



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05/02/2026

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

**Crl.A(MD)No.1309 of 2025
and
Crl.MP(MD)No.19104 of 2024**

Arunprasath

: Appellant/A1

Vs.

The State of Tamil Nadu, rep. By
The Inspector of Police,
Fort Police Station,
Trichy City.
(Crime No.292 of 2023)

: Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 415(2) of the BNSS, to call for the records and set aside the conviction and sentence passed by the II Additional District and Sessions Judge, Trichy, in SC No.179 of 2023, dated 02/09/2025 and consequently to acquit the appellant/A1.

For Appellant

: Mr.T.Leninkumar

For Respondent

: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



JUDGMENT

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(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 II Additional District and Sessions Judge, Trichy, in SC No.179 of 2023, dated 02/09/2025 and consequently to acquit the appellant/A1.

2. According to the prosecution case, the son of the complainant has been running a clay lamp shop near Oyamaari Burial Ground for the past 20 years. Subsequently, the complainant's daughter and son-in-law have been looking after the said shop for the past 10 years. The accused also started a clay lamp shop near their shop and frequently picked quarrels with the complainant and her family members.

3. On 15.03.2023 at about 07.00 a.m., when the complainant's son-in-law and daughter attempted to open the shop, the accused along with his father and mother created a quarrel, which was prevented by them. At that time, the accused and his family members threatened that the issue would be resolved only if one of the members of the complainant's family was done away with.

4. Again, on the same day at about 05.30 p.m., they created further



trouble, for which the complainant stated that she would lodge a complaint against them. Thereafter, at about 07.45 p.m., A1 and A2 came to the complainant's house and attempted to pull her saree. Immediately, her husband, son and daughter-in-law intervened and tried to prevent them. At that time, A1 took a billhook, which was used for cutting tender coconuts, and inflicted injuries on the chest of her husband. When they raised alarm, A1 and A2 fled from the scene of occurrence. The complainant's husband succumbed to the injuries sustained by him. Hence, she lodged a complaint marked as Ex.P1 before the Fort Police Station, Trichy at about 21.30 hours.

5. On receipt of the complaint, PW12 – Thiru Natarajan, Sub-Inspector of Police, registered a case in Crime No.292 of 2023 for the offences punishable under Sections 448 and 302 IPC under Ex.P7 (FIR) and forwarded the same to the Judicial Magistrate No.1, Trichy.

6. Thereafter, PW13 – Thiru. Dhayalan, Inspector of Police, took up the case for investigation. He visited the place of occurrence and prepared the Observation Mahazar (Ex.P8) and Rough Sketch (Ex.P9). He also recovered bloodstained mud (MO2) and ordinary mud (MO3) under a Recovery Mahazar (Ex.P10).

7. He conducted inquest over the dead body and prepared the Inquest



Report (Ex.P11). He recovered two bloodstained dhotis (MO4 and MO5) and a green-coloured T-shirt (MO6) from the body of the deceased under Form-91 (Ex.P17).

8. Subsequently, he arrested the accused, recorded their confession statements and, based on the admissible portion of the confession, recovered the billhook (MO1) and orange-coloured T-shirt (MO7) under Recovery Mahazar (Ex.P15) and remanded the accused to judicial custody.

9. During the course of investigation, he also obtained a certificate from the Junior Engineer, TNEB, stating that there was no power cut at the place of occurrence at the relevant time. He received the Forensic Report (Ex.P18), Serology Reports (Exs.P19 and P20), Final Opinion (Ex.P21) and Viscera Report (Ex.P22). Thereafter, he filed an Alteration Report (Ex.P23) and ultimately laid the final report against A1 under Sections 449 and 302 IPC and against A2 under Sections 449 and 302 read with 34 IPC.

10. On receipt of the records, the Judicial Magistrate No.1, Trichy, took the case on file in PRC No.94 of 2023 and issued summons to the accused. After their appearance, copies of all the documents relied upon by the prosecution were furnished to them free of cost under Section 207 Cr.P.C.



11. Since the offences alleged are exclusively triable by a Court of Session, the learned Judicial Magistrate committed the case to the Principal District and Sessions Judge, Trichy, under Section 209 Cr.P.C.

12. The Principal District and Sessions Judge, Trichy, on receipt of the case records, took the case on file in S.C. No.179 of 2023 and made it over to the II Additional District and Sessions Judge, Trichy for trial.

13. On receipt of the records, the learned II Additional District and Sessions Judge, Trichy, framed charges against A1 under Sections 449 and 302 IPC and against A2 under Sections 449 and 302 read with 34 IPC. The charges were read over and explained to the accused. The accused denied the charges and claimed to be tried. Hence, the case was posted for trial.

14. During trial, on the side of the prosecution, 13 witnesses were examined as PW1 to PW13, 23 documents were marked as Exs.P1 to P23, and 7 material objects were produced as MO1 to MO7.

15. Upon appreciation of the oral and documentary evidence, the Trial Court found A1 guilty under Sections 449 and 302 IPC, convicted and sentenced him to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment for each offence, and ordered the



sentences to run concurrently.

16. However, A2 was found guilty under Section 448 IPC and sentenced to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment, and was acquitted of the charge under Section 302 read with 34 IPC.

17. Aggrieved by the judgment of conviction and sentence passed by the Trial Court, the appellant/A1 has filed the present criminal appeal on the following, among other, grounds:

17.1. There are contradictions between the evidence of PW1 to PW4, and the medical evidence does not corroborate the ocular testimony. The Trial Court failed to examine the doctor who conducted the post-mortem examination. The prosecution projected that the recovery was made based on the confession statement of A2, who allegedly disclosed the place where the appellant/A1 had hidden the weapon and bloodstained T-shirt.

17.2. It is the settled position of law that under Section 27 of the Indian Evidence Act, the confession statement of a co-accused can be used only for the purpose of discovery of a fact and cannot be used as substantive evidence against another accused. However, the Trial Court relied upon the confession statement of A2 and convicted A1, which is beyond the scope of Section 27 of the Evidence Act.



17.3. Further, there was a delay of four days in producing the material objects before the Court, which has not been properly explained by the prosecution. The prosecution has also failed to establish the common intention or premeditation on the part of the accused.

17.4. It is further contended that even assuming the prosecution case to be true, the alleged act would fall within the ambit of Section 304(ii) IPC and not under Section 302 IPC. However, the Trial Court erroneously convicted the appellant under Section 302 IPC.

17.5. It is also contended that the serology report is inconclusive with respect to the bloodstains on the weapon, and therefore the alleged recovery does not corroborate the prosecution case. There was also delay in lodging the complaint, even though the police station is situated about 1 km from the place of occurrence.

17.6. Further, the evidence of PW3 contains several contradictions, and the appellant had sustained injuries after the occurrence, but the prosecution failed to explain the same. Under these circumstances, it is contended that the prosecution has failed to prove the case beyond reasonable doubt and therefore the judgment of conviction and sentence passed by the Trial Court is liable to be set aside.

18. Per contra, the learned Additional Public Prosecutor appearing for



the respondent State submitted that this is a case based on the testimony of eye-witnesses. PW1 to PW4 have clearly spoken about the previous enmity between the accused and the deceased. The ocular evidence is also consistent with the medical evidence.

19. It is further submitted that although the recovery was made based on the confession statement of the co-accused A2, the same was not relied upon as substantive evidence against A1, but only for the purpose of recovery of the material objects used in the commission of the offence. Hence, the argument advanced by the learned counsel for the appellant is unsustainable.

20. It is also contended that there was no delay in lodging the FIR. Soon after the occurrence, the dead body was sent for post-mortem examination and the complaint was lodged without undue delay. The FIR also reached the concerned Court on the same day.

21. Further, the appellant/A1 is involved in several criminal cases and his antecedents are not good. Being a habitual offender, he deliberately created problems with the deceased's family and committed the heinous offence. Hence, there is no merit in the appeal and the same is liable to be dismissed.

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



23. On perusal of the records, the prosecution case rests upon the evidence of eyewitnesses. PW1 to PW4 have spoken about the occurrence. Though they are relatives of the deceased, the occurrence took place inside the house of the deceased. Therefore, it is quite natural that the relatives were present in the house at the time of the occurrence. Apart from them, the prosecution also examined PW5 and PW6; however, during the trial they turned hostile and did not support the case of the prosecution.

24. It is not the case of the appellant that the Investigating Officer examined only interested witnesses. The Investigating Officer had examined and cited PW5 and PW6 as eyewitnesses but during trial they were not supported the prosecution case and were treated as hostile. However, it is noted that, the accused is a history-sheeter with bad antecedents, it can be inferred that, due to fear, they did not depose against the accused. Therefore, the conviction based on the evidence of eyewitnesses PW1 to PW4 cannot be said to be fatal to the prosecution case. Except for minor contradictions, the evidence of PW1 to PW4 is clear, cogent and free from any serious omissions or improvements.

25. The motive for the crime was clearly spoken to by PW1 to PW4. PW3 and PW4, who are the daughter and son-in-law of the deceased, stated that they were running a clay lamp shop near the cremation ground. The accused,



who attempted to open a shop near the shop of the deceased, created problems for the deceased and his family members. They also illegally trespassed into the house of the deceased and attempted to outrage the modesty of PW1. However, the Investigating Agency has not charged the accused for the offence of outraging modesty.

26. PW1 to PW4 have clearly stated that A1 came armed with an aruval, which is used for cutting tender coconuts, and struck the deceased on the chest, inflicting fatal injuries, and thereafter fled from the place of occurrence.

27. The medical evidence, marked as Ex.P12, clearly corroborates the testimony of the eyewitnesses. The doctor who conducted the post-mortem examination found the following injury on the body of the deceased:

“Obliquely vertical gapping cut wound on the left upper part of the chest measuring 11 x 1 cm; bevelled margins; lower end sharp, upper end blunt; underlying 3rd, 4th and 5th ribs cut at the mid-clavicular line; the wound runs downwards, backwards and towards the midline of the body.”

28. The doctor opined that the deceased appeared to have died due to shock and haemorrhage as a result of the sharp force injury sustained. He also



stated that the Forensic Laboratory Report did not detect ethyl alcohol or any other poison in the viscera. Therefore, the medical evidence corroborates the evidence of the eyewitnesses.

29. The occurrence took place at 19:45 hours on 15.03.2023, FIR was registered at 21.30 hours, the same was received by the Judicial Magistrate on 16.03.2023 at 03.10.p.m., There was no inordinate delay in lodging the complaint.

30. Further, the blood sample of the deceased was sent for forensic examination and was found to belong to Group 'AB'. The material objects, namely the weapon and the clothes recovered from the body of the deceased and from the appellant/A1, were seized by the Investigating Officer. In the biological report, all the items were found to contain bloodstains. In the serological report, except for the aruval/bill-hook (the result of which was inconclusive), all other materials were found to contain blood of AB group, which further supports the prosecution case.

31. The confession of A2 was recorded by the Investigating Officer, and based on the said confession the material object, namely the aruval (bill-hook) and the blue colour T-shirt of the deceased, were recovered. According to



the prosecution, when the police attempted to arrest the accused, A1 escaped and fell on the centre median, sustaining an injury on his right hand. Therefore, he was sent for treatment and thereafter the police recorded the statement of the co-accused A2. The injury sustained by A1 has also been explained by the prosecution, and the accused has not denied the same.

32. PW9, the Village Administrative Officer who was present at the time of the arrest of the accused, also supported the prosecution version by stating that when they attempted to apprehend A1, he escaped, fell down and sustained injuries, and was therefore sent to the hospital for treatment.

33. It is true that the confession of a co-accused is admissible only to the limited extent of recovery. In the present case, the Trial Court has not convicted A1 solely on the basis of the confession made by A2 implicating A1. The confession was relied upon only to the extent of recovery of material objects, which is admissible in evidence. Therefore, there is no irregularity in the reliance placed by the Trial Court.

34. PW7, who is also an independent witness, saw the dead body with injuries soon after the occurrence. Though he was treated as hostile, he admitted that he saw the dead body immediately after the incident. Another witness,



PW10, who saw the accused with the weapon, also stated that he witnessed the accused entering the house of the deceased, creating trouble with PW1 and inflicting injuries on the deceased. He also spoke about the presence of the other witnesses. Being an independent witness, his evidence supports the case of the prosecution. Hence, this Court is of the considered view that the prosecution has successfully proved the motive.

35. Upon a 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.

36. In the result, this criminal appeal fails and the same is **dismissed** confirming the judgment of conviction and sentenced passed by the Trial Court. Consequently, connected Miscellaneous Petition is closed.

(G.K.I., J) (R.P., J)
05/02/2026

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To,

1.The II Additional District and Sessions Judge,
Trichy.

2.The Inspector of Police,
Fort Police Station,
Trichy City.

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



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