



Crl.A(MD)No.15 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2026

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

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Vellaiammal

... Appellant/Sole Accused

Vs.

The State Rep. by its
The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
(In Cr.No.286 of 2018)

... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C.
to call for the records of the impugned judgment made in S.C.No.36
of 2019, on the file of the Fast Track Mahila Court, Virudhunagar
District at Srivilliputhur, dated 12.12.2022 and set aside the same.



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For Appellant : Mr.M.Jegadeesh Pandian
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

JUDGMENT

**(Judgment of the Court was delivered by
G.K.ILANTHIRAIYAN, J.)**

This appeal has been filed as against the Judgment passed in S.C.No.36 of 2019, dated 12.12.2022, on the file of the Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, thereby convicting the appellant for the offences punishable under Sections 302 and 201 of IPC.

2. The case of the prosecution is that the deceased and the accused were close relatives. Both their respective husbands had passed away, which led to a close acquaintance between the two women. During this period of acquaintance, the accused had an illegal intimacy with one Mani @ Balasubramanian. On 07.08.2018, the said Mani @ Balasubramanian borrowed Rs.30,000/- from the



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accused. The accused pledged her mother's jewels and paid the same to the said person. Later, when the accused asked him to repay the loan so she could redeem her jewels, he refused repayment. The deceased inquired the accused about her problems, and the accused disclosed everything to the deceased. In response, the deceased warned the accused not to have any relationship with the said Mani @ Balasubramanian. The deceased further threatened the accused that if she continued the relationship with this person, she would inform the same to her parents. The accused allegedly pleaded the deceased not to disclose to anyone about their intimate relationship and about the money transaction to anyone. This led to a quarrel between them. Subsequently, the accused went to the deceased's house, took an '**Aruvamanai**' (vegetable cutter) from the house, and assaulted her with it. As a result of the attack, the victim sustained grievous injuries and subsequently succumbed to them. In the course of the crime, the accused had stolen the deceased's gold ornaments and her cell phone. Additionally, the accused took the **Aruvamanai**,



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which was the weapon used to inflict the fatal injuries, from the scene.

3. On the basis of the complaint, the respondent registered an F.I.R in Crime No.286 of 2018 for the offences punishable under Sections 302 and 380 of IPC and thereafter, the offences were altered into Sections 302, 404 and 201 of IPC. After completion of investigation, the respondent filed a final report and the same has been taken cognizance by the Trial Court.

4. On the side of the prosecution, in order to bring the charges to home, they examined P.W.1 to P.W.20 and Exs.P1 to P17 were marked. The prosecution also produced Material Objects M.O.1 to M.O.16. On the side of the accused, D.W.1 was examined and Ex.D1 was marked.



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5. On perusal of the oral and documentary evidence, the trial Court found the accused guilty for the offence punishable under Sections 302, 404 and 201 of I.P.C. She was sentenced to undergo life imprisonment and was imposed a fine of Rs.3,000/-, in default, to undergo six months Rigorous Imprisonment for an offence punishable under Section 302 of IPC. She was further sentenced to undergo two years Rigorous Imprisonment and was imposed a fine of Rs.2,000/-, in default, to undergo three months Rigorous Imprisonment for an offence punishable under Section 404 of IPC. She also sentenced to undergo seven years Rigorous Imprisonment and imposed a fine of Rs.2,000/- in default, to undergo three months Rigorous Imprisonment for an offence punishable under Section 201 of IPC. Aggrieved by the same, the present appeal has been filed by the appellant.



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6. The learned counsel appearing for the appellant submits that the entire case projected by the prosecution is solely based on the circumstantial evidence, as there is no eye witness in this case. The prosecution failed to prove the chain of circumstances as against the accused in order to prove the participation of the accused in the occurrence beyond reasonable doubt. Even then, the trial Court mechanically convicted the accused. The trial court primarily relied on the extra-judicial confession, which was made several months after the alleged incident. Such a confession is generally inadmissible as evidence, particularly when it is not corroborated by other direct evidences. Moreover, in a case based on circumstantial evidence, the trial court should have carefully scrutinized each piece of circumstantial evidence and considered all possible interpretations before arriving at a conviction. Failure to do so raises serious doubts about the correctness of the trial court's judgment. The alleged occurrence had taken place on 29.08.2018, but the complaint was lodged only on 30.08.2018 and the accused herself surrendered

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before the Village Administrative Officer, that too, after three months from the date of occurrence. Based on the extra judicial confession given by the accused, recovery has been made. In fact, even before the extra judicial confession, the accused was examined by the Investigating Officer and her statement was recorded as witness. Therefore, in an attempt to foist a false case against the appellant, the prosecution introduced an extra-judicial confession statement and effected a recovery. However, the recovery made by the prosecution is contrary to its own case, in light of the evidence presented by D.W.1 and Ex.D1. He further submits that there is no corroboration between the evidence of P.Ws.1,4,5,10 and 13 to prove the charges as against the appellant. Therefore, the prosecution miserably failed to prove their case and hence, the order of conviction and sentence are liable to be set aside.

7. The learned counsel for the appellant relied upon the judgment of the Hon'ble Supreme Court of India in the case of



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Chandrabhan Sudam Sanap vs. State of Maharashtra reported in ***(2025) 7 Supreme Court Cases 401***. In the above cited judgment, the Hon'ble Supreme Court of India held as follows:-

“109. In [*Nikhil Chandra Mondal v. State of W.B.*](#), (2023) 6 SCC 605, one of us (B.R. Gavai, J.) speaking for the Court, felicitously set out the Statement of law thus:

“16. It is a settled principle of law that extra-judicial confession is a weak piece of evidence. It has been held that where an extra-judicial confession is surrounded by suspicious circumstances, its credibility becomes doubtful and it loses its importance. It has further been held that it is well-settled that it is a rule of caution where the court would generally look for an independent reliable corroboration before placing any reliance upon such extra-judicial confession. It has been held that there is no doubt that conviction can be based on extra-judicial confession, but in the very nature of things, it is a weak piece of evidence.

17. Reliance in this respect could be placed on the judgment of this Court in [*Sahadevan v. State of T.N.*](#) [[*Sahadevan v.State of T.N.*](#), (2012) 6 SCC 403 : (2012)



3 SCC (Cri) 146] This Court, in the said case, after referring to various earlier judgments on the point, observed thus : (SCC pp. 412-13, para 16)

“16. Upon a proper analysis of the above referred judgments of this Court, it will be appropriate to state the principles which would make an extra-judicial confession an admissible piece of evidence capable of forming the basis of conviction of an accused. These precepts would guide the judicial mind while dealing with the veracity of cases where the prosecution heavily relies upon an extra-judicial confession alleged to have been made by the accused:

(i) The extra-judicial confession is a weak evidence by itself.

It has to be examined by the court with greater care and caution.

(ii) It should be made voluntarily and should be truthful.

(iii) It should inspire confidence.

(iv) An extra-judicial confession attains greater credibility and evidentiary



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value if it is supported by a chain of cogent circumstances and is further corroborated by other prosecution evidence.

(v) For an extra-judicial confession to be the basis of conviction, it should not suffer from any material discrepancies and inherent improbabilities.

(vi) Such statement essentially has to be proved like any other fact and in accordance with law.”

8. Per contra, the learned Additional Public Prosecutor appearing for the respondent submits that, although the accused was examined by the Investigating Officer, it was done merely on the basis of suspicion, because the accused happens to be a neighbor of the deceased. Further, on the basis of the extra judicial confession, there was a recovery and it was clearly proved by the prosecution. The prosecution also proved the motive behind the entire crime.

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Hence, the Trial Court rightly convicted the appellant, and the conviction does not call for any interference of this Court.

9. Heard the learned counsel appearing on either side and perused the materials placed on record.

10. It is a case of circumstantial evidence. The motive behind the crime established by the prosecution was that the accused and the deceased were neighbours and close relatives and both were well-acquainted. According to the prosecution, P.W.1 had seen both the accused and the deceased while they were chating on 29.08.2018 at about 08.00 p.m., and next day ie., on 30.08.2018 he heard that the deceased was murdered. He also deposed that gold chain weighing three sovereigns and another chain weighing two sovereigns along with one ring weighing $\frac{1}{2}$ sovereigns were missing in the body of the deceased and hence, he lodged a complaint. There are no eye witnesses to the occurrence. For a period of three months

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from the date of the incident, enquiries were conducted. During this period, the accused was questioned, and her statement was recorded by the Investigating Officer, along with the statements of other relevant individuals. After three months, the accused herself appeared before P.W.6 and made an extra-judicial confession in the presence of the Village Assistant. This statement was formally recorded, marked as Ex.P2, and subsequently handed over to the Investigating Officer. The admitted portion of the confession statement was marked as Ex.P3. Based on the confession statement, material objects were recovered from the accused and the same has been produced before the trial Court, such as 24 grams of gold chain, 16 grams of another gold chain and 4 grams of gold ring and the blood stained Yellow bag, blood stained 'Aruvamanai', blood stained saree and blood stained blouse. The Extra Judicial Confession statement was marked as Ex.P3. Therefore, the confession statement led to recovery of the gold ornaments and the weapon used in the alleged occurrence. To disbelieve the extra

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judicial confession, there is no evidence and the trial Court rightly had taken into consideration the extra judicial confession for convicting the accused. The injuries found in the body of the deceased also corroborates the confession statement.

11. The only point for consideration in this case is whether the prosecution proved the charge under Section 302 of IPC or not?

12. On the basis of the evidence on record, though the occurrence had taken place in the house of the deceased, the accused did not carry any weapon to the deceased's house. In the deceased's house, there was a quarrel between the deceased and the accused with regard to disclosure of the accused's illegal intimacy with one Mani @ Balasubramanian and borrowal of money by pledging the accused's mother's jewels. Therefore, the accused had no intention to do away with the life of the deceased. Both were close acquaintance and also close relatives. Therefore, during the quarrel, the accused

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had taken the Aruvamanai from the house of the deceased and attacked her. Therefore, the prosecution failed to prove the charge under Section 302 of IPC. However, it clearly attracts the charge under Section 304 Part I of IPC.

13. In this regard, it is relevant to rely upon the judgement of the Hon'ble Supreme Court of India in the case of ***Pulicherla Nagaraju @ Nagaraja Reddy v. State of A.P [2007 (1) SCC (CRI) 500]***, wherein it has been observed as follows:

“18. Therefore, the court should proceed to decide the pivotal question of intention, with care and caution, as that will decide whether the case falls under Section 302 or 304 Part I or 304 Part II. Many petty or insignificant matters like plucking of a fruit, straying of cattle, quarrel of children, utterance of a rude word or even an objectionable glance, may lead to altercations and group clashes culminating in deaths. Usual motives like revenge, greed, jealousy or suspicion may be totally absent in such cases. There may be no intention. There



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may be no pre-meditation. In fact, there may not even be criminality. At the other end of the spectrum, there may be cases of murder where the accused attempts to avoid the penalty for murder by attempting to put forth a case that there was no intention to cause death. It is for the courts to ensure that the cases of murder punishable under Section 302, are not converted into offences punishable under Section 304 Part I/II, or cases of culpable homicide not amounting to murder, are treated as murder punishable under Section 302. The intention to cause death can be gathered generally from a combination of a few or several of the following, among other, circumstances :

- (i) nature of the weapon used;*
- (ii) whether the weapon was carried by the accused or was picked up from the spot;*
- (iii) whether the blow is aimed at a vital part of the body;*
- (iv) the amount of force employed in causing injury;*
- (v) whether the act was in the course of sudden quarrel or sudden fight or free for all fight;*



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(vi) whether the incident occurs by chance or whether there was any pre- meditation;

(vii) whether there was any prior enmity or whether the deceased was a stranger;

(viii) whether there was any grave and sudden provocation, and if so, the cause for such provocation;

(ix) whether it was in the heat of passion;

(x) whether the person inflicting the injury has taken undue advantage or has acted in a cruel and unusual manner;

(xi) whether the accused dealt a single blow or several blows. The above list of circumstances is, of course, not exhaustive and there may be several other special circumstances with reference to individual cases which may throw light on the question of intention. Be that as it may.”

14. The above judgment is squarely applicable to the case on hand. The prosecution failed to prove the charge under Section 302 of IPC, however, the appellant is liable to be punished for the offence punishable under Section 304 Part I of I.P.C.

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15.In view of the above, the conviction and sentence imposed on the appellant for the offence punishable under Section 302 of I.P.C are set aside. The appellant is convicted for the offence punishable under Section 304 Part I of I.P.C and sentenced to undergo five years Rigorous Imprisonment and to pay a fine of Rs.3,000/- in default, to undergo six months Rigorous Imprisonment. Insofar as the conviction under Section 404 of IPC is concerned, the conviction and sentence imposed on the appellant is hereby confirmed. The conviction under Section 201 of IPC is hereby confirmed and the sentence for an offence under Section 201 of IPC is reduced to the period of five years Rigorous Imprisonment from seven year Rigorous Imprisonment and the appellant has to pay a fine of Rs.2,000/- in default, to undergo three months Rigorous Imprisonment.



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16. With the above modification, the Criminal Appeal is partly allowed. It is made clear that if the appellant has already paid any fine, the same shall be adjusted towards the fine amount imposed by this Court. The sentences of imprisonment shall run concurrently. The period of imprisonment already undergone by the appellants shall be set off under Section 428 of Cr.P.C. The respondent police is directed to secure the accused and produce him before the trial Court for taking further steps.

**[G.K.I.J.] & [R.P.J.,]
05.02.2026**

NCC :Yes/No
Index :Yes/No
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To

- 1.The Fast Track Mahila Court,
Virudhunagar District at Srivilliputhur,
- 2.The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K. ILANTHIRAIYAN, J.
AND
R. POORNIMA, J.

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