



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

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

CRL A No.504 of 2019

State represented by
The Public Prosecutor,
High Court, Madras-104,
(J6, Thiruvanmiyur Police Station,
Chennai, Cr.No.619/2010).

Appellant

Vs

1. Saravanan
S/o.Pusparaj,
No.116, Renganathapuram,
Thiruvanmiyur, Chennai-600 041.
2. Kandakumar (Died) (Appeal abated)
S/o.Pusparaj,
No.116, Renganathapuram,
Thiruvanmiyur, Chennai-600 041.
3. Stephenraj
S/o.Varadhan,
No.164, Sasthyavani Muthu Nagar,
Pallavan Salai, Chennai-600 002.
4. Chandru
S/o.Ravi,
No.44A, Block Indira Nagar,
Pallavan Salai, Chennai-600 002.
5. Guru (Died) (Appeal abated)
S/o.Elumalai,



No.23, 21, Muthalamman Koil
Street, Kottivakkam,
Chennai.

6. Appu@appunu
S/o.Yesudas,
No.475, Gandhi Nagar,
Pallavan Salai, Chennai-600 002.
7. Krishnakumar (Died) (Appeal abated)
S/o.Kuppusamy,
No.6174, Kannagi Nagar,
Thuraipakkam, Chennai-96.
8. Pushparaj (Died) (Appeal abated)
S/o.Kuppusamy,
No.116, Renganathapuram,
Thiruvanmiyur, Chennai-600 041.
9. Gurumurthy
S/o.Ganesan,
No.298, Renganathapuram,
Thiruvanmiyur, Chennai-600 041.
10. Srinivasan @ Hariharan
S/o.Bhavanisankar,
No.32, B-Block, Indira Nagar,
Pallavan Salai, Chennai-2.
11. Nagarajan
S/o.Soosai,
No.57, Renganathapuram,
Thiruvanmiyur, Chennai-600 041.
12. Damu @ Dhamodharan (Died (Appeal abated)
S/o.Nagaraj
223, Gaurav Road, Vettuvangani
Chennai-600 041.
(R2, R5, R7, R8 and R12 died. So, this Appeal is
dismissed as abated as against R2,R5,R7,R8 and
R12 as per the order of this court dated
20.01.2026 in CrI.A.No.504 of 2019 and as per
the memo dated 07.01.2026)



13. Lakshmi
W/o.Pushparaj,
No.116, Renganathapuram, Tiruvanmiyur,
Chennai-600 041.

14. Selvi
D/o.Arumugam, Renganathapuram,
Tiruvanmiyur, Chennai-600 041.

Respondents

Memorandum of Grounds of Criminal Appeal filed under Section 378(1) (b) Cr.P.C against the judgment of acquittal passed by the learned VII Additional Sessions Judge, Chennai made in S.C.No.398 of 2011 dated 17.03.2017 acquitting the respondents/A1 to A6 & A9 to A16 of all the charges framed against them.

For Appellant: Mr.A.Damodaran
Additional Public Prosecutor

For Respondents: Mr.R.Ganesh
Legal Aid Counsel for
R1, R6, R10, R11, R13 & R14
Mr.A.Sundara Vadhanan
for R3 & R4
Mr.P.Surendran for R9

JUDGMENT

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

This criminal appeal has been filed by the State against the judgment of acquittal passed by the learned VII Additional Sessions Judge, Chennai in S.C.No.398 of 2011 dated 17.03.2017 acquitting the respondents/A1 to A6 & A9 to A16 of all the charges framed against them, namely, under Sections 341 & 506(ii) IPC against A1 to A6, A9 to A16, 148 & 302 IPC against A1 to A6, 147, 302 r/w 149 IPC against A9 to A16, 397 & 324 IPC against A5, 397 r/w 149 & 324 r/w 149 against A1 to A4 & A6 to A16, since A7 & A8 died during trial.



2. The Inspector of Police, J6, Thiruvannamiyur Police Station registered the case against the respondents, based on the complaint given by the wife of the deceased in Crime No.619 of 2010 dated 14.06.2010 for the offences under Sections 147, 148, 341, 324, 397, 307, 302 and 506(ii) IPC. After completion of investigation, the appellant Police laid the charge sheet before the learned 18th Metropolitan Magistrate, Saidapet, Chennai for the altered offences under Sections 147, 148, 341, 324, 302, 506(ii), 397 r/w 34 IPC against the respondents, which was taken on file in PRC No.205 of 2010. The learned Metropolitan Magistrate, after completing the formalities under Section 207 Cr.P.C., committed the case to the Principal Sessions Court, Chennai, since one of the offences under Section 302 IPC was exclusively triable by the Court of Session. Therefore, the Principal Sessions Court, Chennai has taken the case on file in S.C.No.398 of 2011 and the same was made over to the 7th Additional Sessions Judge, Chennai for disposal in accordance with law. The learned 7th Additional Sessions Judge, Chennai, on going through the materials, framed the charges under Sections 341, 506(ii) IPC against A1 to A6 & A9 to A16, 148, 302 IPC against A1 to A6, 147, 302 r/w 149 IPC against A9 to A16, 397, 324 IPC against A5, 397 r/w 149, 324 r/w 149 against A1 to A4 & A6 to A16, since A7 & A8 died during trial. When the charges were read over to the respondents/accused, they denied the same as false. Therefore, the learned 7th Additional Sessions Judge posted the case for trial and sent summons to the



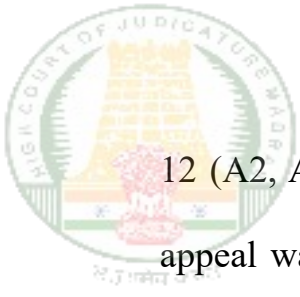
witnesses.

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3. During the trial, in order to substantiate the above said charges, on the side of the prosecution, as many as 18 witnesses were examined as PWs.1 to 18 and 41 documents were marked as Exs.P1 to 41, besides 24 material objects were exhibited as MOs.1 to 24. After examining the evidence of prosecution witnesses, when the respondents/accused were questioned under Section 313 Cr.P.C with reference to the incriminating circumstances culled out from the evidence of prosecution witnesses, they denied the same as false. However, on the side of the respondents/accused, no oral and documentary evidence was let in.

4. On conclusion of trial and after hearing the arguments advanced on either side, the trial Court found the respondents/accused not guilty of any of the offences charged and acquitted them by stating that the prosecution failed to prove its case beyond all reasonable doubt. Aggrieved by the judgment of acquittal passed by the trial Court, the State has filed the present appeal. For convenience, the respondents/accused will be hereinafter referred to as arrayed before the trial Court in this judgment.

5. During the pendency of this appeal, since the respondents 2, 5, 7, 8 &



12 (A2, A5, A9, A10 & A14) died, recording the memo dated 07.01.2026, the appeal was dismissed as abated against them, as per order of this Court dated 20.01.2026.

6. The case of the prosecution is that while the deceased in this case, Chinnaiyah alias Elumalai, was residing with his family at Ranganathapuram, Tiruvanmiyur, Chennai-41, about 5 years ago, due to the previous enmity with Chinnaiyah alias Elumalai for causing cut injury on the face of A15-Lakshmi, who is none other than the wife of A10-Pushparaj and also for murdering one Ravi, who is the brother of A16-Selvi, who were living in the same area, the two families had a common intention to take away the life of the deceased and due to such animosity, on 14.6.2010 at 19.00 hours, when the deceased was talking to his wife in front of his house at No.222, Ranganathapuram, A1 to A6 along with the deceased-A7 & A8 armed with lethal weapons viz., knives and iron pipes, as well as A9 to A16 forming an unlawful assembly, gathered at the above place and surrounded Chinnaiyah alias Ezhumalai, where A1, by scolding him with filthy language for causing cut injury on the face and for the agony suffered earlier, caused cut injuries on the head and chest of Chinnaiyah alias Elumalai with a knife, A2 & A3 caused cut injuries on both legs, A4 caused injuries on the left ear and left thigh, A5 caused cut injuries on the face and chest with a knife, A6 caused cut injuries on the left forearm and the left head,



A7 caused injuries on the head and chest with an iron pipe, deceased-A8 caused cut injuries on the face and chest with a knife and they murdered him; that at that time, A5, on seeing Tmt.Lakshmi, shouted at her that when her husband would die shortly, why she should wear thali and so saying, she severed the 5 gram gold chain worn by Tmt.Lakshmi from her neck and tried to kill her by saying "you too die" and also dashed her head on the wall and pushed her down; that when Bhavani, the daughter of Lakshmi, came to stop the incident, A5 caused cut injury on the right thumb of Bhavani and that at the same time, A9 to A16, who surrounded Chinnaiyah alias Elumalai for causing the murder, threatened his family members with knives saying that they would cut and kill them and asked them to run away from the place. Subsequently, based on the complaint, Ex.P1 preferred by the de-facto complainant, the case was registered and the final report was laid by the appellant Police before the jurisdictional Magistrate after completion of investigation as stated above.

7. In order to substantiate the case of the prosecution, the de-facto complainant, who is none other than the wife of the deceased, being an eye-witness to the occurrence, was examined as PW1. She has categorically stated that the accused were known to her, as they are neighbours. There was previous enmity between the family of deceased and the family of accused and therefore, PW1 warned her husband to be careful with the accused and not to invite any

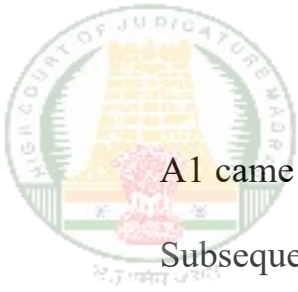


trouble from them. Before 5 years from the date of occurrence, due to the animosity between the deceased and the accused for causing cut injuries on the face of accused-Lakshmi, the deceased was arrested and she took him on bail after one year. On 14.06.2010, at about 7.00 P.M., when PW1, the deceased and her children were chatting in front of their house, when PW1 brought tea outside, she saw eight of the accused crossing that place. Therefore, she called her husband to come inside. Immediately, the accused returned and Saravanan-A1 inflicted cut injuries on her husband on the head and hands with a knife; Kandan-A2 inflicted cut injuries on the right head and right hand; Logu (A8) inflicted cut injuries on the face and chest with a knife and when PW1 fell on her husband to prevent him from the attack, Damodaran-A14, after hitting PW1 on her head, asked her to watch the attack on her husband from a distance. The other accused surrounded and inflicted injuries on her husband. Guru-A5 severed the 5 gram gold chain from her neck. Thereafter, all the accused ran away from the scene of occurrence. Her husband succumbed to the injuries on the spot. Though PW1 sought the help of neighbours, nobody came out. Subsequently, PW1 and her children, took her husband in an autorickshaw to the Government Royapettah Hospital and the doctor informed PW1 that her husband had died. Thereafter, the police arrived there, took PW1 to the police station and received the complaint, Ex.P1.



8. PW2 is the son of the deceased. He has deposed that he knew the accused, as they lived next to their house. About 5 years ago, his father and the accused had a dispute, as his father inflicted cut injury on the face of Saravana's mother and a case was registered. After that, the accused vacated the house and resided at a short distance. After that, they would often come to the house and threaten them with knives. On 14.06.2010, when his father, mother and younger brothers were sitting in their house, the enemies crossed their house. Immediately they came back and A1-Saravanan stabbed on the chest of his father with a knife. When PW2 attempted to stop him, A13-Nagaraj pushed PW2 and he fell down. When he got up, the accused after stabbing his father ran away from the place. After that, PW1, his sister and brothers took the injured in a share auto and when they went near water tank, PW1 asked PW2 to go to the police station and he went there, but others went to the hospital. The police were near their house. They questioned PW2 and he narrated the incident to the police.

9. PW3 is the younger brother of PW2. He has deposed that he knew the accused. About 5 years ago, they had enmity with the accused. At one point of time, PW3's father slashed the face of the accused-Lakshmi with a blade, for which a case was registered and his father was in jail. In the incident that happened after that, the accused cut his father's head and when he in hospital,



A1 came with another and threatened his father with dire consequences and left.

Subsequently, on the night of 14.06.2010, at about 7.00 P.M., A1-Saravanan, A2-Kandan, A13-Nagaraj A5-Guru, A8-Logu and others came to the house to kill his father. Since his father was sitting outside, he asked PW1 to prepare tea, for which PW1 replied that the tea was boiling. At that time A1-Saravanan came and cut his father's head and right hand with a knife. A2-Kandan cut his father's chest and head. A8-Logu cut his father's head and face. After that, all the accused surrounded and cut his father. Then the accused ran away. None of the weapons produced in the court were used by the accused during the incident, as it was a big knife. Later, when they took the injured in a share auto and was nearby the water tank, ambulance came and they said that the injured had died. Then they went to the Government Royapettah Hospital and the police enquired them.

10. PW4 is the minor daughter of the deceased and PW1, and the sister of PW2 and PW3. She has deposed that she knew the accused, since they were neighbours. In 2010, they cut her father in front of the house around 7.00 P.M. A1-Saravanan cut her father on the right side of chest and head with a knife. A2-Kandan cut her father on the chest and head. A8-Logu cut her father on the face and backside of the head. She was with her father in front of the house. A5-Guru cut her thumb with a knife. The other accused surrounded her father and



inflicted cut injuries. They took the injured in a share auto. Halfway, the police arrived and after a while, 108 ambulance came and informed that her father had died. After that, they went to Government Royapettah Hospital and the police took her and PW1 to the police station, where they narrated the incident and filed a complaint.

11. PWs.5, 6, 7 & 8 are the hostile witnesses who did not support the case of the prosecution.

12. PW9 is the Head Constable who handed over the requisition and the body to the doctor attached to Government Royapettah Hospital for conducting post-mortem and thereafter, collected the full hand shirt and lungi removed from the body after post-mortem and handed over the same to the investigating officer.

13. PW10 is the official witness working as Property Maintenance Officer in the Metropolitan Magistrate Court, Saidapet, who collected the 22 material objects handed over by the police under Form-95 and sent the same for chemical examination to the Forensic Department and thereafter transferred to the Court for further investigation.



14. PW11 is the doctor who treated PW4, minor witness, who was produced by the Head Constable 9727 for treatment on 15.06.2010 at 4.30 A.M.

He has deposed that during examination, the injured stated that one known person attacked her with knife on 14.06.2010 at 7.15 P.M. near Jayanthi Theatre and caused the injury. On clinical examination, PW11 found lesion 2 x 1 cm inside of her right thumb and since there was no other external injury, after giving first aid, he referred the injured to the Government Royapettah Hospital for ascertaining whether there was any bone fracture and also for further treatment. He issued the Accident Register, Ex.P8 in this regard.

15. PW12 is the doctor, who conducted post-mortem on the body of the deceased. He has deposed that the Head Constable Kamaraj produced the requisition, Ex.P9 for conducting post-mortem on the body at 1.40 P.M. on 15.06.2010 and he commenced the post-mortem at 2.00 P.M. and noted the following external injuries:-

- “1) Abrasion 6x2cms over right cheek.
- 2) Two linear abrasion 4x1cm over right cheek.
- 3) Two linear abrasions 8x1cm over right cheek and 6x0.5cm outer aspect of right eye.
- 4) Abrasion 2x1cm top of right shoulder.
- 5) Abrasion 10x3cms back of right shoulder.
- 6) Linear abrasion 5x0.5 cm over outer aspect of upper part of right thigh.
- 7) Abrasion 1x0.5 front of upper part of right leg.
- 8) Linear abrasion 4x1cm over front of upper part of left leg.
- 9) Stab wound 4x1.5cms x Cavity deep over front of right



chest, 5cms below

Right clavicle and 6cms away from midline, directed backwards and downwards with severing of the muscles of the 2nd right intercostals space 3.5x1cm. The margins are clean cut. The inner angle is acute and the outer angle appear ragged.

10) Stab wound 2x1.5x5cms over front root of left side of neck 3 cms away from midline 1cm above the left clavicle directed inwards and downwards with partial severing of the sterno clavicular joint.

The margins are clean cut. The inner angle in acute and the outer angle appear ragged.

11) Stab wound 3x1.5cms x Cavity deep over left side of chest 3cms below left nipple and 12cms away from mid line, directed backwards and inwards with severing of the muscles of 4th intercostal space 3x1.5cms.

12) Stab wound 1x0.5x1.5cms over mid chest.

13) Cut wound 7x1.5x1cm over right side of forehead with superficial cut fracture involving the frontal skull.

14) Cut wound 3x1cm x Bone deep over right side of lower jaw 3.5cms away from midline.

15) Incised wound 7x1.5x1.5cms over back of lower 3rd of left fore arm.

16) Incised wound 6x1.5x2cms over outer aspect of upper part of left thigh.

17) Incised wound 3x1cm x Bone deep over front of right knee.

18) Cut injury 2.5x1x1cm over back of right side of head.

19) Incised wound 3x1x1cm over left external ear with partial resection of its attachment. The injuries are fresh and ante mortem in nature.”

He issued the post-mortem certificate, Ex.P10 with his opinion that the deceased would appear to have died 18 to 21 hours prior to post-mortem examination on account of haemorrhage shock due to the injuries sustained.

16. PW13 is the doctor who examined the husband of PW1 for the



injuries sustained by him on the date of occurrence. He has deposed that the injured was brought by PW1 at 9.10 P.M., on 14.06.2010 to the hospital by stating that 4 known persons attacked the injured with Aruval at 7.00 P.M. near her house. On clinical examination, he found multiple bruises and injuries on his head, face, neck, chest, left arm and legs. He was unconscious and had no pulse. Blood pressure could not be taken and a straight line was seen in the X-ray. He issued the Accident Register, Ex.P11. Since the injured died, he sent the body to the mortuary under Ex.P12 mortuary card.

17. PW15 is the official witness working as Deputy Director in the Forensic Science Department/Department of Biology. He has deposed that out of the case items received in nos.1,3,5,6,8,10,11,13,14 to 21, 23,24 for analysis, human blood was found in material nos.1,3,5,6,10,11,14 to 21 and 23 is human blood and the blood found in material nos.5,6 and 20 is pertaining to 'B' group. It was not possible to determine the type of blood found in other case materials. In respect of material no.19, the blood collected was not sufficient for analysis and in respect of material nos.8,13 & 24, the blood lost its nature. The investigation report dated 18.02.2011 regarding the above details was sent by registered post on 25.02.2011 to the 9th Metropolitan Magistrate Court, Saidapet. Further, when the test was conducted on blood sample collected from the deceased, its type could not be determined. The investigation report



regarding the above was prepared on 18.02.2011 and sent to the Royapettah Government Hospital, on 25.02.2011. The said reports are Exs.P13 & P14, respectively.

18. PW16 is also the official witness who sent the chemical analysis report, Ex.P15 on item nos.3 & 4-sample earth to the Court.

19. PW17 is also the official witness who served as Deputy Director of Forensic Science, who received the materials 1 to 24 for analysis and on scrutiny, found the bloodstain only in items 1,3,5,6,8,10,11,13 to 21, 23,24 and no bloodstain was found in the other items. He sent the items containing bloodstain to the biology department and items 3 & 4 to the chemistry department for analysis through his report, Ex.P16.

20. PW18 is the Investigating Officer who conducted investigation in the case. He has deposed that on receipt of complaint from Mrs.Lakshmi-PW1 at 22.30 hours on 14.06.2010, registered a case in Cr.No.619 of 2010 for the offence under Sections 147, 148, 341, 324, 397, 307, 302 and 506 (2) IPC. The First Information Report is Ex.P17. He visited the scene of occurrence at 23.00 hours and in the presence of witnesses Sivakumar and Vijayakumar, prepared the observation mahazar and drew a rough sketch under Exs.P18 & P19. On the



same day, in the presence of the above witnesses, a piece of blood-stained brick, a piece of unstained brick, cement floor with blood stain, cement floor without bloodstain, M.Os.1 to 4 were recovered under the seizure mahazar, Ex.P20; that from 00:30 and 1 O'clock midnight, he examined PWs.1 to 4 in the scene of occurrence and recorded their statements. On 15.06.2010, from 1.30 to 3 O'clock in the morning, he conducted inquest in the Government Royapettah hospital mortuary over the body of deceased and sent the body for post-mortem through HC 10524 Kamaraj of Thiruvannamipur Police Station. In connection with the above case, on 15.06.2010 at 12 Noon, he arrested the accused, namely, Appu alias Appunu, aged 19, S/o Natesan, Srinivasan alias Hariharan, S/o Bhavanishankar, Chandru, S/o Ravi, Stephen Raj, S/o Bharathan at S.R.P. Tools, Mahatma Gandhi Road near Thiruvannamipur Bus Stand, in the presence of witnesses Shanmugam and Karikalan and recorded their voluntary confession in the presence of the same witnesses. Based on that, in the presence of the same witnesses, the weapons used in the incident by the accused Appu, Srinivasan, Chandru and Stephen Raj, namely, three knives of 47 cm, 42 and 45 cm in length, M.Os.5 to 7, which were hidden in the thorn bush on the side of the Thiruvannamipur Canal, were seized under the mahazar, Ex.P21. The admissible portion of the confession statements are Exs.P22 to P25, respectively. Thereafter, the above accused were brought to the police station along with the seized material objects and after subjecting them to physical



examination, remanded them to judicial custody with adequate escort. He also recorded the subsequent confession statements of PWs.1 & 2. When he went in search of the other accused, on 17.06.2010 at 19.00 hours, he arrested the accused Gurumoorthy, S/o Ganesan, Nagaraj, S/o Soosai near the Corporation Park on the main road of Thiruvannamiyur Kamaraj Nagar in the presence of witnesses Ramalingam and Vinothkumar, and recorded their voluntary confession in the presence of the same witnesses on 17.06.2010 from 6.30 to 7.30 P.M., in the presence of the same witnesses. Later he brought the above accused to the police station and after subjecting them to physical examination, remanded them to judicial custody with adequate escort. On 18.06.2010 at 6.00 A.M., near Kottivakkam beach, he arrested the accused Pushparaj, S/o Kuppusamy, Guru, S/o Elumalai, Damu alias Damodharan, S/o Nagarajan in the presence of witnesses Sakthivel and Nagarajan and recorded their voluntary confession statements in the presence of the same witnesses. Later he seized the knife produced by the accused Guru from the hidden place along with the clothes, namely, one blood-stained darkblack jeans pant, one blood-stained white rose-colored striped fullhand shirt and one 43 cm long knife, M.Os.8 to 10, which were seized in the presence of the above witnesses under the seizure mahazar, Ex.P26. The admissible portion of the confession statement of Guru is Ex.P27. Thereafter, he remanded the accused to judicial custody. Subsequently, he came to know that the accused Saravanan, Krishnakumar, Kandakumar,



Rajendran had surrendered on 15.06.2010 before the Chengalpattu Magistrate No.1 and interrogated them for two days with the permission of the Court. At that time, the accused voluntarily came forward and gave separate confessions between 17.00 hours and 22.00 hours on 21.06.2010 in the presence of the witnesses Rajavelu and Sasikumar, the admissible portion of which are Exs.P28 to P31. On the basis of confession given by Rajendran, he recovered the 68 cm iron pipe named Panasonic, M.O.11 produced by the accused near the house of the deceased at 8 O'clock on 22.06.2010 in the presence of the above witnesses Rajavelu and Sasikumar, under the seizure mahazar, Ex.P32. On the same day, at 9 O'clock in the morning, he recovered the clothes, M.Os.12 to 22, namely, one bloodstained white colour pant, one bloodstained brown striped shirt, one cement colour pant, one skyblue shirt named fanna, one algae green colour pant, one cement colour shirt, one cement colour while border pant, one sandal white small checked shirt and three 37 cm long knives under the seizure mahazar, Ex.P33. The he brought the accused to the police station and after physical examination, remanded them to judicial custody. He arrested the accused Lakshmi at the address at Door No.116 of Thiruvanmiyur Ranganathapuram on 07.07.2010 at 13.30 hours with the help of the Woman Sub Inspector of Police Mrs.Kalaiselvi and remanded her to judicial custody through proper escort. On 12.07.2010 at 6.30 A.M., with the help of the Mrs.Kalaiselvi, Sub Inspector of Police, he arrested the accused Selvi and Logu alias Loganathan near the Tidel



Park, Taramani and remanded them to judicial custody. He also sent the seized M.Os.1 to 22 in Form-91 to the Court, which are Exs.P34 to P38 respectively.

He also recovered the bloodstained blue colour lungi, torn bloodstained white full-sleeve shirt, M.Os.23 & 24 in Form-91 produced by the Head Constable 10524 Mr.Kamaraj under Ex.P.39. The inquest and death reports are Exs.P40 & P41. Since he was transferred, he handed over the file to his successor.

21. PW14-Inspector of Police took up further investigation from his predecessor PW18 and sent the seized material objects and the documents through Court to the Forensic Department and that on receipt of forensic report, he filed the final report before the Court for the altered offences under Sections 147, 148, 341, 324, 302, 506(2) r/w 34 IPC against the accused.

22. After completion of trial, the Court below found that the prosecution has not proved its case beyond all reasonable doubt and therefore, acquitted the accused of all the charges giving the benefit of doubt in favour of them, as stated already, giving rise to the filing of the present appeal before this Court by the State.

23. The learned Additional Public Prosecutor appearing on behalf of the appellant-State would submit that PW1 is the wife of the deceased. PWs.2 & 3



are the sons of the deceased and PW4 is the daughter of the deceased. PWs.1 to 4 have been cited as eye-witnesses and they have categorically deposed about the overt act against the respondents/accused and they have also established the motive behind the murder. In her evidence, PW1 has clearly stated that when she was sitting in front of the house along with the deceased and children, at that time, due to previous enmity, the respondents came with deadly weapons and attacked the deceased. PW4 has also clearly stated about the occurrence and the evidence of PW1 corroborated with the evidence of PW4, who is also an injured eye-witness and before the doctor-PW11, PW4 has clearly stated that one known person cut her right thumb and the same was also entered in the Accident Register, Ex.P8 and further the medical evidence also corroborated with the ocular evidence. PW11 is the doctor, who gave first-aid to PW4 and made entry in the Accident Register, Ex.P8. PW12 is the doctor who conducted autopsy on the body of the deceased and Ex.P10 is the post-mortem certificate issued by PW12. PW13, who is the doctor who first saw the deceased in the hospital, has also stated that PW1, being the wife of the deceased, brought her husband to the hospital by stating that 4 known persons attacked him with sickles at about 7.00 P.M. on 14.06.2010 and on clinical examination, PW13 found that the injured died and therefore, he declared the death and sent the body to the mortuary. Ex.P11 is the Accident Register entry and therefore from the medical evidence and also the evidence of PWs.11 to 13 also clearly shows



that the deceased sustained injuries and PW4 also sustained injury. Therefore, the presence of PW4 is proved by the evidence of PW11 and Ex.P8. There is no contra evidence let in by the respondents/accused. Further, he would submit that the evidence of the forensic science experts, PWs.15,16 & 17 and also the serological report also clearly shows that the materials collected from the injured and the deceased tallied with the blood grouping and therefore the presence of A1 in the occurrence place is also proved. If the prosecution is able to prove the presence of the other accused even in the absence of any specific overt act against each of the accused, since they are members of unlawful assembly, they are liable to be punished. Therefore, in this case, the prosecution has proved through ocular evidence, medical evidence and the scientific evidence the guilt of the respondents/accused. However, the learned trial Judge failed to appreciate the evidence of the prosecution witnesses, which are clear, cogent and convincing and gave importance to the immaterial contradictions and insignificant discrepancies and acquitted the respondents by giving the benefit of doubt. Therefore, the judgment of acquittal passed by the trial Court is liable to be set aside.

24. Per contra, the respective learned counsel appearing on behalf of the respondents/accused would submit that in this case, the so-called eye-witnesses, PWs.1 to 4 are the relatives. PW1 is none other than the wife of the deceased,



PWs.2 & 3 are none other than the sons of the deceased and PW4 is none other than the daughter of the deceased. Though the prosecution has not examined any independent witness to prove the occurrence, all the mahazar witnesses, PWs.5 to 8 have turned hostile and they have not supported the case of the prosecution. The arrest and recovery have not been proved by the prosecution and even the evidence of PW13 shows that though he was informed that 4 known persons attacked the deceased, in the Accident Register, Ex.P11, it is clearly stated that unknown persons attacked him. Therefore, there is a contradiction. If the first available statement before the public Officer by the witness stating that the injuries were caused by unknown persons and the same was recorded in the public document, contra evidence cannot be let in and therefore it creates a doubt. When the respondents are neighbours and also known persons, how PW1 could have stated before the doctor that unknown persons attacked her husband with sickles and therefore, the prosecution has not proved its case beyond reasonable doubt. Further, PW4 was not admitted in the hospital and only she went for treatment, which also creates a doubt. Even the forensic reports would show that though the trousers were found with bloodstain, the result of the group test is inconclusive and it is not known whether the bloodstain in the trousers is that of the other accused or that of the deceased and therefore the scientific evidence will not be helpful to the prosecution to prove its case. Except the relative witnesses, PWs.1 to 4, who



are interested witnesses, no other witness has supported the case of the prosecution. When the medical evidence also is contra to the ocular evidence, the prosecution has not proved its case beyond reasonable doubt and there is no specific overt act against each of the respondents herein. It was further submitted that the time and place of occurrence also create a doubt and even the signature found in the complaint also does not tally with the signature of PW1. Further all the witnesses, PWs.1 to 4 have categorically stated that the deceased was attacked with knives, however, when the recovered knives were shown to them, they have stated that the weapons shown in the Court were not the weapons used in the occurrence and therefore the prosecution has failed to prove its case beyond reasonable doubt. Therefore, the trial Court rightly appreciated the evidence and rightly acquitted the respondents. The case of acquittal against the accused has got double presumption and such innocence of the accused will continue. Further, when the trial Court, while appreciating the evidence, found that the prosecution has not proved its case, it is the duty of the prosecution to prove that the appreciation of evidence by the trial Court is perverse and the accused are not innocent and they have committed the offence and the same has to be proved beyond reasonable doubt. Whereas in this case, the appellant has not proved the foundational fact that the respondents only committed the charged offences and due to that, the deceased sustained injuries and thereafter succumbed. Under these circumstances, there is no merit in the



appeal and the same is liable to be dismissed.

25. Heard both sides and perused the materials available on record.

26. The specific case of the prosecution is that due to previous enmity, the respondents conspired themselves to murder the deceased and that on 14.06.2010 at 19.00 hours, when PW1 and her husband were standing in front of their house, the respondents, forming an unlawful assembly, went to the house of the deceased and A1 to A8 armed with deadly weapons, knives & iron pipe, and surrounded by A9 to A16, attacked all over the body of the husband of PW1 and murdered him. When PW4, who is none other than the daughter of PW1, came for rescue, she also sustained injuries.

27. It is seen from the records that PW1 is the wife of the deceased and the occurrence place is just in front of the house of PW1 and she gave the complaint, Ex.P1 and set the law into motion. Further PW1 took the injured to the hospital on 14.06.2010 and PW13, duty doctor admitted the injured and on clinical examination found that the deceased was brought dead and made entry in the Accident Register that unknown persons attacked the deceased. When the doctor was examined as PW13, he has clearly stated that PW1 brought her husband to the hospital and she informed that her husband was assaulted by

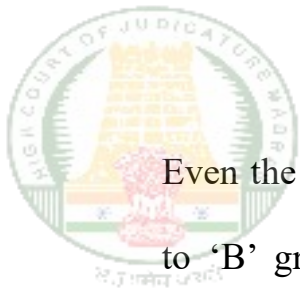


known persons. Though in the Accident Register, Ex.P11, it is mentioned that the injured was assaulted by 4 unknown persons, however, during the chief examination, the doctor has clearly deposed that PW1 informed him that 4 known persons attacked her husband and even otherwise, PW4, who is the daughter of the deceased and PW1, has stated before the doctor, PW11 that she sustained injury due to the assault made by one known person around 7.15 P.M. on 14.06.2010, which was recorded in the Accident Register, Ex.P8. When PWs.1 & 4 are mother and daughter and the place of occurrence is just in front of their house, the presence of PW4 cannot be doubted and no contra evidence was produced. Even the evidence of PW11-Doctor, who issued the Accident Register, Ex.P8, clearly shows that the assault was made by one known person on 14.06.2010 at 7.15 P.M., and though she went to the hospital on 15.06.2010 at about 4.30 A.M., the occurrence took place on 14.06.2010 and as per the evidence of PW13, duty doctor who admitted the injured in the hospital for treatment, he found the injured brought dead at about 9.10 P.M. on 14.06.2010 and that the occurrence took place on 14.06.2010 between 7.00 and 7.15 P.M. Though the occurrence took place on 14.06.2010 between 7.00 and 7.15 P.M., and the injured was brought to the hospital on the same day at about 9.10 P.M., since the father of PW4 was declared dead, the body was sent to the mortuary. Thereafter, PW4 went to the hospital around 4.30 A.M., on 15.06.2010, where she stated that she sustained injury, which was caused by one known person,



and therefore the presence of PWs.1 & 4 are not doubtful, because PWs.1 to 4 are the close relatives of the deceased, namely, wife, sons and daughter respectively. In this case, already there was a previous enmity, as the deceased caused injury to the wife of one of the accused, and in order to take revenge, the respondents/accused conspired together and formed an unlawful assembly and attacked the deceased with weapons and due to that, he sustained grievous injuries and succumbed to the injuries later. In this situation, the villagers will not come for giving any evidence. Therefore, considering the mere non-examination of any independent witness, the Court cannot totally ignore the evidence of the relative witnesses, unless it is shown that they are interested witnesses and their version is exaggerated or utterly false evidence.

28. A combined reading of the evidence of PWs.1 to 4 would clearly show that due to previous enmity between the families of the deceased and the accused, the deceased was attacked in front of his house and that the evidence of PW4 would also show that she was present at the time of occurrence with the deceased and that when PW1 came out of the house, all the accused attacked her husband. Therefore the injured was immediately taken to the hospital on the same day at about 9.10 P.M., where the doctor found that the injured was brought dead. Subsequently, autopsy was conducted and the material objects collected from the deceased and the accused were sent for chemical analysis.



Even the serological report, Ex.P13 clearly shows that human blood pertaining to 'B' group was detected in the trousers and it belonged to the deceased.

Therefore, the commission of offence by the respondents/accused is proved by the evidence of the eye-witnesses and also the medical evidence. Even PW12, post-mortem doctor has clearly stated that he found 19 external injuries as stated in the post-mortem certificate, Ex.P10 on the body and that the deceased succumbed to the injuries even prior to reaching the hospital. A combined reading of the evidence of PWs.1 to 4 will prove that A1 to A8 caused injuries on the deceased with deadly weapons. Though in this case, there are no specific overt acts against A9 to A16 for causing injuries on the body of the deceased, the evidence of the ocular witnesses will show that they formed an unlawful assembly and gathered near the house of the deceased and helped A1 to A8 to commit the murder by threatening the family members. In cases of this nature, considering the scope and object of Section 149 IPC, even if there is a specific overt act against one accused and the presence of the other accused is proved for conspiring together and that the deceased succumbed to the injuries caused by one of the accused, then all the accused are liable to be punished under Section 302 r/w 149 IPC, as the prosecution, in this case, has clearly proved that A1 to A8 came with deadly weapons and caused fatal injuries on the body of the deceased, due to which he succumbed later, and A9 to A16 also, one way or the other, helped A1 to A8 to take away the life of the deceased.



29. Though the mahazar witnesses, PWs.5 to 8 have turned hostile, that itself will not be fatal to the prosecution case. Further, any defect or lapses in investigation will not affect the case of the prosecution. Moreover, in this case, there are direct eye-witnesses, as they were all present in the place of occurrence and their evidence are cogent, consistent and reliable and that there is no reason to discard their evidence. Further, it is a well settled proposition that when number of persons formed an unlawful assembly and involved in the criminal acts, it is very difficult to point out the specific overt act of each and every accused. If once the presence of all the accused is proved and the specific overt act against one of the accused is proved, as a result of which the deceased sustained injuries and succumbed later, all the accused are liable to be punished under Section 302 r/w 149 IPC. Further in this case, the occurrence took place in the year 2010 and the chief examination of the prosecution witnesses was done in the year 2012 followed by the cross examination in the year 2016. Therefore, the discrepancies in the evidence is inevitable.

30.1. The first charge framed against the respondents/accused is that due to previous enmity, on 14.06.2010 at about 19.00 hours, when the deceased and PW1 were chatting in front of their house, A1 to A8, armed with deadly weapons, with a common intention to murder the deceased, and A9 to A16, formed an unlawful assembly. Therefore, this Court, on re-appreciation of



evidence, finds that A1 to A8 are liable to be convicted for the charged offence under Section 148 IPC and A9 to A16 are liable to be convicted under Section 147 IPC, respectively.

30.2. The second charge framed against the respondents/accused is that in continuation of the above conspiracy on the same date, time and place, A1 to A16 wrongfully restrained the deceased and PW1 from moving away from the place, thereby they are liable to be convicted for the charged offence under Section 341 IPC.

30.3. The third charge framed against A1 to A8 is that in continuation of the above conspiracy, on the same date, time and place, A1 to A8 inflicted fatal injuries on the body of the deceased and caused his murder and A9 to A16, with a common intention to murder the deceased, formed themselves into an unlawful assembly, thereby A1 to A8 are liable to be convicted for the charged offence under Section 302 IPC and A9 to A16 are liable to be convicted for the charged offence under Section 302 r/w 149 IPC.

31. However, this Court finds that the prosecution has not proved the charges under Sections 397 & 324 IPC against A5 and under Sections 397 r/w 149 IPC & 324 r/w 149 IPC against A1 to A4 & A6 to A16 as well as the charge



under Section 506(ii) IPC against A1 to A16, respectively.

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32. In the light of the above, since A7 & A8 died during trial and A2, A5, A9, A10 & A14 died during the pendency of appeal and the charges stood abated against them, while reversing the judgment of the trial Court and convicting the respondents 1, 3, 4, 6 herein/A1, A3, A4, A6 for the offence under Sections 148, 341 & 302 IPC and convicting the respondents 9, 10, 11, 13 & 14 herein/A11, A12, A13, A15 & A16 for the offence under Sections 147, 341 & 302 r/w 149 IPC, respectively, this Court, in the interest of justice, is inclined to hear them on the question of sentence to be imposed against them considering the mitigating circumstances involved in this case. Accordingly, the respondents 1, 3, 4, 6, 9, 10, 11, 13 & 14 herein are directed to appear before the Court on 11.02.2026 for hearing them on the question of sentence to be imposed against them, failing which the appellant Police shall secure them and produce before the Court on the said date.

33. Post on 11.02.2026.

(P.VELMURUGAN J.) (M.JOTHIRAMAN J.)
04-02-2026

Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

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Crl.A.No. 504 of 2019

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Crl.A.No. 504 of 2019

**P.VELMURUGAN, J.
AND
M.JOTHIRAMAN, J.**

(Judgment of the Court was made by P.VELMURUGAN, J.)

This Court, by judgment dated 04.02.2026, while convicting respondents 1, 3, 4, 6, 9, 10, 11, 13 and 14 (A1, A3, A4, A6, A11, A12, A13, A15 and A16), directed the matter to be listed before the Court for questioning the accused regarding the sentence to be imposed on them.

2. Pursuant thereto, respondents 3 and 4 appeared before this Court. However, respondents 1, 6, 9, 10, 11, 13 and 14, failed to appear, despite intimation having been given by the appellant/State.

3. Upon questioning, respondents 3 and 4/A3 and A4 stated that they are in no way connected with the occurrence and that a false case has been foisted against them.



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4. This Court has considered the submissions made by respondents 3 and 4/A3 and A4 on the question of sentence.

5. Having regard to the facts and circumstances of the case and the grave nature of the offence, this Court finds that the prosecution has proved that respondents 3 and 4/A3 and A4 committed the offence punishable under Sections 148, 341 and 302 IPC. Accordingly, for the offence under Section 302 IPC, respondents 3 and 4 are sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/- each; in default of payment of fine, they shall undergo rigorous imprisonment for a further period of six months. Since the aforesaid respondents have been awarded a sentence of life imprisonment for major charge, this Court is of the view that to meet the ends of justice, no separate sentence be imposed for the offences under Sections 148 and 341 IPC.

6. Since this is a judgment of reversal and this Court has found respondents 3 and 4/A3 and A4 guilty of the offences charged and has convicted and sentenced them accordingly, and having regard to the facts and circumstances of the case, this Court directs that the substantive



Crl.A.No. 504 of 2019

sentence imposed on respondents 3 and 4 shall remain suspended to enable them to prefer an appeal.

7. The appellant/State is directed to secure and produce respondents 1, 6, 9, 10, 11, 13 and 14/A1, A6, A11, A12, A13, A15 and A16, before this Court on 16.02.2026 for the purpose of hearing them on the question of sentence, taking into consideration the mitigating circumstances, if any, available to them.

Post on 16.02.2026.

[P.V.,J.]

[M.J.R.,J.]

11.02.2026

ms

Note :

Registry is directed to issue copy of the judgment by today itself (i.e, on 11.02.2026).



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Crl.A.No. 504 of 2019

**P.VELMURUGAN, J.
AND
M.JOTHIRAMAN, J.**

(Judgment of the Court was made by P.VELMURUGAN, J.)

This Court, by judgment dated 04.02.2026, while convicting respondents 1, 3, 4, 6, 9, 10, 11, 13 and 14 (A1, A3, A4, A6, A11, A12, A13, A15 and A16), directed that the matter be posted for hearing the accused on the question of sentence to be imposed on them..

2. Pursuant thereto, on 11.02.2026, respondents 3 and 4 appeared before this Court. However, respondents 1, 6, 9, 10, 11, 13 and 14, failed to appear, despite intimation having been given by the appellant/State. Hence, this Court directed the appellant/State to secure the aforesaid respondents and produce them before this Court and the matter was directed to be listed on 16.02.2026.



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3. Today, when the matter was taken up for hearing, respondents 1, 6, 9, 10, 11, 13 and 14 (A1, A6, A11, A12, A13, A15 and A16) appeared. Upon questioning, they have stated that they are in no way connected with the occurrence and that a false case has been foisted against them.

4. This Court has considered the submissions made by respondents 1, 6, 9, 10, 11, 13 and 14 (A1, A6, A11, A12, A13, A15 and A16) on the question of sentence.

5. Having regard to the facts and circumstances of the case and the grave nature of the offence, this Court finds that the prosecution has proved that respondents 1 and 6 (A1 and A6) committed the offence punishable under Sections 148, 341 and 302 IPC and that respondents 9, 10, 11, 13 and 14 (A11, A12, A13, A15 and A16) committed the offence punishable under Sections 147, 341 and 302 read with 149 IPC, respectively. Accordingly, for the offence under Section 302 IPC, respondents 1 and 6 (A1 and A6) are sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/- each; in default of payment of fine, they shall undergo rigorous imprisonment for a



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further period of six months; and for the offence under Section 302 read with 149 IPC respondents 9, 10, 11, 13 and 14 (A11, A12, A13, A15 and A16) are sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/- each; in default of payment of fine, they shall undergo rigorous imprisonment for a further period of six months. Since the aforesaid respondents have been awarded the sentence of life imprisonment for major charge, this Court is of the view that to meet the ends of justice, no separate sentence be imposed for the offences under Sections 147, 148 and 341 IPC.

[P.V.,J.]

[M.J.R.,J.]

16.02.2026

ms

Note :

- (i) Registry is directed to issue copy of the judgment by today itself (i.e, on **16.02.2026**).
- (ii) The appellant/State is directed to commit the respondents 1, 6, 9, 10, 11, 13 and 14 / to prison to undergo the period of imprisonment.

Copy to: (i) The Superintendent of Jail, Central Prison - I, Puzhal, Chennai.
(ii) The Superintendent of Jail, Special Prison for Women, Puzhal, Chennai.



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To

1. The VII Additional Sessions Judge
Chennai
2. The Inspector of Police
J6, Thiruvanmiyur Police Station,
Chennai
(Cr.No.619/2010)
3. The Public Prosecutor
High Court, Madras



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**P.VELMURUGAN J.
AND
M.JOTHIRAMAN J.**

SS

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04-02-2026