



Crl.A(MD)No.357 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 10.02.2026

PRONOUNCED ON : 24 .02.2026

CORAM:

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

Crl.A(MD)No.357 of 2023

The Inspector of Police,
Gandhimarket Police Station,
Trichy City.
(Crime No.794 of 2017)

State represented by,
The Public Prosecutor,
Madurai Bench of Madras High Court ... Appellant/Complainant

Vs.

1.Raja
2.Pandiyarajan
3.Ragunathan
4.Beer Mohammed
5.Jegan @ Jeganathan
6.Dinesh @ Dinesh Kumar

... Respondents/Accused Nos.1 to 6



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PRAYER:- Criminal Appeal is filed under Section 378(1) of Criminal Procedure Code, to call for the records and set aside the Judgment of acquittal passed by the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli, in S.C.No.59 of 2018, dated 22.08.2022 and convict the respondents/accused herein for the offences with which they were charged.

For Appellant : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

For Respondents : Mr.S.Sivasubramanian – for R1 to R3

Mr.R.Sundar – for R4 & R5

Mr.Prasanth Nadaraj – for R6

JUDGMENT

(Judgment of the Court was delivered by R.POORNIMA, J.)

This Criminal Appeal has been filed by the complainant, challenging the judgment 22.08.2022 made in S.C.No.59 of 2018 on the file of the I Additional District and Sessions Judge (PCR), Tiruchirappalli, in which judgment, the accused were acquitted of all charges.



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2. The respondents/accused Nos.1 to 6 were charged for the offences under Sections 148, 120(b) r/w. 302, 341 r/w. 149, 302 r/w.149 IPC.

3.The case of the prosecution is that on 19.06.2017, the wife of the deceased lodged a complaint before the Gandhi Market Police Station with the following allegations:

(a) On 19.06.2017, at about 7.00 a.m., her husband left the house for work. After approximately two hours, at about 9.00 a.m., a police official came and informed her daughter that her father had died due to cut injuries. Upon receiving the information, she came out and immediately proceeded to the Government Hospital. She further stated that her son, Prabhakaran, was murdered on 07.08.2016 near a public toilet by Accused Nos. 1, 2, and 6. During that incident, the accused also attacked her husband, who escaped with serious injuries. The said case is presently pending before the Court. Her husband had often expressed his desire that the persons responsible for the murder of his son be brought to justice. She also stated that her husband had informed her that the accused involved in the murder of their son had been following him.



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Therefore, she harbored suspicion against Accused Nos. 1, 2, and 6, and suspected that either they or their associates might have committed the offence. She accordingly requested that appropriate action be taken against the accused.

(b) The complaint (Ex.P1) was received by P.W.24, Thiru.Thayalan, Sub-Inspector of Police, and a case in Crime No.794 of 2017 was registered under Section 302 IPC. The FIR (Ex.P15) was forwarded to the Judicial Magistrate and copies were forwarded to the higher officials.

(c) On 19.06.2017, P.W.25, Thiru. Sivakumar, Inspector of Police, took up the case for investigation. He visited the scene of occurrence, prepared the Observation Mahazar and Rough Sketch (Ex.P16) in the presence of witnesses Mahamuni (P.W.14) and Chandrasekar (P.W.16), and recovered blood-stained soil (M.O.4) and ordinary soil (M.O.5) under Seizure Mahazar (Ex.P17).

(d) He conducted an inquest over the dead body in the presence of witnesses and panchayatdars and prepared the Inquest Report (Ex.P18). Thereafter, he sent a requisition for post-mortem examination through a Police Constable.



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(e) On the same day, he arrested A1 to A4 and he recorded the confession statement of A1 (Ex.P20) in the presence of witnesses Selvam (P.W.17) and Adaikalam, and pursuant to the admissible portion of the confession, recovered a blood-stained full-hand shirt and weapons, namely, a blood-stained crowbar (M.O.1), a blood-stained billhook (M.O.2), and blood-stained knives (2 numbers) (M.O.3), under Seizure Mahazar (Ex.P7).

(f) He also arrested juvenile accused Janardhanan, and A3 on 19.06.2017 and recorded their confession statement and recovered blood stained knife. Thereafter, the accused were remanded to judicial custody. All the material objects recovered were sent to the Judicial Magistrate Court through Form-95 (Ex.P19 & Ex.P23).

(g) He received the blood-stained dresses of the deceased (M.O.6 to M.O.10) under Form-95 (Ex.P24). He examined other witnesses and recorded their statements. Based on the confession statement of A1, he came to know that eight persons had conspired together and planned to commit the murder. Accordingly, he altered the Section of Law to Sections 147, 148, 120B, 341, and 302 IPC under Alteration Report (Ex.P25). Since two of the accused are juvenile, the



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case split up as against juvenile accused.

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(h) Thereafter, P.W.26, Thiru.Senthilvel Kumar, took up the case for further investigation. He arrested A6 in the presence of witnesses Muthukrishnan (P.W.18) and Manikandan (P.W.19) and recorded his confession statement (Ex.P8). On 06.07.2017, A5 surrendered before the Judicial Magistrate No.5. On 12.07.2017, he took the said accused into police custody and recorded his confession statement in the presence of witnesses Sathishkumar and Marimuthu (P.W.20). Thereafter, the accused was sent to judicial custody.

(i) Dr. Selvakumar (P.W.21), conducted the post-mortem examination. The material objects were sent for forensic analysis. The Investigating Officer received the Serological Report (Ex.P26), examined necessary witnesses, and upon completion of the investigation, filed the final charge sheet on 03.02.2018 against the accused.

4. Upon receipt of the records, the Judicial Magistrate No.5, Thiruchirappalli, took cognizance of the case in P.R.C. No.8 of 2018 and issued summons to the accused. After their appearance, copies of the entire records were furnished to them free of cost under Section 207 Cr.P.C.



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5. Since the offences were exclusively triable by the Court of Session, the learned Judicial Magistrate committed the case to the Principal District and Sessions Judge, Tiruchirappalli, under Section 209 Cr.P.C. The Principal District and Sessions Judge took the case on file as S.C. No.59 of 2018 and made it over to the I Additional District and Sessions Judge (PCR), Tiruchirappalli.

6. Upon receipt of the records, the I Additional District and Sessions Judge (PCR), Tiruchirappalli, framed charges against the accused under Sections 120(b) r/w 302 IPC, 148 IPC, 341 r/w 149 IPC and 302 r/w 149 IPC. The charges were read over and explained to the accused. The accused denied the charges and claimed to be tried. Accordingly, the case was posted for trial.

7. On the side of the prosecution, P.W.1 to P.W.26 were examined and Ex.P1 to Ex.P26 were marked. Material Objects M.O.1 to M.O.9 were produced. On the side of the accused, no witness was examined. Ex.D1 to Ex.D3 were marked.



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8. On conclusion of trial, the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli, acquitted the accused of all the charges by judgment dated 22.08.2022, against which, the present Criminal Appeal has been filed by the State/complainant on the following, among other grounds :

(i) The prosecution has clearly established the motive for the crime, as spoken to by P.W.1 to P.W.7. Further, the eyewitnesses P.W.4 to P.W.7 have consistently and cogently deposed about the occurrence. The incident took place in broad daylight and was directly witnessed by the said witnesses. However, the trial Court erroneously discarded the testimonies of P.W.1 to P.W.7 without assigning cogent and legally sustainable reasons, which amounts to a serious error resulting in grave miscarriage of justice.

(ii) The material objects recovered during the course of investigation were sent for forensic examination. The forensic and serological reports conclusively establish that the bloodstains found on the weapons at the scene of occurrence matched with the bloodstains found on the dresses of the deceased, thereby corroborating the prosecution case.



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(iii) The trial Court rejected the prosecution's case on motive, particularly declining to consider the previous murder of Prabhakaran involving the accused, by placing reliance on Section 53 of the Indian Evidence Act. The said reasoning is legally unsustainable. Evidence relating to prior incidents is admissible when it is relevant to establish motive under Section 8 of the Indian Evidence Act. Section 53 has no application in the context of proving motive, and the trial Court's interpretation reflects a misapplication of law.

(iv) The prosecution has proved its case beyond reasonable doubt through reliable ocular evidence, corroborative medical evidence, and scientific evidence. The trial Court, without properly appreciating the evidence on record, acquitted the accused. The findings of the trial Court are perverse, contrary to evidence, and legally untenable. Hence, the judgment of acquittal is liable to be set aside.

(v) That the entire judgment deserves re-appreciation of evidence and the criminal appeal against acquittal is to be allowed and prayed to set aside the order of the trial Court.

9. The learned counsel for respondents 1 to 3 contended that the testimonies of P.W.4 to P.W.7 are unreliable and suffer from serious



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infirmities. It was argued that, although these witnesses claimed to have witnessed the occurrence, they admittedly did not disclose any details of the incident to P.W.1, the wife of the deceased, despite being closely acquainted with the family.

10. He further submitted that during cross-examination of P.W. 4, he admitted that he visited the Government Hospital between 9.30 and 10.00 hours, however, he did not reveal the names of the accused either to the police or to P.W.1. The learned counsel further submitted that material contradictions exist among the eyewitnesses. Notably, P.W.6 introduced the involvement of A6 by asserting that A6 also attacked the deceased Annadurai, but subsequently admitted in cross-examination that he was not present at the place of occurrence.

11. It was also emphasized that the occurrence allegedly took place near a police station, yet none of the eyewitnesses lodged a complaint. One of the witnesses stated that immediately after the occurrence, he went to his house. According to the learned counsel, if the witnesses had genuinely been present at the scene, they would have



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promptly informed the deceased's family, particularly when the residence of the deceased was located in close proximity to the place of occurrence. P.W.5, in fact, admitted that the deceased's house was situated within a short distance, yet failed to inform any family member and no explanation was offered for the same.

12. In light of these circumstances, the learned counsel argued that the presence of P.W.4 to P.W.7 at the scene is highly doubtful. It was further submitted that, owing to political enmity, a false case has been foisted against A1 to A5, and that P.W.4 to P.W.7 were subsequently introduced as eyewitnesses after deliberation. Significantly, the complaint (Ex.P.1) lodged by P.W.1 does not contain specific details regarding the accused. The learned counsel appearing for respondents 4 and 5/A4 and A5 adopted the arguments advanced by respondents 1 to 3/A1 to A3

13. The learned counsel appearing on behalf of A6 submitted that A6 has been charged solely under Section 120(b) IPC. It was contended that A6 came to be implicated only on the basis of the confession statement of A1, wherein it was alleged that A6 conspired



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with A1 to A5 to commit the murder and undertook to meet the expenses for the said offence.

14. He further contended that it is well settled that a confession of a co-accused is admissible under Section 30 of the Indian Evidence Act, however, such confession can only be taken into consideration if there is independent evidence establishing the involvement of the accused in the conspiracy. A confession alone cannot form the basis for conviction.

15. According to the prosecution, A6 was allegedly in contact with the other accused through phone conversations. In such circumstances, it was incumbent upon the prosecution to produce the relevant phone records, establish the ownership of the phone numbers, and prove the existence of any communication indicative of conspiracy.

16. Admittedly, A6 was not present at the place of occurrence. The prosecution has failed to produce any legally admissible evidence to substantiate the alleged conspiracy between A6 and A1 to A5. In the



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absence of any independent corroborative evidence, the learned counsel prayed for dismissal of the Criminal Appeal, contending that there is no perversity or illegality in the judgment of the trial Court.

17. Heard the learned counsel on either side and perused the materials available on record.

18. Now, this Court has to decide whether the prosecution has proved its case by cogent evidence beyond reasonable doubts or whether the trial Court is right in acquitting the accused or the order of the trial Court is liable to be set aside?

19. In order to set aside the acquittal recorded by the trial Court, it is incumbent upon the prosecution to demonstrate that the judgment of acquittal is perverse, manifestly erroneous, and wholly unsustainable in law.

20. On perusal of the record, P.W.1 wife of the deceased, has, clearly stated in her evidence that she received intimation regarding the



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murder of her husband at about 9.00 a.m., where in a police official came and informed her that her husband had been murdered by an unknown person. Immediately thereafter she proceeded to the respondent police station and lodged the complaint and soon-after the receipt of such information, FIR (Ex.P15) was registered at about 9.30 a.m.

21. P.W.1, both in the complaint and in her chief examination, has consistently stated the same version of events. She has also spoken about the motive for the crime. P.W.1 categorically deposed that about one year prior to the occurrence, her son Prabhakaran was murdered by A1, A2 and A6. According to her, her husband Annadurai (deceased), frequently expressed his desire that the accused persons be brought to Justice and punished in accordance with law. She further stated that her husband had informed her that A1, A2 and A6 along with their associates regularly following him. P.W.2, the daughter of P.W.1, also corroborated the evidence of P.W.1. P.W.3 who had drafted the complaint, clearly stated on 19.06.2017, P.W.1 came to the police station and requested him to write the complaint.



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22. P.W.4 is an eyewitness to the occurrence. He deposed regarding both the incident and the pre-motive involving the accused and the deceased. According to him, in the year 2016, the son of the deceased was murdered by A1, A2, and A6. During that earlier incident deceased was also attacked. While his son succumbed to the injuries, the deceased survived, and the case was pending trial. P.W.4 further stated that the deceased was an important witness in that case and was determined to bring the accused before the Court to ensure that they were punished.

23. Therefore, this Court holds that the prosecution has proved the motive for the occurrence that the deceased was an important witness in the earlier case. The accused bore hostility due to the earlier incident. It is relevant to note that the accused followed the deceased which gave rise to hostility. Such evidence falls within the ambit of Section 8 of the Indian Evidence Act. Rejection of such evidence on the ground of admissibility is legally unsustainable.

24. With respect to the present occurrence, P.W.4 stated that on the date of the incident, at about 8.30 p.m., the deceased came near to the



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workplace. P.W.4, along with P.W.5 to P.W.7, and the deceased had tea at a nearby shop. At that time, A5 was present near the tea shop, speaking to someone. After having tea, deceased sat on the steps. Suddenly, an auto arrived at the scene. A1 to A3 with two juvenile accused persons alighted from the vehicle armed with weapons and attacked the deceased. A1 assaulted the deceased with a billhook, A2 attacked him with the crowbar, and the remaining juvenile accused attacked him with knives. A3 to A5 restrained him from proceeding further. As a result of the assault, the deceased sustained multiple injuries. Thereafter, all the accused fled from the scene in the auto. P.W.4, and the rest of the witnesses proceeded and witnessed that deceased had sustained injuries on his face, head, hands, and legs, and he subsequently succumbed to those injuries. P.W.4 also identified the weapons M.O.1 to M.O.3.

25. P.W.5 to P.W.7 also corroborated the statement of P.W.4. Except for minor contradictions, there are no serious discrepancies in their evidence. P.W.6, in his evidence deposed that A6 was also involved in the occurrence which is proved false. The trial Court disbelieved the evidence of P.W.4 to P.W.7, only on the ground that they did not inform



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the occurrence to P.W.1 and remained silent without informing the same to police station. Mere delay or failure of an eyewitness to immediately inform the police is not by itself, a ground to discard their testimony. Eyewitnesses may remain silent due to shock, fear, confusion, threats, social pressure, or lack of opportunity. Therefore, delay is only a factor for appreciation of evidence, not for automatic rejection.

26. P.W.13, Thiru. Mohammed Jaffer who was working in the tea shop clearly stated that upon hearing a commotion, he came out, and witnessed the deceased lying with cut injuries. He further deposed that he was informed that an auto proceeded towards the northern side. This evidence corroborates the prosecution case by confirming that the occurrence took place near the tea shop.

27. It is to be noted that soon after the occurrence, P.W.1 was informed about the death of her husband. Immediately, thereafter, she lodged the complaint, and the police registered the FIR without any delay. The FIR reached the Court on the same day at 10:30 a.m. The endorsement made by the learned Judicial Magistrate No.5, Trichy,



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Ex.P15, clearly establishes the same. P.W.1, clearly stated that she had suspicion against the accused.

28. Further, the Investigating Officer conducted the inquest on the dead body on the same day at 11.30 p.m. and the same was marked as Ex.P18. In the inquest report, it is clearly recorded that the accused A1, A2 along with A3 and A5 murdered the deceased, to prevent the deceased from deposing against them in the pending murder case, as per the information received from the witnesses and panchayatars.

29. Further, the ocular evidence stands duly corroborated by the medical evidence of P.W.21 (Dr.Selvakumar) who conducted the postmortem. The doctor clearly deposed regarding the injuries sustained by the deceased as follows:-

“1. Brain deep vertical cut wound over the left side of the forehead and fronto-parietal region of 13x2 cm; Situated 2 cm above left eyebrow; 1 cm away from midline of face:

2. Oblique brain deep intersecting "T" shaped cut wound on left side of the head of 10x2 cm and 6x2 cm over the temporal region;



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3. Bone deep cut wound present over the right side frontal region of head of 3x1 cm; underlying bone cut;

4. Oblique bone deep cut wound present on left side of face of, 12x2 cm: Upper end placed near the nose; Situated 1 cm away from midline of face; Underlying facial bones involving lower jaw fractured; Marginal contusion noted; Skull: On dissection, Bony defect of 13x10 cm on left side fronto-temporal region; Membranes: patchy subarachnoid hemorrhage present on left side; Brain: soft and not retaining its shape on left side; C/s: sticky;

5. Oblique muscle deep cut wound present on left shoulder neat armpit of 5x1 cm; marginal contusion noted;

6. Intersecting, muscle deep gaping cut wound with marginal contusion present over the left forearm and hand front side of 22x10 cm; On examination, left inner forearm and little finger bones are fractured; Underlying blood vessels, nerves and muscle are cur

7. Bone deep cut lacerated wound with avulsed laceration present over the front of the right palm and entire front forearm of 31x6 cm; Underlying blood vessels, nerves and muscles are cut;

8. Irregular oblique skin deep cut lacerated



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wound two in number present over the back of the arm of size 9x0.5 cm and 4x0.5; parallely placed;

9. Reddish brown abrasion present over the back of the left shoulder of 3x1 cm;

10. Obliquely horizontal bevelled muscle deep gaping cut wound present over the back of the left side of the chest, over the shoulder blade, of size 5x2 cm, upper margin visible, lower one over hanging; marginal contusion noted

11. Vertical abdominal cavity deep cut wound present over the lower back on left side of 6x3 cm; On examination, Intestinal coils noted; coils of small intestines are perforated at two places;

12. Skin deep cut wound present over left foot of size 3 x 1 cm; involving the 2nd to 4th toe.”

30. The medical opinion rendered by P.W.21 clearly established that the death of the deceased was due to multiple injuries sustained by him, thereby conclusively proving that the deceased was brutally attacked and inflicted with severe injuries.

31. P.W.17, Thiru.Selvam, Village Administrative Officer, deposed regarding the arrest of A1 to A4, and recording their confession



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statements, and the consequent recovery of material objects M.O.1 to M.O.3. He further spoke about the recovery of blood-stained clothes, namely the blue and white checked full-hand shirt worn by A1 and the blood-stained black full-hand shirt worn by A2. P.W.18, Thiru. Muthukrishnan, spoke about the arrest of A6, while P.W.20, Thiru. Marimuthu, deposed regarding the arrest and confession of A5. The serology report (Ex.P13) corroborates the prosecution case by confirming that the bloodstains found on the billhook, crowbar, knives, and the clothes recovered from the accused, as well as the clothes recovered from the deceased, all belonged to the same blood group.

32. P.W.14, Thiru.Mahamuni, deposed regarding the preparation of the observation mahazar and rough sketch. P.W.16, Thiru.Chandrasekar, spoke about the recovery of blood-stained soil and ordinary soil, along with the preparation of the observation mahazar and rough sketch.

33. The eyewitnesses, P.W.4 to P.W.6, categorically stated that A1 to A5, along with two juvenile accused, committed the crime. The



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previous motive was also established by the prosecution. The trial Court, however, entertained doubts on the grounds that the police officer who initially informed P.W.1 was not examined, and that although the FIR was received by the Judicial Magistrate at 10.30 hours, it was typed that it was dispatched at 13.00 hours. The trial Court further suspected the presence of P.W.4 to P.W.7, characterizing them as politically influential persons who, despite allegedly witnessing the occurrence, did not inform the police either directly or through any other means. The Court also described them as chance witnesses or interested witnesses who had inimically deposed against the accused, noting additionally that their clothes did not bear bloodstains.

34. Such reasoning of the trial Court is not sustainable. On careful verification of the records, it is revealed that the FIR was registered promptly after the occurrence and was received by the Judicial Magistrate No.5, Trichy, at 10.30 a.m., without undue delay. The evidence relating to arrest, confession, and recovery stands duly proved. The testimonies of P.W.4 to P.W.6 are consistent, cogent, and mutually corroborative. Except for minor discrepancies, which are natural and do



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not affect the core of the prosecution case, there exists no valid reason to discard their evidence. The recovery of blood-stained weapons and clothes from the accused, which upon serological examination were found to tally, further strengthens the prosecution case.

35. Accordingly, the prosecution has successfully proved that A1 to A5 formed an unlawful assembly. A1 and A2 actively attacked the deceased, while A3 to A5 facilitated the commission of the offence by preventing the deceased from escaping. Therefore, A1 to A5 are liable to be punished in accordance with law.

36. Insofar as the involvement of A6 is concerned, he was arrayed as an accused solely on the basis of the alleged confession of A1. In the said confession statement, A1 purportedly stated that, due to prior enmity, the deceased Annadurai had planned to eliminate him with the assistance of A2 and A6 through rowdy elements. Apprehending danger to his life, A1 allegedly conspired with the other accused to murder the deceased Annadurai. It was further alleged that A1 contacted A6 over the phone, discussed the plan, and that A6 consented to the conspiracy by



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assuring financial support for the expenses.

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37. Based on this confession, A6 was arrested. The learned counsel appearing for A6 relied upon a judgment of the Hon'ble Supreme Court of India in ***Parveen @ Sonu Vs. State of Haryana*** reported in ***2021 SCC Online SC 1184***, in which in paragraph No.12, held as follows :

“12. It is fairly well settled, to prove the charge of conspiracy, within the ambit of Section 120-B, it is necessary to establish that there was an agreement between the parties for doing an unlawful act. At the same time, it is to be noted that it is difficult to establish conspiracy by direct evidence at all, but at the same time, in absence of any evidence to show meeting of minds between the conspirators for the intended object of committing an illegal act, it is not safe to hold a person guilty for offences under Section 120-B of IPC. A few bits here and a few bits there on which prosecution relies, cannot be held to be adequate for connecting the accused with the commission of crime of criminal conspiracy. Even the alleged confessional statements of the co-accused, in absence of other acceptable corroborative evidence, is not safe to convict the accused. In the case of Indra Dalal v. State Of Haryana [(2015) 11 SCC



31], this Court has considered the conviction based only on confessional statement and recovery of vehicle used in the crime. In the said case, while setting aside the conviction, this Court has held in paragraphs 16 & 17 as under:

“16. The philosophy behind the aforesaid provision is acceptance of a harsh reality that confessions are extorted by the police officers by practising oppression and torture or even inducement and, therefore, they are unworthy of any credence. The provision absolutely excludes from evidence against the accused a confession made by him to a police officer. This provision applies even to those confessions which are made to a police officer who may not otherwise be acting as such. If he is a police officer and confession was made in his presence, in whatever capacity, the same becomes inadmissible in evidence. This is the substantive rule of law enshrined under this provision and this strict rule has been reiterated countlessly by this Court as well as the High Courts.

17. The word “confession” has nowhere been defined. However, the courts have resorted to the dictionary meaning and explained that incriminating statements by the accused to the police suggesting the inference of the commission of the



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crime would amount to confession and, therefore, inadmissible under this provision. It is also defined to mean a direct acknowledgment of guilt and not the admission of any incriminating fact, however grave or conclusive. Section 26 of the Evidence Act makes all those confessions inadmissible when they are made by any person, whilst he is in the custody of a police officer, unless such a confession is made in the immediate presence of a Magistrate. Therefore, when a person is in police custody, the confession made by him even to a third person, that is, other than a police officer, shall also become inadmissible.”

38. Upon careful perusal of the records, it is evident that, apart from the confession of the co-accused, the prosecution has failed to collect any independent material or connecting evidence to establish that A1 and A6 had hatched a conspiracy to murder the deceased Annadurai. A thorough scrutiny of the evidence leads this Court to the considered view that the prosecution has failed to prove the alleged conspiracy involving A6.

39. It is a settled principle of law that the confession of a co-



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accused, in the absence of corroborative evidence, cannot by itself form the basis for conviction. In the present case, there is a complete absence of independent evidence linking A6 to the alleged conspiracy. Therefore, the confession of the co-accused is insufficient to implicate A6 or to sustain a finding of guilt.

40. In view of the prosecution, having established the charges against A1 to A5 beyond reasonable doubt, case stands posted for examination/questioning of the accused on the question of sentence.

41. The prosecution has thus failed to prove the charges against A6 beyond reasonable doubt. Consequently, there is no ground to interfere with the acquittal of A6. The judgment of the trial Court, insofar as it relates to A6, stands confirmed.

42. The respondent police are directed to secure the accused without fail and produce them before the Court on **25.02.2026**.

[G.K.I.J.,] & [R.P.J.,]
24 .02.2026

NCC :Yes/No
Index :Yes/No

27/32



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A1 to A5 present and questioning about the sentence, they have stated the following:-

- A1- குற்றவாளி இல்லை
- A2- குற்றவாளி இல்லை
- A3- வழக்கிற்கும் எனக்கும் சம்மந்தம் இல்லை
- A4- வழக்கிற்கும் எனக்கும் சம்மந்தம் இல்லை
- A5- குற்றவாளி இல்லை

2.The prosecution has proved that A1 to A5 were members of an unlawful assembly and had assembled with the common object of committing the offence of murder. In furtherance of the said common object, they proceeded to the place of occurrence in an auto, armed with deadly weapons. Their previous antecedent also not good.

3.A1 and A2 attacked the deceased with dangerous weapons indiscriminately and caused his death. A3 to A5 facilitated the



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commission of the offence by surrounding the deceased and preventing him from proceeding anywhere, thereby enabling A1 and A2 to carry out the fatal attack.

4.Considering the gravity and heinous nature of the offence, this Court finds that the accused do not deserve any leniency. Accordingly:

(i)**A1 to A5** are convicted under **Section 148 IPC** and are sentenced to undergo **rigorous imprisonment for one year**.

(ii)**A1 and A2**, who are convicted under **Section 302 IPC**, are sentenced to undergo **rigorous imprisonment for life**.

(iii)**A3 to A5**, who are convicted under **Section 149 r/w Section 302 IPC**, are sentenced to undergo **rigorous imprisonment for life**.

(iv)**A3 to A5** are further convicted under **Section 341 r/w Section 149 IPC** and are sentenced to undergo **simple imprisonment for one month**.

(v)Further, all the accused are directed to pay a fine of **Rs. 2,000/-** each, in default of payment of fine, to undergo simple imprisonment for three months.



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(vi).All the sentences imposed on the accused shall run concurrently.

(vii).A1 to A5 are acquitted of the charge under Section 120-B IPC.

(G.K.I.,J) (R.P.J.,)

25/02/2026

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To

- 1.The I Additional District and Sessions Judge (PCR),
Tiruchirappalli,
- 2.The Inspector of Police,
Gandhimarket Police Station,
Trichy City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.A(MD)No.357 of 2023

G.K. ILANTHIRAIYAN, J.

AND

R. POORNIMA, J.

rm/er

**Pre-Delivery Judgment made in
Crl.A(MD)No.357 of 2023**

25.02.2026