



Crl.A.No.743 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

Coram:

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

Crl.A.No.743 of 2019 and
Crl.M.P.No.15622 of 2019

Chitra

...Appellant

Vs.

State represented by
The Inspector of Police,
Krishnagir Taluk Police Station,
Krishnagir District.
(Cr.No.675 of 2017)

...Respondent

Prayer: Criminal Appeal is filed under Section 374(2) Cr.P.C. to call for records in connection with S.C.No.66 of 2018 by the learned Sessions Judge (Fast Track Magalir Neethimandram), Krishnagiri District, dated 16.10.2019

For Appellant : Mr.E.Kannadasan

For Respondent : Mr.A.Damodaran, Addl. Public Prosecutor
Assisted by Ms.M.Arifa Thasneem



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JUDGMENT

(Order of the Court was made by P.Velmurugan J.)

This criminal appeal has been filed to set aside the judgment of conviction and sentence passed against the appellant in S.C.No.66 of 2018 by the learned Sessions Judge (Fast Track Magalir Neethimandram), Krishnagiri District, dated 16.10.2019.

2 The case of the prosecution is that P.W.1 is working at Bangalore in the Dell Laptop Company and he is having three sisters namely Manjula, Vennila and Sagunthala and one brother P.W.4 namely Punith Kumar. 10 years prior to the occurrence, his elder sister namely Vennila got married with one Jayabal and having two children namely Sivani and one Vetrivel and due to some misunderstanding between them, the said Vennila deserted the matrimonial home and went to the house of P.W.1 and lived along with him. 2 years prior to the occurrence there was some misunderstanding arose between herself and P.W.1, hence she was living separately at Bethalapalli, foot hills. In these circumstances, the deceased Vennila developed illicit intimacy with the husband of the appellant and the

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husband of the appellant used to stay with the deceased. Hence the appellant being enraged over the illicit relationship between the deceased and appellant's husband, decided to do away the deceased and hence on 21.10.2017, at about 11.00 p.m. she went to the house of the deceased and had wordy quarrel with the deceased, in continuation of the same, stabbed the deceased with knife on right side of her stomach. Immediately the deceased was taken to the Government Hospital and Doctors, after check-up, at about 12.00 p.m. declared the deceased brought dead. Hence P.W.1, brother of the deceased preferred a complaint before the respondent police.

3 Based on the complaint Ex.P1, a case was registered in Cr.No.675 of 2017 for the offence under Section 302 IPC and after investigation, the respondent police laid charge sheet before the learned Judicial Magistrate No.II, Krishnagiri, which was taken up in P.R.C.No.01 of 2018. Since the offence charged against the appellant/accused is triable only by the Court of Session, the learned Judicial Magistrate No.II, Krishnagiri, committed the case to the learned Principal District and Sessions Judge, Krishnagiri, which was taken on file in S.C.No.66 of 2018, who in turn, made over the same to the learned Sessions Judge, Fast Track Mahila Court,



Krishnagiri.

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4 Before the trial Court, in order to prove the charges, prosecution examined 18 witnesses as P.Ws.1 to 18 and marked 20 documents as Exs.P1 to 20, besides seven material objects M.Os.1 to 7. After examination of the prosecution witnesses and incriminating materials culled out from the evidence of prosecution witnesses were put before the accused and he denied the same as false. On the side the defence, no oral and documentary evidence was let in.

5 The learned Sessions Judge, after trial and after hearing the learned counsel on either side, by judgement dated 16.10.2019, found the appellant/accused guilty for the offence under Section 302 IPC and convicted and sentenced her to undergo imprisonment for life and to pay a fine of Rs.1000/-, in default, to undergo rigorous imprisonment for a further period of 6 months.



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6 Aggrieved over the said judgment of conviction and sentence, the appellant is before this Court with the present Criminal Appeal.

7 Learned counsel for the appellant/accused would submit that in this case all the eye witnesses have turned hostile and not supported the case of the prosecution. The trial Court recorded conviction against the appellant only based on the evidence of P.W.1 and P.W.4, who are the brothers of the deceased and they are only hearsay witnesses. None of the prosecution witnesses have spoken about the attack alleged to have made by the appellant towards the deceased.

7.1 There are major contradictions between the evidence of P.W.1 and the Sub Inspector of Police, P.W.16, who received the complaint, with regard to the time of filing the complaint. P.W.1 in his evidence stated that he gave complaint around 3.30 to 4.00 p.m., whereas, P.W.16 in his evidence, deposed that he received the complaint at about 12.15 p.m. Therefore the genesis of the complaint itself is doubtful.



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7.2 P.W.17, who treated the deceased, has deposed that the deceased informed him that she was attacked by one known female person in her house, whereas, P.W.1 the complainant in his evidence has deposed that the deceased was unconscious and he was informed that the deceased died in the ambulance itself. Therefore the true state of the deceased, while she was taking to the Hospital, is not clear.

7.3 P.W.18, who is the Investigating Officer has categorically deposed that he conducted inquest in front of the Mortuary in the presence of Panchatathars and issued Ex.P12 inquest report, but prosecution has failed to examine the Panchayathars to prove the version of P.W.18 with regard to the inquest on the body of the deceased.

7.4 P.W.6 and P.W.7, who are cited as witnesses for Observation Mahazar Ex.P2 and Recovery Mahazar Ex.P3, ought not to have singed the said Mahazars at the place of occurrence itself, since there is no whisper about the required materials carried at the place of occurrence.



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7.5 Further prosecution projected the motive for the occurrence that the deceased has developed illicit relationship with the husband of the appellant, but to prove the motive, prosecution failed to examine any witness, which is fatal to the case of the prosecution.

7.6 Even as per the case of the prosecution, P.W.2 and P.W.3, who are cited as eye witnesses, informed P.W.4 about the occurrence, but the alleged ocular witnesses have not supported the case of the prosecution and turned hostile. Therefore how P.Ws.1 and 4 received the information and whether they accompanied the deceased in the Ambulance are all highly doubtful.

7.7 Hence at any angle, prosecution has failed to prove its case beyond all reasonable doubt and hence the appellant/accused is entitled to benefit of doubt.



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8 Learned Public Prosecutor for the respondent police would submit that the appellant is the sole accused. The appellant, being enraged over the illicit relationship between the deceased and the appellant's husband, had a wordy quarrel with the deceased, in continuation of which, she stabbed her with fish cleaning knife, due to which, the deceased succumbed to the stab injuries.

8.1 P.W.1, who is the brother of the deceased, on receiving information from P.W.4, who is also brother of the deceased and was playing at the time of occurrence, gave complaint Ex.P1. P.W.4 clearly deposed that he went to the scene of occurrence immediately after receipt of the information and took the deceased to the Government Hospital, Krishnagiri, in the Ambulance, where, she was declared deceased. Further he deposed that he heard that the appellant due to illicit relationship between her husband and the deceased, had wordy quarrel with deceased and at-last she stabbed the deceased with the fish cleaning knife. The evidence of P.Ws.4 to 10 corroborated with the evidence of the P.W.1.



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8.2 P.W.s.2 and 3, who are the neighbours of the deceased and ocular witnesses, even though, turned hostile and not supported the case of the prosecution, from the evidence of P.Ws.1 and 4 to 10 have clearly stated about the motive for the occurrence that the appellant/accused, due to the illicit relationship between her husband and the deceased, stabbed the deceased with fish cleaning knife. Therefore prosecution has proved the motive for the occurrence through the evidence of P.W.s.1 and 4 to 10.

8.3 P.W.17 is the Doctor, who admitted the deceased in the Government Hospital, Krishnagiri, and made entry in the Accident Register Ex.P10, deposed that the deceased told him that she was stabbed by one known female person in her house.

8.4 P.W.11 is the Doctor, who conducted postmortem in the body of the deceased, had deposed that the deceased died due to the stab injuries and he issued postmortem certificate, which was marked as Ex.P5.



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8.5 Further P.W.12, who is the Village Administrative Officer, deposed about the recovery of weapon used by the appellant/accused to stab the deceased.

8.6 Therefore prosecution has clearly proved the motive and the manner, in which the occurrence took place and the appellant is the one who stabbed the deceased. There is no merit in the appeal and the same is liable to be dismissed.

9 Heard the learned counsel appearing for the appellant and the learned Additional Public Prosecutor for the respondent police and perused the materials available on record.

10 It is the specific case of the prosecution that the appellant and the deceased were friends and the appellant suspected the deceased that she had illegal intimacy with her husband and hence on 21.07.2017, she went to the house of the deceased and had wordy quarrel with the deceased and in



continuation of the same, stabbed the deceased at the stomach with the fish cleaning knife. On hearing the alarm of the deceased, P.Ws.2 and 3, who are the neighbours, rushed to the house of the deceased and the appellant escaped from the scene of occurrence. On seeing P.Ws.2 and 3 running to the house of the deceased, P.W.4, who is the brother of the deceased and was playing outside the house of the deceased, followed them and at that time, the appellant came out of the house of the deceased with knife and ran away from the place of occurrence. Therefore even though, P.Ws.2 and 3 turned hostile and not supported the case of the prosecution, P.W.1 and P.W.4 have clearly narrated the occurrence and how they received information about the occurrence and took the deceased to the Hospital.

11 P.W.17 is the Doctor, who admitted the deceased and made entry in the Accident Register Ex.P10, has clearly stated that the deceased was brought to the Hospital on 21.10.2017 at 12.15 p.m. through Ambulance and she herself informed him that one known female person stabbed her with knife in the stomach. P.W.17 admitted the injured and treated her and during treatment, he found one laceration epigenetic region measuring 6x2x5cm. Subsequently the deceased succumbed to the stab injuries.



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12 P.W.11, the Doctor, who conducted postmortem on the body of the deceased, issued postmortem certificate Ex.P5 mentioning the injuries as follows:

“External injuries-A stab wound on right Hypo chondrium region 15 cm wide and 6 cm depth. No other external injuries.”

Further P.W.11 has certified that the cause of death could be injury to vital organs and hypo chondrium stab. Therefore it is proved that the deceased died only due to the stab injuries.

13 Through the evidence of P.Ws.1, 4, 5, 6, and 7 prosecution has clearly established motive for the occurrence. From the evidence of P.W.4, the presence of the appellant/accused in the house of the deceased at the time of occurrence, has been proved and when he saw the deceased, the appellant was running from the house of the deceased.

14 Furthermore, the deceased herself stated before the doctor P.W.17, who admitted the deceased in the Krishnagir Government Hospital, that one known female person stabbed her in the stomach.



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15 From the combined reading of the evidence of P.W.1, P.W.4, P.W.17, prosecution has proved that the appellant, is the one who stabbed the deceased. P.W.12 is the Village Administrative Officer, is the witness for confession statement, which led to recovery of weapon used by the appellant to murder the deceased. P.W.12 has stated that the appellant voluntarily given confession statement and took the Investigating Officer to the place where she hid the knife, in the presence of P.W.12 and handed over the weapon M.O.4 which was used for commission of offence.

16 Therefore even though P.Ws.2 and 3, who are said to have been eye witnesses, turned hostile, however from the evidence of P.Ws.1, 4, 11, 12, 17 and 18, prosecution has clearly proved that the appellant has committed the offence under Section 302 IPC. Therefore this Court, as a final court of fact finding, re-appreciated the entire evidence and finds that the appellant has committed the offence.

17 A careful reading of oral and documentary evidence, this Court finds that prosecution has proved its case beyond all reasonable doubts and



the trial Court has rightly appreciated the evidence and convicted the appellant.

18 Therefore we do not find any reason to interfere with the judgment of conviction made by the trial Court.

19 For the foregoing reasons and observations, the Criminal Appeal stands dismissed. Consequently connected miscellaneous petition is closed. The trial Court is directed to secure the appellant/accused to undergo remaining period of imprisonment, if any.

[PVJ]

[MJRJ]

05.01.2026

Speaking Order/Non Speaking Order

Neutral Citation case: Yes/no

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To

1. The Sessions Judge (Fast Track Magalir Neethimandram), Krishnagiri District.
2. The Inspector of Police, Krishnagiri Taluk Police Station, Krishnagiri District.
3. The Public Prosecutor, High Court of Madras.



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and
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