



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserved	30/10/2025
Date of Pronounced	18/11/2025

CORAM

THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

Crl.A(MD)No.249 of 2022

State rep. By
The Inspector of Police,
Kulasekaram Circle,
Kanniyakumari District.
(Crime No.112 of 2021)
Through the Public Prosecutor
Madras High Court,
Madurai.

: Appellant/Complainant

Vs.

1.Singh @ Selva Singh
2.Manikandan

: Respondent/A1 and A2

PRAYER: Criminal Appeal filed under Section 378 of the Criminal Procedure Code, to call for the records in SC No.85 of 2011, dated 31/01/2017 on the file of the Court of Session, Kanyakumari District at Nagercoil, set aside the same and convict the respondents/A1 and A2 in accordance with law.

For Appellant

: Mr.T.Senthil Kumar
Additional Public Prosecutor

For 1st Respondent

: Mr.T.Selvam,
(Legal Aid Counsel)

For 2nd Respondent

: Mr.P.Selvaraj
for Mr.K.P.Narayanakumar



JUDGMENT

(Judgment of the Court was made by the Hon'ble **P.VELMURUGAN J.**)

This criminal appeal is filed against the judgment of acquittal passed by the learned Sessions Judge, Court of Session, Kanyakumari District at Nagerecoil, in SC No.85 of 2011, dated 31/01/2017 and to set aside the same and consequently to convict the respondents/A1 and A2.

2.The case of the prosecution that on 11/04/2011, the deceased Saddam Hussain was standing in front of the Wine Shop at Thiruvattar-Kulasekaram Road. At that time, the first accused Singh @ Selva Singh went to buy Brandy from the Wine Shop. On seeing the deceased Saddam Hussain coming from the opposite direction towards him, the first accused shouted him who was standing there. Due to which, there was a wordy altercation between them. On seeing the same, PW1 to PW3 separated them. At that time, the first accused contacted some one on his mobile. Immediately, the second accused Manikandan came there with a bag containing knife and handed it over to the first accused stating that the person who had fought with you should not be left alive and kill him. The first accused took out the knife and stabbed the deceased. Thereafter, PW1 to PW3 called the deceased along with them to get into the auto rickshaw. When the deceased was getting into the auto rickshaw,



the first accused with the knife, handed over by the second accused stabbed the deceased on his abdomen, chest, both side of the shoulders and behind the head.

On seeing this, PW1 to PW3 shouted, so the accused 1 and 2 left the place immediately. The injured Saddam Hussain, who was bleeding profusely was taken in a vehicle to Issac Hospital at Marthandam, where he was given first aid treatment and thereafter, he was taken to NIMS Hospital, Thiruvananthapuram where after examination, the Doctor informed that the injured was already dead and from NIMS Hospital, the body was taken to Thiruvananthapuram Medical College Hospital and kept in the Mortuary.

3. Based on the complaint given by the de-facto complainant, the Kulasekharam Police registered a case in Crime No.112 of 2011 for the offences punishable under Sections 341 and 302 IPC against the accused. On completion of the investigation, the Police laid a charge sheet before the learned Judicial Magistrate, Padmanabhapuram and the same was taken on file as PRC No.12 of 2011. After completing the formalities, since the offences are triable exclusively by the Court of Session, the case was committed to the Sessions Judge, Court of Session, Kanyakumari District at Nagercoil and it was taken on file as SC No.85 of 2011, for disposal.



4. After completing the formalities, since there were *prima facie* materials to frame charges against the respondents/A1 and A2, the learned Sessions Judge, Kanyakumari District at Nagercoil, framed the charges against A1 for the offences punishable under Sections 341 and 302 r/w 34 IPC and against A2 for the offence punishable under Section 302 r/w 34 IPC.

5. In order to prove the charges against the accused, on the side of the prosecution, 16 witnesses were examined as PW1 to PW16 and 19 documents were marked as Exs.P1 to P19, besides 6 material objects as MO1 to MO6 were exhibited.

6. When the accused were questioned under Section 313 Cr.P.C in respect of the incriminating circumstances appearing against them on the evidence adduced by the prosecution, they denied the same as false. On the side of the defence, no oral evidence was adduced, but 2 documents were marked as Exs.D1 and D2.

7. After completing the trial and upon hearing the arguments advanced on either side and also considering the oral and documentary evidence, the learned Sessions Judge, Kanyakumari District at Nagercoil found that the prosecution has not proved the guilt of the respondents/A1 and A2 and acquitted them from the charges levelled against them.



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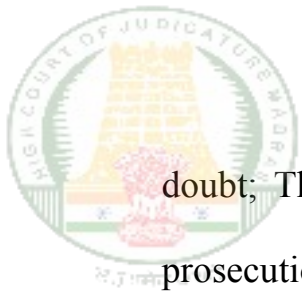


8.Now the State has filed the present criminal appeal before this Court, challenging the judgment of acquittal.

9.The learned Additional Public Prosecutor appearing for the appellant/State would submit that the prosecution has proved its case beyond reasonable doubt despite the trial Court drew attention to the immaterial contradictions; the reasons given by the trial Court in not believing the eye witnesses and the medical evidences are perverse; PW1 is the eye witness and he also gave the complaint to set the law in motion; PW2 and PW3 are also the eye witnesses to the occurrence; all the eye witnesses have categorically stated that they witnessed the occurrence that prior to the attack, there was a wordy quarrel between the deceased and A1, they intervened, pacified the matter and separated them; again at the instigation of A2, A1 attacked the deceased with a knife on the vital parts and since, A1 was possessing the knife, they could not secure the deceased; soon after the occurrence, they took the deceased to Issac Hospital at Marthandam, where PW6-Doctor gave first aid and thereafter, the injured was taken to NIMS Hospital, Thiruvananthapuram, where after examination, PW7-Doctor informed that the injured was already dead and from NIMS Hospital, the body was taken and kept at the Mortuary of Thiruvananthapuram Medical College Hospital; PW6 has also clearly stated that PW1 to PW3 brought the deceased with injuries for treatment at about 03.10 pm and he gave treatment;

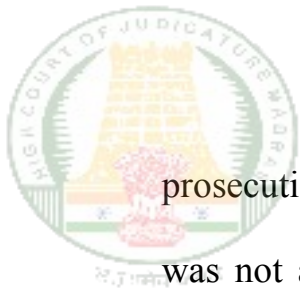


since the injured was in bad condition, he referred the injured to some other hospital for better treatment through an Ambulance; Therefore, the presence of PW1 to PW3 are genuine and the prosecution has proved its case beyond reasonable doubt through PW1 to PW3 and their evidence was also corroborated with PW6; and the eye witnesses have clearly stated about the incident, but the trial Court gave much importance to the immaterial facts that when there are several hospitals nearby the occurrence place and the hospital where the deceased was admitted for first aid treatment is situated 20 kms away from the occurrence place, the trial Court drew attention that the presence of PW1 to PW3 is doubtful and they could not have been in the occurrence place at the time of the occurrence; If at all, they were present in the place of occurrence, they would have admitted the deceased in a nearby hospital and saved the life of the deceased; Further the trial Judge drew his attention that since the accused are two persons and the deceased and witnesses are four persons, they would have got over power and prevented the attack, which is only the perverse; for that, PW2 has categorically stated that due to fear and the accused are ferocious, they could not prevent them and also they did not think about the admission of the deceased in a nearby hospital, since the hospital in which the deceased was admitted is a famous hospital and that is the reason why, they admitted there; Further, as per the postmortem report, the injuries found on the deceased are antemortem injuries and the prosecution has proved its case beyond reasonable

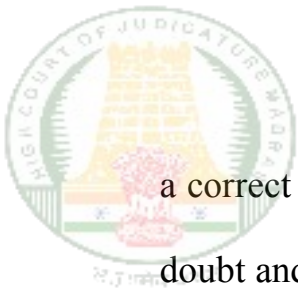


doubt; Therefore, the medical evidence coupled with the ocular evidence, the prosecution has proved its case beyond reasonable doubt, whereas, without considering the above facts, the trial Court acquitted the accused and therefore, the judgment of acquittal passed by the trial Court is liable to be set aside and the appeal is liable to be allowed.

10.Per contra, the learned Counsel appearing for the respondents/A1 and A2 would submit that the prosecution has not proved its case beyond reasonable doubt and the trial Court has rightly appreciated the evidence, both oral and documentary and extended the benefit of doubt in favour of the respondents/1 and 2; the place of occurrence itself is doubtful; the presence of the so called eye witnesses are also doubtful; the eye witnesses are relatives, friends and belonging to the same community of the deceased; the occurrence place is opposite to TASMACH shop and nearby market area, where public movements are available; further, since it was election time to the Tamil Nadu Legislative Assembly, Kerala Police and CRPF personnel would have deployed where the occurrence took place and the complainant would have given the complaint before them; therefore, the occurrence could not have taken place as projected by the prosecution; the occurrence place is a busy area and public movements are always available and in the nearby occurrence place, so many better hospitals and also multi-speciality hospitals are available, but the



prosecution has not explained as to why soon after the occurrence, the injured was not admitted in the nearby hospital, so it created serious doubt about the prosecution case and further, even though PW4 is the father of the deceased, he was not intimated about the occurrence immediately and after giving first aid in the Issac Hospital, Marthandam, PW1 to PW3 took the deceased to NIMS Hospital, Thiruvananthapuram, which is situated 15 kms away from the occurrence place; whereas the reasons given by the eye witnesses are not acceptable, which also creates doubt; therefore, the place of occurrence and the presence of so called eye witnesses are highly doubtful; Further, the blood was not detected in the weapon recovered from the accused and the Forensic Lab report also not tallied with the blood group identified; the evidence of PW1 to PW3 and PW6 are artificial and bundle of doubts and the veracity and genuineness and testimony of the witnesses are also doubtful. He would further submit that except the official witnesses, all the private witnesses are belonging to the same community, friends and relatives, which also creates doubt and in order to fix the accused, they have given evidence against the respondents/1 and 2 and therefore, the trial Court has rightly observed the entire materials collected and also rightly appreciated the evidence both oral and documentary; It is settled proposition of law that when two views are possible, the view which is in favour of the accused has to be taken into consideration and therefore, the trial Court has rightly appreciated the evidence both oral and documentary and given



a correct finding that the prosecution has not proved the case beyond reasonable doubt and there is no merit in the appeal and the same is liable to be dismissed.

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11. Heard the learned Additional Public Prosecutor appearing for the appellant/State and the learned Counsel appearing for the respondents/A1 and A2 and perused the materials available on record.

12. It is the specific case of the prosecution that on 11/04/2011, when the deceased was standing in front of the Wine Shop at Thiruvattar-Kulasekaram Road, at that time, the first accused Singh @ Selva Singh went to buy Brandy from the Wine Shop. On seeing the deceased coming from the opposite direction towards him, the first accused had shouted at him. Due to which, there were wordy altercations between them. On seeing the same, PW1 to PW3 separated them. At that time, the first accused contacted some one on his mobile and immediately, the second accused Manikandan came there with a bag containing knife and handed it over to the first accused and the first accused took out a knife and stabbed the deceased. When the deceased was getting into the auto rickshaw, the first accused with the knife handed over by the second accused, stabbed the deceased on his abdomen, chest, both side of the shoulders and behind the head. On seeing this, PW1 to PW3 shouted, so the accused 1 and 2 left the place immediately. The injured Saddam Hussain, who was bleeding



profusely was taken in a vehicle to Issac Hospital at Marthandam, where he was given first aid and thereafter, he was taken to NIMS Hospital, Thiruvananthapuram, where after examination, the Doctor declared that the injured was already dead and from NIMS Hospital, the body was taken and kept at the Mortuary of Thiruvananthapuram Medical College Hospital.

13.In order to substantiate the charges, the prosecution has examined 16 witnesses and marked 19 documents, besides 16 material objects were exhibited. On the side of the defence, no oral evidence was let in, however, marked 2 documents.

14.Out of 16 witnesses, PW1 to PW3 are the eye witnesses. They have spoken about the occurrence and that the deceased and the appellants were known persons to them. PW4 is the father of the deceased. PW5 is one of the witnesses, who spoke about the place of occurrence. PW6 is the Doctor, one who gave first aid treatment to the deceased. PW7 is the Doctor, who saw the deceased in the NIMS Hospital, Thiruvananthapuram and declared the deceased as dead. PW8 is the Doctor, who conducted postmortem on the body of the deceased.



15.A reading of the evidence of PW1 to PW3, it is seen that they have clearly stated that the deceased and the respondents/A1 and A2 were standing in the place of occurrence, which is situated nearby Kulasekharam TASMACH shop and nearby market area. At that time, they were quarrelling with each other and they separated them and at that time, unexpectedly, A2 handed over a knife to A1 and all of a sudden, A1 attacked the deceased while moving to an Auto and since, A1 had knife in his hand and he was ferocious, the witnesses could not save the deceased and also could not prevent the attack and immediately, after the occurrence, they took the injured to Issac Hospital, Marthandam, where PW6 gave first aid treatment to the injured and further, he referred the injured to some other better hospital.

16.PW5 was working in a TASMACH shop as Salesman, who saw the deceased lying in the occurrence place in a pool of blood. PW4 who is the father of the deceased has spoken that on receiving the intimation about the attack of his son, he went to Issac Hospital at Marthandam, where he was informed that his injured son was taken to some other hospital for better treatment and later, he came to know that they had proceeded to NIMS Hospital, Thiruvananthapuram and on reaching NIMS Hospital, he came to know that his son was succumbed to injuries.



17.The evidence of PW1 to PW3 are corroborated with each other and they are the occurrence witnesses. The evidence of PW6-Doctor clearly shows that PW1 to PW3 only brought the injured to the hospital and in his evidence, he has clearly mentioned the names of PW1 to PW3. From the evidence of PW6-Doctor, it is seen that he has also pointed out the injuries sustained by the deceased. He has also stated that he was informed that one known person attacked with knife and he has also made entry in the Outpatient Card (Ex.P4), wherein he has mentioned the injuries sustained by the injured and admitted as outpatient and given first aid treatment and in the Outpatient Card, he has also made entry. He also sent a letter and intimation to the police. He has also given a medical treatment Certificate (Ex.P3) wherein the injuries sustained by the deceased were clearly mentioned.

18.From the evidence of PW6 and Exs.P3 and P4, the deceased sustained antemortem injuries, which are grievous injuries and the same was intimated to the police. Ex.P6 is the Postmortem Certificate. Reading of the Postmortem Certificate shows the following antemortem injuries on the body of the deceased:-

“(1)Incised penetrating wound 7.5 x 3 cm, horizontally placed on right side of front of chest, its sharply cut inner end 5 cm to right of midline and 5 cm below collar bone. Its outer end was rounded. Portion of



right lung was protruding through the wound. The chest cavity was seen penetrated by cutting the second the third ribs and the intercostal muscles in between, transfixing middle lobe of right lung, pierced the wall of right atrium and terminated in its cavity. Right chest cavity contained 1000 ml of fluid blood and 750 gm of blood clot. Right lung was collapsed. It was directed backwards, downwards and to the left of a total minimum depth of 7 cm.

(2) Incised wound 1.5 x 0.5 x 0.5 cm horizontally placed on right side of back chest, its rounded inner end 5 cm outer to midline 11 cm below top of shoulder.

(3) Incised wound 5.2 x 2.3 cm horizontally placed on left side of back of chest, its rounded inner end 11 cm outer to midline 5 cm below top of shoulder. It was directed obliquely forwards and to the right for a depth of 5 cm in the muscle plane.

(4) Incised wound 5.2 x 0.5 x 0.3 cm vertically placed on left side of back of chest, 22 cm outer to midline, its upper end 10 cm below top of shoulder.

(5) Incised wound 0.5 x 0.3 x 0.1 cm, on the left side of front of chest 10 cm below top of shoulder, 16 cm to the left of midline.



(6) Incised wound 4 x 1.4 x 1 cm, on right side of face vertically placed, its lower end at the level of tragus of ear.

(7) Incised wound 3.5 cm long vertical, involving the full thickness of right ear lobule, 1 cm outer to the attachment of root of ear.

The injuries no.6 and 7 were in the same vertical line.

(8) Incised wound 8 x 2.5 x 1 cm, obliquely placed on outer border of left forearm its back lower end 13 cm above wrist. The muscles and tendons were exposed.

(9) Linear abrasion 4 cm long, obliquely placed on front of left forearm, its upper end 3 cm below elbow.

(10) Abrasion 1 x 0.8 cm on front of left hand just above root of middle finger.

(11) Abrasion 1 x 0.8 cm on front of left middle finger 0.5 cm below its root.

(12) Contusion 2 x 1.5 x 0.3 cm on the right side of head 8 cm above root of ear.

(13) Contusion 1.5 x 1 x 0.2 cm on left side of top of head 1 cm outer to midline 8 cm above root of nose.”



19.The opinion of the Doctor (PW8) is that the death was occurred due to penetrating injury sustained on the chest. Therefore, a combining reading of the evidence of PW1 to PW3, PW6-Doctor and PW8-Postmortem Doctor would prove that the injuries sustained by the deceased were antemortem injuries.

20.In this case, the knife was recovered from the first accused based on his confession statement. Though the confession made before the Police Officer is not admissible in evidence as per Section 25 of the Indian Evidence Act, however, if it is leading to recovery, the recovery portion alone is admissible in evidence as per Section 27 of the Indian Evidence Act. Further, the evidence of PW10 shows that based on the confession given by the first accused, he took them to the place where he hid the weapon and handed over the same, which was marked as MO3. Therefore, through PW10, recovery was proved.

21.A combined reading of the evidence of PW1 to PW3, PW5 to PW8, PW10 and also Ex.P1-Complaint, Ex.P2-Intimation to the Police, Ex.P3-Medical Treatment Certificate, Ex.P4-Outpatient Card, Ex.P5-Letter of intimation to the police, Ex.P6-Postmortem Certificate, Ex.P7-Observation Mahazar, Ex.P9-Admitted portion of the confession statement given by A1, Ex.P16-Biology Report and Ex.P17-Serology Report shows that the deceased died unnaturally due to incised injuries and the first accused caused the injuries to the deceased with the aid of A2.



22. Though the prosecution has proved its case beyond reasonable doubt, whereas a reading of the judgment of the trial Court shows that the trial Judge acquitted the accused persons for the reason that the presence of PW1 to PW3 is highly doubtful and they could not have been the eye witnesses; and due to busy in the business, PW5 could not have seen the deceased in the scene of occurrence and the admission of the deceased in the hospital by PW1 to PW3 and the treatment given by PW6-Doctor itself are highly doubtful, since there are several hospitals in between the occurrence place and PW6's Hospital and all the private witnesses are relatives, friends and belonging to the community of the deceased and the place of occurrence is a busy locality where public movements are very much available and therefore, the place of occurrence and also the manner of the occurrence, as projected by the prosecution, could not have taken place. A combined reading of the evidence of PW1 to PW3 shows that PW1 has stated that he knows the accused and the deceased and on the date of the occurrence i.e., on 11/04/2011, PW1 to PW3 came with an auto nearby the Kulasekharan TASMACH shop, at that time, the deceased and A1 were quarrelling with each other and they stopped the auto, went nearby them and they separated them, unexpectedly A2 handed over the knife to A1 and he in turn, received the knife from A2 and attacked the deceased and immediately, the deceased fell down on the spot and when they raised alarm, immediately the accused escaped from the scene of occurrence. Therefore, there is specific



overtact against each of the the accused persons that A2 gave the knife to A1 and in-turn, A1 caused injuries on the deceased and thereafter, PW1 to PW3 took the deceased to the Hospital. The evidence of PW2 is also corroborated the same.

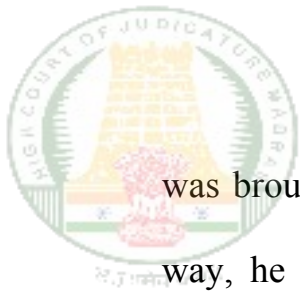
23.Though the main defence taken by the respondents/A1 and A2 that there are several hospitals nearby the occurrence place, but the injured was not given treatment in the nearby hospitals and therefore, the place of occurrence and the presence of PW1 to PW3 are highly doubtful, PW1 to PW3 have clearly stated especially PW2 that they got fear, since the first accused was having knife in his hand and appears to be ferocious, they did not try to prevent the attack and at the fraction of moment, they could not think about all those things. Even, when a question was put to them, as to why they did not admit the injured in the nearby hospital, PW3 has clearly stated that there are several hospitals on the way to the hospital where they admitted the deceased for treatment, but they could not think about all these things. In that circumstance, they were not able to think about the nearby hospitals and they took the injured to the hospital, which is a famous hospital and therefore, they have given explanation as to why they did not prevent the occurrence and also why they did not admit the injured in a nearby hospital. In the circumstance like this, the mind of all the persons will not act in a similar manner. Since because they did not prevent the incident and admit the injured in a nearby hospital, it cannot be stated that no occurrence has



taken place as stated by them in their evidence and they were not present in the occurrence place and saw the occurrence. Further, there is no specific evidence that in and around the scene of occurrence, either CRPF personnel or Kerala Police were present. In the absence of specific evidence regarding the presence of CRPF personnel or Kerala Police, the contention of the learned Counsel for the respondents 1 and 2/A1 and A2 is not acceptable.

24.From the evidence of PW6, it is clear that PW1 to PW3 only brought the deceased and admitted in their hospital for first aid treatment. Perusal of Exs.P3 and P4 also made it clear that the injured was admitted in the Issac hospital at Marthandam and PW6 gave first aid treatment.

25.From the evidence of PW1 to PW3, it is seen that there was a quarrel between the first accused and the deceased and they separated them, unexpectedly A2 took the knife and gave it to A1 and he in-turn attacked the deceased. Therefore, they have stated that there were quarrels between the deceased and the accused and during that time, they made the attack. So, there is no pre-mediation or pre-plan. Therefore, the offence committed by the accused does not fall under Section 302 IPC. The occurrence is said to have taken place at about 02.45 pm and the injured was brought to the Issac Hospital, Marthandam, at 03.10 pm and given first aid upto 03.45 pm and subsequently, he



was brought to NIMS Hospital at Thiruvananthapuram at 04.00 pm, but on the way, he died. Admittedly, there were several hospitals between the place of occurrence and NIMS Hospital, Thiruvananthapuram. Though they have not given any specific reason, why they did not admit the injured in a nearby hospital, still there was a possibility of saving his life. In the Postmortem Certificate, the Doctor opined that the death was due to penetrating injury sustained to chest. Therefore, the offence committed by the first accused does not fall under Section 302 IPC. However, it falls under Section 304(i) IPC. Therefore, considering the weapon used by A1 and the place chosen by him for causing the injury and cause of death, this Court finds that the offence committed by A1 falls under Section **304(i) IPC**. So far as A2 is concerned, he has not caused any injury to the deceased, however, he aided A1 for the commission of the crime, which falls under Section 304(i) r/w 109 **IPC**.

26. In the result, this Criminal Appeal is **allowed** and the judgment of acquittal passed by the Trial Court is set aside.

27. Since this appeal is against acquittal and the 1st respondent/A1 is now convicted under Section **304(i) IPC** and the 2nd respondent/A2 is convicted under Section 304(i) r/w 109 **IPC**, they have to be questioned regarding the sentence to be imposed. Therefore, the respondents/A1 and A2 are directed to



appear before this Court on 27/11/2025 for questioning regarding the sentence.

The appellant Police is directed to ensure the appearance of the respondents/A1 and A2 on the said day, failing which the appellant Police shall secure the respondents/A1 and A2 and produce before this Court on 27/11/2025.

28.Post the matter on 27/11/2025 for question of sentence.

(P.V.,J) (L.V.G.,J)
18/11/2025

Index:Yes/No

Internet:Yes/No

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To,

1.The Sessions Judge,
Kanyakumari District @ Nagercoil

3.The Judicial Magistrate,
Padmanabapuram,
Kanyakumari District @ Nagercoil.

3.The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**CRL.A(MD)No.249 of 2022****P.VELMURUGAN, J.****AND****L.VICTORIA GOWRI, J.**

The State filed this appeal against the acquittal. After hearing the appeal, though the charge framed against the appellants under Section 302 IPC, this Court finds from the materials that the respondents have not committed the offence under Section 302 IPC. In view of the above, this Court finds that the offence committed by A1 falls under Section 304(i) IPC. Since the accused No. 2 aided A1 for the commission of the crime, the offence committed by A2 falls under Section 304(i) r/w 109 IPC.

2. When the matter came up for hearing on 18.11.2025, this Court directed the respondents/accused to appear before this Court today i.e., 27.11.2025 for questioning regarding the sentence. Pursuant to the direction of this Court, the appellant produced A1 before this Court as he is undergoing sentence in other case and A2 appeared before this Court. This Court explain them regarding the conviction and also asked the question about the sentence to be imposed. A1 stated that he has been falsely implicated in this case and he has not committed any offence and A2 stated that he has been falsely implicated in this case and he has not committed any offence. Therefore, lesser punishment may be imposed.



3. Heard the learned counsel for the respondents. Considered the submissions made by the respondents and their counsel. The respondents/accused were also explained about their right of appeal to the Hon'ble Supreme Court.

4. Already this Court by judgment dated 18.11.2025, found guilty of the respondent No.1 for the offence under Section 304(i) IPC and respondent No.2 for the offence under Section 304(i) r/w 109 IPC. Therefore, the respondents/accused are hereby,

(i) Respondent No.1/A1 convicted for the offence under Section 304(i) IPC and sentenced to undergo **10 years Rigorous Imprisonment and also to pay a fine of Rs.5000/- (Rupees Five Thousand only) in default to undergo three years Rigorous imprisonment.**

(ii) Respondent No.2/A2 convicted for the offence under Section 304(i) r/w 109 IPC and sentenced to undergo **10 years Rigorous Imprisonment and also to pay a fine of Rs.5,000/- (Rupees Five Thousand only), in default to undergo three years Rigorous Imprisonment;**



(iii) The appellant is directed to take custody of the respondents/A1 & A2 and detain them at Central Prison, Palayamkottai, to undergo the sentence imposed by this Court.

[P.V, J.] [L.V.G, J.]
27.11.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

- 1.The Sessions Judge,
Kanyakumari District @ Nagercoil
- 3.The Judicial Magistrate,
Padmanabapuram,
Kanyakumari District @ Nagercoil.
- 3.The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
- 4.The Superintendent,
Central Prison,
Palayamkottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
6. The Section Officer
Criminal (Records) Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN, J.
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am/er

JUDGMENT MADE IN
CrI.A(MD)No.249 of 2022

DATED : 27.11.2025