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R.T.No.1 of 2025 and Crl.A.No.1744 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 18.11.2025

Pronounced on : 27.11.2025

CORAM :

The Hon'ble Mr.JUSTICE N.SATHISH KUMAR
and
The Hon'ble Mr.Justice M.JOTHIRAMAN

R.T.No.1 of 2025 and Crl.A.No.1744 of 2025

R.T.No.1 of 2025 :

The Sessions Judge,
Mahalir Neethimandram,
Allikulam,
Chennai.

.. Referring officer

Vs.

Sathish

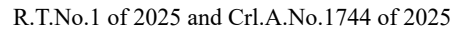
.. Respondent

Crl.A.No.1744 of 2025 :

D.Sathish

.. Appellant

Vs.



.. Respondent

Crl.A.No.1744 of 2025 has been filed under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking to set aside the judgment of conviction and sentence dated 27.12.2024 in S.C.No.194 of 2023 on the file of learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai.

: Mr.R.John Sathyan, Senior Advocate
for Mr.J.B.Soloman Peter Kamal Dos

: Mr.Hasan Mohamad Jinnah,
State Public Prosecutor
assisted by
Mr.A.Damodaran, Addl. PP



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and Mr.S.Santhosh, GA and
Ms.M.Sumith Arnic and
Mr.S.Arun Pandi and
Mr.A.Mohammed Imran and
Ms.A.Safra

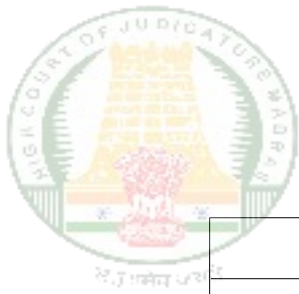
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COMMON JUDGEMENT

N.SATHISH KUMAR, J.

Referred Trial No.1 of 2025 is a reference made by the learned Sessions Judge, Mahalir Neethimandram, Allikulam under Section 366 of Cr.P.C. for confirmation of the capital punishment of death sentence awarded to the accused in S.C.No.194 of 2023 by a judgment dated 27.12.2024.

2.Criminal Appeal No.1744 of 2025 has been filed by the accused under section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, challenging his conviction and sentence in the above sessions case. The appellant/accused was convicted and sentenced by the trial Court as follows :



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<i>Conviction</i>	<i>Sentence</i>
Section 302 IPC	Sentenced to death and be hanged by the neck till he is dead subject to confirmation by the Hon'ble High Court and to pay a fine of Rs.25,000/- in default, to undergo one year simple imprisonment.
Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998	Sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment

The trial court has also ordered that out of the fine amount of Rs.35,000/- to be paid by the accused, Rs.25,000/- shall be given as compensation to the younger sisters of the deceased under section 357(1)(c) of Cr.P.C, after the expiry of the appeal time and after the disposal of the appeal if any filed. The trial court has also ordered to pay a sum of Rs.10,00,000/- to the younger sisters of the deceased, as compensation from the Tamil Nadu State Government within a period of 30 days from the date of receipt of the judgment as mentioned in Section 357A of Cr.P.C.

3.The brief facts of the prosecution case are as follows:



3.1.The deceased Sathya and P.Ws.1,2 and 3 were college mates.

The accused and deceased were in love affairs for some period. The deceased and P.Ws.1 to 3 were studying in Shri Shankarlal Sundarbai Shasun Jain College for Women. The deposition of P.W.1 is that the accused used to come to the college to see the deceased. He used to call the deceased frequently over phone and involved in altercation with the deceased. The deceased also informed P.W.1 Dharani that the family members of the accused also requested to marry him. However, the the family members of the deceased did not agree for the same on the ground that the accused belongs to different caste, besides he is also a drunkard and a drug addict and has no permanent job. That apart, he is also 10 years elder than the deceased. Therefore, the parents of the deceased did not agree for the marriage and they decided to marry the deceased to one Rahul. Thereafter, the deceased was not in talking terms with the accused. The accused also used to follow the deceased even after the relationship with the deceased fell apart. P.W.1 has also deposed that P.W.1 and the



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deceased used to travel in suburban train. They used to board the train at St. Thomas Mount railway station. The accused also used to visit the deceased in St. Thomas Mount railway station and P.W.1 has also seen the accused beating the deceased. In the month of September, 2022, while P.W.1 and deceased were sitting in the railway station, the accused came and requested P.W.1 by prostrating to make the deceased to speak to him. He was in the habit of coming to the railway station for many times and following the deceased. The accused has also set up a DP in his phone indicating that “Sathish loves Sathya we are married”. As the accused frequently follow the deceased, a police complaint has also been given against the accused which is Ex.P.7 with P.W.19, Sub Inspector of Police, St. Thomas Mount. P.W.19 enquired the accused and he has also given an undertaking that he will not involve in such things hereafter and accordingly, the accused was warned. Ex.P.8 is the CSR Receipt No.243 of 2022. The mother of the deceased Ramalakshmi has also requested the Inspector of Police of St. Thomas Mount police station not to take any



further action which is marked as Ex.X.1. The undertaking given by the accused is marked as Ex.P.9. The undertaking given by the uncle of the accused is marked as Ex.P.12. As the two families have given undertakings, the case has been closed under Ex.P.28.

3.2.It is the deposition of P.W.1 that on 12.10.2022 at about 12.30 p.m., as usual, the deceased has reached the railway station prior to the arrival of P.W.1 and when P.W.1 saw the deceased, she panicked and when P.W.1 enquired the deceased, the deceased informed her that the accused came and stared at her and on the same day around 6.00 p.m., the accused was standing in front of the college. On 13.10.2022, as usual around 12.40 p.m., P.W.1 reached the railway station and the deceased Sathya also was coming to the railway station. She was covering her face with mask. At that time, the accused came to the railway station and was sitting in the chair near the staircase in the railway station. The accused also came near to the place where P.W.1 and deceased were standing. The accused pretending as if he was speaking to some one over the phone,



came towards the deceased and P.W.1. By that time, an announcement was also made in respect of the arrival of the train from Tambaram to Beach and the train was also arriving. When the accused came near to the deceased, the deceased asked him by gesturing her hand as to why he came here. At that moment, by pretending as if he was speaking to some one over phone, the accused came near to the deceased and pushed her on the track. The deceased fell down and before she got up, the train ran over the deceased. The accused ran away from the place of occurrence. P.W.1 and others in the station have chased him but they could not succeed in their attempt. The deceased died on the spot and her body parts were scattered. Immediately P.W.1 informed P.W.2 and other college mates about the incident. They also reached the railway station.

3.3. Thereafter, P.W.1 informed the officials in the railway station that the mother and aunt of the deceased were working as Writer in the Alandur Police station and the officials informed about the incident to Alandur police station. After some time, the aunt of the deceased also



came there. Thereafter, the police officials came from the Mambalam police station and enquired about the incident and P.W.1 gave a complaint which was marked as Ex.P.1. The phone of the deceased was identified by P.W.1 which was marked as M.O.1 and the dresses worn by the deceased were marked as M.Os.2 to 5. On the date of occurrence, the accused was wearing a white colour shirt and black colour pant which were identified by the P.W.1 and they were marked as M.O.6 and M.O.7. The spectacles worn by the accused was identified by P.W.1 and the same was marked as M.O.8. The photographs of the deceased which were taken after the incident were marked as Ex.P.2 series. The CCTV footages in the pendrive which were shown to P.W.1 were marked as M.O.9.

3.4.P.W.2 Arthi also on receipt of the information from P.W.1 rushed to the spot and she was also enquired by the police officials. P.W.3, Shalini who is also a college mate of P.Ws.1 and 2 and deceased, has deposed that she also knows the accused since the deceased had love



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affair with the accused. The deceased also informed P.W.3 that her family had arranged her marriage with some one and that she did not talk to the accused. P.W.4, Kanchana, who is the aunt of the deceased has deposed that she was working as I Grade Constable in the Vigilance and Anti corruption Department. The deceased is her sister's daughter. According to her, the father of the accused was a retired police man and they are residing in the same police quarters. On 16.05.2022, they decided to marry the deceased to one Rahul, who is the son of P.W.4's brother. On 20.05.2022, a friend of the deceased Monisha called her around 2.30 pm or 3.00 pm informing her that the accused came to the college, created ruckus and beat the deceased. The sister of P.W.4 and mother of the deceased Ramalakshmi gave a complaint Ex.P.7 to the St. Thomas mount police station. The accused was called by the police and he has also given an undertaking that he will not involve in such activities which is marked as Ex.P.9. The mother of the accused has also given an undertaking Ex.P.10. The sister of the accused has also given an undertaking which



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was marked as Ex.P.11. The accused's sister's husband has also given an undertaking which was marked as Ex.P.12. A complaint was also given to the jurisdictional police station, namely Mambalam Police station by the sister of P.W.4 which was marked as Ex.P.13. The accused has prostrated before the mother of the deceased and sought apology. The FIR against the accused was registered under section 75 of the City Police Act and the accused was warned and let off. Thereafter, on 13.10.2022, P.W.4 on receiving information from her mother, went to the railway station and has seen the dead body of the deceased.

3.5.P.W.5 is a uncle of deceased Sathya. He has deposed that on 13.10.2022 when he was working in Egmore Police Station, he received information from his wife that the deceased was pushed down on the train. So, he rushed to the St. Thomas Mount railway station and as the dead body was not there, he went to Mambalam Railway police station and it was informed that the dead body of the deceased was sent to the Government hospital. Later at about 01.30 a.m., the father of the deceased



died due to heart attack.

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3.6.P.W.6 is the wife of P.W.5. According to her, she was also informed by the mother of the deceased about the previous complaint given against the accused. She also rushed to the spot after hearing the news of death of the deceased. P.W.7 is the person in whose presence the police has prepared Ex.P.14 observation mahazar and the police has also recovered from the place of occurrence a chain, one pair of ear stud, bracelet, identity card, air pods, books and water bottle and the same were recovered under a seizure mahazar Ex.P.15. P.Ws.8 and 9 who were the persons, have lifted the dead body in the railway station and sent the same to the hospital through ambulance and in their presence also, the observation mahazar Ex.P.14 was prepared. Ex.P.16 and Ex.P.17 are the signatures of P.Ws.8 and 9 in the observation mahazar.

3.7.P.W.10 who is the Revenue Inspector in whose presence the confession of accused was recorded by the Investigating Officer. The signature of P.W.10 is marked as Ex.P.18. In pursuance of the same, the



purse of the accused, rail tickets, photo of the accused, the photo of the deceased and a Sai Babu statue were all seized under seizure mahazar Ex.P.19. Ex.P.20 are rail tickets. The brown colour purse with passport size photo of deceased and accused was marked as M.O.10 and M.O.11 is the small Saibaba statue. M.Os.6 and 7 dresses of the accused were also seized by the police.

3.8.P.W.11 is the loco pilot. He was in-charge of the train No.40068 from Tambaram to Beach. At about 12.32 hours, he started the train from Tambaram railway station and around 12.55 hours, the train reached the St. Thomas Mount railway station. At that time, the speed of the train was around 30 - 35 kms and one girl fell down on the train and was run over. P.W.12 was the train manager of the train bearing No.40068. He deposed that the train was suddenly stopped by applying brake at around 12.55 hours by P.W.11 and he found the dead body of the deceased.

3.9.P.W.13, the Sub Inspector of Police, working in the railway protection force, rushed to the spot on seeing the dead body and he has



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also verified the CCTV and the time was recorded as 13.37 hours, the time has not been reflected properly and the time was shown 43 minutes in advance in the CCTV camera. The CCTV footages downloaded by P.W.13 and the CD was marked as M.O.12 and the pendrive M.O.9 was shown and identified by him. He has issued production memo and certificate under Section 65B of the Indian Evidence Act, which was marked as Ex.P.22. Ex.P.23 photograph taken by him was marked. Ex.P.24 is the certificate issued under Section 65B of the Indian Evidence Act. Ex.P.25 is the production memo.

3.10.P.W.14, the railway points man, has also seen the deceased being run over by the train. P.W.15, Chief Ticket Inspector of St. Thomas Railway Station at that time, has also seen the dead body and he has also seen P.W.1 was crying and weeping. P.W.16, Commercial Supervisor of St. Thomas Mount railway station, has identified the tickets Ex.P.20 issued by his office. P.W.17 is the person who had earlier resided in the police quarters, in his deposition has stated that he has seen the deceased



Sathya and the accused Sathish going together on one day, i.e., four years prior to the date of occurrence and he has informed the same to the grand mother of the deceased.

3.11.P.W.18 is the Electrician and Plumber and is also residing in the police quarters. The accused was working under P.W.18 for some time. He was also aware of the complaint given against the accused by the family of the deceased in the Mambalam police station during the month of May, 2022 and therefore, the accused did not come to job for two days and thereafter, the accused came to the job and later, the accused did not come for work from 08.10.2022 and thereafter, he came to know about the occurrence.

3.12.P.W.19, Sub Inspector of Police at St. Thomas Mount Police station has deposed that on 21.05.2022 around 12.15 hours, Ramalakshmi, the mother of the deceased came to the station and gave a complaint against the accused stating that the accused was following the deceased and creating fear in her mind. P.W.19 enquired the accused and



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he has given an undertaking that he will not repeat the same in future and the mother, sister and uncle of the accused have also given an undertaking in the same line. The accused was warned. The mother of the deceased gave a written communication not to take any further action against the accused. The CSR Receipt bearing CSR No.243 of 2022 was given which was marked as Ex.P.8. The written communication given by the mother of the deceased for not taking any further action was marked as Ex.X1. Ex.P.9 is the undertaking given by the accused. The undertaking given by the mother of the accused was already marked as Ex.P.10. Likewise, the undertaking given by accused's sister was marked as Ex.P.11 and his aunt's undertaking was marked as Ex.P.12.

3.13.P.W.20, the Inspector of Police, has deposed that he has enquired the previous complaint given by the mother of the deceased against the accused in R-1 Mambalam Police Station on 22.05.2022 regarding creating ruckus and beating the deceased. The accused was summoned and was enquired. The accused and his mother gave an



undertaking that the accused will not give trouble to the deceased.

Therefore, he registered the FIR under section 75 of the City Police Act and let him on bail and closed the case since both family agreed not to precipitate the matter. Ex.P.30, the production cum receipt memo, Ex.P.31, the arrest card in Crime No.98 of 2022, Ex.X2, a copy of the first information report in Crime No.98 of 2022, Ex.P.32, the copy of the station bail issued in Mambalam Police Station, Ex.P.33, the copy of the undertaking given by the mother of the accused, Ex.P.34 the copy of the undertaking given by the accused, Ex.P.35, the copy of the final report in Crime No.98 of 2022 were marked.

3.14.P.W.21, the medical officer of Chennai Medical College Hospital has conducted autopsy on the dead body of the deceased and has found the following external injuries:

'Body was found as three separate parts 1.Head bearing Cervical vertebrae from C1 to C7 28 cms in length from the vertex to the base of cervical vertebra C7, 2.Chest and abdomen with both lower limbs, right upper limb and left upper limb upto proximal



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two third of the left forearm 145 cms in length from the lower neck to the heel, This portion bearing thoracic vertebrae from T1 to Coccyx, 3.Lower forearm with left hand 26 cms in length from proximal amputated forearm to tip of left middle finger. The proximal and distal portions of the decapitated and amputated limbs align well with each other in color, size and shape. Grease stains smeared over most parts of the body and over the wounds.

1.Traumatic decapitation of the body at the level of lower neck with an irregular margin with dark reddish marginal abrasion 6 cms to 8 cms for a circumference of 35 cms at the base of the head exposing the lacerated subcutaneous tissues, muscles, tendons, nerves, vessels and transected vertebra at the base of cervical vertebra C 7.

Decapitated head bears cervical vertebrae from C 1 to C7.

i)An irregular laceration 2.5 cms x 0.5 cm x bone deep at the base of right side chin

ii)1 cm x 0.5 cm x muscle deep on right eyebrow

iii)Avulsion laceration of left ear with an irregular laceration 8 cms x 3 cms x bone deep at the root of left ear

iv)Dark reddish abrasions a) 7 cms x 3 cms at the base of midchin, b) 5 cms x 4 cms on right cheek, c) 3 cms x 1 cm on front aspect of nose



2.A gaping laceration 13 cms x 11 cms x cavity deep on upper aspect of the chest in midline between two mid-clavicular regions exposing the fractured clavicles, ribs, lacerated tendons, nerves, vessels, muscles and subcutaneous tissues.

i)An irregular laceration 11 cms x 7 cms x cavity deep on left axilla

ii)An irregular laceration a) 2.5 cms x 1 cm x bone deep, b) 1 cm x 0.5 cm x 0.5 cm on front aspect of left arm

iii)An irregular lacerations a) 5 cms x 1.5 cms x cavity deep, b) 2 cms x 1 cm x cavity deep, c) 1.5 cms x 1 cm x cavity deep on right side of neck

iv)Dark reddish abrasions a) 16 cms x 3 cms on left axilla, b) 14 cms x 9 cms on front aspect of upper midchest, c) 3 cms x 1 cm on front aspect of right upper chest, d) 14 cms x 12 cms on upper aspect of right shoulder, d) 3.5 cms x 0.5 cm on outer aspect of right shoulder, e) 15 cms x 8 cms on back aspect of right shoulder, f) 15 cms x 5 cms on outer aspect of right lower forearm, g) 3 cms x 2 cms on back aspect of right elbow, h) 1 cm x 0.5 cm on back aspect of right mid-forearm, i) 2 cms x 1 cm on front aspect of right thigh, j) 2 cms x 0.5 cms, 3 cms x 0.5 cm, 1 cm x 0.5 cm on front aspect of right knee, k) 3 cms x 1 cm, 2 cms x 0.5 cm on outer aspect of right knee, l) 5 cms x 3 cms, 5 cms x 0.5 cm, 3 cms x 1 cm on front aspect of right



upper leg, m) 2 cms x 1 cm on front aspect of left knee, n) 4 cms x 3 cms, 5 cms x 3 cms on inner aspect of left upper leg, o) 2 cms x 0.5 cm on inner aspect of left midleg, p) 1 cm x 1 cm on front aspect of left ankle, q) 12 cms x 0.5 cm, 6 cms x 1 cm, 4 cms x 0.5 cm on outer aspect of left thigh, r) 5 cms x 0.5 cm, 7 cms x 0.5 cm on outer aspect of left hip, s) 6 cms x 3 cms, 3 cms x 0.5 cm on back aspect of left forearm, t) 12 cms x 6 cms on back aspect of right hip, u) 12 cms x 2 cms on back aspect of abdomen in lumbar region, v) 4 cms x 0.5 cm, 5 cms x 0.5 cm, 3 cms x 0.5 cm on back aspect of left hip w) Dark red imprint abrasion 34 cms x 10 cms obliquely from back aspect of right shoulder to the left lower scapular region'

The following internal injuries are found on the dead body of the deceased:

1. HEAD

- (a) Scalp findings – Dark reddish scalp contusion 18 cms x 12 cms x full thickness on left parieto-occipital region
- (b) Skull (Describe fractures here & show them on body diagram enclosed) – full thickness elevated fracture of occipital bones with an elevation of 0.75 cms with sutural separation of lambdoid suture of both sides for a length of 22 cms with a radiating full thickness fracture into left occipital bone for a length of 7 cms and



a radiating fissured fracture into left parietal bone for a length of 4 cms

(c)Meninges, meningeal spaces & Cerebral vessels – Dural laceration of 4 cms x 0.5 cms x full thickness on left parietal region. Diffuse Subdural and subarachnoid hemorrhages on surfaces and bases of both cerebral and cerebellar hemispheres (Haemorrhage & its locations)

(d)Brain findings (Wt 1200 gms) – Normal in size, An irregular laceration 4 cms x 0.5 cm x 0.5 cm on upper surface of left parietal lobe, cut section – normal

(e)Base of skull – Comminuted fracture of posterior cranial fossa and left anterior cranial fossa

2.NECK

-Mouth, Tongue & Pharynx and vocal cords – Intact and Normal

-Larynx – Missing

-Condition of neck tissues – most parts of the neck tissues missing. Only few lacerated neck muscles found adherent to the head portion.

-Thyroid & other cartilage conditions – Missing, Hyoid bone – Missing

3.CHEST

-Ribs and Chest wall – Irregular complete fracture of right clavicle, first and second rib on right side in mid-clavicular line,



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left clavicle and left ribs from 1 to 5 in midclavicular line with surrounding intercostal muscle contusion.

-Oesophagus – Traumatic amputation at the level of lower neck

-Trachea – missing

-Diaphragm – Normal and Intact

-Pleural Cavities - R – Normal

●L – Normal

●Lungs findings & Wt.200 gms & Lt 200 gms – Normal in size,
Cut section – Normal

●Pericardial Sac empty

●Heart findings & Wt.200 grams, Normal in size, Chambers
empty,

●Large blood vessels – Normal and Patent

4.Abdomen

-Condition of abdominal wall – Normal

-Peritoneum & Peritoneal cavity – Normal

-Stomach (wall condition, contents & smell) contained 280 grams
of light brown coloured partly digested food particles with no
specific odour, mucosa- normal

-Small Intestines including appendix – Normal

-Large intestines & Mesenteric vessels – Normal

-Liver including gall bladder (Wt 1100 grams) – Normal in size,
Cut section- Normal



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-Spleen (Wt 110 gms) – Normal in size, cut section – normal

-Pancreas – Normal

-Kidneys findings & Wt- Rt 100 gms & Lt 110 gms – Normal in size, cut section – congested

-Bladder & urethra – Normal and empty

-Pelvic cavity – Normal

-Pelvic Bones – Intact

-Genital organs (Note the condition of vagina, scrotum, presence of foreign body, presence of foetus, semen or any other fluid, and contusion, abrasion in and around genital organs) – Normal and no external injuries

Labia majora and minora – Normal, no injuries, Vulva – Normal, no injuries, Hymen – Normal and Intact, no injuries, Vaginal swab could be introduced through the hymenal orifice and swab taken and preserved, Clitoris – Normal, no injuries, Posterior fourchette – Normal, no injuries

-Uterus – normal in size, uterine cavity – empty

5.SPINAL COLUMN & SPINAL CORD (To be opened where indicated) – Complete transection of spine at the level between cervical vertebra C7 and Thoracic vertebra T1'

P.W.21 has issued Ex.P.36 postmortem certificate. After the Toxicology report Ex.P.37, P.W.21 has issued the final opinion which was marked as



Ex.P.38 opining that the deceased would appear to have died of traumatic decapitation. She has also received the Serology report Ex.P.39, Ex.P.40, Biological report and Ex.P.41 DNA report.

3.15.P.W.22 is the Additional Director of the Forensic Sciences Department. In his evidence, he has stated that he has examined M.O.9 pendrive, M.O.12 DVD and has issued Ex.P.44 Physics Report opining that there is no digital manipulation in the CCTV footages downloaded. He has also examined M.O.17 CD, M.O.6 shirt and M.O.7 jeans pant and opined that the shirt and pants worn by the male individual and in the CCTV footages belong to same male person. P.W.23 working as Scientific Officer in the Forensic Sciences Department in Biology section has examined the material objects recovered from the scene of occurrence and has issued Ex.P.45 Biological report opining that he did not find semen on any of them.

3.16.P.W.24, the Assistant Director in Forensic Sciences Department, Anthropology section has examined M.O.9 pendrive,



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Ex.P.46 photographs of the accused and Ex.P.47, photograph of the wall with name Sathya and has issued Ex.P.48 Anthropological report. She has opined that the photographs of the accused and the images of a male individual in the pendrive were compared and they were tallying with the photographs of the accused. P.W.25, Assistant Director of the Forensic Sciences Department in Computer Forensic Section has examined two mobile phones used by the accused and the deceased and also examined the whatsapp messages and has issued Computer Forensic Examination report Ex.P.50. P.W.26, Special Sub Inspector has deposed that he has accompanied the dead body and handed over the same to the hospital. P.W.27 is the police photographer and he took photographs of the accused and also took photograph of the wall in the residence of the accused where the name of the deceased was written. He developed the photographs and downloaded the same in the CD and handed over the same to the Inspector. The production cum receipt memo was marked as Ex.P.51. He has also issued a certificate under section 65B of the Indian



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Evidence Act which was marked as Ex.P.52.

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3.17.P.W.28, who was the Sub Inspector of Police at the relevant point of time in Mambalam Railway Police station, on receipt of the intimation about the occurrence rushed to the St. Thomas mount railway station and received the complaint Ex.P.1 from P.W.1 and registered the crime No.172 of 2022 under section 302 of IPC at 01.15 p.m. and the said FIR was marked as Ex.P.53. She took up the investigation. She prepared the observation mahazar Ex.P.14 and drew rough sketch Ex.P.54 in the presence of P.W.7 Selvaraj and one Mohan. She has also seized the material objects from the place of occurrence under a seizure mahazar Ex.P.15 which was already marked. She conducted inquest over the dead body and prepared inquest report Ex.P.55 and sent the dead body to the hospital. She recorded the statements of witnesses and handed over the case file to the Railway Inspector. P.W.28 has also recovered from the place of occurrence some blood stained stones, ordinary stones and also a



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cloth under Form 95 which was marked as Ex.P.56 and forwarded the same to the court for the purpose of sending them to the forensic science examination.

3.18.P.W.29, is the Sub Inspector of Police, CBCID, OCU-1, Egmore. He went to the place of occurrence and verified the CCTV camera and gave a special report Ex.P.58 and he has also prepared a special report with call details records which was marked as Ex.P.59 which was handed over to the Inspector. He has received the material objects, namely, mobile phone, pendrive and CD and handed over them to the forensic science department for examination.

3.19.P.W.30, the Railway Inspector of Police, after receipt of the intimation about the occurrence, has directed the Sub Inspector of Police to commence the investigation immediately as he went to the Chengalpattu court relating to some other case. He took up the investigation on 13.10.2022 at 19.00 hours and recorded the statements of witnesses and also verified the CCTV camera. He arrested the accused on



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14.10.2022 at 02.30 a.m. and recorded his confession statement in the presence of witnesses. The doctor who conducted postmortem had handed over the dresses worn by the deceased to P.W.30 and he recovered the same under Form 95 which was marked as Ex.P.60 and thereafter, he sent the accused to the court. Subsequently, as the investigation of the case has been directed to be conducted by CBCID, he has handed over the case file to the CBCID Inspector. He has also issued production memo relating to the cell phones of the deceased and accused and handed over them to the CBCID Inspector. Ex.P.61 is the production cum receipt memo relating to the phone of the accused. Ex.P.62 is the production cum receipt memo relating to the phone of the deceased. The production cum receipt memo in respect of spectacles and photographs of the accused was marked as Ex.P.63.

3.20.P.W.31, the Inspector of Police CBCID, took up the investigation as per the proceedings of the Director General of Police, Head of Police Force Tamil Nadu and the Director General of Police,



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CBCID, Chennai which were marked as Exs.P.64 and P.65 respectively

and registered the FIR Ex.P.66 in Crime No.7 of 2022. She went to the place of occurrence and prepared the observation mahazar Ex.P.67 and rough sketch Ex.P.68. She also collected the material objects already produced by P.W.30. She has also given requisition to the concerned nodal officers of the respective telephone operators to furnish the call details. She has also collected the pendrive and CD relating to the CCTV footages and sent them to the court under Form 95 which was marked as Ex.P.72. Thereafter, she took up the police custody of the accused and examined him. She has also collected the material objects already seized by the other officers and after examining all the other witnesses, finally filed the final report under sections 354D and 302 of IPC and Section 4A(2)(i) of the Tamil Nadu Prohibition of Harassment of Women Act.

3.21.On appearance of the accused, the provisions of Section 207 Cr.P.C. were complied with and the case was committed to the Court of



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Session in S.C.No.194 of 2023 and was made over to the Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai for trial.

3.22.The trial Court framed the charges against the accused under section 354D IPC or in alternative under section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and under section 302 IPC or in alternative under section 4A(2)(i) of the Tamil Nadu Prohibition of Harassment of Women Act.

3.23.To prove the case, the prosecution has examined as many as 31 witnesses, namely P.W.1 to P.W.31 and marked 90 documents, namely Ex.P.1 to Ex.P.90. Two documents, namely Ex.C.1 and Ex.C.2 were also marked as court side exhibits. Further, the prosecution has produced 23 material objections, namely M.O.1 to M.O.23. Ex.X1 to Ex.X.5 documents were also marked.

3.24.On completion of the evidence on the side of the prosecution, the accused was questioned under section 313 Cr.P.C. as to the incriminating circumstances found against him in the evidence adduced



by the prosecution witnesses. He denied all the incriminating circumstances. On the side of the defence, two witnesses were examined as D.W.1 and D.W.2 and seven documents were marked as Ex.D.1 to Ex.D.7.

3.25. On the side of the accused, D.W.1, the reporter of Puthiya Thalaimurai has deposed that on 22.10.2022, they telecast the news pertaining to the case in their Television and they have also telecast the request from the police officials to the public that if the general public know about the occurrence, they can inform the police. D.W.2, the Psychiatric doctor working in the Puzhal central prison was also examined. She deposed that she has examined the accused in the jail. The accused informed her that he is in the habit of taking drinks and the accused further informed her that as he was thinking about the occurrence, he had headache for two days and he did not have proper sleep. D.W.2 deposed that proper counselling was given to the accused.



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Ex.D.6 is the behaviour report of the accused maintained in the prison and Ex.D.7 is the copy of the Intake form in which the accused was interrogated on his custody in prison and the same was recorded in the said form.

3.26.The trial Court, after appreciating the oral and documentary evidence and materials on record, by judgment dated 27.12.2024, found the accused guilty of the offences and thereby, convicted and sentenced him to undergo imprisonments as stated above.

4.Challenging the conviction and sentence, Crl.A.No.1744 of 2025 is filed by the accused. A reference has been made by the learned Sessions Judge, Mahalir Neethimandram, Allikulam under Section 366 of Cr.P.C. for confirmation of the capital punishment of death sentence awarded to the accused which was numbered and taken as R.T.No.1 of 2025.



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5.Learned Public Prosecutor would submit that the trial court has given maximum punishment to the accused as according to him, the murder is a brutal one and the deceased was pushed in front of the running train since the deceased refused to marry the accused and decided to marry the other person. The prosecution has proved the complicity of the accused in the crime. The presence of the accused in the occurrence place has been clearly spoken to by P.W.1 who is the eye witness. That apart, the CCTV footages were downloaded in the pendrive and CD and were marked as material objects. It is clear from the evidence of P.W.22 that there is no digital manipulation which has been clearly spoken to by the expert. Learned Public Prosecutor further submitted that the accused used to follow the deceased in respect of which a complaint has earlier been given by the mother of the deceased to P.W.19, Sub Inspector of Police, St. Thomas Mount police station and thereafter, a complaint has also been lodged to the jurisdictional police station at Mambalam before P.W.20.



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6. According to learned Public Prosecutor, it is the choice of a woman to marry a man of her choice and that the accused cannot take advantage. The learned Public Prosecutor submitted that the accused had already decided to eliminate the deceased and with pre-determined mind, the accused has followed the deceased continuously and there is no sudden provocation for the accused to commit the crime. It is with the intention of committing such a grave crime, the accused came to the railway station on the date of occurrence and committed such a grave crime. The evidence of eyewitness and the electronic evidence have clearly proved the offence committed by the accused and the evidences are corroborated with each other. Therefore, the Prosecution has proved its case beyond reasonable doubt and there is no mitigating circumstances to give lesser punishment to the accused. The occurrence has happened in the railway station with full public view and it is a preplanned gruesome murder without any sudden provocation. Further, after the incident, the family of the deceased was totally devastated. Therefore, the learned



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Public Prosecutor submitted that the capital punishment imposed by the trial court has to be confirmed.

7.The learned senior counsel Mr.R.John Sathyan, appearing for the appellant in the criminal appeal and respondent in the Referred Trial, fairly submits that as far as the occurrence is concerned, he has no case, but the case does not require any capital punishment. The relationship between the accused and deceased is not disputed and they are in love affair for many years. Both of them are residing in the same police quarters since some of the family members of both accused and deceased were working in the police department. The very evidence of P.W.1 clearly indicates that there were messages exchanged between deceased and accused and in fact, a perusal of the instagram account of the accused clearly shows that they were in love affair. This has been spoken to by P.W.1. According to learned Senior Counsel, when they were in such relationship, suddenly, the family of the deceased decided to marry the



deceased to some one mainly on the ground that the accused is from different caste and he is jobless and is 10 years elder to deceased, that apart he is a drunkard and addicted to drug. On that ground, the deceased has in fact agreed to marry the other person. The learned senior counsel submitted that such a situation has forced the accused to commit such offence as he is mentally disturbed. In fact, the accused had momentary loss of sanity and reasoning. There was no intention of the accused to commit such an occurrence.

8.Further, the learned senior counsel submitted that the accused is young and in a fit of rage and due to the sidelining by the deceased though they were in love affair for many years which provoked him and caused frustration which has developed as sustained provocation. Due to such sustained provocation and fit of anger, he has pushed the deceased in the railway track. Learned senior counsel submitted that the evidence of P.W.1 is clear that the deceased tried to get up but slipped. Therefore, the accused has no intention to commit the offence. In any event, the entire



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occurrence is due to fit of rage and due to sustained provocation. The accused had momentary loss of sanity and reasoning and out of frustration, he has committed the offence and therefore, it is not a fit case for awarding the capital punishment. The conduct of the deceased and their relationship would clearly show that there are mitigating circumstance to award lesser sentence other than the capital punishment. The accused was mentally and emotionally disturbed due to the deceased sidelining him. Therefore, the mental and emotional aspect of the accused also should be taken note of. It is a fit case where the capital punishment awarded by the trial court has to be set aside and this court may consider awarding the lesser punishment to the accused.

9.We have perused the entire materials and paid anxious consideration to the submissions made by both sides.

10.It is to be noted that P.Ws.1 to 3 were classmates of the deceased in the college and they were all students of Shri Shankarlal Sundarbai Shasun Jain College for Women. In her evidence, P.W.1 has



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clearly spoken that the deceased and P.W.1 used to go to the college in the electric train. They used to board the train at St. Thomas Mount railway station regularly. The accused also is known to them and previously, the accused and the deceased had love affair. When the family of the accused requested for the marriage, the same was negatived by the family of the deceased on the ground that the accused is addicted to drinks and drugs and is jobless and that the accused is 10 years elder to the deceased and is from different caste. Therefore, the family of the deceased decided to marry the deceased to one Rahul. After such development, the accused was still following the deceased. He has also involved in a quarrel with the deceased on many occasions. On one occasion, the accused went to the college of the deceased, where he had created ruckus and waylaid the deceased and even beat her. In respect of the same, a complaint has also been filed before P.W.19 by the mother of the deceased. P.W.19, Sub Inspector of Police, St. Thomas Mount police station has clearly spoken about the complaint Ex.P.7 given by the mother



of the deceased. He has also enquired the accused which resulted in filing CSR No.243 of 2022 and after enquiry, the accused was warned and the said case was closed. Later, they were also asked to give a complaint to the jurisdictional police. P.W.20, Sub Inspector of Police, Mambalam Police station has also enquired the complaint given by the mother of the deceased and has enquired the accused and warned him. He filed FIR under section 75 of the City Police Act and collected fine and released the accused on bail. These facts clearly establish that after the deceased disowned the accused and after her family decided to marry her to one Rahul, the accused still was following the deceased and in fact, was persistent in continuing the relationship with deceased.

11.The evidence of P.W.1 when carefully scanned, it is clearly seen that even after the relationship of the accused and deceased was broken, still the accused has kept in his DP that 'Sathish loves Sathya we are married'. P.W.2, one of the classmates of the deceased has also spoken about the love affair between the deceased and accused. P.W.3 also has



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spoken about such affair between the deceased and accused. P.Ws.1 to 3

were classmates of deceased and they were aware that the deceased and accused had love affair which later broke out due to the intervention of the family of the deceased. The evidence of P.W.1 further clearly shows that even after the deceased disowned the accused, the accused was following her which resulted in a complaint which was enquired by P.W.19 and P.W.20 and the accused was warned and has given an undertaking that he will not repeat the same. On 12.10.2022 also, the accused came to the railway station which has been informed by the deceased to P.W.1. On 13.10.2022, on the date of occurrence, P.W.1 has reached the railway station at about 12.40 p.m. and after some time, the deceased also came there to go to the college. The accused was also in the railway station and was seated in the railway station. When the train from Tambaram to Beach train was approaching the railway station, the accused pretending in conversation over phone came nearer to the deceased and has pushed her, as a result of which the deceased fell down



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on the track and was run over by the train. Thereafter, the accused has started running from the place of occurrence.

12.The evidence of P.W.1 is also clearly substantiated by the electronic evidence. The video footages in the CCTV camera from 11.10.2022 till the date of occurrence, i.e., on 13.10.2022 have been downloaded by P.W.13, the Sub Inspector of Police, Railway Protection Force, St. Thomas Mount Railway station. He in fact downloaded the same in M.O.9 pendrive and M.O.12 CD. He has also issued a certificate under section 65B of the Indian Evidence Act, 1872. It is relevant to note that his evidence in the cross examination clearly indicates that he was also in-charge of the CCTV system though there is a separate control room with regard to the CCTV. His evidence clearly shows that he was only looking after the CCTV system and he has downloaded the footages and has issued the certificate under Section 65B of the Indian Evidence Act which is marked as Ex.P.22.

13.P.W.22, the Assistant Director of Forensic Science Department



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has examined the said pendrive and the CD and other materials sent to him and found that there is no digital manipulation in the video footages downloaded in the M.O.9 pendrive and M.O.12 CD. He has also given a report Ex.P.44. He has also given the evidence to the effect that on examination of the material objects, no digital manipulation was found in the CCTV footages downloaded and therefore, we are of the view that the electronic evidence cannot be discarded. P.W.1 has also identified the CD footages in the court. We have also seen the footages and the same is clearly substantiated by the evidence of P.W.1. The presence of P.W.1 and the accused at the relevant point of time has also been clearly established. P.W.24, the Anthropologist working in the Forensic Sciences Department has also examined the pendrive and photographs of the accused Ex.P.46 and compared the photographs by using Amped-Five software and has issued Ex.P.48, Anthropological report. The said report clearly indicate that the morphological facial features described from the facial images of the male individual seen in the photographs were compared with the



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visually available facial features of the male individuals appearing in the video footages of the pendrive. The video footages were examined in normal speed and in slow motion and also in the form of selected snapshots both on screen and as hard copies. The male individual with facial features similar to the male individual seen in the photographs were identified from the video footages of the pendrive and finally opined that the male individual seen in the photographs items 2 to 7 and the identified male individual appearing and seen pushing a female individual onto the railway track while the train comes on the track in the video footages of the pendrive item 1 could possibly be the same male individual. She has also given a detailed examination and a report. P.W.1 in her evidence has also clearly identified the images in the CCTV and immediately after the occurrence, she sat down in the seat and she has also identified the dead body which was also captured in the CCTV footages. All these were clearly spoken to by P.W.1.

14.P.W.13, Sub Inspector of Police, RPF, St. Thomas Mount



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Railway Station has also clearly stated in his evidence that though the timing is shown as 13.37 hours in the CCTV, the timing in the CCTV recording was shown to be 43 minutes extra. The court is of the view that though the time has been altered some how or the other, the fact remains is that the occurrence took place when the Tambaram -Beach Train approached the station which has been clearly established. P.W.11, the loco pilot, in his evidence has clearly stated that the train ran over the deceased at 12.55 hours. Therefore, merely because there is some difference in the CCTV camera with regard to the time, that will not tilt the prosecution version. The presence of P.W.1 and the accused were clearly established not only by the ocular witnesses, but also through electronic evidence. We have also seen the video footages downloaded which clearly shows that the accused was very much present and pretending to be in conversation with some third party over phone, he has pushed the deceased Sathya on the track and immediately, the train ran over the deceased. This fact clearly shows that it is only the accused who



has pushed the deceased down. P.W.1 was accompanying the deceased daily to the college. Her evidence appears to be natural and there was no reason to implicate the accused in the crime. Further, the evidence of experts, namely P.W.22 and P.W.24 clearly proved the electronic evidence and that the identity of the accused has also been established by Anthropological report Ex.P.48 and the evidence of P.W.24. Therefore, the act of the accused pushing the deceased into the track has been clearly established.

15.The motive of pushing the deceased on the railway track, particularly on noticing that the train was entering the railway station has also been clearly established. The accused had love affair with the deceased which fact has been clearly established not only by P.Ws.1 to 3 but also by the evidence of P.Ws.19 and 20 who have been examined to prove the previous complaints given against the accused as the accused was following the deceased and was giving trouble to the deceased and



has created ruckus in front of the college where the deceased was studying. Therefore, the motive on the part of the accused to commit the crime by eliminating the deceased in view of the fact that she disowned him, has been clearly established.

16.P.W.21, the medical officer who has conducted autopsy over the dead body of the deceased found the injuries on the dead body as noted above and the post mortem report is Ex.P.36 and has given the opinion Ex.P.38 that the deceased would appear to have died of traumatic decapitation. The postmortem doctor has noted that all the injuries noted by him are antemortem in nature.

17.Further, the body of the deceased was torn into pieces due to the train being run over. The body of the deceased has been identified through DNA Test Ex.P.41 which has been marked through P.W.21, doctor. Further, the identity of the victim has also been identified not only in the DNA test but also by the dresses worn by her. This fact was also spoken to by P.W.1. In fact, the electronic evidence clearly proved the



complicity of the accused with the crime and P.W.1 who was present at the time of occurrence has also clearly spoken about the occurrence.

Therefore, the question of identity does not arise at all. The evidence of P.W.11, loco pilot, P.W.12 Train manager and P.W.15 Chief Ticket Inspector have also clearly spoken that the train ran over the deceased and immediately thereafter, the train was also stopped. The fact remains is that the time between the accused pushing the deceased into the track and the train ran over has happened within a few seconds.

18. Therefore, it is clear from the analysis of the deposition of witnesses and the materials found that only the accused has pushed the deceased in a fit of rage due to the failure in love affair as the deceased has disowned him and a complaint in this regard was also given by P.W.1 and the FIR has also been registered. Though the FIR has been registered on the same day, it reached the court the next day with some delay. Considering the nature of the incident which has occurred in the busy railway station and the dead body was removed from the place of



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occurrence and was sent to the Government Hospital and the investigating officers were present and the investigation was carried out immediately, the despatch of the FIR to the Court with a delay is not fatal to the prosecution when all other evidences are undoubtedly pointing towards the guilt of the accused and the evidence of eye witnesses and the scientific evidences are corroborating with each other. Even in section 313 Cr.P.C. questioning also, the accused has not disputed that he had affairs with the deceased. The call details of the accused and the deceased were also examined by the Experts and it is clearly found from the messages and in the instagram of the accused that the accused maintained the DP indicating that he loves the deceased.

19.On careful perusal of the evidence of P.W.1 coupled with the electronic evidence and the medical doctor's evidence, this court is of the considered view that it has no doubt in his mind to conclude that it is only the accused who has committed the offence of murder. The very act of the accused pushing the deceased knowing well that the train is approaching



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in the said direction clearly shows that the accused knew that it is so
imminently dangerous that his act must in all probability cause death or
such bodily injury as is likely to cause death and commits such act
without any excuse for incurring the risk of causing death or such injury
as aforesaid. This act of the accused certainly falls within the ambit of
Section 300 of IPC. The intention of the accused can also be gathered
through his act. The accused was following the deceased even after she
disowned him and even he wanted to continue the relationship with her.
In fact, he prostrated before P.W.1 on one occasion and requested her to
make the deceased to speak to him. The evidence of P.W.1 clearly shows
that the accused prostrated before P.W.1 and he wanted to continue the
relationship with the deceased. This fact clearly shows that the accused
has committed the act out of frustration as the deceased disowned him.
However, the fact remains is that it is the choice of the deceased to marry
a person of her choice. The right to marry a person of one's choice is a
fundamental right. Merely because the deceased did not like to marry the



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accused will not give a licence to the accused to commit such an act of murder. Though the accused might have been under frustration to cause such drastic act by committing murder by pushing the deceased on the railway track, particularly knowing well that the train is approaching the station, he has no authority to take another's life. The commission of murder cannot be justified under any circumstances. From the conduct of the accused, the intention of the accused to cause death can be easily inferred. After pushing the deceased into the track, the accused has tried to flee from the place of occurrence which fact has also been clearly captured in the CCTV and has also been spoken to by P.W.1. This act of the accused clearly shows that the accused had, in fact with the intention of doing away the deceased, meticulously executed the plan knowing fully well that the train was approaching the railway station which resulted in the death of an innocent girl. Therefore, we are of the view that the act of the accused is certainly comes under the ambit of section 300 of IPC.



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20.The contention of the learned senior counsel for the accused is that since the accused was in frustration and the provocation which was persistent in his mind for a few months after the deceased disowned him has caused sustained provocation and has led to the occurrence. Such a contention cannot be countenanced. In fact, the accused was waiting in the railway station for the deceased to come to the station and was watching her from a distance under the pretext that he was talking to some one over phone and when the train was approaching the station, he was casually coming near to the deceased in order to execute his plan of committing murder and in a fraction of second, he pushed the deceased to the track. This act of the accused clearly shows that the act of the accused is not due to sudden or sustained provocation. Therefore, the act of the accused cannot be brought under any of the exceptions to section 300 of IPC. The learned senior counsel has very fairly submitted that the act caused by the accused is not disputed but he tried to bring the act of the accused within any of the exceptions to section 300 of IPC.



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21. On a perusal of the entire evidence and also looking the manner in which the accused pushed her and was waiting in the railway station not only on the occurrence date but also on the previous day, this court is of the view that the accused has meticulously executed his plan of doing away the deceased. Therefore, his act will not fall within the ambit of any of the exceptions as contended by the learned senior counsel appearing for the accused. The accused is certainly liable for punishment under section 302 of IPC. Accordingly, the charge against the accused under section 302 of IPC has been clearly established.

22. The trial court has also convicted the accused under section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998. To bring the act of the accused within the ambit of harassment of woman, it must be proved that any indecent conduct or act by a man causes or likely to cause intimidation, fear, shame or embarrassment including abusing or causing hurt or nuisance or assault or use of force. A perusal of the entire evidence would show that though in the month of May, 2022, there was



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some incident in the college, later there was no such harassment whatsoever caused. The accused has followed the deceased and was waiting in the railway station and therefore, in the absence of any evidence with regard to harassment, it cannot be said that the offence under section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 has been made out. The accused has just followed her and he, some how or the other, wanted to restore the relationship with the deceased. Therefore, when the accused and the deceased are known to each other and when he tried to restore the relationship and made such attempts towards the same, it cannot be said that there was some harassment to bring the offence within the ambit of section 4. Therefore, the conviction and sentence imposed by the trial court under aforesaid section 4 alone is set aside. However, we confirm the conviction imposed by the trial court against the accused under section 302 of IPC.

23. Now the question that arises is whether the act of the accused requires any capital punishment.



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24.No doubt, the accused has decided to eliminate the deceased since the relationship with her failed despite several attempts made by him to restore the same. At the same time, it is pertinent to note that it is the choice of a women to select her spouse. Merely because the deceased girl disowned him will not give licence to the accused to take away her life. Due to the death of the deceased, her father has committed suicide and her mother who was suffering from cancer also died. The entire family of the deceased was devastated and shattered due to the act of the accused. The act of the accused clearly indicates that he was mentally and emotionally disturbed due to frustration on account of the failure of his relationship with the deceased. The evidence of the witnesses also indicate that the family members of the deceased and accused were working in the police department and they were residing in the same police quarters and therefore, the accused and deceased developed love affair for many years. Suddenly when the family of the deceased disowned him and decided to marry the deceased to one Rahul, the same



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has caused frustration in the mind of the accused and therefore, the

accused was nurturing the ill towards deceased and decided to eliminate

her. Though the act of the accused certainly comes under section 300 of

IPC, we are of the view that the act of the accused committing murder of

the deceased does not fall within the category of 'Rarest of Rare' case. It

is relevant to note that Hon'ble Apex Court in *Manoj Vs. State of*

Madhya Pradesh reported in (2023) 2 SCC 353 in paragraphs 247 to 251

has held as follows:

'247. The goal of reformation is ideal, and what society must strive towards — there are many references to it peppered in this Court's jurisprudence across the decades — but what is lacking is a concrete framework that can measure and evaluate it. Unfortunately, this is mirrored by the failure to implement prison reforms of a meaningful kind, which has left the process of incarceration and prisons in general, to be a space of *limited potential* for systemic reformation. The goal of reformative punishment requires systems that actively enable reformation and rehabilitation, as a result of nuanced policy-making. As a small step to correct these skewed results and facilitate better evaluation of whether there is a possibility for the accused to be



reformed (beyond vague references to conduct, family background, etc.), this Court deems it necessary to frame practical guidelines for the courts to adopt and implement, till the legislature and executive, formulate a coherent framework through legislation. These guidelines may also offer guidance or ideas, that such a legislative framework could benefit from, to systematically collect and evaluate information on mitigating circumstances.

Practical guidelines to collect mitigating circumstances

248. There is urgent need to ensure that mitigating circumstances are considered at the trial stage, to avoid slipping into a retributive response to the brutality of the crime, as is noticeably the situation in a majority of cases reaching the appellate stage.

249. To do this, the trial court must elicit information from the accused and the State, both. The State, must—for an offence carrying capital punishment—at the appropriate stage, produce material which is preferably collected beforehand, before the Sessions Court disclosing psychiatric and psychological evaluation of the accused. This will help establish proximity (in terms of timeline), to the accused person's frame of mind (or mental illness, if any) at the time of committing the crime and offer guidance on mitigating factors (1), (5), (6) and (7) spelled



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out in *Bachan Singh* [*Bachan Singh v. State of Punjab*, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] . Even for the other factors of (3) and (4)—an onus placed squarely on the State—conducting this form of psychiatric and psychological evaluation close on the heels of commission of the offence, will provide a baseline for the appellate courts to use for comparison i.e. to evaluate the progress of the accused towards reformation, achieved during the incarceration period.

250. Next, the State, must in a *time-bound manner*, collect *additional* information pertaining to the accused. An illustrative, but not exhaustive list is as follows:

- (a) Age
- (b) Early family background (siblings, protection of parents, any history of violence or neglect)
- (c) Present family background (surviving family members, whether married, has children, etc.)
- (d) Type and level of education
- (e) Socio-economic background (including conditions of poverty or deprivation, if any)
- (f) Criminal antecedents (details of offence and whether convicted, sentence served, if any)
- (g) Income and the kind of employment (whether none, or temporary or permanent, etc.);



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(h) Other factors such as history of unstable social behaviour, or mental or psychological ailment(s), alienation of the individual (with reasons, if any), etc.

This information should mandatorily be available to the trial court, at the sentencing stage. The accused too, should be given the same opportunity to produce evidence in rebuttal, towards establishing all mitigating circumstances.

251. Lastly, information regarding the accused's jail conduct and behaviour, work done (if any), activities the accused has involved themselves in, and other related details should be called for in the form of a report from the relevant jail authorities (i.e. Probation and Welfare Officer, Superintendent of Jail, etc.). If the appeal is heard after a long hiatus from the trial court's conviction, or High Court's confirmation, as the case may be — *a fresh report* (rather than the one used by the previous court) from the jail authorities is recommended, for a more exact and complete understanding of the contemporaneous progress made by the accused, in the time elapsed. The jail authorities must also include a fresh psychiatric and psychological report which will *further* evidence the reformatory progress, and reveal post-conviction mental illness, if any. '



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25.In a recent decision of Hon'ble Supreme Court in *Vasanta Sampat Dupare Vs. Union of India* reported in **2025 SCC OnLine SC 1823**, the decision of Hon'ble Supreme Court in *Manoj* case supra has been referred to say that the above directions oblige the State, rather than the accused, to place before the trial court, at the very sentencing stage, a structured dossier covering psychiatric assessment proximate to the offence, socio-econommmmic and family history, educational attainment, prior conduct, and a contemporaneous report on jail behavior and by doing so, it is intended to prevent sentencing from defaulting into a purely retributive response to the brutality of the crime and to supply appellate courts with a baseline against which genuine progress towards reformation can later be measured.

26.In the light of the above guidelines of the Hon'ble Apex Court and as the said guidelines were not followed by the trial court, this court directed the learned Public Prosecutor to produce the materials relating to psychiatric and psychological evaluation of the accused for finding out



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the frame of mind or mental illness if any at the time of committing the crime and his conduct after he was put in prison. The report in this regard was also filed by the learned Public Prosecutor in a sealed cover.

27.The report of the Probation Officer (i/c), Prisons and Correctional Services Department, Saidapet @ Tambaram, Chennai, dated 15.11.2025 is as follows:

'With reference to the above cited subject, an enquiry has been conducted regarding convict PID No 458810 Satish s/o Dayalan (Central Prison-1, Chennai-66) in the residential address No 100D, Global View Apartment, Balagangadhar street, Adambakkam, Chennai-88.

At present the age of Convict PID No:458810 Satish s/o Dayalan is 34. He is the last and third child of Mr.Dayalan and Mrs.Saraswathy. He is the only son of the family. He is having two elder sisters namely Sarala and Saranya. Both are married and living with their husband in Adambakkam.

Father of the convict Mr.Dayalan is a Retired SSI from Palavanthangal police station. He got his retirement in the year 2014. Now he is receiving pension.

Convict's family were residing in police quarters situated in Alandur. After his father's retirement, they shifted to the house



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situated in Raja street, which is very near to the police quarters for lease.

After the incident, convict's parents vacated the house in raja street, and moved to Adambakkam with their younger daughter Mrs.Saranya to the above mentioned address which is a rented house. Now Mrs.Saranya is taking care of their parent's need.

Convict is un-married and he is a school dropout who had studied up to Class 8th in Mont fort school, St. Thomas Mount, Chennai. Due to loss of interest in studies he stopped to going to school. He tried to appear for tenth privately which was unsuccessful. Convict's parents were very loving and caring towards him. They belong to middle class family. Convict's parents lead life with the pension of Mr.Dayalan.

Before the incident, convict worked as a loading man in airport under contract for three years. After that he had tried many jobs like electrician, mechanic etc. Sometimes he had tried to start business like Biriyani shop and butcher shop. But he got consistent income from online clothes sales. He used to take care of himself with his earnings.

According to the neighborhood and family members, convict was a normal, mentally stable person, who synchronizes with society, and very silent person. Neighbours said that he



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helped everyone who asked him for help, He wouldn't do anything which disturb others and he used to mind his own business. He didn't create any ruckus even if he drank with his friends while attending functions. According to them, convict was always sitting in a mechanic shop and did the work what the owner said.

According to the family members, convict was not open to anyone, and he always stayed in his room and didn't talk much. According to them he was little bit introvert. Convict was not used to open up things and he always kept within.

Because of the disappointment being rejected by the woman he had been in love with for six years, he was behaving abnormal like yelling, always being alone, and felt depressed for six months before the incident. During that period convict was talking about suicide. During those days only, family members worried about his mental well-being. They wanted to send him to some other place so that he will not think of suicide and he might have a chance to think about his future life. Other than that he was a very normal, obedient person with less interaction. These were gathered from his family members.

As per the antecedent behavioral enquiry conducted in his area, Satish is a situational offender. And he was not habitual.

I hereby submit the details regarding the convict PID No 458810



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Satish s/o Dayalan (Central Prison -1, Chennai-66) through this

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28. Similarly, the Superintendent of Prisons, Central Prison-I, Chennai has filed a report dated 17.11.2025 with the Psychological report, dated 15.11.2025 and observation report dated 15.11.2025 which are as follows:

Report of Superintendent of Prisons, Central Prison-I, Chennai bearing

No.11064/R1/2025, dated 17.11.2025:

'With reference to the Hon'ble High Court of Madras Government Advocate (Crl., Side) letter cited, I submit below the Death Sentenced Convict Prisoner PID No.458810 Sathish S/o Dayalan's work performance and behavioural conduct within the prison based upon records available in the prison before this Hon'ble Court.

2) It is submitted that the Death Sentence Convict Prisoner PID No.458810 Sathish S/o Dayalan concerned in CBCID – Central Crime Branch, Chennai Police Station Cr. No.7/2022 in the Court of Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai in S.C. No.194 of 2023 was convicted on 30.12.2024



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and sentenced U/s 4 of Tamilnadu Prohibition of Harassment of Women Act and U/s 302 of the Indian Penal Code and sentenced to Suffer death. The appeal against the Trial Court is pending before the Hon'ble High Court of Madras in R.T.No.1 of 2025 and Crl.A.No.1744 of 2025.

3)With regard to the conduct of the accused and behaviour, it is submitted that his conduct in prison is presently satisfactory.

4)With regard to the nature of work which has been performed by the appellant while in jail, it is submitted that the said prisoner upon request was assigned the job of book-binding, and his work performance is satisfactory.

5)With regard to the psychological evaluation of the concerned prisoner, it is submitted that the observation report from Director, Institute of Mental health, Kilpauk, Chennai and Psychological report of this Prison Psychologist is also enclosed herewith.

6)Therefore, the Hon'ble High Court shall kindly be appraised about the submission of the above reports concerning the said Death Sentenced Convict Prisoner PID No.458810 Sathish S/o Dayalan and thus render Justice.'

Psychological Report is as follows:

'GOVERNMENT INSTITUTE OF MENTAL HEALTH



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DEPARTMENT OF CLINICAL PSYCHOLOGY

PSYCHOLOGICAL REPORT

Date: 15/11/2025

Name: Mr.Sathish **Age:** 34 years. **Sex:** Male **OP No.**174/22

Unit: IV **Education:** 8th

Occupation: Garments business (previous)

Referred for : Psychological Assessment

Date of assessment : 15/11/2025

Salient Features:

Mr.Sathish aged 34 years, Tamil speaking, Male, unmarried, was referred by honourable High court of Madras for psychological assessment. The Patient reported no complaints at present.

Tests Administered:

- 1.Beck Depression Inventory (BDI)
- 2.Signs and Symptoms Inventory (SSI)
- 3.NEO Five-Factor Inventory-3 (NEO-FFI-3)
- 4.Emotional Intelligence Test (EIT)
- 5.Rorschach Ink Blot Test (RIBT)

Behavioural Observation:

Mr.Sathish was ambulant, alert, conscious, and oriented during the session. He appeared well kempt, groomed, and adequately dressed. Eye contact was maintained. Rapport could be established. Speech is relevant and coherent. Attention and



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concentration could be aroused and sustained. Comprehension is adequate and he was able to follow the instructions. He was cooperative for all the assessment sessions.

Test Findings:

Psychopathology:

On SSI, he has no significant score on any of the subscales, indicating the absence of psychiatric symptoms.

On BDI, he has no significant score for Clinical Depression.

Personality and Interpersonal:

On NEO-FFI-3, his scores show that he has very high scores on Conscientiousness, high scores on agreeableness and average scores on Openness to experience and Extraversion, low score on Neuroticism.

On EIT, he has an average level of emotional intelligence.

On RIBT, it shows average productivity with quick mentation time. Total number of responses is 13. He has 5 popular responses indicating touch with reality. The increase in D response percentage indicates a practical real life application of intellectual capacity. The presence of greater FM compared to M indicates that the individual can be ruled by immediate needs for gratification rather than by long-range goals. The low white



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background response, low total number of responses, high animal responses, narrow content range indicates an underlying depressive elements.

Impression and Outcome:

Mr.Sathish, aged 34 years, Tamil speaking, Male, clinically has adequate intellectual functioning. Personality and projective tests reveal overall adaptive pattern with underlying need for immediate gratification. He has average emotional intelligence. Based on psychological assessment, he has no psychiatric symptoms at present.'

Observation Report is as follows:

INSTITUTE OF MENTAL HEALTH, KILPAUK, CHENNAI-10

OBSERVATION REPORT

DATE: 15/11/2025

Name : Mr.Sathish, S/O Mr.Dayalan

Age/sex: : 33 yrs/Male

OP No : Cr 174/23

Unit : IV

Identification Mark : 1)A black mole on the left ring finger

2)A black mole on the left shoulder

Reference : letter from Superintendent of Police, Central Prison II, Puzhal.



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Ref.No.14115/jF 2/2025, Date: 14/11/2025.

- - - -

Mr.Sathish was registered at the Institute of Mental Health on 26/11/2022, and a detailed physical, mental, and psychological assessment was done on that day.

He again presented on 14.11.2025 with the above reference. Detailed evaluation done on 14.11.25 & 15.11.25.

His current Mental status examination revealed no gaze avoidance, rapport established, euthymic mood. No delusion or perceptual abnormalities were noted.

Based on the available history, mental status examination & psychological evaluation, he has nil psychopathology at present.

CENTRAL PRISON 1, CHENNAI-66

PSYCHOLOGICAL STUDY REPORT

PID: 458810

Name: SATHISH

Father's Name: Dayalan

Date of Birth: 22.07.1991

Age : 33yrs

Nationality : Indian

Marital Status: Unmarried

Education: 10th St. Pass



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Employment History : Airport-Loading supervisor- 5 years till

2021. Since 2021- Garment Business

Habit: Alcohol-occasionally

Conduct: Said had no conduct issues during childhood period and at school.

Leisure activity: prefers to be with friends

Medical History: No major treatment history for physical and mental issues, except tablet for sleep for a brief period at Central Prison 2 during Remand.

Home Condition: Harmonious, safe and secured.

Relationship with family : Good

Previous Institutional Record: Nil

Present Offence: 302 IPC-Sathya 23yrs Female-Love for 5 years-Train Accident – Case

Circumstance of offence: Said he had issues with the girl's mother as complaint was filed on him.

Response to offence : He said he became blank after the train accident incident

Mental Status Examination:

Sleep: Normal

Appetite: Normal

Mood: Euthymic.

Inmate stated that he was upset seeing Capital punishment



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in news, but after speaking to his mother on the following day, he was encouraged that nothing will happen.

Mental illness Symptoms:

No symptoms of Hallucinations, delusions, anxiety or depression was reflected during his stay at Central Prison 1.

No Self harm or suicidal Ideations – past and present

Copying Factors:

Interview: Gets regular advocate and family interview-mostly mother and sisters visited.

Said he is used to prison environment and felt there is no pointing getting upset. He stated will face the situation and said advocate is supportive.

Said has appealed at High Court. Stated advocate told him that he will get bail through High Court or Supreme Court.,

He said he wanted to take care of his mother as she has taken all the efforts to take him out.

Review on 13.11.2025

Sleep – Good

Appetite – Good

Mood- Euthymic- he was responding with smile.

Thought Content: When enquired about any thoughts / guilty feelings-he stated during his stay in Central Prison 1 – he has got 3-4 times thoughts that he should have been patient and waited



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for some more time (used to get such thoughts when sees some songs). When speaks with others no such thoughts mostly. No behavior / Conduct issues observed at present.

Occupation at Prison: He works at Binding Unit.

NOTE: He was sent to Institute of Mental Health (IMH) for Fresh Psychiatrist and Psychological evaluation Report. The same was obtained after visiting IMH on 14/11/2025 and 15/11/2025.

The Reports are attached for your kind perusal.

Central Prison 2, Remand period-Psychiatrist's report provided for the request Ref.No.4791/RTI/2024-15/04/2024

Name: Sathish S/o Dayalan

Age: 30 years.

Gender: Male

On 27/10/2022 Sathish S/o Dayalan was examined by Psychiatrist Dr. Karthikeyan from Institute of Mental Health (IMH) who came to prison for monthly visit to examine patients with mental health issues. He prescribed Tab: Diazepam 5 mg for a week.

On 25/11/2022 the Inmate Sathish was reviewed and he said sleep improved with medication and had no specific complaints. With respect to psychiatrist advice, he was sent to IMH for registration on 26/11/2022. Cr.OP No.174/22.



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He was prescribed T.Diazepam – 5 mg for 4weeks.

On 23/12/2022- he was reviewed by Psychiatrist at Prison and was reported that the Inmate Sathish was mentally well and had no complaints and same medications were repeated.

Since the inmate complained of excess sleep and drowsiness the medication was stopped at prison Hospital.

After a year on 24/01/2024 with reference from Prison Medical Officer Dr.Keerthivasan that Sathish s/o Dayalan has sleep issues for 10 days as Trial was going.

The Psychologist Dr.C.G.Hemamalini Ph.D., reviewed and recommended him to be shifted to prison hospital from New Block G8 for 24x7 observation and care. On follow-ups he said he was fine and had no sleep issues.

On 08/02/2024 he was again reviewed to show to psychiatrist- if there was any need, but he said he was fine and slept well and had no anxiety issues. So, counselling was provided to face the situation. He said does not want medication.

29.This court has considered the above reports. Considering the age of the accused and also taking note of the fact that the accused has no



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bad antecedents prior to the occurrence, the possibility of the accused person's reformation is higher and the accused has better chance of being reformed. The very sentencing policy itself is only for reformatory justice and not retributive justice.

30.Hon'ble Supreme court in *Chhannu Lal Verma v. State of Chhattisgarh* reported in (2019) 12 SCC 438 has dealt with the circumstances under which the aggravating and mitigating circumstances are to be considered and relevant paragraphs in this regard are paragraphs 12 to 18, which read as follows:

'12. In *Shankar Kisanrao Khade v. State of Maharashtra* [*Shankar Kisanrao Khade v. State of Maharashtra*, (2013) 5 SCC 546 : (2013) 3 SCC (Cri) 402] this Court looked at the manner in which the aggravating and mitigating circumstances are to be weighed and how the rarest of rare test is to be applied while awarding death sentence and held thus : (SCC p. 576, para 52)

“52. Aggravating circumstances as pointed out above, of course, are not exhaustive so also the



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mitigating circumstances. *In my considered view, the tests that we have to apply, while awarding death sentence are “crime test”, “criminal test” and the “R-R test” and not the “balancing test”. To award death sentence, the “crime test” has to be fully satisfied, that is, 100% and “criminal test” 0%, that is, no mitigating circumstance favouring the accused. If there is any circumstance favouring the accused, like lack of intention to commit the crime, possibility of reformation, young age of the accused, not a menace to the society, no previous track record, etc. the “criminal test” may favour the accused to avoid the capital punishment. Even if both the tests are satisfied, that is, the aggravating circumstances to the fullest extent and no mitigating circumstances favouring the accused, still we have to apply finally the rarest of the rare case test (R-R test). R-R test depends upon the perception of the society that is “society-centric” and not “Judge-centric”, that is, whether the society will approve the awarding of death sentence to*



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certain types of crimes or not. While applying that test, the court has to look into variety of factors like society's abhorrence, extreme indignation and antipathy to certain types of crimes like sexual assault and murder of intellectually challenged minor girls, suffering from physical disability, old and infirm women with those disabilities, etc. Examples are only illustrative and not exhaustive. The courts award death sentence since situation demands so, due to constitutional compulsion, reflected by the will of the people and not the will of the Judges.”

13. In our opinion, the High Court has erroneously confirmed death penalty without correctly applying the law laid down in *Bachan Singh* [*Bachan Singh v. State of Punjab*, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] , *Machhi Singh* [*Machhi Singh v. State of Punjab*, (1983) 3 SCC 470 : 1983 SCC (Cri) 681] , *Santosh Bariyar* [*Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra*, (2009) 6 SCC 498 : (2009) 2 SCC (Cri) 1150] and *Shankar Kisanrao Khade* [*Shankar Kisanrao Khade v. State of Maharashtra*, (2013) 5 SCC 546 :



(2013) 3 SCC (Cri) 402]. The decision to impose the highest punishment of death sentence in this case does not fulfil the test of “rarest of rare case where the alternative option is unquestionably foreclosed”. The questions laid down in para 39 of *Machhi Singh* [*Machhi Singh v. State of Punjab*, (1983) 3 SCC 470 : 1983 SCC (Cri) 681] have not been answered in the particular case. No evidence as to the uncommon nature of the offence or the improbability of reformation or rehabilitation of the appellant has been adduced. *Bachan Singh* [*Bachan Singh v. State of Punjab*, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] unambiguously sets out that death penalty shall be awarded only in the rarest of rare cases where life imprisonment shall be wholly inadequate or futile owing to the nature of the crime and the circumstances relating to the criminal. Whether the person is capable of reformation and rehabilitation should also be taken into consideration while imposing death penalty. As laid down in *Shankar Kisanrao Khade* [*Shankar Kisanrao Khade v. State of Maharashtra*, (2013) 5 SCC 546 : (2013) 3 SCC (Cri) 402] , whether the person would be a threat to society or whether not granting death penalty



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would send a wrong message to society are additional factors to be looked at. No such analysis was undertaken by the High Court. The High Court has also failed to look at the aggravating and mitigating circumstances regarding the criminal as warranted by *Bachan Singh* [*Bachan Singh v. State of Punjab*, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] . The fact that the appellant had no previous criminal record apart from the acquittal in Section 376 IPC, which was a false implication and the alleged motive did not weigh with the High Court as an important mitigating circumstance with respect to the criminal.

14. In the past four decades or so, this Court has been consistently echoing its concern on the constitutional ethos on value and dignity of life, when it said in *Bachan Singh* [*Bachan Singh v. State of Punjab*, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] that “extreme depravity”(para 201), “it is the duty of the State to adduce evidence that there is no probability that the accused can be reformed” (para 206), “liberal and expansive construction” (para 209), “alternative option is unquestionably foreclosed” (para 209), “humane concern” (para 209), “real and abiding concern for



dignity of human life” (para 209), in *Machhi Singh* [*Machhi Singh v. State of Punjab*, (1983) 3 SCC 470 : 1983 SCC (Cri) 681] that “gravest case of extreme culpability” (para 38), “only when life imprisonment appears to be an altogether inadequate punishment” (para 38), “mitigating circumstances should be given full weightage” (para 38), in *Santosh Bariyar* [*Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra*, (2009) 6 SCC 498 : (2009) 2 SCC (Cri) 1150] that “probability that the accused can be reformed and rehabilitated” (para 57), “the rarest of rare case is a negative precept” (para 58), “‘rarest of rare cases’ is an exceptionally narrow opening” (para 58), “extraordinary burden on the Court to impose death” (para 60), “maximum weightage to mitigating circumstances and yet no alternative except death” (para 39), “highest standards of judicial rigor and thoroughness” (para 61), and in *Shankar Kisanrao Khade* [*Shankar Kisanrao Khade v. State of Maharashtra*, (2013) 5 SCC 546 : (2013) 3 SCC (Cri) 402] that “possibility of reformation, young age of the accused, not a menace to the society, no previous track record” (para 52), etc. These factors have not received due consideration by



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either the High Court or the trial court.

15. The appeal has been pending before this Court for the past four years. Since the appellant has been in jail, we wanted to know whether there was any attempt on his part for reformation. The Superintendent of the jail has given a certificate that his conduct in jail has been good. Thus, there is a clear indication that despite having lost all hope, yet no frustration has set on the appellant. On the contrary, there was a conscious effort on his part to lead a good life for the remaining period. A convict is sent to jail with the hope and expectation that he would make amends and get reformed. That there is such a positive change on a death row convict, in our view, should also weigh with the Court while taking a decision as to whether the alternative option is unquestionably foreclosed. As held by the Constitution Bench in *Bachan Singh* [*Bachan Singh v. State of Punjab*, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] it was the duty of the State to prove by evidence that the convict cannot be reformed or rehabilitated. That information not having been furnished by the State at the relevant time, the information now furnished by the State becomes all the more relevant. The standard set by



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the “rarest of rare” test in *Bachan Singh* [*Bachan Singh v. State of Punjab*, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] is a high standard. The conduct of the convict in prison cannot be lost sight of. The fact that the prisoner has displayed good behaviour in prison certainly goes on to show that he is not beyond reform.

16. In the matter of probability and possibility of reform of a criminal, we do not find that a proper psychological/psychiatric evaluation is done. Without the assistance of such a psychological/psychiatric assessment and evaluation it would not be proper to hold that there is no possibility or probability of reform. The State has to bear in mind this important aspect while proving by evidence that the convict cannot be reformed or rehabilitated.

17. Another aspect that has been overlooked by the High Court is the procedural impropriety of not having a separate hearing for sentencing at the stage of trial. A bifurcated hearing for conviction and sentencing was a necessary condition laid down in *Santosh Bariyar* [*Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra*, (2009) 6 SCC 498 : (2009) 2 SCC (Cri) 1150] . By conducting the hearing for sentencing on the



same day, the trial court has failed to provide necessary time to the appellant to furnish evidence relevant to sentencing and mitigation.

18. For the abovementioned reasons, we hold that the imposition of death sentence was not the only option and hence the same needs to be commuted to imprisonment for life.'

31. Another decision of Hon'ble Supreme Court in ***Sambhubhai Raisangbhai Padhiyar v. State of Gujarat*** reported in (2025) 2 SCC 399 is also usefully referred to. Paragraphs 38 to 45 of the aforesaid decision are very relevant to the case on hand and the same are extracted hereunder:

'38. The trial court has imposed the sentence of death and the High Court has confirmed the same. It is time for us to draw up a balance sheet of the aggravating and mitigating circumstances to decide whether the case falls in the category of the rarest of the rare case. We also need to examine whether the sentence of life imprisonment is foreclosed and the possibility of reformation is completely ruled out.



39. Without doubt, the crime committed by the appellant was diabolic in character. He enticed the innocent child by tempting him with ice cream and brutally sodomised and murdered the four-year-old. The appellant also mercilessly strangled the deceased. The post-mortem report clearly indicated that death was due to asphyxia by throttling.

40. On the mitigating side, the appellant was 24 years of age when the incident happened; he had no criminal antecedents; the appellant hails from a low socio-economic household as the mitigation investigation report filed by Ms Komal of Project 39-A, pursuant to the order of this Court dated 5-10-2023 [*Sambhubhai Raisangbhai Padhiyar v. State of Gujarat*, 2023 SCC OnLine SC 2291] indicates. The mitigation report further indicates that experts have opined that the appellant is diagnosed with moderate intensity psychotic features and intellectual disability and that the appellant had in his early childhood contracted Tuberculosis Meningitis (TBM). The appellant, according to the report, maintains family ties with his 64-year-old mother who takes care of his 10-year-old daughter. The appellant's wife has deserted him.

41. By an order of 5-10-2023 [*Sambhubhai Raisangbhai Padhiyar v. State of Gujarat*, 2023 SCC OnLine SC 2291] , we also called for the conduct and behaviour of the appellant from



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the Superintendent of Vadodara Central Jail as well as a report on his mental health. The report from the Superintendent of Vadoara Jail indicates that the behaviour of the appellant in prison is completely normal and that his conduct in jail is good. The report from the Hospital for Mental Health indicates that the appellant has no psychiatric problem at present. The report does indicate a feeling of remorse in the appellant. The appellant has contended that the projective test adopted by the Hospital for Mental Health has its limitations for reliability. Be that as it may.

42. Considering the overall facts and circumstances, we hold that the present is not a case where it can be said that the possibility of reformation is completely ruled out. The option of life imprisonment is also not foreclosed. The case does not fall in the category of the rarest of the rare case. We are of the opinion that ends of justice would be met if we adopt the path carved out in *Swamy Shraddananda (2) v. State of Karnataka* [*Swamy Shraddananda (2) v. State of Karnataka*, (2008) 13 SCC 767 : (2009) 3 SCC (Cri) 113] .

43. Even though the case of the appellant falls short of the rarest of the rare category, considering the nature of the crime, we are strongly of the view that a sentence of life imprisonment which normally works out for 14 years would be grossly disproportionate and inadequate. Having regard to the nature of



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the offence, a sentence of imprisonment for a prescribed period without remission would alone be proportionate to the crime and also not jeopardise the public confidence in the efficacy of the legal system.

44. This Court recently in *Navas v. State of Kerala* [*Navas v. State of Kerala*, (2024) 14 SCC 82 : 2024 SCC OnLine SC 315] , adverting to this aspect had the following to say : (SCC para 48)

“48. How much is too much and how much is too little? This is the difficult area we have tried to address here. As rightly observed, there can be no straitjacket formulae. Pegging the point up to which remission powers cannot be invoked is an exercise that has to be carefully undertaken and the discretion should be exercised on reasonable grounds. The spectrum is very large. The principle in *Swamy Shraddananda* [*Swamy Shraddananda (2) v. State of Karnataka*, (2008) 13 SCC 767 : (2009) 3 SCC (Cri) 113] as affirmed in *V. Sriharan* [*Union of India v. V. Sriharan*, (2016) 7 SCC 1 : (2016) 2 SCC (Cri) 695] was evolved as the normally accepted norm of 14 years was found to be grossly disproportionate on the lower side. At the same time, since it is a matter concerning the liberty of the



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individual, courts should also guard against any disproportion in the imposition, on the higher side too. A delicate balance has to be struck. While undue leniency, which will affect the public confidence and the efficacy of the legal system, should not be shown, at the same time, since a good part of the convict's life with freedom is being sliced away (except in cases where the Court decides to impose imprisonment till rest of the full life), in view of his incarceration, care should be taken that the period fixed is also not harsh and excessive. While by the very nature of the task mathematical exactitude is an impossibility, that will not deter the Court from imposing a period of sentence which will constitute “just deserts” for the convict.”

45. Applying this principle, we hold that a sentence of imprisonment for a period of 25 (twenty-five) years without remission would be “just deserts”. '

32. In the light of the aforesaid decisions of Hon'ble Supreme Court, it is to be noted that the principle of reformation has gained importance in the criminal jurisprudence and is a significant factor while



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awarding sentence to the accused. The courts have to consider the possibility of reintegration of the accused offender into society particularly when the possibility of reformation of an accused is high considering the factors such as age, no previous criminal history and genuine remorse indicating a significant change of mind of the accused. The Courts should see the individual criminal not as irrevocably criminal but as capable of reformation when they are provided with sufficient rehabilitative opportunities. A balancing judicial approach is necessary while awarding punishment to an accused like the one in the present case. While assessing the case as to whether it qualifies under the rarest of rare category, it is necessary for the courts to exercise a balancing approach. No doubt, the courts should look into the brutality of the offence, but at the same time, the factors such as the chances of reformation, the age of the accused, the socio economic background and prospects of rehabilitation must also be seen. A careful analysis of the case on hand would show that the case on hand would not fall within the category of



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'rarest of rare' case. While the offence is undoubtedly grave in nature and very serious one and requires maximum punishment, the materials placed on record do not show that the accused is beyond redemption. The punishment to be awarded to the accused should be reformatory in nature and the punishment is not solely retributive. The punishment should also serve as a deterrence as well as reformation. When there is a possibility of reformation, the aspect of reformation must be given primacy unless it is clearly ruled out by producing sufficient materials. The age of the accused must also be taken into account while considering the punishment. When there is likelihood of behavioural transformation, the courts should see that during the younger years, the youth possess the capacity of introspection, reform and they can reintegrate into the society. In the absence of previous bad antecedents and further the accused is not a habitual offender but is a person who has acted under the influence of frustration, the said aspect must also be considered while modifying the sentence. Such a modification maintains a clear balancing approach that



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when there is a chance of reformation by the accused, the same shall not be closed or denied unless the possibility of reformation is clearly overruled. Therefore, it is appropriate that the death sentence awarded to the accused is to be modified to life imprisonment and the same will meet the ends of justice.

33.Considering the reports of the Probation Officer and the Superintendent of Prisons and considering the entire occurrence which is due to frustration of the accused because of failure in the love affair and the family of the deceased disowned him, we are of the view that the death sentence is not warranted and if life imprisonment is awarded, that will meet the ends of justice.

34.It is also appropriate to refer to the decision of Hon'ble Supreme Court in Review Petition (Criminal) No.308 of 2011 in Criminal Appeal No.379 of 2009, dated 14.02.2019 [***Md. Mannan @ Abdul Mannan Vs. State of Bihar***] with regard to the length of imprisonment. Paragraphs 87 to 89 are relevant and the same reads as



follows:

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‘87. In Swamy Shraddananda (supra), this court held:

“92. The matter may be looked at from a slightly different angle. The issue of sentencing has two aspects. A sentence may be excessive and unduly harsh or it may be highly disproportionately inadequate. When an appellant comes to this Court carrying a death sentence awarded by the trial court and confirmed by the High Court, this Court may find, as in the present appeal, that the case just falls short of the rarest of the rare category and may feel somewhat reluctant in endorsing the death sentence. But at the same time, having regard to the nature of the crime, the Court may strongly feel that a sentence of life imprisonment subject to remission normally works out to a term of 14 years would be grossly disproportionate and inadequate. What then should the Court do? IF the Court’s option is limited only to two punishments, one a sentence of imprisonment, for all intents and purposes, of not more than 14 years and the other death, the Court may feel tempted and find itself nudged into endorsing the death penalty. Such a course would indeed be disastrous. A far more just, reasonable and proper course would be to



expand the options and to take over what, as a matter of fact, lawfully belongs to the Court i.e. the vast hiatus between 14 years' imprisonment and death. It needs to be emphasised that the Court would take recourse to the expanded option primarily because in the facts of the case, the sentence of 14 year's imprisonment would amount to punishment at all.”

88. In Mulla and Another v. State of U.P.²⁵, this Court has 24 Bihar Prisons Manual 2012, Rule 642 25 (2010) 3 SCC 508 33 affirmed that it is open to the Court to prescribe the length of incarceration. This is especially true in cases where death sentence has been replaced by the life imprisonment. This Court observed, “the court should be free to determine the length of imprisonment which will suffice the offence committed.”

89. Even though life imprisonment means imprisonment for entire life, convicts are often granted reprieve and/or remission of sentence after imprisonment of not less than 14 years. In this case, considering the heinous, revolting, abhorrent and despicable nature of the crime committed by the petitioner, we feel that the petitioner should undergo imprisonment for life, till his natural death and no remission of sentence be granted to him. ‘

35. In the light of the above reasonings and decisions, the



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conviction imposed on the accused vide judgment dated 27.12.2024 in S.C.No.194 of 2023 under section 302 of IPC is confirmed but the death sentence awarded by the trial court with a direction to pay a fine of Rs.25,000/- and in default to undergo one year simple imprisonment is modified to life imprisonment with a direction that the appellant / accused shall not be entitled for any statutory remission or commutation until he serves incarceration for a period of twenty (20) years. This direction is issued considering the age of the accused and the possibility of his reformation is higher and also in the light of the judgment of Hon'ble Supreme Court in ***Sambhubhai Raisangbhai Padhiyar*** supra.

36.The conviction and sentence imposed on the accused under section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 are set aside and the fine amount if any paid by the accused in respect of said conviction and sentence shall be ordered to be returned to the accused. The direction issued by the trial court in respect of compensation of Rs.10,00,000/- to the younger sisters of the deceased



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from the Tamil Nadu State Government is not disturbed by this judgment.

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37.In the result, the criminal appeal is partly allowed with the above modification. The reference of learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai is accordingly answered.

(N.S.K., J.) (M.J.R., J.)
27.11.2025

Index : Yes

Speaking Order

Neutral Citation : Yes

vvk

To

1.The Sessions Judge,
Mahalir Neethimandram,
Allikulam, Chennai.

2.The Inspector of Police,
Integrated Crime Unit-I,
Crime Branch-Criminal Investigation department,
Egmore, Chennai-600 008.

3.The Public Prosecutor,

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Madras High Court,
Chennai.

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4.The Superintendent of Central Prison,
Central Prison,
Puzhal, Chennai.

N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.



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Common Judgment in
R.T.No.1 of 2025 and
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