



Crl.A.No.608 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 17.02.2026
PRONOUNCED ON: 27.02.2026

CORAM

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

Crl.A.No.608 of 2019

Kannan @ Madankumar @ Umai Kannan,
S/o.Mani,
No.35, North Street, Cheyyur,
Kanchipuram District.

Appellant(s)/Accused

Vs

State represented by
The Inspector of Police,
Cheyyur Police Station,
Kancheepuram District.
Crime No.388 of 2009.

Respondent(s)/Complainant

Criminal Appeal filed under Section 374(2) Cr.P.C. against the judgment dated 07.08.2019 passed in S.C.No.183 of 2010 on the file of the Additional District and Sessions Court, Chengalpattu and to set aside the same.



Crl.A.No.608 of 2019

For Appellant(s): Mr.S.Ashok Kummar, Senior Counsel
for Mr.T.R.Ravi

For Respondent(s): Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.Arifa Thasneem

JUDGMENT

(delivered by M.Jothiraman, J.)

Challenging the judgment dated 07.08.2019 passed in S.C.No.183 of 2010 on the file of the Additional District and Sessions Court, Chengalpattu, the appellant/accused has preferred the above appeal.

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

2.1 PW1—Sakthidoss, who is the son of the deceased Chinnappan, deposed that he knew the appellant/accused; on 21.07.2009 around 8.45 p.m. he and his father were returning from Chennai after visiting his brother; since his father is a priest in the temple, they purchased provision material for the temple and returning to their home; he was on the phone, while following his father; near Cheyyur–Pavunjur road in front of Manivannan



land, he (PW1) saw the appellant/accused quarreling with his father, during which, the appellant/accused assaulted his father on his right side ear using palmyra stalk (M.O.1); when the same was questioned by him, the appellant/accused tried to attack him using velikathan stick (M.O.2); again the appellant/accused attacked his father with velikathan stick (M.O.2); when he (PW1) shouted, the appellant/accused ran away from the scene of occurrence; PWs.4, 5 and 6 came to the scene of occurrence; PWs.10 and 11 took his father to Cheyyur Government Hospital in an auto; he informed the occurrence to his brother PW2; after giving the first aid treatment in Cheyyur Government Hospital, the doctor referred his father for further treatment to Chengalpattu Government Medical College Hospital and so, his father was taken to Chengalpattu Government Medical College Hospital in a TATA sumo vehicle, where, he was declared 'brought dead' and kept his body in the mortuary; thereafter, he (PW1) lodged the complaint (Ex.P1).

2.2 PW2—Arul Murugan, who is also the son of Chinnappan, deposed that he received information from PW1 that his father was dead and rushed to Chengalpattu Government Medical College Hospital.



2.3 PW3—Senthil Murugan, deposed that on 21.07.2009 between 8.30 p.m. and 9.00 p.m., he went to his agricultural land; at that time, he saw the appellant/accused assaulting Chinnappan on his right side ear with palmyra stalk (M.O.1); PW1 shouted and asked the appellant/accused not to beat Chinnappan, for which, the appellant/accused threatened him by showing velikathan stick (M.O.2); at that time, PW4 and one Nagarathinam also came there in TVS-50 motorcycle; since the appellant/accused was already involved in the murder of a police officer, they frightened and fled from the place; thereafter, the appellant/accused escaped through the thorny bushes.

2.4 PW4—Ramu, deposed that on 24.07.2009 around 3.00 p.m. when he was proceeding towards North Cheyyur along with one Nagarathinam, near Cheyyur–Pavunjur road, the police enquired the appellant/accused; on enquiry, the appellant/accused voluntarily gave confession statement and the same was recorded by the police in his (PW4's) presence; in his confession statement, the appellant/accused stated that if they took him to the place of occurrence, he will identify the material objects, which were concealed by him; the admissible portion of the



confession statement of the appellant/accused was marked as Ex.P2; thereafter, the Inspector of Police took the appellant/accused to a place, from where, the appellant/accused identified palmyra stalk (M.O.1) and velikathan stick (M.O.2) and handed over the same to the police and the police seized the same under the mahazar (Ex.P3), in which, he signed as a witness.

2.5 PW5—Arun, deposed that on 21.07.2009 between 8.30 p.m. and 8.45 p.m., while he was proceeding to his house in a two wheeler, near Cheyyur–Pavunjur road, he saw that Chinnappan was lying in a pool of blood and PW1 was lifting him; while so, the appellant/accused struck his vehicle with the stick and went away after threatening them; PW1 informed that the appellant/accused assaulted Chinnappan;

2.6 PW6—Murugavel, deposed that on 21.07.2009 at 8.45 p.m., the appellant/accused assaulted Chinnappan near Cheyyur–Pavunjur road in front of Mannivannan's land with palmyra stalk (M.O.1) on his right side ear and again assaulted Chinnappan with velikathan stick (M.O.2) on his left side forehead; when he (PW6) and PW1 tried to catch the appellant/accused,



the appellant/accused escaped through the thorny bushes; they took Chinnappan to Cheyyur Government Hospital.

2.7 PW7—Manokaran, deposed that on 22.07.2009 around 1.00 p.m., while he was proceeding towards Cheyyur–Pavunjur road, the police visited the scene of occurrence and prepared the observation mahazar (Ex.P4), in which, he signed as a witness; from the scene of occurrence, the police recovered bloodstained thar road sample (M.O.3), thar road sample (M.O.4), pieces of palmyra stalk (M.O.5) and a pair of sandal (M.O.6) under the seizure mahazar (Ex.P5), in which, he signed as a witness.

2.8 PW8—Thavamani, deposed that seven years ago, on one night at 8.30 p.m. in Cheyyur–Pavunjur road, he saw that the appellant/accused threatening the persons, who were passing through that road.

2.9 PW9—Sakthivel, deposed that on 21.07.2009 at 8.45 p.m. while proceeding towards Cheyyur–Pavunjur road, PW1 and Chinnappan were also proceeding in front of him; near Manivannan land, the appellant/accused quarreled and attacked Chinnappan on his right side ear



with palmyra stalk (M.O.1) and on his left forehead with velikathan stick (M.O.2), due to which, Chinnappan fell down in the pool of blood; he (PW9) and PW6 tried to catch hold of the appellant/accused, but, the appellant/accused fled away from the scene of occurrence through the bushes; they took Chinnappan to Cheyyur Government Hospital.

2.10 PW12—Babu, President of the Cheyyur Village Panchayat, issued a certificate (Ex.P6) stating that on 21.07.2009, the street lights were glowing in Cheyyur–Pavunjur road at the time of occurrence.

2.11 PW16—Mani, Head Constable, deposed that on 22.07.2009, he received the requisition letter from the Inspector of Police to conduct autopsy on the body of Chinnappan and handed over the same to the doctor concerned; after completing the autopsy, he handed over the body to its relative and collected the dresses worn by Chinnappan.

2.12 PW18—Dr.Muralidharan, deposed that on 21.07.2009 around 9.20 p.m., while he was in Cheyyur Government Hospital, Chinnappan was brought by PW1; PW1 informed him that his father was assaulted by one



person using a wooden log; after giving first aid treatment, he referred Chinnappan to Chengalpattu Government Medical College Hospital for further treatment; he issued a report (Ex.P8).

2.13 PW17—Dr.T.K.Ananthi, deposed that on 21.07.2009 around 10.40 p.m., while she was working in Chengalpattu Government Medical College Hospital, Chinnappan was brought by PW1 and PW1 informed her that Chinnappan was taken to Cheyyur Government Hospital and after examination, they referred Chinnappan for further treatment to Chengalpattu Government Medical College Hospital; on examination, she (PW17) found that Chinnappan was unconscious and she cannot hear any heart beat and also noticed blood oozing from the nose and ears of Chinnappan and further, noticed a cut injury on his right side head measuring 15 cm. and found that Chinnappan was brought dead; she issued accident register (Ex.P7) and sent the body to the mortuary for conducting postmortem.

2.14 PW20—Dr.Parasakthi, who conducted autopsy on the body of Chinnappan noticed the following injuries:

“(1) An oblique lacerated injury seen over right temporal region measuring 12 cm x 2 cm x bone deep with surrounding



areas of contusion o/D-Diffuse sub scalp haematoma seen over whole scalp tissues, fissure fracture seen over right and left parieto temporal bone; Diffuse subdural haematoma seen; Diffuse Subarachnoid haemorrhages seen. Intracerebral haemorrhages seen.

(2) Laceration 4 cm x 3 cm x skin deep seen over left frontal region

(3) laceration 1 cm x 0.5 cm x 0.5 cm seen over right ear”

she issued postmortem certificate (Ex.P9) and opined that the deceased would appear to have died of shock due to head injury and death would have occurred 12-14 hours prior to postmortem and she also opined that the injuries would have caused due to the repeated assault using palmyra stalk (M.O.1) and velikathan stick (M.O.2).

2.15 PW22—Durai, Inspector of Police, deposed that on 22.07.2009 PW1 lodged the complaint (Ex.P1); upon receipt of the same, he registered a case in Crime No.388 of 2009 for the offences under Sections 341 and 302 IPC and prepared the printed First Information Report (FIR) (Ex.P12).

2.16 PW23—Ramalingam, Inspector of Police, deposed that on 22.07.2009 he received the copy of the FIR (Ex.P12) from PW22 and took



up the case for investigation; he went to the scene of occurrence at 00.50 hours and prepared the observation mahazar (Ex.P4) and drawn rough sketch (Ex.P13) in the presence of PW7 and one Mohanraj; he also instructed the photographer to take the photographs of the scene of occurrence; from the scene of occurrence, he seized bloodstained thar road sample (M.O.3), thar road sample (M.O.4), pieces of palmyra stalk (M.O.5) and a pair of sandal (M.O.6) under the seizure mahazar (Ex.P5) and the same was done with the help of street light; he examined the witnesses and recorded their statements; on 22.07.2009 at 8.00 a.m., he went to Chengalpattu Government Medical College Hospital, in the mortuary, he conducted inquest over the body of Chinnappan in the presence of panchayathars and relatives and issued the inquest report (Ex.P14); he gave requisition letter to conduct autopsy on the body of Chinnappan through the Constable PW16; in continuation of his investigation, on 24.07.2009 at 14.30 hours, he arrested the accused near Pavunjur bus stop in the presence of PW4 and one Nagaratnam; on enquiry, the appellant/accused gave voluntary confession statement and the same was recorded; the admissible portion of the confessions statement of the appellant/accused is (Ex.P2); in pursuance of the confession statement, the appellant/accused took them to



the place near Cheyyur–Pavunjur road near the land belonging to one Jayalakshmi, where, he concealed palmyra stalk (M.O.1) and velikathan stick (M.O.2); the appellant/accused identified palmyra stalk (M.O.1) and velikathan stick (M.O.2) and handed over the same to him (PW23) and the same were seized under Form 95; thereafter, he remanded the appellant/accused in judicial custody; he examined the witnesses and recorded their statements.

2.17 After completing the investigation and based on the evidence collected, the Investigating Officer (PW23) filed a final report in P.R.C.No.52 of 2009 before the Judicial Magistrate, Madhuranthagam, against the appellant/accused for the offences under Sections 341 and 302 IPC.

2.18 On appearance of the appellant/accused, the provisions of Section 207 Cr.P.C. were complied with and the case was committed to the Court of Session in S.C.No.183 of 2010 and was made over to the Additional District and Sessions Court, Chengalpattu, for trial.



2.19 The trial Court framed the charges under Sections 341 and 302

IPC against the appellant/accused herein. When questioned, the appellant/accused pleaded 'not guilty' and claimed to be tried.

2.20 To prove the guilt of the appellant/accused, the prosecution examined twenty three witnesses and marked fourteen exhibits and six material objects.

2.21 After completion of prosecution side evidence, when the appellant/accused was questioned under Section 313 Cr.P.C. on the incriminating circumstances appearing against him, he denied the same. No witness was examined on the side of the appellant/accused nor any document marked.

2.22 Upon considering the oral and documentary evidence and hearing either side, the trial Court, by judgment dated 07.08.2019 in S.C.No.183 of 2010, has convicted and sentenced the appellant/accused as under:



<i>Provision under which convicted</i>	<i>Sentence</i>
Section 341 IPC	One month rigorous imprisonment and fine of Rs.500/-, in default to undergo one week rigorous imprisonment.
Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo six months rigorous imprisonment.
The aforesaid sentences were ordered to run concurrently.	

2.23 Aggrieved over the same, the appellant/accused has preferred the above appeal.

3. The learned Senior Counsel representing the learned counsel on record appearing for the appellant/accused would submit that PW1 is not an eyewitness. The first and earliest document available in this case is Ex.P8 issued by Cheyyur Government Hospital, wherein, it has been sated that the assault was done by some unknown person. Though PW1 claim that he brought his father Chinnappan to the hospital and witnessed the occurrence, as per Ex.P8 the assault was made by one unknown person and therefore, PW1 could not have witnessed the occurrence, since the appellant/accused and Chinnappan belong to the same village. Moreover, it has been stated that the village people also gone to the hospital, but, none knows who



attacked Chinnappan. Further, it is submitted that the ink and the handwriting in Ex.P8 also differs. This vital aspect affects the very root of the case. The Court below failed to consider that Chinnappan was referred from Cheyyur Government Hospital to Chengalpattu Government Medical College Hospital, where, he was declared brought dead after verified by the doctor. Ex.P7 is the accident register issued by Chengalpattu Government Medical College and Hospital, in which also, it has been stated that Chinnappan was hit by one unknown person. Therefore, Exs.P7 and P8 clearly shows that at the time of admitting Chinnappan in the hospital, none knows, who attacked Chinnappan. It is not proved that PW1 and Chinnappan returned from Chennai, as no documents such as bus tickets were marked by the prosecution.

4. The learned Senior Counsel representing the learned counsel on record appearing for the appellant/accused would further submit that the trial Court failed to consider that PW1 has not stated in his chief-examination that Chinnappan was wearing a shirt, but, in his cross-examination, he admitted that Chinnappan was wearing a shirt, however, the same was not seized by the respondent/police. It gives room for suspicion or this vital



aspect was neglected by the respondent/police. The postmortem certificate (Ex.P9) clearly shows that particularly undigested food was found in the stomach of Chinnappan, which goes to show that he was not coming along with PW1 and therefore, the version of the prosecution appears to be false. PW2, in his evidence, has stated that the police were present at the hospital at 9.20 p.m., whereas, the FIR (Ex.P12) came to be registered only at 12.30 p.m. and therefore, the earliest complaint was suppressed in this case. The pooja articles, which were said to have been purchased by PW1 and Chinnappan, were not at all seized in this case, which goes to show that the prosecution case is false. PW1 has not at all stated about the presence of any of the witnesses in the scene of occurrence in his complaint (Ex.P1) as well in the FIR (Ex.P12). Therefore, it is only an after thought and added as such eyewitness in this case falsely in order to strengthen the case of the prosecution. PW12/Village President is not a competent person to issue report about the glowing of the street light on the date of occurrence. There are lot of discrepancies in the evidence of eyewitnesses and they have developed the case stage by stage in order to suit the case of the prosecution. Therefore, it must have been held that the case of the prosecution is false. The prosecution has failed to prove its case beyond peradventure. The



findings and conviction of the Court below is unsustainable in law and the same is liable to be set aside.

5. *Per contra*, the learned Additional Public Prosecutor appearing for the respondent/State would submit that PW1 has categorically stated about the occurrence and the overt act attributed by the appellant/accused and also, the version of PW1 is corroborated by the evidence of PWs.4, 5 and 6, who came to the place of occurrence. PWs.10, 11 and 14 categorically deposed that they took the injured person first to Cheyyur Government Hospital and thereafter to Chengalpattu Government Medical College Hospital. The evidence of PWs.1, 4, 5 and 6 is fully corroborated by the medical evidence with regard to the nature of injuries inflicted upon Chinnappan using palmyra stalk (M.O.1) and velikathan stick (M.O.2). The delay in lodging the complaint (Ex.P1) and sending the copy of the FIR (Ex.P12) to the Court concerned is not fatal to the case of the prosecution. The contention of the defence that Exs.P7 and P8 clearly shows that at the time of admitting Chinnappan in the hospital, none knows, who attacked Chinnappan, is unsustainable in law, because, the Medical Officer should ascertain and incorporate in the certificate only the alleged cause as to the



manner, in which, the injuries were inflicted, the weapon used and the time.

Even if the doctor had incorporated about the assailants as 'known' or 'unknown' or even naming the person, that can be ignored. The evidence of the hostile witnesses can also be relied on by the prosecution to the extent to which it supports the prosecution case. The evidence of such witnesses cannot be treated as washed off the case of the prosecution. To strengthen his contentions, he has relied upon the judgment of the Hon'ble Supreme Court in ***K.P.Tamilmaran Vs. Sate by Deputy Superintendent of Police*** reported in ***2025 SCC OnLine SC 958***. The prosecution has proved the case beyond all reasonable doubts and upon proper appreciation of oral and documentary evidence, the Court below rightly found that the prosecution has proved its case and convicted and sentenced the accused. There is no infirmity or perversity in the judgment passed by the Court below warranting interference by this Court.

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



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7. According to the prosecution, on 21.07.2009 around 8.45 p.m., while PW1 and Chinnappan were returning from Chennai after visiting PW2's house, they have purchased provisions for the temple, since Chinnappan was a temple priest; while proceeding to their village, near Cheyyur-Pavunjur road in front of Manivannan's land, when PW1 was on the phone, Chinnappan was going in front of him. At that time, PW1 saw that the appellant/accused quarrelled with Chinnappan and assaulted him with palmyra stalk (M.O.1) on his right side ear and when it was questioned by PW1, the appellant/accused tried to attack PW1 with velikathan stick (M.O.2); again, the appellant/accused attacked Chinnappan with velikathan stick (M.O.2) on his left side forehead. PWs.3, 5 and 6 have also witnessed the occurrence. When PW1 shouted, the appellant/accused ran from the place of occurrence. Thereafter, Chinnappan was taken to Cheyyur Government Hospital.

8. To substantiate the guilt of the appellant/accused, the prosecution has relied upon the following incriminating circumstances against him:



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(a) Eyewitnesses

(b) Recovery

(c) Medical evidence

(a) Eyewitness:

(i) The eyewitness PW1, who is the son of Chinnappan, deposed that on 21.07.2009, while he and his father were returning from Chennai after visiting PW2's house by purchasing the provision material for the temple and when they were proceeding towards Cheyyur–Pavunjur road near the iron gate of Manivannan's land, the appellant/accused waylaid Chinnappan and quarrelled with him; the same was witnessed by PW1 through the street lights in that place. Since PW1 afraid that the appellant/accused do anything to his father, he rushed near the appellant/accused, as the appellant/accused had already murdered one police personnel. At that time, the appellant/accused assaulted Chinnappan with palmyra stalk (M.O.1) on his right side ear and when the same was questioned by PW1, the appellant/accused tried to attack PW1 with velikathan stick (M.O.2). Again, the appellant/accused attacked Chinnappan with velikathan stick (M.O.2) on his left side forehead. When PW1 shouted,



the appellant/accused ran away from the scene of occurrence. PWs.3, 5 and 6 also witnessed the occurrence. Thereafter, PWs.10 and 11 took the injured to Cheyyur Government Hospital by an auto and in the Cheyyur Government Hospital, initial treatment was given and thereafter, referred Chinnappan to Chengalpattu Government Medical College Hospital for further treatment, where, the doctor declared that Chinnappan was brought dead. He informed the same to PW2 and PW2 also reached Chengalpattu Government Medical College Hospital. Thereafter, PW1 lodged the complaint (Ex.P1) before PW22.

(ii) In his evidence, PW3 has stated that on 21.07.2009 between 8.30 p.m. and 9.00 p.m., he went to his agricultural land and at that time, he saw the appellant/accused assaulting Chinnappan on his right side ear with palmyra stalk (M.O.1). PW1 shouted and asked the appellant/accused not to beat Chinnappan, for which, the appellant/accused threatened him by showing velikathan stick (M.O.2) and at that time, PW4 and one Nagarathinam also came there in TVS-50 motorcycle. Since the appellant/accused was already involved in the murder of a police officer, they frightened and fled from the place. Thereafter, the appellant/accused escaped through the thorny bushes.



(iii) PW5, in his evidence, has stated that on 21.07.2009 between 8.30 p.m. and 8.45 p.m., while he was proceeding to his house in a two wheeler, near Cheyyur–Pavunjur road, he saw that Chinnappan was lying in a pool of blood and PW1 was lifting him. While so, the appellant/accused struck his vehicle with the stick and went away after threatening them. PW1 informed that the appellant/accused assaulted Chinnappan.

(iv) PW6, in his chief-examination, has stated that on 21.07.2009 at 8.45 p.m., the appellant/accused assaulted Chinnappan near Cheyyur–Pavunjur road in front of Mannivannan’s land with palmyra stalk (M.O.1) on his right side ear and again assaulted Chinnappan with velikathan stick (M.O.2) on his left side forehead. When PW6 and PW1 tried to catch the appellant/accused, the appellant/accused escaped through the thorny bushes and thereafter, they took Chinnappan to Cheyyur Government Hospital.

(v) From the evidence of PWs.1, 3, 5 and 6, it is clear that the occurrence was held around 8.45 p.m. in Cheyyur–Pavunjur road in front of Mannivannan’s land. The witnesses were also categorically deposed that they have witnessed the occurrence through the help of street lights that were glowing in that place. PW1, in his chief-examination, has not stated that Chinnappan was wearing a shirt, but, in his cross-examination, he



admitted that Chinnappan was wearing a shirt. However, the same was not seized by the respondent/police. The non-explanation about the wearing of the shirt by Chinnappan is not fatal to the prosecution.

(b) Recovery:

(i) In his evidence, PW4 has stated that on 24.07.2009 around 3.00 p.m. when he was proceeding towards North Cheyyur along with one Nagarathinam, near Cheyyur–Pavunjur road, the police enquired the appellant/accused and on enquiry, the appellant/accused voluntarily gave confession statement and the same was recorded by the police in his (PW4's) presence. In the confession statement, the appellant/accused stated that if they took him to the place of occurrence, he will identify the material objects, which were concealed by him. Thereafter, the Inspector of Police took the appellant/accused to a place, from where, the appellant/accused identified palmyra stalk (M.O.1) and velikathan stick (M.O.2) and handed over the same to the police and the police seized the same under the mahazar (Ex.P3), in which, he signed as a witness.

(ii) PW23, in his evidence, has stated that on 24.07.2009 at 14.30 hours, he arrested the appellant/accused near Pavunjur bus stop in the



presence of PW4 and one Nagaratinam. On enquiry, the appellant/accused gave voluntary confession statement and the admissible portion of the confession statement of the appellant/accused is (Ex.P2), pursuant to which, the appellant/accused took them to the place near Cheyyur–Pavunjur road near the land belonging to one Jayalakshmi, where, he concealed palmyra stalk (M.O.1) and velikathan stick (M.O.2). The appellant/accused identified palmyra stalk (M.O.1) and velikathan stick (M.O.2) and handed over the same to him (PW23) and the same were seized under Form 95.

(iii) The evidence of PW4 is corroborated by the evidence of PW23 with regard to recovery of palmyra stalk (M.O.1) and velikathan stick (M.O.2).

(c) Medical evidence:

(i) In his evidence, PW18, has stated that he gave first aid to Chinnappan at Cheyyur Government Hospital and sent Ex.P8 intimation to the police station and also referred the injured to the Chengalpattu Government Medical College Hospital. In Ex.P8, it has been stated that the injured was brought by PW1 on 21.07.2009 at 9.20 p.m. It is also mentioned that the assault was made by some unknown person with stick.



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(ii) PW17, who examined Chinnappan at Chengalpattu Government Medical College Hospital, declared that Chinnappan was brought dead and issued the accident register Ex.P7, wherein it has been stated that Chinnappan was brought by PW1 from Cheyyur Government Hospital. It is also mentioned that the alleged assault was made by one unknown person with the stick around 9.15 p.m. on 21.07.2009 at Cheyyur bazaar and other details were not known.

(iii) PW20, who conducted autopsy on the body of Chinnappan, opined that Chinnappan would appear to have died of shock due to head injury and death would have occurred 12-14 hours prior to postmortem and she also opined that the injuries would have caused due to the repeated assault using palmyra stalk (M.O.1) and velikathan stick (M.O.2).

(iv) At this juncture, it is to be considered as to whether mentioning of the accused as 'unknown person' in the intimation report (Ex.P7) and accident register (Ex.P8) is fatal to the prosecution.

(v) It is relevant to cite the judgment of the Hon'ble Division Bench of this Court in Crl.A.No.1393 of 2004 dated 18.10.2006, wherein, it has been held that the Medical Officer should ascertain and incorporate in the certificate the alleged manner in which the injuries were inflicted and



what is the weapon used including the time and in this view, if the doctor had incorporated about the assailants as 'known' or 'unknown' or even naming the person, that can be ignored. Therefore, non-mentioning of the name of the accused in the intimation report (Ex.P7) and accident register (Ex.P8) is not fatal to the prosecution.

(vi) PW1, in his evidence, has categorically stated that the appellant/accused assaulted Chinnappan with palmyra stalk (M.O.1) on his right side ear and when it was questioned by PW1, the appellant/accused tried to attack PW1 with velikathan stick (M.O.2). Again the appellant/accused attacked Chinnappan with velikathan stick (M.O.2) on his left side forehead. The evidence of PWs.3, 5 and 6 also corroborated to the evidence of PW1 with regard to the overt act attributed by the appellant/accused. Further, the overt act attributed by the appellant/accused on Chinnappan is fully corroborated by the evidence of PW20, who had conducted autopsy and noted three external injuries as mentioned in the postmortem certificate (Ex.P9). PW20 also opined that the injuries sustained by Chinnappan would have caused when attacked by palmyra stalk (M.O.1) and velikathan stick (M.O.2). Thus, the prosecution has established its case through the medical evidence that the death is a homicidal one.



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9. Upon the cumulative appreciation of the oral and documentary evidence adduced on the side of the prosecution, this Court is of the view that the prosecution has successfully proved the guilt of the accused beyond a shadow of a doubt. The evidence of the eyewitnesses *viz.* PWs.1, 3, 5, 6, 8 and 9 has clearly and consistently established the overt act committed by the appellant/accused, which is further corroborated by the medical evidence of PWs.17, 18 and 20. That apart, the recovery of the material objects *viz.* palmyra stalk (M.O.1) and velikathan stick (M.O.2) pursuant to the voluntary confession statement of the appellant/accused has been substantiated by the prosecution through the evidence of PWs.4 and 23. The chain of circumstances, coupled with the direct testimonies of the eyewitnesses and the scientific and medical evidence, unerringly point towards the guilt of the accused. The defence has not brought forth any material to create a reasonable doubt regarding the case of the prosecution. Therefore, this Court holds that the act of the appellant/accused squarely falls within the ambit of 'Murder' as defined under Section 300 IPC and does not fall under any of the exceptions thereto.



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10. *Ergo*, the prosecution has proved its case beyond peradventure through eyewitnesses, recovery and medical evidence and there is no perversity or infirmity in the findings of the trial Court warranting interference in this appeal and the same is liable to be dismissed as devoid of merits.

Accordingly, this criminal appeal is dismissed, confirming the judgment dated 07.08.2019 passed in S.C.No.183 of 2010 on the file of the Additional District and Sessions Court, Chengalpattu. The trial Court is directed to secure the custody of the appellant/accused and remand him in judicial custody to undergo the remaining period of sentence.

(P.V., J.) (M.J.R., J.)
27.02.2026

nsd
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No



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- To
- 1.The Additional District and Sessions Judge, Chengalpattu.
 - 2.The Superintendent, Central Prison, Puzhal, Chennai.
 - 3.The Inspector of Police,
Cheyyur Police Station,
Kancheepuram District.
 - 4.The Public Prosecutor,
Madras High Court, Chennai – 600 104.



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P.VELMURUGAN, J.
and
M.JOTHIRAMAN, J.

nsd

Crl.A.No.608 of 2019

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