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CRL.A(MD)Nos.470 of 2022 and 180 of



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17/12/2025

CORAM

THE HONOURABLE MR JUSTICE **G.K.ILANTHIRAIYAN**
AND
THE HONOURABLE MS.JUSTICE **R.POORNIMA**

Crl.A(MD)Nos.470 of 2022 and 180 of 2023

(1)Crl.A(MD)No.470 of 2022:-

Vijaya : Appellant/PW70

Vs.

1.Manimuthu
2.Manthakaalai @ Kumaran
3.Saravanan
4.Mamundi @ Senthil
5.Kannan
6.Pandi
7.Kannan
8.Manoharan

: Respondents 1 to 8/
A1, A2, A4 to A8 and A10

9.The State rep by
The Inspector of Police,
Town Police Station,
Sivagangai District.
(Crime No.451 of 2007)

: Respondent No.9/
Complainant

PRAYER: Criminal Appeal filed under Section 372 of the Criminal Procedure Code, to call for the records and to set aside the judgment, dated 23/02/2022 made in SC No.80 of 2009 on the file of the Principal District and Sessions Judge, Sivagangai and pass such other or further orders.



CRL.A(MD)Nos.470 of 2022 and 180 of

For Appellant

: Mr.R.Rajarathinam
for Mr.C.Muthu Saravanan

For 1st Respondent

: Died memo filed

For R2 to R8

: Mr.Ananthapadmanabhan
Senior Counsel
for Mr.R.Srinivasan

For 9th Respondent

: Mr.A.Thiruvadikumar
Additional Public Prosecutor

(2)CrI.A(MD)No.180 of 2023:-

State represented by,
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.451 of 2007)

State rep. by
The Public Prosecutor,
Madurai Bench of Madras High Court

: Appellant/Complainant

Vs.

1.Manimuthu
2.Manthakaalai @ Kumaran
3.Saravanan
4.Mamundi @ Senthil
5.Kannan
6.Pandi
7.Kannan
8.Manoharan

: Respondents 1 to 8/
A1, A2, A4 to A8 and A10

PRAYER: Criminal Appeal filed under Section 378(i) of the Criminal

Procedure Code, to call for the records and to set aside the order of acquittal



passed by the Principal District and Sessions Judge, Sivagangai District, dated 23/02/2022 in SC No.80 of 2009 and to convict the accused for the offences with which they were charged.

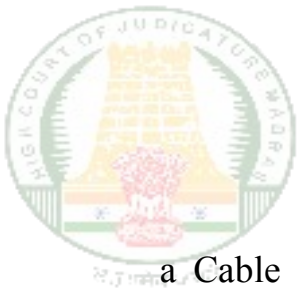
For Appellant	: Mr.A.Thiruvadikumar Additional Public Prosecutor
For 1 st Respondent	: Died memo filed
For R2 to R8	: Mr.Ananthapadmanabhan Senior Counsel for Mr.R.Srinivasan

COMMON JUDGMENT

(Judgment of the Court was made by the Hon'ble **G.K. ILANTHIRAIYAN.J**)

Both the appeals are arising out of the same judgment, dated 23/02/2022 passed in SC No.80 of 2009 by the Principal District and Sessions Judge, Sivagangai, thereby acquitted all the accused persons.

2.Crl.A(MD)No.470 of 2022 has been filed by PW70, who is the wife of the deceased Murugan, whereas Crl.A(MD)No.180 of 2023 has been filed by the State represented by the Inspector of Police, Sivagangai Town Police Station.



3.The case of the prosecution is that A2 and PW6 were jointly running a Cable TV business in Sivagangai District and as such, there was previous enmity between them. The deceased Murugan has become the Chairman of Sivagangai Municipality with the help of PW6, who was elected as Vice Chairman of the same Municipality. A2 was closely associated with A1. While being so, on the basis of the complaint lodged by A2, a case has been registered in Crime No.170 of 2007 against PW6 and others for the offences punishable under Sections 147, 148, 323, 324 and 307 IPC by the Sivagangai Town Police Station. Therefore, A2 deliberated to take revenge on PW6 and the deceased. A2 approached A1 seeking help to do away their lives. They conspired together and decided to fix a bomb in the Car of PW6 and explode it through a remote control. In consequence to that, A2, A3, A6 and A9 have procured electric detonator explosive from PW51 and prepared the remote control bomb. Thereafter, they fixed it under the chassis of Scorpio Car bearing Registration No.TN-59-AA-7677 on 29/06/2007. On the same day at about 01.30 pm, the bomb was exploded when the deceased was travelling in the Car from the Municipality Office to his house. As a result of which, he succumbed to the injuries on the spot and PW3/the driver of the Car and three others sustained grievous injuries and several other persons also sustained simple injuries and the explosion caused damage to a TNSTC Bus bearing registration No.TN-63-N-0769. Immediately, a complaint was lodged by PW1 and the same has been



registered in Crime No.451 of 2007 for the offences punishable under Section 302 IPC and Sections 3 and 5 of Explosive Substances Act. After completion of the investigation, charge sheet was laid against A1 to A11 for the offences punishable under Sections 120-B, 302, 302 r/w 34, 212 IPC and Sections 4(b)(ii) and 6 of Explosive Substances Act and the same has been taken cognizance in SC No.80 of 2009 by the trial Court. Pending trial, A3 and A9 died and therefore, the charges against them abated. A11 was discharged by the trial Court.

4.In order to bring home the charges, the prosecution had examined PW1 to PW72 and marked Exs.P1 to P57. On the side of the defence, they examined DW1 and marked Ex.D1.

5.On perusal of the oral and documentary evidence, the trial Court found all the accused not guilty and accordingly, acquitted them of the charges. Aggrieved by the said judgment of acquittal, the State and PW70, who is the wife of the deceased Murugan filed these appeals separately.

6.The learned Additional Public Prosecutor appearing for the appellant/State in Crl.A(MD)No.180 of 2023 submits that A1 is the dealer of Indane Gas. A2 is running a cable TV network. Both had previous enmity with



the deceased and PW6 with regard to their business as well as for political reasons. A2 was elected as a Ward Member in the Sivagangai Municipality. The deceased Murugan was also elected as a Member of Sivagangai Municipality. There was dispute between them while electing the post of Chairman among the members of the Sivagangai Municipality. Therefore, all the accused conspired together and planted a bomb in the deceased's vehicle and exploded it by remote control. Immediately, PW1 lodged a complaint within 45 minutes from the time of the alleged occurrence. He categorically deposed about the occurrence. Though PW6 and PW58 have seen the occurrence, they turned hostile. The person who sold the detonator had deposed as PW51 and unfortunately, he also turned hostile. The driver of the bus, who also sustained injury due to bomb blast had deposed as PW4. PW1 had spoken about the recovery of 16 gelatin sticks and 19 electric detonators from A2. He had also spoken about the recovery of the remaining residual mark from the mark trial conducted by A3. It is also corroborated by PW38, who is a neighbour for the mark trial place. At the time of plantation of the bomb in the Car, PW34 and PW35 have seen A2 and A3. The person who sold the gelatin also turned hostile. However, he was found in illegal possession of the gelatin, who has deposed as PW51. The person who had sold the magnate to A3 had deposed as PW44. He identified A3. The person who had sold the remote control to A3 had deposed as PW46. He also identified A3. The Forensic Laboratory report was marked as Ex.P47. It also supported the case



of the prosecution. Even then, the trial Court without considering the above, mechanically acquitted all the accused.

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7.The learned Counsel for the appellant/PW70 in Crl.A(MD)No.470 of 2022 adopted the entire submissions of the learned Additional Public Prosecutor and also made further submission that the Forensic Laboratory Report, which was marked as P47 is very clear that the parts of the chemical, which was used in the bomb was also found in the dead body. Mere non-availability of the residual of gelatin cannot vitiate the entire case of the prosecution.

8.Per contra, the learned Senior counsel appearing for the respondents 2 to 8 submits that though the prosecution had examined the persons who sold magnate, remote control, electric detonators and gelatin sticks, their evidence is not trustworthy and failed to support the case of the prosecution. All of them were set up by the prosecution to prove the charges. The main witnesses turned hostile and did not support the case of the prosecution. There was no test identification parade conducted to identify the accused. Merely because, there was previous enmity between A1 and A2 and the deceased and PW6, it cannot be stated that they were the ones who planted the bomb. Therefore, the trial Court rightly acquitted the accused and it does not warrant any interference of

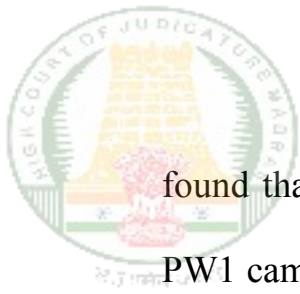


this Court. He also submits that non-production of any of the residual gelatine stick is fatal to the case of the prosecution. In support of his contention, he relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Chandrappa and others Vs. State of Karnataka*** reported in **2007(4)SCC 415**.

9.Heard both sides and perused the materials available on record.

10.There are totally 11 accused. Before framing charges, A11 was discharged by the trial Court. While pending trial, A3 and A9 were died. Subsequently, while pending these appeals, A1 also died.

11.The specific case of the prosecution is that A1 and A2 had previous enmity with the deceased and PW6. A1 is a dealer of Indane Gas and A2 is running a Cable TV business in Sivagangai District. PW6 is also doing cable TV business. Therefore, there was enmity between PW6 and A2. Therefore, all the accused conspired together, planted a bomb in the Car of the deceased to do away with his life. On 29/06/2007, all the Councillors of Sivagangai Municipality had assembled in their office and they returned around 01.00 pm. PW3 drove the Car belonged to PW6. PW6 handed over the Car to pick up the deceased Murugan from the entrance of the Municipality Office. While they were proceeding in the Car, there was a huge noise. Later, it was



found that there was a bomb blast, which was planted in the Car. Immediately, PW1 came to the scene of crime and found the deceased and injured persons. In fact, the deceased came to his office in the Car at about 09.30 am, on 29/06/2007 driven by the same driver PW3. PW3 had parked the Car in the petrol bunk owned by PW19. On receipt of the complaint, FIR has been registered and the same was marked as Ex.P38. In order to confirm the parking of the Car, the owner of the petrol bunk had deposed as PW9. He had deposed that the vehicle was parked in his petrol bunk before the occurrence. From the scene of crime, in the presence of PW30, pieces of plastic material of the Car and other residuary of the bomb were recovered. PW1 stated that someone blasted the Car by fixing the bomb in the Car. But he had deposed that A1 had previous enmity with the deceased and A1 had also challenged the deceased that he cannot be the Chairman for a long time and that he will be killed shortly. Further, he had also stated that he would be killed with a bomb. When the death occurred due to bomb blast, A1 and A2 would not have dared and threatened the deceased earlier that they will kill him with a bomb. Therefore, it is not at all believable one and the trial Court rightly rejected the evidence of PW1. Further, he deposed that A1 and A2 along with the other accused persons stood in the petrol bunk owned by PW19 in a white colour Omni Car and A3 and A5 were sitting inside the Omni Car by keeping the door open. However, there is no whisper about these allegations in the complaint. He further deposed that A3 pressed something



which he was holding in his hand, while other accused were standing outside.

Had it been so and when he is able to lodge the complaint about the previous enmity, what prevented him to state that who operated the remote control to blast the bomb. All his statements about the involvement, presence, performance, motive were made only for the first time before the Court. In fact, he also admitted in his cross examination that all the improvements and contradictions did not form part of his complaint or statements during the investigation. When PW1 has seen the person, who operated the remote control to explode the bomb, he would have named him in the complaint. In fact, he also made a specific allegation as against A1 and A2 in the complaint.

12.PW2 deposed that he arranged to transport the injured persons to the hospital from the place of occurrence. But he did not see PW1 in the place of occurrence. He also deposed that PW1 accompanied with a group of people while they went to the farmers market on that date and not after that.

13.The driver of the Car has deposed as PW3. He had spoken about the previous enmity and motive and stated that even two days prior to the date of occurrence, A2 and A3 were following them, however, he did not inform the same to anybody and no complaint was lodged. While the deceased went to the farmers market, he was sitting in the Car. While being so, he found A1 to A6 and



A8 were standing opposite to him. In fact, he did not whisper about these versions before the Investigating Officer and only before the Court, he deposed that he had seen the accused persons. He also admitted that there were several other opponents and enmities to the deceased.

14.PW6 who is the eye witness to the occurrence and close friend of the deceased deposed that he was running a cable TV network and as such, there was a dispute between himself and A2. However, he did not speak about the presence of any of the accused in the scene of occurrence. He also turned hostile and did not support the case of the prosecution.

15.The prosecution mainly relied upon the evidence of PW31, who was summoned by the Police on 06/11/2007, at this juncture, he had seen A2 and A3 in the police custody where the confession statement of A2 was recorded and marked as Ex.P6. The confession statement of A2 led to recovery of 16 gelatin sticks, 19 detonators from the well owned by A2. The recovery was made with the help of fire service staff, who deposed as PW32. Therefore, the entire case of the prosecution relied upon the recovery, based on the confession statement of A2 and A3. Further, in order to strengthen the same, the prosecution had examined PW33 to establish that A3 and A5 came to the hotel and they are known to him. However, he did not identify the person who availed the room and who came to the lodge.



16.The prosecution had examined PW34 to connect A2 and A3. He deposed that two days prior to the occurrence i.e., on 28/06/2007, he had seen them at 2.00 am i.e., in the midnight. However, he did not support the case of the prosecution by showing any hatching of conspiracy and doing of any illegal act. Likewise, the prosecution had examined PW35 who is an employee of the cycle stand. He deposed that three days prior to the occurrence, he had seen A2 and A3 together going behind the deceased's vehicle. He had also seen them on 27/06/2007. The prosecution also examined PW36 to prove the presence of A2 and A3. He deposed that he had seen someone along with A3 just before the occurrence. However, he did not identify any one of the accused. Further, he did not even whisper that A3 was holding any remote instrument to blast the bomb.

17.PW38 who is a neighbour of A3 deposed that he heard some noise behind his house. He enquired about the same with A3. But he did not receive any valid reason from him. Further, he did not even whisper that he saw any fire or smoke. The person who allegedly sold the electric magnet to A3 has deposed as PW44. He did not even whisper about the transaction. So, his evidence is not sufficient to connect A3. The person who sold remote to A3 had deposed as PW46. However, he failed to describe the colour, brand or size of the remote in Ex.P14. The prosecution also failed to prove that he is a dealer of electronic instruments by producing relevant documents, such as bill book or



licence. Thus, by all means, there is no clinching evidence for the presence of the accused on the spot. Further, Ex.P47 the Forensic Laboratory report also did not support the case of the prosecution.

18. While dealing with the appeal as against the acquittal, there are presumptions in favour of the accused. Firstly, the presumption of innocence available to him in the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent, unless he is proved guilty by a competent Court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial Court. If two reasonable conclusions are possible on the basis of the evidence on record, the Appellate Court should not disturb the finding of acquittal recorded by the Trial Court. Further, when there are proper reasons furnished by the trial Court while granting acquittal, by means of a speaking order, the same cannot be unsettled in appeal. When there are two views possible in the flow of evidence, one in favour of the prosecution and another in favour of the accused, the evidence that is available in favour of the accused alone has to be taken and the benefit should be accorded to the accused as the mandatory principle. In the case of hand, absolutely there is no ambiguity in the judgment rendered by the trial Court in its reason given for disbelieving the evidence of the prosecution. Thus, the judgment of acquittal passed by the trial Court is not perverse.



19. In view of the above, both the appeals as against the order of acquittal fail and are liable to be dismissed. Accordingly, both the appeals are **dismissed.**

(G.K.I.,J) (R.P.,J)
17/12/2025

Index: Yes/No
Internet: Yes/No

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To,

1. The Principal District and Sessions Judge,
Sivagangai.
2. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
R. POORNIMA.,J**

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