



CRL A No. 788 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 28-04-2026

PRONOUNCED ON: 01-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 788 of 2019

Subramani

..Appellant

Vs

The State By
The Inspector of Police,
Uthannapalli Police Station,
Krishnagiri District.
[Crime No.80 of 2015]

..Respondent

Prayer: Criminal Appeal filed under Section 374(2) of Code of Criminal Procedure, to set aside the conviction and sentence passed in S.C.No.111 of 2016 by the learned Sessions Judge, Fast Track Mahalir Court, Krishnagiri and acquit the appellant from all charges.

For Appellant(s): Mr.M.G.Udaya Shankar

For Respondent(s): Mr.S.Raja Kumar,
Additional Public Prosecutor



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JUDGMENT

(Judgment of the Court was delivered by Sunder Mohan J.)

This Criminal Appeal has been filed by the sole accused, who has been convicted for the offence under Section 302 of the IPC and sentenced to undergo life imprisonment and for the offence under Section 506(ii) of the IPC and sentenced to undergo RI for six months.

2(i) It is the case of the prosecution that the appellant was the husband of the deceased viz., Narayanamma; that on 25.02.2015 at about 8.45 p.m., the appellant picked up a quarrel with the deceased since she refused to give him money for buying liquor; that pursuant to the quarrel, the appellant attacked the deceased with an iron rod near the ears; and that thereafter, cut the neck of the deceased with a kitchen knife and caused her death.

(ii) On the complaint [Ex.P1] given by PW1, who had witnessed the occurrence, PW21 registered an FIR [Ex.P10] in Cr.No.80 of 2015 for the offences under Sections 302 and 506(ii) of the IPC on the same day

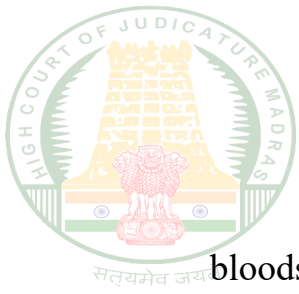


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i.e., on 25.02.2015 at about 10.30 p.m. The express FIR was sent to the Magistrate at 1.00 a.m. on 26.02.2015. PW1 was the daughter of the deceased and the step daughter of the appellant.

(iii) PW22, the Inspector of Police, took up the investigation, went to the scene of occurrence, prepared the observation mahazar, Rough sketch [Ex.P11] and recovered the iron rod [M.O.1] from the scene of occurrence under the seizure mahazar [Ex.P4]. He also seized the bloodstained earth [M.O.3], earth which was not bloodstained [M.O.4] and knife [M.O.2] from the place of occurrence. He conducted the inquest between 2.00 p.m. and 3.30 p.m. on 26.02.2015 and prepared the inquest report [Ex.P12]. He thereafter sent the corpse for postmortem through PW19.

(iv) On 28.02.2015 at about 3.15 p.m., the Revenue Inspector [PW18] appeared before PW22 along with the accused and the report [Ex.P7] stating that the accused had confessed to him regarding the crime. PW22 thereafter arrested the accused. At about 6.00 p.m., on the same day, on the confession of the accused, PW22 seized the



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bloodstained shirt [M.O.5] and lungi [M.O.6] of the accused and prepared the seizure mahazar [Ex.P9]. After examination of other witnesses and obtaining the reports from the forensic science experts and the postmortem doctor, he filed the final report against the accused for the offences under Section 302 and 506(ii) of the IPC before the learned Judicial Magistrate No.II, Hosur.

(v) On the appearance of the accused, the provisions of Section 207 Cr.P.C. were complied with. The case was committed to the Court of Sessions and was made over to the learned Sessions Judge, Fast Track Mahalir Court, Krishnagiri, for trial, which was taken on file as S.C.No.111 of 2016. The trial Court framed charges against the accused for the offences under Sections 302 and 506(ii) of the IPC and when questioned, the accused pleaded 'not guilty'.

(vi) To prove its case, the prosecution had examined 22 witnesses as P.W.1 to P.W.22 and marked 13 exhibits as Ex.P1 to Ex.P13, besides 9 material objects, viz., M.O.1 to M.O.9. When the accused was questioned u/s.313 Cr.P.C. on the incriminating circumstances appearing



against him, he denied the same. The accused neither examined any witness nor marked any document on his side.

(vii) The trial Court found the appellant guilty of the offences under Sections 302 and 506(ii) of the IPC and convicted and sentenced him as stated above. Hence, the accused has preferred the instant appeal challenging the said conviction and sentence.

3. Mr.Udaya Shankar, learned counsel for the appellant, would submit that PW1, who is the step daughter of the appellant, could not have witnessed the occurrence, as she had admitted in the cross-examination that when she went to the house where the appellant and the deceased lived, the appellant was not at home and he had already left; that the extra-judicial confession given to PW18 does not inspire confidence and similarly, the extra-judicial confessions given to the villagers [PW6 & PW17] are also improbable and cannot be believed; and that in the absence of any definite evidence to hold the appellant guilty, the trial Court ought not to have convicted him only on suspicion and hence, prayed for acquittal.



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4.(i) The learned Additional Public Prosecutor, *per contra*, submitted that the daughter of the deceased [PW1] had promptly lodged the complaint, which was also despatched to the Magistrate immediately and this probablisises the prosecution case that PW1 is an eyewitness to the occurrence; that an innocuous admission in the cross-examination would not render her evidence unreliable; that the extra-judicial confession given to the Revenue Inspector and the other confessions made to the villagers corroborate the version of PW1; that the reports of the scientific experts would indicate the blood group of the deceased as B+ve and the same blood group was found in the shirt/lungi of the appellant, which was seized pursuant to his confession; and that therefore, the impugned judgment is justified and does not call for interference.

(ii) The learned Additional Public Prosecutor pointed out to the observations of the trial Court which had placed reliance on three reports of the forensic science experts, though they were not marked.

5. During the course of hearing, since we felt that those documents ought to have been marked, we *suo motu* invoked the power under

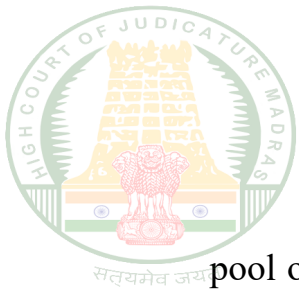


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Section 391 of the Cr.P.C. to record additional evidence. We examined Mr.Senthil Kumar, Deputy Director of Regional Forensic Science Laboratory, Salem and Mr.M.Srinivasan, the Deputy Director in the Serology Division of the Forensic Science Department, Chennai, as PW23 and PW24, respectively and marked the following documents as Exs.P14 to Ex.P20.

Exhibit No.	Description
Ex.P14	Letter dated 09.04.2015 of JM-II Hosur to the Asst. Director of Regional Forensic Science Laboratory, Salem
Ex.P15	Requisition letter addressed to JM-II, Hosur, for handing over the material to Forensic Science Laboratory
Ex.P16	Biology Report dated 16.09.2015
Ex.P17	Letter dated 26.02.2015 of the Government Medical Officer, Govt. Dharmapuri Medical College addressed to the Assistant Director of Regional Forensic Science Laboratory, Salem.
Ex.P18	Letter dated 13.08.2015
Ex.P19	FSL Report dated 17.03.2016 [T.No.8097/2015 SER/SLM/168/2015]
Ex.P20	FSL Report dated 17.03.2016 [T.No.10207/2015 SER/SLM/202/2015]

6 (i) To prove its case, the prosecution had examined 22 witnesses. PW1, as stated above, is the daughter and an eyewitness. PW2 and PW3 are the parents of the deceased and had gone to the house of the deceased after hearing about the occurrence and had seen the deceased lying in a



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pool of blood. PW4 is the brother of PW3 and is also a hearsay witness.

PW5 is a neighbour of the deceased and had seen the body of the deceased and the weapons [M.O.1 and M.O.2] lying near the body of the deceased. PW6 is another villager, to whom the appellant is said to have confessed about the crime. PW7 is yet another villager, who had gone to the occurrence place on hearing about the occurrence. PW8 and PW9 are the witnesses to the observation mahazar. PW10 and PW11 are the witnesses to the seizure mahazar [Ex.P4]. PW12 and PW13 are hearsay witnesses. PW14 is the Doctor, who had conducted the postmortem and had issued the postmortem certificate [Ex.P5].

(ii) PW15 is related to the deceased and was examined as an eyewitness. However, in the cross-examination he would state that he had not witnessed the occurrence. PW16 is another hearsay witness who had turned hostile. PW17 is known to the appellant and had deposed that the appellant had confessed that he had committed the crime. PW18 was the Revenue Inspector at the relevant point of time and had deposed about the extra-judicial confession given by the appellant and also regarding his attestation in the seizure mahazar [Ex.P9], by which the bloodstained



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articles of the appellant, viz., M.O.5 and M.O.6., were seized. He had also given the Special Report [Ex.P7] to the Inspector of Police on the confession made by the appellant. PW19 is the Constable, who had handed over the dress materials of the deceased to the relatives. PW20 is the Sub-Inspector of Police, who had handed over the FIR to the learned Judicial Magistrate No.II, Hosur. PW21 is the Sub Inspector of Police, who registered the FIR and PW22 is the Investigating officer.

7. From the above narration, it would be clear that the prosecution relies upon the evidence of the eyewitness-PW1, PW15 and PW14-the postmortem doctor, extra-judicial confessions made by the appellant to PW6, PW17 and PW18, the Revenue Inspector, besides other circumstances.

8. We may first examine whether the prosecution had established that the deceased sustained a homicidal death.

9. PW2, PW3 and other witnesses have uniformly stated that they went to the house of the deceased immediately after they came to know

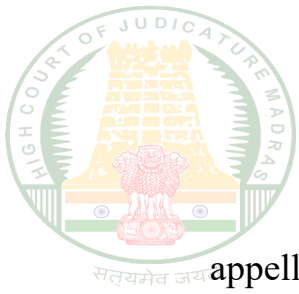


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of the occurrence and saw the deceased lying in a pool of blood. PW14, the postmortem doctor had listed out nearly 12 injuries on the head, face and neck. The doctor had opined that the death would have been caused by the cut injuries in the neck of the deceased and that the death was due to “cut throat injury”. The nature of injuries sustained by the deceased and the opinion of the postmortem doctor conclusively establishes that the deceased suffered a homicidal death.

10.(i) The prosecution primarily relies upon the evidence of the eyewitnesses PW1 and PW15 to prove that the appellant had caused the death of the deceased. PW15, who claimed to be an eyewitness, had admitted in the cross-examination that he had not witnessed the occurrence.

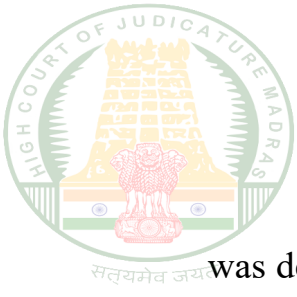
(ii) PW1, the step daughter of the appellant and the daughter of the deceased, had deposed that on the fateful day at about 8.00 p.m., the deceased and PW1 were at the house of the mother of the deceased and grandmother of PW1, which is 10 houses away from the scene of occurrence (house where the deceased and appellant lived); that the



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appellant asked for the keys of the house from the deceased and both the deceased and the appellant left for their home; that PW1 followed them shortly thereafter and when she entered the house, she saw the appellant and the deceased engaged in a heated argument, pursuant to which the appellant attacked the deceased with an iron rod and the knife; and that the appellant threatened PW1 of dire consequences. PW1 also speaks about the lodging of the complaint before the Inspector of Police, Uthanapalli Police Station, on the same day at about 10.30 p.m.

(iii) The occurrence is said to have been taken place at about 8.45 p.m. PW1 has not been discredited by the defence in any manner. However, the learned defence counsel relied upon a portion of the cross-examination of PW1, wherein PW1 had stated that she came to the house at about 9.00 p.m., when the appellant was not there in the house and he had left by the back door to the river. The learned defence counsel, therefore, submitted that PW1 could not have been the eyewitness. We are of the view that this portion cannot be read in isolation. PW1 had denied the suggestion put to her that she could not have witnessed the occurrence. The complaint of PW1 was immediately registered and it



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was despatched promptly to the Magistrate at about 1.00 a.m. in the night intervening 25th and 26th of February 2015. Both the parents of the deceased, PW2 and PW3 have deposed that PW1 had informed them that the appellant had caused the death of the deceased. The evidence of these two witnesses would clearly establish the presence of PW1 at the time of the occurrence.

11. The appellant, according to the prosecution, had confessed to three persons viz., PW6, PW17 and PW18.

(i) The evidence of PW6 is extracted hereunder for better understanding.

“கடந்த 25.02.2015ம் தேதி இரவு, 8.30 மணி அளவில் பணம் வேண்டும் என்று நதியாவின் அப்பா பணம் கேட்டு தகராறு செய்து நதியாவின் அம்மாவை கொலை செய்து விட்டார் என்று சொன்னார்.”

PW6 is the landlord of the house in which the appellant and the deceased were living. He speaks about the frequent quarrels between the husband and wife before the occurrence and about the advice given by him to the appellant. Nothing has been elicited in the cross-examination to discredit his testimony.



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(ii) Similarly, PW17 is the other villager, who is known to the appellant. He had seen the appellant walking with bloodstained clothes and when he questioned him, the appellant told him that he had killed the deceased. Nothing has been elicited in the cross-examination of this witness as well to discredit his testimony. Therefore, the extra-judicial confessions made to PW6 and PW17 inspire confidence.

(iii) The third extra-judicial confession is said to have been made to PW18, the Revenue Inspector. The Revenue Inspector on hearing the confession, had sent a report [Ex.P7] to the investigating officer. PW18 is a total stranger to the appellant. There was no necessity for the appellant to make a confession to him. Hence, even if we eschew this confession from consideration, we are of the view that the evidence of PW6 and PW17 inspires confidence as the confession made to them by the appellant appear to be truthful and voluntary. It is well settled that an extra-judicial confession is a weak piece of evidence and it requires corroboration.



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12. The appellant was arrested on 28.02.2015 and on his confession his bloodstained shirt [M.O.5] and blood stained lungi [M.O.6] were seized. The forensic science expert has found that human blood was found in both the above objects, as could be seen from the report of the Forensic Science Laboratory [Ex.P20], which was marked in this appeal. The blood grouping was inconclusive so far as the shirt is concerned. The lungi contained 'B' group blood and it is the blood group of the deceased as could be seen from the report [Ex.P15].

13. The learned counsel for the defence however, would submit that the bloodstains found in the lungi would not be of any significance, since there are contradictions as regards the colour of the lungi. In Ex.P9, the seizure mahazar, the colour of the lungi was shown as black with green, white and yellow designs. The description of the lungi shown in Ex.P16 tallies with the description shown in Ex.P9.

14. Learned counsel relied upon the description of the lungi in Ex.P14, where it is shown as green and he submitted that the 'shirt' and 'lungi' were handwritten in the said document.



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15. We are of the view that the said discrepancy, if any, would not raise any suspicion since the description is correctly shown in the Seizure Mahazar [Ex.P9], which is the earliest document and in Ex.P16, the report issued by the Forensic Science Laboratory, Salem Division, which was marked by PW23.

16. The other challenge by the defence to the reports submitted by the Forensic Science Laboratory is that since there is no definite evidence as to how the samples were packed, there was a possibility of contamination of the samples and consequently, the result cannot be relied upon.

17. Both the witnesses who were examined by us as PW23 and PW24 had denied personal knowledge of how the material objects were sent. However, PW24 had stated in the cross-examination that the usual practice is that the material objects would be sent in separate covers. In fact, PW23 had deposed in the cross-examination that though all samples were sent together in one cardboard box, they were sent in separate

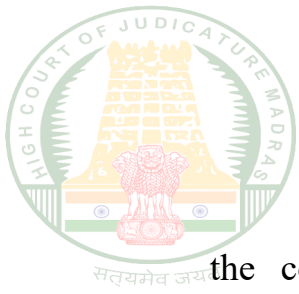


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packets. Even if this evidence of PW23 is ignored in view of his earlier admission denying personal knowledge, we find nothing on record to infer that the results could be faulty due to any alleged contamination.

18. Therefore, from the above discussion, we are of the view that PW1's evidence inspires confidence and her innocuous admission in the cross-examination, does not make her untrustworthy. In any case, her evidence is corroborated by the evidence of PW6 and PW17, to whom the appellant confessed immediately after the occurrence. The presence of bloodstains in the dress materials of the appellant that tallied with the blood group of the deceased further strengthens the prosecution case. We may also point out here that the prompt lodging of the complaint and the despatch of the FIR to the Magistrate also rules out deliberation/manipulation before lodging the FIR.

19. For all the above reasons, we are of the view that the prosecution has established its case beyond reasonable doubt and the judgment of the trial Court convicting the appellant does not call for any interference. Consequently, the Criminal Appeal stands dismissed and



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the conviction and sentence imposed upon the appellant vide the judgment dated 22.06.2018 in S.C.No.111 of 2016 by the learned Sessions Judge, Fast Track Mahalir Court, Krishnagiri, are confirmed. The respondent police is directed to secure the appellant and commit him to prison forthwith for serving the remaining period of sentence.

(A.S.M.,J.) (S.M.,J.)
01-06-2026

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

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To

1. The Sessions Judge,
Fast Track Mahila Court,
Krishnagiri.
2. The Inspector of Police,
Uthannapalli Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.



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CRL A No. 788 of 2019

**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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**Pre-delivery judgment in
CRL A No. 788 of 2019**

01-06-2026

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