

Crl.A(MD)No.225 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 25.02.2025

Pronounced on : 18.03.2025

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

Crl.A(MD)No.225 of 2020

Kalarani

.. Appellant/ PW1

Vs.

1.State rep. by
The Inspector of Police,
Town South Police Station,
Thanjavur.
(Crime No.43/2014)

.. 1st Respondent/Complainant

2.Karthick@ Karthikeyan

3.Kumaran @ Muthukumaran

4.Rajendran

5.Subha

6.Rajam

7. Nagalakshmi

8.Jeyanthi



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9. Kumar

10. Alagarasan

Ramalingam (Died)

11. Siva @ Sivakumar

.. Respondents 2 to 11/
Accused Nos.1 to 10

PRAYER: Criminal Appeal is filed under Section 372 of the Code of Criminal Procedure, against the judgment dated 21.02.2020 in S.C.No.170 of 2015 on the file of the learned I-Additional District and Sessions Judge (PCR), Thanjavur and to punish the respondents 2 to 12/Accused Nos.1 to 11 in accordance with law.

For Appellant

: Mr.J.Vishnu

for Mr.S.Vinayak

For Respondents

: Mr.E.Antony Sahaya Prabhakar
Additional Public Prosecutor
for R1

: Mr.J.A.Prabhakaran
for R2, R4 & R8

: Mr.H.Thayumanaswamy
for R3, R5 & R11

: Mr.M.P.Senthil
for R6

: Mr.K.Veilmuthu
for R7, R9 & R10



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JUDGMENT

Dr.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

This criminal appeal is preferred by one Kalarani examined as PW1 in S.C.No.170 of 2015 on the file of the I-Additional District and Sessions Judge (PCR), Thanjavur, aggrieved by the acquittal of the accused tried for the offence in connection with homicide death of one Mahadevan.

2. The appellant is the sister-in-law of the deceased Mahadevan. The investigation of the crime been set into motion on the complaint given by this appellant. The Thanjavur Town South Police registered a case in Crime No.43 of 2014 on 18.02.2014 at 14.00 hours for offence under Sections 147, 148, 120(b), 323, 324, 302, 506(ii) r/w 147 IPC and Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 as against 6 named accused and few others. Based on the final report, laid by the Investigating Officer, the case was committed to the Court of Sessions at Thanjavur as against 11 persons. Specific charges were framed against each of the accused and on their plea of not guilty, they were subjected for trial. To prove the charges 24 witnesses were examined by the prosecution. In



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support 21 Exhibits and 13 Material Objects were marked. The trial Court on cumulative assessment of the evidence placed before it, held that the prosecution failed to prove the charges beyond reasonable doubt and acquitted all the accused.

3. Being aggrieved, the present appeal is filed on the ground that the trial Court failed to lay the evidence on the probability of the accused under proper perspective. Though the evidence of PW1 to PW5 is consistent and corroborative to each other with minor contradictions, which is natural in any case. The trial Court erred in disbelieving their evidence. Thereby the conclusion of the trial Court suffers perversity.

4. The substances of the prosecution case is that there was property dispute between the family members of the deceased and the family members of the accused who shared common ancestors. On 18.02.2014 at about 10.00 a.m in the disputed land, the descendants of Sengamalam namely, Ramalingam(A10) and Siva(A11) were fixing boundary stones for laying plots. That was objected by Mahalingam, Mahadevan, Ganesan (all brothers of Mahalingam) and Iyyappan. Infuriated by that, Ramalingam challenged



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Mahadevan and his brothers to be there and will come with his men and finish them all.

5. After this incident, members of both group have returned to their respective home. Mahadevan (deceased) went to the shop to buy medicine for his child. At about 11.00 a.m Ramalingam (A10), Siva(A11), Karthick(A1), Kumaran(A2), Rajam(A5), Subba(A4), Nagalakshmi(A6), Azagarasan(A9), Kumar(A8), Jeyanthi(A7) and Rajendiran(A3) all went to the house of Mahalingam ransacked his house and knowing that Mahadevan is not in the house, threatened his wives namely, Kavitha and Lalitha. Mahadevan who came to know about these incident hearing danger to his life and his family members, wanted to leave the village. Meanwhile the gang lead by Ramalingam had attacked Iyyappan and Ganesan when they were about to give complaint to the police about the incident. The accused Karthick, Kumaran, Rajendiran, Suba, Rajam, Naglakshmi caught Mahadevan and Kumaran attacked Mahadevan with wooden log; Karthick attacked with knife; Rajendiran kicked him and also Suba, Rajam, Nagalakshmi stamped with their legs. Mahadevan died instantly on the spot. In this regard, a written complaint was given by Kalarani and received by the



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Sub Inspector of Police on 18.02.2014 at 14.00 hours. In the course of the investigation, the Investigating Officer found that A10-Ramalingam and A11-Siva alias Sivakumar instigated and conspired to commit the offence. Therefore, included them as A10 and A11 and also altered the charges and filed alteration report.

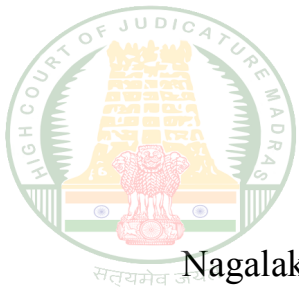
6. The Sessions Court framed the following charges:

6.1. Charge 1: For the offence under Section 120(b) IPC.

Karthick @ Karthikeyan(A1), Kumaran @ Muthukumaran(A2), Rajendiran (A3), Suba(A4), Ramalingam(A10), Siva @Sivakumar(A11), on 18.02.2014, at about 10.00 a.m, all picked quarrel with Mahadevan and his family members near Vilar Bye Pass and in continuation, they assembled in the cashew grove near Vilar Bye Pass on the same day at 11.00 am and conspired to murder Mahadevan have committed offence under Section 120(b) IPC.

6.2. Charge 2: For offence under Section 147 IPC.

In pursuant to the above conspiracy, at about 1.00 p.m, A2 to A9, namely, Kumaran @ Muthukumaran, Rajendiran, Suba, Rajam,



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Nagalakshmi, Jeyanthi, Kumar and Azagarasan along with A1-Karthick @ Karthikeyan formed unlawful assembly with wooden log and pelted stones to cause damage to the house of Mahadevan have committed offence under Section 147 IPC.

6.3. Charge 3: For offence under Section 148 IPC.

A1-Karthick @ Karthikeyan with deadly weapon in his hand along with A2 to A9 namely, Kumaran @ Muthukumaran, Rajendiran, Suba, Rajam, Nagalakshmi, Jeyanthi, Kumar and Azagarasan formed unlawful assembly with common object to damage the house of Mahadevan and kill him, thereby committed offence under Section 148 IPC.

6.4. Charge-4: For offence under Section 3(1) of TNPPDL Act.

In furtherance to the above A1 to A6 damaged the window pane, fish tank, tube lights in the house of Mahadevan property worth about Rs.5,000/- and thereby committed offence under Section 3(1) of TNPPDL Act.

6.5. Charge-5: For offence under Section 302 IPC.

A1, A2, A4, A5 & A6 along with A3, A7, A8 and A9 on 18.02.2014 at



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about 1.00 p.m went to the place where Mahadevan and his wife Kavitha met Kalarani and Mahalingam near Sindu Nagar Junction and at the time, A1 attacked Mahadevan with Aruval; A2 attacked him with wooden log; A4 to A6 stamped him with legs on his neck and chest caused the death of Mahadevan. The above offence punishable under Section 302 IPC.

6.6. Charge 6: A3, A7, A8, A9 along with A1, A2, A4, A5 & A6 at the same place, same time, present with A1, A2, A4, A5 & A6 in furtherance of common object to kill Mahadevan and thereby committed offence under Section 302 r/w 149 IPC.

6.7. Charge 7: Accused Nos.1 to 9, on the above date and time threatened Kalarani, Mahalingam and Kavitha with dire consequences if they raised alarm, they will kill them. Thereby committed offence under Section 506(ii) IPC.

Finding of the trial Court:

7. The trial Court held that the prosecution failed to prove the charges beyond reasonable doubt. PW1 and PW2 were unable to identify the accused



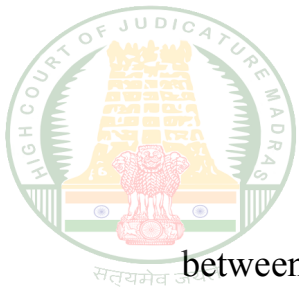
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named in the FIR. The corrections in the FIR altering and adding accused had created doubt about the prosecution case. PW1 to PW3 failed to inspire the confidence of the Court to believe them as occurrence witness. The contradictions has lead to conclude that they are not trustworthy witnesses.

8. Three occurrence at three different places narrated in the complaint, in the final report and as well as in the charge. However, it is not proved through cogent and reliable witness.

(a). The first incident alleged to have taken place in the field near Vilar Bye Pass. It is stated that on 18.02.2014 at about 10.00 a.m, Ramalingam and Siva were laying boundary stones in the disputed land and that was objected by Mahadevan, Ganesan, Mahalingam and Iyyappan, this fact is not proved through reliable evidence. The disputed field was not photographed to show there was attempt to lay boundary stones. No evidence to show the Investigating Officer went to the scene of crime to conduct investigation or to prepare observation mahazar or sketch. Further inclusion of A10 and A11 by altering the report had created doubt about the first incident.

(b). Insofar as the second incident of damaging the house of Mahadevan, the trial Court found that there are material contradictions

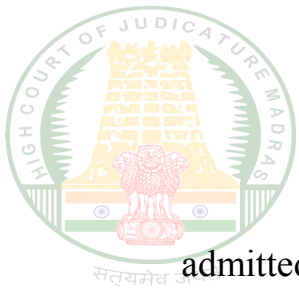


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between the evidence of A2 and A3 about the said occurrence. Though this incident alleged to have happened at 11.10 a.m on 18.02.2014, it was not reported to the police till the murder of Mahadevan which alleged to have occurred at 14.00 hours.

(c). The third incident in connection with the murder of Mahadevan which happened at about 1.00 pm on 18.02.2014. In this occurrence, PW3, PW7, PW10 and PW20 are not eyewitnesses. PW5 and PW15 had deposed that they do not know anything about the third incident. PW23 had deposed contrary to the case of the prosecution. PW1, PW2, PW4 and PW5 claims to be the eyewitnesses to the occurrence. Their evidence are self-contradictory and destructive to each other. The embellishment and improvement in their testimony regarding the facts which does not form part of the previous statement recorded by PW24, Deputy Superintendent of Police, improbably the third incident as projected by the prosecution.

9. The trial Court acquitted the accused from all the charges for the reason that there is no proof beyond doubt that the accused alone could have committed the crime. Particularly, the evidence of PW1-Kalarani who had



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admitted in the cross-examination that the deceased was in the habit of taking drink and Ganja and he has several criminal cases against him which has earned his several various enemies. The witnesses for prosecution have admitted that the deceased was in the rowdy list and he is a frequent visitor as an accused to the police station.

10. Taking note of the fact that the evidence of alleged eyewitnesses not reliable and the deceased being a notorious person with criminal cases had several enemies, held the real accused had not been ascertained beyond doubt.

11. The acquittal is challenged in this appeal by the defacto complainant-PW1.

12. Grounds of appeal:

The trial Court erred in discarding totally the evidence of the direct eyewitnesses PW1 to PW3, in view of minor contradictions. The evidence of PW5 was not considered with due weightage. The existence of enemies cannot be the ground to ignore the eyewitnesses' evidence. Minor



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contradictions which are bound to happen due to failing memory of a human being being exaggerated to render un-meritorious acquittal. The trial Court instead of removing the grain from the chaff had applied *falsus in uno, falsus omnibus* principle while appreciating the prosecution evidence.

13. Though the evidence of PW1 is cogent and clear about the overtact of each of the accused, the trial Court had brushed aside the evidence.

14. The trial Court failed to consider the chain of events one after another at three different places between 10.00 a.m and 1.00 p.m on 18.02.2014 which has been narrated by PW1 vividly. Though she was not witness for the first two incidents, the third incident being the last in the sequence, the first two incidents, being the immediate cause for the third incident which is the gravest one, due weightage should have been given to PW1 testimony.

15. Per contra, the learned counsel for the accused/respondents submitted that the prosecution attempted to project that the father of the deceased Mahadevan and the father of the 10th accused were brothers and



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there was dispute between these two family regarding enjoyment of about 25 acres of land located near Vilar Bye Pass is a fact not in dispute. However, the allegation that on 18.02.2014 at 10.00 am, there was quarrel between the deceased group and the accused group near the disputed field is purely an invented story to build up motive. The inclusion of A10 and A11 alleging that they conspired along with other accused at 11.00 am to kill Mahadevan is also an invented after thought of the prosecution just to include A10 and A11. The testimony of PW1 to PW5 failed to inspire the confidence of the Court since their evidence fully loaded with contradictions, instead of corroborating each other.

16. Finding:

The prosecution case as per the charges framed, starts with the incident at the disputed land in Vilar Bye Pass on 18.02.2014 at 10.00 am. The complaint as well as the charge No.1 says A10 and A11 were laying boundary stones. Mahalingam, Mahadevan, Ganesan and Iyyappan went and questioned A10 and A11 why they are laying stone in the common property. Quarrel erupted and members of both the group left the place. Thereafter A10 and A11 along with A1 to A4 met together at 11.00 am near Vilar Bye



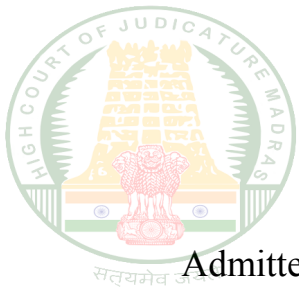
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Pass cashew grove and conspired to kill Mahadevan to grab the land.

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17. Whereas Iyyappan examined as PW23, the sister's son of Mahadevan(deceased) had deposed that on 18.02.2014 being his wedding anniversary, he and his wife went to temple and while returning, he saw Mahadevan, Mahalingam, Ganesan were quarrelling with the passerby. When he intervened to stop the quarrel, someone in the group hit him on his head. He is not certain who attacked him. All were drunk and were in inebriated state. He put Mahadevan near Mullivaikal and told Mahalingam to take care of Mahadevan. Also instructed not to allow Mahadevan to take his two wheeler. Then he and Ganesan went to Thanjavur Hospital for treatment. At 3.00 p.m, when he was in the hospital, Mahalingam and his wife came to the hospital and they told that Mahadevan against their advise took the two wheeler and went; they don't know what happened but heard he is dead. PW23 was declared as hostile.

18. PW1-Kalarani who set the law into motion by giving the complaint, in her evidence has stated about the first incident occurred at Vilar Bye Pass at 10.00 a.m, however the evidence is only hearsay.



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Admittedly, she was not present at the place of occurrence.

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19. Per contra, PW20-Ganesan, had deposed that on 18.02.2014 when he heard they have fenced the cashew grove and laid stones, he along with his brothers Mahalingam and Mahadevan went to the cashew grove and saw Ramalingam, Siva, Kumaran, Karthi and Suba present. He questioned them why they are laying stones when the dispute still pending in the Court. Ramalingam and Siva came charging saying 'they don't have any share in the property'. He pacified his brothers (Mahadevan and Mahalingam) and sent them to home. He and Iyyappan alone remained in the grove. Ramalingam and others came back and attacked him and Iyyappan. They both fainted. Thereafter, the mob went in search of Mahadevan to kill him. Police came and took him and Iyyappan to Thanjavur Hospital. While he was getting treatment, Kalarani and Kavitha (wife of Mahadevan) called him over phone and informed death of Mahadevan.

20. PW-5-Mahalingam, who is the elder brother of Mahadevan had deposed that on 18.04.2014, his brother Ganesan and Iyyappan told that Ramalingam and Siva are laying stones in the land in dispute. Hearing that,



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he along with his brother Mahadevan went to Vilar Bye Pass cashew grove.

There was wordy quarrel with Ramalingam and Siva. When he and his brothers objected for laying stone when case is pending, Ramalingam and Siva left the place saying that they will come back in one hour with men and finish them. He and Mahadevan instructed Iyyappan and Ganesan to follow them and left the place. He went to his house. Mahadevan went to the medical shop to buy medicine for his child. Iyyappan and Ganesan stayed back at cashew grove. Thereafter Ramalingam, Siva, Kumar, Rajendiran and Kavitha went to Vilar By Pass cashew grove and attacked Ganesan and Iyyappan. They both ran about one kilo metre. Mahadevan sent them in an Auto to hospital and returned to his home.

21. PW1 is not the witness to the first incident which alleged to have occurred at the land in dispute. Her version found in the complaint as well as in the testimony are purely hearsay. PW23- Iyyappan had deposed in the mele, he sustained head injury when he intervened the fight near Mullavaikal. However, he could not identify the assailant. Though he claims that he went to Thanjavur Medical College hospital for treatment, the Investigating Officer has not collected the Accident Register or had made

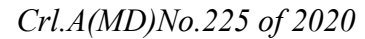


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any investigation about the injuries sustained by PW-23. The prosecution has declared PW23-Iyyappan as hostile witness.

22. Ganesan-PW20 has given an entirely different version about the first incident. According to his evidence, he and Iyyappan on hearing that the disputed land is fenced and stones are laid, he informed his brothers Mahalingam and Mahadevan and took them to the place. At Vilar cashew grove, he saw Ramalingam, Siva, Kumaran, Karthi and Suba. He pacified his brothers and sent all of them. He and Iyyappan alone stayed in the field, then Ramalingam, Siva, Karthi, Kumaran and Suba came and attacked him and Iyyappan, thereby, they both fainted. Police took them to hospital.

23. Mahalingam(PW5) had deposed that after wordy quarrel with Ramalingam and Siva regarding laying of stones in the common land without partition, he and Mahadevan returned. Iyyappan and Ganesan stayed in the place. He came to know subsequently A1, A2, A4, A10 and A11 attacked Ganesan and Iyyappan. They both ran about one kilo meter and then went to the hospital in an Auto arranged by Mahadevan (deceased). Mahadevan was later found dead with injuries on the road at ['சிந்து நகர் பிரிவு புது



24. PW4-Mariamammal, whose presence at the Vilar cashew grove not spoken by PW20, PW23 or PW5. However, PW4 claims that she went to Vilar cashew grove with the deceased, PW5, PW20 and PW23 and saw Ramalingam (A10), Suba (A4), Kumar(A2) Karthi(A1) and Rajendran (A3) attacked Iyyappan and Ganesan. In her evidence, she has added Rajendran(A3) and omitted Siva (A11).

25. Thus without any hesitation, we hold the first incident alleged to have occurred on 18.02.2014 at 10.00 a.m near Vilar Cashew grove is not proved. Each of the prosecution witness given contradictory version conflicting with each other. Their evidence is not in corroboration with each other. On the other hand, it clearly gives an impression that no such incident occurred at 10.00 am or the witnesses to suppress the real fact, had come out with conflicting version. Absence of proof regarding injuries sustained by Iyyappan and Ganesan alleged to have sustained during the mele happened at 10.00 am and no complaint about this incident received or registered by the



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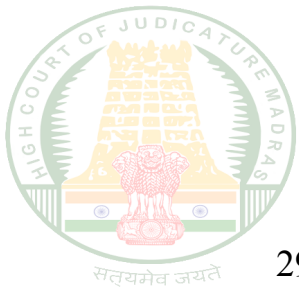
police, adds more doubt about the credibility of the prosecution witnesses.

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26. The second incident relates to the trespass into the house of the deceased causing damage to the properties and intimidating the inmates of the house.

27. PW2-Kavitha and PW3-Lalitha are the two wives of the deceased Mahadevan. PW2 had deposed that Siva and Ramalingam came in search of Mahadevan. They told them they have come to kill Mahadevan. They thrashed the iron gate and trespassed into the house. They were followed by Kumaran, Kavitha, Suba, Rajam, Nagalakshmi, Rajendiran, Azagarasan, Kumar, Jayanthi came and they all damaged the Window Pans, Fish Tank, EB Meter Box, Water Pipe and Utencils. PW3-Lalitha who with PW2 in the house had deposed substantially corroborating the evidence of PW2.

28. Apart from the ocular evidence, the damages to the properties is noted in the observation Mahazar-Ex.P18 and M.Os.9 and 10 series. The recovery of MO.9 and MO.10 series which are glass pieces witnessed by PW12 and PW13.



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29. The trial Court has observed that the prosecution has failed to produce the photographs of the house damaged. There is contradiction among the evidence of the Inspector of Police-PW22 and DSP-PW24. While PW22 had deposed photographs of the house was taken PW24 has deposed photos not taken.

30. The trial Court to disbelieve PW3 had taken note of the fact that PW3 in her evidence had stated that the accused persons trespassed into the house and attacked her. In the attack, she sustained contusion. However, there is no evidence to substantiate it.

31. The evidence of hearsay witnesses like PW1, PW4 and PW5 about the second incident were taken into consideration to disbelieve the ocular evidence of PW2 and PW3. The tell tale evidence of damage to the properties established through recovery of broken glass pieces of window pan and fish tank. Failure to take photographs or failure to produce it before the Court is a lapse on the part of the investigation. The said omission does not whittle down the evidence which proves damages to the property to attract Section 3 of the TNPPDL Act. However, the prosecution to ascertain



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the said properties rely on the evidence of PW2 and PW3 who were inmates of the house.

32. PW2-Kavitha first wife of Mahadevan identified Ramalingam (A10), Siva (A11), Kumaran (A2), Karthi(A1), Rajan(A5), Subba(A4), Azharasan(A9), Kumar(A8) and Jayath(A7) as the persons who came to her house in search of Mahadevan and ransacked the house. She had deposed that the iron gate was damaged and the above name persons gate crashed the house and damaged the properties. The Investigating Officer has not recovered the damaged iron gate or placed any other evidence to prove that the iron gate was damaged. PW2 had further deposed all 11 accused damaged the fish tanks and window glasses. They threatened her not to interfere in the matter or else they will kill the children. A1 was holding the aruval, others were holding stones and sticks. In the cross examination of PW2 as well as PW24, the contradiction found in PW2 testimony leading to embellishment were highlighted. Particularly, in her previous statement under Section 161 Cr.P.C given to the Investigating Officer, PW2 had mentioned only 6 persons as trespassers into her house on 18.02.2014 at 11.00 a.m, whereas before the Court she has added 5 more persons and



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deposed all the 11 persons damaged the properties.

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33. While examining the testimony of PW3, we find she had deposed all the 11 accused came together at 11.00 a.m. Whereas PW2 had deposed just A10 and A11 came first then rest of the accused followed. She had deposed Karthi-A1 was carrying aruval, Kumaran-A2 was carrying wooden log, A10, A11, A1, A2 and A4 attacked her. Her allegations about attack and injury not supported by medical evidence. The falsehood and embellishments found apparently in the testimony of PW2 and PW3. Absence of evidence to corroborate the presence of the accused armed with weapon are the reasons to discard the testimony of PW2 and PW3 regarding the second incident. Witnesses for prosecution able to establish only the damages to property but not the persons who caused the damages. Hence, the trial Court has rightly held the 2nd, 3rd and 4th charges are not proved.

34. The 3rd incident is the murder of Mahadevan at about 1.00 p.m near the Indu Nagar, New River ridge Road. The witnesses to the occurrence as per the Investigating Officer are Kalidas(PW6) and Arumgam (PW9). Both the witnesses had turned hostile. The rest of the witnesses who are relatives



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and only hearsay witnesses. After hearing about the incident, they all had come to the place where the body of Mahadevan found.

35. The postmortem report-Ex.P9 says the deceased would appear to have died of multiple injuries. The viscera report-Ex.P10 says no alcohol or poisonous substance detected. The 3 feet wooden log-M.O.1 and 1 feet 7 cm long iron Aruval with broken iron handle-M.O.2 were recovered under mahazar-Ex.P4 based on the information alleged to be given by A1 in the presence of VAO Rajendran-PW8. In his cross examination PW8 has conceded that M.O1 and M.O2 were not recovered in his presence. The correction of date in the confession statement is admitted by PW8.

36. At this juncture, the evidence of PW23-Iyyappan who turned hostile also requires attention since he had deposed that he left Mahadevan near Mullivaikal and asked Mahalingam to take care of him. At that time, Mahadevan was drunk and not in good conscious. The injuries found on the deceased as per the post mortem report reveals the following external and internal injuries:



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EXTERNAL INJURIES:

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1. Contusion noted following areas:

12x6 cm seen over left side of face. 9X3cm over middle & lower part of left side of neck. 4X2cm over left shoulder. 9X4cm over upper part of right side of chest and clavicular region. 16X6cm over back of left side of chest.

2. Abrasion seen on the following areas:

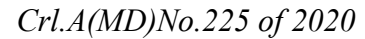
2x1cm over left elbow. 2x1cm over front of left leg. 1x1cm over right knee. 2x1cm over right ankle. 1x1cm over inner aspect of right foot. 3x2cm over right elbow. 2x1cm over right side of forehead.

INTERNAL INJURIES:
ON DISSECTION OF HEAD:

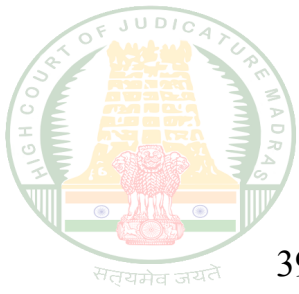
Scalp contusion of size 10x9cm seen over right temporal, parietal & occipital region. Diffuse sub dural & sub arachnoid hemorrhage seen over both temporo-parietal & occipital lobes and cerebellum.

ON DISSECTION NECK:

Contusion of size 11 x 6cm seen over middle & lower part of left side of neck. Underlying thyroid cartilage. Soft tissue, Larynx found contused. Thyroid cartilage found fracture with surrounding contusion noted.”



38. This coupled with the fact that PW9 one of the eyewitness to the murder of Mahadevan had turned hostile, the introduction of the theory of conspiracy belatedly not supported by any direct or circumstantial evidence all cumulatively renders the prosecution case unreliable.



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39. The injuries found on the deceased and the overt act attributed to the respective accused is not spoken by direct witness but by hearsay witnesses. The presence of the accused persons nor the presence of any eyewitness could not be conclusively believed from the evidence. Therefore when the view of the trial Court is also possible, interfering the finding of the trial Court in the absence of any perversity or improbability is needless. The appellate Court cannot substitute its view to reverse the order of acquittal which is also a probable view.

40. For the reasons stated, this Criminal Appeal filed against order of acquittal is dismissed.

[G.J.,J] & [R.P., J]
18.03.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
PJI



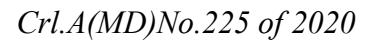
Crl.A(MD)No.225 of 2020

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To

1.The I-Additional District and Sessions Judge (PCR),
Thanjavur.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



**DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.**

PJL

**Predelivery Judgement made in
Crl.A(MD)No.225 of 2020**

18.03.2025