



Crl.A(MD)No.520 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**Reserved on : 08.04.2025**

Pronounced on : 29.04.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

**AND**

**THE HONOURABLE MS.JUSTICE R.POORNIMA**

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Chozhan

... Appellant

Vs.

State Represented by  
Deputy Superintendent of Police,  
Jeeyapuram Sub Division,  
Jeeyapuram Police Station,  
Trichy District.  
(Crime No.389/2017)

...Respondent

PRAYER: Criminal Appeal filed under Section 374 of the Criminal Procedure Code to call for the entire records connected to set aside the Judgment in S.C.No.11 of 2019 on the file of the I Additional District &



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Sessions Judge (PCR), Thiruchirappali, dated 29.10.2021 and acquit the  
appellant herein.

For Appellant : Mr. S.Jayaseelan

For Respondent : Mr. A.Thiruvadikumar

Additional Public Prosecutor

### **JUDGMENT**

(Judgment of this Court was delivered by **R.POORNIMA, J.**)

This Criminal Appeal is filed against the conviction and sentence passed against the appellant/sole accused in the judgment dated 29.10.2019 passed by the learned I Additional District and Sessions Judge (PCR), Thiruchirapalli in S.C.No.11 of 2019 by convicting and sentencing the appellant for the offence punishable under Section 302 IPC and sentenced to undergo imprisonment for life and to pay a sum of Rs.5,000/- in default, to undergo three months rigorous imprisonment.

2. The case of the prosecution in brief is as follows:

(a) The complainant Mrs.Kalaivani, (P.W.1) is the Village



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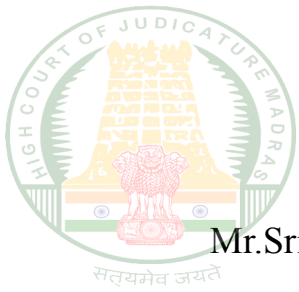
Administrative Officer of the Kulumani Village. On 17.12.2017 at about 06.00 a.m, found a person standing nervously outside her office. Upon enquiry, he confessed to having committed a crime at about 2.30 a.m. His confession statement was recorded between 6.00 and 6.45 a.m.

(b) Thereafter, she along with the Village Assistant Jegadeesan had gone to the house of the accused and found his wife lying in a pool of blood with head injury. A grinding stone was found near the dead body.

(c) She took the accused to the Jeeyapuram Police Station and handed over the accused to the Inspector of Police with written complaint (Ex.P1) along with the statement of the accused (Ex.P2).

(d) The Inspector of Police (P.W.19), Jeeyapuram Police Station received the complaint (Ex.P1) and registered FIR (Ex.P.11) in Crime No.389 of 2017 for the offence under section 302 of IPC.

(e) Since the deceased died within two years from the date of marriage, P.W.19 sent an intimation to the Joint Commissioner of Police, Jeeyapuram and the Revenue Divisional Officer, Srirangam. He forwarded the FIR to the Judicial Magistrate and other officials through Mr.M.Karthikeyan (P.W.16), Police Constable 397. He assisted the investigation with the Deputy Superintendent of Police Assistant



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Mr.Srinivasan (P.W.20).

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(f) After receipt of the copy of the FIR, the Deputy Superintendent of Police (P.W.20) went to the place of occurrence and advised the Head Constable Mr.Murgaiya (P.W.15) to take a photograph of the place of occurrence. He prepared observation mahazar (Ex.P3) and rough sketch (Ex.P12) in the presence of witnesses Mr.Bala Subramanian (P.W.9) and Mr.Venkatachalam. He recovered the blood-stained grinding stone (M.O.3) blood-stained mat (M.O.1) ordinary mat (M.O.2) and blood-stained bed sheet (M.O.4) under a recovery mahazar (Ex.P4).

(g) He recorded the confession statement of the accused in the presence of the Village Administrative Officer, Kalaivani (P.W.1) and Jegadeesan. He also examined other witnesses and recorded their statements.

(h) He went to the Government Hospital and examined the witnesses Madeswaran (P.W.5), Maheswari (P.W.6) and Manimegalai (P.W.7) and recorded their statements and then sent the material objects to the Court under Form-95.

(i) On 18.12.2017, he enquired Dr. Selvakumar (P.W.17) who had conducted postmortem on the dead body and obtained the



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postmortem certificate. The Doctor explained the injuries found in the

dead body as follows:-

*“Following antemortem injuries: -*

*1. Body deep lacerated wound on right side of the forehead of 2x1 cm with marginal reddish brown abrasion of 3.5 x 3 cm.*

*2. Bone deep lacerated wound behind the right ear of 1x1 cm with marginal reddish brown abrasion of 4x1 cm; on dissection, contusion underlying the lacerated wounds and on the left side of the head; skull: Linear fracture from right temporal to left temporal bone of 22cm; across the middle cranial fossa; separates the base of the skull as front and back; Membranes: Thin red colour subdural haemorrhage present; Brain: Intact, C/s.sticky.*

*3. Reddish brown abrasion present over the right lower jaw on the back side of 1x1 cm.*

*External genital organs: Intact, Heart: intact, C/s. All the chambers contain fluid blood; Lungs: Intact C/s.Patchy areas of blood present; On bloodless neck dissection: Larynx and trachea: fluid blood present; Hyoid bone and Thyroid cartilage: Intact; Stomach: Intact C/s: contains brown colour fluid; No peculiar smell; Mucosa: normal; All other internal organs: Intact C/s. Normal; Small and large intestines: Intact; Bladder and Uterus: Intact C/s. Empty; pelvis: Intact; Spinal Column: Intact*



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*Opinion as to cause of death: -*

*The deceased would appear to have died due to Head injury.”*

(j) The Head Constable Thiru.Saravanakumar, handed over the blood stained sandalwood colour with a pink border saree, Brown colour inskirt, pink colour blouse and dark blue colour inner, which was worn by the deceased at the time of death. He received the same under Form-95 and sent the same to the Judicial Magistrate.

(k) He sent a requisition to the Tahsildar of Srirangam and Kumarapalayam to issue a Community Certificate to the deceased, and the accused, had received the same on 20.12.2017, 22.12.2017, and recorded the statements of the respective Tahsildars.

(l) On 23.12.2017 he altered the Section of Law, from 302 IPC to Section 302 of IPC r/w 3(1)(w)(ii) & 3(2) (va) of SC/ST (POA) Act 1989 and sent the Section alteration report (Ex.P13) to the Judicial Magistrate - III, Trichy.

(m) On 17.02.2018, he examined the Regional Forensic Science Inspector and other witnesses and recorded their statements.

(n) He received the inquest report from the Revenue Divisional Officer (Ex.P15) and sent the same to the Judicial Magistrate Court on 17.02.2018. He completed the investigation and filed a final



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report against the accused for the offence under Sections 302 of IPC r/w

3(1)(w)(ii) & 3(2)(V) of SC/ST (POA) Act 1989.

3. On receipt of the records, the Special Court dealing with SC/ST (POA) Act cases, took the case and assigned a case number in S.C.No.11 of 2019 and issued a summon to the accused. After appearance of the accused, copies of the entire records were furnished to him free of cost under Section 207 Cr.P.C.

4. After hearing both sides, the learned I Additional District and Sessions Judge (PCR), Trichirappalli, framed charges against the accused under Sections 302 of IPC r/w. 3 (2) (v) (s) of SC/ST (POA) Act, 1989. The charges were read over and explained to the accused. The accused denied the charges and claimed to be tried. Therefore, the case was posted for trial.

5. On the side of the prosecution, P.W.1 to P.W.20 were examined and Ex.P1 to Ex.P15 were marked. Material Objects M.O.1 to M.O.4 were produced. On the side of the accused, no witness was examined, no documents were filed.

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6. After full trial, the trial Court acquitted the accused for the

offence punishable under Section 3(2) (v) of SCT/ST (POA) Act and convicted him for the offence punishable under Section 302 IPC and sentenced him to undergo imprisonment for life and to pay a sum of Rs.5,000/- in default, to undergo three months Rigorous imprisonment against which, the present Criminal Appeal has been filed on the following among other grounds:-

a) That the trial Court failed to consider that there was no valid evidence to convict the appellant under Section 302 of IPC.

b) That the trial Court failed to consider the evidence of P.W.1 regarding Ex.P2 extra-judicial confession which is highly doubtful.

c) That the trial Court failed to consider that the prosecution failed to prove the motive of the occurrence.

d) That the trial Court failed to consider that the presence of P.W.5, P.W.6 and P.W.9 in the occurrence place is highly doubtful and their statements consist lot of infirmities and contradictions.

e) That the trial Court failed to consider that the medical evidence is totally contra to the case of the prosecution.

f) That the trial Court ought to have found that the complainant has



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not proved the case beyond all reasonable doubts.

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7. The learned Additional Public Prosecutor appearing for the State argued that the deceased Suganya was the wife of the accused, before the occurrence, she lodged a complaint against him before the Jeeyapuram All Woman Police Station, for refusing to take her back to his house. Following this the Police Official directed the accused to take her back with him. On the night between 16.12.2017 and 17.12.2017 the deceased was killed. The accused surrendered before the Village Administrative Officer and confessed about the crime. The place of occurrence was the house of the accused where both the accused and the deceased staying together soon before her death, the accused have failed to provide an explanation as to how the occurrence took place despite having exclusive knowledge of the incident. The parents of the deceased spoken about the previous incident. The weapon recovered from the place of occurrence matched with the injuries sustained by the deceased. The prosecution proved the case beyond all reasonable doubt. The Criminal Appeal deserves no merit and hence, the same is liable to be dismissed.



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8. Heard the learned counsel on either side and perused the materials available on record.

9. Now this Court has to decide whether the judgement rendered by the trial Court is proper or liable to be set aside ?.

10. The learned Counsel for the Appellant argued that the prosecution has failed to prove the motive for occurrence.

11. According to the prosecution, the accused and the deceased had developed a love affair and got married against the wishes of the accused's parents. Out of the wedlock, the deceased gave birth to a male child. Although the accused visited her, at her parental home, he did not take her back with him. Accordingly, the deceased gave a complaint before the All Woman Police Station, Jeeyapuram. The accused was summoned for enquiry and conciliated, the Inspector of Police sent the deceased and her child with the accused. The accused perceived it as an insult and became enraged as a result killed her.



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12. P.W.18 Mrs.Vijayalakshmi, Inspector of Police in her

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chief examination stated that on 16.12.2017, the deceased Mrs.Suganya appeared along with her parents and lodged a complaint by stating that she married the accused, who belongs to Vellalar Community and she belongs to Kuravar Community. However, the parents of the accused did not allowed her to enter into their house. But laid a small thatched hut near their house and kept her in that house. Thereafter, she became pregnant and was sent to her parental home for delivery. Even after delivery, her husband did not take her back to his house despite her request. She issued C.S.R. No. 162/2017 and called the accused for enquiry over phone. The accused came to the Police Station with his father. She conciliated both the family and on the wishes of the deceased, Suganya sent with her husband. This is evident that the deceased complaint against the accused for not taking her back to the matrimonial home and for that the accused developed displeasure against the deceased and she found dead in his house on the same day night. There was a history of conflict between the accused and the deceased, before the crime, the accused was called by the Police, based on the complaint given by the deceased, that might have triggered the act. After analysing the reasons, we infer the motive behind the crime.



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13. The learned counsel for the appellant argued that the presence of P.W.5 in the place of occurrence is highly doubtful and the statement consisting a lot of infirmity and contradictions.

14. P.W.5, Mr.Madheshwaran, the father of the deceased stated in his testimony that the accused and the deceased had love affair and got married. As a result, she became pregnant. She returned to her parental home for delivery. However, the accused did not visit his daughter. Therefore, his daughter informed him that she wished to reunite with her husband. Accordingly, he along with his wife and daughter came to Jeeyapuram Police Station and gave complaint. The accused and his father came to the Police Station. At the Police Station, both parties were counselled and his daughter was sent to her husband's house. Thereafter, he returned to his hometown by train. Upon arriving, he received a phone call informing him that his daughter had been murdered. Immediately, hired a car accompanied by his relatives proceeded to the house of the accused, where he found his daughter's dead body with a head injury. His statement was corroborated by P.W.6 and P.W.7. The evidence of P.W.5 appeared to be natural and credible regarding his presence with her daughter on the previous day.



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15. The learned counsel for the appellant argued that the extra judicial confession of the accused before the Village Administrative Officer, P.W.1 was highly doubtful and the trial Court failed to consider the same.

16. We agreed that the conviction should not be based on the extra judicial confession. The prosecution must prove that the confession must be made without coercion, threat, inducement or promise. The Court must first ensure voluntariness and to see that any material available to corroborate the statement to confirm the confession's truth.

17. On 16.12.2017, the deceased came from her parental home to Jeeyapuram Police Station and lodged a complaint accusing the accused for not taking her to the matrimonial home. Upon receiving the complaint, the Station Officer summoned the accused and directed him to take her to his house. The next day morning at 6'o clock, the accused appeared before P.W.1, the Village Administrative Officer and confessed that he had taken a grindstone and attacked his wife, inflicting injuries on her head, and thereby committed the crime. The Village Administrative

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Officer recorded the confession, went to the place of occurrence and found the dead body of the deceased.

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18. She then took the accused to the Police Station and gave complaint (Ex.P1) and handed over the accused with the confession statement (Ex.P2). Ex.P1, complaint was received at about 7:30 a.m, and FIR registered in Crime No.389 of 2017, for the offence under Section 302 IPC. There was no delay in the complaint. The FIR reached the Magistrate Court on the same day.

19. The accused and the deceased were last seen on 16.12.2017 by the P.W.18, P.W.5, and P.W.6 and the parents of the accused. The next day morning deceased was found dead in the house of the accused with head injury. The accused confessed the crime, he was arrested and the FIR was registered on the same day morning without any delay.

20. The Revenue Divisional Officer report (Ex.P15) indicates that upon the request of the Inspector of Police, Jeeyapuram

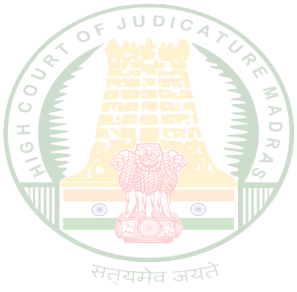


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Police Station, he visited the place of occurrence and prepared inquest report. In the inquest report, it was recorded that the parents of the accused admitted that the accused had brought the deceased home, the previous night and that both went to their thatched shed at 10.00 p.m., They also admitted that the crime was committed by the accused. During trial the mother of the accused, who was examined as P.W.10, she admitted that the deceased had come home with accused, but claimed that her son had gone for night shift. However the accused did not claimed at no point of time, that he was not present at the place of occurrence. Rather appeared before the Village Administrative Officer and confess about the crime.

21. Section 106 of the Indian Evidence Act,1872, provides that when a fact is especially within the knowledge of a person, the burden of proving that fact lies upon him. The accused did not offer any explanation for the unnatural death of his wife. The extra Judicial confession along with the statement of his parents, evidence of P.W.18, and the statements of P.W.5 and P.W.6 corroborated each other. Therefore, the extra Judicial confession gains credibility.



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22. The Deputy Superintendent of Police / Investigation

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Officer went to the place of occurrence recovered the grinding stone in the presence of P.W.2 to P.W. 4. Ex.P7, the Photograph revealed that the dead body was found in the place of occurrence.

23. P.W.9 has spoken about the preparation of Observation Mahazar (Ex.P3), Rough Sketch (Ex.P12). He deposed that in his presence the Investigation Officer recovered blood-stained grind stone, blood-stained bed sheet and blood stained mat and non blood stained mat (M.O.1 to M.O.4).

24. Further, the Biological report shows that the material objects recovered from the place of occurrence, namely blood stain found in the mat, grinding stone and the saree, blouse and other dresses worn by the deceased were deducted blood stain. The blood group of the deceased Suganya was taken in a piece of gauze belongs to 'A' group and all other material objects namely, grinding stone, bed sheet, blouse, saree and inner wear of the deceased also belongs to the same blood group. Therefore, the recovery from the place of occurrence tallied with the blood group of the deceased.



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25. In the postmortem report (Ex.P.8) the Doctor stated that the deceased would appear to have died due to head injury. The grinding stone recovered from the place of occurrence was found with blood stains and tallied with the blood group of the deceased.

26. The prosecution clearly proved that the crime was committed by the accused beyond all reasonable doubt. The trial Court, after taking into consideration the materials available on record, held that the accused was guilty of the offence under Section 302 IPC.

27. The Judgement of the trial Court is proper and there is no strong ground available to interfere with the judgement rendered by the trial Court.

28. On careful perusal of entire records, we conclude that there is no material available to interfere with the judgment of the trial Court. The Criminal Appeal has no merit, and hence, the Criminal Appeal is liable to be dismissed.



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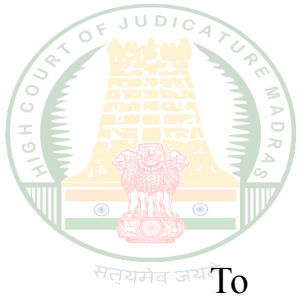
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29. Accordingly, the Criminal Appeal stands dismissed and the judgment passed in S.C.No.11 of 2019 on the file of the I Additional District and Sessions Judge (PCR), Tiruchirappalli, District, dated 20.11.2021 is hereby confirmed.

**(G.J., J.) & (R.P., J.)**  
**29.04.2025**

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

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To  
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1.The I Additional District and Sessions Judge (PCR),  
Thiruchirappalli.

2.The Deputy Superintendent of Police,  
Jeeyapuram Sub Division,  
Jeeyapuram Police Station,  
Trichy District.  
(Cr.No.389 of 2017)

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

4.The Section Officer,  
ER/VR Section,  
Madurai Bench of Madras High Court,  
Madurai.



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

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Judgment in  
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**29.04.2025**