



Crl.A(MD)No.256 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2026

CORAM:

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

**Crl.A(MD)No.256 of 2026
and
Crl.M.P(MD)No.3982 of 2026**

Veluchamy @ Koonavayan

... Appellant/Accused No.3

Vs.

The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Taluk Police Station,
Paramakudi,
Ramanathapuram District.
(Crime No.140 of 2015)

... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C/Section 415(2) of B.N.S.S., 2023 to call for the records and set aside the judgment and conviction dated 06.11.2025 passed by the learned Principal District and Sessions Judge, Ramanathapuram District in S.C.No.19 of 2017 and acquit the appellant.

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For Appellant : Mr.P.Hariharan

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

JUDGMENT

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

This appeal is directed as against the Judgment passed in S.C.No.19 of 2017, dated 06.11.2025, on the file of the learned Principal District and Sessions Judge, Ramanathapuram District. thereby convicting the appellant for the offences punishable under Sections 341, 34 read with 302 of I.P.C.

2.The case of the prosecution is that the deceased was running a chicken stall and also engaged in the lorry business. 1-1/2 months prior to the occurrence, the deceased had gone to Theeyanur Village for a programme along with P.W.11, P.W.12 and P.W.13. After attending the program, while they were returning to Paramakudi, nearing the Government Hospital bus stop near

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Kattuparamakudi at about 01.00 p.m., the car belonging to the deceased was rear-ended by another car driven by A.1. A.1 was accompanied by A.6 in the said car.

3.Immediately, the deceased got out of his car and questioned A.1 about why he had rear-ended his vehicle. Even then, A.1 did not apologize and a quarrel ensued between them. During the quarrel, A.1 and A.6 threatened the deceased with dire consequences. They also threatened that they would not spare him and would kill him. Even after this incident, the deceased was intimidated by A.1 whenever they encountered each other.

4.While being so, on 23.11.2015 at about 09.30 p.m., when P.W.20 and P.W.21 were travelling from Paramakudi to Theeyanur Village in a two-wheeler, they saw 6 or 7 persons standing near a petty shop, with A.2 among them. They heard a conversation in which the group was discussing plans to kill someone. On their

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return from Theeyanur Village at 10.40 p.m., they saw a Tata Indica Vista car, owned by the deceased, being followed by A.2 along with two others in a motorcycle, holding knives in their hands. They also had an iron rod on the side of the bike. Three other individuals were following in another two-wheeler and all of them went behind the deceased's car.

5.On 24.11.2015 at about 06.00 a.m., P.W.6 found the deceased lying dead with multiple injuries near his car at Adhi Dravidar Colony. A complaint was immediately lodged by P.W.1.

6.Based on the complaint, the respondent registered an F.I.R in Crime No.140 of 2015 for the offences punishable under Sections 147, 148, 120-B, 109, 114, 341, 201, 212, 34, 302 of I.P.C read with 3(1) of TNPPDL Act, 1992. After completion of the investigation, a final report was filed and the same was taken

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cognizance by the Trial Court and charges were framed as against A1 to A3 for the offences under Sections 147, 148, 120(B), 302 of IPC, A2 for the offences under Sections 147, 148, 120(B) and 302 of IPC, A4 and A5 for the offences under Sections 147, 148, 120(B), 341, 302 r/w 3(1) of TNPPDL Act, A7 for the offences under Sections 201, 212, 120(B), 34 r/w 302 of IPC, A8 and A9 for the offences under Sections 212, 120(B), 34 r/w 302 of IPC and A10 to A12 for the offences under Sections 34 r/w 302, 114 r/w 302 of IPC. Thereafter, the charges were altered by the Trial Court as against A1 and A3 for the offences under Sections 120(B), 148, 341 and 302 of IPC, A2 for the offences under Sections 120(B), 148 and 302 of IPC, A4 and A5 for the offences under Sections 120(B), 148, 302 of IPC and 3(1) of TNPPDL Act, A7 for the offences under Sections 120(B). 302 r/w 34, 212 and 201 of IPC, A8 and A9 for the offences under Sections 120(B), 302 r/w 34 and 212 of IPC and A10 to A12 for the offences under Sections 302 r/w 34, 114 r/w 302 of IPC.



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7.In order to bring the charges to home, the prosecution examined P.W.1 to P.W.31 and marked Exs.P.1 to P.55. The prosecution also produced Material Objects M.O.1 to M.O.25. On the side of the accused, no witnesses were examined and no documents were produced before the Trial Court.

8.On perusal of the oral and documentary evidence, the trial Court found A.2, A.4 and A.5 guilty for the offences punishable under Sections 148 and 302 of IPC; A.4 and A.5 guilty for the offences punishable under Section 3 of TNPPDL Act; A.3 for the offences punishable under Sections 341, 34 r/w 302 of IPC; A7 for the offences punishable under Sections 201 and 212 of IPC; A8 and A9 for the offence punishable under Section 212 of IPC and A2 is sentenced to undergo 3 years Rigorous imprisonment for the offence under Section 148 of IPC and a life sentence and is directed to pay a fine of Rs.10,000/- in default, to undergo Simple Imprisonment for 6 months for the offence under Section 302 of IPC; A4 and A5 are

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sentenced to undergo 3 years Rigorous imprisonment each for the offence under Section 148 of IPC and a life sentence each and are directed to pay a fine of Rs.10,000/-each in default, to under Simple Imprisonment for 6 months each for the offence under Section 302 of IPC and 5 years Rigorous Imprisonment each and are directed to pay a fine of Rs.2,000/- each in default, to undergo Simple Imprisonment for 3 months each for the offence under Section 3 of TNPPDL Act. Further, A3 is sentenced to undergo one month Simple Imprisonment for the offence under Section 341 of IPC and a life sentence and is directed to pay a fine of Rs.10,000/- in default, to undergo Simple Imprisonment for 6 months for the offence under Section 34 r/w 302 of IPC. Further, A.7 is sentenced to undergo 7 years Rigorous Imprisonment and is directed to pay a fine of Rs.5,000/- in default, to undergo Simple Imprisonment for 3 months for the offence under Section 201 of IPC. Further, A.7, A.8 and A.9 are directed to undergo 5 years Rigorous Imprisonment each and a fine of Rs.5,000/- each in default, to undergo Simple Imprisonment

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for 3 months each for the offence under Section 212 of IPC. A.10 to A.12 are acquitted of the charges against them. A.2, A.3, A.4, A.5, A.7 to A.9 are acquitted of the charge under Section 120(B) of IPC. Aggrieved by the same, the appellant/Accused No.3 has filed the present Criminal Appeal.

9.The learned counsel appearing for the appellant submitted that there was no eyewitness to the alleged occurrence and that the entire conviction is based solely on the extra-judicial confession statement. Therefore, the conviction cannot be sustained and is liable to be set aside. Further, the prosecution failed to prove the motive behind the crime. Even assuming that there was a motive, it is only against A.1, who passed away during trial.

10.It is alleged that 1-1/2 months prior to the occurrence, that too without even mentioning the exact date, A.1 dashed against the car driven by the deceased. According to the prosecution, a

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quarrel ensued, during which A.1 along with A.6 threatened the deceased with dire consequences and stated that they would kill him some other day. This allegation has not been substantiated by any piece of evidence by the prosecution before the Trial Court.

11. Based on the confession statement of A.1, two two-wheelers that were alleged to have been used in the commission of the crime were seized. However, the prosecution failed to establish the “last seen” theory against the accused.

12. P.W.20 and P.W.21 were examined to prove the last seen theory. According to them, they had seen the accused persons holding a knife and an iron rod in their respective bikes. They also stated that the accused planned to terminate someone's life and followed the Tata Indica Vista Car which was driven by the deceased. However, P.W.20 and P.W.21 turned hostile and did not support the case of the prosecution to prove the last seen theory.



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13.The Trial Court mainly relied upon the evidence of P.W.3 and P.W.4, who stated that they had seen the accused persons near the bus stop. However, they also did not support the case of the prosecution, as they turned hostile.

14.P.W.9 deposed that on 21.11.2015 at about 06.00 p.m., he was instructed by the respondent to come to R.S.Mangalam Kaikaatti, where they found a xylo car and accused Nos.1, 3, 6 and 7. Based on the confession statement of A.1, they went to the house of A.2 and recovered two bikes. However, as per the evidence of P.W.6, he had seen the body of the deceased on 24.11.2015 at about 06.00 p.m. Therefore, the recovery of the motorcycles prior to the alleged occurrence renders the evidence of P.W.9 unbelievable. Consequently, the prosecution failed to prove the recovery of the motorcycles as well as the weapons which were allegedly used in the commission of the crime.

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15.Further the prosecution also failed to prove the arrest of A.5 and the recovery of weapon from him. P.W.16 had deposed with regard to the arrest of A.5 and recovery of the weapon from A.5. He was examined on 12.12.2022 and deposed that they went to Muthusellapuram Railway Gate and recovered a knife, that too after a delay of 41 days. Therefore the prosecution completely failed to prove any of the charges as against the accused and even then, the Trial Court without considering the same convicted the accused.

16.Per contra, the learned Additional Public Prosecutor appearing for the respondent submitted that though certain witnesses turned hostile, the motive was clearly proved by the prosecution. Prior to the occurrence, there was a wordy altercation between the deceased and A.1. In that occasion, P.W.11 to P.W.13 were very much present along with the deceased and they categorically deposed about the wordy quarrel between A.1 and the deceased.

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Therefore, the prosecution clearly proved the motive behind the crime.

17.In order to prove the last seen theory and connect the accused, other eye witnesses, namely P.W.20 and P.W.21, supported the case of the prosecution by connecting the accused with the occurrence. During the investigation, the accused were arrested on different dates and based on their confession statements, weapons and vehicles which were used in the commission of crime were recovered. A.4 was arrested on 27.11.2015 and his confession statement was recorded. The said confession statement led to the recovery of an iron rod and a knife.

18.Further there was no delay in registering the F.I.R. The crime came to light at about 06.00 a.m., on 24.11.2015, when P.W.6 had seen the dead body and the car. Within two hours, P.W.1 lodged the complaint and FIR was registered which was marked as Ex.P.29.

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19. Though the entire case of the prosecution is based on circumstantial evidence and there are no direct eyewitnesses to the commission of crime, the chain of circumstances is complete, consistent and unerringly points out towards the guilt of the accused. Further, minor contradictions and discrepancies in the early-stage of the trials cannot be given undue weight if the prosecution case is otherwise consistent and is supported by medical and forensic evidence.

20. The prosecution has categorically proved the motive for the crime and prior enmity between the deceased and accused has also been established. Further, the absence of motive is not fatal where the prosecution otherwise proves the case through strong circumstantial and medical evidence. Hence, the Trial Court rightly convicted the appellant and it does not warrant any interference of this Court.

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

22.The entire case of the prosecution is based on circumstantial evidence, as there are no direct eyewitnesses to the commission of the crime. Therefore, it has to be seen whether the chain of circumstances is complete, consistent and proved beyond suspicion so as to point towards the guilt of the accused.

23.The motive behind the crime, as sought to be established by the prosecution is that 1-1/2 months prior to the occurrence, there was a quarrel between the deceased and A.1, accompanied by A.6, when the car driven by A.1 dashed against the car of the deceased near the Government Hospital bus stop at Kattuparamakudi. During the said quarrel, A.1 and A.6 allegedly threatened the deceased that they would kill him. Unfortunately, no

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witness has spoken about the said motive and the prosecution failed to substantiate the same by any piece of evidence. In order to prove the alleged motive, the prosecution examined P.W.1 to P.W.6.

24.On perusal of their evidence, it is revealed that their testimonies are in a stereotyped manner, and they did not even whisper about the exact date and time when the alleged occurrence took place. Further, neither the deceased nor P.W.11 to P.W.13 lodged any complaint, even when the deceased's car was allegedly dashed by A1. According to the prosecution, A1 was accompanied by A6 at the time of the said incident. Therefore, the motive for the commission of the crime has not been proved by the prosecution.

25.In order to foist the case against the accused, the prosecution appears to have cooked up a story as if, 1½ months prior to the occurrence, A1 and A6 had threatened the deceased and P.W.11 to P.W.13 to do away with the life of the deceased on some

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other day. When there was allegedly a life threat at the hands of A1 and A6, no complaint was preferred either by the deceased or by P.W.11 to P.W.13. Even with regard to the alleged damage caused to the car, no complaint was lodged, and there is no piece of evidence to show that the car of the deceased was damaged due to the action of A1.

26. Thereafter, on 24.11.2015 at about 06.00 a.m., P.W.6 found the dead body of the deceased along with the car owned by him. Immediately, he informed the father-in-law of the deceased, namely P.W.1, who in turn informed the wife of the deceased and proceeded to the place of occurrence, where the deceased was found murdered with several injuries on his head, chest, shoulders, hands, neck, and all over the body. Thereafter, the father-in-law of the deceased came to know that A1 and A6 had dashed against the car of the deceased 1½ months prior to his death and that there was a wordy quarrel between them, during which A1 and A6 allegedly

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threatened the deceased with dire consequences. Based on this information, he lodged a complaint before the respondent police. The said complaint was marked as Ex.P.1 and the F.I.R. was marked as Ex.P.29.

27.After registration of the F.I.R., the Sub-Inspector of Police, while checking vehicles, waylaid a car driven by A1, A3, and A7, who appeared to be in a suspicious manner, and immediately informed the Village Administrative Officer, who was examined as P.W.9. Thereafter, the Inspector of Police was informed, and the accused were arrested, and their confession statements were recorded.

28.In order to link the accused with the occurrence, the prosecution examined P.W.20 and P.W.21, who were projected as witnesses to the last seen theory. According to the prosecution, they had seen the accused holding a knife and an iron rod on their two-

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wheelers and speaking about terminating someone's life, and following the Tata Indica Vista car driven by the deceased. However, both P.W.20 and P.W.21 turned hostile and did not support the case of the prosecution. Even as per their statements, they had seen the accused on 23.11.2015 at about 09.30 p.m. on their respective bikes along with weapons. Thereafter, they came to know that the body of the deceased was found the next day. Even then, they did not report the matter to the police immediately, and their statements were recorded only on 29.11.2015, i.e., after six days from the date of occurrence. Therefore, the prosecution failed to prove the last seen theory. Even assuming that their deposition is correct, there is no evidence to connect the accused with the alleged commission of the crime.

29.Further, the prosecution examined P.W.3 and P.W.4 to prove the last seen theory. They also did not support the case of the prosecution and turned hostile. According to them, they had seen the



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accused near the bus stop. However, there is no piece of evidence to connect the accused with the commission of the crime.

30.It is also curious to note that after the arrest of all the accused and recording of their confession statements, the witnesses who allegedly spoke about the last seen theory were examined by the Investigating Officer and their statements were recorded only on 28.11.2015 and 29.11.2015. Further, though the car driven by the deceased was allegedly attacked by the accused and was available at the scene of occurrence along with the dead body, it was recovered only on 29.11.2015, whereas the body of the deceased was taken to the hospital on 24.11.2015 itself. There is absolutely no explanation offered by the prosecution for the belated recovery of the damaged car of the deceased from the scene of crime.

31.Therefore, the prosecution miserably failed to connect



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the accused persons with the commission of the crime by applying the last seen theory or by proving the motive. When the prosecution failed to prove the motive behind the crime, the last seen theory cannot be applied against the accused, especially when there is no chain of circumstances to connect them.

32. Therefore, the motive was not proved by the prosecution. This Court is of the knowledge that the absence of motive will not automatically become a ground for acquittal when there exists strong circumstantial evidence. But when the prosecution case is based only on circumstantial evidences, the chain of such evidences shall be so complete and be linked together for the case to stand strong even without the establishment of the motive behind the crime. The same was also held by the Hon'ble Supreme Court of India in the case of *Subash Aggarwal vs. the State of NCT of Delhi [2025 INSC 449]*.



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33. Even assuming that the prosecution proved the motive behind the crime, there is absolutely no evidence to connect the other accused persons along with A1 and A6. According to the prosecution, only A1 and A6 had a motive to do away with the life of the deceased. In order to prove conspiracy among the accused, the prosecution failed to establish any link connecting the other accused with A1 and A6. The theory of conspiracy has to be proved by the prosecution in the manner known to law. Further, A1 and A6, who allegedly had the motive to commit the offence, died during the course of trial, and all charges against them stood abated. In the overall circumstances, the prosecution miserably failed to prove any of the charges against the appellant.

34. In view of the above, the conviction and sentence imposed on the appellant in S.C.No.19 of 2017, dated 06.11.2025, on the file of the learned Principal District and Sessions Judge,



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Ramanathapuram District, cannot be sustained and are liable to be set aside.

35.In the result, this Criminal Appeal is allowed and the Judgment made in S.C.No.19 of 2017, dated 06.11.2025, on the file of the learned Principal District and Sessions Judge, Ramanathapuram District, is hereby set aside and the appellant is acquitted of all the charges. The bail bond, if any, executed by the appellant shall stand cancelled. The fine amount, if any paid, shall be refunded to the appellant. The appellant shall be set at liberty forthwith, if he is no longer required in connection with any other case. Consequently, connected Miscellaneous Petition is closed.

**[G.K.I.J.,] & [R.P.J.,]
20.02.2026**

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- 1.The Principal District and Sessions Judge,
Ramanathapuram District.
- 2.The Inspector of Police,
Taluk Police Station,
Paramakudi,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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