



Crl.A.No.481 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17 / 12 / 2025

PRONOUNCED ON : 03 / 02 / 2026

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

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P.Rajendran

... Appellant

Vs.

The State represented by
Inspector of Police,
Perumanallur Police Station,
Tirupur District.
(Crime No.207 of 2018)

... Respondent

Prayer: Criminal Appeal is filed under Section 374(2) Cr.P.C. to call for records and set aside the judgment dated 12.07.2019 made in S.C.No.03 of 2019 by the learned Principal District and Sessions Judge, Tiruppur.

For Appellant : Mr.N.Manoharan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
Assisted by Ms.M.Anifa Thasneem



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JUDGMENT

P.VELMURUGAN, J.

The appeal is filed against the judgment of conviction and sentence passed by the Principal District and Sessions Judge, Tiruppur, in S.C.No.3 of 2019, by which the appellant was convicted under Section 302 of the Indian Penal Code and sentenced to life imprisonment with a fine of Rs.5,000/-, in default to undergo six months' rigorous imprisonment.

2. The case of the prosecution is that the deceased Karthick and the appellant were friends who often drank alcohol together. On 17.05.2018, while drinking at a TASMAC shop, there was a shortage of glasses. Karthick told the appellant that he would drink first and then give him the glass. The appellant replied that, as they belonged to the same caste, there was no issue in sharing the glass and that even if the appellant drank first, it would not matter. Karthick questioned the appellant about speaking on such matters in public with regard to caste and referred to the appellant's conversion to Christianity. The appellant replied that even after conversion, he still



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belonged to the same caste. This led to a quarrel, during which Karthick slapped the appellant in the presence of others. Their friends intervened and pacified them, and both left the place. Despite this, the appellant felt insulted and bore a grudge against Karthick. On 18.05.2018, the appellant pretended that the dispute had been resolved and took Karthick on his motorcycle bearing registration No.TN-33-AW-7305 to a secluded place. There, due to the previous enmity, the appellant assaulted Karthick with stones, causing severe injuries and resulting in his death on the spot.

3. Following this, a case was registered as Crime No.207 of 2018 for the offence under Section 302 IPC. After investigation, the police filed a charge sheet before the learned Judicial Magistrate No.IV, Tirupur. The learned Magistrate took the case on file as P.R.C.No.11 of 2018 and, after complying with Section 207 Cr.P.C., committed the case to the Court of Sessions, as the offence charged against the appellant is exclusively triable by that Court. The learned Principal District and Sessions Judge, Tiruppur took the case on file as S.C.No.3 of 2019, framed charges against the appellant, explained the charges to him, and conducted the trial after he pleaded not guilty.

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4. During the trial, on the side of the prosecution, 17 witnesses were examined as P.W.1 to P.W.17, 18 documents were marked as Ex.P1 to Ex.P18, and 12 material objects were produced, numbered as M.O.1 to M.O.12. On completion of the examination of the prosecution witnesses, the incriminating materials were put to the appellant under Section 313(1)(b) Cr.P.C., which he denied as false. On the side of the defence, no oral or documentary evidence was let in. After considering the entire evidence, both oral and documentary, the trial Court found the appellant guilty and imposed the sentence mentioned above. Challenging the same, the appellant has filed the present appeal.

5. The learned counsel for the appellant submitted that the prosecution had no direct evidence, and the case is entirely based on circumstantial evidence. None of the circumstances relied on by the prosecution has been proved without any missing links, so the guilt of the appellant is not established beyond reasonable doubt. It was pointed out that the prosecution



relied on three main points motive, last seen theory through P.W.7 and P.W.8, and arrest and recovery. None of these proved the appellant's guilt conclusively. The alleged motive did not exist at the time of the incident. Even according to the prosecution, the previous dispute between the deceased and the appellant had been resolved, so there was no continuing enmity. P.W.1 to P.W.3 did not support the claim of any ongoing dispute, showing that the motive is weak. It was also submitted that the appellant was arrested on 21.05.2018 and gave a disclosure statement, which led to recovery of his motorcycle (M.O.6), T-shirt (M.O.7), and pant (M.O.8). Since these belonged to him, the recovery does not prove his involvement in the crime. The forensic report also shows no blood stains on M.O.7 and M.O.8. The appellant's name is not mentioned in the FIR, and there is no evidence linking him to the occurrence between 18.05.2018 and 21.05.2018. Regarding the last seen theory, P.W.7 and P.W.8's evidence is unreliable. P.W.8 did not see the appellant and deceased together, and P.W.7's statement was recorded after the arrest, which affects its credibility. Claims about injuries on the appellant were contradicted by P.W.10 and P.W.17, who confirmed no injuries were observed at the time of arrest. The learned counsel also raised the delay in registering the FIR and sending the case

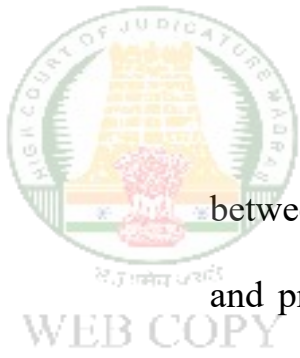


records to the court, which has not been explained satisfactorily by the prosecution. The postmortem report shows that the deceased was under the influence of alcohol, so the death could have been caused by accidental fall or stress from the prior incident. Even if the injuries were inflicted, they do not clearly fall under Section 300 IPC or amount to culpable homicide under Section 299 IPC. The non-examination of witnesses like Ashok, Ayyappan, Manikandan, and Kondappan is significant, and adverse inferences could be drawn under Section 114(g) of the Evidence Act. It was further submitted that the trial court misapplied Section 106 of the Evidence Act, as the crime site was not under the appellant's exclusive control. The court also wrongly assumed the appellant had to prove his alibi, whereas he denied involvement under Section 313 Cr.P.C. Evidence indicates he was in Vijayawada on the day of the occurrence, and the prosecution needed to prove its case beyond doubt. Finally, it was pointed out that the conviction is based on assumptions and presumptions. Contradictions in the evidence of P.W.13 and P.W.17 were ignored, and variations in the colour of M.O.9 weaken P.W.7's evidence. Overall, the prosecution's case is weak and insufficient to support the conviction. Hence, the learned counsel prays that the judgment and sentence passed by the trial court may be set aside, and the appeal be allowed.



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6. The learned Additional Public Prosecutor submitted that although this case is not based on eyewitness evidence, it is supported by strong circumstantial evidence. In order to establish the chain of circumstances, the prosecution has proved the motive, the last seen theory, and recovery of material objects. The trial Court, after properly appreciating both oral and documentary evidence, rightly accepted the case of the prosecution and convicted the appellant for the charged offence. It was submitted that P.W.1, the father of the deceased, and P.W.2, the brother of the deceased, stated that the deceased went for work on 18.05.2018 but did not return in the evening. They assumed that the deceased was doing overtime and would return the next morning. However, the deceased did not come home on 19.05.2018. While so, P.W.4, a relative of the deceased, while walking near the place of occurrence, saw two or three persons standing near the occurrence place. Upon inquiry, he discovered the dead body of the deceased. P.W.4 then informed P.W.1, who, in turn, informed his family members, and they arrived at the place of occurrence and saw the body. Subsequently, P.W.1 lodged a complaint with the police, who registered the case and commenced the investigation. It was submitted that P.W.6 stated about the enmity



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between the appellant and the deceased. P.W.7 also confirmed the enmity and provided evidence regarding the last seen together with the appellant. P.W.8 further deposed that on 18.05.2018, at about 12.30 p.m., he saw the accused Rajendran coming alone from the side of Paraikuzhi, pushing his two-wheeler, namely Yamaha Crux bearing Registration No. TN-33-AW-7305, in an anxious and disturbed manner. P.W.8 questioned the accused as to where he was going. In reply, the accused stated that he was going after attending to nature's call. Thereafter, the accused started the vehicle in haste and left the place.

7. The learned Additional Public Prosecutor would further submit that P.W.17, the Investigating Officer, described the recovery of blood-stained earth, other materials from the scene, and their submission to the forensic laboratory for examination. P.W.10, the Village Administrative Officer, spoke about the confession statement, the admissions made by the appellant, and the recovery as per the mazhar. P.W.15, the doctor who conducted the post-mortem, deposed about the ante-mortem and post-mortem injuries found on the body of the deceased. P.W.13, the Forensic Officer, received the materials from the Perumanallur Police Station for analysis, based on the

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letter received from the learned Judicial Magistrate No.4. On the basis of the above oral and documentary evidence, the admissible portion of the confession statement, the recovery, the post-mortem report, and the serological report, the prosecution has established the case against the appellant beyond reasonable doubt. It was further submitted that although there was a delay in registering FIR and sending the records to the court, this delay does not affect the reliability of the evidence or break the chain of circumstances established by the prosecution. Minor inconsistencies or variations, such as in the evidence of P.W.13 and P.W.17, or in the description of recovered materials, do not affect the overall reliability of the case. The trial Court correctly appreciated the evidence, found the motive, last seen theory, and recovery proved without any break in the chain, and rightly convicted the appellant. There is no merit in the appeal. Hence, the learned Additional Public Prosecutor prays to dismiss the appeal.

8. This Court has carefully examined the entire records and considered the submissions made by both sides as well as the grounds raised in the appeal.



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9. The specific case of the prosecution is that the deceased, Karthick, was murdered by the accused, Rajendran, due to prior enmity arising from an altercation at a TASMACH bar on 17.05.2018. The deceased and the accused were known to each other and had consumed alcohol together along with their friends. During the drinking session, a verbal altercation arose between them, which escalated into a physical scuffle, and the accused was humiliated by the deceased in the presence of others. On 18.05.2018, the deceased was last seen in the company of the accused after they again met at the same wine shop and consumed alcohol. The accused took the deceased on his two-wheeler towards a secluded place on the pretext of attending nature's call. The deceased accompanied the accused, but the accused alone returned from the said place. On 19.05.2018, the deceased was found dead near Paraikuzhi with multiple head injuries. The father of the deceased lodged a complaint immediately. Blood-stained stones and soil were recovered from the scene of occurrence. Post-mortem examination confirmed that death was homicidal, caused by severe head injuries resulting in intracranial bleeding and shock.



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10. On a careful scrutiny of the entire records and upon consideration of the submissions made on either side, it is evident that the present case is not based on direct eyewitness evidence but rests entirely on circumstantial evidence. It is well settled that in cases based on circumstantial evidence, each incriminating circumstance must be clearly established, and all such circumstances, taken together, must form a complete chain of circumstances without any break.

11. The first circumstance relied upon by the prosecution is motive. The evidence of P.W.6 and P.W.7 shows that the appellant and the deceased were known to each other and were consuming alcohol together at a wine shop on 17.05.2018. During this time of drinking, a quarrel arose between them . It was not a minor verbal argument but developed into a physical fight. P.W.7 has clearly described how both of them assaulted each other and how the situation had to be controlled by others present at the spot. Importantly, the evidence further shows that during this quarrel, the deceased humiliated the appellant in front of their friends. P.W.7 has also stated that the appellant openly threatened the deceased that he would not

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spare him. This threat, made one day before the occurrence, is significant and cannot be treated as a casual statement made under the influence of alcohol. Although the quarrel was apparently settled at that time, the conduct and words of the appellant clearly indicate that the anger and bitterness continued. The evidence of P.W.6 further strengthens this aspect. It shows that despite the earlier quarrel, the appellant again met the deceased on the very next day, i.e., 18.05.2018, at the same wine shop. This subsequent meeting is important as it shows that the appellant had an opportunity to act on the grudge that arose the previous day. The fact that on 18.05.2018, the appellant took the deceased alone on his two-wheeler, away from others, strongly supports the prosecution case that the motive was still active in the appellant's mind. It is well settled that in cases based on circumstantial evidence, motive assumes greater importance. In the present case, the motive is not based on mere suspicion. It is supported by the direct evidence of P.W.6 and P.W.7, who were present during the quarrel and who have consistently spoken about the humiliation suffered by the appellant and the threat issued by him. Their evidence appears natural and reliable, and nothing useful has been brought out in cross-examination to discredit their testimony. Though motive alone may not be sufficient to convict an



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accused, when it is clearly proved and is supported by other incriminating circumstances, such as the last seen together theory and the subsequent conduct of the appellant, it provides strong support to the prosecution case. Therefore, the trial Court rightly held that the motive for the crime was clearly established.

12. The next important circumstance is the last seen together theory. The evidence of P.W.6 and P.W.7 clearly shows that on 18.05.2018, after consuming alcohol at the wine shop at Nathampalayam, the deceased left the place along with the appellant on the appellant's Yamaha Crux two-wheeler bearing Registration No. TN 33 AW 7305. Both witnesses have consistently stated that while they proceeded ahead, the appellant stopped the vehicle near the quarry area on the pretext of attending nature's call and asked the others to go ahead. Their evidence on this point is natural and has remained unshaken in cross-examination. This circumstance is important because the appellant took the deceased alone to a secluded place immediately after leaving the wine shop. There is no evidence to show that the deceased thereafter separated from the appellant or was seen alive with any other person. Thus, the evidence of P.W.6 and P.W.7 clearly establishes that the

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deceased was last seen alive in the company of the appellant. This circumstance is further supported by the evidence of P.W.8, who stated that on the same day, at about 12.30 p.m., he saw the appellant alone near the Paraikuzhi area, pushing the Yamaha Crux two-wheeler towards the mud road. At that time, the appellant was wearing a black-and-grey striped T-shirt and dark grey trousers. He has also spoken about the appellant's nervous behaviour, the injuries on his hands, and the evasive answers given by the appellant when questioned. The evidence of P.W.8 places the appellant alone near the place of occurrence shortly after the deceased was last seen with him. The close time gap between the deceased being last seen with the appellant and the appellant being seen alone at the same place, coupled with the recovery of the dead body from that very area on the next morning, forms a strong and complete chain of circumstances. In such a situation, the burden lies on the appellant to explain what happened to the deceased after they were last seen together. The appellant has failed to offer any such explanation. The defence argument that P.W.8 did not see the deceased along with the appellant would not be fatal to the prosecution case. When the evidence of P.W.6 and P.W.7 proves that the deceased was last seen alive with the appellant, and the evidence of P.W.8 shows the appellant alone at



the same place shortly thereafter, the last seen theory stands firmly established. The combined evidence of P.W.6, P.W.7, and P.W.8 clearly points to the appellant and leaves no room for doubt.

13. With regard to recovery, the evidence of P.W.10, the Village Administrative Officer, is significant and reliable. P.W.10 has clearly stated that the appellant made a voluntary confession in the presence of witnesses, and that material objects were recovered based on that confession. Based on the appellant's statement, the police, along with P.W.10 and his assistant, recovered from the appellant's house a bloodstained black-and-grey striped T-shirt and dark grey trousers, which the appellant admitted were worn by him at the time of the offence. The recovery was properly witnessed and documented, with P.W.10 and his assistant signing the statements as witnesses, ensuring the authenticity of the process. P.W.10 also assisted the police in identifying the exact site of the incident, which further establishes the link between the appellant, the recovered items, and the crime. The appellant's confession, coupled with the recovery of the items in the presence of independent witnesses, shows that the recovery was voluntary and transparent. The defence argued that some of the recovered items were

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already owned by the appellant or that certain items bore no bloodstains.

However, such arguments do not affect the relevance or admissibility of the recovery. Under Section 27 of the Evidence Act, discovery and recovery of material objects made in consequence of a confession is relevant when it corroborates other proved circumstances. In this case, the recovery corroborates the confession, confirms the appellant's involvement, and links him directly to the crime scene, thereby strengthening the prosecution case. In view of the above, the evidence of P.W.10 shows that the recovery was properly carried out, voluntary, and legally admissible, and it provides strong corroboration for the prosecution version of events.

14. The absence of bloodstains on certain material objects, as pointed out by the defence, would not be fatal to the prosecution case. Forensic evidence is corroborative in nature. In the present case, the assault was committed using stones, and it is not mandatory that bloodstains must always be detected on the clothes or vehicle. When strong ocular and circumstantial evidence is available, minor discrepancies in forensic results do not create reasonable doubt.



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15. The medical evidence adduced through P.W.15 conclusively establishes that the death of the deceased was homicidal. The post-mortem certificate and final opinion clearly show multiple injuries caused by a hard and blunt object, consistent with assault using stones. The nature, number, and location of injuries completely rule out accidental fall or any natural cause. The medical evidence fully supports the prosecution case regarding the manner and cause of death.

16. The defence also raised contentions regarding delay in registration of the FIR and non-examination of certain witnesses. On a careful examination of the records, it is seen that the body was discovered only on the morning of 19.05.2018 and immediately thereafter the complaint was lodged. The delay stands satisfactorily explained by the surrounding circumstances. Non-examination of some witnesses does not vitiate the prosecution case when the witnesses examined are reliable and their evidence is sufficient to establish the charge.



17. The appellant has not offered any plausible explanation as to how the deceased, who was last seen alive in his company, met with a homicidal death within a short span of time. The denial under Section 313 Cr.P.C. is a mere bald denial without any supporting material. In the facts of the present case, such failure to explain is an additional circumstance strengthening the prosecution case.

18. This Court, being the final Court of fact finding, has re-appreciated the entire oral and documentary evidence on record. Upon such consideration, this Court finds that the prosecution has proved its case by a clear and coherent set of circumstantial evidence, without any material break. On an overall assessment of the proved circumstances namely motive, last seen together, recovery, and medical evidence, the circumstances form a complete chain clearly indicating the guilt of the appellant. The findings of the trial Court are based on a proper appreciation of the evidence and do not disclose any perversity or illegality calling for interference by this Court.



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19. Accordingly, this Court finds no merit in the appeal. The appeal is dismissed, and the judgment of conviction and sentence passed by the trial Court is hereby confirmed. The suspension of sentence granted by this Court on 27.11.2019 is cancelled, and the bail bond, if any, shall also stand cancelled. The trial Court is directed to take necessary steps to secure the appellant and ensure that he serves the remaining period of imprisonment.

[P.V.J.] [M.J.R.J.]
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Speaking Order
Neutral Citation case: Yes

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To

1. The Principal District and Sessions Judge, Tiruppur.
2. The Inspector of Police, Perumanallur Police Station, Tirupur District.
3. The Public Prosecutor, High Court of Madras.

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Pre-Delivery Judgement in
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