

IN THE COURT OF SESSIONS, THALASSERY

Present: Sri. K.T. Nisar Ahammed, Sessions Judge.

Friday, the 10th day of April, 2026/20th Chaithra, 1948.

SESSIONS CASE No. 139 OF 2025

(Committed by Smt.V.Sheeja, Judicial First Class Magistrate,
Payyannur in CP. No. 09/2025)

(Crime No. 1034/2024 of Payyannur Police Station)

Complainant] State: S.H.O. Payyannur Police Station.
] (Prosecution conducted by
] Sri. K.Ajith Kumar, Public Prosecutor,
] Thalassery)

Accused] Rajesh.K, S/o.Damodaran, Aged 41/24,
] Kunnummal House, Kotttool, Peralam Amsom,
] Kozhummal.
] (Accused defended by Sri.Rakhith.R,
] Deputy Chief Legal Aid Defense Counsel).
]

Charge] U/ss.332(a), 103(1), 109(1), 238(a) of BNS.

Plea of the accused.] Not guilty.

Finding of the Judge.] Guilty.

Sentence/Order.] The accused is sentenced to undergo rigorous
] imprisonment for 7 years and to pay a fine of
] Rs.25,000/- (Rupees Twenty Five Thousand)
] u/s.238(a) of BNS. In default of payment of
] fine, rigorous imprisonment for 3 months.
] He is sentenced to undergo imprisonment for
] life and to pay a fine of Rs.1,00,000/- (Rupees
] One Lakh) u/s.103(1) of BNS. In default of
] payment of fine, rigorous imprisonment for 1
] (one) year. He is sentenced to undergo
] imprisonment for life and to pay a fine of
] Rs.50,000/- (Rupees Fifty Thousand)
] u/s.109(1) of BNS. In default of payment of
] fine, rigorous imprisonment for 6 months.
] He is sentenced to undergo imprisonment for
] life and to pay a fine of Rs.25,000/- (Rupees
] Twenty Five Thousand) u/s. 332(a) of BNS.
] In default of payment of fine, rigorous

] imprisonment for three months. The
] substantive sentences of imprisonment shall
] run concurrently. Set off allowed.

J U D G M E N T

Accused stands charge-sheeted by the Inspector of Police, Payyannur Police Station for the offences punishable under Secs.332(a), 238(a), 109(1), 103(1) of BNS in Crime No.1034/2024 of Payyannur Police Station.

2. The prosecution case in brief is as follows:

That on 21.11.2024 at 05.30 p.m, the accused, the husband of the deceased Divyasree, 38 years, residing at Paliyeri Kovval, Karivellur, because of the grudge in filing divorce OP before Family Court, Kannur and in the Counselling held on 21.11.2024 at Family Court, Kannur, Divyasree had taken a strong stand, not to go along with the accused and insisted for divorce, with the intention of committing her murder, purchased a billhook from Arafa Store at Central Bazar, Payyannur and petrol in two bottles from the Associated Oil Agencies near to the New Bus Stand, Payyannur, came to the residence of Divyasree, in his bike KL 86 B 3015 by keeping the above billhook and petrol in his shoulder bag and parked the vehicle on the side of the road. Then, the accused came running with the above shoulder bag to the house of Divyasree, poured petrol towards her through the grills of the veranda and cut the grill with the above billhook. Then, the accused opened the grills and again poured petrol inside the house and the steps, trespassed into the house, caught and dragged Divyasree to the courtyard and cut on her face, back and left side of head with the above billhook. When CW.2, the father of Divyasree intervened, the accused cut him on his both hands with the billhook. Divyasree ran towards the gate of the house and fell on the courtyard near to the gate. The accused again assaulted CW.2 with the

above billhook on the left side of his head and stomach and attempted to kill him. Then, the accused came near to Divyasree who fell on the courtyard near to the gate and again cut on her left hand, back, left chest repeatedly with the above billhook and caused her death. Then, the accused escaped from the spot and with the intention of destroying the evidence, had thrown the above billhook to the Perumba river, Payyannur from the bridge. Thereby, the accused committed the offences punishable under Secs.332(a), 238(a), 109(1), 103(1) of BNS.

3. On completion of the investigation, charge sheet was laid before the Judicial First Class Magistrate Court, Payyannur and it was taken on file as CP 09/25. After complying Section 230 of BNSS., the learned Magistrate committed the case to the Court of Session u/s.232 of BNSS and it was taken on file as SC.139/2025.

4. When the accused was produced, he prayed for legal aid. Hence, the case was entrusted to Legal Aid Defense Counsel System (LADCS), DLSA Thalassery and copies of records furnished to them. After hearing the prosecution and the defence, charge was framed u/ss.332(a), 103(1), 109(1), 238(a) of BNS, read over and explained to the accused in Malayalam. He pleaded not guilty.

5. The prosecution has examined PWs.1 to 65 and marked Exts.P1 to P.108, Exts.C1, C2 and MOs.1 to MO.51. When the prosecution evidence was over, the accused was examined u/s.351(1) (b) of BNSS. He has denied the incriminating evidence brought out by the prosecution. Heard u/s.255 of BNSS.. As there was no scope for an acquittal u/s.255 of BNSS, the accused was called upon to enter on his defence. He did not adduce any evidence. Served copy of the wound certificate of deceased was marked as Ext.D1. Thereafter, the prosecution and the defence were again heard.

6. Now, the points that arise for consideration are:

1. Whether the accused had trespassed into the house of PW.2 with the intention of committing murder of the deceased Divyasree, as alleged?
2. Whether the accused had caused the death of Divyasree by assaulting her with MO.1 billhook, as alleged?
3. Whether the accused had assaulted PW.2 and caused hurt with the intention or knowledge of causing his death?
4. Whether the accused had caused disappearance of evidence by throwing MO.1 billhook to Perumba river, as alleged?
5. Whether the accused is guilty u/s.332(a) of BNS?
6. Whether the accused is guilty u/s.103(1) of BNS?
7. Whether the accused is guilty u/s.109(1) of BNS?
8. Whether the accused is guilty u/s.238(a) of BNS?
9. If so, what should be the sentence or order?

7. **Point Nos.1 to 4** :- For the sake of convenience, the above four points are being considered together. The learned Public Prosecutor has submitted that, from the evidence of PWs.1 to 65, Exts.P1 to P.108, Exts.C1, C2 and MOs.1 to MO.51, the prosecution has proved the offences alleged, beyond reasonable doubt. The prosecution has adduced all the possible best evidence in this case. Apart from the oral and documentary evidence, the prosecution could adduce digital evidence and scientific evidence not only about the alleged crime, but also about the motive and even the preparation. PW.1 is an immediate neighbour of the deceased who has witnessed the incident and also given Ext.P1 FI Statement. PW.2 is none other than the father of the

deceased. In this case, he has not only witnessed the murder of his daughter by the accused, but also a victim as the accused attempted to kill him by cutting with MO.1 billhook. He sustained several injuries on vital parts. PW.3 another neighbour has also witnessed part of the incident. Here, it is an admitted fact that, the accused is the husband of the deceased Divyasree. Their relationship was strained and Divyasree approached the Family Court, Kannur for divorce, maintenance and also for return of loan amount. It is an admitted fact that, on 21.11.2024, there was Counselling in the Family Court, Kannur. Here, the definite case of the prosecution is that, in that Counselling, Divyasree took an adamant stand that she will never go along with the accused and insisted for divorce. This provoked the accused and accordingly, with the intention of finishing off Divyasree, the accused purchased MO.1 billhook from Arafat Store, Payyannur, two bottles of petrol from Associated Oil Agencies near to New Bus Stand, Payyannur, came to the residence of Divyasree at Paliyeri Kovval in his Motorcycle, poured petrol towards Divyasree through the grills of the house, opened the grills, trespassed and again poured petrol inside and outside the house, dragged Divyasree into the courtyard and cut with MO.1 billhook, repeatedly. When PW.2, her father intervened, the accused assaulted him also with MO.1. When Divyasree ran towards the road, she fell on the courtyard near to the gate. The accused again assaulted PW.2 with MO.1 and then came to Divyasree and assaulted on her chest and other part of the body with MO.1 and ensured her death. Then, the accused left the place with MO.1 billhook and with the intention of destroying the evidence, had thrown the billhook to Perumba river, Payyannur. Apart from the oral evidence of PWs.1 and 3, the occurrence witnesses, PW.2 the occurrence witness as well as the injured, the documentary evidence, the prosecution has also produced CCTV footage of the CCTV Camera installed at the scene of

occurrence, Arafa Store, Payyannur, petrol pump, Payyannur, ATM of ICICI Bank, Payyannur, Velocity bar, JK.Park Residency, Puthiyatheru and also video clippings of seizure of MO.1 billhook on the basis of the confession statement given by the accused from Perumba river, Payyannur. Apart from minor discrepancies, there is absolutely nothing to disbelieve the prosecution case. The prosecution could adduce reliable digital evidence even regarding the preparation by the accused to commit the above crime. Hence, the learned Public Prosecutor prays for a conviction.

8. The learned Legal Aid Defense Counsel has submitted that the prosecution has utterly failed to prove the offences alleged, beyond reasonable doubt. Admission of the litigation between the deceased and the accused at Family Court does not amount to admission of facts. The enmity is a double edged weapon. It can be taken as motive, but at the same time, there is chance of false implication. The motive alleged by the prosecution is the stand taken by the deceased in the Counselling held at Family Court, Kannur on 21.11.2024, that she will never go along with the accused and insisted for divorce. But, going by the evidence of the Counsellor, that was the second round of Counselling and it was peaceful. There was nothing provocative. So, the learned counsel submitted that the motive alleged is not proved.

9. The learned counsel further submitted that there are several contradictions and omissions in the evidence of the material witnesses. PW.1 claims to be an occurrence witness. PW.2 is the injured and father of the deceased. PW.3 is the another immediate neighbour who claims to have witnessed part of the incident. Here, apart from the oral evidence, documentary evidence and scientific evidence, the prosecution is relying on digital evidence, i.e. CCTV footage from the scene of occurrence, regarding the preparation and also recovery of

the alleged weapon, MO.1. But, on a careful scrutiny of the oral evidence and documentary evidence, one can see that it does not tally with the CCTV footage. PWs.1 and 2 have deposed before the Court that the assailant had a monkey cap, but this aspect was not stated either in Ext.P1 FI Statement or in the subsequent statement, and it is a major omission. Going by Ext.P4 Pendrive, the digital evidence, which claims to have contained the CCTV footage from the scene of occurrence, house of PW.2, one can see that the assailant was wearing a monkey cap as well as a mask. Here, the defence is having a case that Divyasree was murdered not by the accused and it was by somebody else by wearing mask and monkey cap. In Exts.P45 and P46, the Wound Certificates from the Anamaya Hospital, Payyannur, the history stated was, "assault by a known person." The name of the accused is not mentioned. If it was the accused, in Exts.P45 and P46, the injured would have stated that they were assaulted by the accused. So, relying on the above aspects, the learned counsel has submitted that the accused is not properly identified. Admittedly, at the time of the alleged incident, the assailant was wearing a monkey cap as well as a mask. So, it is not proved that it was the accused herein who had committed the murder of the deceased and caused hurt to PW.2. Another submission of the learned counsel was that, according to the prosecution, MO.1 is the weapon used by the assailant. But, regarding the description of MO.1, there are three versions. 1. knife, 2. Kathyal ,3. Koduval . prosecution has got a further case that the assailant cut the grill with the weapon and caused damage to the grill on the front side of the house. At that time, the weapon also got damaged. So, according to the prosecution, when the assailant used the weapon, it had some damage on its blade portion. According to PW.15, the owner of Arafa Store, from his shop, the prosecution alleges that the accused purchased the weapon, has deposed that, there was a

mark "CND" and also written the price on the weapon. But, as per the seizure mahazar, weapon seized from Perumba river as per the confession statement of the accused, with the help of Fire and Rescue Team, had no such damage. In the seizure mahazar, PW.65 the investigating Officer had not mentioned any such damage on the blade portion on the weapon seized from the river. But, in MO.1, one can see the damage on the blade portion and also the writing "CND" and its price. So, it is argued that the property, the alleged weapon seized from the river based on the confession statement of the accused is not the MO.1 produced before the court.

10. The learned counsel further submitted that there are several omissions and material improvements in the evidence of the material witnesses. Though PWs.1 and 2 have deposed before the Court that the assailant had mask, but no such case before the investigating officer. If the assailant had mask and monkey cap, the chance of identifying the assailant is remote. PW.2, had no case of installing CCTV in his house. PW.6 claims to have installed the CCTV, but apart from his oral evidence there is no other evidence. Here, the accused is the son-in-law of PW.2, but as per the CCTV footage and as admitted by PW.2, he never called the name of the son-in-law. Going by the Wound Certificates, the name of the accused was not mentioned. If the assailant is the accused herein, then, his name would have been stated before the Doctor. Even regarding the nature of the weapon, PW.1 had no definite case. At first he deposed that it was a knife, then he deposed that it was Kathyal (billhook) and then he further deposed that Kathyal has other name, knife. In the statement recorded u/s.183 of BNSS, his case was that it was a knife. In that statement, he stated that he found a lady lying in the courtyard with injuries. But, he claims to be the immediate neighbour and had close acquaintance with the deceased. If that be so, he would have stated the name of the

deceased. The alleged incident was at 05.30.p.m, but he had given Ext.P1 FI Statement only after three hours, i.e. at 08.30p.m. So, it would go to show that PW.1 actually did not witness the incident. It is argued that according to the prosecution, PW.2 sustained grievous injury. Of-course, as per Exts.P46, P47 and P48, PW.2 had grievous injuries. It is the case of PWs.1, 2 and 3 that PW.2 had bleeding injury on the left side of head and stomach, but on going through the CCTV footage, one cannot see any bleeding from his body. He never deposed that he had installed CCTV in his house. He has got a case that his left ear pinna was almost separated from the head and the flesh from the stomach was exposed, but in the CCTV footage, one cannot see any such injury. It is argued that according to the prosecution, the accused came to the spot in his own bike. The prosecution has a case that after the incident, the accused came near to the bike and poured petrol himself on his body. If that be so, the monkey cap and his dress would have been soaked with petrol, but, no such case for the prosecution. It is the further case of the prosecution that after the incident, the accused left the place without taking his motorcycle and travelled in the bikes of PW.18, PW.19 and in the Autorickshaw of PW.20. If the accused came in his bike, what prevented him from leaving the place in the bike? According to the prosecution, immediately after the incident, Police came to the spot and the Police had removed the bike to the house compound of PW.1, but no document prepared for the same. There is no evidence to show the condition of the bike which was found on the road side. PW.3 Narayani is a planted witness. She deposed that she found the deceased lying on the floor and blood flowing on both sides, but this aspect was not stated before the investigating officer. Her evidence is also having full of improvements and omissions and not reliable. PW.4 has deposed that he found blood stains near to the gate of the house, but not stated before the

investigating officer. PW.5 claims to be an immediate neighbour. He deposed that he heard a hue and cry . He thought that it was the sound of dog or cat. So, in fact, he could not even identify the sound; whether it was of any animal or human being. PW.6, though claims to have installed the CCTV in the house of PW.2 and had copied the footage from the DVR into Ext.P4 Pendrive, but no documents produced to show that it was he who had installed the CCTV. PW.7 has only deposed that he accompanied the injured to hospital. He did not witness the incident. PW.8 is an independent witness to Exts.P7 and P8, observation mahazars and Ext.P9, recovery mahazar of MO.1. His evidence cannot be relied at all because apart from the omissions and contradictions, one can see that he was brought by the Police. He himself admitted that Police called him and his friend to the Police Station. Then, along with the Police party and the accused, they were also taken to the above said Arafa store, petrol pump and to Perumba river. The investigating officer did not obtain the signature of any of the witness from the locality. So, his evidence cannot be relied. PW.9 claims to be the CCTV Technician who installed CCTV at JK Residency, Puthiyatheru. He copied the footage from the DVR. PW.10 claims to be the Bar Manager who was the custodian of DVR. But, apart from the oral evidence, there is nothing to show that PW.10 was the Bar Manager, and PW.9 is the Technician who installed CCTV in the Bar. PW.11 claims to be the Bar Service manager of the Velocity Bar, JK Residency. He claims that he identified the accused from the Bar. He had no prior acquaintance with the accused. It is not forthcoming, how he could identify the accused. According to PW.9, there is difference in the time of the CCTV and the DVR of the Bar. This is as per the request of the investigating officer as to save the time of production of the accused before the Magistrate. PW.13 and PW.14 claim to be the owner and pump operator of Associated Oil Agency,

Payyannur. PW.13 has deposed that a person wearing helmet purchased petrol. PW.14 had no case that Police came with the accused. PW.15 claims to be the owner of Arafa store, Payyannur. He has deposed that he used to make the mark "CND" and the price on the articles kept in the shop. He identified MO.1 by noting the above marks. But, this aspect was not stated before the investigating officer. He did not state that the person who purchased the knife was having a bag. The person who came to the shop was wearing a mask and a monkey cap. He had no prior acquaintance with the accused. Then, how could he identify the accused. The descriptions of the weapon not tallies. As per the report from the lab, the weapon received in the lab had no damage. They did not note the above said mark "CND".

11. The learned counsel further submitted that, admittedly, information was received to the Police Station before 6'O Clock, but the FIR was at 8.30p.m. GD entry was after registering the FIR. PW.50 claims to be the Police officer who has taken the accused into custody from Velocity Bar as per Exts.P71 and P72. At the time of the custody, the accused was having a bag and other properties along with a mobile phone. As per the Inspection Memo, the mobile phone had no damage. But, as per the report from the lab, the mobile phone had damage. So, there is tampering of the evidence. As per the report from the lab, the mobile phone had no offensive messages. As per the inspection memo, the accused had no injuries. But as per Ext.P54 medical certificate of the accused, he had injuries on both shoulders and chest. So, that would go to show that there was custodial torture. No officials from the Bar were made as witness to the custody memo. Regarding Ext.P53 series photos, the SD Card was not produced. MO.14 plastic bottle produced before the court is a wrinkled and crushed one, but the fingerprint expert who examined the bottle from the scene of occurrence and developed chance print has no such case.

It was a fresh bottle. The fingerprint expert did not disclose from which part of the bottle he developed chance print. He has no case that the bottle contained yellowish liquid at the bottom. PW.25 the fingerprint expert has no case that there was smell of petrol. He did not say the presence of blue sticker on the bottle. So, the fingerprint report and the evidence of PW.25 are not acceptable. Going by Ext.C1, C2 report of FSL, one can see that the properties received in the lab are not the same properties alleged to have been seized. The description not tallies. There is no evidence that accused purchased petrol from the above said petrol pump. PW.62 Forensic Surgeon who did the Postmortem and issued Ext.P82 Postmortem Certificate, did not depose before the court that injuries Nos.1 and 9 noted were fatal. He has only deposed that those injuries are the cause of death. The evidence of Doctor Anjitha, the Scientific Officer and the report cannot be accepted because she collected sample from the body of the deceased and from the scene of occurrence and she herself examined the same from the lab and issued the Certificate. So, on the above grounds, the learned counsel prays for an acquittal. The learned counsel has also relied on the rulings reported in 2001 Supreme (SC) 434, 2022 Supreme (SC) 663, 2022 Supreme (Online) (Ker) 74192, 2024 Supreme (Online) (SC) 6706, 2024 Supreme (SC) 1077, Judgment of the Supreme Court in Criminal Appeal 2688 and 2689 of 2024 dated 16.07.2025, 2016 Supreme (SC) 852, 2023 Supreme (SC) 1851, 2006 KHC 135, AIR 1998 Supreme Court 2852, 2002 Supreme (SC) 2324, Judgment of the Hon'ble Supreme Court in SLP (Criminal) 2756/19 dated 08.07.2024, 2025 Supreme (Online) (Ker.) 47742, 1997 Supreme (SC) 1318, AIR 2010 Supreme Court 979. The learned counsel has also pointed out another aspect, i.e. according to the prosecution, the incident was at 5.30.p.m. According to PW.18 he met the accused at 5.30p.m. But according to PW.19, he had taken the accused and

dropped at Swamimukku at 5p.m. So, the evidence of PW.19 would go to show that the accused was not present at the scene of occurrence at 5.30 p.m, because at 5.00pm, PW.19 had taken the accused to Swamimukku.

12. Now, let us analyse the evidence. PW.1 is the de facto complainant. He is an immediate neighbour of PW.2. He deposed that he is residing at Paliyeri Kovval. He was retired from Karivallur Service Co-operative Bank as Secretary. His house is situated on the southern side of Onakunnu-Puthoor Road. The deceased was his neighbour. Her house is situated just 70 meters away from his house on the northern side of the above road. He had acquaintance with the deceased from her childhood onwards. Three months back, she lost her mother. She was residing along with PW.2, her father in the above house. Her younger sister was married and residing in another house. The deceased had a 13 year old son. The deceased was a Woman Police Officer of Chanthera Police Station. PW.2 is retired from Military service. Her mother was retired as Nursing Superintendent from District Hospital, Kannur. Her younger sister is the Manager, SBI. His house is facing towards the road. The house of PW.2 is facing towards west. Both the houses are having gates. The property of PW.2 had compound wall having a height of five stones. There are other neighbours such as Kishore, Narayani, Raman, Thampan etc. The incident was on 21.11.2024 at about 5.30p.m. He was reading book by sitting in the middle room of his house. At that time, he heard a cry from the side of the house of PW.2. He came out and went near to the gate. He found Divyasree lying on the floor and accused Rajesh, the husband of Divyasree assaulting her. The accused cut her two times with a billhook. When the accused came out of the gate, after assaulting Divyasree and on seeing him, the accused threatened him that, "you also will be killed" and also uttered obscene words. There

was a bike on the side of the road just outside the compound wall of PW.2. The accused was trying to start the bike. The bike was parked on the road side in front of the house of Kishore. He found PW.2 coming towards the gate from his house by wearing only a saffron colour dhoti. He noticed bleeding from the left ear of PW.2 and also noted a piece of flesh hanging from the stomach. PW.2 was having blood all over the body. On seeing all this, he made a hue and cry. At that time, Tampan, Narayani, Raman etc. came. Somebody called an Ambulance and deceased Divyasree and PW.2 were sent to Anamaya hospital at Payyannur accompanied by T.V.Rajan. Then, he had gone to the hospital in the motorcycle of one Babu, his friend. He found PW.2 being taken to Baby Memorial Hospital. He came to know that Divyasree is no more. After postmortem, the body was cremated on the next day. On the same day at 8.30p.m, he went to the Police Station and given Ext.P1 FI Statement. The marriage of Divyasree and the accused was a love marriage. He identified the accused. They were not in good terms. Divyasree had approached Family Court for divorce. One Mr. Gireesh, a friend of the accused requested him to mediate the issue. Accordingly, he had discussed the issue with the deceased Divyasree and she was not ready to go along with the accused. When the mother of Divyasree was hospitalized due to Cancer, the accused came drunk and made a scene. There was verbal altercation between the accused and the sister of the deceased. Because of that grudge, the accused assaulted the sister of the deceased and also her husband and for which, they approached the Police. On the date of incident, there was Counselling in the Family Court and it was attended by PW.2 and Divyasree. He came to know that in the Counselling, Divyasree took a stand that she is not ready to go along with the accused and that provoked the accused. At the time of the incident, the accused was wearing a blue jeans and black T-shirt.

He was also carrying a shoulder bag and a billhook in his hand. He identified the billhook as MO.1 and the dress as MO.2 and MO.3. The deceased was wearing a rose colour top and a pant. He identified the same as MO.4 and MO.5. When the Police came for investigation on the next day, he had shown the scene of occurrence to them. Then, as requested by the Police, he came to the Police Station at 2p.m and identified the accused. His statement was again recorded by the Police. He had given statement before the Magistrate. The motorcycle found on the side of the road was a red one. Before the accused starting the bike, the neighbours Thampan, Narayani and Sujatha came to the spot. Divyasree died because of the injuries caused by the accused with MO.1 billhook. He also identified MO.6 shoulder bag.

13. PW.2 is the injured and also the father of the deceased. He deposed that he is a permanent resident at Paliyeri Kovval. He is retired from Army Defence Accounts. His wife was a retired Nursing Superintendent. She died due to Cancer. He got two daughters Divyasree, the deceased and Pravitha PW.21. PW.21 is working as Manager, State Bank of India and residing at Cheruvathoor. Divyasree was a Police officer working at Chanthera Police Station. She was married to accused Rajesh and they have a son aged 13 years studying in 8th standard. His house is situated on the side of Onakunnu-Puthoor Road. On the opposite side, there was the house of Kishore. His property is having compound wall having a height of five stones. His house is facing towards west. House name is Soubhagya and house number is KPP/5/83A. On the front side of the house, there was an iron grill with lock. The house compound is having a gate. The courtyard up to the gate was paved with interlock. His neighbours are M.V.Raman, Thampan, Kishore, Narayani etc. On 21.11.2024 at 5.30p.m, the accused killed his daughter Divyasree from the courtyard of his house. Their marriage was a love marriage and he did not

attend. The accused was a Painter. Then, he had given a Tavera Car and accused was using the same as a Taxi. Then, the accused became a drunkard and destroyed the vehicle. He used to take liquor regularly and assault them. The accused assaulted him two or three times. The accused also assaulted the husband of Pravitha and for which, case is pending before Payyannur Court. When his wife was hospitalized, the accused came drunk and made a scene. There was altercation between Pravitha and the accused. On the same day evening, the accused came in a Scooter and ran over the leg of PW.21 and for which, Payyannur Police has registered a case. Divyasree had filed an OP for divorce before the Family Court. On the date of the incident, he and Divyasree had gone to the Court to attend the Counselling. They came back home at 4.00p.m. Divyasree was having Sabarimala duty and she was preparing to go for duty. She did her lunch at around 5.00p.m by taking parcel. He and Divyasree were sitting on the veranda. The front grill was not locked. It could be opened from outside. At that time, the accused Rajesh came by wearing a monkey cap, billhook on his hand and bag on the shoulder. He uttered obscene words and also "you want divorce, right" and cut the grill with billhook. The grill got damaged. The accused poured petrol inside the house from a bottle. There was a gas cylinder in the veranda. At that time, Divyasree made a hue and cry and sought help. At that time, the accused placed the billhook on the floor, opened the grill, caught and dragged Divyasree to the courtyard. Then, the accused took the above weapon and repeatedly assaulted Divyasree. She tried to escape and when he intervened, the accused assaulted him also. Divyasree somehow reached near to the gate and fell on the ground. He was standing in the courtyard. The accused again assaulted him on the left side of head and the left ear was cut. The left ear pinna was hanging and later repaired by plastic surgery. The accused assaulted

him on his stomach with the above billhook and the flesh was hanging from the stomach. If the injury was deep enough, he would have died. The son of Divyasree was not present. If he was present, the accused would have killed him also. After assaulting him, the accused went near to the gate and again cut Divyasree, two times with the billhook and ensured her death. There was a bike outside the compound and near to the gate of Kishore. After the incident, the accused went to that side. The neighbours Sasimohan, Narayani, Thampan and others came. Somebody called an Ambulance and taken them to Anamaya Hospital, Payyannur. From there, the Doctor told him that Divyasree is no more. As his injury was grievous, he was advised to go Medical College Hospital. As there was no Doctor, he was taken to Baby Memorial Hospital. After five days, he was discharged. He could not attend the cremation of his daughter. He had installed CCTV on the back side and northern side of the house. The Camera on the northern side covers the front portion of the house. The Camera was having sound recording system. At the time of the incident, he was wearing only a Saffron colour dhoti and underwear Langotty (T Band). Because of shy, he did not state the fact of langotty to the Police. There was blood all over his body. He identified MO.7 and MO.8 as his saffron colour dhoti and langotty They were soaked with blood. Divyasree was wearing a rose colour top and light green colour pant. He identified the same as MOs.4 and 5. The accused was wearing a blue Jeans and black T-shirt. He identified the same as MO.2 and MO.3. He identified MO.1 as Chopper(koduval). It's known as knife as well as billhook(Kathyal). When the accused cut the grill with MO.1, it got damaged. He had pointed out the damage on the blade portion of MO.1. From the incident, he lost his spectacles. He identified MO.9 as his spectacles which was seized from the courtyard. From the CCTV Camera installed on the front side of the house, Police had taken

visuals with the help of PW.6, who installed the Camera and copied into a Pendrive. The Pendrive was played in open Court. Then, the witness deposed that the visuals from the above CCTV are from the front side of his house. The car, scooty and bike found in the visual belong to him. The visual starts at 16 hours 32 minute, 26 seconds on 21.11.2024. In the visual, one can see a gas cylinder in the courtyard just below the window. We can see the dresses put on clothesline. As per the visual of 17 hours, 3 minute and 13 second, one can see Divyasree coming out of the house and taking dress from the clothesline in the courtyard. One can see the dress of Divyasree as rose colour T-shirt and patiyala light green colour pant. He identified the same as MO.4 and MO.5. The visual at the time of 17 hours, 6 minute, 25 second is Divyasree coming back to the house after taking the dress. As per the visual of 17 hours, 6 minute and 50 seconds, one can see Divyasree coming again to the courtyard, taking the dress dropped on the floor and a bag and coming back to the house. As per the visual of 17 hours, 8 minute and 32 seconds, one can see PW.4 Ratheesh coming to the house in a Scooter. Then, one can see PW.2 coming out of the house by taking cash and paying the same to PW.4 Ratheesan towards the subscription of chit conducted by Madappura (Temple). As per the visual of 17 hours, 20 minutes and 5 seconds, one can see Mr. Ratheesh leaving the house in his Scooter. As per the visual of 17 hours, 20 minute and 25 second, one can see the witness is taking a gas cylinder from the courtyard and placed in the veranda. At 17 hours, 20 minute and 57 second, one can see the witness putting the latch of the front grill. As per the visual of 17 hours 32 minute and 36 second, one can see a person coming in a bike, parking the bike in front of the house of Kishore, alighting from the bike and coming towards the gate of his house. Then, that person came running towards the house by opening the gate at 17 hours, 33 minute and 10

second. Then, one can see that person cutting the grill with weapon on his hand. At the same time, one can hear the cry of the deceased Divyasree. Then, one can see that person placing the weapon on the floor, taking a bottle from the bag and pouring the liquid towards the house, two times at 17 hours, 33 minute and 22 second. Then, that person has taken a matchbox from his pocket, opened the grill and came inside the house. Then, one can see that person catching and pulling Divyasree to the courtyard at 17 hours, 33 minutes and 32 second. In the continuing visual, that person repeatedly cut Divyasree with the chopper. There itself one can see that person cutting PW2 also. Then, that person picked his bag and other articles and while leaving the place, again cut the witness PW2, two times. Then, one can see the accused again cutting Divyasree, two times with that weapon while she was lying on the floor at 17 hours, 34 minute and 3 seconds. There, one can see the dress of that person as blue Jeans and black T shirt. The dress of the PW2 was a saffron colour dhoti. He identified the same as MO.7. He further deposed that MO.2 and MO.3 shown to him from the court are the dresses worn by that person seen in the visual. One can see a monkey cap placed on the head of the person by folding the edges. As per the visual of 17 hours, 34 minutes and 19 second, one can see that person leaving the house compound by placing the bag on his shoulder and proceeding to his bike parked on the side of the road. One can see PW.3 Narayani in that visual. Then, one can see that person pouring some liquid from a bottle on his head. In the continuing visual, one can see that person walking towards eastern side. He further deposed that the person seen in the visual is his son-in-law, Mr. Rajesh, the accused herein. He also identified MO.10 monkey cap worn by the accused and also MO.6 bag found on his shoulder. In the visual of 16 hours 41 minute, one can see

two children leaving the courtyard by taking bicycle. Among them, the tallest one is the son of Divyasree.

14. PW.3 is an immediate neighbour. She deposed that she knew the deceased and family. On the western side of her house, there is the house of Kishore. The house of PW.2 is in the front side of Kishore's house. In between the two, there is a road. He identified the accused as the husband of the deceased Divyasree. On 21.11.2024 at 5.30p.m, she was proceeding to the shop by keeping a bag. When reached in front of the house of Kishore, she found the accused standing near to the bike by holding a chopper on his hand, and he repeatedly uttered the words, " I have told her several times, don't do that(Venda, Venda)". When reached near to the gate of the house of the deceased, the neighbour Sujatha called her and told to look inside the gate. At that time, she found Divyasree lying on the floor with blood on both sides. At that time, there were PW.1 Sasi Mohan and PW.2, father of Divyasree. She also noticed bleeding from the left ear and the stomach of PW.2. There was another neighbour Thampan who called an Ambulance and both Divyasree and Vasu were taken to hospital. Later, she came to know that Divyasree is no more. CCTV was installed in the house of PW.2. Ext.P14 Pendrive was played in the Court and by seeing the visual of 17 hours, 34 minute and 12 second, she deposed that, she is the lady standing in the road with a bag. She has also identified the weapon found in the hands of the accused as MO.1.

15. PW.4 has deposed that he knew the deceased Divyasree and family. Divyasree was married to the accused Rajesh. On 21.11.2024 after 5.00pm, he had gone to the house of PW.2 for collecting the chit subscription of Kookkanam Madappura. After receiving the subscription, he had talk with PW.2 for about 10 minutes. PW.2 told

him that on that day, the case between Divyasree and Rajesh was posted for hearing in the Court and they had attended. Divyasree told in the Court that she want divorce. Then, after 10 minutes, he left the place and at 5.50p.m, when reached at Madappura, his friend called and informed that the accused cut Divyasree and PW.2, from the front side of PW2's house. At 6.15p.m, he came to the spot and then went to hospital. He came to know that Divyasree is no more and PW.2 was taken to a hospital at Kannur, as he had grievous injury. At night, he had seen the Police in the house of PW.2. On the next day at 11a.m, he again went to the scene of occurrence and found police men, fingerprint expert, dog squad, scientific officer etc. They had inspected the scene of occurrence, collected some materials and prepared Ext.P2 mahazar. He attested the same. It was attested by one Kunjambu also. He had also attested Ext.P3 seizure mahazar prepared by the scientific officer. They had collected the spectacle with one glass, shield of a helmet, bill from Beverages Corporation, newspaper used for covering some object, matchbox, one plastic bottle without cap and having some liquid at the bottom. They have also taken a red Yamaha motorcycle. They had collected blood stains from the place on the side of the car found at the courtyard. He had seen blood stains on the pillar of the car shed. He had noticed blood stain near to the grill of the house and also noticed damages on the grill. He had noticed blood stain for about 2 feet width. He identified the properties MO.9 spectacle, MO.11 shield of the helmet, MO.12 newspaper, MO.13 matchbox, MO.14 plastic bottle without cap and with some liquid on the bottom, MO.15 the bill from Beverages Corporation and also MO.16 bike and MO.17 helmet. (MO.16 and MO.17 were produced from the Police Station and kept outside the Court hall. The witness was allowed to visit the bike and helmet). He knew that there was CCTV in the house of PW.2. Ext.P.14 Pendrive was

played in the Court. He deposed that the visual of 17 hours 8 minute on 21.11.2024, is the front side of the house of PW.2. As per the visual at 17 hours, 8 minute and 32 second, one can see that he is coming to the house of PW.2 in a scooter. As per the visual at 17 hours, 10 minute and 29 second, one can see PW.2 coming out of the house and giving chit subscription to him. As per the visual of 17 hours, 20 minute and 5 second, one can see that he is leaving the house in his scooter.

16. PW.5 has deposed that he is a resident of Paliyeri Kovval. He is retired from Survey and Land Records Department as an Assistant Director. He knew the deceased and family. He is residing just 20 meter away from their house. Divyasree has a 13 year old boy. Her mother is no more. On 21.11.2024, at about 5.30p.m, while he was in the house along with his wife, they heard a cry of a woman from the western side. He came out and proceeded to the place where he heard the sound. From the road, he found a red bike parked on the side of the road. He also found the husband of Divyasree pouring some liquid on his head. He was repeating the words, " I have already told her, don't do that'. He was wearing a pant and a T-shirt. His name is Rajesh. He identified the accused from the Court. He found the neighbours PW.1.Sasi, PW.3 Narayani and Sujatha standing near to the gate of the house of PW.2. He found Divyasree lying on the ground with full of blood. He also found PW.2 with bleeding. PW.1 requested him to take the vehicle, but he couldn't. Then, he was requested to call an Ambulance. Then, he arranged an Ambulance by contacting one Vijesh, an Auto driver. Divyasree and PW.2 were taken to hospital in that Ambulance. Then he took the son of Divyasree from the playground and taken to his house. Later, he came to know that Divyasree is no more and PW.2 was taken to Baby Memorial Hospital. As there was no bystander and as requested, he went to the hospital.

17. PW.6 has deposed that he is a resident of Vellavayal, Paliyeri. He is working at Orbit Technology, Karivellur, doing the services of CCTV installation and service, Hardware and Network services, Laptop and Computer services. He knew PW.2 as he had installed two CCTV cameras in the house of PW.2 about 2 ½ years back. One Camera was installed on the northern side and the other one at kitchen side. The Camera on the northern side focused towards the front of the house and it also covers the road. On 26.11.2024, as requested by the Police, he came to the spot. Then, as requested, he copied two visuals of 21-11-24 from the DVR of the CCTV, the first one for a duration of 1.5 hours and second one for 4 hours. He identified the Pendrive as Ext.P4. The police seized the Pendrive, packed and sealed and obtained his signature and also the signatures of the witnesses. He identified his signature as Ext.P4(a). He had also given Ext.P5 certificate u/s.63 of BSA. The Pendrive was played in the Court. He deposed that the visuals starts at 16 hours 32 minutes and 26 second and ends at 18 hours, 2 minute and 7 second. As per the visual of 17 hours, 33 minute and 10 second, one can see a person coming through the gate by uttering obscene words and cutting the front grill of the house. As per the visual of 17 hours, 33 minute and 40 second, one can see and hear the cry of the deceased. As per the visual of 17 hours, 34 minute, 5 second, one can see that lady was being assaulted and crying loudly. As per the visual of 17 hours, 34 minute and 17 second, one can see and hear that person going outside the house compound and uttering the words, "Will be set ablaze by pouring petrol" by standing on the road. As per the visual of 17 hours 34 minute and 58 second, one can see that person uttering repeatedly that, "I told her don't do that". One can also hear the hue and cry from the people in the nearby. As per the visual of 17 hours 35 minute and 20 second, one can see and hear one person uttering, "I told her, Thousand times". As

per the visual of 17 hours, 35 minute and 30 second, one can see that person leaving the place. He further deposed that the time shown in the visual is Indian Standard Time. In re-examination, he deposed that the make and model of CCTV Camera was mentioned in Ext.P5 certificate. The time and hash value of the copy can be seen from the properties of the Pendrive. The properties of the Pendrive was verified by playing in the Court. He deposed that as per the properties, visuals were copied on 26.11.2024 at 2 hours 41 minute and 03 second. As per the properties, there was no further access to the Pendrive.

18. P.W7 has deposed that he is residing at Paliyeri, Kovval and retired as Junior Health Inspector. The deceased is his neighbour and he knew her family members. He identified the accused as Rajesh, husband of Divyasree. On the date of the incident, at 5.40p.m, while he was going to the shop, he found the deceased lying on the ground in a pool of blood near to the gate. He accompanied Divyasree and PW.2 to the hospital in an Ambulance. He noticed injury on the ear and stomach of PW.2. The neighbours Sasimohan, Sujith and others were present on the spot. On 26.11.2024, PW.2 came home after discharge. At that time, he visited PW.2 and found Police men and PW.6 Ajith who installed the CCTV in the house of PW.2. As requested by the Police, PW.6 copied the visuals from the CCTV into a Pendrive. Police seized the Pendrive, packed and sealed and obtained his signature and the signature of one Prakash. He identified his signature in Ext.P4(b). He had also attested Ext.P6 mahazar.

19. PW.8 has deposed that he is a resident of Peralam, Karivallur and working at Payyannur Rural Co-operative Bank. He knew the deceased and her family members. The accused Rajesh is the husband of the deceased. The incident was on 21.11.2024. On the next day, he along with his colleague Prasobh went to Payyannur Police Station.

From the Station, they met the accused. They found the accused giving statement to the C.I of Police. The accused told the C.I, regarding the place from where he purchased the weapon and petrol. They heard the accused stating to the Inspector that he had disposed the weapon in Perumba River. Then, the C.I along with party had taken them and the accused to the Arafa Store, Payyannur. In that store, several knives were found displayed. The accused Rajesh told the Inspector that from the above displayed knives, he had purchased one. The accused also pointed out the shop owner and for which, Police prepared Ext.P7 observation mahazar. He and Prasobh attested the same. All the above acts were video recorded. Then, they went to the petrol pump at Payyannur and the accused pointed out one of the staff and told that he purchased petrol from him. From there also, the Inspector prepared an observation mahazar and it was attested by Prasobh and this witness. It was marked as Ext.P8. Then, they have gone to Perumba bridge. From there, the accused Rajesh had pointed out a portion of the river from the bridge. Then, with the help of Fire and Rescue Team, did search in the river with the help of swimming experts and they found out a knife and it was handed over to the Inspector of Police. The Inspector of Police had shown the weapon to the accused and he admitted that it is the weapon used by him. The Inspector had prepared a document from there also and it was attested by him and Prasobh. He identified MO.1 as the weapon seized from the river. All these acts were video recorded by the Police team. The Pendrive containing the video was played in open Court. The video starts at the time 18 hours, 3 minute and 2 seconds on 22.11.2024. In the visual, one can see the experts from the Fire and Rescue Team searching in the river and one among them had picked up a weapon from the river and handed over to the Officer of the Fire Force. Then, that officer had handed over the same to the Inspector of Police. In the

same visual, one can see his presence, the presence of the accused and other Police officials. He had noted the damage on the blade portion of the weapon. In the present visual, one can see the Police taking them along with the accused to the petrol pump at New Bus Stand, Payyannur on the same day at 16 hours, 37 minute and 24 second. Then, in the visual at 16 hours, 29 minute, one can see the Police taking the accused and witnesses to the Arafa Store, Payyannur. There, one can see the accused Rajesh talking with the shop owner and showing the place from where he had taken the weapon. In that visual, one can see the accused, the shop owner, the Police officers and other witnesses. As per the visual of 16 hours 47 minute, one can see the MO.1 weapon recovered from the river handed over to the investigating officer. As per the visual of 16 hours 47 minute and 38 second, one can see the Police Inspector taking the accused and witnesses to the Perumba bridge and the accused Rajesh pointing out to the river. He further deposed that the accused belongs to his native place and he knew him from childhood onwards.

20. PW.9 has deposed that he is working as a Technician at "ITEL Systems", Plaza building, Bank Road, Kannur. They are providing the service of CCTV installation, Intercom, Networking etc. He had installed the CCTV at J.K Park Residency, Puthiyatheru. He himself doing the service also. He knew the Manager Antony of JK. Park residency. On 27.11.2024, as requested by Antony, he came to JK Park Residency and copied the visuals of the CCTV in connection with a murder case on 21.11.2024, into a pendrive from the DVR and handed over to the police. The Police had taken the same, packed and sealed and obtained his signature and the signature of the witness. He identified the Pendrive as Ext.P10. The brown paper used for covering Ext.P10 was marked as Ext.P10(a). He identified his signature as Ext.P10(b). It was also signed by one Ajmal and Lakshmanan as

witnesses. They are the workers of the Bar. The time shown in the CCTV visuals is half an hour slow from Indian Standard Time. The Pendrive was played in open Court. He further deposed that in the visual, one can see the Police Officer taking one person from the Bar. The time is shown as 19 hours, 49 minute and 10 second. The exact time can be obtained by adding 30 minutes because of the above difference. He has also given Ext.P11 certificate as per BSA.

21. PW.10 has deposed that he is the Bar Manager of JK Park Residency, Puthiyatheru. They had installed CCTV in the Bar and the DVR was placed in his office room. As requested by the Police, he called PW.9 the Technician and copied the visuals from the CCTV into a Pendrive and handed over to Police. Being the custodian of CCTV and DVR, he had given Ext.P12 certificate as per the provisions of BSA. He identified the Pendrive as Ext.P10.

22. PW.11 has deposed that he is a resident at Parassinikkadavu. During 2024, he had worked as Bar Manager of JK. Park Residency, Puthiyatheru. On 21.11.2024 at around 07.45p.m, the MD called and said that one murder case accused is in the Bar and directed him to watch him. After some time, Police came and taken that person into custody. There was CCTV in the Bar. The Police had taken the CCTV visuals copied to a Pendrive by PW.9 and obtained his signature. He has identified his signature as Ext.P10(c). It was attested by one Ajmal also. He also attested Ext.P13. Pen drive was played in open Court. He deposed that in that visual, one can see him and also one person with a T-Shirt taking liquor from the Bar. That person was wearing a blue jeans and black T-shirt. That person was taken into custody by the police. He identified the accused.

23. PW.12 has deposed that for the last 15 years, he had been working as a CCTV Camera Technician at CSS Payyannur. As directed

by the owner, he had gone to petrol pump at Payyannur and copied the CCTV visuals from the DVR of the date 21.11.2024, 4.00p.m to 5.00pm. He copied the same to a Pendrive on 29.11.2024 and handed over to the Police. It was taken by the Police, packed and sealed and obtained his signature. He identified the Pendrive as Ext.P14. He identified his signature as Ext.P14(b). The brown paper used for covering the Pendrive was marked as Ext.P14(a). It was also attested by the lady staff of the petrol pump. He had also attested Ext.P15 seizure mahazar. He had given Ext.P16 certificate as per S.63 of BSA. That Pendrive was played in the open Court. He copied the visuals of CCTV of the petrol pump in front of Payyannur Municipality. In the DVR, the time is Indian Standard Time but in the Camera, it is different. He copied the visuals as per the time of DVR. As per the visuals, the time is shown as 13 hours, 36 minute and 54 seconds. It is 2 hours ahead of Indian Standard Time (but, actually, it's behind IST, but mistakenly written as ahead in the deposition). As per the visual of 14 hours 31 minute 26 second, one can see a person coming to the pump in a red motorcycle by wearing a helmet, blue pant and black T-shirt, taking two plastic bottles from the bag kept on his back and handed over to the pump operator. There, one can see that the pump operator filling the bottles with petrol and handed over to that person, that person keeping one bottle inside the bag and other one on the side pocket of the bag, paying the price by using Phone Pay and leaving the pump.

24. PW.13 has deposed that he is having a petrol pump in the name of his wife as Associated Oil Agency near to Payyannur Municipal Office. The Police had taken the visuals of the CCTV installed in the pump with the help of PW.12 Reji, Technician. He had copied the visuals of 21.11.2024 into a pendrive. He being the owner of the pump, had issued Ext.P17 certificate as per Section 63 of BSA.

25. PW.14 has deposed that she is working at Associated Oil Agency, Payyannur. In connection with the murder on 21.11.2024, the Police came to the Pump and demanded the CCTV visuals. Accordingly, PW.12 Reji copied the visuals into Pendrive and handed over to the Police. The Police had taken the same, packed, sealed and obtained her signature. She identified her signature as Ext.P14(c) in Ext.P14(a). She had also attested Ext.P15 mahazar. When the accused was brought to the Pump by the Police, she was present. The Pendrive was played in open Court. In the visual, one can see her presence.

26. PW.15 has deposed that he is the owner of Arafa Store, Payyannur near to Archana Bar. The Police came to his shop and said that in connection with a murder, one person had purchased a billhook from him. That person purchased the billhook on 21.11.2024 at 17 hours and 6 minute. At that time, he was present in the shop along with his staff Abdul Azees. He used to wear a cap regularly. That person took one billhook from the weapon displayed in the shop and checked its sharpness. Then, he placed the same on the ground and taken another one and again checked its sharpness. Then, he handed over the same to his staff Abdul Azees. Being a sharp weapon, Abdul Azees packed the same by using cardboard, newspaper and tied with jute thread. Then, he handed over the same to that person and that person kept the same in the bag. That person bargained the price. He reduced the price by 10 rupee and collected the price. He can identify that person. On the next day, on 22.11.2024, the Police came along with that person. When purchased the billhook, that person told him that, "need not be covered" and he was in a hurry. But, he told that person that it is a very sharp weapon and insisted for packing and accordingly packed by cardboard, newspaper and tied with jute thread. He identified the newspaper, cardboard and the jute thread as MO.12, MO.12(a) and MO.12(b). He had installed the CCTV in his shop and it

is linked with his mobile phone. He identified the accused as the person who purchased the billhook. He deposed that at that time, the accused was wearing a jeans and black T-shirt. On his head there was a cap used in cold weather and also wearing a black mask. He was holding a big bag on his back. He identified the cap as MO.10 and bag as MO.6. He noticed the bag because of its big size. He was under the impression that he was a Navy man. He noticed him because he was testing the sharpness of the weapon. He had also noticed green seal on his hand. Then, as requested by the Police, he had handed over the visuals of the CCTV stored in his mobile phone to the Police. When the Police asked him why he had recorded the above CCTV footage, he told that, as that person was testing the sharpness of the weapon, he recorded the visuals. The visuals were copied to a Pendrive by using a Computer. The Pendrive was taken by the Police as per P18 mahazar, packed and sealed and obtained his signature. The packet was marked as Ext.P19 and his signature as Ext.P19(a). Ext.P20 is the Pendrive. He had given Ext.P21 as the custodian of the CCTV. The Pendrive was played in open Court. In the visual, he pointed out the person wearing the cap as he himself. He pointed out his staff Abdul Azeez. The time of the visual is at 5.5p.m. One can see the name of the store "Arafa Store" on the front glass. In the visual of 17 hours, 6 minute and 25 second, one can see a person with blue pant, black shirt, brown colour cap and a black mask coming to the shop. He was having a bag on his back. That person taking one billhook from the weapons displayed in the shop and checking its sharpness. Then, he placed the same back and taken another one and tested the sharpness. Then, he handed over the same to the staff Abdul Azees. One can see the staff Abdul Azeez packing the same by using cardboard, newspaper, jute thread etc. That person received the same and kept in his bag. He bargained its price. After reducing Rs.10/-, he received the price. Then, one can

see that person leaving the shop. When the Police brought the accused on the next day, it was video recorded by the Police. In the visual, one can see the Police bringing the accused into the shop. He identified the person present in the visual as he himself, his staff Abdul Azees and the accused Rajesh. As requested by the learned Public Prosecutor, the witness was allowed to go near to the accused and to verify whether the accused was having a green seal on his hand. Accordingly, he identified the green seal on the left hand of the accused. He identified the billhook as MO.1. He has also deposed that in MO.1, one can see the writing "CND" and its price Rs.290/-, written on it.

27. PW.16 has deposed that he is the Secretary of Karivellur Service Co-operative Bank. He knew the deceased and her family members. On 22.11.2024 at 9a.m, he went to Pariyaram Medical College Hospital on getting the information. At that time, one Remesan, Sujith, Govindan Master were present along with the relatives of Divyasree and other Police officers , photographer, forensic officers etc. He witnessed the inquest and attested Ext.P22 inquest report. He had seen the Police taking a rose colour shirt and a green colour pant from the body. They were blood stained and he identified the same as Mos.4 and 5. It was photographed. One photo was shown to the witness and he identified himself in the photo.

28. PW.17 has deposed that he is residing at Vellavayal, Paliyeri Kovval. The deceased is his cousin. He identified the accused Rajesh as the husband of Divyasree. Divyasree and accused were not in good terms for the last few years. There was case against the accused for assaulting the father of the deceased and husband of deceased's sister. He was having an Autorickshaw bearing No.KL/86B/3834. In the month of October 2024, when the vehicle was parked in the house

compound, somebody had destroyed the upholstery of the vehicle. He strongly doubted that it was done by the accused. He approached the Police. He had witnessed the inquest of the deceased on 22.11.2024.

29. PW.18 has deposed that he was working in Dreams Aluminum Fabrication at Kookkanam. On 21.11.2024 at around 5.30p.m, a lady came and told them that at Paliyeri, somebody has cut a person. In the shop, he was accompanied by his elder brother Sujith. Sujith and neighbouring shop owner went to the spot. He was about to close the shop. At that time, a person came to the shop and said that "there was an accident and money is with him", and requested to take him to the nearest town. Accordingly, he had taken him in his bike KL 59D 3125 and dropped at Cheetta, just half kilometer away. At that time, one guy was sitting in the village reading room. The person called that guy as "Sarang" and requested for a lift. Then, he came back. At that time, his elder brother came and told him that at Paliyeri Kovval, one Police woman was cut by her husband. Later, the Police called him to the Police Station on 03.12.2024. At that time, he found the accused from the Police Station as the person traveled in his bike. He identified the accused. On the date of the incident, the accused was wearing a blue colour jeans and half sleeve black T-shirt. He was wearing a black mask and a monkey cap and also holding a big bag. There was smell of petrol. He identified the dress, monkey cap and the bag of the accused as MOs.2, 3, 10 and 6.

30. PW.19 has deposed that he is residing at Cheetta. The incident was on 21.11.2024. On that day, the accused travelled in his bike. He had taken him in his bike, from Cheetta reading room to Swamikunnu. It was at 5.00p.m while he was reading newspaper in the reading room. The accused was wearing a jeans and T-shirt and also having a big bag usually used for tour. He had taken him in his

bike KL 13N/6233. He had prior acquaintance with him. Later, through Whatsapp, he came to know that the accused killed Divyasree. The accused was wearing a monkey cap. He identified the properties Jeans, T-shirt, monkey cap and bag as Mos.2, 3, 6 and 10. He further deposed that he had dropped the accused at Swamimukku at 6p.m. The accused requested him to take him to Swamimukku, as his bike had some technical issue and parked there .

31. PW.20 has deposed that he is an Auto driver and he used to park the same at Swamimukku. He identified the accused and deposed that, that person travelled in his Auto on 21.11.2024 at around 6.00p.m. Accused requested to take him to Payyannur. He was holding a bag and wearing mask, monkey cap and the dress black T-shirt and Jeans pant. When he was about to take the vehicle, he had smell of petrol. When he asked, the accused told him that, "his vehicle met with an accident at Paliyery and accordingly, petrol was spilled over his body." He had taken him and dropped at Perumba near to the book shop namely "December" and received Rs.230/- as Auto charge. From Swamimukku, the distance is about 9-10km. He identified the dresses, bag, monkey cap etc. as MOs.2, 3, 6 and 10. He further deposed that there was green seal on his right hand. When he came back and about to take another customer, news came in Whatsapp along with photograph of the accused, stating that accused committed murder of a Police woman at Paliyery Kovval.

32. PW.21 has deposed that she is working as Deputy Manager, SBI, Payyannur. In 2024, she was working at Rajapuram, Kasaragod. Divyasree is her elder sister. PW.2 is their father. Their mother died on 01.09.2024 . Divyasree was working at Chanthera Police Station. Divyasree was residing along with PW.2 at Paliyery Kovval. She was married to accused Rajesh and they have a son studying in 8th

standard. It was a love marriage and their father did not attend the marriage. After the marriage, they resided in the house of the accused. Then, because of marital discord, Divyasree came to their house at Paliyery Kovval. At the time of marriage, both of them were not having any job. Later, Divyasree got job in the Police Department. The accused was maintained by Divyasree. When her mother was hospitalized, the accused came drunk and created a scene. At that time, she demanded the accused to leave the hospital. On that day, mother was discharged, gone to the house of her uncle i.e. on 20.08.2024 and while she and her daughter were playing from the courtyard, the accused came in a Scooter and attempted to hit her. The Scooter ran over her. It was questioned by her husband and Divyasree. The accused assaulted her. They informed PW2 and when PW.2 came, the accused assaulted him also. They approached the Police and Payyannur Police registered the Crime 749/2024. After that incident, her sister decided not to go along with the accused and filed divorce OP before Family Court. On the date of incident 21.11.2024, there was hearing in the Court and it was attended by sister Divyasree and PW.2. In the evening, sister telephoned her and informed that she took a strong stand not to go along with the accused. She demanded Rs.7,00,000/- given to the accused. It was at 5.00p.m. At 5.45p.m, PW.2 telephoned her and said that the accused killed her sister and assaulted him and requested to come immediately. She came and found PW.2 at Baby Memorial Hospital. The accused committed murder of her sister because her sister took a strong stand not to go along with the accused. There was CCTV in their house. She identified the accused.

33. PW.22 has deposed that in 2024, he was working in ICICI Bank, Payyannur. There is ATM attached to Perumbra Branch. It has got two ATM machines. One can enter into ATM without coming into

the bank. There was CCTV installed by the agency by name "Sixth Energy". As requested by the Police, with the assistance of the above agency, he had copied the visuals from the CCTV into a Pendrive and handed over to the Police. It was taken by the Police, packed and sealed and obtained his signature on the brown paper. He had also attested the mahazar prepared by the Police. He identified the Pendrive Ext.P24, brown paper Ext.P25, his signature Ext.P25(a) and mahazar Ext.P26. Apart from that, he had also issued Ext.P27 certificate, as per S.63 of BSA. The visuals of the day 21.11.2024 from 5.00p.m to 7.00p.m was copied into the Pendrive.

34. PW.23 has deposed that in 2024, she was the Manager, SBI Karivallur. The accused Rajesh had an account in the Bank. As requested by the Police, she had given the Statement of Account of the period 01.01.2024 to 22.11.2024 along with KYC particulars. She identified the Statement of Account as Ext.P28. She had given the certificates as provided under the Evidence Act and the Bankers Book of Evidence Act and marked as Ext.P29 series. The copies of the KYC details such as PAN Card, Adhaar Card, signed photograph of the customer were marked as Ext.P30 series. As per Ext.P28, on 21.11.2024, there were 4 debit transactions and out of which, 2 transactions were from the ATM of Siraj Mansion, Perumba, Payyannur. The accused had withdrawn Rs.20,000/- by way of two transactions.

35. PW.24 has deposed that, in 2024, he was the Manager of Kerala Gramin Bank, Peralam Branch. The accused Rajesh had an Account in the Bank. As requested by the Police, he had given the Statement of Account of the period 01.01.2024 to 22.11.2024 and also the KYC particulars. Along with that, he had given certificate as per the Evidence Act and Bankers Book of Evidence Act. He identified the

Statement of Account as Ext.P31, the Certificates, Ext.P32 series and the KYC particulars copy of Aadhar Card, PAN Card as Ext.P33 series. As per Ext.P31, on 21.11.2024 Rajesh had taken a duplicate ATM Card from the Bank. He identified the ATM and connected letters, cover etc. as Ext.P34 series.

36. PW.25 has deposed that he is working as Fingerprint Expert at District Fingerprint Bureau, Kannur. As requested by the investigating officer, on 22.11.2024 at 12 noon, he had inspected the scene of occurrence along with Police officers, Photographer, Scientific Officer etc. The place of incident is a house at Peralam Panchayath, Karivellur. He found a mineral water bottle with a sticker, "Walters" in the courtyard just outside the sit out of the house. He developed P1, P2 two chance prints on it and it was photographed with the help of the photographer at the place. He compared the chance prints with the specimen available in Automated Fingerprint Identification System (AFIS) and found that Ext.P1 print tallies with the left thumb impression of the accused herein. He intimated the same to the investigating officer on 23.11.2024 itself as per Ext.P35. Then, he had given the report regarding the details of the comparison to the Finger Test Inspector, his immediate superior. He identified the same as Ext.P36 along with the certificate as provided u/s.63 of BSA. He identified the fingerprint identification chart as Ext.P37. On comparison, he found 8 ridge characteristics are identical. He identified his certificate as Ext.P38 and the specimen print downloaded from the Automated Fingerprint Identification System as Ext.P39. The bottle was found crushed and there was yellowish liquid on the bottom. He identified the same as MO.14.

37. PW.26 has deposed that in 2024, he was the Tester Inspector, District Fingerprint Bureau, Kannur. As requested by the SHO,

Payyannur, she had authorised PW.25 to inspect the scene of occurrence. PW.25 inspected the scene of occurrence and developed two chance prints from the plastic bottle found at the scene of occurrence. On comparison, he found that the chance print is identical with the specimen finger print of the accused herein. She had countersigned Ext.P35 report given by PW.25 and it was sent to SHO. Then, PW.25 had prepared expert opinion and also the identification chart and they were also countersigned by them as Exts.P36 and P37. She forwarded the same to the investigating officer as per Ext.P40 covering letter. She was convinced that the chance print developed from the scene of occurrence is identical with the specimen fingerprint of the accused.

38. PW.27 has deposed that he was working as CPO, District Police Headquarter, Kannur. As per the request of the Inspector of Police, Payyannur and as directed by the Rural Police Superintendent, he had gone for taking the photographs of the inquest proceedings and the scene of occurrence as the Police Photographer-in-charge. On 22.11.2024, at 9a.m, he had gone to the mortuary of Pariyaram Medical College and taken the photographs of the inquest proceedings done by the investigating officer. He had taken 78 photographs . He had taken prints of 16 photographs in 4 A4 sheets and handed over to the Inspector. He identified the same as Ext.P41 series. Along with that he had given Ext.P42, certificate u/s.63 of BSA. He further deposed that the photo marked as P1 contains the body of the deceased, Inspector of Police and witnesses and that photograph is marked as Ext.P41(1). Then, he had accompanied the Inspector and video recorded the Inspector taking the accused to Arafa Store, Payyannur. Then, he was taken to Petrol Pump at Payyannur along with the accused and he video recorded the same. He copied the video graph from the camera into a Pendrive and handed over to the

Inspector along with the certificate. He identified the same as Ext.P43. The Pendrive was played in the open Court and he deposed that the visuals contains the Inspector taking the accused and witnesses to Arafa Store, Payyannur and also to the Petrol Pump at Payyannur. He further deposed that in that video, one can see the presence of accused, Inspector of Police, witnesses etc. Then, he had accompanied the Inspector along with the accused and witnesses to Perumba river and he video graphed the recovery of billhook from the river by the Scuba diving team of Fire Force. He deposed that the video in Ext.P43 contains the above process of recovery of MO.1 from the river. He has also deposed that that video contains the accused pointing towards the river and showing the place to the Inspector where he had thrown the billhook. The Inspector had seized the Pendrive, packed and sealed. He identified the packet as Ext.P44.

39. PW.28 has deposed that on 21.11.2024, he was working as RMO, "Anamaya" Medical Institute, Payyannur. On that day at 06.00p.m, he had examined one patient Divyasree, 38 years, with the alleged history of stab injury with knife at home by known person at 05.30pm on the same day and issued Ext.P45 certificate. Patient was brought to Emergency Department in unresponsive condition with deep puncture wound 15x2cm over the face below eye, extending from lateral aspect of right eye to lateral aspect of left eye. Deep puncture wound left side of chest, over the breast, left breast and multiple deep lacerated wounds, right upper limb, 15x10cm lacerated wound right elbow, 10x5cm over right triceps. The patient was brought dead. On the same day, he had examined one patient namely Vasu, 75 years, with alleged history of stab injury with knife by a known person at home at around 05.30.p.m on the same day. On examination, one avulsed lacerated wound on left side of head, extending from left temporal region to anterior aspect of left ear 10x10cm. Puncture

wound left side of abdomen. He issued Ext.P46 certificate. As the condition of the patient was critical, patient was referred to Baby Memorial Hospital, Kannur. In cross examination, he deposed that Ext.D1 is the copy of Ext.P45, but in Ext.D1, it was not recorded that patient was "brought dead."

40. PW.29 has deposed that on 21.11.2024, he was working as RMO, Baby Memorial Hospital, Kannur. On that day, at 7.20p.m, he had examined one Vasu aged 75 years with alleged history of assault by a known person (son-in-law) and issued Ext.P47 certificate. On examination, there was an abrasion over the left forearm region, 3cm laceration over the left side of forehead, 3cmmuscle deep, posterior part of left ear with active bleeding. Deep laceration over left lower quadrant of abdomen 6x3x4 cm. Puncture wound over left lower quadrant of abdomen 6x3x4 cm. Puncture wound over left lower quadrant of abdomen 1x1x1cm, laceration over left hand dorsum aspect 2x1cm. The injuries are grievous. If proper treatment was not given, at the proper time, he would have died. The injuries on head and abdomen were very serious. There are active bleeding. The left pinna was almost separated from the body. He further deposed that these injuries could be caused by a sharp weapon like a billhook (MO.1).

41. PW.30 has deposed that on 21.11.2024, he was working as Plastic Surgeon at Baby Memorial Hospital, Kannur. His team had consulted a patient by name Vasu, 75 years with history of assault by son-in-law at home on the same day. He had issued Ext.P48 certificate. The injuries noted were on the left side of head, left lower abdomen, left hand, left forearm region, left ear laceration, lacerated wound over the left side of forehead, lacerated wound on the fifth metacarpal phalangeal (MCP) joint dorsum, left groin, multiple

abrasions and dermal breaks over the extensor aspect of left forearm, HTN HCC. He had undergone wound debridement plus suturing left ear plus wound suturing anterior abdomen, wound suturing left side of forehead, left hand, left forearm, left groin plus dermabrasion and collagen application left forearm on 21.11.2024 under General Anesthesia. The patient was discharged on 25.11.2024. These injuries can be caused by a sharp weapon like a billhook (MO.1). The investigating officer had shown the photo of MO.1 at the time of recording his statement.

42. PW.31 has deposed that on 28.11.2024, she was working as CMO, Taluk Hospital, Payyannur. On that day, Mr. Vasu, 75 years was brought by the Police with request to take blood and hair sample. Accordingly, she had taken blood and hair sample of Vasu and handed over to the Police. She identified the sample as MO.18 and MO.19. The covers used to cover the MOs were marked as MO.18(a) and MO.19(a). Along with that, she had issued Ext.P49 letter.

43. PW.32 has deposed that in 2024, he was working as Principal Family Counsellor at Family Court, Kannur. There were three cases pending between the accused Rajesh and his wife Divyasree. One is for divorce, the second one for return of money, and the third one for maintenance. They attended the Counselling at last on 21.11.2024 and the Counselling was over at 01.15p.m. On that day, the Counselling was in OP.1528/2024 which was for return of money. It could not be settled in Counselling. He identified the copy of the petition as Ext.P50. Regarding the Counselling, he is maintaining a diary and also keeping a register in the Court. He had given the copy of the diary to the Police and identified the same as Ext.P51. In Ext.P51, one can see that there was Counselling on 21.11.2024. He has also identified Ext.P52 the copy of the register of Counselling maintained in the

Court. He further deposed that he did Counselling in other two cases also. He identified the accused.

44. PW.33 has deposed that in 2024, he did work at Kannur City Photographic Bureau, Kannur. He had visited the scene of occurrence and taken 157 photos. He had also taken the photographs of the chance prints developed by the fingerprint expert on a mineral water bottle MO.14. He had handed over the photos, camera and memory card to his superior, Mr.Midhun Vinod. Mr.Midhun Vinod copied the photos from the camera into a DVD and handed over to the Police. He identified Ext.P53 series photographs (24 photographs in 6 sheets). He further deposed that in the photo marked as R(1), one can see, pool of blood near to the gate. In R3, one can see the house number and in R4 the front grill and the door. In R4 itself, one can see the MO.14 water bottle. In R6, one can see the name of the bottle "walters" and some liquid on the bottom of the bottle. In the photographs R4 and R8 one can see the name of the house as "Soubhagya". In R5 and R7, one can see a matchbox with the symbol of a bicycle. He identified the matchbox as MO.13. In R12, one can see the Scientific Officer, Dr.Anjitha collecting material objects from the scene of occurrence. In R13, one can see the blood stain on the iron pillar. In R16, one can see the bill from Beverages Corporation. He identified the same as MO.15. In R17, one can see the Scientific Officer collecting sample from the red colour motorcycle. In R18 and R19, one can see one newspaper and he identified the same as MO.12 series. In R19, one can see the fingerprint expert inspecting the scene of occurrence in the presence of the investigating officer.

45. PW.34 has deposed that on 22.11.2024, he was the Station Officer of Fire and Rescue Station, Payyannur. On that day, the SHO, Payyannur Police Station requested his help to recover the weapon

from Perumba river which was used in a murder committed on the previous day. Being a very deep river, he sought the assistance of Scuba Team of Thalassery Fire Station. Accordingly, with the assistance of Scuba team, at 05.30p.m, they did search in the river as pointed out by the accused. The team member Sri. Jubin has found out the weapon from the river and handed over to the other member Pratheesh and he in turn, handed over the same to him. It was a billhook. He came back and handed over the same to the Inspector. He identified the same as MO.1. He deposed that that weapon had some damage on the blade portion as it touched on any metallic object. This process was video recorded by the Police team. Ext.P43 Pendrive was played in open Court. He deposed that the visual contains search in the river by the Scuba team. The visual contains the weapon found out from the river handed over to the Police. He also deposed that in that visual, one can see the accused with a black shirt.

46. PW.35 has deposed that he was the Fire and Rescue Officer at Thalassery Fire Station. He is a Scuba diver. On 22.11.2024, his team containing seven members had gone to Perumba river, Payyannur, and did search in the river. On search, he could find out a billhook from the river and it was handed over to the team member Pratheesh and Pratheesh in turn handed over to PW.34. PW.34 handed over the same to the Investigating Officer. He also identified the same as MO.1. He further deposed that MO.1 had some damage on the blade portion as it touched some hard object. Ext.P43 Pendrive was played in open Court. He deposed that the visual contains search in the river and also picking the billhook from the river and handed over to the team member Pratheesh.

47. PW.36 has deposed that while working as CMO, Taluk Hospital, Payyannur on 22.11.2024, at 06.20p.m, examined one Rajesh,

S/o.Damodaran, 41 years involved in Crime No.1034/2024 of Payyannur Police Station. He was brought by Police with request to collect blood, hair sample and nail clippings. He collected the samples and handed over to the Police and issued Exts.P54 and P55 certificates. He identified MO.20 series as blood sample and MO.21 as the hair sample. He identified the accused.

48. PW.37 has deposed that in 2024, he was working as Registrar, Birth and Death, Payyannur Municipality. As requested by the Police, he had issued Ext.P56 Marriage Certificate between the accused Rajesh and the deceased Divyasree. As per Ext.P56, their marriage was taken place on 07.07.2021 from Subramanniya Swami Temple Kokkanissery as per Hindu Marriage Act. Along with Ext.P56, he had issued Ext.P56(a) certificate under the Evidence Act. This witness was not at all cross examined as there is no dispute regarding the marriage.

49. PW.38 has deposed that he was the Regional Transport Officer, Payyannur. As requested by the Police, he had issued the RC particulars of Ext.P57 KL86B/3015 of the Motorcycle. It belongs to Rajesh.K, S/o.Damodharan,K, Kunnummal (H), Peralam, Kozhummal, the accused herein. The Mobile Number registered is 9746302765. Along with Ext.P57, he had issued Ext.P57(a) certificate under the Evidence Act. This witness was also not effectively cross examined as there was no dispute regarding the ownership.

50. PW.39 has deposed that he was the Village Officer, Karivallur. He had inspected the scene of occurrence and prepared Ext.P58 sketch. He had also issued Ext.P59 Possession Certificate. The property is in the possession of PW.2 Vasu.

51. PW.40 has deposed that he was the Secretary, Karivallur-Peralam Grama Panchayath. He had issued Ext.P60 Ownership

Certificate of the house bearing No.4/.82. As per Ext.P60, the owner is PW2 (Vasu). He had also issued Ext.P61, Death Certificate of Divyasree. As per Ext.P61, Divyasree died on 21.11.2024.

52. PW.41 has deposed that he was the SCPO of Payyannur Police Station. On 21.11.2024, he did the scene guard duty from 7p.m till 08.30a.m, on the next day. The scene of occurrence is the residence of the deceased Divyasree at Paliyeri Kovval. There were one Car, two Motorcycles and one Scooty in that house. They had sealed the scene of occurrence by closing the gate. He further deposed that on 07.01.2025 at 2p.m, he witnessed the Police Officer Subin Das handing over a Pendrive and photographs of the inquest proceedings to the investigating officer. He had attested Ext.P62 seizure mahazar. He identified the Pendrive as Ext.P43 and the photographs as Ext.P41 series. He identified Ext.P42 as the certificate given by Mr. Subin Das along with Ext.P43 and P41. He further deposed that on the same day at 2.15p.m, he witnessed Mr.Midhun Vinod, Department Photographer handing over DVD and photos to the investigating officer. He attested Ext.P63 seizure mahazar. The photos were of the chance fingerprints developed from the scene of occurrence. He further deposed that at 2.30p.m on the same day, he witnessed Midhun Vinod producing another DVD and photos to the investigating officer. He had attested Ext.P64 seizure mahazar and identified Ext.P53 series photographs.

53. PW.42 has deposed that he was the Civil Police Officer, Payyannur Police Station. On 22.11.2024, he did the scene guard duty in the house of the deceased at Paliyeri Kovval. He had noticed dried blood near to the gate of the house. From that day at 12.30 noon, the fingerprint experts, dog squad and the investigating officer had inspected the scene of occurrence.

54. PW.43 has deposed that she was the Grade ASI of Payyannur Police Station. As directed by the investigating officer, on 23.11.2024, she had received the blood, hair sample and nail clippings of the accused collected by the Doctor and entrusted to the investigating officer. She had attested Ext.P65 mahazar prepared by the investigating officer. The samples were sealed and packed.

55. PW.44 has deposed that he was the SCPO, Payyannur Police Station. On 23.11.2024 while on duty, he found PW.43 producing the blood and hair sample and nail clippings of the accused collected by the Doctor, to the investigating officer. He had attested Ext.P65 seizure mahazar.

56. PW.45 has deposed that he was the Grade S.I of Payyannur Police Station. On 23.11.2024 at 11.30a.m, he had accompanied the investigating officer to the Forensic Department, Pariyaram Medical College. He found the investigating officer showing the MO.1 billhook to the Forensic Surgeon. It was in a sealed, packed condition. It was opened and shown to the surgeon. After examination, the surgeon entrusted back the weapon to the Inspector and it was seized as per Ext.P66 seizure mahazar. He had attested the same. It was prepared on his handwriting. At 2p,m on the same day, Forensic Surgeon had handed over the samples collected at the time of the postmortem to the investigating officer. For that, they prepared Ext.P67 seizure mahazar on his own handwriting and it was attested by him. After showing the weapon to the surgeon, it was again packed, sealed by brown paper and also tied with twine and signed by the investigating officer and witnesses. The brown paper used for covering MO.1 before showing the surgeon was separately seized, packed and sealed and for which, they prepared Ext.P66 mahazar and attested by him. He identified that brown cover as MO.22. He identified the cover used for

seizure of MO.1 after showing the same to the Doctor as MO.23. He identified MO.24 as the cover used for the seizure of the weapon after showing the same to the Doctor. He further deposed that the weapon was having a length of 47cm and had also noticed some damage on the blade portion.

57. PW.46 has deposed that he was the Receptionist of the Forensic Department, Pariyaram Medical College. On 23.11.2024, the investigating officer along with PW.45 came to the Department and shown the weapon to the Forensic Surgeon. The surgeon had examined the weapon and stated that the injuries found on the body of the deceased could be caused with the same. Then, that weapon was again covered, sealed and labelled by the investigating officer. He had attested Ext.P66 mahazar. The Forensic Surgeon had handed over the material objects collected from the body of the deceased at the time of postmortem, packed and sealed. He attested Ext.P67 seizure mahazar. He identified the MO.1 as the weapon shown to the surgeon by the investigating officer. It has got a total length of 47cm and its handle was having the length of 12cm. He identified MO.22 as the brown paper used for covering MO.1, before it was shown to the surgeon. It was again covered, sealed and labelled by the investigating officer. He identified the same as MO.23. He also signed on it and identified the signature as MO.23(a). The investigating officer had again packed and sealed the weapon by using brown paper, twine etc. He identified the cover as MO.24. He signed on the label and identified the signature as MO.24(a).

58. PW.47 has deposed that he was working as Station Writer, Payyannur Police Station. He had handed over the duty particulars of the deceased Divyasree received by post from Kerala Armed Women Police Battalion, Trivandrum to the Investigating Officer. He had

attested Ext.P68 seizure mahazar prepared by the investigating officer. The documents were covering letter, police passport, leave application, history of the litigation at Family Court, Kannur. He identified Ext.P69 series.

59. PW.48 has deposed that during 2024 November, he was the CPO of Payyannur Police Station. He witnessed PW.47 producing Ext.P69 series documents to the investigating officer. He had attested Ext.P68 mahazar.

60. PW.49 has deposed that on 30.11.2024, he was the CPO of Payyannur Police Station. On that day at 03.20p.m, one Mr.Sainudheen, the Manager of Arafa Store, Centre Bazar, Payyannur came to the Station and shown a video in his mobile phone to the Inspector. Then, as instructed by the Inspector, he copied the video into a Pendrive by using the Computer of the Police Station and handed over to the Inspector. The video contains a person with a black T-shirt purchasing a billhook from Arafa Store. He identified the Pendrive as Ext.P20. It was played in open Court. On seeing the visuals, he deposed that this is the video copied from the mobile phone of the above said Sainudheen. In that visual, one can see a person with black T-shirt purchasing a billhook. The Salesman handed over the billhook to that person by packing the same. He had also given Ext.P70 certificate under the Evidence Act. He further deposed that on 12.12.2024, he found the Manager of ICICI Bank, Perumba, Payyannur producing a Pendrive to the Inspector. It was inspected by the Inspector by using the Computer in the Station and he had seen the same. In that visual, one can see a person with black T-shirt withdrawing money from the ATM of ICICI Bank, Perumba, two times. It was seized by the Inspector as per Ext.P26 mahazar. He had attested the same. The Inspector seized the Pendrive, packed and

sealed and obtained his signature also. He had identified the Pendrive as Ext.P25. He identified his signature as Ext.P25(b). The Pendrive was played in open Court. By seeing the visual, the witness deposed that as per the visual of 18 hours, 19 minute 53 second, one can see a person with blue jeans and T-shirt with a backpack entering the ATM. Then, he withdrew the cash from ATM two times. As per the visual of 18 hours, 23 minute and 5 second, one can see that person leaving the ATM.

61. PW.50 has deposed that in November 2024, he was the Inspector SHO, Valapattanam Police Station. On 21.11.2024, he got information that a police officer by name Divyasree was killed by one Rajesh and came to Puthiyatheru, Kannur. Accordingly, he slog with police party did search at Puthiyatheru and got information that accused Rajesh is present at Velocity Bar, Puthiyatheru. The police officers Nazar and Shyju identified and held him in the Bar and informed him. Then, he along with party went to the Bar and taken him into custody at 08.20 pm as per Ext.P71 custody memo and Ext.P72 inspection memo. The accused was wearing a blue jeans and black T-shirt. He was having a mobile phone of POCO, a purse containing cash Rs.20,690/-, driving license and he was also having a shoulder bag with blue and black colour. The bag was containing 6 T-shirts, two shots and 500ml liquor bottle with sticker, Mansion house. He has taken the accused and property to Valapattanam Police Station. Then, the Sub Inspector Sanith and party from Payyannur Police Station came and taken the accused and properties to Payyannur. He identified the accused. He identified MOs.2 and 3 as the dress of the accused. He identified MO.6 bag and also the T-shirts, shots, liquor bottle, mobile phone and driving license. He deposed that all the properties were described in Ext.P72 .

62. PW.51 has deposed that on 21.11.2024, he was the Civil Police Officer at Kannur Town Police Station. On the same day at 7p.m, the Inspector informed him that a Woman Police Officer was killed by her husband and came towards Kannur. Accordingly, they made three teams of two members each and did search for the assailant. Then, on getting information that the assailant is there at Puthiyatheru, he along with his colleague Shyju did search at Velocity Bar(JK. Park residency). The staff of the Bar identified the person and shown to them. They got identified the assailant by comparing the picture in their hand. After ensuring the identity, they informed the C.I. On seeing them, the assailant tried to escape. Then, they held him on the seat in the Bar. There was smell of petrol. They had an information that petrol was poured on his body. Then, the Inspector along with the Inspector of Valapattanam Police Station, PW50 taken the accused into custody and brought to Valapattanam Police Station. He identified the accused. He identified MO.6 as bag found with the accused. Ext.P10 Pendrive was played in the Court. On seeing the visual, he deposed that, it contains the service area of the Bar. The visual also contains this witness as well as Shyju comparing the accused with the photographs in their hand. The accused was trying to leave the place. Then, one can see they together held him on the seat. Then, as per the visual of 19 hours, 49 minute and 23 second, one can see the Police party taking the accused to outside.

63. PW.52 has deposed that in November 2024, he was having additional charge of Photographic Bureau, Kannur City Police. On 22.11.2024, as per the request of the investigating officer, he had authorized Shiju PP, the Police Officer to take photograph of the scene of occurrence. Accordingly, Shiju inspected the scene of occurrence and taken 157 photos and entrusted to him. It was taken on the department Camera and he was entrusted the photograph along with

Camera and Memory Card. He copied the 157 photographs in two DVDs which includes two photos of chance fingerprint and specimen print. He had taken 24 prints of the photographs in 6 sheets. The DVDs and photos were handed over to the investigating officer. He identified the DVDs as Ext.P73 series. The 24 photos in 6 sheets were identified as Ext.P53 series. Ext.P74 is the photograph of chance fingerprint. He had given Ext.P75 certificate. One DVD was played in the Court. In the visual, one can see the pool of blood near to the gate.

64. PW.53 has deposed that during 21.11.2024, he was the ASI of Payyannur Police Station. On 30.11.2024 at 03.20p.m, he found Mr.Sainudheen of Arafa Store, Payyannur producing his mobile phone containing CCTV visuals of accused Rajesh purchasing billhook from his shop. He also witnessed the Police officer Jabbar copying the visuals into a Pendrive and handing over to the investigating officer. He had attested Ext.P18 mahazar. He identified Ext.P21 as the certificate given by Mr.Sainudheen. He identified Ext.P20 as the Pendrive. It was seized by the Inspector, packed, sealed and obtained his signature also. He identified the cover as Ext.P19 and his signature as Ext.P19(b). He further deposed that on 04.01.2025, he witnessed the Bank Manager, Gramin Bank, Peralam producing the Account Statement and KYC particulars along with certificate to the investigating officer. He identified the same as Exts.P31, P32 and P33 series. He had attested Ext.P76 mahazar.

65. PW.54 has deposed that he was the SCPO of Valapattanam Police Station. On 21.11.2024, he had accompanied PW.50 to Velocity Bar, Puthiyatheru. He witnessed PW.50 taking the accused into custody. He had attested Ext.P71 custody memo. He identified the accused.

66. PW.55 has deposed that he was the SCPO, Payyannur Police Station. On 28.11.2024, he witnessed the CPO Shamsudheen handing over the blood, hair sample and nail clippings of PW.2 to the investigating officer. He had attested Ext.P77 mahazar. He further deposed that on 29.11.2024 at 10:45a.m, he witnessed PW.2 producing the dress to the investigating officer. He had attested Ext.P78 seizure mahazar. He identified the dress brown colour dhoti and langotty (T Band) as MO.7 and MO.8.

67. PW.56 has deposed that he was the Commanding Officer of Kerala Armed Women Police Battalion, Headquarters at Trivandrum. The deceased Divyasree was the member of the Battalion. She was working at Chanthera Police Station on working arrangement. She was recalled for Sabarimala duty and accordingly, reported at the Headquarter on 12.11.2024. On 18.11.2024, she applied for four days casual leave. He granted two days casual leave and one day off. She applied leave application as Ext.P69(b). She sought the leave to attend the hearing at Family Court, Kannur and for which, she has produced the downloaded details from the portal of the Court. He identified the same as Ext.P69(c). It shows that OP.1528/24 was posted for hearing on 21.11.2024 and OP.1354/2024 to 20.11.2024. He had also produced the police passport Ext.P69(a). He identified Ext.P69 covering letter. This witness was not cross examined as there is no dispute regarding the pendency of litigation and hearing on 21.11.2024.

68. PW.57 has deposed that he was the Sub Inspector of Police, Payyannur Police Station. On 21.11.2024 at 05.40p.m, they got information that the Police officer Divyasree and her father Vasu, were assaulted by her husband. Accordingly, he along with party went to the spot and came to know that the injured were taken to hospital and the accused escaped. Later, Divyasree died and Vasu was taken to

another hospital at Kannur. Then, they got information that the accused was taken into custody by Valapattanam Police. Then, as per the direction, he went to Valapattanam Police and received the accused, one mobile phone, and a shoulder bag from PW.50. While coming back to Payyannur Police Station, the accused was subjected to medical examination at Taluk Hospital, Payyannur. He identified MO.6 bag and MO.25 mobile phone. He also identified the accused.

69. PW.58 has deposed that she was the Grade ASI of Payyannur Police Station. On 22.11.2024, she was deputed for body guard duty at Pariyaram Medical College Hospital. She witnessed the inquest proceedings. The Scientific Officer Anjitha was present and she collected some material object from the body, covered in a brown paper, sealed and labelled. The Inspector prepared seizure mahazar and attested by him. She identified the same as Ext.P79.

70. PW.59 has deposed that he was the SCPO, Payyannur Police Station. On 22.11.2024, he was on duty. He witnessed the investigating officer seizing the dress of the accused by giving another dress to wear. He attested Ext.P80 mahazar. He also witnessed the investigating officer seizing the shoulder bag and the materials contained in it. He attested Ext.P81 mahazar. He identified MOs.2 and 3 as the Jeans and T-shirt of the accused and also MO.26 as inner wear. All the properties were separately packed, sealed and affixed with the seal of the investigating officer. He had attested on the label of all the packets. He identified the signature as MO.2(a), MO.3(a) and MO.26(a). He identified the bag as MO.6. He identified the 7 T-shirts found in the bag as MO.27 series, 2 shirts as MO.28 series, the brown colour monkey cap as MO.10, one underwear as MO.29, mobile charger as MO.30, liquor bottle of 500ml as MO.31 and purse as MO.32. The purse was having one ATM Card, PAN Card, Aadhar Card

and Driving License. He identified the same as MO.33 series. All those cards were having the name of the accused. The purse was having the sticker with the name Rajesh. He identified MO.25 mobile phone. There was an unopened cover of Gramin Bank and identified the same as Ext.P34. He identified the accused.

71. PW.60 has deposed that he was the CPO, Payyannur Police Station. As directed, he had taken the materials collected to the Regional Forensic Science Lab, Kannur and District Forensic Science Lab, Kannur by collecting the same from Magistrate Court, Payyannur. This witness was not cross examined.

72. PW.61 has deposed that he was the driver of Control Room Police, Payyannur. On 21.11.2024 while patrolling at Payyannur Town, they received information that one Woman Police Officer and her father were assaulted at Paliyeri Kovval. Then, as directed, he along with Sub Inspector Rajith and Grade ASI Pavithran went to the spot at 6:05p.m. They came to know that the injured were taken to hospital. Outside the house compound, on the side of the road, they found a Motorcycle bearing registration No.KL 86 B 3015 and a helmet with broken shield. Because of the apprehension that the accused may come to take the vehicle or the local people may destroy the vehicle, they have taken the same inside the house compound. It was a red Motorcycle. He identified the Motorcycle and helmet as MO.16 and MO.17. Ext.P73 DVD played in open Court. On seeing the visual, he deposed that the Motorcycle KL 86 B 3015 seen in the visual is the Motorcycle found outside and taken to the house compound.

73. PW.62 has deposed that he was the Professor and Head of the Department of Forensic Medicine, Govt. Medical College, Kannur. On 22.11.2024, he did the Autopsy on the body of one Divyasree, aged

32 years, involved in Crime No.1034/2024 and issued Ext.P82 postmortem report. He had noted the following ante-mortem injuries.

“1. Incised wound 14cmx1cm gaping x bone deep on upper part of face transversely placed across the midline, left end was 5cm away from midline and 1cm below eye. Underlying facial bones such as frontal bone, nasal bone, right and left maxillae were fractured and fragmented. The wound found reached at the sphenoid sinus on both sides.

2. Multiple small abrasions over an area 5x4cm on face just below injury no.1, involving nose, upper lip and area in between.

3. Incised wound 7cm x 1cm gaping x bone deep on right side of back of chest, transversally placed 7cm below top of shoulder and 15cm away from midline.

4. Incised wound 7cm x 2cm gaping x bone deep on outer aspect of right arm, transversely placed, 17cm below top of shoulder.

5. Incised wound 4cm x 1.5cm gaping x 1.5cm deep on outer aspect of right arm, obliquely placed with front upper end, 13cm below the top of shoulder.

6. Incised wound 16cm x 5cm gaping x bone deep on outer aspect of right elbow vertically placed with upper end 20cm below top of shoulder, back margin showed bevelling. There was an extension towards back, 4x1x1cm from the middle of the back margin. There was another superficial extension 4cm from back margin, 2cm above the previously mentioned extension injury. There was a tailing for 1.5cm from upper end of wound.

7. Multiple small abrasions over an area 7x1 to 3cm on back of right hand, 1cm below wrist.

8. Abrasion 2x1cm on front of left knee.

9. Incised penetrating wound 7cm x 1.5cm gaping x entering into the chest cavity on left side of front of chest transversally placed 12cm below top of shoulder and 8cm away from midline. Inner end was blunt and outer end was pointed with a tailing 6cm outwards. The wound found entering into the chest cavity by making an opening 7x1.5cm x cavity deep at the third intercostal space 2cm away from midline with thick blood infiltration of surrounding soft tissues. Left chest cavity contained 300gms of blood clots and 1ltr of fluid blood. There was an incised wound 2.5cm x full thickness on left lung corresponding to the external injury. Left lung was collapsed.

10. Incised wound 15cm x 2cm gaping bone deep on left side of head vertically placed just behind ear with beveling of front margin. Lower end was 4.5cm above root of neck.”

He deposed that the deceased died due to sharp force injuries inflicted to head and chest. He had collected scalp hairs, nail clippings, dried blood in gauze piece and handed over to the Police after packing and sealing. He identified the packet as MO.34. Along with that, he issued Ext.P83 letter to RFSL. He identified MO.34(a) and 34(b) as scalp hairs. He identified MO.34(c) as dried blood collected in gauze pieces. His statement was recorded by the investigating officer by showing the billhook (MO.1). He further deposed that he had noted two depressed damaged portion on the sharp edged middle portion of the weapon. The injuries No.2, 7 and 8 are abrasions and are possible by a fall. All the other injuries can be caused with MO.1 like weapon. The injuries No.1 and 9 are fatal. The injury No.1 is fatal because it caused fracture of the multiple facial bones cutting multiple blood vessels and excessive bleeding. The injury No.9 is eminently fatal because it was inflicted on the vital organs including the left lung. This injury may cause instantaneous

death. This injury can be caused by the beak portion of the MO.1 weapon. The injuries Nos.1, 3 to 6 and 10 can be caused by the sharp edged straight middle portion of a weapon like MO.1. MO.1 was brought before him by the investigating officer in a packed and sealed condition. The packet was opened and the MO.1 was shown to him. Then again, it was packed and sealed.

74. PW.63 has deposed that she is working as Scientific Officer, Kannur City Crime Branch. On 21.11.2024, she received a request from SHO, Payyannur to inspect the scene of occurrence of Crime 1034/2024. Accordingly, on 22.11.2024, he went to Pariyaram Medical College and examined the body of the deceased at the time of the inquest. She collected three material objects, i.e. hair like material from the hands of the deceased, swab collected in cotton from the body and pieces of clothes collected from the pant of the deceased, packed, sealed and labelled and handed over to the investigating officer. Along with that, she had given certificate of collection of material objects and also specimen seal impression. She identified the certificate as Ext.P84 and specimen seal as Ext.P85. She identified the three pieces of clothes from the pant as MO.36 and the bottle used for packing the same as MO.38. She identified the brown paper, twine etc. used for packing the same as MO.37. She further deposed that MO.36 was taken from MO.35. She identified the cotton swab as MO.39 and the bottle as MO.38. She identified the brown paper, twine etc. used for packing the same as MO.40. She identified MO.41 as the hair like object collected from the body, packed and sealed and handed over to the Police. She further deposed that on the same day, she inspected the scene of occurrence and collected eleven material objects. At that time, the Fingerprint expert and photographer were present. She deposed the 11 material objects as follows:

Item No.1:-Brown stain collected in cotton gauze from the west room in the scene of occurrence.

Item No.2:- Brown stain collected in cotton gauze from spot.1 in the scene of occurrence.(സ്റ്റോട്ട് 1 എന്നത് ഞാൻ അടയാളപ്പെടുത്തിയത് വീടിന്റെ പടിഞ്ഞാറേ ചുവരിൽനിന്നും 2 മീറ്റർ മാറിയുള്ള സ്ഥലമാണ്).

Item No.3:- Brown stain collected in cotton gauze from spot 2 in the scene of occurrence. (Spot. 2 is 1.11 meter west of spot.1).

Item No.4:- Brown stain collected in cotton gauze from iron pillar found at the scene of occurrence. Pillar of the car shed.

Item No.5:- Brown stain collected in cotton gauze from spot 3 in the scene of occurrence. (Spot 3 is 1.60 meter South-West of spot.1).

Item No.6:- Scrapings of brown flakes collected from spot. 4 in the scene of occurrence (spot no.4 is 0.62 meters from the North pillar of the gate of the house). Scrapings were done from a pool of blood.

Item No.7:- Hair-like materials collected from spot 4 in the scene of occurrence.

Item No.8:- Brown stain collected in cotton gauze from bike KL 86/B/3015. In the certificate of material collection, I had omitted to mention the letter "B" in the registration number. It was subsequently corrected in the report, submitted along with the material objects.

Item No.9:- Hair-like material collected from the bike KL-86/B-3015.

Item No.10:- Swab collected in cotton from the veranda of the scene of occurrence.

Item No.11:- bottle collected from the veranda of the scene of occurrence. (വരാന്ത എന്നതുകൊണ്ട് ഞാൻ ഉദ്ദേശിച്ചത് വീടിന്റെ ഗ്രില്ലിന്റെ പുറത്തു ഇന്റർലോക്ക് പതിച്ച മുറുമാണ്).

She had entrusted the same to the investigating officer along with the certificate of collection of evidence and specimen seal impression. She identified the certificate as Ext.P86 and the specimen seal as Ext.P85(a). She had packed each material objects separately. She identified the 11 objects collected by her as MO.42 to MO.51 and MO.14. She identified the bottle used for packing MO.14 as MO.14(a). She identified the brown paper used for covering the same as MO.14(b). She further deposed that the bottle was containing some liquid in the bottom. She had given a 5 page report to the investigating officer and identified the same as Ext.P87. All the material objects were examined in the District Forensic Science Laboratory and he issued Ext.P88 report along with Ext.P88(a), covering letter of the Assistant Director. Out of the six items received in the lab, she had examined 5 items in Biological Lab. Item No.4 shown in Ext.P88 is the MO.14 bottle. Ext.P73 DVD was played in open Court. She deposed that the photographs (IMG 5950 to 5953) contains MO.14 bottle. The item No.5 is MO.5 pant. As per Ext.P88, item Nos.1 to 5 contain petrol. On seeing the photographs IMG 5980 to 5985, she deposed that the Motorcycle found in those photographs, she collected the hair like object. She deposed that from the pillar shown in the photograph IMG 5982, she collected the blood stain. On seeing the photograph IMG 6037 to 6039, she deposed that she collected blood scrap from the pool of blood found near to the gate. She further deposed that the other photographs containing her picture of collecting the material objects from the scene of occurrence. In Ext.P87 she had noted the presence of the bike, matchbox, blue coloured screw cap and also MO.14 bottle. She deposed that the cap found on MO.14 is the blue colour screw cap found on the scene of occurrence.

75. PW.64 has deposed that he was the Sub Inspector of Payyannur Police Station. On 21.11.2024 at 08.30.p.m, one Sasimohan (PW.1), S/o. Krishnan, came to the Police Station and given Ext.P1 FI Statement. He recorded the same and accordingly, registered Ext.P89 FIR. The FIR was uploaded into the system on the same day at 9p.m, 27 minute. On the same date at 10:40p.m, the FIR was produced before the Magistrate.

76. PW.65 has deposed that in 2024, he was the SHO, Payyannur Police Station. On 21.11.2024, he received an information that one Divyasree, was killed by her husband and also assaulted her father. Accordingly, he had deputed ASI Suvarnnan and SCPO Easwaran, for scene guard duty. Then, he had shared the information regarding the accused through wireless set, e-mail and also through social media along with the photographs of the accused to the other Stations in the District. Then, he got information that the accused was taken into custody by the Inspector of Valapattanam Police Station. Accordingly, he had authorized Sub Inspector Sanith to receive the accused from Valappatanam Police. Based on the statement given by PW.1 Sasimohan, the Sub Inspector Suresh Kumar registered Ext.P89 FIR. Then, he had taken the investigation. The Sub Inspector Sanith received the accused from the Inspector of Valapattanam, taken for medical examination at Taluk Hospital, Payyannur and produced at Payyannur Police Station at 9.55p.m, on the same day. Then, on 22.11.2024 morning, he along with the ASI Rema went to the mortuary of Pariyaram Medical College Hospital and in the presence of the Scientific Officer, Fingerprint expert, department Photographer and witnesses, did the inquest on the body of the deceased and prepared Ext.P22 inquest report. At the time of the inquest, he had seized MO.4 and MO.5 rose colour T-shirt and the pant with green and white design. He had seized the material objects collected by the Scientific Officer

from the body as per Ext.P79 mahazar. The properties were, hair like materials collected from the hands of the deceased , cotton swab, pieces of clothes collected from the pant of the deceased, i.e. MO.35, 38 and 39. Along with that, he received Ext.P84 certificate issued by the Scientific Officer. Then, at 12 noon, he along with the Scientific Officer, Fingerprint Expert, Dog Squad and Department Photographer came to the scene of occurrence. He inspected the scene of occurrence as shown by PW.1 and prepared Ext.P2 mahazar. The scene of occurrence is the sit out, the courtyard and the interlock paved footpath up to the gate of the house bearing building No.4/82 of Karivallur-Peralam Grama Panchayath on the eastern side of Onakunnu-Kookkanam Public Road, Paliyeri Kovval. He had noticed dried blood stains on the courtyard and the footpath leading up to the gate and also on the iron pillar of the car shed. Ext.P73 DVD was played in open Court. On seeing the visuals/photographs-IMG 5945 and IMG 5947, he pointed out the blood stains on the iron pillar and the floor. He had also pointed out the presence of broken shield of a helmet i.e. MO.11. He had also pointed out the presence of MO.9 spectacle without one glass. He had pointed out the presence of MO.12 series; newspaper, Cardboard, jute thread etc. He deposed that MO.12 series can be seen in IMG 5992, 93, 95 and 96. In IMG 5994, 95 and 96, one can see the MO.9. On investigation, he came to know that MO.12 series were the newspaper, cardboard etc. used for covering the MO.1 weapon while purchasing from "Arafa Store", Payyannur. He had shown MO.15 bill from Beverages Corporation in photos IMG 5943, 44. As per MO.15, one can see that on 21.11.2024 at 5.13p.m, somebody purchased Mansion House Brandy from Beverages Corporation, Payyannur for Rs.570/-. By seeing the photographs IMG 6010 and 11, he pointed out the blood stains on the car bearing Registration No.KL 86 C/4853. He has also pointed out the presence

of MO.16 bike bearing Registration No.KL 86 B/3015 and MO.17 helmet in the photographs IMG 5980, 81, 83 and 84. He pointed out the house of one Kishore in the photograph IMG 5980. By seeing the photographs IMG 5953, 6032, 6035 and 6036 , he has pointed out the presence of matchbox with the symbol bicycle on the mat laid in the step leading to veranda. Near to the matchbox, there is a blue colour cap of a water bottle. Near to that, there is a mineral water bottle with sticker "Walters" wrinkled and having some yellow colour liquid on the bottom. The bottle was taken after putting the cap on it. He identified MO.14 as the bottle. He pointed out all these properties in IMG 5953. He had also pointed out the presence of some liquid poured on the floor. In photo IMG 6071, he pointed out the presence of CCTV camera installed on the northern side of the house. He had taken the above visuals from the CCTV. In the same photograph, one can see the Scientific Officer Anjitha inspecting the motorcycle. In the same photograph, one can see the grill and the door in front of the house. One can also notice the damage on the front grill caused by some weapon. On investigation, he came to know that the above damage was caused by the accused who cut on the grill with MO.1 billhook. He pointed out the above damage in the photograph IMG 6017 and 6021. In the photo IMG 6017, one can see the name of the house as "Soubhagya". In IMG 5957, one can see the house number as 4/82 and the old number as 3/325 of Karivallur Peralam Grama Panchayath. In IMG 5958, one can see the name of the house, a clock inside the room and in that clock, the time is 12.15 noon. In IMG 5956, one can see the food articles on the carpet along with a yellow plate at the sit out. On investigation, he came to know that at the time of assault, the deceased was taking food from the sit out. He had noticed the presence of blood stains on the tiles near to the door step and granite floor of the central hall. On seeing IMG 5974 and 75, he

pointed out that, there one can see him and Fingerprint expert inspecting the mineral water bottle to find out the chance fingerprint. He deposed that near to the scene of occurrence, there are house of one Sukumaran K.V, Sujatha.KV and also the house of one Sasimohan (PW.1). In IMG 6037 to 39, he had pointed out the presence of blood near to the gate inside the house compound. He had also pointed out the presence of some liquid on the road just outside the house compound in the photo IMG 5980. On investigation, he came to know that, after the incident, the accused came near to his bike parked on that spot and poured petrol on his own body and the bike. Ext.P4 Pendrive was played in open Court. As per the visual of 17 hours, 34 minute and 53 second to 17 hours, 35 minute and 10 second, one can see the accused pouring petrol on his body from the bottle. He had collected the material objects collected by the Scientific Officer as per Ext.P3 mahazar. He had received 11 material objects along with the certificate of collection of evidence and the sample seal and they were marked as Exts.P86 and P85. He identified 11 material objects collected by the Scientific Officer as MO.14, Mo.42 to MO.51. Then, he came back to the Station and requested PW.1 to come to the Station. Accordingly, PW.1 came to the Station and identified the accused. Accordingly, at 02.30p.m, he arrested the accused as per Ext.P90 arrest memo and Ext.P91 arrest intimation. Ext.P71 and P72 are the custody and inspection memos prepared by the Inspector of Valapattanam, when the accused was taken into custody on the previous day at night. After giving another dress, he had seized MO.2, MO.3 and MO.26, blue jeans, black T-shirt and inner vest of the accused. He had seized the material objects found in the possession of the accused in the bag and also the mobile phone as per Ext.P81 seizure mahazar. He identified the same as MO.6 bag, MO.27 series 7 T shirts, MO.28 series 2 shots, MO.10 monkey cap, MO.29 brief,

MO.30 mobile charger, MO.31 liquor bottle of sticker "Mansion House Brandy 500ml". He deposed that MO.31 was purchased by the accused as per MO.15 bill. He identified Ext.P34 series as the unopened cover of Kerala Gramin Bank, MO.32 purse and the cash Rs.20,690/- with denominations 500x40, 100x5, 50x1, 20x6 and 10x2. He had pointed out the name Rajesh by way of a sticker on MO.32 purse. The cash was already deposited in criminal court deposit at Magistrate Court. He identified MO.33 series PAN Card, ATM Card, Aadhar Card and Driving License having the name of the accused. He identified MO.25 as the phone of make POCO. He seized the phone, packed and sealed and also put his seal "SHO PNR". Then, he had questioned the accused. The accused had given confession statement. He had video recorded the same. The accused has given the statement that, "he can point out the petrol pump and the shop where he purchased the billhook and petrol." Then, as led by the accused, he along with Police party and witness went to "Arafa Store" near to Archana Bar, Payyannur. When reached in front of the shop near to Archana Bar, the accused requested to stop the vehicle and pointed to the shop and said, "that from this shop, he purchased the knife". From there, he prepared Ext.P7 observation mahazar. Inside the shop, there were several billhooks, knife and other household items displayed. He also noticed the presence of CCT. The video recorded was copied into a Pendrive by the department Photographer Subin Das. He identified Ext.P43 Pendrive. He identified the accused. Ext.P43 Pendrive was played in open Court and on seeing the visuals, he pointed towards the accused as the person with blue jeans and black T-shirt. He also deposed that the other persons seen in the visual are himself and two witnesses Suresh, Prasobh, the shop owner Sainudheen, Salesman etc. Sainudheen told him that the accused purchased billhook from the shop. The shop owner has produced the

visuals of the CCTV shown in the mobile phone and it was copied into a Pendrive by SCPO Abdul Jabbar. Then, as led by the accused, they went to the petrol pump near to the New bus stand at Payyannur. The accused told him that, "from this Petrol Pump, he purchased petrol." He prepared Ext.P8 observation mahazar. The name of the Petrol Pump is "Associated Oil Agency". He noticed the presence of CCTV in the Pump. It was also video recorded by the department Photographer. On seeing the visual from the Pendrive, he deposed that from the Petrol Pump seen in the visual, he prepared observation mahazar. In that visual, one can see the police team, accused and witnesses. The accused had given a confession statement that, "the billhook was thrown to the river from Perumba bridge, if he was taken, he will show the place." Then, as led by the accused, he along with witnesses reached the Perumba bridge, Payyannur. The accused pointed towards the river and said that, this is place where he had thrown the billhook. Then, with the assistance of Fire and Rescue Team of Payyannur, they did search in the river and the diving expert found out the MO.1 weapon from the river. It was got identified by the accused and seized as per Ext.P9 mahazar. It has got a length of 40c.m and it's handle is having a length of 12 c.m. He had noticed the presence of damage on the blade portion. It was also video graphed by the Department Photographer. In the visuals, one can see the accused leading PW.65 and the witnesses to Perumba bridge and pointing towards the river. He deposed that in the visual, one can see the Fire and Rescue team searching in the river and finding out MO.1. There, one can see the Fire and Rescue Officer handing over MO.1 to PW.65 and it was shown to the accused. Then, the accused was taken before Medical Officer for medical examination as well as for taking the blood, hair sample as well as nail clippings. The relevant portion of the confession statement was reproduced in Exts.P7, P8 and P9 as

Ext.P7(a), P8(a) and P9(a) . On 22.11.2024 at 8.10p.m. produced the accused before the Magistrate and submitted Ext.P92 report to add the full name and address of the accused. On 23.11.2024, he had shown MO.1 to the Forensic Surgeon who did the Postmortem. He stated to him that the injury found on the body of the deceased could be caused with MO.1. After showing the weapon to the Surgeon, he again packed and sealed MO.1 and seized as per Ext.P66 mahazar. He identified MO.22 as the brown paper, twine etc. used to cover MO.1 before it was shown to the surgeon. He identified MO.24 as the brown paper used for packing MO.22. He had seized the material object collected by the Forensic Surgeon at the time of Postmortem at the time of Ext.P66 mahazar. He identified the properties as MO.34 series (hair sample, fallen hair recovered from trunk, nail clipping, and blood in gauze pieces). Along with that, he had taken Ext.P83 certificate containing specimen seal. He had seized the blood, hair sample and nail clipping taken by the Doctor from the accused as per Ext.P65. He identified the properties, MO.20 series (2) as the blood sample and MO.21 hair sample. He received Ext.P35 report from the Fingerprint expert that one of the chance print developed from the mineral water bottle tallies with the fingerprint of the accused Rajesh. He filed Ext.P93 report to add Sections 332(a), 238(a) of BNS. He filed Ext.94 report to make some corrections in the FIR. On 26.11.2024, he had seized Ext.P4 Pendrive as per Ext.P6 mahazar, as given by the Technician Ajith by copying the visuals of the CCTV of the place of occurrence ,which contains his signature and also the signature of the witnesses. He identified Ext.P4(C) as the brown paper used for covering the Pendrive. Along with that, he received Ext.P5 certificate issued by the above said Ajith. On 27.11.2024, he had seized Ext.P10 Pendrive containing the visuals of CCTV of the Bar, JK Park Residency, Puthiyatheru, copied from the CCTV by PW.9 (Albin Manual) and Bar

Manager Antony Sebastian. He identified the brown paper used for covering the Pendrive as Ext.P10(a) and his signature as Ext.P10 (b). On his request, PW.3 collected the blood and hair sample of PW.2. He seized the same as per Ext.P77. He identified the properties as MOs.18 and MO.19. Along with that, he received Ext.P49 forwarding letter. Then, on 29.11.2024, PW.2 came to the Station and produced MO.7 brown colour dhoti and MO.8 lungi. He seized the same as per Ext.78 mahazar. On 29.11.2024, he seized Ext.14 Pendrive as per Ext.P15 mahazar along with Ext.P16 and P17 certificates of the Technician and the owner of the Petrol Pump. He identified Ext.P14(a) as the brown cover used for covering the Pendrive and also identified his signature as Ext.P14(d). Ext.P14 Pendrive was played in open Court. He deposed that in the visual, one can see the accused coming to the Pump in a red colour bike having a bag on his back and purchasing petrol in a bottle . He had seized Ext.P20 Pendrive containing the visuals of the CCTV of Arafa Store, Payyannur copied by the CPO Abdul Jabbar from the mobile phone of the shop owner, PW15 as per Ext.P18 mahazar. Along with that, he also received Ext.P21 and P70 certificates of the shop owner and the Police officer Jabbar. He identified the brown paper used for covering the Pendrive as Ext.P19 and also identified his signature as Ext.P19(C). Ext.P20 Pendrive was played in open Court and witness deposed that in the visual, one can see the accused coming to the above shop, picking billhook from the articles displayed in the shop and purchasing the same. MO.1 was given to him after packing it with newspaper and cardboard. He identified the same as MO.12 series. On 02.12.2024, he had obtained police custody of the accused from the Court. On 12.12.2024, he seized Ext.P24 Pendrive as per Ext.P26 mahazar. Ext.P24 Pendrive containing the visuals of the CCTV of the ATM of ICICI Bank of Perumba branch. Ext.P24 could not be played in open Court because

of technical issue. The Public Prosecutor has produced the copy of the same and played as per the order in CMP.4/26. This copy was marked as Ext.P95. He identified Ext.P96 series as the certificates issued by him and the Station Writer. In the visual, one can see the accused entering to the ATM on 21.11.2024 at 6p.m and withdrawing cash two times and leaving the ATM. In that visual, one can see the seals on the right hand of the accused. On 23.12.2024, he had seized the Statement of Account, KYC particulars etc. along with the certificate produced by the Manager, Karivallur as per Ext.P97. He identified the documents as Exts.P28, P29 series and P30 series. As per Ext.P28, one can see that on 21.11.2024, the accused had withdrawn Rs.20,000/- from the ATM of ICICI Bank, Payyannur. He identified Ext.P48 as the certificate issued from Baby Memorial Hospital, Kannur for treatment of PW.2. He collected Ext.P57 and P57(a), the RC particulars produced by the Motor Vehicles Inspector with regard to vehicle KL 86B/3015, used by the accused. Along with that, he had also collected Ext.P98 extract of the license of the accused. He had collected and produced Exts.P45 and P46 the Wound Certificates of the deceased and PW.2 from Anamaya Hospital, Payyannur. He had collected Ext.P8 site plan and Ext.P59 possession certificate, from the Village Officer. As per Ext.P59, PW.2 is in the possession of the scene of occurrence. He collected Ext.P60 ownership certificate of the house wherein it is stated that the house belongs to PW.2. He had also collected Ext.P61, the Death Certificate of the deceased. He collected Ext.P47 Wound Certificate of PW.2 from Baby Memorial Hospital, Kannur. He collected Ext.P56 and P56(a) the Marriage Certificate and the certificate of Divyasree from Payyannur Municipality. He collected Ext.P23, P23(a), and P23(b), FIS, FIR and final report in Crime No.749/24 of Payyannur Police Station. He had also produced Ext.P99 series copy of FIS and FIR of Crime 965/24 of Payyannur Police

Station. He collected the details of the duty of the deceased i.e. Ext.P69 series as per Ext.P68 mahazar. Those documents would go to show that on 21.11.2024, the deceased was on leave and on the same day, she had hearing of cases at Family Court, Kannur. He produced Exts.P50, P50(a), P100, P101, copies of the petitions in OP.1528/2024 in MC.339/24 and OP.1354/24 from the Family Court, Kannur. He had also collected and produced Ext.P51 and P52 the copy of the Register of Counselling and Counsellor's diary. Those documents would go to show that on 21.11.2024, there was counselling and it was attended by the deceased and PW.2. On 04.01.2025, he had seized the account statement and KYC particulars along with the certificate from the Manager, Kerala Gramin Bank, Peralam Branch as per Ext.P76 mahazar. He identified the documents as Exts.P31, P32 series and P33 series. On 07.01.2025, he had seized the videos and photographs taken by the department Photographer Subin Das at the time of inquest, questioning of the accused, observation mahazars, recovery of mahazar etc. copied into the Pendrive as per Ext.P43. Ext.P41 series are the 16 photos in 4 sheets. The photograph Ext.P41(1) contains the photo of the body of the deceased, the witness and also the investigating officer. On the same day, the department Photographer Midhun Vinod had produced the photograph of the chance print developed by the fingerprint expert and the DVD containing the photos of the scene of occurrence. He seized the same as per Ext.P63. He identified the DVD as Ext.P73. He identified the photos as Ext.P74 and the certificate as Ext.P75. Along with that, the Photographer had produced 24 photos in 6 sheets i.e. Ext.P53 series and seized as per Ext.P63. In those photographs, one can see the scene of occurrence, the presence of blood stains on the floor, the presence of MO.14 bottle, matchbox, cap of the bottle etc. In that photograph, one can see the Scientific Officer inspecting the scene of occurrence, MO.12 series,

inspection by the Fingerprint expert etc. He identified Ext.P36 as the report of the Fingerprint expert. He also identified Ext.P37, P38 and P39 as the certificate, specimen fingerprint downloaded and the report along with Ext.P40 covering letter issued by the Tester Inspector. She collected Ext.P82 Postmortem Certificate and also Ext.P87 from the Scientific Officer. He produced the properties seized before the Court as per Ext.P102 series (Ext.P102, P102(a) to (j)). He had produced the documents collected before the court as per Ext.P103 series (Ext.P03, 103(a) to 103(l)). He submitted Ext.P104 series two forwarding letters to forward the material objects for examination from the lab. Ext.C1 is the report obtained from the District Forensic Science Lab and Ext.C2 is the report from the Regional Forensic Science Lab. As per Ext.C2, blood was detected in the dress of the accused. The blood was detected in MO.1 and also on the bike found on the scene of occurrence. He recorded the statements of CWs.1 to 90. He filed Ext.105 report to make some addition in the statement of CW.59 Motor Vehicle Inspector. He submitted Ext.P106 report explaining the delay in producing the properties before the Court. He filed Ext.P107 report regarding the explanation for not producing the certificates from the Technician who installed the CCTV at the ATM of ICICI Bank. He produced Ext.P.108 certificate from PW.2 regarding the installation of CCTV in his house. This is the evidence adduced by the prosecution.

77. Here, the definite case of the prosecution is that, the accused, because of the grudge against the deceased in approaching the Family Court for divorce and in the counselling held on 21.11.2024, taken an adamant stand demanding the divorce, with the intention of committing her murder, purchased MO.1 billhook from "Arafa Store", Payyannur, purchased petrol in two bottles from "Associated Oil Agency", Petrol Pump at Payyannur, came to the house of PW.2 at Paliyery Kovval in his own bike, cut the front grill with MO.1, poured

petrol towards the deceased, opened the grill, caught and dragged the deceased to the courtyard and assaulted with MO.1. When PW.2 intervened, the accused assaulted him also with MO.1. When the deceased came near to the gate of the house, the accused after again assaulting PW.2 with MO.1, came near to the gate, again cut the deceased with MO.1, two times on her head and chest and ensured her death. Thereby, the accused committed the above offences. Here, the prosecution has adduced direct evidence, circumstantial evidence and also produced the digital evidence/electronic evidence. First of all, we will consider the motive.

78. MOTIVE. According to the prosecution, the motive is, filing of divorce OP before Family Court and the adamant stand for divorce taken by the deceased in the counselling held on 21.11.2024. Here, the learned defence counsel has submitted that the prosecution has failed to prove the motive. His argument is based on the evidence of the Counsellor of Family Court (PW.32). According to the learned counsel, PW.32 has deposed that it was the second session of the Counselling on 21.11.2024 and it was peaceful. There was no provocation. So, relying on this, the learned counsel has submitted that the prosecution has failed to prove the motive. But, the learned Public Prosecutor has pointed out that, here the accused admitted that there was marital discord and litigation were pending before the Family Court. He had also admitted the Counselling on 21.11.2024. PW.32 has deposed that the Counselling was not successful. So, according to the learned Public Prosecutor, from the above admission itself and from the evidence adduced, the prosecution could prove the motive.

79. Regarding the motive, the position of law is that in a case where there is direct evidence, motive is irrelevant, but, when the prosecution has alleged the motive, then it has to be proved. In **State**

of Kerala vs. Rajikumar @ Reji, (2014 KHC 853). There, the Hon'ble High Court has held that, Where there is direct evidence, motive generally becomes irrelevant. However, if motive is pointed out as one of the links of the chain leading to the guilt of the accused, the prosecution is duty bound to establish the same. It is relevant to note that motive being a mental element, the same can be established only from the attending circumstances. In **Vijai Shanker vs. State of UP (2005 KHC 2852).** There, the Hon'ble High Court of Allahabad has held that, "it is well settled that where the direct evidence regarding the assault is worthy of credence and can be believed, the question of motive becomes more or less academic. In **KP. Rajan vs. State of Kerala (1991 KHC 626),** There, the Hon'ble High Court has held that, Motive is not an integral part of the crime. It is only an aid in the assessment of criminality. When there is acceptable direct evidence, regarding the incident itself, proof of motive is irrelevant. In **Jale Singh Vs. State of Rajasthan, 1996 KHC 2931,** the Hon'ble High Court of Rajasthan has held that, "It is well to remember that where there is a direct evidence of eyewitnesses regarding assault on the deceased by the accused/appellant which is worthy of credence and can be believed, the question of proving motive becomes pure academic question. So, going by the above rulings of the Hon'ble High Courts, one can see that, it is well settled that when there is reliable and convincing direct evidence, the question of motive is irrelevant. Here, in this case, the accused admitted that he married the deceased. It was a love marriage. There was marital discord. The deceased approached the Family court for divorce and also for other reliefs. There was Counselling on 21.11.2024. Apart from the admission, one can seen that from the evidence adduced also, it is proved that there was marital discord and the deceased approached the Family Court for divorce and other reliefs.(PWs.1 and 2 and PW.21). The documentary

evidence i.e., Ext.P50 series, Ext.P.100 series and Exts.P101 series, the copies of the petitions. Regarding the Counselling on 21.11.2024, there is evidence of PW.32, the Family Court Counsellor. Regarding his evidence, the learned counsel submitted that according to the witness, the Counselling was peaceful and there was no provocation. So, it cannot be treated as a motive. But, one can see that PW.32, being a Family Counsellor, he is not supposed to depose the details of the Counselling before the court. He can say that the counselling was successful or not. Here, he deposed that it was not successful. That means in the Counselling, the deceased insisted for divorce and not ready for a reunion. Apart from that, going by the digital evidence and also the oral evidence of PW.2, one can see that the accused assaulted the deceased by uttering the words, "You want divorce, right?". Regarding the digital evidence, I shall discuss later. Here, it is evident that the accused assaulted because, the deceased demanded divorce and approached the Family Court for the same. So, in my view, the prosecution has succeeded in proving that the motive behind the crime is the filing of OP for divorce, before the Family Court and also the insistence for divorce by the deceased in the Counselling on 21.11.2024.

80. Now, we will discuss about the preparation. Here, the prosecution case is that, after attending the Counselling on 21.11.2024, at Family Court, Kannur, the accused decided to eliminate the deceased/his wife. Accordingly, he purchased MO.1 billhook from PW.15 at Arafa Store, Payyanur. purchased petrol from Associated Oil Agency, Payyannur owned by PW.14. Then, along with the above weapon, and the petrol kept in a shoulder bag, he came in his bike MO.16 and assaulted the deceased and PW2, from their house at Paliyeri, Kovval. Regarding the preparation, there is direct evidence as well as digital/electronic evidence. From the evidence of PW.15, one

can see that the accused purchased MO.1 from his shop. He identified the accused. Apart from that, he had given the CCTV visuals in Ext.P20, Pendrive regarding the purchase of MO.1 by the accused from his shop. Going by the evidence of PW.13, he is the owner of the Associated Oil Agency, Payyannur. According to PW.14, she is the Pump Operator. According to PW.12, he is a CCTV Technician who installed the CCTV in the Pump. He copied the visuals of the CCTV into Ext.P14 Pendrive and given the certificate under 63 of BSA. So, before discussing the direct evidence, let us consider the admissibility of digital/electronic evidence. The relevant provision regarding the admissibility of electronic evidence is Sec.63 of BSA (formerly S. 65B of Evidence Act). Going by Section 63(1), "Any information contained in an electronic record which is printed on paper, stored, recorded or copied in optical or magnetic media or semiconductor memory which is produced by a computer or any communication device or otherwise stored, recorded or copied in any electronic form (hereinafter referred to as the computer output) shall be deemed to be also a document." It is further stated that, "if the conditions mentioned in this section are satisfied in relation to the information and computer in question and shall be admissible in any proceedings, without further proof or production of the original." As per Sub section (4)(a), there should be a certificate regarding the identification of the electronic record and as per Sub Sec.4(b), a certificate regarding the device involved in production of the electronic record. Here, in this case, along with Ext.P14 and P20 Pendrive, the prosecution has produced the certificates from PW.13 i.e. Ext.P17 and from PW.15, Ext.P21. Regarding the CCTV installed, in the above Petrol Pump as well as in the above named Arafa Store, along with that, they have produced Ext.P16 Certificate from PW.12 the Technician who installed the CCTV at the Petrol Pump and copied the visuals into Ext.P14 Pendrive. They

have also produced Ext.P25 (b) certificate of Ext.P20 Pendrive by PW.49 the Police Officer who copied the visuals from the mobile phone of PW.15. Here, it is proved that PW.12 has installed the CCTV in the above petrol pump of PW.13. He himself copied the CCTV visuals into Ext.P14 Pendrive. From the evidence of PW.13, it is proved that he owned the above pump which stands in the name of his wife. He had installed the CCTV in the pump. From the evidence of PW.14 one can see that there is CCTV and the accused was produced by the police into the Pump. Going by the evidence of PW.15, one can see that the CCTV was installed in his shop. He further deposed that it was linked to his mobile phone. He had recorded the visuals because, he had noted the conduct (examining the sharpness of the billhooks) of the accused who purchased the MO.1. He deposed that the accused was checking the sharpness of the weapon. From the evidence of PW.49, one can see that he copied the above video from the mobile phone of PW.15 into P20 Pendrive. So, one can see that here, the above conditions stipulated in Section 63 of the BSA has been complied with. In 2019 (4) KHC 928 (2019(4)KLT 159) Jisal Razak. V. State of Kerala, the Hon'ble High Court has held that, "the CCTV footage is an electronic record and it is to be marked as a document and not as a material object". Here, the Pendrives were marked as Ext,P14 and P20. Of-course, the learned defence counsel has brought out some discrepancies in the evidence and certificates. But, I am of the opinion that it has no relevance when we assess the entire evidence i.e. the direct evidence, circumstantial evidence along with the digital evidence. So, in my view, the above digital evidence/electronic evidence Ext.P14 and P20 is admissible in evidence.

81. Ext.P20 was played in open Court. There, one can see the accused coming to the above shop "Arafa Store", examining the sharpness of two billhooks taken from the goods displayed in the shop,

handed over one to the shop owner. It was given to the accused after packing by newspaper, cardboard & jute thread i.e. MO.12 series by the Salesman. He received the same by paying the price and leaving the shop. I do not find any reason to disbelieve the above evidence. Apart from the above digital evidence, there is clear evidence of PW.15, that the accused came to his shop and purchased MO.1 on 21.11.2024. Regarding PW.15, the learned defence counsel has submitted that there are several omissions and improvements in his evidence. True, there are omissions and improvements. But, in my view, they are not on material aspect. Here, the material aspect is purchase of MO.1 from the shop of PW.15 i.e. Arafa Store, Payyannur. PW.15 has categorically deposed that the accused came to the shop, examined the sharpness of two billhooks, selected one and purchased the same by paying the price. He deposed that the accused was in a hurry and said to him that billhook need not be covered. But, he insisted that it should be covered because it is very sharp. Accordingly, his Salesman had packed MO.1 by MO.12 series. When the visual in Ext.P20 is read along with the evidence of PW.15, there is no room for any doubt that on 21.11.2024, the accused had purchased MO.1 from his shop. It is also argued by the learned counsel that admittedly, the accused is a stranger to PW.15. The accused was wearing a monkey cap and mask. If that be so, how could PW.15 identify the accused. But, on seeing the visuals of the Pendrive, one can very well see that even if, the accused had the monkey cap and the mask, one can very well identify him as he was present in the shop for a long time. It is not a case of just coming to the shop, purchasing the object and leaving the shop. Here, one can see the accused testing the sharpness of the weapon by taking two billhooks. He handed over the same to PW.15. It was packed by the Salesman. The accused bargained the price, then after reducing Rs.10/-, he paid the price and

left the shop. All these visuals were available in Ext.P20 Pendrive. There was sufficient time for PW.15 to observe the accused. He has further deposed that on seeing the accused, he was of the impression that the accused is a Navy man. He noticed the conduct of examining the sharpness of the weapon. Of-course, there are some omissions and improvements. But, when the entire evidence is considered together, the oral as well as the digital evidence, I am of the opinion that PW.15 is a reliable witness. His evidence is fully corroborated by Ext.P20. Moreover, PW.65, the investigating officer had taken the accused to the above shop based on Ext.P7(a), confession statement and prepared Ext.P7 observation mahazar. That was also video recorded and produced before the court. It is also proved through the evidence of PW.8, who witnessed PW.65 taking the accused to the above shop. He attested Ext.P7 observation mahazar. So, it is proved beyond reasonable doubt that on 21.11.2024, the accused purchased MO.1 billhook from PW.15 at Arafa store, Payyannur.

82. Regarding the purchase of petrol, one of the argument of the learned counsel was that there is no documentary evidence to show that the accused purchased petrol from "Associated Oil Agency", Payyannur owned by PW.13. It is true that the prosecution did not produce the bill for the sale of petrol to the accused. But, here the prosecution has adduced the oral evidence of PWs.12 to 14 and also produced Exts.P14, Pendrive containing the visuals of CCTV installed in the Pump. PW.13 has deposed that he is the owner of the above Pump which stands in the name of his wife. He had issued Ext.P17 certificate u/s.63 of BSA, regarding the installation of CCTV in the Pump. He deposed that as requested by the Police, with the help of PW.12, he copied the visuals of CCTV and given to the Police. PW.12 has deposed that he installed the CCTV in the petrol pump. As requested by the Police, he copied the visuals of the CCTV dated

21.11.2024 in Ext.P14. P14 Pendrive was played in open Court. There, one can see the accused coming in MO.16 Motorcycle with a bag on his back and purchasing petrol in two mineral water bottles and one kept inside the bag and other on the side pocket of the bag. He paid the price by Phone-pay. So, in my view, even if, the prosecution did not produce the bill for sale of petrol, there is clear and convincing evidence of PWs.12 to 14 and also Ext.P14 Pendrive. Everybody knows that the Pump Operator will not be issuing bill for every purchase of petrol. So, simply because the bill was not produced, it cannot be said that the evidence of PW.12 to PW.14 and Ext.P14 cannot be accepted. Apart from that, going by the evidence of PW.67, PW.8, PW.14 and Ext.P8, one can see that PW.65 had taken the accused as per Ext.P8(a), the confession statement to the Petrol Pump "Associated Oil Agency", Payyannur. This can be seen from Ext.P43 Pendrive which contains the videos recorded while the accused was taken to "Arafa Store" at Payyannur and the above Petrol Pump. Regarding P14 & 43 pendrives, one can see that the prosecution examined the persons in possession of the computer/device which originated the visuals and copied the visuals by using a computer. They have also given the certificates as provided under s.63 of BSA. So, even if, there are some improvements and omissions, when the entire evidence is considered together, one can see that the prosecution could prove the preparation i.e. the purchase of MO.1 from PW.15 and purchase of petrol from the Pump of PW.13 on 21.11.2024.

83. Now, we will consider the evidence regarding the crime. Here, the prosecution has adduced direct, circumstantial and also digital evidence. Firstly, we will consider about the direct evidence. PW.1 is the de facto complainant. He has deposed that on hearing the cry, he came to the scene of occurrence from his house, situated near to the scene of occurrence and found the accused herein/the husband

of the deceased assaulting the deceased with a billhook. He further deposed that, after that, the accused came out of the house compound and on seeing him, threatened him that, "you also will be killed". There was a bike parked on the side of the road. The accused went near to that bike and attempted to start the same. He further deposed that he found PW.2 with injury on the left ear and stomach. There were other neighbours Narayani, Sujatha etc. Later, the injured was taken to hospital in an Ambulance. Then, at night at 8.30p.m, he went to the Police Station and given Ext.P1 FI Statement. He had identified the MO.1 weapon, MOs.2 and 3 the dress of the accused and also MOs.4 and 5, the dress of the deceased. He also identified MO.6 bag found in the hands of the accused. This witness was cross examined at length. Of-course, there are some omissions and improvements. One of the aspect pointed out by the learned defence counsel was that, though he claims to be an immediate neighbour and had acquaintance with the deceased from childhood onwards, but, before the Magistrate, he stated that, "he found a lady lying on the ground near to the gate". If he had the acquaintance with the deceased, he would have stated the name "Divyasree" itself. But, going through the FI Statement, Ext.P1, one can see that there, PW.1 clearly stated that he found 'Divyasree' lying on the ground with injuries. In the subsequent statement recorded u/s.180 of BNSS also, he reiterated the same. So, simply because the witness did not state the name of the deceased before the Magistrate, it cannot be said that the witness did not see the incident. Another submission of the learned counsel was that, according to him, MO.1 is a billhook. Knife and billhook are different. But, he further deposed that knife is also known as billhook. Then, when the learned defence counsel put a question, "Whether knife is used in kitchen?". He deposed that, billhook sometimes called as knife, but not vice versa. Before the Magistrate, he deposed that the weapon is a knife.

So, relying on this, the learned counsel submitted that the witness did not actually see the incident. I am not inclined to accept the above submission also because, here, the weapon (MO.1) is having a length of 47cm. It's handle is having the length of 12cm. The witness has deposed that it is a billhook. Going by the dictionary meaning, one can see that the billhook is known as "kathiyal", "knife" and also "koduval". So, simply because of the difference in the description of the weapon, it cannot be said that the witness did not see the incident especially, when there is other reliable and convincing evidence regarding the weapon used.

84. Another submission of the learned counsel was that, in cross examination, the witness has deposed that at the time of the incident, the accused did not wear a mask. The accused was wearing a monkey cap. As per the visuals in Ext.P4 and other digital evidence produced before the court, one can see that the accused was wearing a mask as well as a monkey cap. This aspect was suppressed by the witness. He did not state the presence of monkey cap and mask, either in Ext.P1 or in the subsequent statements. So, the learned counsel has submitted that this witness actually not seen the accused. True, the witness did not depose about the presence of mask and monkey cap in Ext.P1 and in the subsequent statements. Even if, it is accepted that it is a willful suppression by the prosecution, I am of the opinion that it will not affect the core of the case. It is not a material aspect as far as the crime is concerned. Here, the incident is assaulting the deceased and PW.2 with MO.1. PW.1 has categorically deposed that when he came to the spot on hearing the cry, he found the accused cutting the deceased, two times with MO.1. Whether the accused was wearing a mask or monkey cap doesn't matter especially, here the accused is none other than the husband of the deceased and son-in-law of PW.2. Here, there is convincing evidence that this witness is an immediate neighbour. He

had acquaintance with the deceased as well as the accused. So, I do not find any reason to disbelieve PW.1.

85. PW.2 is none other than the father of the deceased as well as the injured. He is a witness to the murder of his own daughter, the deceased. He has deposed that the accused is the husband of her daughter and it was a love marriage. Because of the torture from the accused, the deceased filed OP before the Family Court for divorce. On the date of incident, there was Counselling. He along with the deceased attended the Counselling. They came back at 2.30p.m and the deceased was preparing to go for Sabarimala duty. She was taking lunch by getting a parcel, from the sit out sitting along with him. At around 5.00p.m, the accused came with a billhook wearing a monkey cap and a bag on his shoulder. The accused uttered obscene words and also the words, "you want divorce, right?" and cut on the front grill of the house with billhook. The grill had some damage. The accused was having petrol in a bottle and poured inside the house. There was a gas cylinder. His daughter cried and sought help. The accused opened the front grill, caught and pulled Divyasree and taken to the courtyard. Then, the accused assaulted her with the above billhook. When he intervened, he was also assaulted with the billhook. Divyasree somehow reached near to the gate and fall on the ground. The accused again assaulted him and then went near to Divyasree and again cut her two times and ensured her death. From the incident, his left ear pinna was almost separated from the body. He had severe injury on the stomach and the flesh was hanging. He has also identified MO.1 billhook, the dresses of the accused and the deceased, Mos.7 and 8 his dhoti and lungi and also MO.9 his broken spectacle. This witness was also extensively cross examined. The case of the defence was that, the accused did not assault the deceased and PW.2. It was done by an unknown person who was wearing a mask and also a monkey cap. So,

PW.2 could not identify him. Because of the previous grudge and because of the pendency of the case before the Family Court, accused was falsely implicated. The main argument was that PW.2 also did not state before the investigating officer that the assailant had mask and a monkey cap. This aspect was suppressed. It is also argued that the accused is the son-in-law of PW.2. But, as per Ext.P4 Pendrive, as per the visuals and as admitted by PW.2, at the time of the incident, he did not call the name of the accused. He only said the word 'eda' (it's is an informal word used in malayalam to call a youngster or close friend). So, it is argued that, since the assailant was wearing a mask and monkey cap, PW.2 also could not identify him. Another argument was that, according to the prosecution, PW.2 sustained grievous injury on the left side of head and stomach and there was severe bleeding. PW.1 has deposed that he found PW.2 with blood all over the body. But, going by Ext.P4 Pendrive, one cannot see any bleeding injury. So, on those grounds, the learned counsel has submitted that PW.2 is not believable.

86. I am not inclined to accept the above submission also. First of all, being an injured, we can rely his evidence, unless there is compelling reasons. Normally, no injured will spare the real assailant. Of-course, there is some omissions and improvements regarding the mask, monkey cap etc. But, in my view, it has no consequence because the accused is none other than the son-in-law of PW.2. Even if, the accused was wearing a monkey cap and a mask, the father-in-law can very well identify the son-in-law especially, when the incident was in broad day light. It is not always necessary to see the face to identify a person, if that person is well acquainted with him. Moreover, PW.2 has deposed in chief examination itself, that the accused was found wearing a monkey cap by folding it's sides. So, that would go to show that though it was a monkey cap, but it was not covering the face.

Even otherwise, as I said earlier, as the parties are well acquainted each other, the witness can very well identify the accused. Regarding the second aspect that, PW.2 did not call the name of the accused, that all depends upon the facts and circumstances. Some may call a person by name, but some others may not call by name. Here, we cannot disbelieve the evidence of PW.2 on the ground that he did not call the name of the accused. It cannot be said that, he didn't identify the accused. Apart from that, PW.2 has categorically deposed that the accused came and uttered the words "you want divorce, right?" (ninakku divorce venam, alle?). So, there is no scope for any misidentification. Regarding the third aspect; bleeding from the body of PW.2, I am of the opinion that it may be an exaggeration that there was blood all over the body. Exaggeration is human. Here, the accused has no case that PW.2 did not sustain any injuries. Here, there is clear medical evidence that PW.2 sustained severe injuries on the left side of his head and also on the stomach. The evidence of PW.28 to PW.30 and Exts.P46 to P48, would clearly go to show that PW.2 had sustained severe injury on the left ear and also on the stomach. He had undergone for a surgery. The evidence of PWs.28 to 30 and Exts.P46 to P48 fully corroborates the evidence of PW.2, that he sustained injury from the incident. Apart from that, going by the visuals in Ext.P4, one can see that the accused repeatedly assaulted PW.2 with the billhook. So, I am not inclined to accept the submission of the learned defence counsel. I do believe the evidence of PW.2.

87. PW.3 has also witnessed part of the incident. She is an immediate neighbour. She found the deceased lying with bleeding injury near to the gate in the house compound of PW.2. She found the accused standing near to a bike by holding a billhook and repeatedly uttering the words, "several times I told her don't go for that". She also found PW.2 with bleeding injury. When Ext.P4 Pendrive was

played in open Court, she herself identified her as the lady standing in the road at the time of the incident, by holding a bag in her hand. She identified MO.1 billhook. Regarding this witness, the argument was that she is a planted witness. There are several omissions and improvements. Yes, there are omissions and improvements, but as I said earlier, those omissions and improvements are not on material aspects. They were related to the presence of a bag in her hand, bleeding from both sides of the body of the deceased and the presence of CCTV in the house of PW.2. But, as far as her evidence is concerned, the material aspect is only regarding the presence of the accused with MO.1 billhook and also the deceased with bleeding injury. Here also, I am of the opinion that there was exaggeration regarding the bleeding. But, there is clear and convincing evidence that the deceased sustained severe injuries on her chest, head etc. and she died before reaching the hospital. There is evidence to show that there was pool of blood near to the gate of the house of PW.2. Moreover, the presence of PW3 could be seen in the visuals in Ext.P4. So, I do believe the evidence of PW.3 also.

88. PW.5 is also another neighbour. He deposed that on 21.11.2024 at around 05.30p.m, he came out of the house on hearing the hue and cry of a lady. He found a red colour bike on the side of the road. He also seen the accused/the husband of Divyasree, near to the bike pouring some liquid on his body. He heard the accused repeating the word "don't do that, don't do that" (Venda, Venda ennu palathavana paranhu). He identified the accused. He also found Divyasree with injury on the ground. He found PW.1 and PW.2 and others. PW.2 was also having injury and blood all over the body. He arranged an Ambulance and taken them to hospital. Regarding this witness, one of the argument of the learned counsel was that, as per his statement u/s.180 BNSS, he was under the impression that, the cry

was of animals such as cat or dog. So, he was not in a position to identify the sound; whether it was of human being or animal. Of-course, there is such a statement by PW.5, but there is no dispute that this witness is an immediate neighbour. So, his chance of witnessing the incident cannot be ruled out. Simply because of the above statement, it cannot be said that he did not witness the incident. Apart from some omissions and improvements, I am of the opinion that his evidence is also reliable. He found the accused near to the scene of occurrence.

89. PW.7 is also an another neighbour of the deceased. He happened to see the part of the incident while he was going to the shop. He found the deceased lying on the ground in a pool of blood, near to the gate. He also noticed injury on the ear and stomach of PW.2. He accompanied them to the hospital in an Ambulance. Subsequently, when PW.2 came home after discharge on 26.11.2024, there were police officials and Mr. Ajith, the CCTV Technician. The Technician has copied the visuals of the CCTV into a Pendrive and handed over to the Police. The Pendrive was packed and sealed by the Police and got his signature as Ext.P4(b). He also attested Ext.P6 mahazar. Of-course, there is also omissions and contradictions, but regarding the material aspect, the evidence is intact. So, I do believe the evidence of PW.7.

90. Now, let us consider the circumstantial evidence. Going by the evidence of PWs.1 to 3, 5 and 7, one can see that the accused was present at the scene of occurrence. According to PWs.3, 5 and 7, they found the accused near to a red colour bike. He was holding the MO.1 billhook. He was found pouring some liquid on his body. The accused admitted that MO.16 bike belongs to him. The prosecution has adduced evidence regarding its ownership by producing the RC

particulars. This MO.16 was found at the scene of occurrence. PW.61 has deposed that on getting the information of the crime, he along with party came to the spot and found MO.16 bike on the side of the road in front of the house of PW.2. They have removed the bike into the house compound in order to prevent causing damage to the vehicle by the local people. Of-course, at that time, they did not prepare any document such as mahazar, but, it is a fact that this MO.16 bike owned by the accused was present at the scene of occurrence. The accused was found at the scene of occurrence with MO.1.

91. Going by the evidence of PW.65, the investigating officer and PW.8 recovery witness coupled with the evidence of other witnesses, one can see that the accused has given a confession statement to PW.65. Based on Ext.P7(a) confession statement, the accused had taken PW.65 to the shop of PW.15 i.e. "Arafa Store". It is proved that the accused purchased MO.1 billhook from the shop of PW.15 on the date of incident. As per Ext.P8(a) confession statement, the accused had taken PW.65 to the Petrol Pump "Associated Oil Agencies", Payyannur owned by PW.13. It is proved that from this Pump, the accused purchased petrol in two mineral water bottles.

92. Going by the evidence of PW.65, PW.8 and PW.34 and PW.35, the officials from the Fire and Rescue Service, one can see that based on Ext.P9(a) confession statement given by the accused, PW.65 effected recovery of MO.1 from Perumba river with the help of PW.34 and PW.35. Regarding the seizure of MO.1 as per Ext.P9, the learned counsel has argued that the evidence of PW.8 cannot be accepted. He is a planted witness. He is not a witness from the locality. Admittedly, he was brought by the Police along with the accused to Arafa Store, Petrol Pump and also to Perumba river. It is true, that from the evidence of PW.8 as well as PW.65, one can see that PW.65 had taken

along with the accused, PW.8 and his friend Prasobh to Arafa Store, Petrol Pump as well as to Perumba river. But, I am of the opinion that for that reason alone, he need not be disbelieved. There is no case that he had any special interest in this case or he had any previous grudge against the accused. Moreover, apart from the oral evidence of PW.8 and PW.65, regarding Exts.P7, P8 and P9, there is reliable digital evidence. So, the above evidence would go to show that, MO.1 was seized as per Ext.P9(a) confession statement from Perumba river, Payyannur. It was argued that, as per the visuals in the Pendrive and the evidence of PW.8, the Videographer was going in front of them. So, in fact, the accused did not lead PW.65 to the above places. Of-course, in the visuals, one can see the Videographer on the front side. But, I am of the opinion that, in order to attract Section 27 of the Evidence Act, what is required is, discovery of a fact based on the information received from the accused. There is no rule that the accused has to be in the front side in order to lead the investigating officer and others. Nothing wrong in the investigating officer going in front of the accused. Here, the definite case of PW.65 was that, he got the video recorded about the recovery of the weapon and also the discovery of fact regarding the place of purchase of weapon and petrol. One can see from the visual and from the oral evidence that the fact was discovered based on the information given by the accused.

93. Regarding MO.1 weapon, the learned counsel has submitted that the description did not tally. According to the prosecution, the weapon used was damaged on the blade portion when the accused cut on the grill, but as per Ext.P9 mahazar, PW.65 did not notice any damage on the weapon seized from the river. But, MO.1 before the court has damage on the blade portion. So, it is argued that MO.1 is not the weapon seized from the river. Along with that the learned counsel has submitted that there is difference in the name deposed by

the witness about the weapon. I am not inclined to accept the above submission. PW.8 and PW.65 have deposed about the damages on MO.1. Before the Court, when P43 pendrive regarding the seizure was played in court, one could see the weapon having the above damage on the blade portion. Of-course, it is true that in Ext.P9, damage was not mentioned. But for that reason alone, it cannot be said that MO.1 is not the weapon seized from the river especially, when there is other evidence i.e. digital evidence. Here, one can see the accused pointing towards the river to PW.65, PW.34 and PW.35 conducting search in the river and PW.35 found out MO.1 from the river. So, the prosecution has clearly proved the recovery of MO.1 from Perumba river based on Ext.P9(a), confession statement given by the accused. It is also proved that the accused purchased MO.1 from the shop of PW.15 and petrol from the Petrol Pump of PW.13. So, the above circumstantial evidence clearly connects the accused into this crime.

94. The other circumstantial evidence is that, going by Ext.C1, C2 reports, blood stain was found in the dress of the accused. The other evidence is that of PW.17 to PW.19. According to PW.17, he had taken the accused in his bike to Cheetta. He had smell of petrol. PW.18 has deposed that he had taken the accused in his bike, from Cheetta Reading room to Swamimukku. PW.19 has deposed that he had taken the accused in his Auto from Swamimukku to Perumba. He also had smell petrol. So, going by the evidence of PWs.17 and 19, one can see that on 21.11.2024, the accused travelled in their bikes and Auto and they had smell of petrol. Regarding this aspect, the learned counsel has submitted that, though PWs.17 and 19 have deposed that they had smell of petrol, but PW.18 had no such case. I am of the opinion that, simply because one among them had no smell of petrol from the body of the accused, one cannot disbelieve the other two witnesses especially, when they had no previous grudge or any

other interest in this case. The above evidence would go to show that the accused was found near to the scene of occurrence on 21.11.2024. He travelled in their bikes and Auto. He was having the smell of petrol.

95. Regarding the evidence of PW.18, the learned counsel has submitted that according to PW.18, he had taken the accused in his bike to Swamimukku at 5p.m on 21.11.2024. but, according to the prosecution, the incident was at 5.30p.m. If that be the case, the accused was not present at the scene of occurrence as he had already left the place at 5.00p.m. According to the learned counsel, it corroborates the defence case that Divyasree was murdered by somebody else. But, I am not inclined to accept the above submission because, PW.17 has deposed that he had taken the accused in his bike at around 05.30p.m. PW.19 has deposed that he had taken the accused in his Auto to Perumba at 6.00p.m. PW.18 has also deposed that he dropped the accused at Swamimukku at 6.00p.m. It is pertinent to note that the distance between Swamimukku and Cheetta is very short. If PW.18 had taken the accused at 5p.m, then the accused would have reached Swamimukku within 5 or 10 minutes. So, one can see that the time 5.00pm, deposed by PW.18 is a slip of tongue. It has to be construed that it was around 5.30p.m. So, I am not inclined to accept the submission of the learned counsel.

96. Here, the accused has no dispute regarding the death of Divyasree. There is no dispute that the death of Divyasree was a homicide. But, his case is that Divyasree was killed by somebody else and not by him. Here, we have already found that the accused purchased MO.1 from the "Arafa Store", Payyannur and Petrol from "Associated Oil Agency", Payyannur. Here, PWs.1 and 2 have deposed that the accused assaulted Divyasree and PW2 with MO.1. Mo.1 was

seized as per Ext.P9(a) confession statement given by the accused. As per Ext. C2, blood was detected from MO.1. The blood of the deceased was detected in the dress (MO.2 and MO.3) of the accused. Going by the evidence of PW.62, the Forensic Surgeon, the injuries found on the body of the deceased could be caused with MO.1. Going by the evidence of PW.63 Doctor Anjitha, and the reports from the lab, one can see that blood stains were detected at several places of the courtyard, the iron pillar and also on the body of the car. When the above circumstances are read along with the direct evidence, one can very well conclude that it was the accused herein who committed murder of the deceased with MO.1. It was the accused who had caused hurt to PW.2 with MO.1. It is also proved that the accused had used petrol.

97. Going by the evidence of PW.62 the Forensic Surgeon, the deceased died due to the fatal injuries No.1 and 9 noted in Ext.P82, Postmortem certificate. He deposed that the injury No.9 may cause instantaneous death. He has categorically deposed that all the injuries noted in Ext.P82 could be caused with MO.1. So, there is no room for any doubt that, Divyasree was killed by assaulting with MO.1 weapon specially, when the accused admitted that the it is a homicide. The death was caused due to injuries No.1 and 9, which are fatal. Here, it is proved that the accused caused severe injuries to PW.2 also.

98. Now, let us consider the digital evidence/electronic evidence. As I have stated earlier, here the prosecution has adduced digital evidence regarding the preparation, commission of the crime and also regarding the collection of evidence as per the proviso to s.23 of BSA. PWs.1 and 2 have deposed that CCTV was installed in the house of PW.2. PW.3 has also deposed that there was CCTV. PW.65 the investigating officer has deposed that at the time of Ext.P2 scene

mahazar, he had seen the CCTV installed in the house of PW.2. He obtained the visuals of CCTV into a Pendrive copied by PW.6. PW.6 has deposed that he installed the CCTV in the house of PW.2. Then as requested by the Police, he copied the visuals of 21-11-24 from the CCTV to Ext.P4 Pendrive. It was played in open Court. There, one can see the accused herein coming to the house of PW.2, uttering obscene words, cut on the grill with MO.1 billhook, pouring petrol inside the house, opening the front grill, caught and pulled the deceased into the courtyard and assaulted with MO.1. When PW.2 intervened, he was also assaulted with MO.1. When the deceased tried to escape by running towards the gate, she fell on the ground. Then, the accused again assaulted PW.2, two times with MO.1 and then went near to the deceased. In the visual, one can see the accused cutting Divyasree again, two times with MO.1. Then, the accused was found going outside through the gate and pouring some liquid over his body by standing near to the bike on the side of the road. Then, he left the place without taking the bike. As pointed out earlier, as per the visuals in Ext.P4, one can see the presence of witness (PW.3). So, Ext.P4 digital evidence is proved as per law and it would go to show that the accused herein had assaulted the deceased Divyasree and PW.2, from their house at Paliyeri Kovval.

99. Then, as per the evidence of PW.17 to PW.19, the accused went near to the shop of PW.17, had a lift in his bike to Cheetta. From Cheetta, he had a lift in the bike of PW.18 to Swamimukku. Then he travelled to Perumba , Payyannur in the Auto of PW.19.

100. Then, as per the evidence of PW.22 and Exts.P24 to P27, one can see that the accused had withdrawn Rs.20,000/- from the ATM of the ICICI Bank, Perumba, Payyannur. It is corroborated by the

evidence of PW.23 and Ext.P28 Account Statement. The amount was withdrawn from the account of the accused at SBI Karivallur.

101. Then, going by the evidence of PWs.50 and 51, coupled with the evidence of PWs.9 to PW.11 and Exts.P10 to P13, one can see that after withdrawal of the amount from ATM, the accused came to Velocity Bar at J.K Park Residency, Puthiyatheru and had liquor. While taking liquor, PW.50 the Inspector of Valapattanam, came and taken him into custody as per Exts.P71 and P72. As per Ext.P10 Pendrive, one can see the accused taking liquor from the Bar and while so, he was taken into custody by PW.50. As per Ext.P72, at the time of taking custody, the accused was having MO.6 bag and the properties MO.26 to MO.33 which includes MO.25 mobile phone. Then, going by the evidence of PW.57, he had received the accused and properties from PW.50 and taken to Payyannur Police Station on the same day at 9.55 pm. Then, going by the evidence of PW.65, he had arrested the accused on the very next day on 22.11.2024 at around 2.30p.m and recorded Exts.P7(a), P8(a) and P9(a) confessions statements. He had effected the recovery of MO.1 as per Ext.P9 and also discovered the fact of purchase of MO.1 from PW.15 as per Ext.P7 and petrol from PW.13 as per Ext.P8. Ext.P4 Pendrive contains the visuals of the scene of occurrence at the time of the crime. It contains the accused assaulting the deceased and PW.2 with MO.1. As per Ext.P20 Pendrive, one can see the visuals of accused purchasing MO.1 from PW.15. As per Ext.P14, one can see the accused purchasing petrol from "Associated Oil Agency", Payyannur. As per Ext.P10, one can see the accused taking liquor from the Velocity Bar and while so, he was taken into custody by PW.50. Ext.P25 Pendrive would go to show that the accused had withdrawn cash from the ATM of ICICI Bank at around 6p.m. Ext.P43 Pendrive would go to show the inquest proceedings. Ext.P43 Pendrive shows the recovery of MO.1 weapon from the Perumba river

and the discovery of fact of weapon from "Arafa Store" and petrol from "Associated Oil Agency" at Payyannur. Ext.P73 DVD would go to show the photographs of the scene of occurrence.

102. From MO.14 bottle found on the scene of occurrence, the fingerprint expert has developed a chance print and it was found on comparison that it is identical with the fingerprint of the accused. PW.25 is the Fingerprint expert. He deposed that he inspected the scene of occurrence along with PW.65 and others. They found MO.14 water bottle just below the steps in front of the house. It was containing yellowish liquid at the bottom. He identified the two chance prints. When compared with the specimen available as per Automated Fingerprint Identification System (AFIS), he could see that it is identical with the fingerprint of the accused. Accordingly, he had given Ext.P35 report. Then, he had given Ext.P36 report along with Ext.P37 identification chart and Ext.P38 certificate u/s.63 of BSA. Ext.P39 is the specimen fingerprint slip of the accused. PW.26 has deposed that she had countersigned the above reports and sent to the investigating officer as per Ext.P40 covering letter. Regarding the above evidence, the learned counsel has submitted that MO.14 is not the water bottle seized from the scene of occurrence. MO.1 is a wrinkled and crushed water bottle. But, in Ext.P2 and in Ext.P35, P36 reports, it is not stated that the water bottle was wrinkled and crushed. It is also argued that PW.25 did not depose, from which part of the bottle he developed the chance fingerprint. I am not inclined to accept the above submission because here, the presence of PW.25 along with PW.65 can be seen in Ext.P53 series photographs which are proved through PW.33. The seizure of MO.14 is proved through the evidence of PW.65 and PW.4. Of-course, in the statement given by PW.25 and PW.26, they did not state that the water bottle was wrinkled and crushed. But when there is clear and convincing evidence of

PW.25 inspecting the scene of occurrence and developing the chance print from MO.14 water bottle, I am of the opinion that the absence of the above statement regarding the condition of the water bottle is immaterial. From the evidence of PW.65, PW.25, PW.26 and PW.4, it is proved that MO.14 water bottle was seized from the courtyard near to the step of the house of PW.2. From MO.14, PW.25 had developed two chance prints and one was found to be identical with the specimen fingerprint of the accused. So, the above circumstance also would go to show that the accused was present at the scene of occurrence.

103. The learned defence counsel has submitted that the identification of the accused is doubtful. The evidence of PWs.1 and 2 and Ext.P4 CCTV footage not tallies. As per Ext.P4, at the time of the incident, the assailant had a mask and a monkey cap, but PWs.1 and 2 did not state the presence of monkey cap and mask before the investigating officer. Only before the court, they deposed that the accused was wearing a mask and a monkey cap. As per the visuals in Ext.P4, from 17 hours, 33 minutes, 20 seconds onwards, the assailant was wearing a mask and a cap. The learned counsel submitted that when a person was wearing a monkey cap it would cover the entire face except the eyes and nose. In such a condition, one cannot identify him. When the fact of wearing the monkey cap and mask was read along with the other evidence that before the Doctor, the name of the assailant was not stated, one can see that PWs.1 and 2 could not identify the accused. For the same reason, the learned counsel has argued about the identification of the accused by PW.15. In this regard, the learned counsel has relied on the ruling reported in 2024 INSC 474 Sasikumar v. State. There, the Hon'ble Supreme Court in Para-11 of the judgment, has observed as follows: "Now, as one is familiar a monkey cap covers the entire face, chin and cheek of a person, leaving only his eyes and nose and part of forehead exposed.

These two witnesses (PW.1 and PW.5) had seen the appellant wearing a monkey cap and that too from a distance. Under these circumstances, TIP had become necessary particularly when both the accused, who are alleged to have committed this murder were arrested within two days". There is no doubt that when a monkey cap is properly worn, it would cover the entire face except the eyes and nose. But, here in this case, PW.2 has deposed in chief examination itself that, the accused placed the monkey cap in his head by folding the edge. That means the monkey cap was worn by the accused in a way not as to cover his face. Even otherwise, here, the accused is none other than the son-in-law of PW.2. Even if, the accused was wearing a mask and monkey cap, PW.2 can very well identify him especially, when accused uttered the words regarding the demand for divorce made by the deceased. In the above ruling of the Hon'ble Supreme Court, one can see that the witnesses had seen the accused therein from a distance. There, the Apex Court has held that TIP had become necessary. Here, PW.2 is the injured himself. So, there is absolutely nothing to disbelieve his evidence regarding the incident and also the identification of the accused.

104. The learned counsel has further submitted that, though PW.65 has deposed that he had sent his subordinates to guard the scene of occurrence, but from Ext.P4 Pendrive, from the visuals, one can see that on 21.11.2024 at 5.47p.m, few people entering the alleged scene of crime and also entering inside the house. But according to PW.65 and other witnesses, the scene was guarded from 7p.m onwards. So, it is argued that the scene was not guarded immediately after the incident and the chance of tampering cannot be ruled out. It is also argued that, PW.61 had taken the bike from the road side into the house compound and that too without preparing any document. I am not inclined to accept the above submission because,

the incident was at around 5.30p.m and admittedly, the scene was guarded from 7p.m onwards. As per the CCTV footage in Ext.P4, at 5.47pm, few people were found entering into the scene of occurrence. But, that is prior to the police officials coming to the spot. So, it cannot be said that there is no proper scene guard and chance of tampering the scene of occurrence. Of-course, PW.61 had made a mistake by taking the Motorcycle from the road side into the house compound, without preparing a mahzar. But, for that reason alone, one cannot say that the scene of occurrence has been tampered.

105. Another argument of the learned counsel was that, the case of the prosecution that PW.2 was seriously injured from the incident is highly doubtful. The argument was that according to the prosecution, immediately after the incident, PW.2 was taken to Anamaya Hospital, Payyannur and then to Baby Memorial Hospital, Kannur, i.e. 55KM away from Payyannur. In between, there are several hospitals both in public sector and private and even Pariyaram Medical College Hospital. If PW.27 was seriously injured, they would have taken him to any of the above hospitals. It is also argued that, though PWs.1, 3 and others have deposed that they have seen PW.2 with serious injury on his ear and stomach, and there was heavy bleeding, but as per the CCTV footage in Ext.P4, one can see that after the incident, PW.2 was walking freely through the courtyard. There, one cannot see any blood stain on his body. It is further argued that as per the visuals in Ext.P4, at 5.43p.m, one can see PW.2 coming out of the house by wearing a white shirt. If there was bleeding, definitely, there would be blood stains in the shirt, but, the above shirt was not produced. So, relying on the above aspects, the learned counsel has submitted that there is serious doubt regarding the injury sustained by PW.2. I am not inclined to accept the above submission because, going by the visuals in Ext.P4, one can very well see the accused assaulting PW.2,

repeatedly with MO.1 billhook. PW.2 has deposed before the court that he sustained injury on the left ear and the stomach. A piece of flesh was hanging from the stomach. PWs.1 and 3 have also deposed the above fact. Their evidence is corroborated by the medical evidence, i.e. PW.28 to PW.30 and Ext.P46 to P48. PW.28 has deposed that on 21.11.2024 at 6p.m, he had examined PW.2. He had noted avulsed lacerated wound on left side of head, extending from left temporal region to anterior aspect of left ear and puncture wound left side of abdomen. As the condition was critical, he referred the patient to Baby Memorial Hospital, Kannur for better management. PW.29 has deposed that on 21.11.2024 at 7.25p.m, he had examined PW.2 and issued Ext.P47. The major injuries noted were 3cm laceration over the left side of forehead, 3cm muscle deep, posterior part of left ear with active bleeding. Deep laceration over left lower quadrant of abdomen 6x3x4cm. Puncture wound over left lower quadrant of abdomen 1x1x1cm. PW.30 has deposed that he and team treated PW.2. The major injuries were injury on the left side of head and lower abdomen, laceration over left side of forehead. PW.2 was subjected to wound debridement plus suturing left ear plus wound suturing anterior abdomen. So, one can see that the medical evidence fully corroborates the evidence of PW.2. Simply because blood stain was not found on the body of PW.2 as per Ext.P4 visuals of the CCTV, it cannot be said that PW.2 did not sustain any injury especially, when there is direct evidence. Regarding the argument of not taking the patient to the nearby hospital, it is explained from the evidence of PW.28 itself, that he referred the patient to Baby Memorial Hospital, Kannur for better management. So, I do not find any merit in the submission of the learned counsel.

106. Another submission of the learned counsel was that, according to the prosecution, MO.7 dhoti and MO.8, T brand were

worn by PW.2 at the time of the incident. But, there is delay in seizing the properties. Moreover, PW.2 did not give statement regarding MO.8 to the investigating officer. Here, the statement of PW.2 was recorded on 22.11.2024 and he was discharged on 25.11.2024. But, the properties were seized only on 29.11.2024. PW.2 was admitted in the hospital on the date of incident itself. When in the hospital, he would be in the hospital dress. Then, it is highly doubtful why the MO.7 and MO.8 were not seized on 22.11.2024 or at least on 25.11.2024 when he was discharged. I am not inclined to accept the above argument because, regarding MO.8, PW.2 himself has given the explanation that he did not state about the MO.8 because of shy. Of-course, PW.65 could have seized the dress on 22.11.2024 itself. But, here, one can see that MO.7 and MO.8 dress of PW.2 had no much significance in this case especially, when there is direct, reliable evidence. So, the delay in seizure of MO.7 and 8 will not affect the prosecution case.

107. Another submission of the learned counsel was that, regarding MO.1, the evidence is contradictory. According to the prosecution, the accused assaulted the deceased and PW.2 with a billhook. But, going by the evidence of PWs.1 and 2, one can see that at one place they said that it was a knife, then, they said that it was a "Koduval", and then "Kathiyal". They deposed that "Kathiyal" is also known as "Kathi". Then, PW.1 has deposed that one cannot say "Kathiyal" to a "Kathi". So, according to the learned counsel, there are three versions regarding the nature of the weapon used, i.e. knife (kathi), billhook (Kathiyal) chopper (Koduval). Of-course, the witnesses have deposed that the weapon used was a knife and then billhook and also Koduval. But, going by the dictionary meaning, billhook means Kathiyal as well as Koduval. It is also a knife (Kathi). So, one can see that in colloquial language, the people used to call a billhook as knife (Kathi) and billhook (Kathiyal) as well as Koduval. Apart from that,

here, there is clear evidence of the accused purchasing MO.1 billhook from PW.15. Going by Ext.P4, one can see the accused using the same weapon to assault the deceased and PW.2. It is also proved that MO.1 was seized from Perumba river on the basis of Ext.P9(a), confession statement given by the accused. So, in my view, there is no inconsistency regarding the nature of the weapon used .

108. Another submission of the learned counsel was that the incident alleged to have occurred at 05.30p.m, on 21.11.2024. According to PW.65, PW.41 and PW.42 were placed on scene guard duty at the scene of occurrence at 7p.m. So, it is evident that before 7.00p.m, police received the information regarding the crime. But, Ext.P1 FI Statement was recorded and the FIR was registered only at 8.30p.m. The GD entry was made at 9.27p.m. According to PW.61, he reached the scene of occurrence at 6.5p.m. So, it is argued that there is inordinate delay in registering the FIR and it has not been explained. Of-course, I find merit in the submission of the learned counsel. Admittedly, the Police received the information regarding the incident before 6.00p.m. They could have very well registered the crime then and there. They have waited till PW.1 coming to the Police Station and giving Ext.P1 FI Statement. But, at the same time, it can be seen that here, the incident was witnessed by PW.1. He deposed that immediately after the incident, he proceeded to the hospital and then came to the Police Station. PW.64 waited for PW.1 to register the crime. Though there is delay, but that will not affect the prosecution case because, there is other direct, convincing and reliable evidence especially the digital evidence. So, in this case, the above delay is not fatal.

109. Another argument of the learned counsel was that, there are several omissions and improvements in the evidence of PWs.1 to

65 and it makes their evidence suspicious. As I have stated earlier, no doubt, there are omissions and improvements. But, going through the above omissions and improvements, one can see that they are not on material aspects. Every omissions and improvements are not fatal if it does not affect the core of the case. Here, going by the entire evidence, one can see that regarding the material aspects, there is no major contradictions. There is no omissions or improvements with regard to the material aspects such as identity of the assailant, nature of the weapon used and other aspects. So, I am not inclined to accept the above submission of the learned counsel.

110. The learned counsel has further submitted that going by the evidence of PW.63 Doctor Anjitha, she herself had collected the material objects from the body of the deceased and from the scene of occurrence. She herself examined the material objects from the lab and issued Ext.P88. So, it is submitted that her evidence is suspicious. I am not inclined to accept the above submission because there is no rule that the person who collected the material objects shall not examine the same and issue a report. Here, PW.63 is the Scientific Officer attached to District Forensic Science Lab. She is a Government Servant. There is nothing to disbelieve her evidence especially, when the accused had no case that she had any special interest in this case.

111. Another submission of the learned counsel was that Ext.C2, the report of the RFSL disprove the case of the prosecution. The argument was that as per Ext.C2, the item No.12 is a blue coloured Jeans with a brand name "DDON" and item No.13 T-shirt with brand name "KAPPA" and item No.14 inner wear with brand name "JOCKEY". In Ext.C2, it is reported that the blood was detected in item No.13 and blood was detected in Item No.12. It is reported that the blood stain belongs to the deceased Divyasree. But, as per the evidence of PW.65,

and as per Ext.P80 seizure mahazar, there was no mention of any blood stain on item No.12. Moreover, the description i.e. the brand name of Item No.12 is shown as "DON" but as per Ext.C2, it is "DDON". So, the learned counsel has submitted that there is manipulation of the property. I am not inclined to accept the above submission. It is true that there is a difference of one letter in the description of the brand name of Item No.12, but unlike other cases, here in this case, the prosecution could adduce the direct evidence and also the digital evidence. One can very well see the dress worn by the assailant at the time of the occurrence. So, simply because of the discrepancy regarding one letter, it cannot be said that there was manipulation.

112. Regarding Ext.C1, the report regarding MO.25 mobile phone claims to have been seized from the possession of the accused, it is argued that the prosecution could not find out any offensive messages in the mobile phone, in order to point out any hostility by the accused to the deceased. It was not reported that the blood stain found on the phone was human blood. As per Ext.C1, MO.25 had damage on the screen, but as per Ext.P79 , there was no damage. It is true that, there is no offensive messages in the mobile phone. But, here the prosecution has no case that the accused had sent offensive messages to the deceased. It is also true that as per Ext.C1, there was damage on the screen of MO.25 but, this damage was not noted in Ext.P79 mahazar. Even if, this discrepancy is taken as material, but that would not affect the prosecution case as it is not a material aspect with regard to the alleged crime.

113. Another submission of the learned counsel was that going by the visuals in Ext.P45, PW.1 had stated to PW.55 that the vehicles were examined from the house of one Kishore. It was admitted by PW.65. PW.65 has explained that PW.1 would have intended the

vehicles of Kishore's house. The argument was that, why the Forensic officials examined the vehicles at Kishore's house? especially, when the prosecution has not explained regarding the presence of MO.11 shield of the helmet. Of-course, going by Ext.P43, there is a statement by PW.1 that on 22.11.2024, he had seen the Forensic officials examining the vehicles from Kishore's house, adjacent to the scene of occurrence. But, I do not think that it has got an impact on the prosecution case. Regarding MO.11, one can see in the visuals of Ext.P4. This MO.11 was seized from the courtyard of the scene of occurrence. MO.17 helmet was seized along with MO16. One can see that the shield is missing. Though, there is no scientific evidence to show that MO.11 is the shield of MO.17, but there is evidence before the court that the accused used MO.17 helmet. One can reasonably presume that the MO.11 is the shield broken from MO.17.

114. Another submission was that, immediately after the incident, news regarding the incident and also the photograph of the accused were spread in social media, even before Ext.P1. PW.18 and PW.20 had no prior acquaintance with the accused. They found the accused with mask. So, identification of the accused is doubtful in the above circumstance. I am not inclined to accept the above submission also because the prosecution has got a definite case that immediately after getting the information regarding the crime, they had taken steps to apprehend the accused. As the accused escaped from the scene of occurrence, the Police themselves posted the photographs and news in social media in order to apprehend the accused at the earliest. Accordingly, they could take the accused into custody on the same day from the Velocity Bar, Kannur. It is pertinent to note that while travelling in the vehicles of PW.18 and PW.20, though the accused had a mask, but both the witnesses have deposed about the smell of petrol. So, they had some reason to observe the accused. So, even if the

accused was wearing a mask, there is nothing to disbelieve the evidence regarding the identity of the accused especially, when there is other evidence also.

115. Another submission of the learned counsel was that as per Ext.C2, there was blood stain in the dress of the accused (MOs.2 and 3). As per Ext.P72, when the accused was taken into custody by PW.50, the accused had no injury but going by the evidence of PW.36, as per Ext.P55, one can see that there are injuries on the body of the accused. The accused was brought to Payyannur Police Station on 21.11.2024 at night itself. His arrest was recorded only on 22.11.2024 at 2.30p.m. PW.36 examined the accused on 22.11.2024 at 06.20p.m, So, it would go to show that there was custodial torture. The blood stain found in MO.2 and MO.3 could be the blood of the accused. Even if, the submission is accepted, one can see that the injuries noted by PW36 in Ext.P54 are not bleeding injuries, they were only abrasions. Here, as per the visuals of the CCTV of the Bar, one can see that the accused was taken into custody by the two police men by force. So, injury/abrasion noted in Ext.P54 can be caused at the time of taking custody especially, when the accused has no case of any custodial torture. Moreover, as per Ext.C2, the blood detected on MO2 belongs to the deceased, Divyasree.

116. Another submission of the learned counsel was that, though MO.16 bike belongs to the accused, but there is no evidence to show that the accused came to the spot in MO.16. If the case of the prosecution is accepted that the accused came to the spot in MO.16, then what prevented the accused leaving the place in MO.16. This aspect was not explained. Here, going by the evidence adduced, especially the digital evidence, one can very well see the accused using the MO.16. One can very well see the MO.16 at the alleged

scene of occurrence. Of-course, going by the evidence of PW.18 to PW.20, the accused left the place without taking MO.16. The reason, why the accused did not take the bike from the scene of occurrence is a matter within the knowledge of the accused alone. It may be to avoid easy identification because, as per Ext.P4 Pendrive and the oral evidence, one can see that just after the incident, when the accused came near to MO.16, parked on the side of the road, there were several local people (PW.1, PW.3 etc.). He might have thought that, travelling in the bike may not be safe as there is chance of tracing by the Police with the description of the bike. So, he might have used the vehicles of PW.18 to PW.20. It is pertinent to note that the accused admitted that MO.16 belongs to him. The prosecution has also produced the RC particulars showing that it belongs to him. Then, he has to explain how MO.16 came to the scene of occurrence.

117. Another submission of the learned counsel was that the copies of the digital evidence, i.e. the copies of the visuals of the CCTV were not furnished to the accused , along with the records. It is true that along with the records, the copies of the visuals/digital evidence are not furnished to the accused. But, before starting the trial, the court had ensured that the copies of all the records including digital evidence is furnished to the accused. So, there is no merit in the above submission.

118. The learned counsel by relying on the ruling reported in 2016 Supreme (Online) (Ker) 47822 Murali vs. State of Kerala, has submitted that when there is solitary evidence of one injured and when there is doubtful circumstances, his evidence cannot be relied at all. There, the Hon'ble High Court has held that, "It is settled law that the solitary evidence of the injured witness can be accepted as the presence of the said witness cannot be doubted at the place of

occurrence. However, if the evidence is not free from major infirmities, it cannot be treated as a trust worthy evidence and in such a case, it is not safe to convict the accused on the basis of the solitary evidence of such a witness". It is further held that, "suspicion, however grave, cannot take the place of legal proof". That was a case where the witness deposed that the accused was wearing a mask. There was some discrepancy regarding the above aspect. But, in my view, the above ruling will not help the accused herein, because here in this case, apart from the evidence of PW.2, the injured, there is other direct evidence of occurrence witnesses and also the circumstantial evidence including the digital evidence.

119. The learned counsel has also relied on 2025 Supreme (Online) (Ker) 47742 Shanu vs. State of Kerala and submitted that, going by the inconsistencies and infirmities in the versions given by PWs.1, 2 and 3, the prosecution could not prove the offences alleged. There, the Hon'ble High Court has held that, "the above inconsistencies and infirmities in the version given by PW.6 clearly suggests that the version given by PW.6 regarding the complicity of the accused herein in the commission of the offences alleged in this case is quite inconceivable and is not sufficient to prove the complicity of the accused herein in the commission of the offences alleged in this case." I am of the opinion that the ruling will not apply to the facts and circumstances of this case. Here, in this case, there is no such inconsistency and infirmities in the evidence adduced, regarding the material aspects.

120. The learned counsel has relied on the ruling 2002 Supreme (SC) 2324 State of UP vs. Nagdu @ Bujharat and submitted that inconsistent and contradictory evidence regarding the identity of the accused can lead to the failure of the prosecution to prove the case.

There, in that case, the only question came before the Hon'ble Supreme Court was identify of the accused. There, "In the First Information Report, it has been mentioned that the dacoits, had covered their faces with towels; that during the 'marpeet' in the course of the commission of dacoity, the faces of the co-accused opened and they could be recognised. In cross-examination, however, the witnesses did turn round and categorically stated that the mask of none of the dacoits got opened up, it is by reason of this inconsistent and contradictory piece of evidence as is available on record, the High Court came to the conclusion that the prosecution has miserably failed in its effort to prove as is required in terms of the provisions of law, accordingly the accused was acquitted." But, here in this case, we cannot see any such inconsistency. Of-course, the presence of mask and monkey cap were not stated by PWs.1 and 2 in the statement recorded u/s.180 of BNSS and in Ext.P1. But, unlike the above case, here the prosecution could adduce reliable other evidence especially, the digital evidence regarding the identity of the accused. One can see the accused assaulting the deceased and PW.2 as per the visuals in Ext.P4. So, in my view, the above ruling will not apply to the facts and circumstances of this case.

121. The learned counsel has also relied on the ruling reported in AIR 1998 Supreme Court 2852 Kochu Maitheen Kannu Salim vs. State of Kerala and submitted that the conduct of PW.1 in not approaching the police immediately after the incident is suspicious. PW.8 in this case is a planted witness/the police witness. So, the seizure of MO.1 as per Ext.P9 cannot be believed as there is no independent witness. There, the Hon'ble High Court has considered the conduct of PW.2 therein. There, it is stated that, "if his relation with Ummer were so friendly as stated by him then in that case he would not have left Ummer like that and gone near the junction

shouting that Salim and Jalal had given knife blows to him but would have really taken him to his aunt's place which was nearby or to a hospital for treatment or gone to the police station for lodging a complaint. He did neither of these things and just disappeared till next day evening. This conduct has to be regarded as inconsistent with his being with the deceased at the time of incident". But, here in this case, PW.1 has deposed that immediately after the incident, the injured was taken to Anamaya Hospital, Payyannur in an Ambulance. Of course, he did not accompany the injured. PW.7 Rajan accompanied the injured. He went to the hospital to see the injured and then came to the Police Station and given statement. It is also to be taken into account that here, the Police came to the spot at 6p.m. So, the circumstances are entirely different. It cannot be said that the conduct of PW.1 is inconsistent with his relationship with the deceased and PW.2.

122. Relying on the above ruling, the learned counsel has also submitted that PW.8 is a Police witness, he is not an independent witness. There, the Hon'ble Supreme Court observed that, "The High Court also committed an error in relying upon the evidence regarding discovery of MO.3-knife. It appears from the evidence of the attesting witness-PW.16 that he was a man of police and not an independent person. If he was thus a selected person, it becomes difficult to appreciate how the evidence of the investigating officer-PW20 could have made the discovery evidence reliable. The trial court has rightly pointed out that no independent person of the locality was associated with the preparation of Mahazar-Ext.P10 even though as admitted by PW.16 himself, there were number of houses near the place from where the knife was alleged to have been discovered". I am of the opinion that the above ruling will not apply to the facts and circumstances of this case. It is true that PW.8 and one Mr.Prasobh

were taken by PW.65 along with the accused to Arafa Store, Payyannur, Associated Oil Agency, Payyannur and also to Perumba river at the time of search and recovery from the river. PW.65 could have obtained some other witnesses from the locality. But, though PW.8 was cross examined, apart from the fact that he was taken by PW.65 along with the accused, there was nothing to disbelieve him. Moreover, regarding the seizure and Exts.P7 and P8 observation mahazars, there is other evidence also. Regarding the seizure of MO.1, there is very clear reliable evidence of PW.34 and PW.35, the officials of the Fire and Rescue team. Above all, there is digital evidence as well. So, I am not inclined to accept the above submission of the learned counsel.

123. The learned counsel has relied on 2006 KHC 135 Ramesh Kumari V. State (NCT of Delhi) and Others and submitted that registration of an FIR is mandatory on receiving an information with regard to the cognizable offence. There, the Hon'ble Supreme Court has held that, "It is therefore, manifestly clear that if any information disclosing a cognizable offence is laid before an officer in charge of a police station satisfying the requirements of S.154(1) of the Code, the said police officer has no other option except to enter the substance thereof in the prescribed form, that is to say, to register a case on the basis of such information". There is no quarrel regarding the above proposition of the Hon'ble Supreme Court. But, one can see that the Hon'ble Supreme Court never held that on receiving any information, the Police has to register a crime. The information should be one satisfying the requirements of Section 154(1) of the Code. Here, one can see that the Police came to the spot on getting the information at 6p.m. Going by their evidence, they got information that a person assaulted his wife and father-in-law. So, the police came to the spot and enquired. Only later, they came to know that lady is no more and father-in-law was taken to another hospital because of the severe

injury. Even if, it is taken that the Police could have registered the crime at 6p.m itself, but for that reason alone, the prosecution case need not be disbelieved, when there is clear and convincing evidence.

124. The learned counsel has relied on the ruling reported in 2023 Supreme (SC) 1851 Amar Nath and Others v. The State of UP and submitted that there are several inconsistencies in the evidence of the injured and occurrence witnesses. It has come before the court that PW.2 had enmity towards the accused as he himself admitted that two or three occasions, the accused physically assaulted him. The accused assaulted his younger daughter and her husband and for which, the police already registered crimes. If that be so, there is chance of the witnesses especially, PW.2 presenting a version not supported by material evidence. Hence, the learned counsel submitted that the evidence of PW.2 cannot be believed for entering a conviction. In the above ruling, the Hon'ble Supreme Court has observed in paragraph-21 that, " We are conscious that the challenge here is to the concurrent verdict of conviction and normally this court would not exercise its special jurisdiction under Article 136 of the Constitution to set aside such concurrent verdict. However, it is also well settled that when there are multiple inconsistencies in the evidence on the basis of which conviction was ordered and possibility of conviction resulting in grave miscarriage of justice, interference with a concurrent verdict is not only possible but it would be well warranted. As we have noticed, the prosecution in the present case has failed to establish with material evidence the versions put forth by the eye-witnesses. More specifically, the weapon of assault i.e. double barrel gun, the tractor in which assailants group had travelled to the place of occurrence, the trunk on which logs were being loaded, have not been seized." But, here in this case, the MO.1 was seized and the seizure is proved beyond reasonable doubt. The prosecution could prove the motive of

the alleged crime also. So, the ruling will not apply to the facts and circumstances of this case.

125. The learned counsel has relied on the ruling 2016 (Supreme) (SC) 852 Harbeer Singh and Another vs. Sheeshpal and Others and submitted that, the burden of proof is entirely on the prosecution, omission to record a fact while recording the statement of witness under sec.180 of BNSS amounts to contradiction. The substantial improvements in the evidence, the defence can take advantage of the same. There, the Apex Court has held that, "burden of proving the case beyond all reasonable doubt lies on the prosecution, It never shifts. If two views are possible, the view favourable to the accused should be adopted. Although every improvement is not fatal to the prosecution case, the defence may take advantage of an improvement which creates serious doubt about truthfulness or credibility of a witness". There is no quarrel regarding the above proposition. The burden is always on the prosecution. The defence can take use of the improvement. But, as I have stated earlier, though there are several omissions and improvements in the evidence of the witnesses, but they are not on material aspects. Those improvements and omissions will not create any serious doubt in the truthfulness or credibility of the witnesses or the prosecution case. So, the above ruling also will not help the accused.

126. The learned counsel has relied on 2025 INSC 856 Baljinder Kumar @ Kala vs. State of Punjab and submitted that the absence of independent witness to the seizure mahazar of MO.1 and the discrepancy in the description of weapon are fatal to the prosecution case. There, in Paragraph 36, 41, 42 and 43, the Hon'ble Supreme Court has held as follows:

“36. Further, to make matters even worse for the prosecution, there are key deficiencies in the investigation and the evidentiary value of the alleged recoveries remains questionable. Neither the arrest of the accused nor the alleged recovery of the blood-stained clothes and the weapon (purportedly based on the disclosure statement of the accused) is supported by any independent witness. While the recovery may not be wholly discarded due to the lack of a supporting witness, however, it undoubtedly becomes highly questionable, especially with the factum of long delay of two months in the discovery being effected.”

“41. As such, we are constrained to conclude that the above discussed deficiencies which include, (a) contradictions and embellishments in key eyewitness testimonies, (b) failure to conclusively link material objects to the crime, and (c) investigative lapses leading to gaps in the evidentiary chain-all these factors highlight the failure of the prosecution in meeting the legal threshold for a conviction.”

“42. In matters such as the instant one, the burden on prosecution is to prove beyond reasonable doubt that it is the appellant and appellant alone who has committed the crime. It is settled law that in order to record conviction based on ocular evidence, their testimonies have to be completely credible and trustworthy.”

“43. However, in the present matter, where there are major contradictions in the testimonies of key prosecution witnesses accompanied by glaring investigative defects, it cannot be said that the prosecution has established the charge beyond reasonable doubt. At the cost of repetition, we must state that the standard of proof is an absolutely strict one and cannot be faltered with. When at stake are human lives and the cost is blood, the matter needs to be dealt with

utmost sincerity. Therefore, given the facts and circumstances of the case and in light of the above discussion, we cannot bring ourselves to hold the accused-appellant guilty of the charged offence as his guilt has not been proved beyond a reasonable doubt.”

127. But, the above ruling also will not help the accused herein. Here, the facts are entirely different. It cannot be said that PW.8 is not an independent witness and even if, he is treated as not an independent witness, there is clear and convincing other evidence regarding the seizure. There is clear evidence regarding the weapon used by the accused, i.e. MO.1. There is no discrepancy regarding the description of the weapon. So, I am not inclined to accept the above submission of the learned counsel.

128. The learned counsel relied on the ruling reported in 2024 Supreme (SC) 1077 Randeep Singh @ Rana and Another vs. State of Haryana and Others and submitted that, brutality of offence does not dispense with legal requirement of proof beyond reasonable doubt. Even if, one of circumstances forming part of chain is not proved, prosecution case cannot be held as established. Though there is no quarrel regarding the proposition, but the ruling as such cannot be applicable to the facts and circumstances of this case. There is withholding of material eye witnesses. There the witness examined as eyewitness did not support the prosecution. Then, the prosecution was relying on circumstantial evidence. There, the Hon'ble Supreme Court has held that, “even if one of circumstances forming part of chain is not proved, the prosecution case cannot be held as established”. Here, the prosecution could prove the offences alleged, not only through direct evidence, but by circumstantial evidence and also through digital evidence.

129. The learned counsel has relied on 2024 Supreme (Online) (SC) 6706 State of Haryana vs. Mohammed Yunus and 2022 Supreme (Online) (Ker) 74192 Devarajan @ Sunil vs. State of Kerala, and submitted that, in order to enter a conviction based on the testimony of an eyewitness, it must be credible. It is argued that the evidence of PW.1 is not credible. I do accept the submission of the learned counsel regarding the proposition of the Hon'ble Supreme Court that the testimony must be credible. Here, I have already found that PW.1 is a natural witness and his evidence is credible. Apart from that, here, the prosecution has adduced the other evidence including the direct evidence of PW.2, the injured.

130. The learned counsel has relied on 2022 Supreme (SC) 663 Khema @ Khem Chandra Etc. V. State of Uttar Pradesh and submitted that, enmity is a double edged weapon, enmity provides motive to crime and on the other, there is a possibility of false implication. The learned counsel submitted that according to the prosecution, the motive for the present crime is approaching the Family Court, for divorce and the deceased Divyasree insisted for divorce in the Counselling held on 21.11.2024. The prosecution has also produced some documents regarding the crimes registered against the accused for assault against PW.21 and others. So, it is argued that, for the above reason, there is chance of PW.2 and PW.21 implicating the accused falsely. I am not at all inclined to accept the above submission. Here, the prosecution has established the motive. The prosecution could adduce all the best possible evidence including digital evidence even regarding the alleged crime. So, here in this case, there is no room for any doubt that the accused committed the above crime because, the deceased demanded divorce and approached the Family Court. She insisted for divorce in the Counselling held on 21.11.2024, the date of incident.

131. The learned counsel has relied on 2001 Supreme (SC) 434 Sohanan & Anr vs. State of Haryana and Another and submitted that, entering a conviction on the basis of the interested testimony of eyewitnesses who is inimical to the accused is illegal. There is no quarrel regarding the proposition of the Hon'ble Supreme Court that, "When the approach of the Court is one sided and conviction is based on the evidence of any eye witness who is not only interested but also inimical to the accused and does not inspire confidence and is not supported by corroboration of available evidence, the conviction is not supportable in law." But, here in this case, there is evidence of eye witness and also the injured himself. Moreover, the prosecution could adduce reliable, circumstantial evidence and also the digital evidence. So, the above ruling also will not help the accused in this case.

132. So, from the above discussion, I came to the conclusion that, here the prosecution could prove the alleged crime beyond reasonable doubt. Here, it is proved that the accused trespassed into the house of PW.2, with the intention of committing murder of the deceased Divyasree. It is proved beyond reasonable doubt that the accused had caused the death of Divyasree by assaulting her with MO.1 billhook. It is also proved that the accused assaulted PW.2 with MO.1 and caused hurt with the intention or knowledge of causing his death. It is also proved that the accused had thrown MO.1 weapon to Perumba river, in order to cause disappearance of evidence. So, the points are answered in favour of the prosecution.

133. **Point No.5:-** One of the offence alleged is Section 332(a) of BNS, i.e. house trespass in order to commit an offence punishable with death. Here, it is proved that the accused trespassed to the house of PW.2 with MO.1, caught and dragged the deceased to the courtyard and caused her death by assaulting with MO.1. So, here, it

is proved beyond reasonable doubt, that the accused trespassed into the house in order to commit murder of the deceased Divyasree, his wife. So, the accused is found guilty u/s.332(a) of BNS and convicted thereunder.

134. **Point No.6:-** Here, one of the offence charged is Sec.103(1) of BNS., i.e. murder. Here, the accused has no dispute that the death of the deceased is a homicide and not a suicide or accident. Here, it is proved that the death of the deceased was due to injury No.1 and 9 caused with MO.1. So, it is a culpable homicide as defined u/s.100 of BNS. Going by Section 101 of BNS, culpable homicide is murder;

(a) if the act by which the death is caused is done with the intention of causing death; or

(b) if the act by which the death is caused is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused; or

(c) if the act by which the death is caused is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death; or

(d) if the person committing the act by which the death is caused, knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid. Here, it is proved that the accused assaulted the deceased with MO.1 on vital parts i.e., head and chest. It is proved that the injury No.1 and 9, caused on the head and chest are the fatal injuries. So, it can be presumed that the accused assaulted the deceased with the intention of causing her death. So, it is proved beyond reasonable doubt that the accused committed murder

of the deceased Divyasree, as alleged. So, he is found guilty u/s.103(1) of BNS and convicted thereunder.

135. **Point No.7:-** One of the offence alleged is attempt to commit murder of PW.2 . Section 109(1) of BNS reads as follows:

109 Attempt to murder-(1) Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is herein before mentioned.

(2).When any person offending under sub-section (1) is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life.

136. So, going by the section, if the accused did the act with the intention or knowledge of causing death and if death is caused he would be guilty of murder, then he has committed attempt to commit murder. Here, it is proved that the accused assaulted PW.2 with MO.1 billhook. PW.2 sustained grievous injuries on his left ear and stomach. Here, it is proved that the accused repeatedly cut PW.2 with MO.1. If death is caused, the accused would have been liable for murder of PW2 also. So, I am of the opinion that the prosecution has proved that the accused committed the above offence also. So, the accused is found guilty u/s.109(1) of BNS and convicted thereunder.

137. **Point No.8:** One of the other offence charged is u/s.238(a) of BNS i.e. causing disappearance of evidence. Here, it is proved that the accused thrown the MO.1 weapon to Perumba river. PW.65 could

recover the same from the river as per Ext.P9, with the help of Fire and Rescue Team. Therefore, I hold that the accused is guilty u/ss.238(a) of BNS and convicted thereunder.

This is not a fit case to apply the benevolent provisions of the Probation of Offenders Act. The accused will be heard on the question of sentence.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open Court, this the 8th day of April, 2026).

Sd/-

SESSIONS JUDGE

138. **Point No.9**:- The accused was heard on the question of sentence. He prayed for leniency. The learned Public Prosecutor has submitted that the accused deserves maximum punishment as he committed brutal murder of his own wife in the presence of PW2 (father-in-law). But, the learned defence counsel has submitted that it cannot be treated as a case coming under the rarest of rare category. The accused committed the above crime because of the marital discord and the continued harassment by filing cases before the Family Court. The accused deserves leniency.

139. For the offence u/s.103(1) of BNS, the capital punishment can be given only on the rarest of rare cases. The Court has to consider the aggravating and mitigating circumstances. The Hon'ble Supreme Court in Bachan Singh v. State of Punjab (AIR 1980 SC 898) has held that, only when the case come under rarest of rare category, the capital punishment can be given. The Court has to consider both the aggravating circumstances and mitigating circumstances. There, the Apex Court has held that, "for making the choice of punishment, or

for ascertaining the existence or absence of 'special reasons' in that context, the court must pay due regard, both to the crime and the criminal. What is the relative weight to be given to the aggravating and mitigating factors, depend on the facts and circumstances of the particular case. In a sense to kill is to be cruel and therefore, all murders are cruel. But, such cruelty may vary in its degree of culpability and it is only when the culpability assumes the proportion of extreme depravity that 'special reasons' can legitimately be said to exist and real and abiding concern for the dignity of the human life postulates resistance to taking a life through law's instrumentality. That ought not to be done save in the rarest of rare cases when the alternative option is unquestionably foreclosed." This ruling of the apex court still holds the field. Here, by considering the entire circumstances including aggravating and mitigating circumstances, I am of the opinion that it cannot be treated as a case coming under the rarest of rare category. So, this is not a fit case to give the capital punishment.

140. Accordingly, the following sentence is imposed:

The accused is sentenced to undergo rigorous imprisonment for 7 years and to pay a fine of Rs.25,000/- (Rupees Twenty Five Thousand) u/s.238(a) of BNS. In default of payment of fine, rigorous imprisonment for 3 months. He is sentenced to undergo imprisonment for life and to pay a fine of Rs.1,00,000/- (Rupees One Lakh) u/s.103(1) of BNS. In default of payment of fine, rigorous imprisonment for 1 (one) year. He is sentenced to undergo imprisonment for life and to pay a fine of Rs.50,000/- (Rupees Fifty Thousand) u/s.109(1) of BNS. In default of payment of fine, rigorous imprisonment for 6 months. He is sentenced to undergo imprisonment for life and to pay a fine of Rs.25,000/- (Rupees Twenty

Five Thousand) u/s. 332(a) of BNS. In default of payment of fine, rigorous imprisonment for three months. The substantive sentences of imprisonment shall run concurrently. Set off allowed. The fine amount, if realised Rs.50,000/- (Rupees Fifty Thousand) will be given to PW2 and balance amount will be given to the son of the deceased u/s.395(1)(b) of BNSS.

I am of the opinion that, the compensation ordered is not sufficient especially, to rehabilitate the son of the deceased. He lost his mother and now his father also. So, he has to get sufficient compensation. PW2 also has to get sufficient compensation. Hence, I recommend the District Legal Services Authority, Thalassery to award sufficient compensation to the son of the deceased as well as PW2, as per the provisions of the Kerala Victim Compensation Scheme, 2017 as amended in 2021. Forward a copy of this judgment to the District Legal Services Authority, Thalassery.

The properties produced, MO.1, MO.16, MO.17 will be confiscated. MO.25 (mobile phone), MO.30 (charger) and MO32 and 33 series (purse, ATM card, Pan card, Aadhar card and driving licence), and cash Rs.20,690/- will be given to the accused. All other properties will be destroyed as valueless, after the appeal period.

Before parting, I would like to make the following observations. In this case, prosecution has relied more on digital evidence especially, regarding the preparation and the commission of the crime. I place on record the appreciation for the able assistance given by the learned Public Prosecutor, Sri. Ajith Kumar. Here, the accused was defended by the Legal Aid Defense Counsel System. I express my deep appreciation to the assistance given by the Deputy Chief Legal Aid Defense Counsel, Adv. Rakhith of LADCS, Thalassery. He did his best to defend the accused. It is a wonderful system

introduced by NALSA in 2023, to provide effective legal aid to the needy, to ensure equal opportunity to access to justice for all. This system is to be further strengthened. I hope, the authorities will take necessary steps to further strengthen the Legal Aid Defense Counsel System.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open Court, this the 10th day of April 2026).

Sd/-
SESSIONS JUDGE

APPENDIX:-

WITNESSES FOR THE PROSECUTION:

Rank	Name	Whether eye witness, Police witness, Expert witness, Medical witness, other witness
PW1	Sri. Sasi Mohanan	Eye witness
PW2	Sri. K.Vasu	Eye witness
PW3	Smt. Narayani.A.K	Eye witness
PW4	Sri. Ratheesan.E.P	Other witness
PW5	Sri. Thamban.K.V	Other witness
PW6	Sri. Ajith.P.P	Other witness
PW7	Sri. Rajan.T.V	Other witness
PW8	Sri. Suresh.T	Other witness
PW9	Sri. Albin Manual	Other witness
PW10	Sri. Antony Sebastian	Other witness
PW11	Sri. A.Lakshmanan	Other witness
PW12	Sri. Reji.K.J	Other witness
PW13	Sri. K.Unnikrishnan	Other witness
PW14	Smt. Nalini.M	Other witness
PW15	Sri. Sainudheen.T.C	Other witness
PW16	Sri. Dinesan.K	Other witness
PW17	Sri. Binesh.K	Other witness
PW18	Sri. Nidheesh.K.V	Other witness

PW19	Sri. Sarag	Other witness
PW20	Sri. Vipin.K	Other witness
PW21	Smt. Pravitha.P	Other witness
PW22	Sri. Saju	Other witness
PW23	Smt. Reshma.U, Manager, SBI Karivallur Branch.	Other witness
PW24	Sri. Radhakrishnan.P.M, Manager, KGB, Peralam Branch.	Other witness
PW25	Sri. Praveendas.U	Expert witness
PW26	Smt. Sindhu.P	Expert witness
PW27	Sri. Subindas.T.K	Police witness
PW28	Dr. Arjun Damodaran Nambiar, Medical Officer, Anamaya Medical Institute, Payyanur	Medical witness
PW29	Dr. Nadeem Khalid, Resident Medical Officer, Baby Memorial Hospital, Kannur.	Medical witness
PW30	Dr. Anirudh Rajeevan, Consultant in plastic surgeon, Baby Memorial Hospital, Kannur.	Medical witness
PW31	Dr. Sruthy.G, Casualty Medical Officer, Govt. Taluk Hospital, Payyannur,	Medical witness
PW32	Sri. Fasalurahman.M, Principal Counsellor, Family Court, Kannur.	Other witness
PW33	Sri. Shiju.P.P,	Other witness
PW34	Sri. Prakash Kumar.P.V, Station Officer, Fire and Rescue Office, Payyannur.	Other witness
PW35	Sri. Jubin.M	Other witness
PW36	Dr. Sandeep Krishnan,Casualty Medical Officer, Taluk Hospital, Payyannur.	Medical witness
PW37	Sri. Shibu.P	Other witness
PW38	Sri. Venugopalan.T.P, RTO, Sub RTO, Payyannur	Other witness
PW39	Sri. Muraleedharan.T.C, Village Officer, Karivallur.	Other witness
PW40	Smt. Sylaja.K, Secretary, Karivallur Peralam Grama Panchayath.	Other witness
PW41	Sri. Eeswaran.K.K	Police witness
PW42	Sri. Prashobh.T.K	Police witness

PW43	Smt. Baby Sunitha Fernandez	Police witness
PW44	Sri. Suresh Kumar.P.V	Police witness
PW45	Sri. Ratheesh Kunnan	Police witness
PW46	Sri. Suresh.C	Police witness
PW47	Sri. Sunil Kumar.T.V	Police witness
PW48	Sri. Jijo George	Police witness
PW49	Sri. Abdul Jabbar.A.G	Police witness
PW50	Sri. Sumesh.T.P, Inspector of Police, Valapattanam	Police witness
PW51	Sri. Nazar.C.P	Police witness
PW52	Sri. Mithun Vinod	Police witness
PW53	Sri. Pavithran.O	Police witness
PW54	Sri. Shaji.E	Police witness
PW55	Sri. Musammil.V.C	Police witness
PW56	Sri. Saran.M.B	Other witness
PW57	Sri. Saneeth.C, S I of Police, Payyannur.	Police witness
PW58	Smt. Rema.K	Police witness
PW59	Sri. Naveen.C.V	Police witness
PW60	Smt.Shilpa.K.T.N	Police witness
PW61	Sri. Retheeshkumar.U	Police witness
PW62	Dr. Prajith.T.M, Professor and Head of the Department of Forensics Medicine, Government Medical College, Kannur.	Medical witness
PW63	Dr. Anjitha.T, Scientific Officer, Kannur City Crime Branch.	Medical witness
PW64	Sri. Suresh Kumar.E.T, S I of Police, Payyannur.	Police witness
PW65	Sri. Sreehari.K.P, SHO, Payyannur Police Station.	Police witness

EXHIBITS FOR THE PROSECUTION:

Sl. No.	Date	Exhibit Number	Description
1.	21.11.2024	P1/PW1	FIS.
2.	22.11.2024	P2/PW4	Scene Mahazar.

3.	22.11.2024	P3/PW4	Seizure Mahazar
4.	---	P4/PW6	Pen drive (scene of occurrence)
5.	---	P4(a)/PW6	Signature of the witness in the cover used to wrapping the pen drive.
6.	---	P4(b)/PW65	Signature of witness in the cover of pen drive.
7.	---	P4(c)/PW65	Brown cover used to cover the pen drive.
8.	26.11.2024	P5/PW6	63 4(C) Certificate
9.	26.11.2024	P6/PW7	Seizure Mahazar (Pen drive)
10.	22.11.2024	P7/PW8	Observation Mahazar.
11.	22.11.2024	P7(a)/PW65	Relevant portion of confession of accused in Observation Mahazar.
12.	22.11.2024	P8/PW8	Observation Mahazar.
13.	22.11.2024	P8(a)/PW65	Relevant portion of confession of accused in Observation Mahazar.
14.	22.11.2024	P9/PW8	Recovery Mahazar.
15.	22.11.2024	P9(a)/PW65	Relevant portion of confession of accused in Observation Mahazar.
16.	---	P10/PW9	Pen drive.
17.	---	P10(a)/PW9	Cover wrapping Pen drive.
18.	---	P10(b)/PW9	Signature of witness in the cover used to wrapping the pen drive.
19.	---	P10(c)/PW11	Signature of witness in the cover of P10(a)
20.	---	P10(d)/PW65	Signature of the witness in the cover of P10.
21.	27.11.2024	P11/PW9	63 4(C) Certificate of pen drive
22.	27.11.2024	P12/PW10	63 4(C) Certificate of pen drive
23.	27.11.2024	P13/PW11	Seizure Mahazar (Pen drive)
24.	---	P14/PW12	Pen drive (Petrol pump).
25.	---	P14(a)/PW12	Brown cover wrapping the pen drive.
26.	---	P14(b)/PW12	Signature in the cover of pen drive
27.	---	P14(c)/PW14	Signature of the witness.

28.	---	P14(d)/PW65	Signature of the Investigating Officer in the brown cover of the P14
29.	29.11.2024	P15/PW12	Seizure Mahazar (Pen drive)
30.	29.11.2024	P16/PW12	Part B of 63(4)(C) BSA Certificate.
31.	---	P17/PW13	Part A of 63(4)(C) BSA Certificate.
32.	30.11.2024	P18/PW15	Seizure Mahazar (Pen drive)
33.	---	P19/PW15	Brown cover wrapping pen drive.
34.	---	P19(a)/PW15	Signature in the brown cover.
35.	---	P19(b)/PW53	Signature of witness in P19 cover.
36.	---	P19(c)/PW65	Signature of the Investigating Officer in the brown cover of the Pen drive.
37.	---	P20/PW15	Pen drive.
38.	---	P21/PW15	63(4)(C) BSA Certificate.
39.	22.11.2024	P22/PW16	Inquest Report.
40.	21.08.2024	P23/PW21	Certified copy of FIS in Cr.749/24 of Payyannur PS.
41.	21.08.2024	P23(a)/PW65	Certified copy of FIR in Cr.749/24 of Payyannur PS.
42.	29.09.2024	P23(b)/PW65	Certified copy of Final Report in Cr.749/24 of Payyannur PS.
43.	---	P24/PW22	Pen drive (ATM ICICI Bank)
44.	---	P25/PW22	Brown cover used for wrapping the Pen drive.
45.	---	P25(a)/PW22	Signature of the witness in the cover of pen drive.
46.	12.12.2024	P26/PW22	Seizure Mahazar (Pen drive).
47.	12.12.2024	P27/PW22	63(4)(C) BSA Certificate.
48.	---	P28/PW23	Account Statement of SBI.
49.	19.12.2024	P29/PW23	65B(4) Certificate.
50.	19.12.2024	P29(a)/PW23	Sec.2A(b) of Bankers Book of Evidence Act Certificate.
51.	---	P30/PW23	Copy of Pan card of accused.
52.	---	P30(a)/PW23	Copy of Aadhar Card of accused.

53.	---	P30(b)/PW23	Copy of Photo with Signature of accused
54.	---	P31/PW24	Account Statement of Kerala Gramin Bank.
55.	19.12.2024	P32/PW24	65B(4) Certificate.
56.	19.12.2024	P32(a)/PW24	Sec.2A(b) of Bankers Book of Evidence Act Certificate.
57.	---	P33/PW24	Copy of Aadhar of accused.
58.	---	P33(a)/PW24	Copy of Pan card of accused.
59.	---	P34/PW24	Cover issued for ATM.
60.	---	P34(a)/PW24	Instruction Letter.
61.	---	P34(b)/PW24	ATM Card.
62.	---	P34(c)/PW24	Cover of ATM Card.
63.	23.11.2024	P35/PW25	Letter from Fingerprint Bureau Kannur to Inspector of Police, Payyannur.
64.	23.12.2024	P36/PW25	Report of Fingerprint.
65.	24.12.2024	P37/PW25	Identification Chart by Fingerprint Bureau, Kannur.
66.	23.12.2024	P38/PW25	63(4)(C) BSA Certificate.
67.	23.12.2024	P39/PW25	Fingerprint Search Slip.
68.	24.12.2024	P40/PW26	Covering Letter.
69.	---	P41/PW27	Photos of Inquest.
70.	---	P41(a)/PW27	Photos of Inquest.
71.	---	P41(b)/PW27	Photos of Inquest.
72.	---	P41(c)/PW27	Photos of Inquest.
73.	06.01.2025	P42/PW27	63(4)(C) BSA Certificate.
74.	---	P43/PW27	Pen drive.
75.	---	P44/PW27	Cover used for covering pen drive.
76.	21.11.2024	P45/PW28	Wound Certificate of Deceased.
77.	21.11.2024	P46/PW28	Wound Certificate of PW2.
78.	27.11.2024	P47/PW29	Wound Certificate of PW2.
79.	27.11.2024	P48/PW30	Treatment Certificate.

80.	28.11.2024	P49/PW31	Form of forwarding MOS to Chemical Examiner.
81.	04.10.2024	P50/PW32	Certified copy of Petition in OP.1528/2024 of Family Court, Kannur.
82.	26.12.2024	P50(a)/PW65	Certified copy of Judgment in OP.1528/2024 of Family Court, Kannur.
83.	---	P51/PW32	Copy of Counsellor's Diary of Family Court, Kannur.
84.	21.11.2024	P52/PW32	Copy of Register of Counselings.
85.	---	P53/PW33	Photos of Scene of Occurrence.
86.	---	P53(a)/PW33	Photos of Scene of Occurrence.
87.	---	P53(b)/PW33	Photos of Scene of Occurrence.
88.	---	P53(c)/PW33	Photos of Scene of Occurrence.
89.	---	P53(d)/PW33	Photos of Scene of Occurrence.
90.	---	P53(e)/PW33	Photos of Scene of Occurrence.
91.	22.11.2024	P54/PW36	Certificate of examination by Medical Officer.
92.	22.11.2024	P55/PW36	Form of forwarding MOS to Chemical Examiner.
93.	19.12.2024	P56/PW37	Marriage Certificate.
94.	19.12.2024	P56(a)/PW37	Sec.63 Certificate.
95.	26.11.2024	P57/PW38	Vehicle Particulars.
96.	26.11.2024	P57(a)/PW38	65 BSA Certificate.
97.	19.12.2024	P58/PW39	Site plan.
98.	22.12.2024	P59/PW39	Possession Certificate.
99.	25.11.2024	P60/PW40	Ownership Certificate.
100.	20.12.2024	P61/PW40	Death Certificate.
101.	07.01.2025	P62/PW41	Seizure Mahazar (photos of inquest and certificate)
102.	07.01.2025	P63/PW41	Seizure Mahazar (photos of fingerprint)
103.	07.01.2025	P64/PW41	Seizure Mahazar (photos of scene of occurrence)

104.	23.11.2024	P65/PW43	Seizure Mahazar.(blood sample, hair, nail clipping).
105.	23.11.2024	P66/PW45	Seizure Mahazar(Bill hook).
106.	01.01.2025	P67/PW45	Seizure Mahazar. (Samples collected at the time of postmortem)
107.	01.01.2025	P68/PW47	Seizure Mahazar.(Duty details)
108.	16.12.2024	P69/PW47	Covering Letter from Officer Commanding HQ KAWP to SHO, Payyannur Police Station.
109.	11.11.2024	P69(a)/PW47	Passport for Men Quitting their Station.
110.	---	P69(b)/PW47	Leave Letter.
111.	---	P69(c)/PW47	Case details OP.1528/2024 of Family Court Kannur.
112.	---	P70/PW49	63(4)(C) BSA Certificate.
113.	21.11.2024	P71/PW50	Custody Memo.
114.	21.11.2024	P72/PW50	Inspection Memo.
115.	---	P73/PW52	DVD.
116.	---	P73(a)/PW52	DVD.
117.	---	P74/PW52	Photo of Fingerprint.
118.	27.12.2024	P75/PW52	63(4)(C) BSA Certificate.
119.	04.01.2025	P76/PW53	Seizure Mahazar (KGB Account Statement)
120.	---	P77/PW55	Seizure Mahazar (Blood, Hair samples of PW2).
121.	---	P78/PW55	Seizure Mahazar (Lungi and Langotti of PW2)
122.	22.11.2024	P79/PW58	Seizure Mahazar.(Hair, Nail etc. of Deceased)
123.	22.11.2024	P80/PW59	Seizure Mahazar (Dresses of Accused)
124.	22.11.2024	P81/PW59	Seizure Mahazar.
125.	22.11.2024	P82/PW62	Postmortem Certificate.
126.	22.11.2024	P83/PW62	Forwarding Letter by Department of Forensic Medicine, Medical College, Pariyaram.

127.	22.11.2024	P84/PW63	Collection of Evidence.
128.	---	P85/PW63	Sample seal of impression.
129.	---	P85(a)/PW63	Sample seal of impression.
130.	22.11.2024	P86/PW63	Collection of Evidence.
131.	12.12.2024	P87/PW63	Report on Examination of Deceased Body, Scene of Occurrence and Vehicle.
132.	---	P88/PW63	FSL Report.
133.	---	P88(a)/PW63	Covering letter of FSL Report.
134.	21.11.2024	P89/PW64	FIR
135.	22.11.2024	P90/PW65	Arrest Memo.
136.	22.11.2024	P91/PW65	Arrest Intimation.
137.	22.11.2024	P92/PW65	Name and address adding report of accused.
138.	24.11.2024	P93/PW65	Section adding report.
139.	---	P94/PW65	FIR correction report.
140.	---	P95/PW65	Pen drive (Produced by PP substitute of P24 Pen drive).
141.	---	P96/PW65	Part A of 63(4)(C) of BSA Certificate.
142.	03.02.2026	P96(a)/PW65	Part B of 63(4)(C) of BSA Certificate
143.	23.12.2024	P97/PW65	Seizure Mahazar (Bank documents)
144.	---	P98/PW65	Extract of Driving License.
145.	27.10.2024	P99/PW65	Copy FIS in Cr.965/2024 of Payyannur PS.
146.	27.10.2024	P99(a)/PW65	Copy FIR in Cr.965/2024 of Payyannur PS.
147.	---	P100/PW65	Copy of Petition in MC.339/2024 of Family Court, Kannur.
148.	26.11.2024	P100(a)/PW65	Copy of Order in MC.339/2024 of Family Court, Kannur.
149.	26.11.2024	P101/PW65	Copy of Order in OP.1354/2024 of Family Court, Kannur.
150.	---	P102/PW65	Property List.

151.	25.11.2024	P102(a)/PW65	Property List.
152.	23.11.2024	P102(b)/PW65	Property List.
153.	23.11.2024	P102(c)/PW65	Property List.
154.	23.11.2024	P102(d)/PW65	Property List.
155.	23.11.2024	P102(e)/PW65	Property List.
156.	---	P102(f)/PW65	Property List.
157.	23.11.2024	P102(g)/PW65	Property List.
158.	23.11.2024	P102(h)/PW65	Property List.
159.	---	P102(i)/PW65	Property List.
160.	28.11.2024	P102(j)/PW65	Property List.
161.	---	P103/PW65	Document List.
162.	---	P103(a)/PW65	Document List.
163.	---	P103(b)/PW65	Document List.
164.	04.01.2025	P103(c)/PW65	Document List.
165.	23.12.2024	P103(d)/PW65	Document List.
166.	---	P103(e)/PW65	Document List.
167.	---	P103(f)/PW65	Document List.
168.	---	P103(g)/PW65	Document List.
169.	---	P103(h)/PW65	Document List.
170.	---	P103(i)/PW65	Document List.
171.	---	P103(j)/PW65	Document List.
172.	---	P103(k)/PW65	Document List.
173.	---	P103(l)/PW65	Document List.
174.	04.12.2024	P104/PW65	Forwarding Note
175.	---	P104(a)/PW65	Forwarding Note
176.	20.01.2025	P105/PW65	Final Report Correction Report.
177.	04.04.2015	P106/PW65	Delay Report
178.	---	P107/PW65	Report for non availability of 63(4) (C) BSA Part B Certificate.
179.	26.11.2024	P108/PW65	63(4)(C) BSA Certificate.

WITNESSES FOR THE DEFENCE: Nil.

EXHIBITS FOR THE DEFENCE:

Sl. No.	Date	Exhibit Number	Description
1.	21.11.2024	D1/PW28	Copy of Wound Certificate of Deceased.

COURT EXHIBITS :

Sl. No.	Date	Exhibit Number	Description
1.	02.09.2025	C1/PW65	FSL Report.
2.	11.09.2025	C2/PW65	FSL Report.

MATERIAL OBJECTS:

1.	MO1	Bill hook(കത്തിയാൾ).
2.	MO2	Jeans Pant.
3.	MO2(a)	Cover with label used to cover MO2.
4.	MO3	Baniyan(Black colour)
5.	MO3(a)	Cover with label used to cover MO3.
6.	MO4	Baniyan(Rose colour)
7.	MO5	Pant.
8.	MO6	Bag.
9.	MO7	Kavi Mundu.
10.	MO8	Langotti
11.	MO9	Glass (കണ്ണട)
12.	MO10	Monkey Cap.
13.	MO11	Glass shield of Helmet.
14.	MO12	News paper used for covering the weapon.
15.	MO12(a)	Hard Board
16.	MO12(b)	Jute twine(ചണന്തൂൽ).
17.	MO13	Match Box.
18.	MO14	Plastic Bottle.
19.	MO14(a)	Plastic bottle used to pack the petrol bottle.
20.	MO14(b)	Brown paper used to cover the bottle.

21.	MO15	KSEB Bill.
22.	MO16	Yamaha Bike.
23.	MO17	Helmet.
24.	MO18	Sample blood with bottle.
25.	MO18(a)	Brown cover used to cover the bottle.
26.	MO19	Hair sample collected from PW2
27.	MO19(a)	Brown cover used to cover the sample.
28.	MO20	Blood sample bottle.
29.	MO20(a)	Blood sample bottle.
30.	MO21	Hair sample.
31.	MO22	Brown cover used to cover the Bill hook.
32.	MO23	Sealed brown cover used to cover the Bill hook.
33.	MO23(a)	Signature of PW46 in MO23 brown cover.
34.	MO24	Brown Cover.
35.	MO24(a)	Signature of PW6 in MO24 brown cover.
36.	MO25	Mobile.
37.	MO26	Inner Baniyan.
38.	MO26(a)	Cover with label used to cover MO26.
39.	MO27	Baniyan(T Shirt)
40.	MO27(a)	Baniyan(T Shirt)
41.	MO27(b)	Baniyan(T Shirt)
42.	MO27(c)	Baniyan(T Shirt)
43.	MO27(d)	Baniyan(T Shirt)
44.	MO27(e)	Baniyan(T Shirt)
45.	MO27(f)	Baniyan(T Shirt)
46.	MO28	Barmuda.
47.	MO28(a)	Barmuda.
48.	MO29	Underwear.
49.	MO30	Mobile charger.
50.	MO31	Plastic Brandy.
51.	MO32	Purse.
52.	MO33	ATM Card.

53.	MO33(a)	Pan Card.
54.	MO33(b)	Aadhar Card.
47.	MO33(c)	Driving License.
47.	MO34	Box containing hair, nail etc. to FSL, Kannur.
47.	MO34(a)	Packet containing scalp hair.
48.	MO34(b)	Packet containing two scalp hair (trunk)
49.	MO34(c)	Packet containing dried blood in gauze pieces.
50.	MO35	Plastic bottle with yellow cap.
51.	MO36	Pieces of cloths.
52.	MO37	Brown paper used to cover bottle.
53.	MO38	Plastic bottle.
54.	MO39	Cotton swab.
55.	MO40	Brown paper to cover the MOS.
56.	MO41	Hair like materials collected in brown paper.
57.	MO42	Brown stain collected from the scene of occurrence.
58.	MO43	Brown stain collected from the scene of occurrence.
59.	MO44	Brown stain collected from the scene of occurrence.
60.	MO45	Brown stain collected from the scene of occurrence.
61.	MO46	Brown stain collected from the scene of occurrence.
62.	MO47	Scrap of brown flakes.
63.	MO48	Hair like materials.
64.	MO49	Brown stain.
65.	MO50	Hair like materials.
66.	MO51	Swab collected in cotton.

Sd/-
SESSIONS JUDGE

TABULAR FORM

1.	Serial Number]	Sessions Case No. 139 of 2025
2.	Name of Police Station and Crime No. of the offence]]	Payyannur Police Station Crime No. 1034/2024

DESCRIPTION OF THE ACCUSED

3. Name	4. Father's Name	5. Occupation	6. Residence	7. Age
Rajesh.K	Damodaran	---	Kunnummal House, Kottool, Peralam Amsom, Kozhummal.	41/24

DATE OF

8.	Occurrence	:	21.11.2024
9.	Complaint	:	21.11.2024
10.	Apprehension of the accused	:	22.11.2024
11.	Release on bail	:	In custody.
12.	Commitment	:	28.02.2025
13.	Commencement of trial	:	25.08.2025
13A.	Commencement of evidence	:	19.01.2026
14.	Close of trial	:	01.04.2026
15.	Sentence/Order	:	08.04.2026/10.04.2026
16.	Service of copy of judgment or finding on accused	:	10.04.2026
17.	Explanation for delay	:	Vide separate sheet attached
18.	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.P.C.	:	22.11.2024 to till date.

Sessions Court, Thalassery,
Dated: 10.04.2026

Sd/-
SESSIONS JUDGE

**IN THE COURT OF THE SESSIONS,
THALASSERY**

SESSIONS CASE No. 139 OF 2025

J U D G M E N T

DATED : 10.04.2026

To

1. The Registrar, High Court of Kerala,
Ernakulam, Kochi - 682 031.
2. The District Collector, Kannur.
3. The Superintendent, Central Prison
& Correctional Home, Kannur.
4. The Public Prosecutor, Thalassery.
5. The Secretary, DLSA, Thalassery.
6. The Accused.

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