



WEB COPY

CRL A No. 444 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on 10.02.2026

Judgment Delivered on: 19.02.2026

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CRL A No. 444 of 2019

State By

The Inspector Of Police, Odiansalai Police Station,
Puducherry. (Cr.No.174/2009), Through The
Public Prosecutor For Puducherry At The Madras
High Court.

..Appellant

Vs

1. Podi @ Ilango (A1) (34)
S/o.Vadakku Malai,
2. Arul @ Minor Arul (A2) (31)
S/o.Mariadass
3. Kutti @ Karunagarane (A3) (30)
S/o.Theeramalai



4. Kamal, (A4) (34)

S/o.Karuppan

WEB COPY

5. Prasanth @ Vinayagam, (A5) (27)

S/o.Subramani.

6. Arul @ A.B.Arulraj (A6) (30) (A6- died)

S/o Arumuga,

(Criminal Appeal stands dismissed as abated
as against the sixth respondent, as per the order
of this Court, dated 22.01.2026 in Crl.A.No.444
of 2019)

7. Jagan @ Malaiyan (A11) (34) (died)

S/o Devaraj

(Criminal Appeal stands dismissed as abated as
against the seventh respondent, as per the order
of this Court, dated 22.01.2026 in Crl.A.No.444
of 2019)

8. Rajesh (A13) (29)

S/o Devaraj

9. Rishi @ Rishithore (A14) (29)

S/o Periyamayagasamy

10. Murugaiyan (A15) (44)

S/o Kadhivel

11. Murugan (A16),

S/o Vadakkumalai

12. Saktivel @ Sakthivelan (A17)



S/o Subramaniam

13.Raja (A18)

S/o Selvam

..Respondent(s)

Criminal Appeal filed under Section 378 of the Criminal Procedure Code to set aside the judgment of the II Additional Sessions Judge, Puducherry, dated 28.07.2016 in S.C.No.25 of 2013 and convict the respondents for the offences under Sections 148, 342 and 302 IPC and Section 27 of the Arms Act, read with Section 149 of IPC and impose maximum punishment on the respondents.

For Appellant : Mr.M.V.Ramachandra Murthy
Public Prosecutor (Puducherry)

For Respondent(s): Mr.Swami Subramanian
for R1 To R5, R8 To R13
R6 And R7 - Dismissed As Abated
(vide Court Order Dated: 22.01.2026)

JUDGMENT

M. JOTHIRAMAN, J

This Criminal Appeal is filed by the State as against the judgment of acquittal passed by the II Additional Sessions Judge,

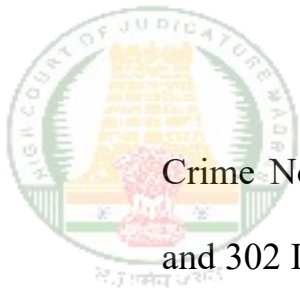


Puducherry, dated 28.07.2016 in S.C.No.25 of 2013 and to convict the respondents for the offences under Sections 148, 342 and 302 IPC and Section 27 of the Arms Act, read with Section 149 of IPC and impose maximum punishment on the respondents/accused.

2. The case of the prosecution is as follows:

(i) P.W.1 Lakshmi is the second wife of the deceased Maniyatti Nagaraj. She deposed that herself and her husband went to attend a marriage reception on 08.04.2009 at Saraswathi Kalyana Mandapam, Pondicherry. While they were in the marriage hall, her husband came out from the marriage hall and after some time, P.W1 came out from the marriage hall and saw that her husband died in a pool of blood. She went to Police Station and the Police had written the complaint and obtained signature from her. The signature of P.W.1 is found in Ex.P-1 complaint.

(ii) P.W.12 R.Babuji, Sub-Inspector of Police deposed that he had received the complaint on 08.04.2009 during night hours while he was in Police Station and he has received the information from Pondicherry Government Hospital that the body of the deceased was brought to the hospital by Police Constable Mr.Saravanan. P.W.1 appeared before him and she orally informed the occurrence (Ex.P-19). P.W.12 registered a case in



Crime No.174 of 2009 for the offences under Sections 147, 148 and 302 IPC and Section 27 of the Arms Act. He also prepared FIR in Ex.P-20. He also called P.W.10 Photographer to the scene of occurrence and sent the FIR to the higher officials for further investigation.

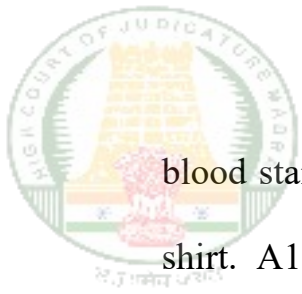
(iii) P.W.13 B.Ranganathan, the then Inspector of Police, took up the case for investigation. On 08.04.2009 at about 10 am, he went to the place of occurrence and through P.W.10, he has taken photographs from the scene of occurrence. He also prepared observation mahazar in Ex.P-22 and drew the rough sketch Ex.P-23 and also prepared Crime Detail Form Ex.P-21 in the presence of P.W.3 Sheik Fahrudeen and one Vishwan. He then seized M.O.6 blood stained Thar Road, M.O.7 sample Thar from the road, M.O.8 Yellow colour marriage Thamboolam bag, M.O.9 Blue colour Chappal (slippers) and M.O.10 Black colour Chappal and M.O.11 Cell Phone cover. He examined witnesses -- P.W.1 Lakshmi, P.W.2 Iyyappan, P.W.3 Sheik Fahrudeen and one Vishwan. He examined the witnesses P.W.1 Lakshmi, P.W.2 Iyappan, Viswan, P.W.3 Sheik Fahrudeen and recorded their respective statements.

(iv) P.Ws.1 and 2 on 08.04.2009, went to the Government Hospital, Puducherry and on identification, P.W.10 captured the



photographs of the body of the deceased. The investigating officer conducted inquest over the dead body of the deceased, in the presence of the Panchayatdars and witnesses and prepared Ex.P-26 inquest report. Summons were sent to Panchayatdars in Ex.P-25 series. He seized M.O.1 blood stained sandal colour pant, M.O.2 torn shirt, M.O.3 White colour Banian of the deceased from P.W.13 Inspector of Police. Dr.R.Diwakar -- P.W.9 conducted Autopsy on the body of the deceased. P.W.13 examined the witnesses and recorded their statements. Thereafter, on 12.04.2009 at about 4 p.m., near Uchimedu Arrack Shop, he arrested A1 to A8 and they were brought to the Police Station at about 5p.m..

(v) On enquiry, A1 to A8 voluntarily gave confession statements and the same had also been recorded in the presence of P.W.6 VAO Mr.Sivasubramanian. In pursuance of the confession statement given by A1 to A8, they went to Vamba Keeraipalayam Light House and they have handed over the Material Objects and the same were recovered under seizure mahazar - Ex.P-24. A5 identified and handed over the blood stained iron knife M.O.12, black colour pant M.O.13 and black colour T-shirt M.O.14 which were seized and he also handed over M.O.16 knife, M.O.17 brown colour pant and M.O.18 light blue full hand shirt. A2 identified and handed over M.O.19 - 1 foot length iron knife and M.O.20



blood stained green colour pant and M.O.21 blue colour full hand shirt. A1 identified and hand over M.O.22 - 2 feet length knife and M.O.23 light blue jeans pant. A3 identified and handed over M.O.24 orange colour full hand shirt and M.O.25 2-1/2 feet length knife. A4 Kamal identified and handed over M.O.26 2 feet length knife and M.O.27 sandal colour jeans pant, M.O.28 black colour pant and black colour socks. A6 identified and handed over M.O.32 -- 1-3/4 feet length sharp edged knife and green colour pant and M.O.31 red colour shirt and M.O.30 rose colour half-hand shirt. The M.Os. were recovered in the presence of witness P.W.6 Sivasubramanain (VAO) and one Kribakaran. Then, the accused were sent for judicial custody.

(vi) On 13.04.2009, P.W.13 Inspector of Police went to the Government Hospital, Pondicherry and received viscera and sent it to P.W.9 Dr.R.Diwakar and also sent the same to Forensic Laboratory on the same day at about 10 am and he seized blood sample from P.W.9 Doctor through seizure mahazar Ex.P-17.

(vii) On the same day, i.e. on 13.04.2009, near the new Bus Stand, P.W.13 Inspector of Police arrested A9, A1, A11, A12 and A13 new Bus Stand and brought them to Police Station for enquiry and they have voluntarily given the confession statement, which had been recorded in the presence of P.W.6, the then



Revenue Inspector.

(viii) Further, on 14.04.2009, near the Railway line (Vanarapettai Division), he arrested A14 and brought them to the Police Station. On enquiry, A14 voluntarily gave confession statement and the same has been recorded in the presence of P.W.6. In pursuance of the confession, they went to the Railway Station compound wall and recovered M.O.38 knife, M.O.39 white colour Lungi and M.O.40 light blue colour full hand shirt.

(ix) On 18.04.2009 at about 9 am., the investigating officer arrested A15 near Periyar Nagar. A15 gave voluntary confession and the same was recovered in the presence of P.W.8. On 29.04.2009 at about 1 p.m., near Nelli Thoppu. he arrested and brought to Police Station where A16 gave voluntary confession. Further, on 28.05.2009 at about 12.30 p.m. On 28.05.2009 around 12.30 p.m., near Indira Gandhi Nagar, near Urulaiyanpettai, A17 was arrested and brought to Police Station, where A.17 gave voluntary confession in the presence of P.W.7 and one Santhosh and thereafter, he sent the accused persons for judicial custody.

(x) P.W.2 Iyappan deposed that he knows the accused. On 08.04.2009, while he was in the house at about 9 p.m., he came to know that P.W.1's husband had died.

(xi) P.W.3 Sheik Fahrudeen deposed that the Police enquired



him and he admitted that his signature found in the recovery mahazar and the signature of P.W.3 is Exs.P-2 and P-3 and in his presence, the Police had not recovered any Material Object.

(xii) P.W.4 Vankatesh @ Krishnan deposed that on 08.04.2009, while he was in his house, he received information from his brother P.W.2 that his uncle Nagaraj died. He went to hospital and saw his uncle's dead body.

(xiii) P.W.5 Philomena deposed that on 08.04.2009, while she was in the Government General Hospital,. The Police had obtained signature from her.

(xiv) P.W.6 - A.Sivasubramanian (VAO) deposed that on 11.04.2009 at about 5.30 p.m., he went to Odhiansalai Police Station along with Kribakaran VAO. In the Police Station, there were 8 persons and A1 was also present. He also deposed that in the Police Station, A2 Arul, Kutty, Kamal, Prasanth, Arul Raj, Arokkiam, Vinayagamoorthy were there. He could not identify the accused persons, since he could not remember and on enquiry, A1 voluntarily gave confession statement and in pursuance of the confession statement given by A1, A1 handed over the knife and clothes and the admissible portion of the confession statement of A.1 is Ex.P.4.

(xv) Similarly, A2 also gave confession statement and the



admissible portion of the confession statement of A2 is Ex.P-5.

A.3 to A.8 have also given their confession statements similar to the line of A1 and A2. The admissible portion of the confession statement given by A3 to A6 is Exs.P-6 to 9.

(xvi) On the next day, the confession statements were recorded upto next day morning at about 5.15 a.m. and thereafter, at about 7 a.m., he went to Saraswathi Marriage Hall and at about 8 a.m., near Vambakeerapalayam. The accused persons have identified the 8 knives and handed over the same to the Police. The Police have recovered the same through mahazar, wherein P.W.6 and one VAO Kribakaran have signed as witnesses. The signature of P.W.6 is found in seizure mahazar Ex.P-10.

(xvii) On 13.04.2009, P.W.6 VAO went to the Police Station, where he saw that Somu, Jagan, Thiagu, Venkatesh and Rajesh were present. He could not identify the accused persons in the Court. Therefore, the aforesaid five persons gave confession statements, in which he obtained their signatures and again at about 9 p.m., he went to Police Station and arrested Rishi A.12 who was there in the Police Station and he could not identify the accused Rishi. In pursuance of the confession statement given by the accused, he identified and handed over the knife and clothes in the Railway Station and the admissible portion of the confession



statement of A14 is Ex.P-11. Next day, at about 8.45 a.m., they went to Railway Station and A5 handed over the knife and clothes to the Police and the same have been seized under seizure mahazar Ex.P-12.

(xviii) He again identified the Material Objects and they were handed over by A.14, but he could not identify the knife handed over by A1 to A8 and also unable to identify the clothes handed over by A1 to A8.

(xix) P.W.7 Robert deposed and admitted the signature found in the confession statement given by A.17 and the Police had also obtained signature in the Police Station and he went to the Police Station for some other work.

(xx) P.W.8 Lakshmi Narayanan deposed that his signature is found in the confession statement given by A.15 and his signature is ExP.14. He denied the handwriting found in the confession statement found in Ex.P-14. When he went to the Police Station for some other work, the Police had obtained his signature.

(xxi) P.W.9 Dr.R.Diwakar deposed that on 09.04.2009, he had received the requisition letter through Police for conducting Autopsy on the dead body of the deceased and he noticed the following injuries on the deceased:

"External injuries (ante-mortem):

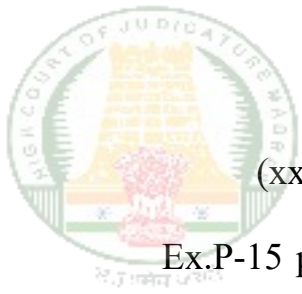


WEB COPY



Incised, caping wounds:

- (1) 14 cms x 1 cm, across the forehead, bone deep - transverse;
- (2) 11 cms x 8 cms over the right side of forehead and outer aspect of the face, bone deep - oblique;
- (3) 13 cms x 2cms, over the right parieto-occipital area - bone deep -0
- (4) 8 cms x 1-1.2 cms, over the upper and outer aspect of right side neck muscle deep - oblique
- (5) 6 cms x 3 cms, over the middle & outer aspect of right side of neck, muscle deep, found cutting the trachea - oblique;
- (6) 5 cms x 3 cms, over the lower & outer aspect of right side of neck, found cutting the blood vessels (carotid) & nerves - transverse;
- (7) 4 cms x 2 cms, below the right collar bone, muscle deep - oblique
- (8) 6 cms x 3 cms, over the upper aspect of sternum, muscle deep - trans
- (9) 3 cms x 1/2 cm, over the left collar bone, muscle deep - oblique
- (10) 2-1/2 cms x 1/2 cm, above the left nipple, muscle deep - oblique
- (11) 5 cms x 1cm, over the inner aspect of left nipple, muscle deep - oblique
- (12) 6 cms x 2 cms, below the right armpit, muscle deep - oblique;
- (13) 3 cms x 1/2 cm below the right knee - oblique."



(xxii) After conducting post-mortem, the Doctor issued Ex.P-15 post-mortem report. The Doctor opined in his report that the deceased would appear to have died of cut injuries over the neck and the deceased would have died prior to 12 to 18 hours from the time of conducting autopsy. He also handed over M.Os.1, 2 and 3 clothes worn by the deceased and the same has been recovered under Ex.P-17 mahazar by the investigating officer. P.W.9 Doctor also deposed that as per the report received from the Forensic Department, dated 08.06.2009, there is 0.12% alcohol found in the blood of the deceased.

(xxiii) P.W.11 Nagamani, the then Head Constable deposed that he only wrote the witnesses of this case and also recorded the confession statement of the accused persons.

(xxiv) P.W.13 Inspector of Police deposed that the FIR was verified by him and he examined the witnesses and recorded their statements and also obtained a report from the Forensic Laboratory in Ex.P-29 (Chemical Examiner report) and also the 5 photo negatives from P.W.10 Police Photographer and recorded their statements by examining the witness.

(xxv) Upon completion of investigation, P.W.13 laid charge-sheet/final report before the appropriate Court as against the accused persons.



3. In order to prove the charges framed against the accused persons, the prosecution has examined P.Ws.1 to 13 and marked Exs.P-1 to P-29 and produced M.Os.1 to 40.

4. After completion of the evidence on the side of the prosecution, the accused persons were questioned under Section 313 Cr.P.C., in which, the accused pleaded and denied the incriminating materials and evidence deposed by the prosecution witness and they also denied them as false.

5. On the defence side, no witness was examined and no document was marked.

6. It is brought to the notice of this Court that A6 and A11 died during the pendency of this Criminal Appeal and this Criminal Appeal against them stood abated.

7. Upon appreciating the oral and documentary evidence, the trial Court found that the prosecution has miserably failed to prove the case beyond its all reasonable doubts and all the accused persons were acquitted of all the charges levelled against them.



Aggrieved by the same, the State has filed the present Criminal Appeal represented by its Inspector of Police, Puducherry.

WEB COPY

8. Learned Public Prosecutor (Pondicherry) appearing for the State submitted that there was enmity between the accused persons and the deceased. P.W.2 has admitted in his cross-examination that the deceased went to Jail in the case in which he attempted to murder A1. The said statement is not even challenged by the accused by way of cross-examination. The evidence of P.W.9 (post-mortem Doctor) read with Ex.P-15 (post-mortem report) and final opinion (Ex.P-16) clearly establish the homicidal death of cut injuries on the neck and other parts of the deceased.

9. Learned Public Prosecutor (Pondicherry) further submitted that Ex.P-20 FIR, coupled with the evidence of P.W.1 and the opinion of P.W.9 Doctor who conducted autopsy, were clearly established by the prosecution and that the deceased died on 08.04.2009 at about 8.30 p.m. He further submitted that the FIR and the complaint are lodged without any time loss and the names of the accused were also specifically mentioned in the FIR and it was registered at about 21 hours and the FIR was sent to the Chief Judicial Magistrate on the same day at about 23.15 hours and



the inquest report/Ex.P-26 clearly mentions the involvement of the accused persons in the crime. The prosecution has also proved the recovery of the M.Os. from the accused persons in pursuance of the confession statement given by the accused persons. M.O.12 blood stained iron knife and other M.Os. including knife and the blood clothes worn by the accused at the time of the commission of the crime, were seized under Exs.P.4 to 11 and the M.Os. recovered, were duly produced before Court and it stood proved by the evidence of P.W.6 VAO.

10. Learned Public Prosecutor (Pondicherry) further submitted that the report of CFSL in Ex.P-28 clearly proves that it is the blood of the accused, which contained knife recovered on the confession of the accused. The human blood is confirmed in the clothes worn by the accused. The finding of the Court below that the evidence of P.W.6 is unreliable, merely because he is Village Administrative Officer (VAO), is absolutely illogical. The finding of the trial Court that the accused persons are entitled to acquittal because eye-witnesses turned hostile, is without considering the other conclusive materials starring on the accused persons and hence, the trial Court's finding of acquittal is liable to be interfered with. It is further contended by the learned Public Prosecutor



(Pondicherry) that the trial Court omitted to consider that mentioning the names of the accused persons in the FIR and inquest report, which cannot be brushed aside as artificial. The recovery in the presence of P.W.19 is supported by scientific evidence, where the prosecution has established the strength of the blow of the deceased in the knife. The Court below ought to have convicted the accused and awarded them with maximum punishment and hence, he prayed to set aside the impugned judgment of acquittal passed by the trial Court. To strengthen his contentions, the learned Public Prosecutor has relied upon a judgment of a Division Bench of this Court, reported in 2008 Supreme (Mad) 562 (Kanagaraj Vs. The Inspector of Police, Tiruchengode Town Police Station, Tiruchengode, to show that the prosecution has relied on the evidence including the eye-witness and their testimony and the M.Os. recovered and the chemical analysis, establish the guilt of the accused beyond reasonable doubt and the material evidence cannot be rejected in-toto.

11. Per contra, learned counsel appearing for the respondents/accused submitted that the independent witnesses have turned hostile and they did not support the case of the prosecution. Even P.W.1 being the wife of the deceased, also turned hostile and



not supported the case of the prosecution. The prosecution relied upon the evidence of P.W.6 VAO to prove the recovery of M.Os. from the accused, in pursuance of the confession statement given by the accused persons. P.W.6 in his chief-examination itself, he had not identified the accused persons properly and he had wrongly identified the accused persons and he has also categorically deposed that he could not identify the accused persons. Therefore, the evidence of P.W.6 is not supported by the case of the prosecution to prove the recovery of the M.Os. Except the official witnesses and the investigating officer's evidence, no other evidence is available against the respondents/accused persons. The Court below has rightly appreciated the oral and documentary evidence and acquitted the accused persons.

12. Learned counsel for the respondents/accused further submitted that recovery of the blood stained weapon, cannot be taken into account to prove the guilt of the accused and the same is not sufficient to prove the version of the prosecution. To support his contentions, learned counsel for the respondents/accused persons relied on a judgment of the Honourable Supreme Court of India in the case of State of Rajasthan Vs. Hanuman, in Criminal Appeal No.631 of 2017,. dated 19.06.2025, to show that in the



appeal against acquittal, interference can only be made only if the only possible view based on the evidence, points to the guilt of the accused and rules out his innocence. It was further observed by the Apex Court in the said decision that the incriminating circumstances relied upon by the prosecution therein, i.e. the motive and the recovery of the blood stained weapon, even taken in conjunction, cannot constitute the complete chain of incriminating circumstances required to bring home the charges levelled against the accused.

13. We have considered the submissions made on either side and perused the materials available on record carefully.

14. P.W.1 Lakshmi is the wife of the deceased and she deposed that on 08.04.2009, she went to attend a marriage reception, along with her husband at Saraswathi Kalyana Mandapam, Pondicherry, while they were in the marriage hall and after some time, her husband came out from the marriage hall and after some time, she came out and found that her husband was lying in a pool of blood and the accused persons were not found there and immediately, she went to the Police Station and lodged a complaint before the Police officials and her signature in the



complaint is marked as Ex.P-1 through P.W.1. From the evidence of P.W.1, it reveals that at the time of occurrence, she was inside the marriage hall and when she came out, she saw that her husband was lying in the pool of blood.

15. P.W.2 has not supported the case of the prosecution and he is not the eye-witness to the occurrence.

16. P.W.3 was examined to establish the preparation of crime details form, observation mahazar and the seizure of the material objects from the scene of occurrence. P.W.3 denied his signature in the observation mahazar and he has admitted his signature only in the crime details form / Ex.P-21 and also in Ex.P-3 being the signature of P.W.3 in the seizure mahazar. It is clear that P.W.3 denied his signature in the observation mahazar and he has admitted the signature only in the crime details form and the seizure mahazar Ex.P-3. Thus, P.W.3 also did not support the case of the prosecution.

17. According to P.W.4, he is also not an ocular witness and he did not know the accused and further, he did not know as to how the deceased died. He deposed that he saw the deceased



only in the hospital.

18. P.W.5 did not identify the accused persons and also not supported the case of the prosecution.

19. According to prosecution, P.W.7 is the attesting witness of the confession statement of A.17 Sativel @ Sakthivelan. But he has not deposed anything as against the accused persons and thereby, he had not supported the case of the prosecution. However, he admitted his signature found in the confession statement. The signature of P.W.7 in the confession statement was marked as Ex.P-13.

20. Thus, it is to be noted that P.Ws.1 to 5 and 7, have not supported the case of the prosecution and they were treated as hostile witnesses. During the course of their cross-examination, nothing is elicited against the accused persons.

21. P.W.6 - VAO speaks about the confession statement of A1 to A10 and A12 to A14. P.W.6 in his evidence stated that on 11.04.2009 at about 5.30 p.m., he went to Othiyansalai Police Station along with VAO Kirubakaran and he saw 8 persons in the



Police Station. He has seen them first in the Police Station, but in cross-examination, he identified A6 and A1. P.W.6 also deposed that A6 Arul @ A.B.Arulraj, Kutti @ Karunagarane, Prasanth @ Viayagam, Kamal and Prasanth @ Vinayagam, were present in the Police Station and that before P.W.13 Inspector of Police, only, A1 voluntarily gave confession statement. In pursuance of the confession statement of A1 only, the knife and clothes were recovered. The admissible portion of his confession statement is Ex.P.4. Further, A2 voluntarily gave confession statement before P.W.13 similar to the lines of A1. The admissible portion of the confession statement of A2 is Ex.P-5. Similarly, before P.W.13, A3 to A8 gave confession statements as to what A1 and A2 had stated in their respective admissible portion of the confession statement. Ex.P-5 is the admissible portion of the confession statement of A2, which was marked through P,W.6. Similarly, the admissible portion of the confession statement of A3 to A5 are respectively marked as Exs.P.6 to P.8.

22. From the evidence of P.W.6 VAO, it is clear that confessions statements were given by the accused persons and even there is also recovery of M.Os. and other articles from the accused persons. P.W.6 in his evidence, in chief-examination



itself, categorically deposed that he could not identify the knives recovered from A1 to A8 and was also unable to identify the dresses worn by A1 to A8. He also deposed that he could not identify A14 Rishi @ Rishithore.

23. P.W.7 is another witness who was examined to establish the fact that A17 Sativel @ Sakthivelan to prove the voluntarily given confession statement and the same has also been recovered, whereas, P.W.7 did not support the case of the prosecution and he had admitted only his signature found in the confession statement.

24. In order to prove the identification and recovery of material objects from the accused persons, in pursuance of the confession statement given by the accused persons, the evidence of P.W.6 VAO alone is not sufficient, since he himself, in his chief-examination, categorically deposed that he could not identify the knives recovered from A1 to A8 and the dresses worn by them and also could not identify the accused properly.

25. From the evidence of P.W.9 Doctor, who conducted autopsy and further, as per Ex.P-15 post-mortem report, it is clear that he opined that the deceased would appear to have died due to



cut injuries on his neck and his blood alcohol was 0.12%. From the evidence of P.W.9 Doctor, the prosecution is able to establish the fact that the deceased died due to cut injuries on his neck and the same is homicidal death.

26. P.W.10 Police photographer, deposed that on 08.04.2009 at about 10 pm, he went to the place of occurrence (Kalyana Mandapam) based on the requisition from P.W.13 Inspector of Police and he took photographs from the scene of occurrence and the articles were found in that place. He also deposed that he took photograph of the deceased in the mortuary of Pondicherry Government Hospital. Even though P.W.13 investigating officer deposed with regard to the arrest and confession statement given by the accused persons and in pursuance of the confession statement given by the accused persons, he recovered the M.Os. in the presence of P.W.6, the then Revenue Inspector and Kirubakaran VAO. The prosecution has not examined the said Kirubakaran as a witness to prove the case of the prosecution with regard to the arrest and recovery of M.Os. Though P.W.13 Inspector of Police investigated the case and the prosecution relied on the evidence of P.W.6 VAO, since P.W.6 himself in his chief-examination categorically admitted that he could not identify the



accused and also unable to identify the knife recovered from the accused persons and also not able to identify the dresses worn by the accused, which affects the case of the prosecution. The evidence of P.W.6 does not inspire the confidence of this Court. The testimony of P.W.6 and P.W.13 who are the official witnesses, alone is not sufficient to bring home the guilt of the accused to prove the recovery of the M.Os. from the accused persons, in pursuance of their respective confession statements.

27. Further, P.Ws.1 to 5 and 7 did not support the case of the prosecution. The evidence of P.W.9 Doctor and the evidence of P.W.13 Inspector of Police alone are not sufficient to bring home the guilt of the accused persons. The prosecution has miserably failed to prove the case against the accused persons. Upon appreciation of oral and documentary evidence, the trial Court found that, on seeing from any angle, the prosecution had miserably failed to prove its case against the accused persons and the "benefit of doubt" has to be given to all the accused persons and thereby, the trial Court acquitted all the accused persons.

28. This Court is of the view that there are no merits in this Criminal Appeal and even there is no perversity or infirmity in the



impugned judgment of acquittal passed by the trial Court. There is no reason warranting interference by this Court with the impugned judgment of acquittal passed by the Court below. Therefore, this appeal is liable to be dismissed.

29. For all the reasons stated above, this Criminal Appeal is dismissed, confirming the impugned judgment of acquittal passed by the trial Court.

(P.V.,J.) (M.J.R.,J.)
19-02-2026

Index: Yes/No

Speaking Order: Yes/no

Neutral Case Citation: Yes/No

cs

To

1. The III Additional Sessions Judge, Puducherry.
2. The II Additional Sessions Judge, Puducherry.
3. The Inspector of Police, Odiansalai Police Station, Puducherry (Cr.No.174 of 2009).
4. The Public Prosecutor (Pondicherry), High Court, Madras.



WEB COPY

CRL A No. 444 of 2019



P.VELMURUGAN, J

and

M.JOTHIRAMAN, J

CS

Pre-delivery Judgment in

CRL A No. 444 of 2019

Judgment delivered

on 19.02.2026