



Crl.A.No.746 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM

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

Crl.A.No.746 of 2019

Marimuthu,
S/o.Ayyasamy,
North Street, Pavangudi,
Thiruvarur District.

Appellant(s)/Accused

Vs

State represented by
The Inspector of Police,
Nannilam Police Station.
Crime No.219 of 2017.

Respondent(s)/Complainant

Criminal Appeal filed under Section 374(2) Cr.P.C. against the judgment dated 19.08.2019 passed in S.C.No.14 of 2018 on the file of the Principal District and Sessions Court, Thiruvarur and to set aside the same.



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

JUDGMENT
(delivered by M.Jothiraman, J.)

Challenging the judgment dated 19.08.2019 passed in S.C.No.14 of 2018 on the file of the Principal District and Sessions Court, Thiruvarur, the appellant has preferred the above appeal.

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

2.1 PW1-Sudha, who is the wife of the deceased Saravanan, deposed that she knows the appellant/accused; on 01.08.2017, on the 16th day death ceremony of Durai took place on the next street of her village, where, one Kasinathan demanded money for nonvegetarian feast from her husband and the said Kasinathan and her husband had quarreled, during which, her husband fell on the roof of the hut of one Marimuthu (A1) and Gomathi (A2) opposite to the house of Durai; A2 scolded her husband in filthy language, in turn, her husband told A2 that he has no dispute with her



and as to why she is speaking in unparliamentary words and pushed her down; at that time, she and her mother-in-law (PW2) convinced her husband and took him to their house; on the same day, around 6.00 p.m., PW1 along with her husband and mother-in-law (PW2) went to the house of one Shankar, who is the Village Head, in order to convey the above said incident of quarrel and their children also accompanied them; at that time, A1 and A2 waylaid them; A2 instigated A1 by saying that her husband only pushed her down and should not leave him. At that time, A1 stabbed her husband with a knife (M.O.1) on his right side chest, pulled out the knife (M.O.1) and fled away towards western side; on their scream, the Village Head and other people gathered; her husband succumbed to injuries on the spot and they took him to Thiruvarur Government Medical College and Hospital in an ambulance; Nannilam police personnel came to her place and enquired about the incident; on her narration, an inmate of her village written the complaint (Ex.P1). PW1 identified her signature found in the complaint (Ex.P1) and she also identified the knife (M.O.1).

2.2 PW2-Vasanth, mother of Saravanan, deposed that two years before, on one day, she along with her son and daughter-in-law (PW1)



attended the 16th day death ceremony of Durai, where, one Kasinathan shouted at her son for not giving money for nonvegetarian feast; they pushed each other, due to which, her son fell on the roof of A2's hut and therefore, A2 shouted at her son and at that time, her son pushed A2 by keeping his hands on her chest; she and her daughter-in-law (PW1) convinced her son and took him to their house; on the same day around 6.00 p.m., she along with her son and daughter-in-law (PW1) went to the house of Shankar (PW3), Village Head, to convey the incident occurred with A2; PW4, who is the son of Saravanan, also accompanied them; at that time, having seen Saravanan, A2 instigated A1 by saying that he only pushed her down and should not leave him; at that time, A1 stabbed her son with a knife (M.O.1) on his right side chest, pulled out the knife (M.O.1) and fled; they shouted and cried and found that her son had died on spot; the village people, who gathered, took her son in an ambulance to Thiruvavarur Government Medical College and Hospital.

2.3 PW3-Shankar, Village Head, deposed that during the year 2017, 16th day ceremony of one Durai had taken place and at that time, nonvegetarian meals were cooked at the cooking shed; while he was



collecting gift money, Kasinathan and Saravanan involved in a scuffle, due to which, Saravanan fell on the roof of A2's hut situated in the opposite side; A2 looked at Saravanan and shouted at him in filthy language and asked him as to how did he fall on her house and bet him with a chappal and so, Saravanan pushed her; on the same day around 6.00 p.m., he heard noise at his doorstep and went there and saw A2 telling A1 that Saravanan only pushed her down by keeping his hands on her chest and should not leave him and at the same time, A1 stabbed Saravanan on the right side of his chest, pulled out the knife (M.O.1) and ran away; blood oozed from the injury and Saravanan died on the spot; Tata Ace vehicle came first and it was sent away, then, Saravanan was taken in an ambulance to Thiruvavarur Government Medical College and Hospital.

2.4 PW4-Jeevitha, daughter of Saravanan, deposed that on 01.08.2017 her father along PWs.1 and 2 went to the 16th day death ceremony of Durai; since her father did not contribute money for nonvegetarian feast, one Kasinathan scuffled with her father, pursuant to which, her father fell on the roof of A2's hut, due to which, A2 scolded her father in filthy language; on the same day around 6.00 p.m., her father along



with PWs.1 & 2 went to the house of PW3, Village Head; at that time A2 told A1 that her father only pushed her (A2) down by keeping his hands on her chest and should not leave him; immediately, A1 stabbed her father with a knife (M.O.1) on his chest, pulled the knife (M.O.1) and ran away towards western side; her father fainted, fell down and lost his breath.

2.5 PW5-Vijai, deposed that two years ago, on a day at the 16th day death ceremony of one Durai, Kasinathan had scuffled with Saravanan, during which, Kasinathan pushed Saravanan, in turn, he fell on the roof of A2's hut; on seeing that A2 scolded Saravanan in filthy language; Saravanan was sent to his residence by PW1 and PW2. He came to know that on the same day around 6.00 p.m., A1 stabbed Saravanan with a knife (M.O.1); the police inspected the scene of occurrence opposite to his house at 9.00 p.m. and they took photos and videos and seized sample earth and blood-stained earth and also drawn rough sketch (Ex.P11); he identified his signature found in the observation mahazar (Ex.P12) and seizure mahazar (Ex.P7).

2.6 PW6-Manisekar, deposed that during the 16th day death ceremony of one Durai, money has been collected for nonvegetaran feast;



during that time, Saravanan does not contribute for the same, due to which, a wordy altercation ensued between Kasinathan and Saravanan; Kasinathan pushed Saravanan, due to which, Saravanan fell on the roof of A2's hut; A2 questioned Saravanan as to why he had fallen on her hut, for which, Saravanan pushed her down by keeping his hands on her chest; the villagers convinced them and PWs.1 & 2 taken Saravanan to their house; keeping in mind the same, A1 stabbed Saravanan with a knife (M.O.1) at his residence on the same day around 6.00 p.m.; thereafter, around 10.00 p.m. Nannilam police came to the scene of occurrence, collected sample earth (M.O.3) and bloodstained earth (M.O.2) enquired the nearby witnesses and prepared observation mahazar (Ex.P12) and seizure mahazar (Ex.P3).

2.7 PW7-Arumugam deposed that on 02.08.2017 around 8.00 a.m. he along with one Rajiv Gandhi were coming in a two wheeler from Sannanallur to Thiruvarur, near Aandipandhal Village at the western side of Pillayar temple in Nannilam road, the police questioned A1 with regard to the murder of Saravanan. A1 voluntarily given confession statement and the same has been recorded in their presence. PW7 identified his signature in the confession statement. The admissible portion of the confession statement



of A1 was marked as Ex.P6; in pursuance to the confession statement (Ex.P6) of A1, around 9.15 a.m. he (PW7) along with the policemen went to A1's house at Panangudi, where, A1 brought the knife (M.O.1) and shirt (M.O.4) from the cotton field situated in rear side of his house and the same has been seized by the police.

2.8 PW9-Vasudevan, Sub-Inspector of Police, on 01.08.2017 received the complaint (Ex.P1) from PW1 and registered the case in Crime No.219 of 2017 under Sections 341 and 302 IPC and prepared the printed First Information Report (FIR) (Ex.P10) and places the same for further investigation before the Inspector of Police (PW10).

2.9 PW10-Azhagudurai, Inspector of Police, deposed that he took up investigation and went to the scene of occurrence at 22.00 hours and prepared rough sketch (Ex.P11) and observation mahazar Ex.P12 in the presence of witnesses PW5 and PW6 and seized bloodstained earth (M.O.2) and sample earth (M.O.3) under seizure mahazar (Ex.P3); he enquired the witnesses and recorded their statements; he went to Thiruvarur Government Medical College and Hospital and conducted inquest over the body of



Saravanan in the presence of the panchayatars and prepared the inquest report and sent the body for postmortem through the Head Constable one Brama; on the same day at 8.00 p.m., he arrested A1 near Aandipandhal Putharu bridge; A1 gave voluntary confession in the presence of PW7 and the same has been recorded in the presence of PW7 and one Rajiv Gandhi; in pursuance to the confession statement, he seized the knife (M.O.1) and shirt (M.O.4) at 9.15 p.m.; thereafter, he sent A1 to judicial custody and also sent the material objects to the Court; he recorded all the witnesses and altered the case from one under Sections 341 and 302 IPC to one under Sections 341, 302 and 109 IPC and sent the alteration report to the Judicial Magistrate concerned.

2.10 PW8-Dr.Sri Senthil, who conducted autopsy on the body of Saravanan, deposed that on examination of the body of Saravanan, he found the following injuries:

“Ante mortem injuries noted at the postmortem:

- 1. Stab injury of size 5x4x15 cm over the right side of the chest which extends deep into the thoracic cavity.*
- 2. Multiple small abrasion present over the entire face.*
- 3. Abrasion of size 5x2 cm over the right side of the face.”*



He (PW8) issued the postmortem certificate (Ex.P8) and opined that Saravanan would appear to have died of complication due to the injury to the chest at that time since the death is 12 to 24 hours prior to postmortem. The viscera report was also marked through him as Ex.P9.

2.11 PW10-Azhagudurai, Inspector of Police, in continuation of his investigation on 03.08.2017 at 6.00 a.m. arrested A2, who was standing near Sannanallur bus stop and on enquiry, she gave voluntary confession statement and the same was recorded in the presence of witnesses PW7 and Rajiv Gandhi and remanded A2 in judicial custody; he enquired PW8-Dr.Sri Senthil, who conducted autopsy on Saravanan and issued postmortem certificate (Ex.P8) and Ramachandran, Scientific Officer and also received biological report (Ex.P13), serology reports (Exs.P14 & P15); after postmortem, a bloodstained white color lungi (M.O.5) has been recovered and received through a Police Constable Brama.

2.12 After completing the investigation and based on the evidence collected, the Investigating Officer (PW20) filed a final report in P.R.C.No.14 of 2017 before the District Munsif-cum-Judicial Magistrate,



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Nannilam, against the appellant for the offences under Sections 341 and 302 IPC.

2.13 On appearance of the appellant, 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.14 of 2018 and was made over to the Principal District and Sessions Court, Thiruvarur, for trial.

2.14 The trial Court framed the charges under Sections 341 and 302 IPC against the appellant herein. When questioned, the appellant pleaded 'not guilty'.

2.15 To prove the guilt of the appellant, the prosecution examined eleven witnesses and marked seventeen exhibits and five material objects.

2.16 After completion of prosecution side evidence, when the appellant 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 nor any document marked.



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2.17 After considering the oral and documentary evidence and upon hearing either side, the trial Court, by judgment dated 19.08.2019 in S.C.No.14 of 2018, has convicted and sentenced the appellant as under:

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

As far as A2 is concerned, she was not found guilty and she is acquitted of all the charges framed against her.

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

3. The learned counsel appearing for the appellant would submit that PW1 to PW5 are the close relatives of Saravanan and they are interested witnesses and therefore, their evidence cannot be taken into account for convicting the appellant. The trial Court failed to see that one Kasinathan, who is the material witness, was not examined by the prosecution. The



evidence of PW3 did not support the prosecution and according to him, the scene of occurrence is a different place as projected by the prosecution. The trial Court has failed to see that there is an inordinate and unexplained delay in filing the FIR as well as sending the same to the Magistrate Court. Further, the Court below has erred in accepting the evidence of PW7, because, according to him, the confession is typed, but, the confession is hand written and hence, arrest and subsequent recovery is also highly doubtful. He would further submit that the Court below has rightly found that the prosecution was unable to prove the case against A2, but, committed error in convicting the appellant/first accused, since the prosecution has miserably failed to prove the case beyond all reasonable doubts.

4. *Per contra*, the learned Additional Public Prosecutor appearing for the respondent would submit that on 01.08.2017 at the 16th day death ceremony of one Durai, a wordy altercation and scuffle took place between one Kasinathan and Saravanan; on the same day, around 6.00 p.m., on the instigation of A2, A1 assaulted Saravanan with the knife (M.O.1) on his right side chest and ran away with the knife (M.O.1), due to which, Saravanan succumbed to death on the place of occurrence itself; the



prosecution has proved the case beyond reasonable doubt through the evidence of eyewitness, recovery and medical evidence; PW1 to 4 clearly deposed about the occurrence took place at the residence of Durai and also spoken about the motive for the occurrence and also deposed subsequent to the occurrence; therefore, the charges leveled against the appellant has clearly been proved beyond all reasonable doubts and there is no reason warranting interference with the conviction and sentenced imposed on the appellant by the Court below.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. The prosecution has relied upon the following incriminating circumstances against the appellant:

- (a) Eyewitnesses
- (b) Motive
- (c) Recovery
- (d) Medical evidence



a) Eyewitness and b) Motive:

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7. PW1-Sudha, who is the wife of the deceased Saravanan, deposed that she knows the appellant; on 01.08.2017, on the 16th day death ceremony of Durai took place on the next street of her village, where, one Kasinathan demanded money for nonvegetarian feast from her husband and the said Kasinathan and her husband had quarreled, during which, her husband fell on the roof of the hut of one Marimuthu (A1) and Gomathi (A2) opposite to the house of Durai; A2 scolded her husband in filthy language, in turn, her husband told A2 that he has no dispute with her and as to why she is speaking in unparliamentary words and pushed her down; at that time, she and her mother-in-law (PW2) convinced her husband and took him to their house; on the same day, around 6.00 p.m., PW1 along with her husband and mother-in-law (PW2) went to the house of one Shankar (PW3), who is the Village Head, in order to convey the above said incident of quarrel; at that time, A1 and A2 waylaid them; A2 instigated A1 by saying that her husband only pushed her down and should not leave him. At that time, A1 stabbed her husband with a knife (M.O.1) on his right side chest, pulled out the knife (M.O.1) and fled away towards western side; on their scream, Shankar (PW3) and other people gathered; her husband succumbed



to injuries on the spot and they took him to Thiruvavur Government Medical College and Hospital in an ambulance; Nannilam police enquired about the incident; on her narration, an inmate of her village written the complaint (Ex.P1). PW1 identified her signature found in the complaint (Ex.P1) and she also identified the knife (M.O.1).

8. PW2-Vasanth, mother of Saravanan, deposed that two years before, on one day, she along with her son and daughter-in-law (PW1) attended the 16th day death ceremony of Durai, where, one Kasinathan shouted at her son for not giving money for nonvegetarian feast; they pushed each other, due to which, her son fell on the roof of A2's hut and therefore, A2 shouted at her son and at that time, her son pushed A2 by keeping his hands on her chest; she and her daughter-in-law (PW1) convinced her son and took him to their house; on the same day around 6.00 p.m., she along with her son and daughter-in-law (PW1) went to the house of Shankar (PW3), Village Head, to convey the incident occurred with A2; PW4, who is the son of Saravanan, also accompanied them; at that time, having seen Saravanan, A2 instigated A1 by saying that he only pushed her down and should not leave him; at that time, A1 stabbed her son with a knife (M.O.1) on his right side chest, pulled out the knife (M.O.1) and fled; they



shouted and cried and found that her son had died on spot; the village people, who gathered, took her son in an ambulance to Thiruvvarur Government Medical College and Hospital.

9. PW3-Shankar, Village Head, deposed that during the year 2017, 16th day ceremony of one Durai had taken place and at that time, nonvegetarian meals were cooked at the cooking shed; while he was collecting gift money, Kasinathan and Saravanan were involved in a scuffle, due to which, Saravanan fell on the roof of A2's hut situated in the opposite side; A2 looked at Saravanan and shouted at him in filthy language and asked him as to how did he fall on her house and bet him with a chappal and so, Saravanan pushed her; on the same day around 6.00 p.m., he heard noise at his doorstep and went there and saw A2 telling A1 that Saravanan only pushed her down by keeping his hands on her chest and should not leave him and at the same time, A1 stabbed Saravanan on the right side of his chest, pulled out the knife (M.O.1) and ran away; blood oozed from the injury and Saravanan died on the spot; Tata Ace vehicle came first and it was sent away, then, Saravanan was taken in an ambulance to Thiruvvarur Government Medical College and Hospital.



10. PW4-Jeevitha, daughter of Saravanan, deposed that on 01.08.2017 her father along PWs.1 and 2 went to the 16th day death ceremony of Durai; since her father did not contribute money for nonvegetarian feast, one Kasinathan scuffled with her father, pursuant to which, her father fell on the roof of A2's hut, due to which, A2 scolded her father in filthy language; on the same day around 6.00 p.m., her father along with PWs.1 & 2 went to the house of PW3, Village Head; at that time A2 told A1 that her father only pushed her (A2) down by keeping his hands on her chest and should not leave him; immediately, A1 stabbed her father with a knife (M.O.1) on his chest, pulled the knife (M.O.1) and ran away towards western side; her father fainted, fell down and lost his breath.

11. PW5-Vijai, deposed that two years ago, on a day at the 16th day death ceremony of one Durai, Kasinathan had scuffled with Saravanan, during which, Kasinathan pushed Saravanan, in turn, he fell on the roof of A2's hut; on seeing that A2 scolded Saravanan in filthy language; Saravanan was sent to his residence by PW1 and PW2. He came to know that on the same day around 6.00 p.m., A1 stabbed Saravanan with a knife (M.O.1); the police inspected the scene of occurrence opposite to his house at 9.00 p.m.



and they took photos and videos and seized sample earth and blood-stained earth and also drawn rough sketch (Ex.P11); he identified his signature found in the observation mahazar (Ex.P12) and seizure mahazar (Ex.P7).

12. From the above evidence of the eyewitnesses, the motive for the occurrence has been established. It is seen that PW3 is an independent witness and he has no enmity with the appellant, rather, he is the relative of the appellant and he is the Village Head. The evidence of PW1 and 2 are cogent, trustworthy and inspires the confidence of this Court. PW1 and 2 have uniformly categorically deposed about the occurrence that had taken place at the 16th day death ceremony of Durai. PW4, who is the daughter of PW1 also deposed about the occurrence, which corroborates the prosecution evidence.

c) Recovery:

13. PW7-Aarumugam deposed that on 02.08.2017 around 8.00 a.m. he along with one Rajiv Gandhi were coming in a two wheeler from Sannanallur to Thiruvarur, near Aandipandhal Village at the western side of Pillayar temple in Nannilam road, the police questioned A1 with regard to



the murder of Saravanan. A1 voluntarily given confession statement and the same has been recorded in their presence. PW7 identified his signature in the confession statement. The admissible portion of the confession statement of A1 was marked as Ex.P6; in pursuance to the confession statement (Ex.P6) of A1, around 9.15 a.m. he (PW7) along with the policemen went to A1's house at Panangudi, where, A1 brought the knife (M.O.1) and shirt (M.O.4) from the cotton field situated in rear side of his house and the same has been seized by the police.

14. PW10-Azhagudurai, Inspector of Police, deposed that he took up investigation and went to the scene of occurrence at 22.00 hours and prepared rough sketch (Ex.P11) and observation mahazar Ex.P12 in the presence of witnesses PW5 and PW6 and seized bloodstained earth (M.O.2) and sample earth (M.O.3) under seizure mahazar (Ex.P3); he enquired the witnesses and recorded their statements; he went to Thiruvarur Government Medical College and Hospital and conducted inquest over the body of Saravanan in the presence of the panchayatars and prepared the inquest report and sent the body for postmortem through the Head Constable one Bamma; on the same day at 8.00 p.m., he arrested A1 near Aandipandhal



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Putharu bridge; A1 gave voluntary confession in the presence of PW7 and the same has been recorded in the presence of PW7 and one Rajiv Gandhi; in pursuance to the confession statement, he seized the knife (M.O.1) and shirt (M.O.4) at 9.15 p.m. The prosecution has proved the recovery of M.Os.1 to 4 in pursuance of the confession statement of the appellant.

d) Medical evidence:

15. PW8-Dr.Sri Senthil, conducted autopsy on the body of Saravanan and issued the postmortem certificate (Ex.P8) and opined that Saravanan would appear to have died of complication due to the injury to the chest at that time since the death is 12 to 24 hours prior to postmortem. The viscera report was also marked through him as Ex.P9.

16. The evidence of the eyewitnesses viz. PWs.1 and 2 fully corroborates the medical evidence with regard to the injuries and the weapon (M.O.1) used in the offence.



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17. In view of the foregoing discussions, we do not find any 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 19.08.2019 passed in S.C.No.14 of 2018 on the file of the Principal District and Sessions Court, Thiruvavur. The trial Court is directed to secure the custody of the appellant and send him to prison to undergo the remaining period of sentence.

(P.V., J.) (M.J.R., J.)
07.01.2026

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



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To

- 1.The Principal District and Sessions Judge, Thiruvarur.
- 2.The Superintendent, Central Prison, Trichy.
- 3.The Inspector of Police,
Nannilam Police Station.
- 4.The Public Prosecutor,
Madras High Court, Chennai – 600 104.



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