



Crl. A(MD)No.379 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.04.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

Crl. A(MD)Nos.379 of 2023

Moorthy

: Appellant(s)

Vs.

The Inspector of Police,
Vangal Police Station,
Karur District.
(Crime No.267 of 2016)

: Respondent(s)

PRAYER: Criminal Appeal is filed under Section 374(2) of the Code of Criminal Procedure, to admit this appeal on file, to call for the records from the lower Court and duly set aside the judgment passed by the learned Additional Sessions Judge / Fast Track Mahila Court, Karur in S.C.No.57 of 2017 dated 29.12.2017.

For Appellant

: Mr.M.Krishnaveni

For Respondent

: Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



Crl. A(MD)No.379 of 2023

JUDGMENT

**(Judgment of the Court was
delivered by N.ANAND VENKATESH, J)**

This appeal has been filed by the sole accused against the judgment passed in S.C.No.57 of 2017 dated 29.12.2017 on the file of the Additional Sessions Judge / Fast Track Mahila Court, Karur, wherein the petitioner was convicted for the offence under Section 302 of IPC and sentenced to undergo life imprisonment and to pay a fine of Rs. 1000/-, in default to undergo three months simple imprisonment.

2. The case of the prosecution is that the accused person was a Subscriber of a chit that was conducted in the village. He used to get money from P.W.3 to pay the chit. But, he did not repay the amount to P.W.3. The deceased Karuppayee Ammal therefore prevented her husband, who is P.W.3 from paying any amount to the accused person and as a result, there was a previous enmity between the deceased and the accused person. On 16.09.2016, between 18.30 hours and 19.30 hours, the accused person went to the house of the deceased and called her husband-P.W.3. At that time, the deceased came out of the house and informed him that her husband is not available in the house and she is



Crl. A(MD)No.379 of 2023

said to have shouted at the accused asking him why he had come to the house. The accused person is said to have asked money to the deceased.

At that point of time, the accused person is said to have caught hold of the hair of the deceased and dragged her into the house and pushed her down and stabbed with a knife over her throat and caused her death on the spot.

3. P.W.3 after coming to know of the incident, informed the same to P.W.1, who is the son of the deceased. P.W.4 also came and saw the deceased lying in a pool of blood. Hence, P.W.1 gave a written complaint (Ex.P.1) to the Inspector of Police on duty and an FIR (Ex.P.16) came to be registered in Crime No.267 of 2016 for the offence under Section 302 of IPC at about 09.00 p.m. P.W.17 handed over the express FIR to the concerned Court at 11.05 p.m.

4. P.W.23 took up the investigation and he informed to the finger print expert, sniffer dog (squad) and Photographer. He went to the place of occurrence at about 22.30 hours. The Observation Mahazar (Ex.P.2) and Rough Sketch (Ex.P.17) were prepared in the presence of P.W.10 and his Assistant. M.O.1-knife, M.O.2-blood stained cement floor and



Crl. A(MD)No.379 of 2023

M.O.3-sample cement floor were seized under Ex.P.3-Seizure Mahazar.

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5. P.W.15-Photographer went to the place of occurrence and took photographs which were marked as M.O.15 series and the Compact Disk was marked as M.O.16. Ex.P.10-Certificate was issued by the Photographer (P.W.15).

6. P.W.16, who was working in the Dog Squad came to the place of occurrence with a sniffer dog. He prepared a report which was marked as Ex.P.11.

7. On 17.09.2016, P.W.23 conducted the inquest on the body of the deceased in the presence of Panchayatars and witnesses between 12.00 p.m., to 02.30 a.m., and prepared inquest report (Ex.P.18).

8. The dead body was sent for postmortem through P.W.14 (Head Constable) with a requisition letter-Ex.P.19 to the Government Hospital, Karur. P.W.21 conducted the postmortem and prepared the postmortem report (Ex.P.14). The following injuries were noted:

External Injuries:-



Crl. A(MD)No.379 of 2023

“(1) Transverse cut injury with sharp edges and clean cut margins 2 c.m. Length (5 cm from midpoint on right side and 2 cm from midpoint on left side) 2 cm width, 0.75 c.m. depth exposing the cut ends of right jugular vein and anterior wall of the trachea (2) Right infraorbital regions discolouration.

*O/D Skull Intact, brain pale; hyoid bone intact; trachea 1*0.5 cm x cavity depth cut injury; posterior wall of trachea intact; thorax intact; ribs intact; lungs pale; heart chamber empty; liver pale; stomach contains 200 gms of partially digested food particles. Bladder empty, uterus atrophical. All other internal organs are pale.*

9. The Investigation Officer recorded the statement of the witnesses under Section 161 of Cr.P.C., and also collected the Biological Report, Serological Report and Postmortem Report.

10. In the meantime, on 20.09.2016 at about 14.00 hours, when P.W.11-Village Administrative Officer and his Assistant were on duty, the accused person is said to have gone to the office and gave voluntary confession that he only murdered the deceased with a knife. The report prepared by P.W.11 was handed over to P.W.23 along with the accused at



Crl. A(MD)No.379 of 2023

about 17.00 hours. The special report was marked as Ex.P.6. On arrest, the accused person confessed and based on the admissible portion of the confession, M.O.8 to M.O.10 were seized under Ex.P.8-Seizure Mahazar. The accused was produced before the Judicial Magistrate Court and he was remanded to judicial custody.

11. On completion of the investigation, the Police report was laid before the learned Judicial Magistrate No.II, Karur, which was taken on file in P.R.C.No.16 of 2017. After service of the copies under Section 207 of Cr.P.C., the case was committed and made over to the file of the learned Additional Sessions Judge (Fast Track Mahila Court), Karur, which was taken on file in S.C.No.57 of 2017.

12. The trial Court framed charges for the offence under Section 302 of IPC and the accused person denied the charges.

13.The prosecution examined P.W.1 to P.W.24 and examined Ex.P.1 to Ex.P.23 and also relied upon M.O.1 to M.O.16. The incriminating circumstances and evidence were put to the accused person when he was questioned under Section 313 (1) (b) of Cr.P.C. and he



Crl. A(MD)No.379 of 2023

denied the same as false.

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14. The accused person did not examine any witnesses nor did he rely upon any documents.

15. The trial Court, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to the conclusion that the prosecution has proved the case beyond reasonable doubts and accordingly, convicted and sentenced the accused person in the manner stated supra. Aggrieved by the same, the present Criminal Appeal has been filed before this Court.

16. This Court carefully considered the submissions made on either side and the materials available on record.

17. The entire case of the prosecution hinges upon the circumstantial evidence. The circumstances that were sought to be established by the prosecution are :

A. Motive;

B. Last Seen Theory;



Crl. A(MD)No.379 of 2023

C. Arrest and Recovery;

D. Extra-Judicial Confession.

18. In the case of circumstantial evidence, every circumstance must be fully proved and the circumstance must form a chain of evidence so complete as to exclude every hypothesis other than the guilt of the accused. Useful reference can be made to the judgment of the Hon'ble Apex Court in the case of ***Sharad Birdhi chand Sarda Vs. State of Maharashtra*** reported in ***1984 (4) SCC 116***.

19. The specific case of the prosecution is that the accused person used to collect money from P.W.3 to subscribe in a chit that is said to have been run by P.W.10. It is alleged that the accused person did not repay back the money and therefore, the deceased, who is the wife of P.W.3, had informed P.W.3 not to give any money to the accused person. On the day, when the accused person came to the house of the deceased, she is said to have shouted at the accused person and the accused person dragged her inside the house and attacked her with M.O.1.

20. Insofar as the motive is concerned, the prosecution has mainly



Crl. A(MD)No.379 of 2023

relied upon the evidence of P.W.3. He has merely stated that the accused person asked money to him to pay for the chit and he refused to pay the money. P.W.10 was examined on the side of the prosecution to show that he is running the chit. However, P.W.10 was not able to substantiate as to whether the accused was a Subscriber to the chit. The Investigation Officer did not even collect any material from P.W.10 to establish that the accused person was a Subscriber to the chit. Except the evidence of P.W.3 and P.W.10, there was nothing available to show that there was a strong motive for the accused person to kill the deceased on the ground that money was not given to him to pay the chit.

21. The prosecution has relied upon the evidence of P.W.2, P.W.6 to P.W.9 to establish the last seen theory. This incident had taken place during the night hours. P.W.2 in her evidence states that she saw the accused person coming out of the house of the deceased and was talking with her son. P.W.6 has stated that the accused person was talking with him for 10 minutes on 20.09.2016. P.W.6 is none other than the son of P.W.2.

22. P.W.7 in his evidence states that he went along with one Karthi



Crl. A(MD)No.379 of 2023

to the fertilizer shop at Manmangalam and they saw the accused person going into the house of P.W.1. In the course of examination, P.W.7 has admitted that the fertilizer shop at Manmangalam will be 4 kilometers from the place of occurrence and when they reached there at 07.00 p.m.,, the shop had been closed and therefore, when they returned back they saw the accused person entered into the house of P.W.1. It is also significant to note that P.W.7 had been enquired by the Police on 20.09.2016 in the Police Station.

23. P.W.8 and P.W.9 state that they saw the accused person coming out of the house of P.W.1 at about 07.30 P.M.

24. A cumulative reading of the evidence of all the above witnesses shows that they have been examined by the prosecution only to establish the last seen theory. However, the said report given by P.W.19-Finger Print Expert does not reveal the availability of the finger print of the accused inside the house. If really the above witnesses had seen the accused person entering the house or leaving the house, surely, the finger print of the accused person would have been lifted from the scene of crime inside the house by the expert. Since no such finger print has been



Crl. A(MD)No.379 of 2023

traced, it will not be safe to merely act upon the evidence of the above witnesses to establish the last seen theory.

25. The next circumstance pertains to arrest and recovery. According to the witness-P.W.13, he was present at the time of recovery based on the admissible portion of the confession made by the accused person and blood stained clothes of the accused person is said to have recovered under Seizure Mahazer (Ex.P.8). The evidence of P.W.6 who was examined on the side of the prosecution to establish the last seen theory specifically brings out the fact that even when P.W.6 had allegedly met the accused person after the incident, he only found his clothes to be wet and did not have any blood stains.

26. Insofar as the recovery of knife (M.O.1) is concerned, the Biological Report and Serological Report show that the knife contained the blood stains belonging to “A” group blood which coincided with the blood group of the deceased.

27. As such, the so called recovery of blood stained clothes is



Crl. A(MD)No.379 of 2023

doubtful. That apart, the mere arrest and recovery does not by itself improve the case of the prosecution.

28. The last leg is the extra-judicial confession. The accused person is said to have gone to the office of P.W.11 and voluntarily given the extra-judicial confession. The extra-judicial confession by itself is a very weak piece of evidence. Therefore, it is always safe for a Court to look for corroboration before acting upon the extra-judicial confession. No such strong corroboration is available in the case in hand.

29. The conspectus of the above discussion establishes the fact that the link in the chain of circumstances has snapped in the vital places and therefore, the Court cannot proceed further to act on a mere suspicion. The benefit of doubt has to necessarily go in favour of the accused person. The prosecution has not proved the case beyond reasonable doubts.

30. In the light of the above discussion, the judgment passed by the learned Additional Sessions Judge / Fast Track Mahila Court, Karur in S.C.No.57 of 2017 dated 29.12.2017 is hereby set aside and the criminal



Crl. A(MD)No.379 of 2023

appeal is allowed. The appellant is set at liberty from all charges. The accused person, who is undergoing the sentence, shall be released from the jail forthwith unless he is required in any other case.

[N.A.V., J.] [K.K.R.K., J.]
07.04.2026

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
TSG

To

1. Additional Sessions Judge / Fast Track Mahila Court, Karur.
2. The Inspector of Police,
Vangal Police Station,
Karur District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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Crl. A(MD)No.379 of 2023

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Crl.A.(MD)No.379 of 2023

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