



CrI.A.No.305 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

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CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN

CrI.A.No.305 of 2019

Ravi @ Ravichandran

... Appellant

Vs.

State represented by
The Inspector of Police,
Kannankuruchi Police Station,
Salem
(Cr.No.510 of 2014)

... Respondent

Prayer : Criminal Appeal filed under Section 374(2) Cr.P.C., against the judgment of Sessions Judge, Mahila Court, Salem in S.C.No.210 of 2017 dated 29.11.2018.

For Appellant : Mr.P.Pugalendhi
(Appointed as Legal Aid Counsel)

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem



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JUDGMENT

(Judgment was delivered by **N. SATHISH KUMAR, J.**)

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Aggrieved over the judgment of conviction and sentence passed by the learned Sessions Judge, Mahila Court, Salem, in S.C.No.210 of 2017, dated 29.11.2018, convicting the appellant/accused for the offence under Section 302 IPC and sentencing him to undergo life imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment, the accused has filed the present appeal.

2.The case of the prosecution is as follows :

2.1. P.W.1 and accused were working in a hotel owned by one Devadas. PW5 joined the accused in a hotel job for daily wages for Rs.500-600/- per day. The accused was staying in the hotel itself. PW7 is owning the print press near the hotel run by PW2's father Devadas. The accused was working as Parotta Master in the hotel and used to stay in the hotel. On the date of occurrence, as usual when PW1, Devadass and PW7 went to hotel, since the shutter could not be opened, they forcibly opened the shutter, at the time, PW1 and PW7 and Devadass saw the accused with the knife and ran away from the place of occurrence. When PW1 and PW7 went inside, they



found the deceased with severe cut injuries on the head of the deceased and her dresses were removed. The deceased is the mother of PW8. The owner of the hotel, Devadas lodged a complaint under Ex.P1. PW20/Special Sub Inspector of Police on 25.11.2014, he received a complaint under Ex.P1 and registered FIR in Cr.No.510/2014 under Section 302 of IPC under Ex.P30 and forwarded the FIR to the Court and copy to the Investigating Officer.

2.2. One Kannaiyyan took up the investigation and PW22 was the sub-inspector at the relevant point of time and he also assisted the investigation conducted by Kannaiyyan and he went to the place of occurrence and prepared observation mahazaar under Ex.P2 in the presence of PW6 and prepared rough sketch under Ex.P35 and conducted inquest on the dead body and prepared inquest report under Ex.P36 and sent the dead body for autopsy with a requisition letter under Ex.P9. He also seized the blood stained mosaic piece in M.O.4 and ordinary mosaic piece in M.O.5 under Ex.P3 and recorded the statement from other witnesses and thereafter, arrested the accused on 26.11.2014 in the presence of PW6 and his assistant and recorded the confession in pursuant to the admission portion of confession under Ex.P37. He also seized M.O.1 and M.O.2 under Ex.P5



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Seizure Mahazaar and forwarded the seized materials under Form 91 under Ex.P38 to the Court and remanded the accused to judicial custody. He also collected special report under Ex.P7/the dresses of the accused in M.O.7 to M.O.8 and sent them to the Court under Form 91. He also sent a requisition to the medical officer to examine the accused.

2.3. PW8 is the daughter of the deceased. According to her, her father died 20 years back, her mother used to stay outside for 10 days. During the occurrence, for two months, she did not come to her house, thereafter, she has identified the dead body of her mother. She has also given photos to the Investigating Officer. PW9 is also the relative of the deceased. He has also identified the deceased dead body in the hotel. PW10 is the medical officer attached to the Government Medical College and Hospital, Salem saw the dead body and issued Accident Register under Ex.P6 and the dead body was sent to mortuary. PW11 constable handed over the dead body to the autopsy and also collected dresses of the deceased in M.O.6 to M.O.8 under Ex.P7 and handed over to the Investigating Officer and gave a special report under Ex.P8 in this regard.

2.4.PW12/Medical Officer attached to the Government Medical



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College and Hospital, Salem conducted autopsy and found the following injuries and issued Postmortem certificate under Ex.P10:-

- “1. DARK RED SCRATCH ABRASION OVER RIGHT CHEEK M-2X0.3CMS*
- 2. SCRATCH ABRASION OVER CENTER OF FOREHEAD M-4X0.2CMS*
- 3. ICM INNER ANOTHER SCRATCH ABRASION M-4X0.1CMS*
- 4. SCRATCH ABRASION OVER RIGHT SIDE OF NOSE M-4X0.2CMS*
- 5. 4 CURVI LINEAR DARK ABRASIONS SEEN AROUND FRONT OF CENTRE OF NECK M-1-1.5X0.3-0.5CMS*
- 6. MULTIPLE HORIZONTAL SCRATCH ABRASIONS SEEN OVER CENTER OF RIGHT SIDE OF NECK.*
- 7. MULTIPLE IRREGULAR SMALL ABRASIONS SEEN ON THE RIGHT SIDE OF CENTER OF NECK.*
- 8. ABRASION SEEN ON THE LEFT SIDE OF LOWER LIP M-18X0.4CMS*
- 9. MULTIPLE LINEAR SCRATCH ABRASIONS SEEN OVER THE MONS PUBIS AND OVER EXTERNAL GENITALIA.*
- 10. MULTIPLE LINEAR SCRATCH ABRASIONS EXTEND FROM RIGHT SIDE OF LOWER ABDOMEN ALONG THE EXTERNAL GENITALIA AND INNER ASPECT OF THIGH UPTO FRONT OF RIGHT KNEE*
- 11. TWO LINEAR SCRATCH ABRASIONS OVER INNER ASPECT OF LEFT THIGH*
- 12. CONTUSION SEEN ON THE LABIAL SURFACE OF RIGHT SIDE OF LOWER LIP M-3.5X1.5X0.5CMS*
- 13. DARK RED CONTUSION ON THE LOWER 3D OF RIGHT SIDE LOWER BACK M-4X3X0.2CMS*
- 14. CONTUSION OVER BACK OF RIGHT SIDE OF CHEST M-4X2X0.2CMS*
- 15. CONTUSION SEEN ON THE UPPER ASPECT CENTER OF BACK M-100X9X0.5CMS*



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16. CONTUSION SEEN IN BETWEEN RIGHT SIDE OF MAJORA AND MINORA M-2XX0.5CMS. HYMEN NOT INTACT.

17. DIFFUSED CONTUSION SEEN OVER THE FRONT AND SIDES OF NECK UPPER ASPECT OF BOTH SHOULDER AND UPPER ASPECT OF CHEST.

18. CUT INJURY SEEN ON THE OUTER ASPECT OF RIGHT EYEBROW M-1X05X0.5CMS

19. CUT INJURY VERTICALLY SEEN OVER THE OUTER ASPECT OF RIGHT EYEBROW M-2.5X1X0.5CMS WITH TAILING UPWARDS.

20. 0.5CMS INNER TO THE PREVIOUS ANOTHER CUT INJURY M-2.5X1X0.5CMS

21. 0.5CMS INNER AND ABOVE RIGHT SIDE OF FOREHEAD A CUT INJURY M-2X0.50.5CMS

22. 2.5CMS INNER TO THE PREVIOUS WOUND ON THE RIGHT SIDE OF FOREHEAD A CUT INJURY M-2X0.5X0.5CMS

INTERNAL EXAMINATION:

O/D HEAD: SCALP CONTUSION OVER RIGHT TEMPORO OCCIPITAL REGION M-15X10.5CMS AND OVER LEFT TEMPORAL REGION M-6X5X0.5CMS WITH BOTH TEMPORALIS MUSCLE CONTUSION. CRANIAL VAULT-INTACT. BRAIN-SUB ARACHNOID HAEMORRHAGE SEEN OVER MID PARIETO TEMPORO OCCIPITAL REGION. BASE OF SKULL-INTACT.

OD NECK:CONTUSION OVER BOTH SIDES OF NECK MUSCLES. FRACTURE OF UPPER TRACHEAL RINGS ALONGWITH BODY OF THYROID CARTILAGE WITH SURROUNDING SOFT TISSUE CONTUSION. HYOID BONE-INTACT.

OD THORAX: RIBS-INTACT. HEART-NORMAL IN SIZE. CHAMBERS-EMPTY VALVES AND CORONARIES-NORMAL. BOTH LUNGS OEDEMATOUS AND C/S CONGESTED.

OD ABDOMEN: STOMACH CONTAINS 20ML OF BROWN



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*COLOUR FLUID WITH NO SPECIFIC ODOUR MUCOSA CS
PALE LIVER SPLEEN, BOTH KIDNEYS, C'S CONGESTED.
BLADDER-EMPTY. PELVIS AND SPINAL COLUMN-INTACT.*

2.5. PW12/Medical Officer also collected viscera and gave opinion under Ex.P12 opining that the deceased would appear to have died of effects of multiple injuries with evidence of sexual assault. The accused was examined as to his potency under Ex.P13 requisition letter and sexual offence case examination certificate was issued under Ex.P14 and age certificate was issued under Ex.P15. On examination of the skull of the deceased, she has also given age certificate under Ex.P17 stating that the deceased should be aged about 55-65 years. PW13 photographer took the photos in MO.9 and M.O.10 as requested by Investigating Officer. PW14/Scientific Officer of the Forensic Department examined the viscera and issued viscera report under Ex.P11 stating that there is no poison detected. PW15/Scientific Officer has examined the material objects and did not found any spermatozoa/semen in the cotton gauze cloth and further, also examined the other material objects and issued Ex.P21/Chemical report. PW17 is also Scientific Officer in the Forensic Department has conducted superimposition of the skull of the deceased and issued Ex.P23 report. The



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photograph of superimposition of skull is marked under Ex.P25.

PW18/Scientific Officer also issued Ex.P26/Serology Report and found that the blood group of 'O' group in respect of item nos.2 to 5. PW19/Scientific Officer conducted DNA test with the blood of PW8 femur of the deceased and issued DNA report under Ex.P28 and Ex.P29 and opined that the blood collected from PW8 tallied with the DNA of the dead body and opined that the deceased is the biological mother of the PW8. PW23, continued investigation later and finally laid the final report against the accused under Section 302 of IPC accused in P.R.C.No.25 of 2016 before the Judicial Magistrate No.IV, Salem.

2.6. 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 Sessions in S.C.No.210 of 2017 and was made over to the Mahila Court, Salem, for trial.

2.7. The trial Court framed the charges for the offences under Section



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302 IPC as against the accused. When questioned, the accused pleaded “not guilty”.

2.8. To prove the guilt of the accused, the prosecution examined P.W.1 to P.W.23, marked Exs.P1 to P41 and produced M.Os.1 to 10. On the side of the defence, neither witness was examined nor any document marked.

2.9. The trial Court, on appreciation of oral and documentary evidence on record, by judgment dated 29.11.2018, convicted the accused for the offence under Section 302 IPC and sentenced him to life imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for six months.

3. Challenging the conviction and sentence *qua* Section 302 IPC, the accused has preferred the present appeal.

4. Since, the counsel on record has stated that the he has no



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instructions, this Court in order to protect the rights of the appellant/accused vide order dated 03.11.2025 appointed Mr.P.Pugalenth, Advocate as legal aid counsel for the appellant to argue the case.

5. Mr.P.Pugalenth, learned legal aid counsel for the appellant submitted that the entire case rests on circumstantial evidences and the circumstances have not been proved by the prosecution to bring home the guilt of the accused. According to the petitioner, though PW1 and PW7 stated to have seen the accused in the hotel, where, the dead body was found and ran away with the knife, the evidences of PW1 and PW7 is highly contradictory with each other. PW1, in his evidence stated as if they opened the back door at that time, the accused ran away through the back door, whereas, PW7 in his evidence has stated that they opened in front side, at the time, the accused ran way. This creates serious doubt about their presence. Further, it is the contention that the so-called recovery relied upon by the prosecution is also highly doubtful. PW6 in his evidence stated that the material objects M.O.1 and blood stained cloth of the accused were taken by the Investigation Officer from the bushes, whereas, PW22 in his evidence



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stated that actually the accused has pointed out and these MOs were recovered, this also creates serious doubt in the case of prosecution.

Therefore, the prosecution has not established the guilt of the accused and the accused is certainly entitled to benefit of doubt. Hence, seeks for allowing this appeal.

6. Per contra, the learned Additional Public Prosecutor submitted that the accused were working in the hotel along with PW1 as a parotta master. This fact has been clearly spoken by PW1, PW2 and PW7. PW5 only joined the accused in the hotel also clearly spoken that the accused was working in the hotel, the fact that the accused was working in the hotel, where, the dead body is found is not disputed. Further, the evidence of prosecution that the accused was in the habit of staying in the hotel itself and he has left his family, on the date of occurrence, i.e., 25.11.2014 at early morning, the accused was seen with M.O.1 knife by PW1, PW7 and PW2's father tried to open the hotel as the shutter was not opened, they forcibly opened the shutter the accused was seen with knife running away from the place of occurrence and the dead body was found inside. This fact clearly establishes



the fact that the only the accused was with the company of the deceased. The deceased is also wandering outside and she has left the house of PW8. PW8 is none other than the daughter of the deceased. The M.O.1 recovered from the accused contain the blood group of the deceased, this also proves the complicity of the accused. Hence, submitted that the prosecution has proved the case beyond reasonable doubts and the Trial Court has rightly found the petitioner guilty and convicted the accused for the offence under Section 302 of IPC and therefore, the judgment of the trial Court does not require any interference.

7. We have perused the entire materials available on record.

8. The case is based on circumstantial evidences. The Hon'ble Supreme Court in the case of *Karakkattu Muhammed Basheer vs. State of Kerala* reported in 2024 (10) SCC 813 summarized the basic established principles which need to be taken as a guide for the Courts in cases of circumstantial evidence. In Paras 16 to 18 thereof, it was held as follows:-

“16. Thus, these basic established principles can be summarized in the following terms that the chain of events needs to be so established that the court has no option but to



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come to one and only one conclusion i.e. the guilt of the accused person. If an iota of doubt creeps in at any stage in the sequence of events, the benefit thereof should flow to the accused. Mere suspicion alone, irrespective of the fact that it is very strong, cannot be a substitute for a proof. The chain of circumstances must be so complete that they lead to only one conclusion that is the guilt of the accused.

17. Even in the case of a conviction where in an appeal the chain of evidence is found to be not complete or the courts could reach to any another hypothesis other than the guilt of the accused, the accused person must be given the benefit of doubt which obviously would lead to his acquittal. Meaning thereby, when there is a missing link, a finding of guilt cannot be recorded.

18. In other words, the onus on the prosecution is to produce such evidence which conclusively establishes the truth and the only truth with regard to guilt of an accused for the charges framed against him or her, and such evidence should establish a chain of events so complete as to not leave any reasonable ground for the conclusion consistent with the innocence of accused.”

9. In the case of circumstantial evidence, the chain of events needs to be so established that the court has no option but to come to one and only one conclusion i.e. the guilt of the accused person. If an iota of doubt creeps in at any stage in the sequence of events, the benefit thereof should flow to the accused. Mere suspicion alone, irrespective of the fact that it is very strong, cannot be a substitute for a proof. The chain of circumstances must be so complete that they lead to only one conclusion that is the guilt of the



accused.

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10. In the light of the above settled propositions, let us proceed with the findings rendered by the Trial Court. The instant case is based upon circumstantial evidence. PW1 though turned hostile in the cross examination, the Trial Court has taken note of the fact that he has resiled from the chief examination when he was examined between the gap of time. Be that as it may, the chief examination of the PW1 when carefully perused, he has clearly stated that PW1 and accused were working in the hotel owned by Devadas, father of PW2. It is also deposed by PW1 that the accused used to stay in the hotel in the night. The evidence of PW1 in the cross examination is not disputed with regard to the accused staying in the hotel. Even in the cross examination, it is admitted by PW1 that the accused was staying in the hotel.

11. PW7 is running a printing press near the hotel where the accused and PW1 were working. In his evidence, he has clearly stated that his



printing press is very near to the hotel run by one Devadas, father of PW2.

His evidence also clearly indicate that accused was working as parota master. On the date of occurrence, when the owner Devadas came to hotel at 7 am and tried to open the hotel, as the shutter could not be opened, they were under the impression that something has happened to the parota master inside, therefore, PW7, Devadas and PW1 forcibly opened the shutter of the hotel, at the time, the accused was in possession of knife, on seeing them, he ran away from the hotel through the backdoor, thereafter, when they entered the hotel, they found that the deceased was in a nude manner with the cut injuries on the head and immediately, Devadas gave complaint under Ex.P1. The evidence of PW1, PW7 along with the evidence of PW5/Loganathan who only joined the accused in the hotel run by Devadas/PW2's father would indicate that the accused was in fact working in the hotel run by Devadas/father of PW2. PW1 and PW7 has seen the accused with M.O.1/knife inside the hotel and the accused ran away from the hotel when the hotel was opened in the morning through the back-door and immediately, dead body was found inside the hotel. The prosecution has also identified the dead body as one Sarasu/mother of PW8 not only through the photographs



but also superimposition report under Ex.P25 and also through DNA Reports under Exs.P28 and 29. The blood samples taken from PW8 is compared with the femur with the deceased, DNA extracted and the Scientific Officer/PW19, who conducted DNA test has also given the opinion that the deceased is the biological mother of the PW8. The identity of the deceased is also clearly established by the prosecution.

12. The evidence of PW1 and PW7 clearly proved the fact that on 25.11.2014, the accused ran away from the hotel, immediately, the dead body was found inside the hotel. The fact that the accused was staying in the hotel at night is also spoken by PW1 and PW7 and the dead body was found immediately on seeing the accused inside the hotel. The accused has not offered any explanation in this regard. It is for the accused to explain as to what has transpired inside the hotel; how the deceased came inside the hotel when the accused alone was staying inside the hotel. When incriminating materials are put against the accused and the accused do not throw any light upon the facts which are proved to be within his special knowledge during the questioning under Section 313 of CrPC, such failure on the part of the



accused may be used against the accused under Section 106 of the Indian Evidence Act as it may provide an additional link in the chain of circumstances required to be proved against the accused. Section 106 of the Indian Evidence Act, 1872, provides that when a fact is especially within the knowledge of a person, the burden of proving that fact lies upon him. It is worthwhile to refer to the judgment of the Hon'ble Supreme Court in the case of *Ram Gopal Vs. State of Madhya Pradesh* reported in (2023) 5 SCC 543, wherein, it is held as follows:

'6. It may be noted that once the theory of "last seen together" was established by the prosecution, the accused was expected to offer some explanation as to when and under what circumstances he had parted the company of the deceased. It is true that the burden to prove the guilt of the accused is always on the prosecution, however in view of Section 106 of the Evidence Act, when any fact is within the knowledge of any person, the burden of proving that fact is upon him. Of course, Section 106 is certainly not intended to relieve the prosecution of its duty to prove the guilt of the accused, nonetheless it is also equally settled legal position that if the accused does not throw any light upon the facts which are proved to be within his special knowledge, in view of Section 106 of the Evidence Act, such failure on the part of the accused may be used against the accused as it may provide an additional link in the chain of circumstances required to be proved against him. In the case based on circumstantial evidence, furnishing or non-furnishing of the explanation by the accused would be a very crucial fact, when the theory of "last seen together" as propounded by the prosecution was proved against him.'



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13. Similarly, the Hon'ble Supreme Court in the case of *Prahlad vs. State of Rajasthan* reported in 2018 SCC OnLine SC 2548, wherein, it has held as follows:-

“No explanation is forthcoming from the statement of the accused under Section 313 Cr.P.C. as to when he parted the company of the victim. Also, no explanation is there as to what happened after getting the chocolates for the victim. The silence on the part of the accused, in such a matter wherein he is expected to come out with an explanation, leads to an adverse inference against the accused.”

14. On the same day, the investigation has been commenced and the accused was arrested on the very next day on 26.11.2016 in the presence of VAO/PW13. His evidence also clearly proves that the accused has given confession in pursuant to the admission portion of confession under Ex.P4. M.O.1, M.O.2 and M.O.3 were seized from the accused under Ex.P5. These material objects were also examined by the forensic experts. PW18/Scientific Officer has issued Serological report under Ex.P27 in this regard. Whereas, she has clearly found that knife and shirt seized from the accused contained O group same with the sari, inskirt of the deceased, these has been clearly established by the prosecution by examining the expert/PW18 in this regard.



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15. Therefore, when the accused was seen in the premises with knife where the dead body was found, the knife also contains the blood group of the deceased and the accused ran away immediately, the conduct of the accused running away from the place of occurrence on seeing PW1 and PW7 and Devadas assumes significance. Such conduct of the accused running away from the place of occurrence is also go against the accused. Such conduct is also relevant under Section 8 of the Indian Evidence Act. These facts also clearly establish the case of prosecution.

16. PW8 and expert evidence as discussed above clearly proves the identity of the deceased. The medical officer who conducted the autopsy has seen 22 external injuries. These facts clearly indicate that there were multiple injuries on the deceased and in fact there was a struggle by the deceased also. Homicidal death has been clearly established by the prosecution by examining the medical officer/PW12 in this regard. When the accused was seen in the premises where the dead body was found and he ran away immediately and when there is no explanation from the deceased in



this regard, circumstances are clearly established against the accused that the accused alone has caused such injuries. The deceased is also wandering outside and she is not staying in her house at the relevant point of time, this is also clearly spoken by her own daughter/PW8.

17. The very conduct of the accused running away from the place of occurrence with the knife and the knife containing the blood group of the deceased clinchingly establishes the complicity of the accused with time. Further, in the absence of any explanations under 313 questioning with regard to his presence and immediately running from the place of occurrence, this also gives additional link to the circumstances relied upon by the prosecution. PW1 in chief and cross examination clearly stated that the accused used to stay in the hotel where the dead body was found and PW7 has also seen the accused inside the premises where dead body was found. There was no motive whatsoever attributed to implicate the accused unnecessarily, the FIR is filed on the very same day and the investigation also commenced. Though the FIR is lodged by Devadas, owner of the hotel, he could not be examined, since, he already died, but the fact remains that



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pursuant to the complaint given by Devadas, the accused was arrested and the material objects were seized. Therefore, these facts clearly establishes the complicity of the accused with the offence, particularly, in the absence of any explanations from the accused. Though the medical officer opined that there is mark of sexual violence, the same could not be established scientifically as there was no spermatozoa/semen found as per the expert report/PW14 under Ex.P21/Chemical Report. Therefore, circumstances relied upon by the prosecution clearly point towards the accused in respect of the charge. Hence, we do not find any infirmity in the prosecution case. The Criminal Appeal has no merit, and hence, the Criminal Appeal is liable to be dismissed.

18. Accordingly, the Criminal Appeal stands dismissed. The judgment of the trial Court dated 29.11.2018 in S.C.No.210 of 2017 on the file of the learned Sessions Judge, Mahila Court, Salem is confirmed. The order dated 25.07.2019 made in Crl.M.P.No.8680 of 2019 in Crl.A.No.305 of 2019 suspending the sentence of the appellant stands vacated. We direct the Trial Court to secure his presence immediately to serve out the rest of his



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sentence.

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(N.S.K., J.) (M.J.R., J.)
05.11.2025

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

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2.The Inspector of Police,
Kannankuruchi Police Station,
Salem

3.The Public Prosecutor,
High Court, Madras.



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and
M. JOTHIRAMAN, J.

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