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CRL.A.(MD)No.610 of



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2026

CORAM

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

Crl.A(MD)No.610 of 2022

Mohammed Arabudeen

: Appellant/Sole Accused

Vs.

The State represented by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
(Crime No.264 of 2013)

: Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374 of the Criminal Procedure Code, to call for the records pertaining to the judgement delivered by the Fast Track Mahila Court, Ramanathapuram, Ramanathapuram District, in SC No.72 of 2016, dated 24.03.2022 and to set aside the same and consequently to acquit the appellant.

For Appellant

: Mr.A.Saravanan
(Legal Aid Counsel)

For Respondent

: Mr.R.M.Anbunithi
Additional Public Prosecutor



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JUDGMENT

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

This Criminal Appeal is directed as against the judgment of conviction and sentence passed by the Fast Track Mahila Court, Ramanathapuram, in SC No.72 of 2016, dated 24.03.2022 and consequently to acquit the appellant.

2. The case of the prosecution is that on 18.06.2013, the complainant was sitting in his provision store at about 11.00 a.m. At that time, he heard the hue and cry of his sister-in-law. Immediately, he rushed to the house and his brother also arrived there in a car. At that moment, they found the accused running towards the southern side holding a knife.

(a) On entering the house, they saw his mother Sabeena Banu lying dead in a pool of blood. A rope was also found nearby. Bloodstains were noticed throughout the staircase leading to the upstairs. When they went upstairs, they found his sister-in-law Jesima Banu with injuries.

(b) On enquiry, she informed that the accused had earlier spoken with her mother-in-law. Her daughter had informed her about the arrival of the accused. Thereafter, she noticed the accused coming upstairs with bloodstains on his body and he requested her to prepare tea. When she went to prepare tea, he again asked her to bring some water.



(c) When she attempted to bring the water, the accused tried to stab her with a knife. She tried to prevent the attack with her hand, but the accused stabbed her repeatedly. On hearing that her husband was arriving, the accused immediately left the place of occurrence and ran away.

(d) Thereafter, her husband took her in a car to the hospital. The complainant found that his mother had sustained a neck injury and stab injuries on her hip and the backside of the chest, and she had died at the spot. Except for the thali chain, the other jewels, namely 47 sovereigns of gold chain, 18 sovereigns of bangles and 6 sovereigns of rings, were found missing. According to the prosecution, the accused murdered his mother and removed the jewels.

(e) The complaint (Ex.P1) was received by PW17 – Thiru. Vijayakumar, Sub-Inspector of Police, who registered a case in Crime No.264 of 2013 on the file of Kenikarai Police Station against the accused for the offences punishable under Sections 302, 307 and 397 IPC. The First Information Report (Ex.P16) was prepared. The original complaint and FIR were forwarded to the Judicial Magistrate No.II, Ramanathapuram, and copies were also sent to the Investigating Officer for further investigation.

(f) PW20 – Thiru. Ganesan, Inspector of Police, Ramanathapuram, took up the case for investigation. He requisitioned the sniffer dog, forensic expert and fingerprint expert, and visited the place of occurrence at about 12.15 p.m.



(g) He prepared the Observation Mahazar (Ex.P19) and Rough Sketch (Ex.P20) in the presence of the witnesses Raji and Abdul Wahid. He collected bloodstained earth in cotton (M.O.6) and also a four-feet nylon rope (M.O.7) found near the dead body of the deceased under a recovery mahazar (Ex.P21).

(h) He also collected bloodstains from the upstairs (M.O.8) in the presence of the same witnesses under mahazar (Ex.P22). Thereafter, he conducted inquest over the dead body in the presence of witnesses and panchayatdars and prepared the Inquest Report (Ex.P23).

(i) After the inquest, he sent the dead body to the Government Hospital, Ramanathapuram for conducting post-mortem to ascertain the cause of death.

(j) Thereafter, he proceeded to Sathya Hospital, examined the injured Jesima Banu (PW7) and recorded her statement. He also recorded the statements of other material witnesses and recovered the bloodstained saree and lungi from the dead body, which were sent in Form-95 to the Judicial Magistrate No.II, Ramanathapuram.

(k) Thereafter, the investigation was taken over by PW21 – Thiru. Krishnamoorthy, Inspector of Police. PW21 took up the case for further investigation and examined the witnesses.

(l) He arrested the accused on 20.06.2013 in the presence of Village Administrative Officer Thirumoorthy (PW10) and his assistant Ramesh. The



accused gave a confession statement (Ex.P25). Pursuant to the confession, the bloodstained shirt (M.O.1) and pant (M.O.2) worn by the accused were recovered under recovery mahazar (Ex.P26).

(m) The accused was thereafter remanded to judicial custody and the material objects were produced before the Judicial Magistrate Court.

(n) Subsequently, he altered the sections of law from Sections 302, 307 and 397 IPC to Sections 302 and 307 IPC through the Alteration Report (Ex.P27).

(o) He also recorded the further statement of the injured Jesima Banu (PW7). He examined PW13 – Dr. Govindaraj, who examined the deceased and issued the Accident Register (Ex.P14). He also examined PW11 – Dr. Kannaki, who conducted the post-mortem examination on the body of the deceased and noted the following injuries.

(i) There were 2 deep cuts on the right side of her abdomen measuring 4 x 2 cm covered in blood.

(ii) There was a deep cut on her body in the middle and lower part of her back measuring 4 x 2 cm covered in blood.

(iii) There was also a long and deep cut on the front of her neck measuring 10 3 x 4 cm., below the hyoid bone. The windpipe had been cut. Deep cuts measuring 8 x 3 x 3cm were found on both jaws, which were soaked in blood.



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On physical examination of her abdomen revealed a stomach ulcer, Spleen, liver, two kidneys, uterus, JSCOP Beasts are not good. There was a 5 x 2 cm cut at the base of his body at the beginning of the blood vessels (Roob mesentry)

and issued postmortem report Ex.P11.

(p) P.W.21 also examined Dr. Meenakshi Sundaram of Sathya Hospital, who issued the Accident Register (Ex.P12) to the injured Jesima Banu. On 16.09.2013, he examined the forensic officials and recorded their statements. After completing the investigation, he filed the final report/charge sheet against the accused for the offences punishable under Sections 449, 302 and 307 IPC.

3. On receipt of the records, the Judicial Magistrate No.II, Ramanathapuram, took up the case in PRC No.264 of 2013 and issued summons to the accused. After the appearance of the accused, copies of the entire records were furnished to him free of cost under Section 207 Cr.P.C.

4. 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, Ramanathapuram, under Section 209(A) Cr.P.C for further action.



5. The Principal District and Sessions Judge, Ramanathapuram, received the case records and numbered it as SC No.72 of 2016 and made it over to the Fast Track Mahila Court, Ramanathapuram.

6. On receipt of the records, the learned Fast Track Mahila Judge, Ramanathapuram, framed the charges against the accused under Sections 449, 302 and 307 IPC. The charges were read over and explained to the accused. The accused denied the charges and claimed to be tried. Therefore, the case was posted for trial.

7. On the side of the prosecution, 21 witnesses were examined as P.W.1 to P.W.21 and 27 documents were marked as Exs.P1 to P27. Material Objects M.O.1 to M.O.8 were produced. On the side of the accused, no witness was examined, but one document was marked as Ex.D1.

8. The Trial Court on appreciation of the evidence, both oral and documentary, came to the conclusion that the accused is guilty and convicted him for the offences under Sections 302, 307 and 449 IPC and sentenced him to undergo imprisonment as detailed below:-



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Conviction	Sentence	Fine amount
302 IPC	To undergo imprisonment of life	To pay a fine of Rs. 1,00,000/- in default to undergo two years SI
307 IPC	To undergo imprisonment of life	To pay a fine of Rs. 1,00,000/-, in default to undergo two years SI.
449 IPC	To undergo imprisonment for life	To pay a fine of Rs. 50,000/-, in default to undergo two years SI.
All the sentences were directed to run concurrently.		

9. Against the said judgment of conviction and sentence, this criminal appeal is filed by the appellant on the following many other grounds:-

The motive for the occurrence was not proved. In the absence of any motive, it cannot be stated that the appellant has killed the deceased and also caused injuries to P.W.7. Though the prosecution has projected that this is a case of murder for gain, but rather itself by saying that it is only a case of murder simpliciter and to have another witness sustained with injuries. In the ordinary course of nature, no one could venture to commit murder on the other person without any reason. As per the evidence of P.W.1, he witnessed the accused and also he found that 47 sovereigns of gold chain, 18 sovereigns of bangles and 6 sovereigns of ring were misplaced and as such, informed that the appellant has committed the murder only for robbing all the jewels. The investigation also proceeded on such line as if it is the case of murder for gain. However, the investigation has been changed and later on, traced and seen to have been



available in the compound wall that contradictory version with regard to the missing of the jewels, which creates a strong doubt on the case of the prosecution. Such aspect of the matter as to why P.W.1 informed that the appellant has committed the murder for looting the jewels has not been thoroughly investigated. Those facts gives an indication that the prosecution has originally attempted to plan those jewels with a view to make use of the same as an incriminating circumstances against the appellant, but later on having found that such an attempt may not strengthen their case has simply dropped the same. The Trial Court erred in convicting the appellant on the basis of the accident registers (Exs.P12 and P13). PW12 cannot be relied on in view of the reason that the serial numbers mentioned on those documents are different and thereby, those documents can only be said as concocted materials. The injured witness P.W.7, when she was admitted in the hospital has informed that some unknown persons attacked her and she does not know where the the occurrence had taken place, which is very contradictory to the statement given before the Investigating Officer and in her evidence before the Court. The appellant is a close relative and the local resident too. But the victim has not stated the name of the accused before the Doctor. As per the FIR and observation mahazar, nylon rope found near the body of the deceased, he should have conducted the investigation so as to find out in what manner, the said nylon rope has got a link for the commission of the murder. But during the midst of the investigation, he has dropped his idea



and by simply believing the mouth pieces of P.W.1 and P.W.7 and filed the charge sheet against the appellant. Though the CCTV footages very much available in the place of occurrence, the Investigating Officer has not collected the same. He called the sniffer dog and finger print experts, when the injured witness P.W.7 was available. The extra-judicial confession statement given before PW10-Village Administrative Officer is not believable. The prosecution has projected the case as if it is a case of eye witness speaking about the prosecution. When thus being so, the appellant need not to have approached the Village Administrative Officer (P.W.10) and confessed everything on his own. The prosecution has failed to prove the case beyond all reasonable doubt and prayed for allowing the appeal by setting the judgment of conviction and sentence passed by the Trial Court.

10. Per contra, the learned Additional Public Prosecutor appearing for the respondent State submitted that the present case is based on direct eye-witness evidence. There is also an injured witness, who was examined as P.W.7. Further, P.W.1, who came to the house after hearing the alarm raised by P.W.7, saw the accused running away from the house with a knife. P.W.2 also saw the accused soon after the occurrence with bloodstains. P.W.6 likewise stated that immediately after the occurrence, the accused was seen with a knife and bloodstains.



10.1. P.W.7, the injured witness, who is an important witness in this case, has clearly spoken about the occurrence. The confession, arrest and recovery have also been duly proved. Though the motive was not spoken to by any of the witnesses, since the case rests on eye-witness testimony, proof of motive is not essential.

10.2. Further, at the time of the occurrence, the jewels were not found on the body of the deceased and were subsequently recovered near the compound wall. Though no specific complaint was made alleging that the accused committed murder for gain, it cannot be stated that the accused had not committed the murder with such intention.

10.3. It is further submitted that the ocular evidence is fully supported by the medical evidence, and when the evidence is cumulatively considered, it is also corroborated by the extra-judicial confession made by the accused before the Village Administrative Officer, thereby strengthening the prosecution case. Therefore, the prosecution has proved the case beyond reasonable doubt and there is no merit in the appeal, which is liable to be dismissed.

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

12. P.W.1, who is the son of the deceased, has clearly stated that on the date of occurrence, i.e., 18.06.2013, he heard an alarm raised by his sister-in-law. Immediately, he and his brother rushed to the spot. On entering the house,



they found their mother lying in a pool of blood with injuries and his sister-in-law lying upstairs with severe injuries. She was immediately taken to the hospital. P.W.1 and his brother also noticed that only one gold chain was found on the neck of the deceased and that the other chains, bangles and ring were missing. Thereafter, he went to the police station and lodged the complaint.

13. Though the prosecution projected that the accused committed the murder for gain, on the ground that a major portion of the jewels were missing from the body of the deceased, the Investigating Officer, who conducted the inquest on the body of the deceased, has recorded in the inquest report that though the complainant had informed that the jewels were looted by the accused, in Ex.P23 (Column No.9) it was stated that the jewels were found near the window. Therefore, the accused was not charged for the offence of robbery.

14. P.W.7, the injured witness, has categorically stated that the accused is her relative, being the son of her father-in-law's younger brother. On the day of occurrence, when the accused came to the house, she went upstairs without suspecting him. Thereafter, she heard an alarm raised by her mother-in-law and noticed that the accused had cut the neck of her mother-in-law. The accused then removed the jewels of the deceased and ran away. When she attempted to chase him, the accused stabbed her repeatedly. After she became unconscious, the accused fled from the place. Later, after hearing the sound of a



car, she came to know that some of the jewels were missing, though she was not aware of the exact number of jewels missing.

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15. In this case, except P.W.7, no other witness directly witnessed the occurrence. However, P.W.6 saw the accused at the place of occurrence with a knife, and P.W.8 also stated that he saw the accused with bloodstained clothes.

16. The evidence of the above witnesses is further supported by the Forensic Science Laboratory report (Ex.P17) and the Serology Report (Ex.P18). The dresses were recovered based on the confession statement of the accused. A pale yellow coloured jeans pant with dark brown stains (Item No.6), a grey coloured shirt with white stripes having brown stains (Item No.7) and a rusty metal knife with a wooden handle measuring about 30 cm in length with dark brown stains were recovered. The biological report stated that the blouse and lungi recovered from the body of the deceased were also stained with blood. All the above items were found to contain human blood, and the rope, blouse, lungi and pant were found to contain 'B' group blood.

17. Further, the confession, arrest and recovery have also been proved by the prosecution. The defence projected a different version that since the complainant had married a girl belonging to another community, due to previous enmity someone else might have murdered his mother. Another theory was also



projected that unknown persons had committed robbery and murder. However, no evidence was produced in support of these claims. The ocular evidence is fully supported by the medical evidence, thereby strengthening the prosecution case

18. P.W.12-Doctor who treated the victim girl found the following 19 injuries:-

1. *A cut injury measuring 4 cm × 2 cm on the right costal margin.*
2. *A stab injury measuring 2 cm × ½ cm on the lower left side of the abdomen, situated 8 cm lateral from the midline.*
3. *A cut injury measuring 4 cm × 2 cm on the left costal margin, situated 12 cm lateral from the midline.*
4. *A cut injury measuring 4 cm × 1 cm on the upper part of the right arm, 6 cm below the axilla.*
5. *A cut injury measuring 4 cm on the thenar eminence of the right hand.*
6. *A lacerated injury on the right forearm, 3 cm below the elbow.*
7. *A lacerated injury measuring 5 cm × 2 cm on the posterior aspect of the left forearm.*
8. *A cut injury measuring 1 cm × ½ cm on the left upper arm.*
9. *A cut injury measuring 1 cm × ½ cm on the left side of the chest, below the breast.*
10. *A cut injury measuring 1.5 cm × 0.5 cm on the upper part of the left little finger, with tendon cut.*



11. *A cut injury measuring 1.5 cm × 0.5 cm on the left middle finger.*
12. *A cut injury measuring 1.5 cm × 0.5 cm on the left ring finger.*
13. *A cut injury measuring 2 cm × 0.5 cm on the left side of the neck, seen behind the ear in the mastoid process region.*
14. *A cut injury measuring 0.5 cm × 0.5 cm below the outer end of the left eyebrow.*
15. *A stab injury measuring 3 cm × 0.5 cm on the back of the neck.*
16. *A cut injury measuring 3 cm × ½ cm on the left side of the neck.*
17. *A stab injury measuring 3 cm × 1 cm on the posterior chest.*
18. *A cut injury measuring 3.5 cm × 0.5 cm on the back of the head.*
19. *A cut injury measuring 1 cm × ½ cm below the above injury.*

19. P.W.11 issued the Accident Register (Ex.P12), wherein it is mentioned that P.W.7 sustained multiple stab injuries. P.W.11 further deposed that she found sharp-edged deep cut injuries on the body of the deceased. According to her opinion, the deceased would have died due to the injuries sustained on the neck and other parts of the body. Though the Investigating Officer recovered a nylon rope, no corresponding injury caused by a rope was found on the body of the deceased.



20. The occurrence is stated to have taken place at about 11.00 a.m., and the FIR came to be registered immediately at about 11.30 a.m. On the very same day, without any delay, the FIR was also received by the learned Judicial Magistrate. Therefore, there is no delay in registering the FIR. It is also not in dispute that the accused, the injured witness, the deceased, and P.W.1 are relatives.

21. It has not been proved that there existed any previous enmity among them so as to falsely foist a case against the accused. It is true that the prosecution has not proved the motive. However, P.W.7 has stated that she used to visit and meet her mother-in-law, and it is not known what transpired between the deceased and the accused. In the present case, the prosecution mainly rests upon the testimony of P.W.7, who is an injured witness. Therefore, the non-proof of motive is not fatal to the prosecution case. The prosecution has established the case beyond reasonable doubt.

22. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court in ***Jan Mohammad v. State of Bihar***, reported in (1953) 1 SCC 5, wherein paragraph No.17 reads as follows:

“Motive is a relevant fact under the Evidence Act (Section 8).

It is an important element in a chain of presumptive proof where the evidence is purely circumstantial, but it may lose importance in a



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case where there is direct evidence by witnesses implicating the accused. In a case such as the present where the prosecution evidence itself shows that the relations between the deceased and the appellants were cordial, the absence of an apparent motive, though not necessarily fatal to the prosecution case, may reasonably be regarded as a fact in favour of the accused. We think, therefore, that the attempt to prove a motive against any of the appellants has failed.”

23. Upon careful and proper appreciation of the entire materials available on record, both oral and documentary, this Court finds that the prosecution has proved its case beyond reasonable doubt. The Trial Court has rightly appreciated the evidence, and no grounds are made out to interfere with the conviction and sentence.

24. In the result, this criminal appeal fails and the same is **dismissed**.

(G.K.I., J) (R.P., J)
28/01/2026

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To,

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



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