



Crl. A(MD)No.995 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.06.2026

CORAM:

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

AND

THE HONOURABLE Mr. JUSTICE P.B.BALAJI

Crl. A. (MD)No.995 of 2023

Duraipandi

.. Appellant/sole accused

Vs.

**The State rep. by
The Inspector of Police,
Eriodu Police Station,
Dindigul District
Crime No.348/2016**

..Respondent/Complainant

**Appeal filed under Section 374(2) of Criminal Procedure Code,
against the judgment and order dated 07.12.2021 in S.C.No.118 of 2017
on the file of the Principal District and Sessions Judge, Dindigul.**

**For Appellant
For Respondent**

**: Mr.M.Jegadeeshpandian
: Mr.G.Karuppasamypandian
Counsel for State**



Crl. A(MD)No.995 of 2023

WEB COPY

JUDGMENT

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

The sole accused has assailed the judgment of the Principal District and Sessions Judge, Dindigul, made in SC No.118 of 2017 dated 07.12.2021 convicting him for offence under Section 302 IPC and sentencing to undergo life imprisonment and to pay fine of Rs.10,000/-, in default to undergo simple imprisonment for three months.

2. The case of the prosecution is that PW2 was married to the deceased and were residing at Madurai and they had two children out of the wedlock. PW2 developed illicit relationship with the accused and started living with him at Tiruppur. Later, PW2 returned back to the matrimonial home and started living with the deceased and her children. The accused person was forcing PW2 to live with him and she refused. On 30.09.2016, at about 2.00 p.m., when PW1 was sitting in the pial along with her husband, the accused person came to the house and asked about PW2, for which, PW1 replied that she has gone for work. He then enquired about the deceased and PW1 lied that he has also gone for

2/13



Crl. A(MD)No.995 of 2023

WEB COPY

work. However, the accused person started shouting and hearing the noise, the deceased came out from the house. The accused person stabbed the deceased with a knife (MO1) in his chest and abdomen and the deceased fell down and the accused person once again stabbed in the left thigh. Even thereafter he indiscriminately stabbed the deceased and as a result, the deceased died on the spot. PW1 started shouting and as a result, the people in and around came to the scene of crime and on seeing them, the accused person fled away.

3. PW1 gave a complaint (Ex.P1) to PW6 at about 15.15 hrs., on 30.09.2016 and based on the same, an FIR (Ex.P9) came to be registered in Crime No.348 of 2016 for offence under Section 302 IPC. The express FIR was sent to the Court and it reached the Court on 01.10.2016 at 1.30 a.m.

4. The investigation was taken over by PW7, who went to the scene of crime at about 16.45 hrs., and prepared the observation mahazar (Ex.P6) and the rough sketch (Ex.P10). He recorded the statement of



Crl. A(MD)No.995 of 2023

WEB COPY

witnesses under Section 161(3) Cr.P.C. He conducted the inquest on the dead body in the presence of panchayatdars and prepared the inquest report (Ex.P11). He thereafter sent a requisition letter to the Government Hospital, Vedasandur through a Head Constable to conduct autopsy.

5. PW3 conducted autopsy and noted the following injuries in the postmortem report marked as Ex.P3:

“External Injuries:

- 1. Two laceration over left side of chest of size 2x1x1cm and 3x1x1cm.*
- 2. Four lacerations over left lateral aspects of abdomen of size 4x2x2 cm with 3x1x1cm, 3x1x0.5cm and 3x2x1cm.*
- 3. Two laceration over left shoulder of size 3x2x1 and 2x1x0.5cm*
- 4. laceration of 2x1x0.5 cm over right side of abdomen.*
- 5. Two laceration over left groin 2x1x1cm and 3x1x0.5 cm*
- 6. Lacerations 14x3x2cm over left thigh*

Internal Examination:Hyoid bone intact. Left side 3rd, 4th and 5th rib fractures. Left lung-multiple laceration present. Right lung C/S. 200 ml clotted blood in left side chest cavity. Heart empty. Liver C/S. Spleen C/S. Kidney appears pale. Stomach - 500 ml undigested liquid material. Two pierce of size 1 cm and 1.5 cm over intestine. Pierce of size 2 cm over descending colon. About 1 litre of blood in abdominal cavity. No skull bone fracture. Brain matter normal.”



Crl. A(MD)No.995 of 2023

WEB COPY 6. A final opinion was given to the effect that the deceased would appear to have died of hemorrhage and shock.

7. The investigating officer arrested the accused person on 01.10.2016 at 13 hrs., in the presence of PW4 and another witness and based on his admissible portion of the confession, the knife (MO1) was seized. Apart from that MO2 to MO4 were also seized under Athatchi Ex.P5. The accused person was thereafter sent to judicial custody.

8. The case properties were sent to the Court and steps were taken to record the statement of PW1 under Section 164 Cr.P.C. and it was recorded (Ex.P8).

9. The investigating officer completed recording of statements from all the witnesses and collected the reports Ex.P14 and Ex.P15 and on completion of investigation, the charge sheet was laid before the District Munsif cum Judicial Magistrate, Vendasandur, which was taken on file in PRC No.5/2017. After furnishing the copies of the documents



CrI. A(MD)No.995 of 2023

WEB COPY

under Section 207 Cr.P.C., the case was committed to the Principal District and Sessions Court, Dindigul, which was taken on file in SC No. 118/2017. The trial Court framed a charge under Section 302 IPC and when the accused person was questioned, he denied the charge.

10. The prosecution examined PW1 to PW7 and marked Ex.P1 to Ex.P15 and relied upon MO1 to MO7.

11. The incriminating circumstances and evidence were put to the accused person when he was questioned under Section 313(i)(b) of Cr.P.C., and he denied the same as false.

12. The trial Court, on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to a conclusion that the prosecution has proved the case beyond reasonable doubts and proceeded to convict and sentence the accused person in the manner stated supra. Aggrieved by the same, the accused person has filed the present appeal before this Court.



Crl. A(MD)No.995 of 2023

WEB COPY 13. This Court carefully considered the submissions made on either side and perused the materials available on record.

14. The learned counsel for the appellant submitted that PW1, who is the mother-in-law of the deceased, was examined by the prosecution as an eyewitness. She has specifically stated that her husband was also present along with her and when she screamed as the incident took place, Pandiyammal, her husband, Gopi, Veerathevar and many others came to the scene of crime and none of these witnesses were examined on the side of the prosecution.

15. The learned counsel further submitted that the only eyewitness account available is that of PW1 and she has stated that she informed her daughter (PW2) and she came back and accompanied PW1 and others to the police station when the complaint is said to have been given at 15.15 hrs. However, PW2 in her evidence has stated that she came back to the house only at 6.45 p.m., in the evening. In view of the same, the complaint, which is said to have been given at 15.15 hrs., becomes



Crl. A(MD)No.995 of 2023

WEB COPY

doubtful. Hence, the evidence of PW1 alone cannot be relied upon without any corroboration. The learned counsel submitted that there was no proper explanation from the investigating officer as to why no other witness including the husband of PW1 were examined on the side of the prosecution. It was therefore contended that the benefit of doubt must go in favour of the accused person.

16. Per contra, the learned counsel for the State submitted that the evidence of PW1 remained intact and it was not able to be dislodged during cross-examination. It is further submitted that the evidence of PW1 is natural and there is nothing to doubt the veracity of the evidence of PW1. It is further submitted that the evidence of PW1 is corroborated by the medical evidence of the Doctor (PW3) and therefore the trial Court has properly appreciated the evidence and convicted and sentenced the accused person and there is no ground made out by the appellant for acquittal.



Crl. A(MD)No.995 of 2023

WEB COPY 17. In the case in hand, probably the prosecution could have examined more than one eyewitness apart from PW1. However, the non examination by itself cannot result in the proceedings being vitiated. It must be borne in mind that Section 134 of the Indian Evidence Act provides that no particular number of witnesses shall in any case be required for the proof of any fact and it is always permissible for a Court to record and sustain a conviction on the evidence of a solitary eyewitness. Useful reference can be made to the judgment of the Apex Court in ***Joseph v. State of Kerala*** reported in ***2003 SCC (Crl.) 356***.

18. The evidence of PW1 clearly brings out the motive behind the crime. The daughter of PW1, namely, PW2 was married to the deceased and for a short time, she developed an illicit affair with the accused. Later, she returned back to the matrimonial home and the accused person was continuing to coerce PW2 to return back and live with him. Since PW2 refused to live with the accused person, the accused was enraged. With this motive in mind, he came to the house of PW1 in search of PW2. At the time when the accused person reached the house of PW1,



Crl. A(MD)No.995 of 2023

WEB COPY

PW1 and her husband were sitting in the pial and on seeing them, the accused person started shouting and asked where is PW2. PW1 informed the accused that PW2 has gone for work. He thereafter enquired as to where the deceased was. Realising the danger, PW1 informed him that he has also gone for work. However, the accused person did not believe this version and he raised his voice. The deceased, who was sleeping inside the house, heard the noise and came out and on seeing him, the accused person stabbed him with knife indiscriminately.

19. In the entire cross-examination, the evidence of PW1 has not been discredited and it remained rock solid unshaken.

20. PW2 returned back home after being informed about the incident and she accompanied PW1 to the police station when the complaint was given. Just because, PW2 has stated in her evidence that she came back at about 6.45 p.m., the evidence of PW1 cannot be doubted. The incident had taken place on 30.09.2016 and by the time PW2 was examined in Court, more than three years had lapsed. Hence,



Crl. A(MD)No.995 of 2023

WEB COPY

certain discrepancies are bound to creep in the evidence considering the frailty of human memory.

21. The eyewitness account of PW1 is corroborated by the medical evidence of PW3, who gave the postmortem report (Ex.P3). The injuries recorded is in line with the description of the incident by PW1.

22. In view of the above, since the evidence of PW1 is wholly reliable, there is no need for searching for a corroboration and the Court can certainly rely upon the evidence of PW1 to sustain the conviction and sentence.

23. The evidence of PW1 is further corroborated by the arrest and recovery spoken to by PW4 and the biological and serological reports, which show that the bloodstain found in the material objects tallied with the blood group of the deceased.



Crl. A(MD)No.995 of 2023

WEB COPY 24. When the accused was questioned under Section 313 Cr.P.C.,
he has not given any explanation except stating that it is a false case.

25. In the light of the above discussion, this Court does not find
any ground to interfere with the judgment passed by the trial Court and
accordingly this criminal appeal stands dismissed.

[N.A.V, J.] & [P.B.B, J.]
09.06.2026

NCC : Yes

Index : Yes/No

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To

1.The Principal District and Sessions Judge,
Dindigul.

2.The Inspector of Police,
Eriodu Police Station,
Dindigul District.

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

4.The Section officer (English Records)
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl. A(MD)No.995 of 2023

**N.ANAND VENKATESH, J
AND
P.B.BALAJI, J.**

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Judgment made in
Crl. A. (MD)No.995 of 2023

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