



CRL.A(MD)Nos.568, 716 of 2023 and 810 of

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16/02/2026

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

CrL.A(MD)Nos.810 of 2022, 568 and 716 of 2023

1.CrL.A(MD)No.810 of 2022:-

Lallenboi

: Appellant/Accused No.3

Vs.

The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukottai District.
(Crime No.110 of 2019)

: Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374 of the Criminal Procedure Code, against the judgment passed by the Mahila Court, Pudukottai District, in SC No.57 of 2020, dated 05/03/2022 and to set aside the same and consequently to acquit the appellant/A3.

For Appellant

: Mr.G.Bhagavath Singh

For Respondent

: Mr.T.Senthil Kumar
Additional Public Prosecutor



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CRL.A(MD)Nos.568, 716 of 2023 and 810 of



2.Crl.A(MD)No.568 of 2023:-

Kalimuthu

: Appellant/Accused No.1

Vs.

State represented by
The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukottai District.
(Crime No.110 of 2019)

: Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374(2) of the Criminal Procedure Code, against the judgment passed by the Mahila Court, Pudukottai District, in SC No.57 of 2020, dated 05/03/2022 and to set aside the same and consequently to acquit the appellant/A1.

For Appellant

: Mr.K.Pabhu

For Respondent

: Mr.T.Senthil Kumar
Additional Public Prosecutor

3.Crl.A(MD)No.716 of 2023:-

Sivakumar

: Appellant/Accused No.2

Vs.

State through the Inspector of Police,
Avudaiyarkovil Police Station,
Pudukottai District.
(Crime No.110 of 2019)

: Respondent/Complainant



CRL.A(MD)Nos.568, 716 of 2023 and 810 of

PRAYER: Criminal Appeal filed under Section 374(2) of the Criminal Procedure Code, against the judgment passed by the Mahila Court, Pudukottai District, in SC No.57 of 2020, dated 05/03/2022 and to set aside the same and consequently to acquit the appellant/A2.

For Appellant	: M/s.V.Muthumani (Legal Aid Counsel)
For Respondent	: Mr.T.Senthil Kumar Additional Public Prosecutor

COMMON JUDGMENT

(Common Judgment of the Court was made by the Hon'ble **G.K. ILANTHIRAIYAN.J**)

These Criminal Appeals are directed as against the judgment passed in S.C No.57 of 2020 by the Mahila Court, Pudukkottai, dated 05/03/2022, thereby convicting A1 under Sections 364, 404, 201, 120-B r/w 302, 302 IPC; A2 under Sections 404, 201, 120-B r/w 302, 302 IPC; and A3 under Sections 404, 201 and 302 IPC.

2.The case of the prosecution is that A1 and A2 are friends. A2 borrowed money from the deceased Panchavarnam often and he used to repay the same. While being so, A2 borrowed a sum of Rs.1,00,000/- from the deceased for his marriage expenses and failed to repay the same. Therefore, there



was a dispute with regard to the money transactions between A2 and the deceased. A1 had introduced the deceased to A2. Therefore, it was informed to A1, for which A1 assured that the loan amount would be repaid by A2. Therefore, A1 and A2, while they were consuming alcohol, decided to do away with the life of the deceased, as she was giving torture to A2 to repay the loan amount. Therefore, both conspired together and, on 04.09.2019, A1 picked up the deceased on his two-wheeler to redeem the jewels which were pledged by the deceased from the money to be settled by A2. A1 kidnapped the deceased on his motorcycle by stating sweet-coated words and took her to the place where A2 and A3 had already dug a pit with an intention to bury the deceased. Thereafter, A2 pushed the deceased down and strangulated her neck by closing her mouth and nose, thereby causing suffocation and murdered her. Thereafter, all the accused buried the body in the pit already dug and robbed 7-1/2 sovereigns of jewels and cash of Rs.3,00,000/- from her.

3. On the complaint, the respondent Police registered an FIR in Crime No.110 of 2019 under “Woman Missing”. After completion of the investigation, a final report was filed for the offences punishable under Sections 364, 302, 397, 201 and 120(B) IPC. Thereafter, the Trial Court framed charges as against A1 under Sections 120(B), 364, 302, 404 and 201 IPC; against A2 under Sections 120(B), 302, 404 and 201 IPC; and against A3 under Sections 302, 404 and 201 IPC.



4.Before the Trial Court, in order to prove the charges, the prosecution examined 15 witnesses as PW1 to PW15 and marked 40 documents as Exs.P1 to P40, besides producing material objects MO1 to MO25. On the side of the accused, they examined 2 witnesses as DW1 and DW2 and did not mark any document.

5.On perusal of the oral and documentary evidence, the Trial Court found the accused guilty and accordingly convicted and sentenced them as detailed below:-

A1-Kalimuth

Convicted	Sentenced	Fine amount
364 IPC	10 years RI	To pay a fine of Rs.25,000/-, in default to undergo SI for one year.
404 IPC	3 years RI	To pay a fine of Rs.25,000/- in default to undergo SI for one year.
201 IPC	7 years RI	To pay a fine of Rs.25,000/-, in default to undergo SI for one year.
120-B r/w 302 IPC	Life Imprisonment	To pay a fine of Rs.25,000/-, in default to undergo SI for one year.
302 IPC	Life Imprisonment	To pay a fine of Rs.25,000/-, in default to undergo SI for one year.

**A2-Sivakumar**

Convicted	Sentenced	Fine amount
404 IPC	3 years RI	To pay a fine of Rs.25,000/-, in default to undergo SI for one year.
201 IPC	7 years RI	To pay a fine of Rs.25,000/-, in default to undergo SI for one year.
120-B r/w 302 IPC	Life Imprisonment	To pay a fine of Rs.25,000/-, in default to undergo SI for one year.
302 IPC	Life Imprisonment	To pay a fine of Rs.25,000/-, in default to undergo SI for one year.

A3-Lallenboi

Convicted	Sentenced	Fine amount
404 IPC	3 years RI	To pay a fine of Rs.25,000/-, in default to undergo SI for one year.
201 IPC	7 years RI	To pay a fine of Rs.25,000/-, in default to undergo SI for one year.
302 IPC	Life Imprisonment	To pay a fine of Rs.25,000/-, in default to undergo SI for one year.

All the sentences were directed to run concurrently by the accused.



6. Aggrieved by the same, separate appeals have been filed by all the three accused.

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7. The learned counsel appearing for A3 submits that even according to the case of the prosecution, A3 along with A2 dug up a pit to bury the body; except this allegation, no other material is available to convict him of the crime. In fact, he was implicated as an accused only on the confession statement of the co-accused. There was no recovery from A3 and even then, the Trial Court convicted A3 for the offence under Section 302 IPC. There is no material to connect A3 along with A1 and A2 to prove the charge under Section 302 IPC. The Trial Court, only based on the extra-judicial confession statement, which was recorded from A2 and marked as Ex.P7, convicted A3. A3 did not participate in the conspiracy between A1 and A2. Therefore, the entire conviction imposed on A3 is liable to be set aside and CrI.A.(MD) No.810 of 2022 filed by A3 is to be allowed.

8. The learned counsel appearing for A1 and A2 submits that A2 borrowed a loan from the deceased and failed to repay the said amount; it was one of the motives as projected by the prosecution to do away with the life of the deceased. Further, A2 voluntarily surrendered and gave a voluntary confession statement on 21/09/2019 and only based on the confession statement of A2, A1



was arrested and remanded to judicial custody. On the confession statement, there was a recovery of cash from A1. The prosecution also projected PW8 to prove the last seen theory, as if A1 was going on his motorcycle along with the deceased. Though the prosecution had examined PW1, who spoke about the conspiracy, both PW8 and PW9 did not support the case of the prosecution. Even then, the Trial Court mechanically convicted A1 and A2. It is further submitted that the son of the deceased deposed as PW1 and according to him, the deceased was missing from 04/09/2019, but he lodged the complaint only on 06/09/2019 and there is no explanation for the delay in lodging the complaint. Initially, the FIR was registered under “Woman Missing”, but on perusal of the complaint, which was marked as Ex.P1, there was no complaint with regard to the missing of jewels. Even after seeing A1 and the deceased, PW8 did not even whisper to anybody. He was examined only on 01/10/2019, that too after the arrest of A1. The Trial Court convicted the accused persons only on the basis of the extra-judicial confession, which was recorded from A2. Under these circumstances, it is prayed that Crl.A.(MD) Nos.568 and 716 of 2023 filed by A1 and A2 have to be allowed.

9.Per contra, the learned Additional Public Prosecutor submitted that though A3 was implicated as an accused on the basis of the confession statement of A2, there was recovery of a pickaxe (MO25), which was used to dig



up a pit to bury the deceased. Further, all the accused conspired together with an intention to do away with the life of the deceased and A2 and A3 dug up a pit to bury the dead body of the deceased even before her death. It clearly shows that they conspired together with an intention to do away with the life of the deceased and murdered her. The confession statement of A2 led to recovery. In fact, all the material objects were recovered only on the basis of the confession statement. A2 himself voluntarily surrendered and gave his extra-judicial confession statement. On the basis of the confession statement, there was a recovery of jewels and cash. The jewels and cash were clearly identified by PW6, PW7 and PW8. Therefore, the accused were rightly convicted by the Trial Court and it does not warrant any interference by this Court.

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

11. The prosecution has projected the motive for the occurrence that A2 used to borrow loans from the deceased. A1 is the friend of A2 and he introduced A2 to the deceased. A2 used to repay the said amount promptly and had good conduct with the deceased. While being so, he borrowed a huge amount of Rs.1,00,000/- as a loan for his marriage expenses and thereafter failed to return the same and the deceased informed the same to A1. Therefore, A1 and A2 conspired together to do away with the life of the deceased with the help of



A3. When the deceased decided to redeem the jewels, which were already pledged by her, A1 picked her up on his two-wheeler. The deceased was also in possession of cash to redeem the jewels. A1 kidnapped her on his two-wheeler to the scene of crime and committed murder by strangulating her at the scene of crime where A2 and A3 were already present and A3 helped to dig up a pit to bury the dead body.

12.In this case, there is no eyewitness to the occurrence. In order to prove the last seen theory, the prosecution had examined PW8. He had seen the deceased along with A1 on his motorcycle just prior to the occurrence. On the next day, he went to Chennai for his work and thereafter he heard that the accused had murdered the deceased for cash and jewels. Though his statement was recorded after the arrest of the accused, A2 himself voluntarily surrendered and made his confession statement on 21/09/2019. On the basis of his confession statement, A1 and A3 were implicated as accused and they were arrested and remanded to judicial custody. There is no contra evidence to disbelieve the evidence of PW8.

13.In order to prove the loan transaction between A2 and the deceased, the prosecution had examined the son of the deceased as PW1. He categorically deposed that the deceased went along with jewels and cash to



redeem the jewels and also pledged other jewels. Thereafter, she did not return home and her cell phone was also switched off. When he made a search, he was informed that his deceased mother had borrowed a sum of Rs.3,00,000/- from PW12 to redeem the jewels. Thereafter, he lodged the complaint and the same was registered by the respondent Police under “Woman Missing”. A2 surrendered himself before the Revenue Inspector and gave a confession statement before him, which was marked as Ex.P7. The Revenue Inspector deposed as PW3. At the request made by PW3, the Inspector of Police attached to Avudaiyarkovil Police Station, conducted the investigation. The said confession led to recovery of the two-wheeler and cash. Pursuant to the confession statement of A2, A1 and A3 were arrested and remanded to judicial custody. On the basis of the confession statement, the jewels and cash were recovered from A1. MO25 (pickaxe) was recovered from A3, which was used to dig up a pit to bury the body of the deceased. The cash and jewels were identified by PW1, PW6, PW7 and PW8. In fact, the extra-judicial confession statement led to the exhumation of the body of the deceased and the body was identified by her daughters, who deposed as PW6 and PW7. The person who lent a loan to the deceased to the tune of Rs.3,00,000/- for one day deposed as PW12. After recording the extra-judicial confession statement in the presence of PW2, A2 had shown the place in which the body of the deceased was buried. It was exhumed from the Embal–Devakottai Road near the Vadakizh Kuzhi river bed in



land comprised in Survey No.157. The body of the deceased was identified by PW1, who is the son of the deceased.

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14. Though it is a case of circumstantial evidence, the evidence of the prosecution forms a complete chain. In order to prove a case of circumstantial evidence, the circumstances from which the conclusion of guilt is to be drawn should be fully established. The facts so established should be consistent only with the hypothesis of the guilt of the accused; that is to say, they should not be explainable on any other hypothesis, except that the accused is guilty. The circumstances should be of a conclusive nature and tendency; they should exclude every possible hypothesis except the one to be proved; and finally, there must be a chain of evidence so complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and must show that, in all human probability, the act must have been done by the accused.

15. A1 and A2 are close friends. It is admitted that A2 had borrowed money from the deceased and failed to repay the same. Therefore, A1 and A2 conspired together to do away with the life of the deceased. On 04/09/2019, when the deceased was standing alone near the Bank with jewels and money, A1 approached her, spoke to her in a friendly manner and took her



on his two-wheeler. Thereafter, he kidnapped her and proceeded from Embal towards the Devakottai Road and took her to the Vadakizh Kuzhi river bed, where A2 and A3 were already present and had kept a pit ready for burying the dead body of the deceased. Thereafter, A1 and A2 strangulated the neck of the deceased and murdered her. Thereafter, they removed the jewels and cash from the deceased and buried her.

16. In so far as A3 is concerned, except the confession statement of the co-accused, no other incriminating material is available to connect A3 with A1 and A2. Admittedly, A3 belongs to the State of Manipur. He is a daily wage coolie and no one has spoken about A3 to connect him with A1 and A2. How the prosecution implicated A3 and on what material, he was connected have not been established by the prosecution. Though MO25 pickaxe was allegedly recovered from A3, it was not proved in accordance with law. No sand was recovered from the pickaxe to prove that it was used to dig up a pit to bury the body of the deceased. Except MO25, no other material was recovered from A3. Further, even according to the case of the prosecution, he was only standing along with A2. He did not assist in burying the dead body and there is no specific overt-act attributed to A3 in the murder of the deceased. In fact, according to the prosecution, A3 did not even assist A1 and A2 in murdering the deceased. Therefore, the prosecution failed to prove any charge as against A3



and accordingly, the conviction and sentence passed against A3 are liable to be set aside and are accordingly set aside.

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17. In so far as A1 and A2 are concerned, the prosecution has categorically proved the motive and conspiracy to murder the deceased. The chain of circumstances is complete as per the evidence of the prosecution against A1 and A2. As per the confession statement and postmortem report, the last seen theory comes into play through PW8, where the time gap between the point of time when the accused and the deceased were last seen alive and when the deceased was found dead is so small that the possibility of any person other than the accused being the author of the crime becomes impossible. According to PW8, on 04/09/2019, he last saw A1 and the deceased on the motorcycle belonging to A1. Further, PW1, the son of the deceased deposed that after 05.30 p.m. on 04/09/2019, the deceased did not return home and her cell phone was switched off. Therefore, the principles governing proof of a circumstantial case are clearly established by the prosecution against A1 and A2. Therefore, the Trial Court rightly convicted A1 and A2 and this Court finds no infirmity in the judgment of conviction and sentence imposed against A1 and A2, who are the appellants in Crl.A.(MD) Nos.568 and 716 of 2023.



18.In the result, Crl.A.(MD)Nos.568 and 716 of 2023 filed by A1 and A2 are **dismissed**. Crl.A.(MD) No.810 of 2022 filed by A3 is **allowed** and the judgment of conviction and sentence passed by the Mahila Court, Pudukottai, in SC No.57 of 2020, dated 05/03/2022 is set aside and A3 is acquitted from all the charges. Bail bonds, if any, executed by A3 shall stand cancelled. Fine amount, if any, paid by him is ordered to be refunded to A3.

(G.K.I.,J) (R.P.,J)
16/02/2026

Index:Yes/No
Internet:Yes/No

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To,

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



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CRL.A(MD)Nos.568, 716 of 2023 and 810 of

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

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