



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2026

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

Crl.A(MD)Nos.346 of 2022 and 962 of 2023

(1)Crl.A(MD)No.396 of 2022:-

Angamani

: Appellant/A2

Vs.

The State Rep. By
The Inspector of Police,
Virusvedu Police Station,
Dindigul District.
(In Crime No.72 of 2012)

: Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374(2) of the Criminal Procedure Code, to call for the records pertaining to the conviction and sentence passed in SC No.159 of 2017, on the file of the Fast Track Mahila Court, Dindigul, dated 14.03.2022 and to set aside the same.

For Appellant

: Mr.K.Sivabalan

For Respondent

: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



(2)Crl.A(MD)No.962 of 2023:-

Sadaiyandi @ Chithiravelu

: Appellant/A1

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Vs.

The State Rep. By
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Viruveedu Police Station,
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(In Crime No.72 of 2012)

: Respondent/Complainant

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For Appellant

: Mr.S.Ramasamy
for Mr.J.Vivek

For Respondent

: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

Common Judgement

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

These Criminal Appeals are preferred against the judgment of conviction and sentence passed by the Sessions Judge, Fast Track Mahila Court, Dindigul, in S.C.No.159 of 2017, dated 14/03/2022 and consequently to acquit the appellants/A1 and A2.



2. The case of the prosecution is that in order to commit robbery and to commit murder of the deceased Parameswari, A1 kidnapped her with the help of A2 in a two wheeler bearing registration No.TN-57-AY-8577. Thereafter, he committed murder by inflicting cut injuries indiscriminately on several parts on her body and also committed robbery of her jewels and thereby, A1 committed the offence under Sections 392, 364 and 302 IPC. A2 helped A1 to kidnap the deceased and he took her in his two-wheeler and helped A1 to commit robbery and murder. Therefore, A2 was charged under Section 364 r/w 34 IPC.

3.Ex.P1 complaint was lodged by the father of the deceased with the following allegations:- The deceased Parameswari is his daughter. On 04/07/2012 due to festival, there was a drama in the village and at 12.00 p.m, his deceased daughter was taken by A1 and A2 in a two wheeler bearing registration No.TN-57-AY-8577, which was informed by the witness Iyyappan. Immediately, they went to the residence and informed the same to his wife. But the deceased did not return to the home. Therefore, on 06/07/2016, he enquired about her daughter and he learnt that a dead body was lying near Kannimar Koil Lake. Immediately, he went to the place along with her sister's husband Chinnathambi and found his daughter with cut injuries on her left and right side face, left and right side neck, left side ear, chest, right shoulder and other parts of



the body and the jewels, which were worn by her daughter namely 3-1/2 sovereign gold chain with dollar design and one pair of ear studs were missing. Therefore, he lodged a complaint before the respondent police against A1 and A2.

4.The Complaint was received by PW18-Tmt.Rajeswari, Sub Inspector of Police and after receipt of the Complaint (Ex.P1), registered the FIR in Crime No.72 of 2012 under Sections 302 and 379 IPC under Ex.P9 and sent the same to the Judicial Magistrate Court and also copies to the higher officials.

5. PW20-Thiru.K.Ashokan, Inspector of Police, Villampatti Police Station took the case for investigation. Previously one Ponragu, Inspector of Police took up the case for investigation and he could not proceed with the investigation due to his ill health condition. He prepared the observation mahazar (Ex.P5) and rough sketch (Ex.P16) in the place of occurrence and recovered a pair of bloodstained ladies chappal (MO5), Bloodstained cement floor (MO7), Ordinary cement floor(MO8), Emenor-Capsule strips Nos2(MO8), One plastic button of ear stud (MO9). He conducted inquest on the dead body and prepared the inquest report (Ex.P18) in the presence of the witnesses and panchayadhars and sent the dead body to the Government Hospital for conducting postmortem.



6. PW13-Dr.Kaliammal who conducted the postmortem issued the postmortem certificate (Ex.P4) and observed that

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“A deep cut measuring 10 x 3 x 3 cm was found on the left side of the face. A deep cut was found from the left mouth to the jaw area, and the same was seen on the right side. The teeth were knocked out. The right side had a cut on the left side of the neck measuring 6 x 3 x 3 cm. A cut on the left side of the neck had cut the vocal cords and its depth was 4 x 3 x 3 cm. A cut in the middle of the neck was 3 x 3 x 3 cm. The larynx was broken. The scapula was intact. There was a cut on the left side of the head measuring 12 x 3 x 3 cm. There was a cut on the face measuring 1 x 1 x 1 cm. A cut on the right shoulder measuring 5 x 2 x 2m.”

7. Subsequently, the Investigating Officer arrested the accused on 07/07/2012 at 07.20 p.m and recorded the confession statement of A1 under Ex.P20 and recovered the two wheeler bearing registration No.TN-57-AY-8577 Hero Honda Splendor by athachi and thereafter, recovered 3-1/2 sovereign gold chain with dollar design, 1-1/2 sovereign gold chain and 1 sovereign gold chain, one pair of ear studs weighing at about one sovereign with Jimikki Kammal



(totally 7 sovereigns) in the presence of the witnesses M.Karuppusamy, Village Administrative Officer of K.Veeranur and his Assistant Paraman on 07.07.2012 at about 11.00 p.m. He recovered the bloodstained aruval (M.O.10) in a recovery mahazar under Ex.P7 in the presence of the same witnesses and sent all the material objects to the Court in Form-95. Thereafter, he examined necessary witnesses and obtained chemical analysis report and recorded the statement of the Forensic Officer. After completing the investigation, he filed the charge sheet as against A1 for the offences punishable under Sections 364, 392 and 302 IPC and against A2 for the offences under Section 364 r/w 34 IPC.

8. On receipt of the records, the Judicial Magistrate No.1, Dindigul, took up the case in PRC No.03 of 2013 and issued summons to the accused. After appearance of the accused, copies of the entire records were furnished to them free of cost under Section 207 Cr.P.C.

9. Since the offence is exclusively triable by a Court of Session, the learned Judicial Magistrate, committed the case records to the Principal District and Sessions Judge, Dindigul, under Section 209(A) Cr.P.C, for further action.

10. The Principal District and Sessions Judge, Dindigul, received the case records and numbered it as SC No.159 of 2017 and made it over to the Sessions Judge, Fast Track Mahila Court, Dindigul.



11. On receipt of the records, the learned Sessions Judge, Fast Track Mahila Court, Dindigul, framed the charges against A1 under Sections 364, 392 and 302 IPC and against A2 under Section 364 r/w 34 IPC. The charges were read over and explained to the accused. They denied the charges and claimed to be tried. Therefore, the case was posted for trial.

12. On the side of the prosecution, 20 witnesses were examined as PW1 to PW20 and marked 23 documents as Exs.P1 to P23. Material objects M.O.1 to M.O.15 were produced. On the side of the accused, neither oral nor documentary evidence was adduced.

13.The trial Court, on appreciation of the evidence both oral and documentary came to the conclusion that A1 found guilty, convicted and sentenced for the offence under Section 364 IPC to undergo 10 years RI and to pay a fine of Rs.10,000/-, in default to undergo 3 months SI; under Section 392 IPC to undergo 10 years RI and to pay a fine of Rs.10,000/-, in default to undergo 3 months SI and under Section 302 IPC to undergo life imprisonment and to pay a fine of Rs.20,000/-, in default to undergo 6 months SI and the sentences were ordered to run concurrently. Similarly, A2 also found guilty for the offence under Section 364 r/w 34 IPC, convicted and sentenced to undergo 10 years RI and to pay a fine of Rs.10,000/- in default to undergo 3 months SI.



14. Aggrieved over the same, these criminal appeals are preferred by A1 and A2 as appellants separately.

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15. The learned counsel for the appellant/A1 in Crl.A(MD)No.962 of 2023 would contend that according to the prosecution, the deceased was found missing during early hours on 04.07.2012 at about 12.00 a.m., but the complaint was lodged on 06.07.2012 at 8.00 a.m., after the deceased was found dead at Kannimar Kanmai, Viruveedu, Nadakottaipakkam. It is a case of based on the circumstantial evidence, but the Trial Court failed to note that in order to convict the accused in a case of circumstantial evidence, the chain of evidence must be completed and mere recovery alone would draw any adverse inference as against the accused for conviction. P.W.6 had spoken about the last seen theory that while he was travelling in a motor cycle on 04.07.2012 at about 12.00 a.m., he found A1 and A2 with the deceased and immediately he informed the same to PW1, but he did not lodge any complaint immediately and he waited for two days and lodged the complaint only on 06.07.2012. So, the projection of the last seen theory of the prosecution is false. There are lot of contradictions in the evidence of P.W.1, P.W.2, P.W.6 and P.W.7. There is no corroboration in their evidence. The prosecution examined only interested witnesses and failed to examine any independent witness.



16. He further stated that the prosecution failed to prove the connection of the accused with the crime beyond all reasonable doubt linked with the chain without any brake. But in this case, a false case has been foisted against the accused without any basis with a mala-fide intention. In view of the above said circumstances, the judgment of conviction and sentence recorded by the Trial Court against this appellant/A1 is liable to be set aside and this appeal is to be allowed, by acquitting the appellant/A1.

17. The learned counsel for the appellant/A2 in Crl.A(MD)No.346 of 2022 has reiterated the argument advanced by the learned counsel appearing for A1.

18. Per contra, the learned Additional Public Prosecutor appearing for the State would submit that the accused and the deceased were last seen by P.W. 4, P.W.5, P.W.6 and they categorically stated that on the date of the occurrence, A1 drove a two wheeler and the deceased Parameswari was sitting and A2 was also sitting along with them and they proceeded to Nilakkotai at about 12.35a.m. He has further stated that missing jewels were recovered from the accused after the confession statement and the deceased was brutally murdered for gain and all the jewels were recovered from the accused and the accused also handed over the bill-hook which was used for the offence and therefore, the prosecution



proved the case beyond reasonable doubt. Therefore, the judgment of conviction and sentence recorded by the Trial Court requires no interference and both appeals are liable to be dismissed.

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

20. It is true that in this case, there is no direct eye witness to prove the guilt of the accused. But the prosecution projected the case based on the circumstantial evidence. In a case of circumstantial evidence, it is the duty of the prosecution to connect the accused with all incriminating circumstances which could form a chain without any brake.

21. P.W.1 is the father of the deceased, who lodged the complaint, has clearly stated that on 04.07.2012 at about 12.00 night due to the temple festival, his deceased daughter was brought by his wife. It was informed by his wife that at early morning at 05.00 a.m., her daughter was found missing. Thereafter, he made search and at that time, the witnesses P.W.6 and P.W.7 informed that A1 took her daughter in a two wheeler near Nilakottai Tower and subsequently, on 05.07.2012 at about 05.00 a.m., A1 came in his two wheeler and he fled away in the two wheeler in an harried manner with anxiety and subsequently, they went to the accused house and informed that for the past three days, his daughter was



not returned. Subsequently, he was informed that dead body of a woman was found near the Kannimar Lake bed and found the dead body of his daughter with injuries on the left neck, right neck, cheek and right head with cut injuries and the jewels worth about 3½ sovereigns gold chain with dollar design, 1½ sovereign of gold chain gold and one sovereign of gold chain and one pair of ear studs weighing at about one sovereign with Jimikki Kammal were found missing. He was under the impression that somebody killed his daughter for gain. He also found Aruval near the dead body. Immediately, he informed the same to his wife Panchavarnam and thereafter, lodged the complaint.

22. P.W.2, who is the mother of the deceased admitted that though her daughter was found missing on 04.07.2012, the complaint was lodged only on 06.07.2012, in-spite of the fact that P.W.6 and P.W.7 informed them that the accused took her daughter in a two wheeler.

23. It is to be noted that there is a huge delay in lodging the complaint, for which the prosecution has not satisfactorily explained and so, it is fatal to the prosecution. The complainant being the father of the deceased after knowing that his daughter was kidnapped by the accused not even taken any steps to find out her whereabouts. He simply kept quiet and lodged the complaint leisurely on 06.07.2012.



24. P.W.3 has also stated the same thing. She has also supported the statement of P.W.1. The persons, who last seen the accused along with the deceased said to have examined as P.W.6 and P.W.7. They have stated that they came to drop their relatives who attended the temple festival and at that time, they saw A1 who was driving two wheeler with the deceased and A2 and proceeded to Nilakottai. Immediately, he returned to his house and about 12.00 hours, he learnt that the deceased was not found. Immediately, he went to the house of the complainant and informed that his deceased daughter was travelling along with A1 and A2 in a two wheeler. P.W.7 also stated the same thing. It is to be note that their statement was alleged to be recorded on 06.07.2012, but it was received by the Judicial Magistrate only on 27.12.2012 after a delay of five months, which creates doubt whether their statement was recorded on the same day. It is the duty of the Investigating Officer to send all the statements recorded under section 164 Cr.P.C without any delay to the Judicial Magistrate Court. In this case, the delay in sending the statements recorded by the Investigating Officer creates serious doubt whether the statement of the witnesses were recorded on the same day, as P.W.1 has not lodged any complaint after receipt of the intimation from the above said witnesses.

25. P.W.9 also stated the same thing that of P.W.6 and P.W.7. P.W. 10 is the another witness who alleged to be a witness, turned hostile and did not



support the prosecution case. It was specifically stated that the accused kidnapped the deceased, but soon after the registration of the FIR, they were not arrested on the same day. But they were arrested only on the next day.

26. P.W.11 stated that seven years back, the accused came and requested to purchase an auto and stated that he is in possession of some jewels and subsequently, he heard about the murder of the deceased and the accused were arrested on 07.07.2012.

27. P.W.12-Thiru.Murugan, Village Administrative Officer has stated that when he was working as Village Administrative Officer of Viruveedu Village, the Inspector of Police, attached to Vilampatti informed him that he suspected the accused who are coming near Andipatti-Viruveedu road near Keela Achampatti, he and his Assistant had been to the place and at that time, both the accused came near that place and they were stopped by the Inspector and the Inspector recorded the statement of A1, in which he and his Assistant signed. He further stated that a two wheeler was seized from the accused in a recovery mahazar Ex.P3.

28. It is to be noted here that during the course of cross examination, P.W.20 the Investigating Officer admitted that no confession was recorded from



A2. Further, in the confession statement of A1, it was not recorded that the two-wheeler was seized from the accused. However, the Investigating Officer has stated that the accused asked him that he is ready to hand over the two wheeler and taken to the place of occurrence. But P.W.12, the Village Administrative Officer stated that soon after the arrest, the accused handed over the two wheeler and also stated that both the accused came in a two wheeler. So, the evidence of the Village Administrative Officer and the Investigating Officer is not tallied. Further, it is also surprised to note that the accused handed over the jewels from stone heap, which is wrong, because the occurrence took place on 04.07.2012 and the jewels were recovered only on 07.07.2012 from stone heap, which seems to be unbelievable story, that it was recovered from the bus stop. It was stated by the Investigating Officer that the accused handed over the Aruval from the said stone heap. On the contrary, in the complaint, the complainant (P.W.1) has stated that after receipt of the intimation, he went and saw the dead body of the deceased and found the aruval near the dead body. If it is true, it is the duty of the Investigating Agency to inspect whether the aruval found near the deceased is the real weapon used for the occurrence or the weapon handed over by the accused on 07.07.2012 is the real weapon, which was used for the commission of the crime. It was stated that the bill-hook, which was recovered from the accused was sent for chemical analysis, however, the serological report did not find anything about the bloodstained found in the bill-hook.



29. As per the prosecution theory, the accused committed the murder and took all the jewels subsequent to the murder. If the jewels were taken from the dead body, it would also contain bloodstain, but the same was not sent to the chemical analysis, which created suspicion that murder was really committed for gain. Though the complainant stated that soon after the occurrence, he found that his daughter was found missing, before lodging the complaint, P.W.6 and P.W.7 informed him that both the accused took the deceased in a two wheeler. But he failed to lodge the complaint soon after her misplacement. But leisurely he lodged the complaint two days after the occurrence that is on 06.07.2012. In the original complaint, he has stated that P.W.6 and P.W.7 informed that the deceased was travelling along with A1 and A2. Only during the cross examination, he has stated about the same. If really, he was informed about last seen witnesses, he would have mentioned the same in the complaint itself. Therefore, the prosecution failed to prove the last seen theory.

30. It is to be noted that motive for the offence is an important role. But the prosecution has also not properly proved the motive to the occurrence. Further, the arrest, confession and recovery were also not proved. The prosecution totally failed to prove the case by linking the chain of circumstances connecting the accused with the crime and concluded that the accused were alone committed the murder.



31. For all the reasons stated above, this Court is of the considered view that without considering the above aspects, the Trial Court has wrongly recorded the conviction and sentence upon the appellants which requires interference by this Court.

32. In the result, Crl.A(M)No.962 of 2023 is **allowed** and the judgment of conviction and sentence passed by the Fast Track Mahila Court, Dindigul, in SC No.159 of 2017, dated 14.03.2022 is set aside and the appellant/A1 is acquitted from all the charges. The appellant/A1 is directed to be released forthwith unless his detention is required in connection with any other case. Bail bonds, if any, executed by the appellant/A1 shall stand cancelled. Fine amount, if any, paid by him is ordered to be refunded to the appellant/A1. Similarly, Crl.A(MD)No.346 of 2022 is also **allowed** and the judgment of conviction and sentence passed by the Fast Track Mahila Court, Dindigul, in SC No.159 of 2017, dated 14.03.2022 is set aside and the appellant/A2 is acquitted from all the charges. Bail bonds, if any, executed by the appellant/A2 shall stand cancelled. Fine amount, if any, paid by him is ordered to be refunded to the appellant/A2.

(G.K.I., J) (R.P., J)
02.02.2026



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To,

- 1.The Sessions Judge,
Fast Track Mahila Court,
Dindigul.
- 2.The Inspector of Police,
Viruveedu Police Station,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Superintendent
Central Prison, Madurai.
- 5.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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