



Cr1.A(MD)No.444 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	09.10.2025
Pronounced on	04.11.2025

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Cr1.A(MD)No.444 of 2021

S.Revathi

: Appellant/ Accused

Vs.

The State Rep. By its

The Inspector of Police,

Thiruvarumbur Police Station,

Trichy District

: Respondent/ Complainant

Prayer:-This Criminal Appeal is filed under Section 374(2) of Criminal Procedure Code, to call for the records and set aside the judgment dated 16.09.2021 made in S.C.No.52 of 2018 in the Court of Sessions Judge, Mahila Court, Tiruchirapalli and allow the appeal

For Appellant : Mr.S.Ramsundar Vijayaraj

For Respondent : Mr.B.Nambi Selvan

Additional Public Prosecutor



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J U D G M E N T

P.VELMURUGAN, J.,

This Criminal Appeal is filed against the judgment of conviction and sentence passed by the Mahila Court, Tiruchirapalli in S.C.No.52 of 2018 dated 16.09.2021.

2. By the above judgment, the trial Court convicted the appellant and sentenced him, as detailed below:

Penal Provisions	Sentence of Imprisonment	Fine Amount
302 of IPC	Life Imprisonment	Rs.2,000/- i/d to under go six months simple imprisonment
379 of IPC	Three years Rigorous imprisonment	Rs.1000/- i/d to under go three months simple imprisonment
The sentences shall run concurrently		

3. The case of the prosecution in brief:-

3.1. The appellant is the family friend of the deceased and both of them were residing in the same street. The appellant had invited the deceased at about 12.30 p.m., on 09.08.2017 to come to her residence.



The appellant had already requested the deceased to give a loan of Rs. 1,00,000/-, and the deceased had agreed to hand over her jewels instead of the loan. As requested by the appellant, the deceased came to her residence at about 5.30 p.m. on the same day. The appellant asked the deceased to hand over her jewels as promised by her, but the deceased expressed her inability to hand over her jewels due to the instructions given by her husband. The deceased also told the appellant that her husband had given instructions not to hand over the jewels to anyone till his death. At that time, the appellant is said to have attacked the deceased on the right side of her head with an iron rod and also strangled her neck with a wire and caused her death. Further, she had also taken away the jewels from the deceased and concealed the body of the deceased under the cot in a bedroom and subsequently dragged the body of the deceased from the backside of her house and put it in front of the drainage situated just opposite to her house. Thereafter, on the basis of the complaint given by P.W.1, a First Information Report was registered in Crime No.622 of 2017 for the offences under Sections 302, 379, 201 and 114 of IPC.



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3.2. After completion of the investigation, the respondent police laid the charge sheet before the learned Judicial Magistrate No.VI, Trichy, and the same was taken on file as P.R.C. No.3 of 2018.

3.3. On the appearance of the accused, the provisions of Section 207 of Cr.P.C. were complied with, and the case was committed to the Court of Session, where it was taken on file in S.C.No.52 of 2018 and made over to the Mahila Court, Tiruchirapalli, for trial under Section 209(A) of Cr.P.C. The trial Court framed charges against the appellant for the offences punishable under Sections 302, 379, 201 of IPC.

3.3. In order to substantiate the case of the prosecution, the prosecution examined 19 witnesses as P.W.1 to P.W.19, and 21 exhibits were marked as Ex.P.1 to Ex.P.21, and 19 material objects were exhibited as M.O.1 to M.O.19.

3.4. After examination of the prosecution witnesses, when the appellant was questioned under Section 313 of the Code of Criminal



Procedure on the incriminating circumstances appearing against her, she denied the charges as false. No witness was examined on the side of the accused, nor was any document marked.

4. The trial Court, after considering the evidence on record and hearing both sides, by judgment dated 26.09.2021, convicted the appellant and sentenced her as detailed in Paragraph No.2 supra. Challenging the above-said conviction and sentence, the appellant has filed the present appeal.

5. The learned Counsel appearing for the appellant would submit that there is a delay in filing the complaint and also there is a delay in sending the First Information Report to the Court. The prosecution has not explained the delay in filing the complaint and sending the First Information Report to the Court. It is a case of circumstantial evidence and there is no eyewitness to the occurrence. The main ingredients for the case of circumstantial evidence are motive, last seen theory and recovery. All those have to be proved without a break of chain. In this case, the last seen theory and motive have not



been proved by the prosecution. Recovery is also not proved by admissible evidence. The prosecution has failed to prove its case beyond reasonable doubt. It is a settled proposition of law that if two views are possible, the view in favour of the appellant has to be taken into consideration. The trial Court convicted the appellant only based on assumptions, conjectures and preponderance of probabilities. As per criminal jurisprudence, in criminal cases of this nature, the case has to be proved beyond reasonable doubt. In this case, admittedly there are no eyewitnesses to the occurrence, and it is a case of circumstantial evidence; hence the prosecution has to prove three main ingredients, i.e., motive, last seen theory, and recovery. The last seen is not established and the recovery is also highly doubtful. However, the prosecution has not proved its case beyond reasonable doubt, and the trial Court failed to consider the materials and erroneously convicted the appellant. Once the last seen theory is not proved, the entire case of the prosecution becomes highly doubtful, and therefore, the benefit of doubt may be extended to the appellant and the appeal is liable to be allowed and the appellant ought to be acquitted.



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6. The learned Additional Public Prosecutor would submit that though in this case there is no eyewitness to the occurrence, the prosecution has proved its case based on circumstantial evidence. P.W.1, who is none other than the daughter of the deceased, had made a complaint before the respondent police and the respondent police registered a case in Crime No.622 of 2017 for the offences under Sections 114, 201, 302, 379 of IPC and subsequently the case was altered to offences under Sections 302, 379, 201 r/w.114 of IPC. In order to substantiate the motive, P.W.1 has clearly stated that there is a motive behind the murder and also P.W.6 has stated about the last seen theory. P.W.17 has stated about the recovery, and the medical evidence also corroborated that the deceased died due to the grievous injuries sustained on her head due to the attack made by the appellant. The medical report, post-mortem report, and forensic expert report also clearly proved that the deceased died only due to the injuries sustained by her; therefore, the prosecution has proved its case beyond reasonable doubt.



7. So far as the delay is concerned, it is submitted by the learned Additional Public Prosecutor that the mother of P.W.1 had informed that she would be going to the house of the appellant at about 5.00 p.m. In order to search for her mother, P.W.1 went to her relatives' houses and also searched in and around the nearby places. Therefore, some time was spent in searching for the missing person. While continuing the search in other areas, on the morning of 10.08.2017, she found the body of the deceased and immediately lodged a complaint at about 5.00 a.m. Hence, the complaint was not delayed. It is also contended that the relatives were in a state of shock, and therefore, the complaint was given the next day between 5.00 and 6.00 a.m., which cannot be treated as delay. With regard to the delay in forwarding the First Information Report, there was no undue delay, and the absence of such delay is not fatal to the case of the prosecution.

8. We have considered the submissions of the learned Counsel for the appellant and the learned Additional Public Prosecutor for the State, and have consciously gone through the evidence and materials on record.



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9. The specific case of the prosecution is that the appellant had already requested the deceased to give a loan of Rs.1,00,000/-, and the deceased had agreed to hand over her jewels instead of the loan. Hence, on 09.08.2017 at about 12.30 p.m., the appellant had invited the deceased to come to her residence at about 5.30 p.m., and on the same day the appellant asked the deceased to hand over her jewels as promised by her, but the deceased expressed her inability to hand over her jewels due to the instructions given by her husband. Hence, the appellant is said to have attacked the deceased on the right side of her head with an iron rod and also strangled her neck with a wire and caused her death. Further, she had also taken away the jewels from the deceased and concealed the body of the deceased under the cot in a bedroom, and subsequently dragged the body of the deceased from the backside of her house and placed it in front of the drainage situated just opposite to her house.

10. It is a case of murder for gain, and the trial Court had framed charges under Sections 302 and 379 of IPC. As far as the offence under Section 302 of IPC is concerned, though there is no eyewitness to



the occurrence, the prosecution based its case on circumstantial evidence and laid the charge sheet. In order to substantiate the motive, last seen theory and recovery, on the side of the prosecution, a total of 19 witnesses were examined and 21 documents were marked, besides 19 material objects that were exhibited.

11.As far as the aspect of delay in lodging complaint is concerned, this court finds that the mother of P.W.1 had informed that she would be proceeding to the house of the appellant at about 5.00 p.m. Thereafter, P.W.1, in search of her mother, went to the houses of her relatives and also searched in and around the nearby places. Thus, considerable time was spent in searching for the missing person. On the morning of 10.08.2017, P.W.1 found the body of the deceased and immediately lodged a complaint at about 5.00 a.m. Hence, there is no undue delay in lodging the complaint.

12. The evidence further discloses that the relatives were in a state of shock and confusion, and therefore, the complaint was given in the early hours of the next day, which cannot be treated as an inordinate



delay. Likewise, there is no delay in forwarding the First Information Report to the Court, and such absence of delay is not fatal to the case of the prosecution.

13. In order to substantiate the motive, the prosecution has examined P.W.1, who is none other than the daughter of the deceased, who was also living with the deceased, and also P.W.7, who is the husband of the deceased, and they have clearly stated about the motive. P.W.1 has clearly stated that the deceased informed her that the appellant asked for some financial help from the deceased and the deceased also promised to help the appellant but was unable to mobilize the cash and offered jewels. On 09.08.2017 the mother of P.W.1 had informed her that at about 5.00 p.m., she would go to the house of the appellant and thereafter she had sent her daughter to the dance school. At about 7.45 p.m., P.W.1 came to the house, and at that time her mother was not there in the house. She asked her father about her mother. Her father informed her that her mother had not returned home. P.W.1 immediately went to the house of the appellant and enquired the appellant, but she informed that the deceased came to her house and



immediately left. P.W.1 has clearly stated about the financial assistance sought by the appellant and since the deceased did not provide financial help or jewels, the appellant attacked the deceased when she was in the house and also removed her jewels, and therefore the prosecution has established the motive. Thus, P.W.1 has clearly stated about the motive.

14. So far as the last seen theory is concerned, P.W.1/daughter of the deceased and P.W.7/husband of the deceased have categorically stated that on 09.08.2017 the deceased informed P.W.1 that she would go to the house of the appellant at 5.00 p.m., and thereafter P.W.1 left for the dance class to drop her daughter, and when she came back at 7.45 p.m., since her mother was not in the house, she enquired her father, and her father informed her that her mother had not returned home. Further, P.W.6 has clearly stated that on 09.08.2017, since her husband was not feeling well, she went to the hospital and came back to the house, which is situated just opposite the house of the appellant, and in the evening she saw the appellant and the deceased talking in the house of the appellant. Thereafter, on the same day at about 7.30 to 8.00 p.m., P.W.1 enquired through phone with P.W.6 whether her mother came to



their house and whether she had seen her mother. She informed that her mother did not come to her house; however, she stated that in front of the house of the appellant, she saw the appellant and the deceased talking together, and therefore from the evidence of P.W.1 it is clear that the deceased had informed P.W.1 that she would go to the house of the appellant at about 5.00 p.m. P.W.6 has clearly stated that on the same day she saw the appellant and the deceased together in the house of the appellant; therefore, the prosecution has proved the last seen theory.

15. So far as the recovery is concerned, P.W.17/Village Administrative Officer has clearly stated that the appellant made a confession before the Investigating Officer. Though a confession made to the police officer is not admissible evidence, Section 27 of the Indian Evidence Act gives certain exemptions where confession leading to recovery is admissible in evidence. From the evidence of P.W.17, it is seen that the appellant had handed over some materials and jewels, and the jewels were subsequently identified by P.W.1, and the jewels were also sent to the Court. At the time of giving evidence, the properties were marked. Further, the doctor who conducted the autopsy was also



examined as P.W.13, and he also spoke about the injuries sustained by the deceased prior to the death and the injuries sustained subsequent to the death. Further, the Forensic Reports/Ex.P.19 and P.20 and the serology report/Ex.P.21 clearly show the blood stains and also the blood group found on the material objects and also in the place of occurrence. Therefore, a combined reading of the evidence of P.Ws.1 to 3, 6 to 8, 13, and 17 shows that this Court finds that the prosecution has proved its case beyond reasonable doubt that the appellant had attacked the deceased in order to get her jewels and due to the injuries sustained she died. The evidence of P.W.13, post-mortem doctor, and post-mortem certificate/Ex.P.4 clearly prove the same.

16. So far as the offence under Section 379 of IPC is concerned, from the evidence of P.W.17/Village Administrative Officer, it is seen that the jewels were recovered from the appellant. P.W.17 had stated that jewels were recovered from the appellant and P.W.1 identified that the jewels belonged to her mother, and therefore the prosecution has proved its case that after the death of the deceased, the appellant had removed all the jewels of the deceased, which were marked as M.O.s 1



to 8, and also from the serological report, therefore, the recovery is also proved.

17. Therefore, the prosecution has proved the charges against the appellant. Though there are contradictions and discrepancies during cross-examination, they are not material contradictions that would go to the root of the case of the prosecution. Further, it is a settled proposition of law that a defect in investigation is not fatal to the case of the prosecution. Though in this case there are no eyewitnesses to the occurrence and the case is based on circumstantial evidence, from the perusal of the records, the appellate Court, as a fact-finding court, while re-appreciating the case of circumstantial evidence, finds that the prosecution has proved its case without a break of chain. The motive, last seen theory and recovery have also been proved.

18. From the evidence of P.W.1 to P.W.3, the motive has been established. From the evidence of P.W.1, P.W.6, and P.W.7, the last seen theory is also established. From the evidence of P.W.1 and P.W.7, the recovery is also proved. Therefore, the prosecution has proved its case



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through circumstantial evidence such as motive, last seen theory and recovery beyond reasonable doubt without any break of chain, and therefore this Court, while re-appreciating the evidence, finds that the appellant has committed the charged offence.

19. Considering the entire facts and circumstances of the case, this Court finds that the trial Court has rightly appreciated both the oral and documentary evidence and recorded a proper conviction. This Court does not find any perversity or illegality in the appreciation of evidence. Hence, there is no reason to interfere with the judgment of the trial Court and this appeal deserves to be dismissed.

20. In the result, this Criminal Appeal stands dismissed, confirming the judgment of the trial Court.

(P.V.,J.) (L.V.G.J.,)

04.11.2025

Index : Yes/No

Internet : Yes/No

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To:

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- 1.The Mahila Court, Tiruchirapalli
- 2.The Inspector of Police,
Thiruvarumbur Police Station,
Trichy District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.



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