



CrI.A.No.696 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

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CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN

CrI.A.No.696 of 2019

Chinnaraj @ Udayan

... Appellant

Vs.

State represented by
The Inspector of Police,
E2 Royapettai Police Station,
Chennai District
(Cr.No.514 of 2016)

... Respondent

Prayer : Criminal Appeal filed under Section 374(2) Cr.P.C., against the judgment of learned Mahila Court, Special Court for Cases under POCSO Act/Children's Court, Chennai in S.C.No.172 of 2017 dated 26.08.2019.

For Appellant : Mr.A.K.Azagarsami
for Mr.R.Chakkaravarthy

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

JUDGMENT



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(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, Chennai, Mahila Neethimandram, Chennai in S.C.No.172 of 2017, dated 26.08.2019, convicting the appellant/accused for the offence under Section 302 IPC (4 counts), however, found guilty for the charge under Section 377 of IPC and sentenced him to undergo life imprisonment for each count and to pay a fine of Rs.5,000/- for each count, in default, to undergo six months simple imprisonment for each count, the accused has filed the present appeal.

2.The case of the prosecution is as follows :

2.1. The accused is the second husband of the deceased Pandiyammal. Previously Panidammal was married to one Chinnaraj and she had three daughters, viz., Pavithra, Parimala and Sneha through him. The accused was residing along with the deceased 1 to 4 as tenants under PW1 from the year 2012 at a monthly rent of Rs.4,000/-. On 20.06.2016, the deceased and her daughters came back from Karaikudi after the holidays and next day, the house was locked. PW1 had asked the accused about why the house was locked. The accused had informed PW1 that the deceased and her daughters



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had gone to their native. On 23.06.2016, when bad smell emanated from the house of the accused, at about 9 am, the accused came to his house and when PW1 complained him about the bad smell emanating from his house, the accused went inside the house and took a bag and informed PW1 that the smell is due to death of rat and left the place by locking the door and the accused did not turn up thereafter. Since, the bad smell got intensified by passage of time, PW1 called the police control room and the police came and broke opened the door and found that dead bodies were kept one over another and the iron box wire was found pressing the neck of Sneha. PW1 found iron pestle/M.O.8 and kitchen knife/M.O.10, thereafter, PW1 given a complaint to PW18/Inspector of Police marked as Ex.P1 . PW18 registered the case in crime in Cr.No.514 of 2016 under Section 302 of IPC and prepared FIR under Ex.P18.

2.2. PW4 is the neighbour of the accused on coming to know about the bad smell from the house of the accused, he told PW1. PW6 owning a bakery deposed that the accused was working in his bakery. On 20.06.2016, he took order for Ramzan and the accused assured him that he would prepare the order from his home, but he did not do so. On the next day, he took Rs.200/- from his shop and thereafter, he did not turn up. PW7/auto



driver residing in one portion of the same place had deposed that on 20.06.2016 at about 11.30 pm, when he was standing at his Block, the accused went to his house. Later, he also saw the police came to the house of accused on 23.06.2016 night at about 11.30 pm. PW16 neighbour of the accused had deposed that Pandiyammal told that the accused was demanding to marry her elder daughter Parimala to him. Pandiyammal, accused and their daughters came back on 20.06.2016 at about 6 am. Pandiyammal told her that schools and colleges were opened and hence, they returned. Thereafter, she did not see them. After two days, she got a foul smell from the house of the accused and she informed PW1 and at about 8 pm, the house owner came and they found the dead bodies inside the house.

2.3. PW18, took up the investigation, visited the place immediately and prepared rough sketch/Ex.P19 and observation mahazaar in the presence of witnesses. He made arrangements to photograph the place of occurrence and the photos are marked as M.O.9 series and seized the material objects (M.O.1 to M.O.7) along with cover of condom containing the work 'score' from the place of occurrence under Seizure Mahazaar, Ex.P3 in the presence of PW8 and others. Thereafter, conducted inquest on



all the four bodies of the deceased in the presence of Panchayatars and the inquest reports are marked as Ex.P20 to Ex.P23 respectively. Then he sent the bodies to Royapettah Government Hospital and gave requisition for conducting postmortem. On 24.06.2016, he arrested the accused and recorded his confession. The admitted portion of the confession is marked as Ex.P16, in pursuant to the same, he has also seized M.O.8 and M.O.10 under Ex.P24/Seizure Mahazaar. Thereafter, he sent the accused for remand and after getting the order of the Court, took the custody of the accused and he recorded the further confession statement of the accused in the presence of Revenue Inspector and Revenue Officer. On the basis of confession, he altered the charges from Section 302 of IPC to Section 302 and 377 of IPC and sent the Alteration Report under Ex.P26.

2.4. In the meanwhile, PW14/Medical Officer conducted autopsy over the dead bodies of all the accused and with respect to Pandiyammal found the following injuries:-

“ 1.Horizontal reddish brown abrasion on front of middle third of the neck 4x3-2 cm; on dissection; diffuse contusion of 5x3-2x2cm on underlying soft tissues and muscles of the neck. Complete fracture of superior horn of thyroid cartilage with surrounding soft tissue contusion.

2.Dark red Diffuse contusion i)7x4-3x0.5cm on frontal region of the scalp; ii) 5x4x2 on right cheek; iii) 6x3x2cm on front of right side of the chest; 5x4x3 cm on front of right of



thigh; 6x3x2cm on front of left thigh

3. Vault of the skull, fissured fracture 5 cm of right parietal bone. Dura intact. Brain soft, flabby, diffuse subdural and subarachnoid haemorrhage on frontal and parietal region of the brain.”

and opined that the deceased would appear to have died of asphyxia due to external compression of the neck with blunt injury to the head and issued Ex.P11

With respect to Pavithra found the following

“1.Vertically oblique stab injury: i) 1.5x0.5x3cm on front of middle of neck in midline-puncturing underlying trachea 0.5x0.5 cm; ii) 1.5x0.5x3cm on middle of right side of the neck underlying blood vessels and nerves cut along the plane of external injury; iii) lower part of right side of the neck. 1.5x0.5x2cm on front of middle of left side of the neck; iv) 1.5x0.5x2cm on front of 5x4x2 on right cheek;
2. Dark red Diffuse contusion i) 7x4-3x0.5cm on middle third of right side of the chest; ii)5x4x2 on right cheek;
3. Vault of the skull: fissured fracture 5cm of left parietal bone. Dura intact. Brain soft, flabby, diffuse subdural and subarachnoid haemorrhage on parietal region of the brain.”

and opined that the deceased would appear to have died of shock and haemorrhage due to multiple stab injury to the neck and issued Ex.P12.

With respect to Parimala found the following

“1. Vertically oblique stab injury: i) 1.5x0.5x3cm on front of middle of right side of neck 2 cm away from mid line direction was downwards backwards and towards midline-puncturing underlying larynx 0.5x0.5 cm; ii) 1.5x0.5x2cm on middle of right side of the neck underlying blood vessels and



nerves cut along the plane of external injury, iii) lower part of left side of the neck. 1.5x0.5x2cm on front of middle of left side of the neck; iv) 1.5x0.5x2cm on front of 5x4x2 on right cheek;

2. Dark red Diffuse contusion i) 7x4-3x0.5cm on middle third of right side of the chest; ii) 5x4x2 on right cheek;

3. Vault of the skull: fissured fracture 6cm of right parietal bone. Dura intact. Brain soft, flabby, diffuse subdural and subarachnoid haemorrhage on parietal region of the brain.”

and opined that the deceased would appear to have died of shock and haemorrhage due to multiple stab injury to the neck and issued Ex.P13.

With respect to Sneha found the following

“Oblique stab injury: i) 1.5x0.5x3cm on front of middle of left side of neck 2 cm away from midline direction was downwards backwards and towards midline-puncturing underlying 0.7x0.5 cm; ii) 1.5x0.5x2cm on middle of left side of the neck underlying blood vessels and nerves cut along the plane of external injury; iii) 1.5x0.5x2 cm on front of middle of right side of the neck, v) 1.5x0.5x2cm lower third of left side of the neck.

2. Dark red Diffuse contusion i) 8x4-3x2cm on middle third of right side of the chest; ii) 5x4x2 on right cheek;

3. Scalp Vault dura intact. Brain: soft, flabby, cut section decomposing.”

and opined that the deceased would appear to have died of shock and haemorrhage due to multiple stab injury to the neck and issued Ex.P14.

2.5.PW15 has received the dead bodies in the hospital first and according to him, the dead bodies were in decomposed position and he sent the same to the mortuary. PW10/Scientific Officer examined the blood



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sample of the accused for grouping and found that it belongs to the blood group 'A' and issued Ex.P5. PW11/Scientific Officer has examined the blood stained and not stained mosaic tiles and issued Ex.P7/Chemical Examination Report that they were found to be similar each other with respect to their density and distribution pattern. PW12/Scientific Officer examined the material objects sent for comparison and found that there was human hair scalp found in MO8 and blood was detected in other items, M.O.1 to 4, 5, 8, 10, 12 to M.O.18 and semen was found in item no.5 and issued Ex.P8. PW13/Scientific Officer after receipt of material objects M.O.12 to 17 were subjected to DNA analysis. From the DNA analysis, it was found that the male fraction of the seminal stains on item No.5 condom is that of accused and the female fraction found in the same seminal stain is that of the blood stain on Item No.14 seized from Pavithra and in this regard, the DNA report is marked as Ex.P10. Viscera report of the four deceased have been marked as Ex.C1 to Ex.C4. PW19 continued the investigation, visited the place of occurrence, enquired the witnesses and after completing the investigation, laid the charge sheet against the accused under Section 302 (4 counts) and 377 of IP in P.R.C.No.29 of 2017 before the learned XVIII Metropolitan Magistrate, Chennai.



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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.172 of 2017 and was made over to the Sessions Judge, Mahila Court, Chennai, for trial.

2.7. The trial Court framed the charges for the offences under Sections 302 (4 counts) and 377 of 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.19, marked Exs.P1 to P27 and produced M.Os.1 to 18. Viscera report of the four deceased have been marked as Ex.C1 to Ex.C4. 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 26.08.2019, convicted the accused for the offence under Section 302 IPC (4 counts), however, found guilty for the charge under Section 377 of IPC and sentenced him to undergo life imprisonment for each count and to pay a fine of Rs.5,000/- for each count, in default, to undergo six months simple imprisonment for each count,.



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

4. The learned 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. The evidence of Pws1, 7 and 16 do not indicate that the accused in fact was last seen in the accompany of the deceased, therefore, there is absolutely no evidence to show that the deceased were alive in the accompany of the accused. The evidence of PW1 clearly indicate that M.O.8 and M.O.11 were very much found in the house, therefore, arrest and seizure of the material objects from the accused is highly doubtful. Further, it is the contention that the prosecution has suppressed the fingerprints lifted from the place of occurrence, this also creates serious doubt in the case of prosecution. The evidence of PW7 is not acceptable because his statement has been sent to the Court later, this aspect also creates serious doubt. The accused had also given his explanation under Section 233(2) of CrPC that he had relationship with the deceased No.1, on 20.06.2012, he visited the house and had sexual intercourse with the deceased No.1, Pandiyammal and left the condom there



itself. Therefore, merely, because the condom was seized from the house, that cannot be a ground to hold that the accused is guilty. Hence, it is his contention that absolutely there is no evidence to connect the accused with the grave crime and the accused is certainly entitled to benefit of doubt. Hence, seeks for allowing this appeal.

5. Per contra, the learned Additional Public Prosecutor submitted that the PW1 and PW16 have seen the accused and deceased coming to the house on 20.06.2016, later, when the house was locked on 21.06.2016, PW1 asked the accused as to why the house is locked, the accused has told him that deceased have been to their native. Once again on 23.06.2016, when the accused returned home by that time, the bad smell was emanating from the house, when PW1 had informed about the same, the accused gave an false explanation as if the smell was due to the death of rat and left the house. These facts coupled with the scientific evidences, wherein, DNA extracted from seminal stain of item No.5 condom is that of the accused Chinnaraj and it tallies with the female fraction of seminal stains on item No.14, churidar top which is worn by one of the deceased namely Pavithra, this also proves the complicity of the accused. Absolutely, there is no explanation



whatsoever in this regard by 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 (4 counts) and therefore, the judgment of the trial Court does not require any interference.

6. We have perused the entire materials available on record. The facts of the case turns out on its own merits and hence, the judgment relied upon by the learned counsel for the appellant do not have relevance to the case at hand.

7. Let us proceed with the findings rendered by the Trial Court. The prosecution has relied upon the following circumstances:-

- (i) Motive and conduct of the accused before and after the occurrence;
- (ii) Scientific and medical evidence;
- (iii) Arrest and recovery.

8. Unfortunately, four females, viz., mother and daughters precious lives were done away in a gruesome manner. Three young girls have been stabbed to death and similar injury have been caused on their neck. The deceased No.1 Pandiyammal had died of asphyxia due to external



compression of the neck with blunt injury to the head. The entire occurrence took place inside where the accused were actually residing with them.

Residing with the deceased is not disputed by the accused. The house where the accused and the deceased lastly resided belongs to PW1. It is the specific case of the prosecution that the accused was living as a second husband of Pandiyammal. Pandiyammal had already left the previous husband and residing with the accused, as the accused had demanded Pandiyammal to marry her elder daughter Parimala to him, she objected and the same has developed into grudge. It is relevant to note that entire case rests on circumstantial evidence. No doubt all the circumstances has to be clearly established by the prosecution, but, at the same time, when the circumstances has been clearly established, it is also for the accused to explain as to what has transpired inside the house. In the entire 313 questioning, absolutely, there is no explanation whatsoever, except denial. 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.'

9. 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.”

10. Coming to the aspect of last seen theory, PW1 in his evidence had clearly deposed that on 20.06.2016, the deceased came to the house after holidays in the morning, thereafter, on 21.06.2016, the house was locked at the time, when PW1 asked the accused, the accused had informed him that they have been to their native place. On 23.06.2016, when bad smell was emanating from the house at about 9 am the accused came to house and PW1 had informed him about the bad smell, the accused went inside the house, took a bag and told PW1 that the smell is due to death of a rat, the accused locked the house and thereafter left the place, he did not turn up. PW7/an auto driver who is also residing in one portion of the same place where the accused was residing deposed that he has seen the accused entered the house on 20.06.2016 at about 11.30 pm. PW16/neighbour of the accused who is residing in the ground floor has also seen the accused and the



deceased coming to the house on 20.06.2016, thereafter, she did not see them, later, only after bad smell came from the house, she informed PW1 and they found the dead bodies inside the house. Though the principle of last seen theory will not strictly apply to the present case from the evidence of PW1, PW7 and PW16, it makes it clear that the accused was inside the house on 20.06.2016 and later, he had went out, when on 21.06.2016, PW1 enquired the accused, he has falsely informed that the deceased went to their native place. In fact, the evidence of PW1 has not been shattered. His further evidence indicate that on 23.06.2016, the accused came to the house once again at 9 am at that time, bad smell was emanating from the house and PW1 informed the same to the accused and the accused has given a false explanation as if the bad smell was due to death of a rat and left the house with a bag and thereafter, he did not return the house. These facts clearly indicate that despite there was foul smell in the house, the accused came to the house and later left the house and he has given a false explanation to PW1, above conduct of the accused goes against him.

11. In fact, when the bodies were handed over to the hospital, all the dead bodies were in decomposed stage as per the evidence of PW15. These



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facts clearly show that the murder would have taken place before more than one or two days, viz., during 20.06.2016. Though exact date of death has not been established by the prosecution, the fact remains that the deceased were alive on 20.06.2016, later, they were not seen alive and their dead bodies were found in the house. The accused was also entering the house on 20.06.2016, later he was also enquired by PW1 about others and he has informed that they went to their native place, therefore, from these evidences, we are of the view that certainly the death would have taken place after all of them reach the spot, i.e., 20.06.2016. Ex.P1/complaint is lodged by PW1/house owner, the accused was arrested and the bodies were recovered and PW18/Investigating Officer visited the spot and found the material objects M.O.1 to M.O.7 in the presence of PW8 under Seizure Mahazaar marked as Ex.P3 besides he also seized used condoms with seminal stains. Seizure of this cover of condom is not disputed by the accused. Even in the statement of the accused under Section 313 of CrPC, after coming to know about the visit of the deceased of Pandiayammal and her children to their house, the accused went to the house and had sexual intercourse with the deceased Pandiyammal and thereafter, left the condom in the dustbin, later he went to his job as usual. These explanations are



highly improbable. If anybody had sexual intercourse, they will not leave the condom in the house, particularly, where the grown up children are in the house, therefore, this explanation in fact clearly falsifies his stand.

12. The specific case of the prosecution is that the accused after eliminating all the deceased, entered the house once again and had sex with dead body, thereafter, left the house and besides he has also satisfied his lust by placing his penis over the dead bodies. The chudidar top worn by Pavithra is also seized by the prosecution (M.O.14) and it was sent to the Court and through the Court, the same has been forwarded to the Forensic Department for comparison. Ex.P10 filed by the prosecution clearly indicate that from the Court all the material objects were sent to the Forensic Department, PW13 has extracted DNA from the blood sample of the accused sent for examination and also stains found in other material objects. PW13 has clearly found that from the comparative analysis of DNA typing results on 16Y STR loci as shown in annexure XI, the seminal stains on item 5-condom and the control blood of the alleged accused have identical alleles under all the 16Y STR loci tested. This fact clearly shows that DNA has been extracted and clearly tallied with the accused. If really, the accused had sex only with deceased No.1 Pandiyammal on 20.06.2016, seminal stains



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would not have been found in the dress of the deceased No.3/Pavithra.

These aspect clearly establishes the complicity of the accused.

13. Though it is the contention of the accused in his explanation that he was raising all the children as his own daughters and spent much expenses on them, admittedly, the accused came to the house on 23.06.2016, by that time, bad smell were emanating. Despite knowing the same, he has left the house by giving false explanation that the smell is coming only due the death of the rat. The very conduct of the accused giving false explanation and leaving the house, we are of the view that such conduct also gives additional link to the chain in the chain of circumstances as against the accused. It is also to be noted that he has not even offered any explanation as to what has transpired inside the house when he was admittedly living with the deceased at the relevant point of time. Further, scientific evidences produced by the prosecution also clinchingly proves the complicity of the accused with the crime.

14. Though it is the case of the petitioner that after visiting the house on 20.06.2016, he stayed in the PW6 bakery and he did not go to home. This



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false explanation and left the place locking the door, these facts clinchingly establishes the complicity of the accused with the crime. Therefore, in these type of cases, particularly, when the scientific evidences are staring against the accused and the explanation given by the accused is found to be false, we are of the view that the prosecution has established the guilt of the accused beyond all reasonable doubts. 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.

16. Accordingly, the Criminal Appeal stands dismissed. The judgment of the trial Court dated 26.08.2019 in S.C.No.172 of 2017 on the file of the learned Sessions Judge, Mahila Court, Chennai is confirmed.

(N.S.K., J.) (M.J.R., J.)
18.11.2025

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To

- 1.The Sessions Judge,
Mahila Court, Chennai
- 2.The Inspector of Police,
E2 Royapettai Police Station,
Chennai District
- 3.The Public Prosecutor,
High Court, Madras.



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