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*RT.(MD).No.2/2025
& CrI.A.(MD).No.704/2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

<i>Reserved on 26.08.2025</i>	<i>Delivered on 09.10.2025</i>
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CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS JUSTICE R.POORNIMA

R.T.(MD). No.2 of 2025 & CrI.A. (MD) No.704 of 2025
&
CrI. MP. (MD) No.8176 of 2025

R.T.(MD) No.2 of 2025:-

State of Tamil Nadu
rep.by the Inspector of Police
Ganesh Nagar Police Station
Pudukkottai District.

Complainant

Versus

Lakshmanan @ Suresh

Sole Accused

Prayer : Referred Trial under Section 366 (1) of Cr.P.C., on the judgment of conviction dated 12.04.2025 and sentence dated 30.04.2025 passed in S.C.No.97 of 2021 on the file of the learned Principal District and Sessions Court, Pudukkottai.



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For complainant

Mr.Hasan Mohammed Jinnah
State Public Prosecutor
assisted by
Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For respondent

Mr.K.Balasundharam, Senior Counsel
for M/s. KBS Law Office

CRL.A. (MD) No.704/2025:-

Lakshmanan @ Suresh

Appellant / Sole Accused

vs.

State of Tamil Nadu
rep.by the Inspector of Police
Ganesh Nagar Police Station
Pudukkottai & District.

Respondent / Complainant

Prayer:- Criminal Appeal filed under Section 415 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the impugned judgement in S.C.No.97/2021 by its judgment with regard to the conviction dated 12.04.2025 and with regard to the sentence dated 30.04.2025 on the file of the Principal District and Sessions Court, Pudukkottai and set aside the same and acquit the appellant by allowing the criminal appeal.

For appellant

Mr.K.Balasundharam
Senior Counsel for
M/s. KBS Law Office

For respondent

Mr.Hasan Mohammed Jinnah
State Public Prosecutor assisted by
Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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COMMON JUDGMENT

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A.D.JAGADISH CHANDIRA, J.

While R.T. (MD) No.2 of 2025 is a reference made by the Principal District and Sessions Court, Pudukkottai, [for brevity "the Trial Court"] under Section 366 of Cr.P.C., for confirmation of the death sentence awarded to the accused in S.C.No.97 of 2021, who is the appellant in CrI.A. (MD).No.704/2025, *vide* judgment dated 30.04.2025, CrI.A.(MD).No. 704/2025 is filed by the sole accused seeking to set aside the judgment of conviction and sentence imposed on him by the Trial Court.

2. For the sake of convenience and clarity, the parties will be referred to as per their rank in the criminal appeal.

3. Minus minute details, the facts, giving rise to the two captioned cases, in a nutshell, are as follows:

3.1 Based on a complaint preferred by one P. Sivagami on 27-04-2021 that her daughter Logapriya was murdered by her nephew



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Lakshmanan @ Suresh and that he had committed theft of her gold chain, cell phone and two wheeler, a case in Cr.No.226/2021 was registered by Ganesh Nagar, Pudukkottai P.S. on the same day for the offences under Sections 302 and 394 IPC.

3.2 The respondent police arrested the appellant and after completion of investigation, filed a charge sheet against the appellant for the offences punishable under Section 342 or 352, 302, 392 r/w 397 of IPC on the file of the Judicial Magistrate, Keeranur who took the case on file as P.R.C. No.03/2021.

3.3 On appearance of the appellant, papers u/s. 207 Cr.P.C., were served on him and finding that the case was exclusively triable by the Court of Session, the Judicial Magistrate, Keeranur, committed the case to the Trial Court.

3.4 The case was taken on the file of the Trial Court as S.C No 97 of 2021 and the Trial Court, after questioning the appellant, framed charges against the appellant for the offences punishable under Sections 342 or 352,



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302 and 392 read with 397 of IPC.

3.5 The prosecution examined 19 witnesses and marked 39 exhibits and 35 material objects. When the appellant was questioned u/s.313 Cr.P.C., he denied his involvement and examined himself as a defence witness and did not mark any exhibit. Ultimately, the Trial Court convicted and sentenced the appellant as under:-

Sl.No.	Provision under which the appellant is convicted	Substantive Sentence and Fine Imposed
1	342 IPC	To undergo one year Simple Imprisonment
2	302 IPC	Death Sentence and to pay a fine of Rs.1,000/-, in default to undergo one month Simple Imprisonment.
3	392 IPC	To undergo 10 years Rigorous Imprisonment and to pay a fine of Rs. 500/-, in default, to undergo one month Simple Imprisonment.

The Trial Court directed that the appellant be hanged by the neck till he is dead u/s 354(5) of Cr.P.C and submitted the entire proceedings to the High Court for confirmation u/s 366(1) of Cr.P.C. The period undergone by the appellant in judicial custody was directed to be set off u/s 428 of Cr.P.C.



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3.6 Thereagainst, the captioned two cases have come to be filed before this Court, as stated in the opening paragraph.

4. Before delving into the case of the prosecution, it is necessary to understand the *inter se* relationship amongst the *dramatis personae* in the instant case. The appellant Lakshmanan @ Suresh is the son of PW1's elder sister and cousin of the deceased Logapriya. The deceased is the daughter of PW1. PW2-Tamizharasan is the husband of the deceased. PW11-Devaraj is the maternal uncle of the deceased and brother of PW1.

5. For better appreciation of the facts of the case, at the cost of prolixity, it is not out of place to analyse the deposition of the prosecution witnesses:

5.1 PW1-Sivagami, mother of the deceased Logapriya is a resident of Ponnagar, Pudukkottai District. She deposed that the appellant is her elder sister's son and that she is working as a Helper in the Electricity Board, near Pudukkottai Old Bus Stand. Since the appellant married on his own volition without the consent of his parents, his marriage was not approved of by his



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family members. She further deposed that her daughter Logapriya loved one Tamizharasan [PW2] and their marriage was registered unbeknownst to her. PW1 stated that having accepted her daughter's marriage with PW2, she told the deceased that on completion of her studies, she will make necessary arrangements for a proper wedding and hence, the deceased stayed with her to prosecute her studies and PW2 was staying in his parental home. PW1, in her evidence, deposed that the appellant used to demand money from her frequently stating that he owed money to others and that he has to settle the dues. However, PW1 refused to part with money. Hence, the appellant had an altercation with PW1 and went away. While so, on 27.04.2021, at 10.15 a.m., the deceased dropped her mother in her Scooty at Ashok Nagar Bus Stand and went back to her residence. On the same day, at about 2.00 p.m., when PW1 called the deceased over phone, she did not attend the call. Ten minutes thereafter, the deceased called PW1 back and informed that the appellant had come to their residence. P.W.1 scolded the deceased as to why she allowed him inside the house as he would ask for money and disturb them. PW1 deposed that when she returned home at about 6.30 p.m., she found the main gate open and their dog was standing outside in a shivering state. The doors of the house were also kept open.



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When PW1 went inside the house, she found the cupboard was broken and papers were found strewn on the floor. PW1 further deposed that when she approached her daughter's bedroom, she found that it was latched from outside and when she opened the door, she found her daughter lying on the bed with grievous injuries on her forehead, eyes, cheeks, neck and backside of the head. PW1 also found the teeth of the deceased broken. When PW1 raised a hue and cry, the neighbours gathered there. On hearing the information about the death, PW2 [husband of the deceased] also rushed to the place of occurrence. PW1 further deposed that PW2 informed her that the appellant had come to the house of PW1 on the date of occurrence and the deceased had sent the appellant's photo to him *via* WhatsApp and PW2 showed the photo of the appellant to everyone. When PW1 came out of the house shouting, PW3-Vasu informed PW1 that at 4.00 p.m., he saw the appellant taking the Scooty of the deceased and leaving the place in a perturbed manner. PW1 also deposed that a gold chain with fish dollar was found missing from her daughter's neck. Thereafter, PW1 went to the respondent police station and lodged a complaint under Ex.P.1. Subsequent to the lodging of the complaint, the police personnel came to her residence and recovered an iron rod [MO-1], knife [MO-2], Scissors [MO-3] and a



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long rod. The respondent police also recovered a bloodstained bedspread [MO-4], bloodstained pillow [MO-5], bloodstained pillows [2 Nos]-[MO-6], bloodstained window screen-[MO-7], broken teeth [8 Nos]-[MO-8] series, bloodstained mat-[MO-9], hair recovered from the deceased head-[MO-10], strands of hair recovered from the floor-[MO-11]. Later she appeared before the court and a statement Ex.P.5 was recorded under Section 164(3) Cr.P.C. The Forensic Report is Ex.C1 and the mobile phone of the deceased is M.O.14.

5.2 PW2-Tamizharasan, husband of the deceased Logapriya, deposed that he is working as an autorickshaw driver at Sandaipettai, and that he knows PW1, PW3 and the appellant. He further deposed that he had studied up to 12th standard and was in love with the deceased from 2016. On 04.07.2019, he married the deceased Logapriya in the office of the Sub Registrar, Srirangam, and since the deceased joined I Year in the Government Arts College for Women at Pudukkottai and since it was Corona period, she stayed with her mother and he was talking with her *via* Whatsapp. PW2 further deposed that the marriage between the deceased and him was known to his parents and that when they went to the house of the



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deceased for marriage talks, PW1 informed that the marriage between PW2 and the deceased will be performed after the deceased completes her studies. PW2 deposed that on 27.04.2021, at about 2.20 p.m., when he was chatting with the deceased in WhatsApp as usual, she informed him that her brother (the appellant) had come to her residence and was sleeping. She also took a photo of the appellant and sent to PW2 through WhatsApp. PW2 also scolded the deceased as to why she had let him inside the house, since on an earlier occasion, the appellant had strangled her neck and demanded money and also hit the dog on the wall. The deceased replied that as the appellant's mother informed her that the appellant is vomiting blood and requested her to let him inside the house, she had to budge. When PW2 questioned the deceased as to whether she had informed her mother/PW1, the deceased told him that she would inform her as soon as she completes the chat with him. On the same day, at about 7.15 p.m., when he was taking bath, PW11-Devaraj (maternal uncle of the deceased) called him over phone and informed that someone had stabbed his wife with knife and that PW11 enquired PW2 as to whether he went and saw the deceased. When PW2 rushed to the house of PW1, he saw his wife lying dead on the bedroom floor. He found injuries on her eyebrows, cheeks and back of the



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neck and her teeth were broken. When PW2 enquired about the appellant who was present during the afternoon, a search was made by others and PW2 suspected that it was the appellant who could have murdered his wife. PW1 informed PW2 of the information received by her from PW3 that he [PW3] saw the appellant taking the Scooty of the deceased. PW2 handed over his cell phone [MO4] to the police for investigation.

5.3 PW3-Vasu is also a resident of Ponnagar and is a retired employee of the TWAD Board. He had deposed that he knew PW1, PW4 (neighbor) and the appellant. He stated that on a day during the month of April 2021, after having lunch at around 2.30 p.m., he came out of his house. At that time, he saw the appellant fleeing away in the Scooty of the deceased in a hurried and restless manner. At about 6.00 p.m., when PW3 was in his house, he heard the hue and cry of PW1. Thereafter, he went to the house of PW1 and found the deceased lying dead. He deposed that since he found the appellant fleeing from the scene in the Scooty of the deceased in the afternoon hours, he suspected that the appellant might have caused the death of the deceased.



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5.4 PW4-Dakshinamoorthy, a retired Driver of the Agriculture Department, is also a resident of Ponnagar. He deposed that he knew PWs. 1 to 3 and the appellant. He further deposed that he saw the appellant entering the house of the deceased on 27.04.2021 at about 1.00 p.m., after which, he went out for market. When he came back to his house at about 8.00 p.m., he saw a crowd near PW1's house and that he came to know about the death of Logapriya.

5.5 PW5-Sekar Pandian, is a coolie by profession at Papavayal. He deposed that PW1 is the wife of his elder brother and that the deceased Logapriya is his niece. On 27.04.2021, upon hearing the information regarding the demise of Logapriya, he came to the house of PW1 and saw the deceased lying in a pool of blood. He deposed that he along with one Seenivasan, attested the Observation Mahazar [Ex.P.6] prepared by the police. The police also recovered MO1, MOs - 4 to 11 and MOs.15 to 19 in his presence and one Seenivasan under a cover of mahazar [Ex.P7 and Ex.P8].



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5.6 PW6-Shankar Ganesh, the then Village Administrative Officer, deposed that on 28.04.2021, he received a call from the respondent police intimating him to be present during the enquiry of the appellant. Accordingly, he went near Viji Cool Drinks Shop along with his Assistant Wahidha Banu (not examined) as per the instructions of the police. The appellant was arrested in the presence of PW6 and his Assistant. On enquiry, the appellant came forward to give his confession statement, the admissible portion of which is marked as Ex.P.9. PW6 also deposed that the appellant narrated the sequence of events leading to the murder of the deceased and that, he would lead to the place where he had kept the knife used for committing the crime and also his clothes. He also stood as an attesting witness along with the Village Assistant for recovery of the following items:-

- [i] cash of Rs.18,500/- under Ex.P10;
- [ii] Ex.P.11 [series]-photographs taken for the said recovery ;
- [iii] Ex.P.12- seizure of the Scooty [MO.13] and RC Book;
- [iv] Gold chain [MO12] under Ex.P.13 ;
- [v] recovery of cash of Rs.15,000/- from one Sivakumar



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under a Mahazar [Ex.P.14] and the photographs taken for such seizure are marked under Ex.P.15;

[vi] Seizure of MOs.20 to 23 [Jerkin, Mask, a pair of key chains having two and four keys in it respectively] under Mahazar [Ex.P.15];

[vii] Seizure of appellant's bloodstained clothes [Mos.25-27] and cash of Rs.31,400/- under Ex.P.16.

5.7 PW7-Poovarasam, is a pawn broker at Ashok Nagar, Pudukkottai. He deposed about the pledging of a gold chain with fish dollar by the appellant on 27.04.2021. He also deposed about the seizure of the said gold chain by the police on 28.04.2021 and the handing over of the CCTV footage in a pen drive [MO.28] under Ex.P17, marked with an objection.

5.8 PW8-Mohammed Rafiq is doing a business under the name and style of "Aandavar Two Wheelers Consulting" near the Old Bus Stand. He deposed that on 27.04.2021, the appellant came to his shop with a Scooty and wanted to sell the same as his wife is unwell and that he needs money for her treatment. When PW8 insisted the appellant to bring any known



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person, the appellant informed him that the vehicle belongs to his sister. Accordingly, PW8 took the vehicle and the RC Book and paid a sum of Rs. 26,500/- to the appellant. On the next day, the police came to his shop along with the appellant and informed him that the appellant had committed a murder and questioned him as to how he can purchase the vehicle involved in a crime. PW8 informed the police that since the documents were found to be proper, he purchased the vehicle. The police seized the Scooty, the RC Book and also the CCTV footage from PW8.

5.9 PW9-Sivakumar, an agriculturist, deposed about his knowing of the appellant through his friend Subramanian; pledging of Splendor Plus bike by the appellant on 29.03.2021 for a sum of Rs.15,000/-; on 27.04.2021, the appellant redeeming the bike after making the payment; the investigation of the respondent police on the next day [28.04.2021] and recovery of the amount of Rs.15,000/- from him. Ex.P.11 are photographs of the currency notes seized from PW9.

5.10 PW10-Bakkiyalakshmi, who runs a petty shop at Ponnagar, deposed about her knowing the appellant, PW1 and the deceased Logapriya;



that her son was working as an Acting Driver; that on 27.04.2021 at about 4.00 p.m., when she went to her shop to serve tea to her husband, she saw the two gates of PW1's house open. She also deposed that at 6.30 p.m., on the same day, her son called and informed his father that PW1 told him over phone that someone had murdered her daughter Logapriya and asked them to come immediately to her house. When PW10 went to the house of PW1, she saw the deceased lying on the floor in a pool of blood and that her teeth were missing. The ambulance service was summoned and the persons who came in the ambulance, declared Logapriya as dead.

5.11 PW11-Devaraj, is the maternal uncle of the deceased Logapriya and brother of PW1-Sivagami. He was working as a Painter in Chennai. He deposed that on 27.04.2021, PW1 called him and informed about the death of her daughter Logapriya. Immediately, PW11 informed his relatives and also PW2-husband of the deceased. He also deposed that the appellant is the son of his other sister. He further deposed that two days prior to the occurrence, the appellant went to the house of PW1 at around 11.30 p.m., and asked for Rs.30,000/- stating that he had to repay the debts and that he needs money for his wife's surgery. At that time, PW11 told PW1 to put the



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phone on speaker mode and scolded the appellant to approach his parents for money and if again, he troubles PW1, a complaint will be lodged in the police station. He deposed that one week prior to the death of the deceased, the appellant had approached the deceased and demanded money and as she refused, he strangled the neck of the deceased and when the dog tried to save Logapriya, the appellant threw the dog on the wall and went away. PW1 informed PW11 about this incident and thereafter, PW11 contacted the appellant and pacified him.

5.12 PW12-Muthukumar is a resident of Sengaihothope and he is doing brick business. He deposed that on 27.04.2021, the respondent police came and informed him that a murder had taken place in Ponnagar and they require the CCTV footage of his house in that regard. The police verified the footage and found that on 27.04.2021 at about 4.30 p.m., a person wearing a mask was riding a violet colour Scooty from East to West direction. The footages were handed over to the police under Ex.P18.

5.13 PW13-Rajadurai, a resident of Periyar Nagar, is doing computer sales and service and CCTV installation business. He deposed about the



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installation of CCTV camera for Evergreen Pawn Broker shop situated in Avathar Complex. He further deposed that on 04.05.2021, the respondent police enquired him about the delay in timings in the CCTV footage recovered from Shri Ever Green Gold Bankers shop (pawn broker) and he replied that whenever the battery is low or when there is power cut, there will be a delay in the timings.

5.14 PW14-Sivamani is presently working as Deputy Superintendent in the Finger Print Lab at Perambalur District. While he was in-charge of the Finger Print Lab at Pudukkottai District at the relevant point of time, on 27.04.2021, upon receipt of the information regarding murder in Crime No. 226/2021, he deputed four persons viz., Aravind, Stalin, Selvi and Roshini, Sub Inspectors of Police, to go to the scene of crime and to take finger prints available at the scene in order to trace out the accused. Upon such instruction, the Sub Inspectors of Police, went to the place of occurrence at 8.40 p.m. and took the finger prints available on the wooden door, wooden almirah, jewel box, finger prints of the deceased Logapriya and the finger prints that were available in other places and sent the same to the laboratory for analysis. He further deposed that upon developing three finger prints,



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two finger prints matched with the finger prints of the deceased and since the third finger print was found to be different, the same was compared with the finger prints of the list of accused. Since there was no match, it was compared with the finger print of the suspect / appellant and was found to be matching. The report given by PW14 in this regard was marked as Ex.P. 19.

5.15 PW15-Rajendran, who was Assistant Director, Forensic Sciences Laboratory at Perambalur District, went to the scene of crime at the request received from the Special Cell of the police officials, Pudukkottai District and he assisted the Investigating Officer in collecting materials for forensic analysis and sent the same to the Assistant Director, Regional Forensic Science Laboratory, Tiruchirappalli.

5.16 PW16-Ilayaraja was the Assistant Medical Officer of Pudukkottai Government Medical College and Hospital at the relevant point of time. He deposed about the requisition received from the respondent police for postmortem of the deceased Logapriya and keeping the body in the mortuary.



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5.17 PW17-Somasundaram who was the Sub Inspector of Police attached to the respondent police at the relevant point of time, deposed that on 27.04.2021, while he was on duty, PW1-Sivagami came to the police station at 7.30 p.m., and gave a complaint. On receipt of such complaint under Ex.P1, he registered a case in Crime No.226/2021 for the alleged offences under Sections 302 and 394 IPC. Ex.P.20 is the printed FIR. He sent the complaint and the FIR copy to the learned Judicial Magistrate, Pudukkottai and to higher officials.

5.18 PW18-Dr.Valliyappan, Senior Assistant Professor in the Government Medical College and Hospital at Pudukkottai, at the relevant point of time, deposed that on 28.04.2021 at 1.00 p.m., he received a requisition from the Inspector of Police attached to the respondent police station for conducting postmortem on the dead body of the deceased Logapriya. He commenced the postmortem at 1.05 p.m. and found the following injuries:-

External Injuries:-

- 1) A bone deep lacerated wound of size 3x2 cm present over left side



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of forehead just above outer border of left eyebrow, that on dissection diffuse subgaleal hematoma over left frontal region present and a depressed fracture of 3x1.5cm present over left side of frontal bone involving upper margin of left orbit with clotted blood.

- 2) A reddish abrasion of size 2x1cm over right side of face measuring 2cm below right eye.
- 3) A reddish abraded contusion of size 1x0.5 cm over middle one third of nose.
- 4) A reddish abraded contusion of size 2x2 cm over left side of the face just below left eye.
- 5) A stab injury of size 1x1.5cm present over left side of face measuring 2cm outer to injury No.4 with clotted blood.
- 6) An oral cavity deep lacerated of size 3x2cm present over left side of face involving left side of upper lip and lower lip with clotted blood, situated 1.5cm below injury No.4 that on dissection underlying tooth from the left upper and lower jaws were missing with clotted blood in sockets.
- 7) A stab wound of size 1x1cm and 2 cm deep present over right side of the face 2cm out to mouth with clotted blood.
- 8) A stab wound of size 1x1.5cm and 1.5cm deep present over right side 4cm in front of right ear tragus with clotted blood.
- 9) A crescent shape abrasion of size 0.5cmx0.5cm present below the mouth.
- 10) A reddish abraded contusion of size 2x2cm over left side of face over mandibular region 2cm below lower lip.
- 11) A reddish abraded contusion of size 2x3 cm present horizontally over front of right side of chest upper one third..
- 12) A reddish abraded contusion of size 5x1.5cm present horizontally



over front of left of chest lower one third.

- 13) A stab wound of size 1.5x1cm and 5cm deep present over back of left side of chest situated at 6cm from nape of neck and 4cm from posterior midline with clotted blood, which on dissection wound track enters the thoracic cavity with clotted blood all along the track.
- 14) A stab wound of size 1.5x1 cm and 4 cm deep present over back of left side of chest situated at 7cm from nape of neck and 3 cm from posterior midline with clotted blood, that on dissection wound track enters the thoracic cavity with clotted blood all along the track.
- 15) A stab wound of size 1.5x1cm and 2cm deep present over back of left side of chest situated 12cm from nape of neck and 8cm from posterior midline with clotted blood.
- 16) A stab wound of size 1x1cm and 2cm deep present over back of left side of chest situated at 6cm from injury No.13 and 14 from posterior midline with clotted blood, that on dissection wound track enters the thoracic cavity with clotted blood all along the track.
- 17) A stab wound of size 1.5x1cm and 4cm deep present over back of left side of chest situated at 6cm from injury No.12 and 13 from posterior midline with clotted blood.
- 18) A stab wound of size 1.5x1cm and 3 cm deep present over back of left side of chest situated at 9 cm from injury No.13 and 9 from posterior midline with clotted blood.
- 19) A stab wound of size 2x1cm and 4 cm deep present over back of middle one third of right side of chest situated at 4 cm posterior midline with clotted blood.
- 20) An oval abrasion of size 1x0.5 cm present over back of left



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shoulder

- 21) A stab wound of size 1.5 x 1 cm and 4 cm deep present over back of left side of neck lower one third with clotted blood.
- 22) A stab wound of size 2x1 cm and 3 cm deep present over back of left side of neck upper one third with clotted blood.
- 23) A stab wound of size 1.5x1cm and 2cm deep present over back of head along posterior hair line with clotted blood.
- 24) A reddish abraded contusion of size 3x2 cm present over middle one third of outer aspect of left side of neck; and
- 25) Three stab wounds of size 1.5x1 cm present parallel to each at a distance of 0.25 cm and 4 cm deep present over outer aspect of front of left side of neck with clotted blood, that on dissection underlying carotid vessels are damaged with extravasation of blood into surrounding area.

Ex.P.21 is the postmortem certificate; Ex.P.22 is the forensic report; Ex.P.23 is the viscera report and Ex.P.24 is the final opinion. He also opined that the above injuries could have been caused by using MO2-knife and MO1-iron rod. The doctor also opined that there is a possibility of the deceased having been attacked by two or three persons.

5.19 PW19-Mohammed Jaffer, Inspector of Police attached to the respondent police station at the relevant point of time, deposed that he received the FIR relating to Crime No.226/2021 from the Sub Inspector of



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Police and took up the case for investigation. He reached the scene of occurrence on 27.04.2021 at 8.15 p.m. He prepared the observation mahazar [Ex.P.6] and the rough sketch [Ex.P.25] in the presence of PW5 and one Seenivasan. He recovered the material objects from the scene in the presence of the same witnesses under Seizure Mahazars [Ex.P.7 and Ex.P.8]. He held inquest on the dead body of the deceased in the presence of the panchayatdars and the inquest report is marked as Ex.P.26. He sent the dead body for postmortem to the Government Medical College and Hospital, Pudukkottai. He enquired PW1, PW2, PW3, PW5 and Seenivasan and recorded their statements. On 28.04.2021, at 4.30 a.m., he seized the mobile phone of PW2 under seizure mahazar. On receipt of secret information, he, on 28.04.2021 at about 9.00 a.m., went to Viji Cool Drinks and arrested the appellant in the presence of PW6-VAO and Village Assistant. The appellant came forward to give a confession statement voluntarily, the admissible portion of which was marked as Ex.P.9. Upon such confession, he seized Rs.18,500/- [cash] under a Mahazar [Ex.P.10]. The Accident Register was marked as Ex.P.27. The certificate issued by the Principal of the Government Arts College stating that the deceased was studying in the said college was marked as Ex.P.28. He seized:



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[1] the **Scooty** of the deceased which was sold by the appellant to PW8 at 11.45 am., in the presence of the same witnesses under Ex.P12 [Mahazar];

[2]**Gold chain** of the deceased from Shri Ever Green Gold Bankers at 12.15 p.m. under Ex.P13;



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[3]**cash of Rs.15,000/-** said to have been given by the appellant to PW9 to redeem his bike under Mahazar [Ex.P.14] at 1.00 p.m.;
[4]**scissors, knife, mask, underwear, 2 key chains** at 1.45 p.m. under a Mahazar;
[5]**Splendor Plus Bike [M.O.29]** of the appellant bearing Regn.No.TN-55-BC-7312 and **cash of Rs.31,400/-** from a thorny bush near the in-law's house of the appellant at 3.00 p.m., under a Mahazar [Ex.P.16].

He further deposed that he sent the appellant for judicial remand. He enquired and recorded the statements of the witnesses. He seized the clothes of the deceased after postmortem under Form 95. He enquired the Postmortem doctor and recorded his statement. He also recorded the statements of PW17 and two persons, viz., Kalidoss and Dhanalakshmi. He sent the internal organs of the deceased for viscera on 30.04.2021. He also seized CCTV footages from PW11 and one Muthukumar and from Shri Ever Green Gold Bankers under Form 95 and sent the same to the Court. He also recorded the statements of the police officials. On 10.05.2021, he produced PW1 and PW2 before the Judicial Magistrate, Keeranur, for recording their statements under Section 164 Cr.P.C. He made arrangements to search for the mobile phone of the appellant which is stated to have been thrown by him in a lake near Thekkattur. Since the same was untraceable, he



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received the "Non Traceable Certificate" from the Fire Rescue Officer under Ex.P.30. The Forensic Report is marked as Ex.P.31; Requisition was sent to the Judicial Magistrate for comparing the finger prints of the appellant with the finger prints taken at the scene of crime which was marked as Ex.P.32. The pen drives containing the CCTV footages of the appellant going in and coming out of the house of PW1 were marked as M.Os.33 and 34 respectively. The pen drive containing CCTV footages regarding the appellant selling Scooty to PW8 was marked as M.O.35. The special report submitted by Sebastian Ravi, Sub Inspector (not examined) who was appointed for downloading the CCTV footages was marked as Ex.P.33. The original receipt showing sale of the gold chain of the deceased was marked as Ex.P.34. The certificates issued under Section 65B of the Evidence Act were marked as Exs.P.35 and P.36. The CDR Report along with the report of the Nodal Officer of Jio Cell Phone Service Provider was marked as Ex.P.37. Photographs of the Splendor Plus Bike of the appellant were marked as Ex.P.38. PW19, upon completion of the investigation, altered the provisions from Sections 302 and 394 IPC to Sections 352, 302, 392 read with 397 IPC. The alteration report was marked as Ex.P.39. Thereafter, he filed the final report before the learned Judicial Magistrate, Keeranur, who took the



same on file in P.R.C.No.3/2021.

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6. After completion of examination of the witnesses on the side of the prosecution, when the appellant was questioned under section 313(1) (b) Cr.P.C as to the incriminating circumstances against him, he denied the same as false and though he claimed that he has witnesses to examine, he did not examine anybody on his side except examining himself as DW1.

7. He deposed that PW1 is the younger sister of his mother and that PW1 has only one female child, the deceased Logapriya. PW1 got compassionate appointment on the demise of her husband and as she had no male issues, the appellant used to take care of PW1 and the deceased. His elder brother was residing in Chennai. He further deposed that it was he who was helping PW1 in getting compassionate appointment for Logapriya and since the deceased was a minor, her mother [PW1] got the job. Initially, PW1 did not get the job since she had not completed her 8th standard. The appellant helped PW1 in completing the 8th standard in three years and after filing of a writ petition before the High Court, she got compassionate appointment in the Electricity Board Office at Vallathirakkottai. As the



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distance between Vallathirakkottai and the residence of PW1 is long and as the deceased will be alone at home after her school hours, the appellant, with the help of the Union leader Nagarajan, got transfer of job for PW1 to Pudukkottai. He further deposed that due to high blood pressure, he used to vomit blood and it was PW1 who used to take him to hospital for treatment and that he took medicines for only six months and thereafter, he discontinued the medication. He married a girl of his choice and since his parents did not accept his marriage, he took house on rent and started his marital life. On coming to know of his health issue, his mother and wife took him to a hospital for treatment. Since the records pertaining to his earlier treatment were with PW1, he went to the house of PW1 on 27.04.2021 in a bus since his two-wheeler was not with him. When he knocked at the compound gate and called the deceased by her name, she did not come outside. A lady from the neighbourhood informed him that the deceased might have kept the TV volume high and watching. After some time, the deceased came and opened the gate. She was found a little restless. When he asked as to what is available for lunch, the deceased served him food. After lunch, since he felt unwell, he told the deceased that he will have a short nap for five minutes and then leave the house. The



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deceased woke him up and asked him to leave the house. When he had reached Ashok Nagar Bus Stand, he realized that he did not take his medical report from the house of PW1. He also wanted to ask the deceased the reason for her restlessness. On reaching the house, he pressed the calling bell and called the deceased by her name and he found the gate open. When he kept his hands on the main door, it got opened and hence, he went inside the house. Immediately, the door was shut by a person and the person had gagged his mouth and another person had kept a knife on his neck from behind and threatened him not to shout. Then, they took him to the bedroom of the deceased where he saw the deceased on the bed in sitting position with legs stretched and head bent down. Both the persons pushed him on the deceased and told that they murdered the deceased since she betrayed their brother. Thereafter, they took him to the hall and threatened him with dire consequences and threatened to murder him like the deceased if he discloses as to what had happened inside the house. They assaulted him with a wooden log fixed with an iron nail on the left side temple. Since he was not well, he fell unconscious. Again, they made him stand and asked him to follow their instructions or else they will murder him and his wife and beat him again. His cloth was torn. They also showed a video in their



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mobile phone in which a petrol bunk near his mother-in-law's house was shown. He got frightened and accepted to their terms. The unknown persons asked him to remove his pants and to wear a lungi. They gave a gold chain to him and also asked him to take the Scooty of the deceased and to sell the same with PW8. They instructed him to sell the gold chain with PW7. He deposed that the said persons followed him till he reached the shop of PW8. After selling the Scooty, the unknown persons collected the amount from him in Amma Unavagam. Thereafter, he went to the pawn shop of PW7 and sold the gold chain and gave the amount to the said persons. They instructed him to go to his house and if he does any act beyond their instructions, they will murder him.

8. DW1's further deposition was that he pledged his two-wheeler Splendor Plus four months prior to the date of occurrence on account of his family situation with one Subramanian [not examined] and that, after settling the dues in installments, there was an amount of Rs.1000/- pending for final settlement. He informed Subramanian that since he is unwell, he is unable to give Rs.1000/- and he asked for his two-wheeler. The said Subramanian also accepted for the same. On 27.04.2021, the said



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Subramanian was calling him often. After the unknown persons left him, he saw Subramanian coming in his Splendor Plus bike. Subramanian told him that he called him from the morning and that he did not attend his phone calls. Thereafter, he got his bike from him and was going to his residence. Since the bike was not used for a long time, the front tyre got burst. As he was hurrying to see his wife and children, he boarded a Tata Ace vehicle along with his bike and reached his house. When he tried to park his vehicle, the police personnel came there and took him. They waited near Shanmuganathan Engineering College for some time and thereafter, a jeep and a tempo came and they took him to Aarangal Police Station and asked him to remove his clothes and asked him to wear a green colour lungi. Thereafter, they tied both his hands and left him hanging and also beat him. They also asked him as to why he murdered his sister. He denied the allegation. The police started to cut his nails and also poked needles into his fingers. Later, they took him to the respondent police station and subsequently, to hospital for medical check up. After medical check up, he was again brought back to the police station and he was made to accept the crime and he signed the confession statement. It was his further deposition that after he signing the confession, the needles were removed from his



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fingers. He was taken to the residence of the Judicial Magistrate and was threatened by police to accept the crime. After signing before the Judicial Magistrate, he was taken to Aranthangi Sub Jail. When he was taken to the Judicial Magistrate, Keeranur, for extension of remand period, he was asked to accept the crime and that he was informed that he will be sentenced only for four years. However, when the Judicial Magistrate enquired him, he narrated everything, including the threatening of police to accept the crime. He further deposed that after one year, upon filing of bail petition by his mother, he was granted conditional bail.

9. After completion of evidence on either side and after hearing the arguments of the learned Public Prosecutor and the counsel for the appellant, the Trial Court found the appellant guilty of the offences punishable under Sections 342, 302 and 392 of IPC.

10. When the appellant was questioned regarding the sentence u/s 235 (2) Cr.P.C., he submitted that he has got a girl baby and pleaded for a lesser sentence. The Trial Court sentenced the appellant to undergo sentence as stated in paragraph 3.5 *supra*.



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11. Mr.Hasan Mohammed Jinnah, learned State Public Prosecutor, though submitted that the prosecution has proved its case beyond reasonable doubt and that he would argue the case on merits, he fairly conceded that the present murder case does not fall under the category of “rarest of rare case” warranting death sentence and hence, submitted that the sentence of capital punishment may be modified to one of life imprisonment till natural death.

12. Mr.K.Balasundharam, learned Senior Counsel for the appellant submitted that this is a case of circumstantial evidence and the prosecution has failed to prove the case beyond reasonable doubt by adducing clear and cogent evidence. It was contended by the learned Senior Counsel that the entire prosecution case rests on circumstantial evidence and the prosecution has not put forward any circumstance, much less any clinching circumstance, unerringly pointing to the guilt of the appellant. It was submitted that there are several missing links in the circumstances put forward by the prosecution.



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13. The learned Senior Counsel pointed out the following infirmities in the prosecution case:

- (i) Last seen theory as spoken to by the prosecution witnesses
- (ii) Motive
- (iii) Presence of the appellant in the scene of crime
- (iv) Non-examination of the neighbours of PW1, viz., Manikandan, Swetha and Rajendran, whose houses are located exactly opposite to the house of PW1, as per Ex.P.25-Rough Sketch and the Investigating Officer had accepted the non-examination of the aforesaid witnesses.
- (v) Discrepancy with regard to the clothes worn by the appellant at the time of committing the offence.
- (vi) Failure to take into consideration, the defence raised by the appellant.
- (vii) Non-furnishing of the CCTV footages to the appellant.
- (viii) Test Identification Parade conducted by the learned Judicial Magistrate, Keeranur, while the name of the appellant was already found in the complaint – Ex.P.1.
- (ix) Non-consideration of the evidence of PW18-Doctor, who has opined that the injuries on the deceased could have been caused by two or three persons.
- (x) Recovery of the material objects.
- (xi) Non-marking of photos taken at the place of occurrence by the prosecution.

14. The learned Senior Counsel for the appellant contended that even assuming but not admitting that the appellant had committed the offence, the same would not attract capital punishment. He would submit that there is no *mens rea* for the appellant to commit the murder of the



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deceased. He further submitted that on the date of occurrence, the appellant had lunch at the residence of the deceased and had a nap and only when the deceased refused to part with the money demanded by the appellant, the appellant took the scissors, knife and iron rod from the house of the deceased and attacked her and the entire occurrence took place due to sudden provocation and there was no premeditation. The learned Senior Counsel submitted that the present case will not fall under the category of "rarest of rare cases" as categorized by the learned Trial Judge for awarding capital punishment because the learned Trial Judge has observed the appellant was found to be in calm state of mind after the occurrence which is contrary to the evidence of the prosecution witnesses, as PW3, in his evidence, has stated that he saw the appellant coming out the house of the deceased with anxiety and in a hasty manner and fled away from the scene of crime in the Scooty of the deceased. Learned Senior Counsel finally submitted that if this Court comes to the conclusion that it was the appellant who had committed the heinous crime, the same does not warrant award of capital punishment and that the same may be reduced to imprisonment for life.



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15. Learned Senior Counsel relied on the following judgments, in support of his contentions:-

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| (i) | (2019) 4 SCC 522 | Digamber Vaishnav & Another Vs. State of Chhattisgarh |
| (ii) | 2023 AIR SC 5038 | Mohamed Rijwan Vs. State of Haryana |
| (iii) | 2024 AIAR [CrI] 518 | Mohamed Ahsan Vs. State of Haryana; |
| (iv) | (2024) 2 SCC [CrI.] 126 | Darshan Singh Vs. State of Punjab |
| (v) | 2024 AIAR [Criminal] 154 | Madan Vs. State of Uttar Pradesh |
| (vi) | 2025 SCC Online SC 351 | Sovran Singh Vs. State of Uttar Pradesh |
| (vii) | 2023 SCC Online SC 1103 | Munna Pandey Vs. State of Bihar |
| (viii) | (2021) 1 SCC CrI 147 | Gopalakrishnan @ Dileep Vs. State of Kerala |

16. *Per contra*, Mr.Hasan Mohammed Jinnah, learned State Public Prosecutor contended that the prosecution has proved its case by adducing clear and cogent evidence. He submitted that there are copious clinching circumstances available on record to implicate the appellant. He further submitted that the prosecution has clearly established the *mens rea* through the evidence of PWs.1, 2 and 11, the last seen theory through PWs.3 and 4 as well as the recovery of the material objects, viz., M.Os.1 to 3 through PW. 1; M.O.12-Gold Chain with fish dollar through PW7 and M.O.13-Scooty



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through PW8 . He further submitted that the prosecution case is fortified by the evidence of PW18, the doctor who conducted the post-mortem on the body of the deceased and the injuries noted by him in Exs.P.21-Postmortem Certificate and P.24-Final Opinion. It is his further submission that though there are minor discrepancies in the case of the prosecution as alleged by the learned Senior Counsel appearing for the appellant, the same would not vitiate the prosecution case as it is proved beyond reasonable doubt. He further submitted that the defence of the appellant before the Trial Court that PW2 hired persons to commit the brutal murder of his wife was taken nearly after three years after the occurrence and he has not examined any witness or marked any documents to prove the same. Learned State Public Prosecutor, in fine, prayed for dismissal of the criminal appeal.

17. As regards awarding of capital punishment, the learned State Public Prosecutor submitted that the learned Trial Judge has recorded his findings elaborately from paragraphs nos.106 to 121 in the impugned judgment of conviction and sentence. He further submitted that no iota of evidence is left out to disprove the case of the prosecution and that the prosecution has proved that it was the appellant who committed the heinous



crime of murdering his cousin. Hence, he prayed that the findings of the Trial Court regarding the guilt of the appellant warrants no interference at the hands of this Court. However, it is his submission that the sentence of capital punishment may be modified to one of imprisonment till natural life/death and prayed for dismissal of the criminal appeal.

18. The learned State Public Prosecutor, relied on the following judgments in support of his contentions:-

- | | | |
|--------|--|--|
| (i) | (2012) 4 SCC 257 | Ramnaresh and Others Vs. State of Chhattisgarh |
| (ii) | (2013) 16 SCC 596 | Gudda @ Dwarikendra Vs. State of Madhya Pradesh |
| (iii) | (2023) 2 SCC 353 | Manoj and Others Vs. State of Madhya Pradesh |
| (iv) | <i>Suo Motu</i> WP.
[CrI.].No.1/2022
decided on 19.09.2022 | In Re: Framing Guidelines regarding potential mitigating circumstances to be considered while imposing death sentences |
| (v) | CrI.A.No.1215/2011
decided on 18.03.2024 | Navas @ Mulanavas Vs. State of Kerala |
| (vi) | CrI.A.Nos.449 and
450/2019
decided on 12.09.2024 | Rabhu @ Sarvesh Vs. The State of Madhya Pradesh |
| (vii) | SLP [CrI.].No.
251/2020 decided on
16.10.2024 | Ekanath Kishan Kumbhakar Vs. State of Maharashtra |
| (viii) | CrI.A.Nos.877 &
878/2020 decided on
13.02.2025 | Ramesh A.Naika Vs. The Registrar General, High Court of Karnataka and Others |
| (ix) | CrI.A.No.331 &
332/2022 decided on
16.07.2025 | Jai Prakash Vs. State of Uttarakhand |

19. We have heard the learned counsel on both sides and carefully



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perused the evidence on record and the impugned judgment of conviction and sentence of the Trial Court.

20. The main question that arises for consideration before this Court is whether the prosecution has established, beyond reasonable doubt, that the appellant is guilty of the offences punishable under Sections 342, 392 and 302 IPC.

21. It is not in dispute that the prosecution case rests mainly on circumstantial evidence. The law on conviction based on circumstantial evidence is well settled and the prosecution must establish each circumstance forming a complete chain that unerringly points to the guilt of the accused and excludes every other hypothesis of innocence.

22. This Court, therefore, proceeds to test the factors/circumstances put forth by the prosecution to determine whether the chain of events proves the guilt of the appellant beyond reasonable doubt.

23. The relevant circumstances in the present case include:



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- [1] Last Seen Theory
- [2] Motive
- [3] Recovery of material objects
- [4] Non-consideration of the defence raised by the appellant and
- [5] Non-examination of the neighbours.

LAST SEEN THEORY:

24. The prosecution examined PWs.3 and 4 to speak about the aspect of the last seen theory. PW3-Vasudevan deposed that on the date of occurrence, *i.e.*, on 27.04.2021, at around 2.30 p.m., while he was standing outside his house, he saw the appellant riding the Scooty of the deceased speedily in a disturbed state of mind. Similarly, PW4-Dakshinamoorthy, had deposed that he saw the appellant entering the house of the deceased at about 1.00 p.m., on 27.04.2021. P.W.2 also viewed him through WhatsApp in the residence of the deceased (photo proof).

MOTIVE:

25. To prove the motive aspect, the prosecution examined PWs.1, 2 and 11, who are the mother, husband and maternal uncle of the deceased, respectively.

26. PW1-Sivagami deposed that the appellant used to demand



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money from her and her daughter, since he owed money to others. There occurred wordy quarrels between her and the appellant on several occasions in that regard. On the date of occurrence also, PW1 scolded the deceased for letting the appellant inside the house as he would demand money and disturb them.

27. PW2-Tamizharasan, husband of the deceased, deposed that on the date of occurrence, while he was chatting with the deceased in WhatsApp, she informed him that the appellant was sleeping at her house after having lunch, on hearing which, PW2 scolded the deceased for allowing the appellant to come inside the house, as, on the earlier occasion, he demanded money from the deceased to repay the debts and when she refused to part with money, the appellant lifted her by holding her neck and also threw the dog against the wall. On the same day, at about 7.00 p.m., he was informed about the death of the deceased by PW 11.

28. PW11-Devaraj, maternal uncle of the deceased, deposed that two days prior to the occurrence, the appellant came to the house of PW1 and demanded Rs.30,000/- for repayment of debts and for his wife's surgery.



At that time, PW1 was conversing with PW11 over phone. On hearing the demand of the appellant, PW11 asked PW1 to keep the phone on speaker mode and scolded the appellant, not to disturb either PW1 or the deceased in that regard. PW11 also deposed that one week prior to the occurrence also, the appellant had demanded money from the deceased, to which she refused, on account of which, the appellant, in a fit of anger, lifted the deceased by holding her neck and also threw the dog on the wall.

RECOVERY OF MATERIAL OBJECTS:

29. The learned Senior Counsel for the appellant alleged that the prosecution has not proved the recovery of the incriminating weapons used for crime, viz., M.Os.1 to 3. The prosecution has examined PWs.1, 3, 14 and 15 to prove the recovery of the iron rod, knife and scissors, used to commit the crime, from the scene of occurrence. However, the learned Senior Counsel for the appellant pointed out the discrepancy in the recovery by stating that MO1-iron rod said to have been recovered from the scene, does not contain the finger prints of the appellant. Further, according to the learned Senior Counsel, as per the evidence of PW6-VAO, M.Os.1 to 3 were said to have been recovered from a bush pursuant to the voluntary



confession statement given by the appellant.

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DEFENCE OF THE APPELLANT:-

30. The defence taken by the appellant while examining himself as DW1 was that it was PW2 who had murdered his wife by hiring two hooligans. To substantiate this version of the appellant, the learned Senior Counsel relied on the opinion of PW18, the doctor who conducted the post-mortem, who had opined that the injuries on the deceased could have been caused by two or three persons.

NONEXAMINATION OF NEIGHBOURS:-

31. The appellant alleged that the prosecution has failed to examine the actual neighbours of PW1, viz., Rajendran, Manikandan and Swetha, whose houses are located just opposite to the house of PW1 and this factum is fortified by the evidence of the Investigating Officer, PW19, who had admitted the fact of non-examination of the aforesaid persons.

CHAIN OF CIRCUMSTANCES:-

32. Upon a cumulative evaluation of the incriminating circumstances, this Court comes to the following conclusions:



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- The last seen theory of the appellant going inside the house of the deceased is amply proved by the prosecution through the evidence of PW.4 and the appellant driving the Scooty of the deceased on the date of occurrence, is also proved by the prosecution through PW3. Though there is a discrepancy in the mentioning of the timings by PWs.3 and 4, the fact that the appellant was found entering the house of the deceased and riding the Scooty of the deceased near the place of occurrence, is proved. It is to be noted that both these witnesses have very candidly deposed that they saw the appellant entering the house of PW1 after they had had their lunch and were standing outside the house and in the portico respectively. As already stated, though there is a difference of about 1 ½ hours in the timings stated by PWs.3 and 4, this Court deems it appropriate to point out that witnesses cannot be expected to depose with precision the timing of an act which was performed a long time ago (more than 2 ½ years ago, in the case on hand). Further, the oral testimony of PWs.3 and 4 is amply proved by the prosecution by producing the CCTV footages, exhibited as Ex.P18, neighbour of P.W.1 and Section 65-B Certificate



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marked as Ex.P36. The discrepancy pointed out with regard to the difference in timings is so trivial that it would not affect the case of the prosecution for the reason discussed above.

- Further, the presence of the appellant in the house of the deceased at the time of occurrence is fortified by the oral testimony of PW2 who had given evidence to the effect that the appellant was found sleeping as was evidenced from the photo sent by the deceased to PW2 through WhatsApp. The Whatsapp chat betwixt the deceased and PW2 is marked as Ex.C1 and the mobile phone of PW2 is marked as MO.14.

- As regards motive, the prosecution case is strengthened by the evidence of PWs.1, 2 and 11 and there is no iota evidence to doubt the veracity of the same. Further, the act of the appellant is neither intended nor premeditated and the entire occurrence, took place due to sudden provocation and at the spur of the moment.



- Though there seems to be a discrepancy in the deposition of the Investigating Officer and PW 1,3,14 and 15, with regard to recovery of Mos 1 to 3, much weightage/credence need not be given to the same in view of the categorical admission of the appellant himself as DW1 and therefore, the said discrepancy pales into insignificance. Superadded, the recovery of other incriminating articles like the Scooty and the gold chain with fish dollar of the deceased, motor bike of the appellant, lends a huge support to the case of the prosecution.
- Though a defence has been raised by the appellant that it was the hooligans engaged by PW2 who eliminated the deceased on account of her infidelity, as rightly pointed out by the learned Public Prosecutor, the appellant has raised the aforesaid defence for the first time before the Trial Court, after three years from the date of occurrence, which only prompts us to form an opinion that this defence of the appellant is only an afterthought and nothing short of a cock and bull story.



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- As regards the non-examination of the neighbours of PW1, viz., Manikandan, Swetha and Rajendran, though the Investigating Officer admitted the factum of non-examination, it is not fatal to the prosecution case as the same is proved by other vital circumstances and the evidence of other neighbours. There can be no hard and fast rule in a criminal case that all the neighbours to the scene of occurrence should be examined which is well nigh impossible. In fact, in the case on hand, three neighbours, viz., PW-3 Vasu, PW-4 Dakshinamoorthy and PW 10 Bakkiyalakshmi, have been examined and their evidence supports the prosecution case in no small measure.
- The other infirmities pointed out by the learned Senior Counsel for the appellant are so trivial and flimsy in nature that the same do not cause any dent in the prosecution case. Further, the evidence adduced on the side on the prosecution are indeed creditworthy and reliable and hence, clinching. Hence, this Court is of the considered view that the aforesaid circumstances form an unbroken chain pointing to the appellant as the perpetrator of the crime.

33. On a holistic analysis of the evidence on record, we find no



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material to disturb the findings of the Trial Court insofar as the appellant committing the murder of the deceased on 27.04.2021. Consequently, we have no incertitude in holding that the conviction of the appellant by the Trial Court under Sections 342, 392 and 302 IPC is fully justified and does not warrant any interference.

34. The next important question that arises for consideration is whether the present case falls under the "rarest of rare" category warranting imposition of death penalty on the appellant. We have carefully weighed the aggravating and mitigating circumstances, in the light of the sentencing framework delineated in the judgments of Hon'ble Supreme Court in **Bachan Singh Vs. State of Punjab [(1982) 3 SCC 24]** and **Machhi Singh Vs. State of Punjab [(1983) 3 SCC 470]** and the subsequent precedents.

Aggravating Factors:-

- ◆ **Brutal murder:-** The appellant is found guilty of murdering his own cousin. This crime, by its very nature, is undeniably grave, aghast and heinous.
- ◆ **Trust and vulnerability of the victim:-** The deceased would have reposed trust and confidence on the appellant that he would not



cause any harm to her. Negating this trust, the appellant committed the murder at the house of the deceased.

- ◆ **The cause:-** The cause for committing such a brutal crime is the most important aggravating factor and it plays a pivotal role. The motive, viz., refusal of the deceased to part with the amount demanded by the appellant to repay his debts and to redeem his bike which was mortgaged, resulting in the commission of murder, appears to be a weak one and it is not too aggregative for the appellant to commit such crime. The appellant, in a fret of anger, had committed the murder.

Mitigating Factors:-

- **Absence of previous criminal antecedents:-** There is no prior criminal history on the part of the appellant as borne out from the records. There is also no previous conviction.
- **Socio-economic and personal circumstances:-** This Court is of the view that the appellant is not incapable for rehabilitation. The appellant does not appear to be a menace to the society on account of his act. This Court is also of the view that there is every possibility of reformation. Further, the appellant was aged 32 years at the time of commission of the offence and he is the sole breadwinner of his family.



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35. From a careful analysis of the above aggravating and mitigating circumstances, this Court comes to the irresistible conclusion that this case does not fall within the category of "rarest of rare cases" warranting imposition of death sentence on the appellant. The Trial Court, however, was swayed by the acts of the appellant post murder *i.e.*, snatching of chain of the deceased, fleeing from the scene in the two wheeler of the deceased, sale of chain, sale of the two wheeler of the deceased and redemption of his two wheeler using the sale proceeds of the two wheeler of the deceased, in a cool manner. This reasoning of the Trial Court does not cut ice with this Court because when it is clear that the intention of the appellant is only money, he cannot be expected to be tensed with everyone he approached post murder, be it, the person to whom he sold the two wheeler of the deceased or the person from whom he redeemed his two wheeler. To put it differently, had the appellant really projected himself very tensed, he could not have succeeded in his attempts and the persons whom he approached would have smelt a rat. At the same time, it is also evident and manifest from the evidence of PW3 (neighbour) that the appellant was found to be in a nervous state when he came out of the house of PW1 and rode the two wheeler of the deceased speedily which is the expected behaviour of an



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ordinary person. There is no doubt, the act of the appellant is gruesome and cannot be justified. However, it would not fall within any of the parameters laid down by the Hon'ble Supreme Court in **Bachan Singh** [*supra*] and **Machhi Singh** [*supra*].

36. The Hon'ble Supreme Court, in **Machhi Singh** [*supra*], following the guidelines framed in **Bachan Singh** [*supra*], has laid down the following parameters in paragraph nos.38 to 40, for imposition of death penalty:-

"38. In this background the guidelines indicated in Bachan Singh case [(1980) 2 SCC 684 : 1980 SCC (Cri) 580 : AIR 1980 SC 898 : 1980 Cri LJ 636] will have to be culled out and applied to the facts of each individual case where the question of imposing of death sentence arises. The following propositions emerge from Bachan Singh case [(1980) 2 SCC 684 : 1980 SCC (Cri) 580 : AIR 1980 SC 898 : 1980 Cri LJ 636] :

“(i) The extreme penalty of death need not be inflicted except in gravest cases of extreme culpability.

(ii) Before opting for the death penalty the circumstances of the ‘offender’ also require to be taken into consideration along with the circumstances of the ‘crime’.



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(iii) Life imprisonment is the rule and death sentence is an exception. In other words death sentence must be imposed only when life imprisonment appears to be an altogether inadequate punishment having regard to the relevant circumstances of the crime, and provided, and only provided, the option to impose sentence of imprisonment for life cannot be conscientiously exercised having regard to the nature and circumstances of the crime and all the relevant circumstances.

(iv) A balance sheet of aggravating and mitigating circumstances has to be drawn up and in doing so the mitigating circumstances have to be accorded full weightage and a just balance has to be struck between the aggravating and the mitigating circumstances before the option is exercised.”

39. In order to apply these guidelines inter alia the following questions may be asked and answered:

(a) Is there something uncommon about the crime which renders sentence of imprisonment for life inadequate and calls for a death sentence?

(b) Are the circumstances of the crime such that there is no alternative but to impose death sentence even after according maximum weightage to the mitigating circumstances which speak in favour of the offender?

40. If upon taking an overall global view of all the circumstances in the light of the aforesaid proposition and taking into account the answers to the questions posed hereinabove, the circumstances of the case are such that death sentence is warranted, the court would proceed to do so.”

37. The Hon'ble Supreme Court had considered the principles relating to imposition of death penalty in **Ram Naresh** [*supra*] and held in unequivocal terms that a crime being heinous, *per se*, may not be a sufficient reason for the imposition of death penalty without considering the



mitigating factors and other circumstances.

38. The Hon'ble Supreme Court, in a very recent judgment reported in **2025 SCC Online SC 237 [Deen Dayal Tiwari Vs. State of Uttar Pradesh]**, on the issue of imposition of death sentence on an accused, has held in paragraphs nos.22 to 24 as follows:-

“22. Weighing the totality of circumstances and having regard to the legal principles discussed above, we are of the view that while the crime is heinous and deserves the highest degree of condemnation, it does not meet the threshold of “the rarest of rare” so as to irrevocably foreclose the option of life imprisonment.

23. This Court, while exercising its appellate jurisdiction under Article 136 of the Constitution of India, possesses the authority to scrutinize not only the conviction of an accused but also the appropriateness of the sentence imposed. As articulated in the principles laid down in *Swamy Shraddhananda*¹, the power to impose or modify a sentence within the prescribed framework of the Penal Code is exclusively vested in the High Court and this Court. The alternate punishment for offences punishable by death, such as imprisonment for a specific term exceeding 14 years or until the natural life of the convict, remains within the judicial conscience of this Court and the High Court. This ensures that the gravity of the offence, the mitigating and aggravating circumstances, and the possibility of reformation are thoroughly assessed before irrevocable sentences such as capital punishment are affirmed. Therefore, the commutation of a death sentence to imprisonment for the remainder of the convict's natural life, as an alternative to death, is well within the judicial prerogative of this Court and adheres to the constitutional mandate of ensuring justice. The Constitution Bench of this court in *Union of India v. V. Sriharan*, (2016) 7 SCC 1 have propounded upon these principles. The relevant paras from the same have been reproduced hereunder:

“103. In fact, while saying so we must also point out that such exercise of power in the imposition of death penalty or life imprisonment by the Sessions Judge will get the scrutiny by the Division Bench of the High Court mandatorily when the penalty is death and invariably even in respect



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of life imprisonment gets scrutinised by the Division Bench by virtue of the appeal remedy provided in the Criminal Procedure Code. Therefore, our conclusion as stated above can be reinforced by stating that the punishment part of such specified offences are always examined at least once after the Sessions Court's verdict by the High Court and that too by a Division Bench consisting of two Hon'ble Judges.

104. That apart, in most of such cases where death penalty or life imprisonment is the punishment imposed by the trial court and confirmed by the Division Bench of the High Court, the convict concerned will get an opportunity to get such verdict tested by filing further appeal by way of special leave to this Court. By way of abundant caution and as per the prescribed law of the Code and the criminal jurisprudence, we can assert that after the initial finding of guilt of such specified grave offences and the imposition of penalty either death or life imprisonment, when comes under the scrutiny of the Division Bench of the High Court, it is only the High Court which derives the power under the Penal Code, which prescribes the capital and alternate punishment, to alter the said punishment with one either for the entirety of the convict's life or for any specific period of more than 14 years, say 20, 30 or so on depending upon the gravity of the crime committed and the exercise of judicial conscience befitting such offence found proved to have been committed.

105. We, therefore, reiterate that the power derived from the Penal Code for any modified punishment within the punishment provided for in the Penal Code for such specified offences can only be exercised by the High Court and in the event of further appeal only by the Supreme Court and not by any other court in this country. To put it differently, the power to impose a modified punishment providing for any specific term of incarceration or till the end of the convict's life as an alternate to death penalty, can be exercised only by the High Court and the Supreme Court and not by any other inferior court.



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106. Viewed in that respect, we state that the ratio laid down in *Swamy Shraddananda (2)* [*Swamy Shraddananda (2) v. State of Karnataka*, (2008) 13 SCC 767 : (2009) 3 SCC (Cri) 113] that a special category of sentence; instead of death; for a term exceeding 14 years and put that category beyond application of remission is well founded and we answer the said question in the affirmative. We are, therefore, not in agreement with the opinion expressed by this Court in *Sangeet v. State of Haryana* [*Sangeet v. State of Haryana*, (2013) 2 SCC 452 : (2013) 2 SCC (Cri) 611] that the deprivation of remission power of the appropriate Government by awarding sentences of 20 or 25 years or without any remission as not permissible is not in consonance with the law and we specifically overrule the same.”

24. In the result, while confirming the conviction of the Appellant for the offence punishable under Section 302 IPC, we consider it appropriate to commute the death sentence to one of life imprisonment till his last breath.”

39. Taking into consideration, the principles laid down by the Hon'ble Supreme Court in **Machhi Singh** [*supra*], **Bachan Singh** [*supra*], **Ram Naresh** [*supra*] and **Deen Dayal Tiwari** [*supra*], there is no room for ambiguity that the question of awarding death sentence must be taken recourse to with utmost caution and circumspection and that it is to be imposed only in the rarest of rare cases where the alternative of life imprisonment is wholly foreclosed and the sentencing Court is duty-bound to balance aggravating and mitigating circumstances, taking into account, not only the nature and gravity of the crime, but also the circumstances of



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the offender. While the present offence is undoubtedly grave and heinous, the mitigating factors such as the absence of prior criminal antecedents, the possibility of reformation and the satisfactory conduct of the accused in custody, weigh in favour of commuting the sentence.

40. In view of the settled principles laid down by the Supreme Court in **Bachan Singh** [*supra*], **Machhi Singh** [*supra*] and later authorities, we are persuaded to hold that the present case does not cross the threshold of the rarest of rare cases so to warrant the irreversible penalty of death. To put it differently, this case does not pass muster the parameters or criteria for awarding capital punishment. On the contrary, considering the nature of evidence let in by the prosecution and the conduct of the appellant after the occurrence, we are of the view that it is not a case which would fall under the 'rarest of rare' category warranting imposition of death sentence. There is nothing on record to show that the appellant is either a menace to the society and is not possible of being reformed. Such being the factual matrix, ends of justice would be adequately met by substituting the sentence of death with imprisonment for life till the remainder of the appellant's natural life.



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41. In such perspective of the matter, we modify the sentence of death penalty imposed on the appellant into one of imprisonment till his natural life. As far as the sentences imposed for the offences under Sections 392 and 342 IPC are concerned, the same are confirmed and all the three sentences are directed to run concurrently.

42. In the result, the reference made by the Trial Court is answered accordingly and criminal appeal stands partly allowed by confirming the conviction made by the Trial Court in S.C.No.97 of 2021 vide judgment dated 12.04.2025, but, by modifying the sentence awarded on 30.04.2025 in respect of the charge under Section 302 IPC alone by commuting it into one of imprisonment till natural life of the appellant. Connected criminal miscellaneous petition stands closed.

[A.D.J.C., J.] [R.P., J.]
09 .10.2025

AP/cad
Neutral Citation: Yes



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A.D. JAGADISH CHANDIRA, J.

and

R. POORNIMA, J.

AP/cad

To

- [1] The Principal District and Sessions Judge
Pudukkottai
- [2] The Judicial Magistrate
Keeranur
- [3] The Inspector of Police
Ganesh Nagar Police Station
Pudukkottai District
- [4] The Superintendent of Central Prison
Trichy
- [5] The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai

Pre-delivery common judgment
in

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09.10.2025