerur Police Station,
Uthiramerur.

... Respondents

PRAYER: Criminal Revision Petition filed under Sections 438 r/w. 442 of BNSS, to set aside the impugned order dated 01.08.2024 passed by the learned District and Sessions Judge at Kanchipuram in S.C.No.93 of 2022.

For Petitioner : Mr.S.Gunasekar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

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The petitioner, who was added as accused in S.C.No.93 of 2022 by the Trial Court by order dated 01.08.2024, filed this revision petition.

2.The case of the prosecution is that on 08.07.2020 the petitioner as defacto complainant lodged a complaint to the respondent police stating that her daughter, namely, Sentharagai got married to one Yuvaraj on 24.05.2020. After their marriage, they lead a smooth matrimonial life. On 08.07.2020 at about 1.00 p.m., after finishing the work the defacto complainant came back to the house and started cooking, at that time, her daughter went to the bathroom to take bath. Since she had not come out for more than 30 minutes and the petitioner's husband, accused in this case, returned from work and wanted to use the bathroom, the defacto complainant knocked the door but no response. Thereafter, the defacto complainant and her husband went around the house and peeped through the window, saw their daughter lying in the floor. Hence, they forcibly broke opened the door, found their daughter motionless and taken all steps to revive her, later she was confirmed dead. The respondent police was



informed about the death and a case in Crime No.1315 of 2020 dated 08.07.2020 under Section 174(3) Cr.P.C. registered. Thereafter, the body was sent for postmortem, found some external injuries and the petitioner's husband was suspected, he was arrested, who gave a confession admitting the guilt. On conclusion of investigation, charge sheet filed listing L.W.1 to L.W.25 and the Trial Court took the case on file as S.C.No.93 of 2022 and 18 witnesses examined including the petitioner as P.W.1, the trial progressed substantially, at that stage, the Trial Court invoking Section 319 Cr.P.C. arrayed the petitioner as accused and issued Non-Bailable Warrant. Against which, the present revision petition is filed.

3.The contention of the learned counsel for the petitioner is that the deceased Sentharagai, petitioner's elder daughter got married to one Yuvaraj on 24.05.2020. The petitioner examined as P.W.1 narrated that her daughter when staying with her on 08.07.2020 went to take bath by locking bedroom, for long time she had not came out when tapped the door , to find out the reason for not responding to the call, peeped through the window, found her daughter on the floor motionless, broke open the door, called the Doctor for help but not available and took steps to revive her. The Lab



Technician Vinayagam/P.W.10 came there, checked the pulse, confirmed her daughter was dead. Thereafter, on informing the family members about the death, preparations were made for cremation. The respondent police on getting information came to the petitioner's house, received a complaint/Ex.P1 from P.W.1. P.W.2 is the sister-in-law of P.W.1, who is also residing in the same building. P.W.3, second daughter of P.W.1, P.W.4, daughter of P.W.2, P.W.5, father-in-law of P.W.1, P.W.6, mother-in-law of P.W.1, all these witnesses not supported the case of the prosecution, confirmed the petitioner's daughter went for bath by locking the bedroom, later was found dead inside the bathroom, door broke open. The reason for her daughter's death was due to slip and fall in the bathroom.

4.He further submitted that P.W.7, son-in-law of P.W.1 and husband of the deceased Senthagarai, P.W.8, mother-in-law of the deceased, P.W.9, father-in-law of the deceased confirms the marriage of deceased with P.W.1 and there was no serious matrimonial dispute between P.W.7 and the deceased. P.W.10, family friend of P.W.1 and accused on getting information immediately rushed to the petitioner's house. P.W.11, friend of P.W.10 who is running a Clinical Laboratory, had come to the house of the



deceased, examined the deceased and confirmed her death. P.W.12, friend of P.W.2, running Sivam Medicals at Uthiramerur, on getting call from P.W.2, informed non-availability of Doctor in the adjacent Clinic to her medical shop, P.W.13 and P.W.14 are the neighbours, who are witnesses to the observation mahazar and rough sketch. P.W.15 is the brother of P.W.1, P.W.16 is a Comrade friend of P.W.1 and the accused. P.W.17 is the Village Administrative Officer examined for arrest and confession, P.W.18 is the Postmortem Doctor. Of these witnesses, except P.W.16, P.W.17 and P.W.18, others not supported the case of the prosecution and treated hostile. P.W.16 with ill motive had given an exaggerated version contradictory to her earlier statement. P.W.17, Village Administrative Officer, speaks about the arrest and confession of the accused. P.W.18/Postmortem Doctor, who conducted postmortem issued postmortem report and opinion, Ex.P9 to Ex.P11.

5.Thus the evidence of the witnesses is categorically clear that the marriage between P.W.7/Yuvaraj and the deceased was held on 24.05.2020, it was an arranged marriage and after the marriage, they were living in the house of P.W.7 at Vandalur. During corona lock down, the deceased came



to her parents house. P.W.7 and his parents P.W.8 and P.W.9 confirms that there is no matrimonial dispute and she had voluntarily gone to her parents house. Further, the evidence of P.W.1 to P.W.6 is that on 08.07.2020, the deceased informed P.W.1 and P.W.3 that she is going to take bath. The bathroom is inside the bedroom, there is no door to the bathroom, hence the deceased locked the bedroom and went to take bath. P.W.1 was preparing lunch, at that time the accused came home and he was to take bath, since the deceased had not come out for a long time, they tapped the door but no response, hence they peeped through window found their daughter on the floor, thereafter, the door was broke opened and found their daughter slipped on the floor and sustained injuries. Immediately, P.W.1 called P.W.2, P.W.4/daughter of P.W.2, P.W.5 and P.W.6, her father-in-law and mother-in-law, all staying in the same building. The accused called his friend/P.W.10. P.W.2 called P.W.12, who is running a medical shop in Uthiramerur and there is a clinic nearby to find out whether any Doctor is available, but P.W.12 informed that there is no Doctor available. Thereafter, P.W.10/Advocate was contacted, who approached P.W.11, who is running a clinical laboratory, came to P.W.1's house, examined and confirmed the death of their daughter. Since it was Covid-19 situation, there was no



Doctor available and it was confirmed that the death was due to slip and fall of the deceased while coming out of the bathroom.

6.On getting information, the Police came there, conducted investigation in the presence of P.W.13 and P.W.14, prepared observation mahazar and rough sketch and thereafter, the body was sent to postmortem. In the postmortem certificate, it is stated that injuries were found on the neck and recorded the death was due to manual strangulation. Hence, on suspicion petitioner's husband was arrested in the presence of P.W.17 and confession statement recorded. Except for the confession, there is no other materials against the petitioner's husband. This fact has been deposed by all the witnesses but P.W.16, a comrade friend of P.W.1 and accused gave an exaggerated version giving new twist to the story for the death of Sentharagai. It is stated by P.W.16 that the deceased Sentharagai had love affair with one Manikandan which was opposed by her parents and forcibly conducted her marriage with P.W.7. The deceased was unhappy of her forcible marriage with P.W.7 and she complained to P.W.16. On 15.06.2020, the deceased said to have informed P.W.16 through mobile about her unhappy matrimonial life and she wanted to meet P.W.16, talk in



detail and the deceased was in emotive mood. She also informed P.W.16 that her parents are beating her, not understanding her feelings and wishes.

P.W.16 took the deceased to the Communist Party District Office where they informed the District Secretary about the incident, who enquired, P.W.1 and the accused were questioned and they informed that they would not be harsh to the deceased and they would take her to counseling and take steps to resolve the issue. Again the deceased is said to have called and informed P.W.16 about the continuation of her harassment and torture. Further, she also received some message in the mobile and before she could react to the cries of Sentharagai, she received the information about her death and she suspected that Sentharagai was done to death by her parents. This is an exaggerated and contradictory version which was not in her earlier statement. This being so, based on her evidence and the evidence of Postmortem Doctor, finding evidence against the petitioner confirming that she also participated in the commission of offence, summoning her is against the principles and procedures contemplated under the Act and the judgment of this Court as well as the Apex Court.

7.In support of his contention, the learned counsel relied upon the



decision of the Apex Court in the case of **Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and others** reported in **(2020) 3 SCC(Crl.)**

1, wherein the Apex Court had given the guidelines and to what extent electronic evidence can be relied upon. In this case, the contention of P.W.16 about receiving phone call and messages have not been collected in the manner known to law which is in clear violation of Information and Technology Act and the Indian Evidence Act. Further, there is no electronic evidence collected by the Investigating Officer in this case. The learned counsel for the petitioner also relied upon the decision of this Court in the case of **G.Palanisamy vs. State rep. By Inspector of Police, District Crime Branch** reported in **2003 MadLJ (Crl.) 394**, wherein this Court following the decision of the Apex Court in the case of **Micheal Machoda and another vs. CBI and another** reported in **2000 AIR SCW 734** held that *if the witnesses already examined are quite large in number the Court must seriously consider whether the objects sought to be achieved by such exercise is worth wasting the whole labour already undertaken. Unless the Court is hopeful that there is reasonable prospect of the case as against the newly brought accused ending in conviction of offence*



concerned, we would say that the Court should refrain from adopting such a course of action. In this case, the petitioner is attempted to be arrayed as accused for the offence under Section 302 r/w. 201 IPC when there is no overt act for commission of offence on the evidence of the witnesses examined so far. Further, in this case almost all the witnesses examined except for the Investigating Officer and others and the case has reached the penultimate stage, at this stage, invoking Section 319 Cr.P.C. and arraying the petitioner as accused on the evidence and materials available is not sustainable, erroneous, perverse and hence, liable to be set aside.

8.The learned Additional Public Prosecutor filed his counter and submitted that on 08.07.2020 the petitioner/defacto complainant lodged a complaint informing that her daughter Sentharagai got married to one Yuvaraj on 24.05.2020 and after the marriage she lead a smooth matrimonial life. On 08.07.2020, at about 1.00 p.m., after finishing her work the complainant came to her house and started cooking, at that time, the deceased went to bath by locking the bedroom but she did not return back and not responded, gave any reply for the call made by the complainant. Then, the complainant got suspicious, broke open the door



and found the deceased lying in the floor. Thereafter, the complainant called the Doctor and after examining the deceased, the Doctor declared her dead.

Based on the complaint, a case in Crime No.1315 of 2020 under Section 174(3) Cr.P.C. registered. During the course of investigation, the then Deputy Superintendent of Police went to the scene of occurrence, prepared observation mahazar and rough sketch in the presence of witnesses, examined the defacto complainant and other witnesses and recorded their statements. Thereafter, the then Deputy Superintendent of Police conducted inquest on the body of the deceased in the presence of panchayatars and sent the body for postmortem. The respondent police collected the postmortem certificate and final opinion from the Postmortem Doctor, in which it is stated that the deceased died due to manual strangulation of neck. Based on the postmortem certificate, the respondent examined the husband of the deceased and recorded his statement where he confirms that after marriage, her daughter and P.W.7 not had a happy matrimonial life and their marriage not consummated. Based on the postmortem certificate, the respondent police altered the offence to Section 302 IPC. From the investigation, it is revealed that the deceased already had love affair with one Manikandan which was objected by her parents and they arranged a marriage with



Yuvaraj. After marriage, the deceased and Yuvaraj did not lead a happy matrimonial life. When the accused came to know about the same, he questioned the deceased but she had stated that she want to live with Manikandan, due to which the accused strangled her neck and caused death. On 24.07.2020, the respondent arrested the accused and recorded his confession statement in the presence of witnesses and remanded him to judicial custody. Based on his confession, the respondent police altered the offence to Section 302 r/w. 201 IPC. On completion of investigation, charge sheet filed and the same was taken on file in P.R.C.No.5 of 2022 dated 14.07.2022. Later, the case is committed before the learned Principal District and Sessions Judge, Kancheepuram vide S.C.No.93 of 2022 dated 05.09.2022. During the course of trial, P.W.16 was examined, who disclosed the role of the petitioner in commission of offence and the Trial Court rightly added the defacto complainant/petitioner as accused.

9.In support of his contention, the learned Additional Public Prosecutor relied upon the decision of the Hon'ble Supreme Court and reiterated the dictum laid down in the case of *Yashodhan Singh and others vs. The State of Uttar Pradesh and another* reported in *2023 Livelaw (SC)*



576 for the contention that a summoned person must be given an opportunity of being heard before being added as an accused to face the trial is clearly not contemplated under Section 319 Cr.P.C. It is also observed by this Court in the case of *Hardeep Singh vs. State of Punjab and others* reported in (2014) 3 SCC 92 that such a summoned person can assail a summoning order before the Superior Court and will also have the right of cross examining the witnesses and can let in his defence evidence, if any. Hence, prayed for dismissal.

10.Considering the submissions made and on perusal of the materials, it is seen that initially a case in Crime No.1315 of 2020 was registered on 08.07.2020 under Section 174(3) Cr.P.C., later it was altered to Section 302 IPC. The petitioner as defacto complainant lodged a complaint on 08.07.2020 stating that her elder daughter Sentharagai was given in marriage to one Yuvaraj/P.W.7 on 24.05.2020 and after their marriage, her daughter was living in her in-laws house. Due to lock down, 15 days prior to the date of occurrence, the deceased came to her parents house and from then on, she was residing with P.W.1 and the accused. On 08.07.2020 at about 1.00 p.m., P.W.1 started cooking and the deceased went to take bath.



At that time, P.W.1 and her younger daughter/P.W.3 continued cooking, within a short time, her husband/accused in this case, came home and he was to take bath. Hence, P.W.1 called the deceased to come out, since there was no response they peeped through the window, found the deceased was on the floor. The door was forced open and found her daughter breathless and steps taken to revive her breathe, but her daughter could not be revived and since the death was due to slip and fall, there was no doubt on the death of the deceased, requested to conduct postmortem and hand over the body. L.W.23/Sub-Inspector of Police received the complaint, registered FIR, took up the investigation and thereafter placed the records to L.W.24/Nagendran, who took up further investigation. L.W.25, the then Deputy Superintendent of Police took up further investigation and filed charge sheet in this case listing L.W.1 to L.W.25. Of the 25 witnesses, so far 18 witnesses examined, of which, except for P.W.16, a comrade friend of P.W.1 and the accused, who belong to Communist Party, P.W.17/Village Administrative Officer and P.W.18/Postmortem Doctor, all other witnesses not supported the case of the prosecution and treated hostile.



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11.P.W.1/mother of the deceased, P.W.3/sister of the deceased were together along with the accused at the relevant point of time, who confirmed Sentharagai was hale and healthy and went to take bath. The accused reached home later. The deceased not coming out of the bathroom for quite some time and not responding despite calling her and tapping the door and thereafter she was found lying on the floor motionless. The accused broke opened the door in the presence of P.W.1 and P.W.3, immediately P.W.1 and the accused took steps to revive her breathe, in fact P.W.1 had given CPR treatment. In the meanwhile, P.W.3 informed P.W.2, residing in the first floor and her grandparents/P.W.6 and P.W.7. P.W.2 immediately called her friend P.W.12, who is running a medical shop in Uthiramerur to find out from the adjacent clinic the availability of Doctor, P.W.12 informed no Doctor was available. Thereafter, the accused called P.W.10, his Advocate friend, active in the Communist Party, who called his friend P.W.11, who is running a clinical laboratory, came to the house of P.W.1, examined his daughter and confirmed the death of the deceased. P.W.1 to P.W.6 residing in the same place, closely related to the deceased and all these witnesses not supported the case of the prosecution.



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12.The Trial Court put specific question to P.W.1 with regard to the marriage of her elder daughter Sentharagai with P.W.7, within few days after the marriage, the said Sentharagai came back to her parents house, for the darkness in the fingers found as confirmed by P.W.4/daughter of P.W.2, but no explanation given for the injury. P.W.1 not stated the truth with regard to the other injuries found on the body, further she specifically denies that she has not seen any bruises and other injuries. P.W.2's evidence is in confirmity to the explanation of P.W.1. P.W.3 confirms one of the finger of the deceased turned blue in colour. P.W.4 confirms that the Primary Health Centre is only half a kilometre from their house. The evidence of P.W.7 and P.W.8, husband and mother-in-law of the deceased to the Court question confirm that though the marriage was conducted, but marriage was not consummated and further confirmed that marriage was forced on the deceased. P.W.10 and P.W.11, friend of the accused, who answered to the Court question, confirming that they reaching the scene of occurrence immediately and confirming the death of the deceased.

13.Thus, it is not in dispute that the deceased Sentharagai is the elder



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daughter of P.W.1 and the accused. She was residing with them 15 days prior to the occurrence, she was hale and healthy and there is no medical complications on 08.07.2020. P.W.7 confirms that though the marriage was held on 24.05.2020, their marriage was not consummated. P.W.2, P.W.4, P.W.5 and P.W.6 confirm that the deceased was seen on the floor inside the house of P.W.1 and the accused. P.W.4/daughter of P.W.2 confirms the bruises in the hands of the deceased. P.W.1 to P.W.3 does not state about the bruises, scratches on the neck and other injuries found on the body. From the observation mahazar, it is seen that the door lock was found separated from the door and recovered from the corner of the room. Further, nail beds of fingers were cyanided occurs due to current shock and for that, there have been some seizures as could be seen from the evidence of P.W.17. The evidence of P.W.16 is categorically with regard to the deceased having love affair with one Manikandan which was not approved and accepted by P.W.1 and the accused. Thereafter, forcible marriage conducted between the deceased and P.W.7. Further, the deceased disclosed about her strained relationship to P.W.16 and the manner in which she was subjected to cruelty and torture. P.W.16 took her to Community Party office where she was enquired, P.W.1 and the accused agreed to take



the deceased to Counseling and to resolve the issue. P.W.16 also stated about the receipt of phone calls and messages. Further, it was projected as though the deceased died due to hanging and later it was found that Sentharagai was strangled to death.

14.A scanned reproduction of the evidence of P.W.18/Postmortem Doctor, Ex.P10 and Ex.P11, Postmortem report and Final opinion are as follows:



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(12)

DUPLICATE

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POST-MORTEM CERTIFICATE

DEPARTMENT OF FORENSIC MEDICINE & TOXICOLOGY

CHENGALPATTU GOVERNMENT MEDICAL COLLEGE AND HOSPITAL

P.M No: 588/20
Date: 09/07/2020

Regarding the body of a female aged about 23 years named SENTHARAGAI W/o Yuvaraj
Requisition received at 3.30PM on 09/07/2020 from the 'RDO of Chengalpattu District,
Crime No.1315/20 of Uthiramerur police station dated 09/07/2020
Body in charge of Police Constable No. PC1874 named Mr.Sarathkumar.

Identification and caste Marks:

- 1) A black mole on the left side of forehead.
- 2) A black mole on the right cheek.

The body was first seen by the undersigned at 03.35 PM on 09/07/2020.
Its condition then was 'Rigor mortis appreciated all over the body.
Post-Mortem commenced at 03.40 PM on 09/07/2020.

Appearances found at the Post-Mortem:

Clothes and Articles:

- a) A turmeric coated thread (thali) present around the neck.
 - b) A blue colour saree.
 - c) A blue colour blouse.
 - d) A blue colour inskirt.
 - e) A black colour bra.
 - f) A yellow and black colour flower designed inner wear.
- On removal of clothes dried turmeric paste was smeared over the head, face, neck, groin, pubic region and external genitalia.
Post mortem hypostasis seen on the back of body, back of legs and fixed.
Clothes and articles were handed over to the police in an unsealed manner.

Dead body of a moderately built, moderately nourished adult female, face swollen, intense congestion of face and neck with patchy petechial haemorrhages at places. cornea-hazy, pupils dilated and fixed, conjunctiva congested, palpebral conjunctiva showed multiple petechial haemorrhages, mucous membranes of mouth, lips, tongue and nailbeds of fingers were cyanosed.



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P.M No: 588/20, CMCH, CHENGALPATTU

Blood stained frothy fluid exudes from the nostrils and mouth. Wrinkling of the skin of the tip of all the fingers of both hands present.

**EXTERNAL INJURIES:
ON LEFT SIDE OF NECK:**

1) Obliquely placed crescentic shaped bright red nail mark abrasion of size 0.7 cm present on the left side of neck with convexity to the left situated 3 cm from the midline of neck and 3 cm below the mandible. On further dissection underlying soft tissue found to be contused with extravasation of blood into the surrounding soft tissues.

2) Vertically placed crescentic shaped bright red nail mark abrasion of size 1 cm present on the left side of neck with convexity to the left situated 3.5 cm from the midline of neck and 4 cm below the mandible. On further dissection underlying soft tissue found to be contused with extravasation of blood into the surrounding soft tissues.

3) Obliquely placed crescentic shaped bright red nail mark abrasion of size 0.5 cm present on the left side of neck with convexity to the left situated 3 cm from the midline of neck and 5 cm below the mandible. On further dissection underlying soft tissue found to be contused with extravasation of blood into the surrounding soft tissues.

4) Bright red abrasion of size 0.2 cm x 0.1 cm present on the left side of neck situated 2.5 cm from the midline of neck and 5.5 cm below the mandible.

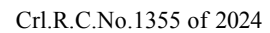
Injuries 1,2,3 and 4 were present one below the other.

Injuries 1,2 and 3 were separated by a distance of 1 cm and injuries 3 and 4 were separated by a distance of 0.5 cm.

ON RIGHT SIDE OF NECK: A contusion measuring 1 cm x 0.5 cm x 0.2 cm present on the right side of neck situated 3.5 cm from the midline of neck and 4 cm below the mandible. On further dissection underlying soft tissue found to be contused with extravasation of blood into the surrounding soft tissues.

ON DISSECTION OF HEAD:

ON REFLECTION OF SCALP: A bright red contusion of size 4 cm x 3 cm x 0.2 cm on the occipital region of the scalp. Multiple petechial haemorrhages present all over the inner surface of scalp.



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ON REMOVAL OF THE CALVARIUM:

BRAIN: Surface vessels were engorged and tortuous, cut section: Congested and multiple petechial haemorrhages seen on the white matter.

BLOOD LESS DISSECTION OF NECK:

HYOID BONE, THYROID AND CRICOID CARTILAGES: Intact.

ON DISSECTION OF THORAX:

HEART: Normal in size; weighs 280 gms. Cut section: All chambers contain partial clotted blood; Valves: Normal. Great vessels: Normal; Coronaries: Patent.

ON DISSECTION OF ABDOMEN:

SMALL INTESTINE: contained 50 ml of chyme. No specific odour, mucosa congested;

LARGE INTESTINE: Distended with gas.

LIVER: normal in size. Cut section: congested

SPLEEN: normal in size. Cut section: congested

BOTH KIDNEYS: normal in size. Cut section: congested

PANCREAS: normal in size. Cut section: congested.

BLADDER: empty.

UTERUS: weighs 40 gms measuring 6 cms x 3 cms x 2 cms. cut section: empty.

EXTERNAL GENITALIA: intact.

PELVIS AND SPINAL COLUMN: intact.



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NOTE:

1. Post mortem concluded at **5.00 PM** on 09.07.20.
2. All injuries are antemortem in nature and fresh (within 12 hrs).
3. Time since death is 12 to 24 hrs before the commencement of postmortem.
4. Visceral organs (stomach and its contents, intestine and contents, portion of liver, portion of both kidneys, blood) preserved and sent for chemical analysis.
5. Skin bit from right little finger, heart, uterus, portion of kidney, portion of lung, portion of liver taken for histopathological examination.

Provisional opinion as to cause of death:

The deceased would appear to have died due to effects of Manual Strangulation of Neck. However final opinion reserved pending for want of chemical analysis report.



1. Name: Dr. RAMACHANDIRAN S., MD
Rank: DR. RAMACHANDIRAN, MD(FM)
ASSISTANT PROFESSOR
DEPARTMENT OF FORENSIC MEDICINE
CHENGALPATTU MEDICAL COLLEGE
REG.No : 90093.

2. Name: Dr. RAMKUMAR J., MD
Rank: DR. RAMKUMAR J., MD
ASSISTANT PROFESSOR
DEPT. OF FORENSIC MEDICINE
CHENGALPATTU GOVT. MEDICAL COLLEGE
CHENGALPATTU - 603 001

1. By appearance
2. Designation of officer sending requisition
3. Station of the officer sending requisition
4. If the body was seen before post-mortem, note time and general condition.
5. Enter condition of the body (ie) warm, cold, rigor mortis present or passed off and state of pulse, putrefaction early, moderate or advanced.
6. After 'appearance' (usual) enter all particulars regarding wounds, injuries and suspicious signs external or internal, which should be concisely and sufficiently described, the site and the extent of a wound being carefully described.
7. The original certificate should be placed in a cover which should be sealed and sent direct by the Medical officer to the Magistrate, specified by the police, on the same day the post-mortem is held.
8. The certificate should not be filled in until the post-mortem notes have been entered in full in ink in the post-mortem register. This should be done at once to obviate the possibility of any delay the delivery of the certificate to the police.

15. Thus the medical evidence confirms manual strangulation of neck.

The death occurred inside the house of P.W.1 and the accused. The external



injuries and the internal injuries confirms that the reason for death could not have been mere slip and fall in the floor. The Trial Court finding that all the witnesses closely related, to protect the accused not supporting the case of the prosecution and were focused, determined and ensured benefit of doubt enures to the accused and others. The Trial Court rightly invoking Section 165 of Indian Evidence Act put Court questions to all the witnesses to discover the truth and recorded the same, from P.W.1, P.W.2, P.W.4, P.W.5, P.W.7, P.W.10, P.W.11, P.W.16 and P.W.18 and following the judgment of the Apex Court in the case of *Hardeep Singh vs. State of Punjab and others* reported in (2014) 3 SCC 92, the Trial Court rightly added P.W.1 as accused and passed the impugned order dated 01.08.2024. This Court finds no reason to interfere with the impugned order passed by the Trial Court.

16. Accordingly, the criminal revision petition stands dismissed. Consequently, connected miscellaneous petition is closed.

19.09.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No



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To

- 1.The Deputy Superintendent of Police,
Madhuranthagam Circle,
Kancheepuram Sub-Division,
Kancheepuram.
- 2.The Inspector of Police,
Uthiramerur Police Station,
Uthiramerur.
- 3.The District and Sessions Judge,
Kanchipuram.
- 4.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

Pre-delivery order made in

Crl.R.C.No.1355 of 2024

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