



Crl.A.(MD).No.189 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date of Reserved	12.02.2026
Date of Pronounced	23.03.2026

CORAM

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

Crl.A(MD)No.189 of 2023

Hasan Mohamed : Appellant/Sole accused

Vs.

The State represented by
The Inspector of Police,
Thirukkottai Police Station,
Pudukkottai District.
(Crime No.268 of 2016)

: Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374 (2) of the Criminal Procedure Code, to call for the records in SC No.42 of 2017 dated 30.01.2023 on the file of the Mahila Court, Pudukkottai and to set aside the same by allowing the criminal appeal.

For Appellant : Mr.A.Arun Prasad

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor



Crl.A.(MD).No.189 of 2023

JUDGMENT

(Judgment of the Court was made by the Hon'ble **R.POORNIMA, J.**)

This Criminal Appeal is filed against the judgment of conviction and sentence passed by the Mahila Court, Pudukkottai, in S.C. No.42 of 2017 dated 30.01.2023 and consequently to acquit the appellant.

2. The complaint was lodged by P.W.1, the husband of the deceased under Ex.P.1 with the following averments :

(i) On 19.10.2016, he received information that his wife was found lying in a pool of blood with injuries. Immediately, he rushed to his house and found his wife with a stab injury on the left side of her neck. He immediately took her to the hospital for treatment at about 3.40 p.m., where she was declared brought dead.

(ii) The complaint was lodged at about 16.50 hours. On the same day, at about 16.50 hours, the FIR was registered under Section 302 IPC against an unknown person. The FIR was registered by P.W.9, Tmt.Jeyasri, Sub-Inspector of Police.

(iii) P.W.10, Thiru.Tamilmaran, Inspector of Police, took up the



Crl.A.(MD).No.189 of 2023

investigation. He proceeded to the place of occurrence and prepared the Observation Mahazar (Ex.P2) and Rough Sketch (Ex.P9). He also recovered a yellow and ash-coloured cell phone, another grey-coloured cell phone, a pair of slippers, ordinary soil, and blood-stained soil (M.O.1 to M.O.5) under a recovery mahazar (Ex.P3). He conducted an inquest on the dead body and prepared the Inquest Report (Ex.P11). Thereafter, on 24.10.2016, he arrested the accused, recorded his confession statement, and recovered M.O.6 to M.O.8 under recovery mahazar (Ex.P5). He sent all the material objects to the Judicial Magistrate Court and also sent a requisition to the Judicial Magistrate for forwarding the blood-stained material objects for chemical analysis.

(iv) Dr. Kirthiga, who conducted the post-mortem on the dead body, found the following injuries:

“An elliptical-shaped wound seen on the right supraclavicular region measuring 3 cm in length × 3 cm in breadth with approximately 15 cm depth.

Rupture of major blood vessels.

Thorax – repair of major blood vessels; massive blood clots seen; punctured wound seen on the superior lobe of the right lung.”

Opinion as to cause of death:



WEB COPY



Crl.A.(MD).No.189 of 2023

The deceased would appear to have died due to injury to the major blood vessels and injury to the vital organ, namely the right lung.”

(v) He received the Serology Report (Ex.P15) and the Biological Report (Ex.P16).

(vi) On 24.12.2016, he altered the section of law from Section 302 IPC to Sections 393, 397, and 302 IPC under the Alteration Report (Ex.P17). After completing the investigation, on the same day, he filed the final charge sheet against the accused.

3. On receipt of the records, the Judicial Magistrate, Pudukkottai, took cognizance of the case in P.R.C. No.4 of 2017 against the accused and completed all necessary formalities. Copies of the relevant documents were furnished to the accused in compliance with Section 207 Cr.P.C. Upon satisfaction of the statutory requirements, the case was committed to the Court of Sessions.

4. Thereafter, the Mahila Court, Pudukkottai, after complying with the requisite formalities, framed charges against the accused under Sections 393 and 302 IPC. The charges were read over and explained to



Crl.A.(MD).No.189 of 2023

the accused. The accused denied the charges and claimed to be tried.

Therefore, the case was posted for trial.

5. On the side of the prosecution, P.W.1 to P.W.10 were examined and Exs.P1 to P17 were marked. Material Objects M.O.1 to M.O.11 were produced. On the side of the accused, no witness was examined and documents were marked as Exs.D1 to D4.

6. On conclusion of the trial, the learned Mahila Court, Pudukkottai, by judgment dated 30.01.2023, convicted the accused. Aggrieved by the said judgment, the present Criminal Appeal has been filed by the appellant/accused.

7. Mr.Arun Prasad, learned counsel appearing for the appellant/accused, contended that the trial Court failed to appreciate that the weapon allegedly used by the appellant was only 11 cms. in length, whereas the depth of the wound was found to be 15 cms. He further submitted that Ex.P2 and Ex.P3 were not prepared in the manner alleged by the prosecution and that there was an inordinate delay in lodging the



Crl.A.(MD).No.189 of 2023

complaint. According to him, the prosecution has failed to prove the case beyond reasonable doubt. Hence, he prayed that the judgment of the trial Court be set aside and the appellant be acquitted.

8. The learned Public Prosecutor appearing for the State contended that the sister of the deceased, examined as P.W.2, has clearly spoken about the occurrence. The accused, who was the neighbour of the deceased, attempted to commit robbery on knife point, when the victim resisted he stabbed her and in order to escape from the clutches of law attempted to commit suicide soon after the occurrence and was admitted to the hospital, which has been spoken to by the witnesses. The weapon was recovered from the accused. Though several witnesses examined by the prosecution turned hostile, the shirt worn by the accused, the kerchief, and the knife recovered from the accused contained bloodstains that tallied with the bloodstains recovered from the place of occurrence. Therefore, according to the prosecution, the case has been proved beyond reasonable doubt and there is no merit in the appeal, which is liable to be dismissed.



Crl.A.(MD).No.189 of 2023

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

10. In this case, the prosecution projected that the occurrence was witnessed by P.W.2. Except P.W.2, no one came forward to depose about the occurrence.

11. P.W.1, the husband of the deceased, stated in his evidence that he received information at about 1.45 p.m. on 19.10.2016 from one Alagu that his wife was lying with injuries. Immediately, he rushed to his house and found his wife with an injury on the right side of her neck. He took her in an ambulance to the Pudukkottai Government Hospital. On examination, the doctor declared that she was brought dead. Thereafter, he lodged the complaint. Though he stated in his evidence that he had suspicion against the accused, no such averment is found in the complaint (Ex.P1). He further stated that the sister of the deceased subsequently informed him that she had witnessed the occurrence and that the accused alone had committed the offence, which she disclosed only on the next day.



Crl.A.(MD).No.189 of 2023

12. The sister of the deceased was examined as P.W.2. During chief examination, she stated that on the date of occurrence she accompanied her sister (the deceased) to her house, which was situated two streets away from their mother's house. When she was following her sister and the deceased was about to climb the stairs, the accused came and attempted to snatch the gold chain worn by her sister. The deceased resisted the attempt by pulling back the chain. At that time, the accused stabbed her sister on the right side of the neck with a knife. Immediately, the deceased raised an alarm. When P.W.2 attempted to prevent the accused, she fainted due to shock. She regained consciousness only on the next day and then informed the incident to her parents.

13. The learned counsel for the appellant contended that the evidence of P.W.2 cannot be believed since P.W.1 had not mentioned anything in his complaint regarding the presence of P.W.2, thereby creating suspicion. It is true that P.W.1 did not mention the presence of P.W.2 in his complaint and had only stated that one Alagu informed him that his wife was lying with injuries. P.W.2 has explained that soon after witnessing the occurrence, she became unconscious and therefore, it was



Crl.A.(MD).No.189 of 2023

not possible for her to inform the same to P.W.1, at that time. P.W.1 also admitted that he did not mention the presence of P.W.2 in the complaint since she had become unconscious and had not informed him about the incident at the time of lodging the complaint.

14. Apart from P.W.2, P.W.3, who was residing in the same block and knew both the accused and the deceased, deposed that on 19.10.2016 he was having lunch, he was informed that somebody was lying with injuries in the block. When he went there, he found the deceased Kirthiga Devi lying in a pool of blood with injuries. He was also informed that his friend, the accused, was standing near the complex with bleeding injuries. Immediately, he went and saw that the accused had also sustained injuries on his neck and was bleeding. He took him to the hospital and attempted to stop the bleeding.

15. The Accident Register issued to the accused was marked as Ex.D2. In the Accident Register, it was mentioned that the accused was admitted at about 3.10 p.m. According to P.W.1, he received information about the attack on the deceased at about 1.45 p.m. P.W.3 stated that he



Crl.A.(MD).No.189 of 2023

found the accused with injuries between 2.00 p.m. and 3.00 p.m., which indicates that soon after the attack on the deceased, the accused had also inflicted injuries upon himself.

16. It is to be noted that on the date of occurrence, the accused was also admitted to the hospital with injuries on his neck. P.W.6, Dr.Suguna Alamelu, who initially treated the accused, admitted that on the same day the accused was brought to the hospital with bleeding injuries. It was informed that the injuries had been inflicted by a known person, and the accident register was marked as Ex.D2.

17. According to the defence counsel, the accused attempted to prevent an unknown person who tried to attack the deceased, and during the said incident, the unknown assailant also attacked the accused. However, the accused neither lodged any complaint nor informed the husband of the deceased or any other person about the alleged occurrence. Further, the accident register shows that the accused was attacked by a known person. These versions are clearly contradictory.



Crl.A.(MD).No.189 of 2023

WEB COPY

18. On the other hand, the accused appeared before the respondent police and confessed to the crime. Based on his confession, the respondent police registered a case in Crime No.269 of 2016. Though the prosecution did not produce the said FIR, it was produced by the defence and marked as Ex.D4. In the said document, the accused admitted that while attempting to commit robbery by snatching the chain of the deceased, and when she resisted, he stabbed her. When the deceased raised an alarm, he fled away from the place. On hearing the noise raised by the victim from the apartment, he apprehended that criminal action might be taken against him. In order to escape from the clutches of law, he attempted to commit suicide by inflicting injuries on himself using a tube light.

19. The learned counsel for the appellant relying upon a judgment in the case of *Narayan Yadav Vs. State of Chhattisgarh* reported in **2025 INSC 927**, in which paragraph Nos.33 and 34 are as follows:

“33. The conditions necessary for the applicability of Section 27 of the Indian Evidence Act, 1872 are:



Crl.A.(MD).No.189 of 2023

- i. *That consequent to the information given by the accused, it led to the discovery of some fact;*
- ii. *The fact discovered must be one which was not within the knowledge of the police and the knowledge of the fact for the first time was derived from the information given by the accused;*
- iii. *The discovery of a fact which is the direct outcome of such information;*
- iv. *Only such portion of the information as connected with the said discovery is admissible;*
- v. *The discovery of the fact must relate to the commission of some offence.*

34. In the aforesaid context, we may refer to and rely upon the decision of this Court in Murli v. State of Rajasthan, reported in (2009) 9 SCC 417, which held that the contents of the panchnama are not the substantive piece of evidence. It reads thus;

“34. The contents of the panchnama are not the substantive evidence. The law is settled on that issue. What is substantive evidence is what has been stated by the panchas or the person concerned in the witness box.[...]” (Emphasis supplied)

20. In this case, the prosecution has not relied upon the alleged admission said to have been made by the deceased before the police



Crl.A.(MD).No.189 of 2023

station. The prosecution mainly relies upon the evidence of PW2, the sister of the deceased, who is an eyewitness to the occurrence and has clearly spoken about the incident.

21. The conduct of the accused immediately after the occurrence was spoken by PW3, who stated that he saw the deceased lying in a pool of blood with injuries. At the same time, he also saw the accused in the adjoining lane with blood-stained clothes and injuries on his neck. Though PW3 turned hostile, as he was a friend of accused but during cross-examination by the prosecution, he admitted that during the course of investigation it was revealed that the accused had committed the offence and had also attempted to commit suicide in order to escape from the clutches of law.

22. Under Section 8 of the Indian Evidence Act, the subsequent conduct of the accused, immediately after the commission of the offence is highly relevant. In the present case, the accused had also confessed about the crime on the same day before the respondent police. Consequently, an FIR was registered in Crime No.269 of 2016 at about



Crl.A.(MD).No.189 of 2023

20.00 hours on the same day.

WEB COPY

23. During the course of investigation, material objects were recovered from the accused, namely the blood-stained knife and his T-shirt, under recovery mahazar Ex.P5. These objects were sent for chemical analysis and the bloodstains were found to tally with the blood-stained earth recovered from the place of occurrence, which belonged to Group “B” blood.

24. Though the Investigating Officer failed to send the clothes of the deceased for chemical analysis, which certainly reflects negligence and lack of effective investigation, such lapse on the part of the Investigating Officer is not fatal to the prosecution case.

25. Further, P.W.4, a resident of the apartment complex where both the accused and the deceased were residing, categorically stated that the residents of the complex informed that the accused alone committed the offence. He also spoken about the recovery of material objects from the place of occurrence, which was not denied by the appellant.



Crl.A.(MD).No.189 of 2023

WEB COPY

26. The accused did not deny his presence at the place of occurrence. On the contrary, he admitted that he was present there but stated that the deceased was attacked by an unknown person and that he attempted to prevent the attack, during which he himself sustained injuries. This explanation has been proved to be false. The accused had informed the doctor that he was attacked by a known person, which is evident from Ex.D2, the accident register produced by the defence.

27. If it were true that an unknown person had attacked the deceased, the accused would have lodged a complaint. However, no such complaint was filed by him. He also failed to inform P.W.1, the husband of the deceased, about the alleged attack by an unknown person. On the contrary, it has been proved that soon after the occurrence the accused attempted to commit suicide.

28. Thus, based on the eyewitness testimony and the chain of circumstances, it has been clearly established that the accused alone committed the crime.



Crl.A.(MD).No.189 of 2023

29. The learned counsel for the appellant contended that the gold chain was not recovered by the Investigating Officer. However, such non-recovery is not fatal to the prosecution case since the accused had not committed robbery, but had only attempted to commit robbery.

30. Therefore, the prosecution has successfully proved the guilt of the accused beyond all reasonable doubt. The trial Court after considering the entire material records and held the accused found guilty for the responsibility for the occurrence and punished him. We do not find any perversity in the order of the trial Court and the Criminal Appeal lacks merit and liable to be dismissed.

31. In the result, this Criminal Appeal is dismissed and the Judgment dated 30.01.2023 passed in SC No.42 of 2017 on the file of the Mahila Court, Pudukkottai, is hereby confirmed.

(G.K.I., J.) (R.P., J.)
23.03.2026

Index:Yes/No
Internet:Yes/No
rm



Crl.A.(MD).No.189 of 2023

WEB COPY

To

- 1.The Mahila Court,
Pudukkottai.
- 2.The Inspector of Police,
Thirukkokarnam Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.A.(MD).No.189 of 2023

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

rm

Crl.A(MD)No.189 of 2023

23.03.2026