

IN THE COURT OF THE I ADDITIONAL SESSIONS JUDGE, THRISSUR**Present:**

Sri. K. KAMANEEES, I Additional Sessions Judge
Saturday the 16th day of May, 2026/26th Jyeshtha, 1948

Sessions Case No.432/2015
(CP No.1/2015 of JFCM No.I, Thrissur)

Complainant : State – represented by
The Circle Inspector of Police,
Thrissur East Police Station.
(Crime No.1709/2013 of Thrissur East
Police Station)

By Public Prosecutor Sri. K. P. Ajayakumar

Accused : 1. Palani Swamy, aged 62 years,
S/o Karuppayya, Door No.45-A,
Kallar Theruvu, Naattar Veedhi,
Kulathoor, Trichi, Tamilnadu.
2. Farook, aged 58 years,
Abubacker, Door No.177,
Kannadasan Street, Anna Nagar, Thenur,
Trichi, Tamilnadu.

By Adv. Sri. K. N. Ajayakumar & Smt. Sajna. P. M - A1
Adv. Sri. K. Jayachandran - A2

Offences : Under Sections 302, 397, 449, 411 and 201
IPC.

Plea of the accused : Not guilty.

Finding of the Judge : Accused No.1 is found guilty of the offences
under sections 302, 397 and 449 IPC and
found not guilty under section 201 IPC. The
accused No.2 is found not guilty of the offence
under section 411 IPC.

Sentence or Order : 1. The accused person 1 is sentenced to undergo
rigorous imprisonment for life under section

302 IPC and to pay a fine of Rs.5,00,000/- (Rupees Five Lakhs Only) or in default, to undergo rigorous imprisonment for a further period of one year.

2. The accused person 1 is sentenced to undergo rigorous imprisonment for 7 years under section 397 IPC and to pay a fine of Rs.3,00,000/- (Rupees Three Lakhs Only) each or in default, to undergo rigorous imprisonment for a further period of one year.
3. The accused person 1 is sentenced to undergo rigorous imprisonment for 5 years under section 449 IPC and to pay a fine of Rs.1,00,000/- (Rupees One Lakh Only) each or in default, to undergo rigorous imprisonment for a further period of six months.
4. The fine amount u/s 302 IPC, if realised, shall be given by way of compensation to the PW12 Sasikumar.
5. The accused person 1 shall be entitled to set off. The sentences shall run concurrently.

The Sessions Case having been finally heard on 05.05.2026 in the presence of counsel appearing for either side and having stood for consideration till this day, the court delivered the following.

Table of Contents

The Prosecution Allegations.....	4
Proceedings Generally.....	4
Charges Framed.....	5
The Evidence for the Prosecution.....	5
Statements under section 313(I)(b) Cr.P.C.....	6
The Points.....	7
The Evidence Generally.....	7
Table 1:.....	23
Reliability of the witnesses.	24
The PW1.....	24
The PW6 Owner.....	26
The other witnesses.....	26
Circumstantial evidence.....	28
Circumstantial evidence - The founding principles.....	29
The cause of death.	30
The non-recovery of the weapon.....	30
The case law on the point.	31
The recovery of Stolen Articles.....	32
Identification of the gold ornaments.	35
The recovery of money.	36
Authorship of Concealment.....	38
Lack of Explanation from the side of accused no. 1.....	39
Relevancy of the recovery against accused no. 1.....	40
The Time factor.....	42
The subsequent conduct of accused no. 1.	43
The defence in the statement under Section 313 CrPC.....	44
The Circumstances Emerging.....	44
The Circumstances Analysed.....	46
With respect to accused no. 2.	47
The findings.....	47
Conviction / Acquittal.....	47
Hearing on sentence.....	49
The Aggravating / Mitigating Circumstances.....	49
Rarest of the rare?.....	49
Finding on sentence.....	52
Table 2.....	53
Sentences Imposed.....	53

JUDGMENT

Allegation is that of femicide, originated from the side of a deceptive kinsman - the accused No 1, who gained entry into private premises on his stature as a close relative, by slaying the lady with brutal incisions, and committing

robbery of gold and money kept in the house, while the accused number 2 received stolen money into his possession knowingly. The accused person 1 stand indicted for the offences punishable under sections 302, 397, 449 and 201 of IPC and A2, u/s 411 IPC, the final report being laid by the Investigating Officer - the Circle Inspector of Police, Thrissur East Police Station.

The Prosecution Allegations

2. The prosecution version is that, the accused No.1 who is a relative of the CW1, with the intention of committing robbery, on 27.07.2013 at 16.00 hours, trespassed into an apartment by name Sri Arul Apartment, Ramanchira Road, Veliyannur where the CW1 and his wife, deceased Maheshwari were residing, bearing flat No.G3, at a time when the CW1 was not there, by shoving down Maheshwari, and murdering her by jugulating her using a knife possessed by him. After that he committed the robbery of gold ornaments weighing 41.900 grams that was worn by the deceased Maheshwari. He also robbed Rs.8,75,000/- kept inside the eastern bedroom of the said flat after breaking the lock of the bedroom by using the spare parts of a car. After the commission of offence, the accused No.1 destroyed the dresses worn by him at the time of the alleged incident and also destroyed the evidence by sprinkling turmeric powder at the scene of occurrence. The accused No.2 had dishonestly received an amount of Rs.8,73,000/- from the accused No.1 with the knowledge that it is a stolen property and he kept the amount in the house of CW10 at Kunnakudi. Therefore the offences punishable under sections 302, 397, 449, 411 and 201 of IPC.

Proceedings Generally

3. The case was investigated by the Circle Inspector of Police, Thrissur East Police Station as per Crime No.1709/2013 of Thrissur East Police Station and

was committed to the Hon'ble Sessions Court as per order in CP No.1/2015 of Judicial First Class Magistrate Court No.I, Thrissur. The case was numbered as SC 432/2015 by the Sessions Court and made over to the Additional Sessions Court-III, Thrissur for trial and disposal. Later the case was transferred to this court vide Order No.C3-4234/2024 dated 22.02.2024 of the District Judge, Thrissur, as this court is earmarked and designated exclusively for the trial of murder cases.

4. The accused persons appeared on summons. The copies of all relevant documents had been served on them. The accused persons are represented by the lawyers of their own choice who defended their case very well.

Charges Framed

5. The accused persons appeared before the court. With respect to the evidence to prove the indictments relied on and produced, the prosecution generally addressed the court. The accused persons were also heard and a formal charge was framed against A1 under sections 449, 302, 392 r/w 397 IPC, 201 and A2 under sections 411 IPC. When the charge was read over and explained to the accused persons in the vernacular, they pleaded not guilty and claimed to be tried.

The Evidence for the Prosecution

6. The evidence for the prosecution would include the oral testimonies of PW1 to PW26 and Exts.P1 to P39 marked from their side, besides, the Material Objects 1 to 6 marked. From the side of the defence, Ext.D1 was marked. After the closure of the prosecution evidence, the accused persons were examined under section 313(1)(b) of the Code of Criminal Procedure, generally touching various aspects of incriminating evidence against him

Statements under section 313(I)(b) Cr.PC

7. The accused persons 1 and 2 generally denied the queries based on positive evidence tendered, put to them while questioning under section 313(1)(b) Cr.PC. The accused persons moved for delivery of the questionnaires to them, which was allowed, and the questionnaires were handed over to them.

8. Accused No. 1 filed a statement that he was working in a bakery production unit and had sustained 30% scald injuries to both hands and body at the workplace due to negligence. He admitted that his mobile phone and SIM card were seized by the police at the time of his arrest. However, he contended that he had no connection with the house or the place from where the gold ornaments were allegedly recovered. According to him, verification of the tower location, CDR, and CF of the SIM card would reveal that he was not present at the place of occurrence at the relevant time. He further contended that he has been falsely implicated in the case, that he has not committed any offence as alleged, and that he is innocent.

9. Accused No.2 states that he surrendered his own cash before the police station as threatened by the police, lest he would be falsely implicated in this case. The accused No.1 had not given any amount to him and he has not received any amount.

10. After the closure of the questioning under section 313(1)(b) Cr.PC, the prosecution as well as the accused persons were heard. The accused persons were ordered to enter on their defence evidence. They did not opt to adduce any separate defence evidence. The matter was finally heard.

The Points

11. The following points would arise for consideration.

1. Did the accused person number one commit murder of the deceased Maheshwari as alleged by the prosecution?
2. Did the accused person number one commit Robbery of the gold ornaments as well as money of the deceased Maheshwari, while committing robbery as alleged by the prosecution?
3. Did the accused person number one commit House trespass in order to commit robbery and murder of the deceased Maheshwari as alleged by the prosecution?
4. Did the accused person number one cause disappearance of evidence so as to screen himself as alleged by the prosecution?
5. Did the accused person number one voluntarily receive stolen property knowing it to be robbed by the accused number 1?
6. If so, what and what offences are made out and what and what conviction to follow?
7. In case of conviction, what sentence/sentences to follow?

The Evidence Generally

12. PW1 K.V. Sankarankutty had been working as a Security guard in Arul Apartment of Veliyannoor and on some day, towards July end in 2013, when he reported for his work, he noticed that certain clothes were set for drying near the gate of the apartment and he, using a stick gathered from somewhere, plucked all these dresses and put it on a scooty that was parked in front of the apartment where deceased Sasikumar had been living with his wife. He rang the doorbell to alert the persons inside the flat, but there was no response. When Sasikumar turned up after his work at at 09.00 p.m., he

advised Sasikumar that wet clothes be not placed on the gate. Sasikumar replied that he would see to it and pleaded that the same would not be repeated and he went to the flat and rang the bell. This time also there was no response and the PW1 said Sasikumar that he would come back after fetching a torch. When he fetched the torch and came back, he saw that Sasikumar had been yelling something in Tamil and was all perplexed. Inside the flat, the lady lay all wet in blood and turmeric powder was spread everywhere. The landlord, Ranjith Menon, was immediately informed of the same, and Sasikumar said that the money he had kept was found missing, about ₹ 9,00,000.

13. PW2 Sindhu Manoj Kumar states that she was working as an Accountant in a hypermarket in Chalakudy and the owner of the hypermarket had taken a loan from one Manivannan and the cash was given back to him from their institution to one Sasikumar in 2013 July, the amount being ₹ 2.5 lakhs.

14. PW3 Radhakrishnan T. had been working as a Senior Assistant cum Cashier in PSA Agencies Private Limited in 2013, and the Managing Director, P. K. Ramanathan, had obtained ₹ 2,00,000 from one Manivannan. From that amount, ₹ 1,00,000 was handed over to Shashi Kumar as per the instruction of Manivannan in the last week of July 2013.

15. PW4 Sony K.T. is a witness to the Exhibit P1 inquest report prepared in 2013. PW5 Babu Thattil P, while working as Village Officer, Thrissur, on the basis of the scene mahazar prepared by East Police, and as instructed by the Investigating Officer, visited the location and prepared the Exhibit P2 sketch in which the Item No. 4 is the place of incident/locus of the crime. PW6 Ranjith J Menon had been the landlord of the apartment G3 in Sri Arul Apartments. He reached home from Ernakulam by 09.15 p.m. By 09.45 p.m.,

the Security Guard PW1 came to his flat and informed that in the G3 flat, a lady was found dead. He went there and saw Sasikumar's wife wet in blood and lay in the main hall of the flat. Beside her, it was all blood and turmeric powder. Immediately, he informed the matter to the East Police Station, and in 10 minutes, police reached there. Sasikumar had been working under Manivannan, a financier, and this Manivannan had introduced Sasikumar to him. Almost ₹8,00,000 found in the flat, as collection money, was found missing.

16. PW7 Roy P.J. is a witness to the scene mahazar prepared by the Investigating Officer in connection with this case, marked as Exhibit P3. PW8 Bindu knew the deceased Maheshwari, as Maheshwari's husband, Sasikumar, had been a friend of her husband. Before the demise, Maheshwari had a sojourn in her house lasting for two days and the lady had seen some of her ornaments that she was wearing. The witness states that she is in a position to identify those ornaments prepared in gold, which included one jimki, one chain, ring, and bangle. This witness was permitted to view the gold ornaments exhibited before her, and she, from among the gold ornaments, identified the thali chain with a locket as MO1, another chain worn by Maheshwari as MO2, one pair of jimki as MO3 and the ring she identified as MO4. After the short stay was over, Maheshwari was taken back by her husband Sasikumar.

17. PW9 Rajesh was the Finance Manager of AC Stores and he personally knew Manivannan, from whom ₹ 10,00,000 had been obtained as a loan. The amount was given back on 27.07.2013 and Sasikumar had been taking back the money as instructed by Manivannan. According to the witness, this was his only transaction he had with the accused.

18. PW10 Benley Nornha had been running Nortech Infonet Pvt Ltd during 2013 and Manivannan used to help his institution financially. He had obtained ₹ 10,00,000 from this Manivannan for the company and the amount had been entrusted back to Manivannan through Sasikumar, the last installment of ₹ 2,00,000 being on 27.07.2013, entrusted by Rohith, his accountant. PW11 Manivannan had money lending business in Tamil Nadu and Kerala during 2013 and Sasikumar was his collecting agent. Sasikumar was married to one Maheshwari and he knew that Maheshwari was killed on the date of the murder itself. Sasikumar had been entrusted with the finance collection, and on the precise day, he had been in possession of ₹ 8,00,000 being the collected cash. Every time when the amount was collected, he would inform Sasikumar over phone.

19. PW12 Sasikumar is the husband of deceased Maheshwari and he says that both of them lived in Josnagar, Thrissur in a rented apartment. He had gone for his job and when came back, he witnessed the scene. He states that ₹ 8,00,000 had been in his possession and he was not able to give the precise details of the amounts collected from each person after this length of time. He knocked at the door and the door did not open. He came outside and the watchman was alerted to inform the police. Opening the door, he saw Maheshwari covered in a bed sheet. The door was pushed open. According to him, there was chilli powder spread around the body. The police had prepared a document marked Exhibit P4 in which he signed as a witness. He did not see gold ornaments on the body of Maheshwari. When the Gold ornaments were shown, he stated that the MO3 jimiki belonged to his wife Maheshwari. The MO2 spiral gold chain also belonged to his wife, like the MO1 locket chain, and the MO4 ring also belonged to his wife. All these properties had been inspected by him in the court and he identified these gold ornaments. Palani

Swami had been a resident nearby and for 6 years he knew Palani Swami. He identified Palani Swami in the box.

20. PW13 Binoy, while working as Civil Police Officer at the East Police Station in 2013, witnessed CPO 5673 Sreedevi, who was enlarged for dead body guard duty, entrusting three sealed covers to the Circle Inspector Santhosh, who prepared the Exhibit P5 mahazar, whereupon, the sealed covers had been taken to custody. He signed the Exhibit P5 as a witness. The packets contained nail clippings, scalp hair samples, and specimen hair samples.

21. PW14 Dr. V.K. Rajendra Prasad, Assistant Professor in the department of Forensic Medicine & Deputy Police Surgeon at Medical College Thrissur, conducted the postmortem examination of the body of a female by name Maheswari aged 27 years and issued the Ext.P6 postmortem certificate, noting 25 Anti mortem injuries in her body, of which the injuries number 9, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22 and 24 had been fatal in nature, which can cause death in natural course. The witness states that a "Thali" chain around the neck, a stud over the right ear lobe, a stud over the right ala of nose, a pair of anklets all in situ were removed and handed over to the WCPO in charge. Saffron powder was seen over the right upper limb.

22. He noted the following anti-mortem injuries.

1. Multiple abrasions over the left half of forehead just above and outer to the left eyebrow. Underlying contusion of scalp and left temporalis muscle. Skull, dura matter and brain were normal.

2. Incised wound 0.5x0.1cm, bone deep vertical just above the inner end of left eyebrow.

3. Incised wound 0.5x0.1cm, bone deep, vertical over the hairline at the midline forehead.
4. Incised wound 0.5x0.1cm, bone deep, vertical over the right cheekbone.
5. Incised wound 1.5x0.1cm involving the entire thickness of skin, horizontal, just below the left half of lower lip. Both ends of injuries No. 2, 3, 4, & 5 were sharp.
6. Incised perforating wound 1.5x0.2cm slightly oblique (inner end at a lower level) just below and outer to right angle of mouth. Its front end was sharp, back end was blunt. The front half of this injury was slightly concave with its concavity directed upwards. It was directed upwards, backwards and towards the midline.
7. Incised wound 1.3x0.5cm bone deep, slightly oblique (inner end at a lower level) over right side of face 2.5cm above right angle of jaw, Its front end was blunt, back end was sharp. It was directed downwards, backwards and towards the midline.
8. Incised wound 1.2x0.5x1.5cm slightly oblique (its inner end was at a lower level) over the right side of front of neck 2cm behind tip of chin and 2cm outer to the midline. Both its ends appeared blunt. It was directed upwards, backwards and towards the midline.
9. Incised wound 9.5x5cm transverse over front of neck. It was placed 1cm below the left angle of the jaw, 5cm behind the tip of the chin and 5cm below the right mastoid process. It passed below the cricoid cartilage completely transecting their passages, transecting the anterior half of the esophagus and right jugular vein, making an opening 0.4cm

over the right carotid artery and finally making an incision 2x0.5x0.5cm over the body of 4th cervical vertebra. The wound was directed upwards and backwards. The left sternocleidomastoid and strap muscles on both sides were completely cut, the right sternocleidomastoid was only partly cut.

10. Incised wound 1.9x0.7cm involving the entire thickness of skin, vertical over the 5 o' clock position over the right breast. It was directed downwards, backwards and outwards. Its upper end was sharp and lower end blunt.

11. Incised wound 1.9x0.5cm slightly oblique (its outer end at a lower level) over the right side of front of abdomen just below the right costal margin in the midclavicular line.

12. Incised wound 1.9x0.5cm vertical over the left side of front of abdomen just below the left costal margin in the midclavicular line.

(Injuries No. 11 & 12 entered the right and left chest cavities respectively. Both these injuries were directed upwards and backwards. The upper end of these injuries were blunt, their lower ends were sharp. The right and left lungs collapsed. The right and left chest cavities were bloodstained.)

13. Incised wound 1.9x0.5cm vertical over the midline front of abdomen 10cm above umbilicus. Its upper end appeared blunt and lower end sharp.

14. Incised wound 1.9x0.5cm vertical 2cm to the left of injury No. 13 and 9cm above the umbilicus.

15. Incised wound 1.9x0.5cm vertical over the midline front of abdomen

4cm above the umbilicus.

16. Incised wound 1.9x0.5cm involving the entire thickness of the skin, vertical over front of right side of abdomen - 6cm outer to midline, in the transumbilical plane.

17. Incised wound 1.9x0.5cm vertical involving the entire thickness of the skin 1.5cm outer and parallel to injury No. 16. Injuries No. 16 & 17 were directed upwards, backwards and towards the midline.

18. Incised wound 2.1x0.7cm vertical slightly to the left of midline front of abdomen-just above the umbilicus.

19. Incised wound 4.5x1.2cm, 45° oblique, (its outer end at a lower level) 4cm to the right of umbilicus.

20. Incised wound 1.9x0.5cm vertical over midline front of abdomen 1.5cm below umbilicus.

21. A jagged incised wound 3.5x1cm vertical over front of left side of abdomen, 4cm away from midline front of abdomen, just below the left costal margin. It was directed upwards, backwards and towards the midline.

22. Incised wound 3x1.5cm, vertical over front of left side of abdomen 4cm away from midline front of abdomen and 4cm below the left costal margin. Tailing present from its lower end for a distance of 5.5cm.

Injuries No, 13, 14, 15, 18, 19, 20, 21, 22 entered the peritoneal cavities. All these injuries were directed upwards, backwards and towards the midline. The upper ends of these injuries were blunt, their lower ends were sharp. The peritoneal cavity was bloodstained.

23. Incised wound 2.5x0.5cm involving the entire thickness of skin, slightly oblique (inner end at a lower level) over the left iliac fossa. The upper end of this injury was blunt, its lower end was sharp.

24. Incised wound 1.9x0.5cm slightly oblique (its outer end at a lower level) over back of right side of abdomen 1.5cm below and parallel to the middle of right sub costal margin. Both its ends appear sharp. It was directed outwards, backwards and towards the midline. It entered the pelvis of the right kidney.

25. Incised wound 3.5x1cm vertical over right flank of abdomen, 3cm above the hip prominence. Both its ends appeared sharp. It was directed upwards, backwards and towards the midline.

23. Blood and bloodstained gauze (air dried) were preserved and sent for chemical analysis.

24. He gave a definite opinion in the box that the deceased died due to multiple injuries sustained to the neck and trunk, as expressed in the post mortem certificate marked. The injuries numbers 2 to 25 are likely to be caused by a sharp edged weapon like a knife and the first injury can be caused by forceful contact with a hard rough and blunt surface.

25. PW15 K.P. Balakrishnan, while working as Fingerprint Expert in the Thrissur City Fingerprint Bureau, had gone to the apartment No G3 of Arul Apartment Buildings in Veliyannur as demanded by the Town East Police Station House Officer on 28.07.2013 and from there 9 chance prints were developed and those were marked, which were photographed by T. G. Sabu the Department Photographer as per his instruction and in his presence later on 21.11.2014 as per the order of the Judicial First Class Magistrate-1 he

along with The Thrissur Town East Circle Inspector, Mr. Sajeevan went to the Central Jail and took the fingerprints of one Palani Swami. His hands were all burned and the fingers were bent inward. Friction skin was absent and therefore he could get the impressions of the right thumb, the right index finger and the left thumb. He had given a report and the prints he could take were not identical with the chance prints. Tester Inspector Sukumaran, his superior officer, filed the Exhibit P7 report and he identified the report.

26. PW16 Satheesh, while working as Senior Civil Police Officer, on 28.07.2013, witnessed handing over of 5 sealed covers by the Scientific Assistant Sri Unnikrishnan to the Circle Inspector Sri Santhosh, evidencing which Exhibit P8 mahazar was prepared and he signed as a witness in the same. On 01.08.2013, he witnessed the arrest of accused no. 1 Palani Swami in Trichy Govt. Hospital, entered by Circle Inspector Sri Santhosh and he signed the Exhibit P9 arrest memo as a witness. He had also signed Exhibit P10 mahazar, whereby the mobile phone found on the bed of the accused was taken to custody by the Circle Inspector. He is also witness to Exhibit P11 arrest memo, whereupon the accused no. 2 Farook was arrested at 12 o'clock on the same day. At 13 hours, he was present when the gold ornaments were taken out from the custody of Mr. Palani Swami and he identified the gold ornament, Gold chain weighing 24.6 grams of gold as MO2, another gold chain with a locket weighing 12.240 grams as MO1, one pair of earrings jimiki type is the MO3 series and the ring that was taken to custody weighing 1.900 grams is the MO4. Another purse in which it was inscribed Kalyan Jewellers is the MO5.

27. At 15 hours, accused no. 2 had taken the police party to Kuntharakudi of Sivaganga and from the wife's sister's house, an amount of ₹ 8,73,000 was

taken to custody - altogether 40 notes, and the mahazar prepared Exhibit P12. On 14.08.2013, the nail clippings and hair of accused no. 1 Palani Swami had been collected by Dr. Vasudevan and handed over to the CPO Alexander who, in turn, handed over the same to the Police Circle Inspector and Exhibit P13 was prepared in token thereof. At the time of arrest of the accused no. 1, he was in the hospital and his hands as well as body were all burned. He could identify the accused persons one by one, and the mobile phone he identified as the MO6.

28. PW17 Mohanan had witnessed the surrendering of Exhibit P15 series train tickets by witness Sasikumar to the Circular Inspector who prepared Exhibit P14 on 28.07.2013 at 02.00 p.m. in token thereof, and he is a witness to the Exhibit P15. P14 seizure mahazar . PW18 Dr. Suresh While working as Medical Officer of the Central Prison Bureau, as per the order of the Judicial First Class Magistrate Court, He preserved the case of remanded Prisoner No. 9053 Palani Swami in brown paper, sealed it with wax, labeled the same and along with a sample seal, the same was handed over to Assistant Superintendent of the Prison Sri. Sivadasan. PW19 Unnikrishnan had been examined through videoconferencing. While he was working as Scientific Officer Biology In the Regional Forensic Science Laboratory Thrissur, on 28/07/2013 as per the request of the investigating officer, he examined the scene of occurrence and collected five items mentioned below from the scene of occurrence.

1. Hair collected from the left palm.
2. Hair collected from the right palm.
3. Hair seen near the body.
4. Blood in cotton gauze.

5. The control sample for the above.

29. These five items were packed, labelled, sealed and handed over to the investigating officer at the scene of examination itself, the receipts being Ext.P16. He subsequently prepared another report of examination of the crime scene Ext.P17 which was dispatched to the investigating officer on 31/07/2013. The specimen seal impression is the Ex P18.

30. PW20 Murukan belongs to Pudukotta District and did know Maheshwari, the deceased, and also her husband Sasikumar - after the marriage of Maheshwari. Palani Swami is the paternal cousin of Sasikumar. Exhibit P19 is the mahazar, which was prepared subsequent to recovery of gold at the instance of Palani Swami. The witness explains that there was a TV stand in Palani Swami's house, and the same was seen covered by paper. One bag was there in which it was inscribed Kalyan Jewellery and inside the same, the gold was there. Two chains were there. One locket was there, and two jimiki earrings were also there, apart from one ring. Palaniswami was being treated in the hospital as his hands were burned, Sasikumar identified the gold ornaments. This witness also identified the gold ornaments MO2, MO1, MO3, MO4 and MO5. Accused Palani Swami was also identified by this witness.

31. PW21 Muthu stated that he knew Maheshwari, her husband Sasikumar and the accused Palani Swami. On 01.08.2013, the police came to a place called Kunnarakudi, where a relative of the accused no. 2 Farook was residing. The police were guided by accused no. 2, Farook, whom he identified in the box, and he volunteered to take out a yellow cover from a piece of log by the side of a tree, which stood on the left side of the house, in which an amount of ₹ 8,70,000 had been there. Evidencing the recovery of the amount, he signed

Exhibit P12 as a witness. In fact, that house belonged to the sister-in-law of Farook. PW22 Dr Manoharan, while working as Assistant Surgeon in the Department of Plastic Surgery in Trichy KAPV Medical College, on 31/07/2013, examined A1 Palaniswami with a history of 30% scalds injury. He had scald injury to both hands in upper limb, lower limb, chest and abdomen, and was admitted in the Medical College on 31/07/2013 and he was subsequently discharged on 05/08/2013, then referred to District Government Hospital, Trichur with an observation for further treatment. Ext. P20 is the medical record prepared by him which is a copy of the case history sheet, and Ext. P21 is the treatment record. During the period of his admitted treatment he was not permitted to go outside for any purpose, and had burns on both hands and fingers. Therefore it was not possible to take fingerprints from him during that period. These types of injuries are possible by immersing the hands in boiling sugarcane, according to the witness.

32. PW23 Santhosh. T. R, while working as Thrissur Town Circle Inspector on 28.07.2013, took over the investigation of the case based on Exhibit P22 FIR, which was prepared by the East Sub Inspector Vishwamohanan, CW48, who is no more right now. As part of the investigation, at 08.30 a.m. he prepared the inquest in G3 apartment on the ground floor, and the inquest report is Exhibit P1. As per the same, properties like the blanket, churidar top, churidar pants, nighty, and mobile phone were taken to custody. At 11.30, as pointed out by CW1 Sasikumar, he prepared the Exhibit P3 scene mahazar, describing the locus of the crime. Before preparing the scene mahazar, the spot was inspected by a fingerprint expert, scientific assistant, and dog squad. After the inquest proceedings were done, he prepared the scene mahazar. Nine chance prints could be lifted from the locus of the crime and the Exhibit P7 fingerprint report was tendered to him. In the sink near the locus of the crime,

he saw spare parts of car tyre rod, spare parts of timing wheel pulley, one old scissors and one comb of light blue colour. All these had been described in the mahazar and were taken to custody. On 28.07.2013, PW19 had handed over five covers, containing the following:

1. Sample hair from the left palm
2. Hair from the right palm.
3. Hair seen near the body
4. Blood in cotton gauze
5. Control sample

33. Evidencing such handing over, Exhibit P8 was prepared by him, and the covers are Exhibit P16, P17, and P18. The incident was informed through phone to Sub-Inspector Viswamohanan, CPO Binoy, and WCPO Sreepriya, who guarded the scene and Exhibit P15 series Train tickets were taken to custody after preparing a seizure mahazar - the Exhibit P14. The lady had been examined post mortem by Dr. Rajendra Prasad and he handed over three sealed covers to WCPO-5023, who conducted the dead body guard duty. This was handed over to him on 28.07.2013 at 17.00 hours and Exhibit P5 seizure mahazar was prepared by him. Exhibit P6 post mortem certificate mentioned of 25 said anti-mortem injuries. A separate report showing robbery of gold ornaments was filed by him. On 29.07.2013, he deleted Sections 392 and 450 IPC and added Section 397 and 449 IPC through Exhibit P26. On 30.07.2013, the Village Officer prepared the Exhibit P2 sketch.

34. CW1, Sasikumar had instructed Maheshwari not to open the door if unknown persons came and knocked at the door. Investigation was done in Tamil Nadu and accused Palani Swami was arrested on 01.08.2013 at 11.00 a.m. He was found with severe scald burn injuries in Trichy Government

Hospital. The arrest memo prepared is Exhibit P9 and the inspection memo is Exhibit P27. In the confession statement given, he confessed as follows:

"സ്വർണ്ണമാലകളും കമ്മലുകളും മോതിരവും ലോക്കറ്റും ഞാൻ എന്റെ കല്ലാർ തെരുവിൽ ഉള്ള വീടിന് അകത്ത് ഇട്ടിരിക്കുന്ന ടി.വി സ്റ്റാന്റിന്റെ അടിയിലെ തട്ടിൽ ഒരു ചെറിയ പേഴ്സലാക്കി കടലാസിനടിയിൽ വെച്ചിട്ടുണ്ട്"

35. This was mentioned in Exhibit P28 confession extract, and accused had led them to Pudukkottai, Kirannur, Kulathur, Kallarathiru, House No. 45A. They reached at 13 hours and there was a TV stand seen. When the paper in its down chamber was lifted, a small purse was seen, and when the purse was opened, the MO2 gold chain, MO1 gold chain with locket, MO4 small ring and MO3 one jimiki earring were found. Those had been recognised by Sasikumar and Exhibit P19 seizure mahazar was prepared. When accused no. 1 was arrested, Exhibit P10 seizure mahazar was prepared on the basis of which the mobile phone had been taken to custody. On 01.08.2013 at 12 pm, the accused, Farook, was arrested in front of his house, as per Exhibit P11 arrest memo and Exhibit P29 inspection memo, on 02.08.2013 at 10.55 p.m., the Magistrate remanded the accused. As per Ext. P30 order, after Palani Swami was discharged, the accused was taken to Thrissur Court and he is admitted as RP No. 8131. He was referred to Thrissur Medical College, Burns ICU. Accused no. 2 gave a confession statement as follows: "രൂപ ഞാൻ എന്റെ ഭാര്യയുടെ ചേച്ചി താമസിക്കുന്ന ശിവഗംഗ കന്തറക്കുടിയിലെ വീട്ടിൽ കൊണ്ടുപോയി വെച്ചിട്ടുണ്ട്. എന്നെ കൂട്ടികൊണ്ടുപോയാൽ ശിവഗംഗ കന്തറക്കുടിയിലുള്ള ഭാര്യയുടെ ചേച്ചിയുടെ വീടു കാണിച്ചു തന്ന് രൂപ ഞാൻ എടുത്തു തരാം"

36. That portion was entered as Exhibit P31 confession extract and on the basis of the same, the accused led the police party on 01.08.2013 at 15 hours to the house number 795/699 of Kuntharakudi Village, Sivaganga District, and the accused volunteered to take a yellow-coloured polythene cover from

behind a wooden platform of the eastern wall of the mid-room of that building. When the yellow polythene cover was opened, currency notes were seen in bundles, and those had been taken to custody after preparing Exhibit P13 seizure mahazar with denomination of the notes given. On 01.08.2013, a full address report of accused no. 2 was given. And with Exhibit P32 remand report, the accused was sent to the court on 14.08.2013 at 17 hours. The nail clippings as well as hair of the accused no. 2 had been collected by Dr. Atul K. Vasudev and entrusted to CPO 7865, which was handed over to him, as he prepared the seizure mahazar marked Exhibit P13. Palany Swami was certified as unfit to transfer out of the Burns ICU and therefore he could not be taken to custody after arrest. The property list concerned is Exhibit P33, and in the arrest memo, he could not obtain the signature or thumb impression of the accused no. 1 due to the scalds. As he had received a transfer order in March 2014, the rest of the investigation was conducted by Biju K. M.

37. PW24 Biju. K. M. conducted the further part of the investigation. He states that he had sought permission to question accused no. 1. and he questioned the accused no. 1 in the Viyyur Central Jail and the accused told him that the blood stained shirt, mund and knife had been thrown away from the bus and he did not remember the place where those had been hurled down. Therefore, it was understood that he tried to do away with the evidence. He further managed to get the hair sample of the accused which was taken to custody as per Exhibit P34 mahazar prepared by him. The properties recovered through the mahazars had been sent for forensic analysis, as per Exhibit P35 forwarding note, and the property list concerned is Exhibit P36. The report that he got from the Regional Forensic Science Laboratory is Exhibit P37.

38. PW 25 K.K. Sajeew conducted part of the investigation and he managed to obtain the fingerprint of the accused Palani Swami from Viyyur Central Jail. However, as the fingers had Scald injuries, the fingerprints could not be properly obtained and the same could not be compared with the chance prints lifted. The report he filed to add Section 201 IPC is Exhibit P38. Exhibit P39 had been filed by him to show the locus of the crime in a precise manner on 29.12.2014.

39. For sake of brevity, the records that had been marked/proved through the Investigating Officers are being shown in the following table.

Table 1:

No.	Marked as	Description
1.	Ext. P22	FIR
2.	Ext. P23 Series	Photos (16 Nos)
3.	Ext. P24	CD
4.	Ext. P25	Report regarding stolen properties
5.	Ext. P26	Section adding and abating report
6.	Ext. P27	Inspection memo of A1
7.	Ext. P28	Confession extract of A1 (Gold ornaments)
8.	Ext. P29	Inspection memo of A2
9.	Ext. P30	Remand Report of A1
10.	Ext. P31	Confession extract of A2 (Regarding money)
11.	Ext. 32	Remand report of A2

12.	Ext. P33 Series	Property list (8 in Nos.)
13.	Ext. P34	Seizure Mahazar
14.	Ext. P35	Copy of forwarding note
15.	Ext. P36	Property list
16.	Ext. P37	RFSL Report
17.	Ext. P38	Section adding report
18.	Ext. P39	Report for adding the exact time

40. PW25 S. Ramesh stated that he belonged to Arimalam of Puthukotta District and he happens to be the elder brother of deceased Maheshwari. At the time of marriage of Maheshwari, he was also present in the house and he had been responsible for the marriage function. At the time of marriage, the relatives had fetched 10 sovereigns of gold ornaments for the beloved sister and while she set off to Thrissur, four sovereigns had been left in the house and six sovereigns she took to Thrissur. The witness stated that he was in a position to identify the six sovereigns of gold ornaments, as he had managed to purchase all of them. He described each and every gold ornament and identified the MO1 chain with locket, MO2 another gold chain of spiral fashion, MO3 jimiki stud and MO4 ring. He knows Palani Swami, who is a near relative of him as well. While police arrested, Palani Swami had been working in a bakery in Trichy and he had immersed his both hands to boiling oil and did have scald injuries on both his hands.

Reliability of the witnesses.

The PW1

41. The witnesses whose credibility has been assailed would include,

principally, the PW1 Shankarankutty. It may be true that there are no records produced by the prosecution to show that he had been working as a security guard in the apartments. But that itself is not a reason to disbelieve him. More particularly, none of the accused persons have even alleged that this witness has a reason to falsely testify against the accused persons. In fact, the accused persons are unknown to him and for this reason itself, he stands on a high pedestal in the diction of credibility.

42. When cross examined the witness states that he had been into night duty for the past seven years. He gives description of the other persons residing in the four inhabited flats, apart from the other flats which are unoccupied. The details of the residents are kept by Mr. Ranjith Menon, examined as PW6. By about 06.30, he had collected the dresses in a stick and deposited them in front of the flat, over the scooter kept there. When cross examined by the accused no. 2, his version is that Sasi Kumar initially complained to him that even if the calling bell rang, it did not open. The witness states that he had deposed to the police that the man was seen ringing the bell, but not about knocking on the door. With respect to these minute details, there may be some difference naturally expected when the witness is testifying after this length of a time. According to the witness, the man went inside the flat and came out crying aloud. Ranjith Menon and himself had looked into the flat and they saw a lady lay there. The witness Sasikumar had stated, while crying aloud, that ₹ 9,00,000 had been lost. But this is not seen included in the statement given to the police, and this omission cannot be stated to be something very material, considering the whole factual matrix he deposed before the court, and more so, in the light of the fact that there are no reasons put forth by the defence to place disbelief on him.

The PW6 Owner

43. As in the case of PW1, the PW6 also does not seem to have any reason to lie against these accused persons or in favour of the prosecution. He owns an apartment in the flat building and deposes about the residence of Sasikumar as well as deceased Maheshwari in the apartment number G3. In the cross examination he states that the rent arrangement was with Manivannan (PW11), the employer of Sasikumar and the ID card of the staff had been produced there. There is no visitor's register kept there, and probably it may be against the usual practices, but it has to be seen that the building is comparatively a small one and meticulous observation of the rules prevailing may not be expected there. Even while the same cannot be stated to be very much legal, that may not go to disturb their general credibility. In the cross-examination, he stated that he came to know about the incident at the time when PW1 Sankarankutty, the security guard, informed him about the same. The witness states in the box that Sasikumar had not told him that he did not come across any doubtful person around at the time when he arrived. But when this particular portion in his S.161 statement had been contradicted to him, he, with respect to the other witnesses as well, answered as follows. "അപ്രകാരം കാരണങ്ങളിൽ സ്വാഭാവികമായി ഞാൻ പറഞ്ഞതായിരിക്കും. ഇത്രയും വർഷമായില്ലേ" He states that after this length of a time, certain differences may be expected in his statement also. Therefore, it cannot be concluded that there is anything telling against his general veracity.

The other witnesses

44. There exists no suggestion from the side of the accused persons challenging their credibility on any specific reason that they hold some interest over the matter.

45. Bindu, the PW8, who initially identified the gold ornaments is also

assailed as uncreditworthy by the defence. In the cross-examination, she stated that both her husband as well as Sasikumar had been thick friends and thereby these two ladies got acquainted with each other. She explained that the husband of deceased Maheshwari could not be secured initially by the prosecution, but later on he was traced and was produced before the court. Her version is also challenged as uncreditworthy that she liked gold ornaments, and even though it was difficult for her to speak about the models, she could generally speak about the same. Her conduct does not show that there existed anything to disbelieve her version. Maybe the model and all other details she may not be able to specify before the court, but she had a flair towards gold ornaments, like other Indian women, and her version seems to be creditworthy. No abnormal conduct is revealed from her versions. With respect to the reliability of her identification, there will be separate discussion.

46. Sasikumar, PW12, and the husband of deceased Maheshwari was also under challenge as a witness on whom reliance cannot be placed. Even though it is alleged that accused no. 1 Palani Swami is his relative, and also a person residing in the neighbourhood, there is no suggestion from the side of accused no. 1 that for such and such reason, he should lie against the accused persons. The chief challenge is with respect to identification he has made, which shall be discussed later on. With respect to credibility of this witness, there has not been any such suggestions from the side of any of the accused to the diction that the witnesses are not reliable.

47. Thus, to conclude, the defence has not been successful in canvassing that any of the witnesses examined here touching the circumstances the prosecution wishes to bring home, has been unreliable or that any part of their testimony is unworthy of credit being placed on it.

Circumstantial evidence.

48. This is a case where circumstantial evidence alone is tendered by the prosecution. Going by the final report that has been produced, no witness has been cited to have seen the actual incident. There are no witnesses cited to show that the assailant had entered the premises even. The scheme of evidence tendered shows that at the time when the incident occurred, the assailing or even entry of the assailant did come to anybody's notice and the fact of the assailing happened in secrecy. There is mention that the husband Sasikumar had given instruction to the wife that she should be careful about the persons trying to secure entry to the home. However, the accused is revealed to be a relative and an acquaintance of the husband, Sasikumar, examined as PW12.

49. However, with respect to such an instruction given to his wife, Sasikumar did not speak anything in the box. According to him, the accused Palani Swami had been residing in the neighbourhood for quite a long time and had been an acquaintance. His complaint to the security guard had been that even though he rang the bell, there was no response from inside and the security guard came there in order to help him. When the security guard set out in search of a torch, he managed to open the door to find that his wife lay slayed.

50. The main piece of evidence, therefore, against the accused person had been that of the recovery of the gold ornaments from the possession of accused Palani Swami and further, the money from accused no. 2 Farook. There are other attendant circumstances as well, in support of the Prosecution case. In the light of these circumstances which are to be discussed one by one, the Court has to come to a conclusion as to whether these circumstances are

of the sort that will go to afford a conclusion that there was murder followed by robbery of his wife at the hands of accused no. 1.

Circumstantial evidence - The founding principles

51. In 1952, in **Hanumant v. State of Madhya Pradesh MANU/SC/0037/1952 : (1952) 2 SCC 71**, the Hon'ble Apex court laid down the basic principles involved in appreciation of Evidence In cases involving circumstantial evidence as follows.

“It is well to remember that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should in the first instance be fully established, and all the facts so established should be consistent only with the hypothesis of the guilt of the Accused. Again, the circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the Accused and it must be such as to show that within all human probability the act must have been done by the Accused.”

52. **Rajesh and Ors. vs. The State of Madhya Pradesh MANU/SC/1040/2023**

Is a recent case where the legal principles have been reiterated, adverting to the case law till then.

*“In a case resting on circumstantial evidence, the prosecution must establish a chain of unbroken events unerringly pointing to the guilt of the Accused and none other [See **C. Chenga Reddy***

and Ors. v. State of A.P. MANU/SC/0928/1996 : (1996) 10 SCC 193, Ramreddy Rajesh Khanna Reddy v. State of A.P. MANU/SC/8070/2006 : (2006) 10 SCC 172, Majenderan Langeswaran v. State (NCT of Delhi) and Anr. MANU/SC/0631/2013 : (2013) 7 SCC 192 and Sharad Birdhichand Sarda v. State of Maharashtra MANU/SC/0111/1984 : (1984) 4 SCC 116].”

53. Having in mind these broad principles, the endeavour of the court should be in the diction of ascertaining each circumstance and appreciating them in the touchstone of the logic mentioned.

The cause of death.

54. There is not much dispute with respect to the cause of death. The post mortem certificate marked as Exhibit P6 is eloquent enough to speak about the cause of death as the incised wounds she had suffered. The Forensic Surgeon has given a definite opinion in the box that the deceased died due to multiple injuries sustained to the neck and trunk. The injuries numbers 2 to 25 are likely to be caused by a sharp edged weapon like a knife and the first injury can be caused by forceful contact with a hard rough and blunt surface to her. This is a case where the weapon could not be recovered by the prosecution.

The non-recovery of the weapon.

55. As it has been said earlier, this is a case based on circumstantial evidence alone and therefore there has been an argument advanced that non-recovery of the weapon employed in the murder is fatal to the prosecution case. Of course there is no ocular evidence available. For the mere reason that the recovery of the weapon had not been there, in the light of the explanation by the Investigating Officer that the accused, when arrested, could not recollect

at which point he had hurled away the weapon as well as blood stained clothes, whether the prosecution case is fatally affected has to be gone into. The case law on the subject has got to be examined therefore.

The case law on the point.

56. There is no inflexible rule that non-recovery of a weapon, especially in cases resting on circumstantial evidence, is fatal to the prosecution case. **In Ram Singh vs. The State of U.P (21.02.2024 - SC) : MANU/SC/0125/2024**, it was held as follows.

"29. Thus, what can be deduced from the above is that by itself non-recovery of the weapon of crime would not be fatal to the prosecution case. When there is such non-recovery, there would be no question of linking the empty cartridges and pellets seized during investigation with the weapon allegedly used in the crime. "

57. In **Nankaunoo vs. State of U.P (19.01.2016 - SC) : MANU/SC/0047/2016**, The position of law has been expounded as follows.

"From the aforesaid, it is clear that the absence of recovery of the weapons of assault would not weaken the case of the prosecution in the presence of other evidence on record that is found reliable."

58. This judgment had been relied on by the Hon'ble Apex Court in **Ghanshyam Mandal and Ors. vs. The State of Bihar (Now Jharkhand) (25.02.2026 - SC) : MANU/SC/0189/202650**. Also, in **Manjit Singh vs. The State of Punjab (03.09.2019 - SC) : MANU/SC/1195/2019**, The position of law gets explained as follows.

"Mere non-recovery of 'kirch' is not by itself of any consequence once his participation in giving exhortation and causing assault is established."

59. Therefore, the real test involved is whether there exists other unimpeachable evidence before the court and whether the non-recovery of the weapon goes to create any shadow of doubt on such evidence. If the former is answered in the positive and the latter is answered in the negative, the evidence shall have to be accepted as sufficient to book the accused.

The recovery of Stolen Articles

60. Scanning the prosecution evidence tendered, recoveries are twofold in number, one concerning the accused no. 1, who was arrested in a hospital while he was being admitted for treatment of scalds. The case of the prosecution is that the disclosure statement of accused no. 1 enabled the recovery of the gold articles which were robbed away from the body of the deceased Maheshwari. The second one is from accused no. 2 and that related to the money that was stolen from the premises. The case of the prosecution is that the accused no. 2 received the stolen money knowing well that the same had been Stolen/robbed by the accused no. 1 from the deceased Maheshwari.

61. In **Anter Singh vs. State of Rajasthan (05.02.2004 - SC) : MANU/SC/0096/2004**, The Hon'ble Apex Court laid down the basic requirements of a disclosure statement leading to recovery of an important fact, described as follows.

"16. The various requirements of the Section can be summed up as follows:

(1) The fact of which evidence is sought to be given must be

relevant to the issue. It must be borne in mind that the provision has nothing to do with the question of relevancy. The relevancy of the fact discovered must be established according to the prescriptions relating to relevancy of other evidence connecting it with the crime in order to make the fact discovered admissible.

(2) The fact must have been discovered.

(3) The discovery must have been in consequence of some information received from the accused and not by the accused's own act.

(4) The persons giving the information must be accused of any offence.

(5) He must be in the custody of a police officer.

(6) The discovery of a fact in consequence of information received from an accused in custody must be deposed to.

(7) Thereupon only that portion of the information which relates distinctly or strictly to the fact discovered can be proved. The rest is inadmissible.

62. In the light of these basic principles, the first recovery of gold ornaments effected will have to be examined. The extract of the confession statement, marked Exhibit P28, contains the following text. "സ്വർണ്ണമാലകളും കമ്മലുകളും മോതിരവും ലോക്കറ്റും ഞാൻ എന്റെ കല്ലാർ തെരുവിൽ ഉള്ള വീടിന് അകത്ത് ഇട്ടിരിക്കുന്ന ടി .വി സ്റ്റാന്റിന്റെ അടിയിലെ തട്ടിൽ ഒരു ചെറിയ പേഴ്സിലാക്കി കടലാസിനടിയിൽ വെച്ചിട്ടുണ്ട്" This description given by the accused is specific enough, and there is no suggestion even that this particular knowledge had

been within the perception of any other person than the accused at any point of time until the confession had been made. Proceeding with the witnesses, the Investigating Officer reached the house number 45A of Kulathur Kallartheruv at 13.00 hours on the specific day and by the western wall of the house's living room, there was a TV stand, and the last platform of it, when lifted, revealed a small purse containing the MO2 Gold chain, MO1 another gold chain with locket, MO4 small ring and MO3 is jimiki ear stud. Exhibit P19 was prepared then and there, signed by independent witnesses.

63. PW20 Murukan is the witness to have deposed about the recovery of the gold ornaments. He mentions about the near relationship between Sasikumar and Palani Swami. Palani Swami, in fact, is the paternal cousin of Sasikumar. He states that he had signed the Exhibit P19. A TV stand was there and the platform of it was covered with a paper in a small purse MO5 where it was inscribed Kalyan Jewellery in which the gold was kept was found. When cross-examined, the witness stated about the particular house from where the recovery was effected. According to him, he had described about the inscriptions on the MO5 purse to the police. If he is not sure about the same, at this length of time while testifying before the court, it cannot be stated that the same is telling against his veracity.

64. Therefore, the disclosure statement as well as the discovery of the fact that the accused No 1 was found to be in possession of the gold ornaments stand proved. There are no reasons put forth by the defense to show that the particular recovery witness did have any reason to be belligerent with the accused no. 1. Also, no logical improbability is brought about in his diction before the court. In such circumstances, the deposition of the Investigation Officer that he had discovered this important fact subsequently to the

disclosure statement, as well as the clear and specific statement of the recovery witness shall have to be believed. Now what remains is whether these gold ornaments have been proved to be belonging to the deceased person by name Maheshwari.

Identification of the gold ornaments.

65. Principally, the identification came from the husband of the deceased. PW12 Sasikumar, when the gold ornaments were shown, he identified the MO1 to MO4 gold ornaments, describing each one by one, and stated that all of them belonged to his deceased wife Maheshwari, who was found dead on the fatal day after he returned from his job. He also testified about the near relation with Palani Swami, even though he did not mention about the blood relation, and he identified Palani Swami in the box as well. Even though the witness was tendered in cross-examination, no substantial challenge had been there to the identification that he made. He admitted that he did not mention all specifications with respect to the gold ornaments robbed off at the time when he gave statements to the police. Soon after the death, his state of mind is perceivable and going into too much minute details of the gold ornaments is not expected of such a witness at such a time of distress. Where the same suggestion that the gold ornaments did not belong to his wife was repeated, he stated that he was damn sure about two of the gold ornaments - the MO1-Thali Chain and MO3-Jimiki. Pointing out this aspect, it was argued that the identification he made is not believable. The situation has to be viewed with practicality and as a person who was not using or wearing the gold ornaments as such, his clarity about the gold ornaments, he limited to two of the same and that only shows his honesty.

66. PW8 Bindu is yet another witness to confirm that the gold ornaments

belonged to deceased Maheshwari. She explained how he gathered the knowledge and as members of the woman folk - close to each other, if one of such friends is very much sure about the identity of the gold ornament that Maheshwari was wearing at the time when she died, there is no reason to disbelieve this witness. The defence points out that the identification made by this witness should not be believed, especially when the husband limited the clarity of vision with respect to two of the gold ornaments alone. This is based on the sensibility of Indian women in identifying gold ornaments and that has got historical sanctions. The identification made by Bindu is explicable in that perspective, and her identification confirms the identity of the gold ornaments.

67. Added to that, there is a version of the brother of the deceased Maheshwari, PW26 Ramesh. He confirms each and every gold ornaments as belonged to Maheshwari, presented by the family to her at the time of marriage. Even though he does not own the gold and is not a woman to have identified the gold ornaments with precision, it should not be lost sight of that he had been conducting the marriage and he was purchasing the gold ornaments for his sister. In such circumstances, it is believable that this witness identified the gold ornaments in the court. His identification is not shown to be untrustworthy for any grounds.

68. In such circumstances, there is ample and more evidence to confirm the identity of the MO1 to MO4 gold ornaments that they belonged to deceased Maheshwari and that had been found from the possession of the accused no. 1 on 01.08.2013.

The recovery of money.

69. The second aspect is the recovery of money from the possession of the accused no. 2, who allegedly received the same on belief and on knowledge

that the same is stolen/robbed property, handed over by accused no. 1. The Investigating Officer had been arresting the accused no. 2 on the basis of the confession statement given by accused no. 1 and consequent to the same, he gave a confession statement Ext. P31 as follows. "രൂപ ഞാൻ എന്റെ ഭാര്യയുടെ ചേച്ചി താമസിക്കുന്ന ശിവഗംഗ കുന്തരക്കുടിയിലെ വീട്ടിൽ കൊണ്ടുപോയി വെച്ചിട്ടുണ്ട് . എന്നെ കൂട്ടികൊണ്ടുപോയാൽ ശിവഗംഗ കുന്തരക്കുടിയിലുള്ള ഭാര്യയുടെ ചേച്ചിയുടെ വീടു കാണിച്ചു തന്ന് രൂപ ഞാൻ എടുത്തു തരാം" Unlike the first extract of the confession statement, this statement is not specific with respect to the particular location where the amount has been kept concealed. It just mentions that the money is kept in a particular house. On 01.08.2013 at 15.00 hours, the police party had been moving to the house number 795/699 of Kuntharakudi Village and by the side of the eastern wall, from behind a wooden platform, a yellow coloured polythene cover was being handed over by the accused, containing the amount of money. The denomination has been mentioned in the mahazar prepared, according to the Investigating Officer.

70. PW21 Muthu is the civil witness to have signed the mahazar and he is a near relative of the deceased as well as the accused no. 1. He admits his signature in Exhibit P12 and the fact of recovery is also mentioned by him. In the cross-examination, he has stated that at the time of handing over the money there were 4 or 5 persons only. Also when the amount was recovered, in the mahazar the denomination of every currency note had been mentioned. However as the amount involved is currency notes, there is no guarantee that the same amount that was robbed had been recovered from the possession of accused no. 1. Apart from the fact that a specified amount of money was lost, the witnesses were not in a position to speak anything about the denomination of the money that PW1 had been keeping there.

Authorship of Concealment

71. Also the authorship of concealment is dubious in this case. First of all the confession statement is itself a very vague one and he does not state the precise place where the amount had been kept concealed. In fact there is no statement that the money had been kept at a place inside the house which had not been accessible to any person. The statement in the mahazar as well as in the oral evidence tendered would go to afford a conclusion equally that the amount had been kept in a yellow plastic cover which had been to the view of a person who was in the habit of observation. There was no amount of concealment seen disclosed in this case. Therefore, it cannot be concluded that it was the same money that was recovered from the possession of the accused no. 2 also.

72. With respect to authorship of concealment, the position of law has been explained in **Ramanand vs. State of Uttar Pradesh : MANU/SC/1324/2022** as follows

"68. What emerges from the evidence of the investigating officer is that the Accused Appellant stated before him while he was in custody, "I may get discovered the murder weapon used in the incident". This statement does not indicate or suggest that the Accused Appellant indicated anything about his involvement in the concealment of the weapon. It is a vague statement. Mere discovery cannot be interpreted as sufficient to infer authorship of concealment by the person who discovered the weapon. He could have derived knowledge of the existence of that weapon at the place through some other source also. He might have even

seen somebody concealing the weapon, and, therefore, it cannot be presumed or inferred that because a person discovered the weapon, he was the person who had concealed it, least it can be presumed that he used it. Therefore, even if discovery by the Appellant is accepted, what emerges from the substantive evidence as regards the discovery of weapon is that the Appellant disclosed that he would show the weapon used in the commission of offence."

73. Therefore, it cannot be concluded that the recovery at the instance of the disclosure statement allegedly given by accused no. 2 can be admitted in evidence and used against accused no. 2 to find guilt. At the same time, it has to be seen that the evidence tendered in this case is sufficient to show that gold as well as money had been robbed from the house of PW12, after Maheshwari was found dead.

Lack of Explanation from the side of accused no. 1.

74. While cross examining the witnesses concerned, the accused no. 1 has not given any explanation either in his cross examination or in his statement under Section 313 CrPC, that he had some explanation to offer with respect to the possession of gold ornaments found with him. His case throughout is that there has not been a recovery at his instance and no recovery can be used against him. There is a general defence taken that he has no connection with the house from where the recovery had been effected. But that is not sufficient in the factual scenario of the case, because there is no explanation as to why the exact gold ornaments looted were unveiled as per his disclosure statement.

Relevancy of the recovery against accused no. 1

75. It is already concluded that the stolen/robbed gold ornaments have been recovered from the possession of accused no. 1. The recovery has been effected on the fifth day of the incident of robbery. What should be the relevance of this recovery has to be discussed right now.

76. **In Gulab Chand vs. State of Madhya Pradesh (28.03.1995 - SC) : MANU/SC/0304/1995**, advertng to this position of law, the Hon'ble Apex Court has held the principles applicable as follows.

"It is true that simply on the recovery of stolen articles, no inference can be drawn that a person in possession of the stolen articles is guilty of the offence of murder and robbery. But culpability for the aforesaid offences will depend on the facts and circumstances of the case and the nature of evidence adduced."

77. **In Santhanakrishnan v. State of Rajasthan MANU/SC/0085/1952 : AIR1956SC54**, it has been held that no hard and fast rule can be laid down as to what inference should be drawn from certain circumstances. It has also been indicated that where only evidence against the accused is recovery of stolen properties, then although the circumstances may indicate that the theft and murder might have been committed at the same time, it is not safe to draw an inference that the person in possession of the stolen property had committed the murder. In the above case, the judgment in **Tulsiram v. State MANU/SC/0076/1951 : AIR1954SC1** was relied upon.

78. The presumption permitted to be drawn under Section 114, illustration (a) of the Evidence Act has to be read along with the 'important time factor'. It

has been observed that If the ornaments in possession of the deceased are found in possession of a person soon after the murder, a presumption of guilt may be permitted. But if several months had expired in the interval, the presumption cannot be permitted to be drawn having regard to the circumstances of the case.

79. The test relating to time factor had been applied in the earlier-discussed judgment **Gulab Chand vs. State of Madhya Pradesh (28.03.1995 - SC) : MANU/SC/0304/1995** and it was observed as follows.

"In the instant case, it has been established that immediately on the next day of the murder, the accused Gulab Chand had sold some of the ornaments belonging to the deceased and within 3-4 days, the recovery of the said stolen articles was made from his house, at the instance of the accused. Such close proximity of the recovery, which has been indicated by this Court as an "important time factor", should not be lost sight of in deciding the present case."

80. In **Earabharappa v. State of Karnataka : 1983CriLJ846**, the Hon'ble Apex Court has held that the nature of the presumption and illustration (a) under Section 114 of the Evidence Act must depend upon the nature of evidence adduced. No fixed time limit can be laid down to determine whether possession is recent or otherwise and each case must be judged on its own facts. The question as to what amounts to recent possession sufficient to justify the presumption of guilt varies according as the stolen article is or is not calculated to pass readily from hand to hand. If the stolen articles were such as were not likely to pass readily from hand to hand, the period of one year that elapsed cannot be said to be too long particularly when the appellant had

been absconding during that period.

81. The Hon'ble High Court of Kerala has also expressed its opinion in the same lines in **Ansar vs. State of Kerala MANU/KE/4781/2019**, as follows.

"On evaluation of the entire evidence, we find that the trial court had considered all the material aspects correctly and entered a finding that the appellant was responsible for the murder of Fathima as alleged. It is also clear that the murder was for gain because gold ornaments worn by the deceased at the time of her death were recovered from the possession of appellant and he had no explanation as to how those articles came to his possession. Although a suggestion was put to the witnesses who proved recovery of gold ornaments from the appellant that the ornaments belonged to women folk in his family, there is no material produced to accept that contention. It is also clear that he committed murder of Fathima by criminally trespassing into the house with an intention to commit the heinous offence. Therefore, we find that the conviction of the appellant for offences under Sections 449, 392 and 302 IPC is legal and sustainable."

The Time factor

82. In deciding the time factor applicable in attracting the presumption under Section 114(a) of the Evidence Act, the following circumstances emerging shall have to be had in mind.

1. The accused, who is a near relative, had been absent soon after the incident, and he had retraced to his hometown.

2. His subsequent conduct, in the circumstances to be explained now, had been dubious.
3. The gold ornaments involved had included a thali chain, and all other gold ornaments had been very personal ornaments of the deceased lady, and its identity is proved beyond any reasonable doubt.
4. The thali chain, in the ordinary course, is not expected to be passed from hands to hands.
5. At any rate, the accused had been arrested and the recovery had been effected on the fifth day of the incident from Tamil Nadu.
6. Above all, the accused never had any sort of explanation to offer for the possession of these gold ornaments.

83. In such circumstances, the recovery of the gold ornaments from the accused no. 1 on the fifth day of the incident shall raise a presumption that this particular accused had been committing the act of robbery and the murder. The nature of the incident very well discloses that it was in the course of robbery that murder had occurred, or in other words, both robbery as well as murder had been committed as integral parts of the same transaction. Therefore, a presumption arises that the accused should be held guilty of the offences of murder as well as robbery of the deceased Maheshwari.

The subsequent conduct of accused no. 1.

84. The case of the prosecution is that in order to destroy the evidence, the accused no. 1 had been immersing his hands in a boiling liquid and scalds resulted from such immersing, rendering it impossible to get fingerprints from most parts of the fingers. Therefore, chance prints lifted could not be compared with the finger impressions of the accused no. 1.

85. It is the case of the accused that the same had been the result of an

accident and he had not been present at the place of incident at any rate. No witnesses have been examined to show that such an act had been a deliberate one, nor does there exist any such circumstances to think so. Therefore, it cannot be presumed that the accused had been deliberately doing the same. There is proof that the accused no. 1 had been working in a bakery and having burn injuries, on both the hands is more or less a professional hazard. Even while it is not proved that the same had been deliberate and determinate, the fact remains that the accused had both his hands immersed in some hot liquid so that scalds occurred on both the hands are proved in this case. This can be taken to be a subsequent conduct of the accused, which is dubious in nature.

The defence in the statement under Section 313 CrPC.

86. There is a defence taken by the accused in his statement under Section 313 CrPC that had his mobile phone and the sim card obtained been subjected to scrutiny by calling for the call detail records including location status, it would have been proved that he had not been present in the locality at the precise time when the offence is alleged to have happened. First of all, the same is only proof that the device, and not the person, had been present in a location. Also, when the Investigating Officer was examined, he explained that the mobile phone was in a switched-off position and therefore the location details could not be obtained. He did not find it a point to call for such details.

The Circumstances Emerging.

1. That the deceased Maheshwari died of stab injuries received on her body, while she was alone in her apartment on 27.07.2013, as seen by her husband PW12 Sasikumar who opened the door at 09.00 a.m, followed by the night watchman PW1 and the apartment manager PW6.

2. That the specified gold ornaments MO1 to MO4 she had been wearing as well as money of about more than 8 lacs were found missing, and the door had not been bolted.
3. That these gold ornaments had been presented to her at the time of her marriage by her family members including her brother, examined as PW26.
4. That the husband of deceased Maheshwari used to keep money he had collected as collecting agent of a financier in his house and the deceased Maheshwari had every reason to be concerned about its and her safety.
5. The accused no. 1, Palani Swami, happens to be a close relative of the husband of deceased Maheshwari and he had been residing nearby. The deceased Maheshwari had been familiar with him.
6. That soon after the death of deceased Maheshwari, the accused who had gone to his native place, had suffered scalds to his both palms in such a way that the fingerprints may not be obtained, by immersing his hands in the boiling hot liquid, and this subsequent conduct is very much dubious, even though there is no proof that the same had been done in a deliberate manner.
7. That, he had been working in a bakery and even though there is defence that he suffered the scalds during his employment, there is no reason revealed as to why the scalds should cover the entire palm area of both hands.
8. That, he had been treated for the same in Trichy Medical College and while so, he was arrested on 01.08.2013 by the Investigating Officer of the case.
9. That, even though the arrest was made while he was being treated in the medical college as an inpatient, the accused had been in custody and

while so, he gave a confession statement that the gold ornaments had been kept concealed by him at a specified place. Upon such confession, the Investigating Officer proceeded to the spot and recovered the gold ornaments, Marked MO1 to MO4.

10. That these gold ornaments have been properly identified as the gold ornaments which the lady had been wearing at the time when she died.

11. That the circumstances of the case show that the murder as well as robbery of the gold ornaments had been part of the same transaction and formed a single transaction.

12. That the accused no. 1 did never have, throughout the trial, any explanation to offer for the possession of MO1 to MO4 gold ornaments.

The Circumstances Analysed.

87. When these circumstances are analyzed, the one and only conclusion that is possible is that the accused person should have, in all probability, trespassed into the Apartment No. G3 and committed the brutal assaults on the lady by name Maheshwari to rob the gold properties Marked MO1 to MO4. The above-said facts proved would constitute a chain of events so fully well that there exists no missing links and every hypothesis but the one proposed, that is the guilt of the accused, stands ruled out. What is proved is that the accused should have, in all probability, committed the offences alleged, as the offences alleged are integrally interconnected to each other, and all other circumstances are fully well established, the conclusion should be that the accused trespassed into the house in order to commit the offence of robbery and should have committed the offence of murder during the course of robbery. To put it otherwise, there is a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused. Within all human probability, the act must

have been done by the accused no 1 himself.

With respect to accused no. 2.

88. The accused no. 2 is charged with an offence under Section 411 of the Indian Penal Code, and as this court has already observed supra, there is dearth of evidence to show that this particular accused had been receiving the money with necessary knowledge. Also, it is not established that the same money that was lost from the premises had been found with the accused no. 2. Also, the recovery has its own inherent infirmities to suffer, as discussed supra. In such circumstances, the accused no. 2 should be found not guilty of the offences under Section 411 IPC.

The findings.

89. The irresistible finding from the conclusion arrived at is that the accused No 1 had trespassed into the G3 apartment on the precise day, brutally attacked the deceased Maheshwari in the course of committing robbery of her gold ornaments as well as money kept there, and the deceased Maheshwari died due to the brutal injuries she suffered in the attack. Naturally, the offences proved are under Section 302 IPC, 397 IPC, and 449 of the Indian Penal Code. As it has not been clear that a deliberate attempt had been there in getting both the hands burned, so as to cause disappearance of evidence, the offence under Section 201 of the IPC shall not lie against the accused person No 1. As against the accused no. 2, the offence under Section 411 IPC does not stand proved.

90. The points 1 to 5 are found accordingly.

Conviction / Acquittal.

91. In the result, u/s 235 CrPC the accused no. 1 is convicted of the offences

under Section 302 IPC, 397 IPC, and 449 of IPC and stands acquitted of the offences under Section 201 IPC. The accused no. 2 is acquitted of the offences under Section 411 IPC. Bail Bond of Accused are cancelled. The Gold shall be returned to the PW12 and with respect to the money, the interim order is made absolute. Other properties, being valueless by now, shall be destroyed.

(Dictated to the appropriate dictation software, corrected by me and pronounced in open court on the 13th day of May, 2026).

Sd/-

K. KAMANEEES
I ADDL. SESSIONS JUDGE, THRISSUR

Hearing on sentence

92. The accused person 1 was questioned generally on the sentence to be imposed. Accused No.1 submits that he has to support his wife and two daughters and he is the sole income bearer. He has no previous conviction and no sentence has ever been imposed on him, as the records reveal.

93. The conviction under Section 302 IPC permits only two options, one being of the exceptional capital nature and other being life imprisonment. The accused person is responsible for the death of a young woman on account of his greed. In this case, the Learned Prosecutor points out that this is an exceptional circumstance.

The Aggravating / Mitigating Circumstances

94. Obviously, the nature of the murder is an aggravating circumstance. Even though it is submitted by the prosecution that the accused had some criminal antecedents, no prior conviction is proved against them. Also, with respect to the statement that the accused have family members to extend support, the same cannot be taken to be a mitigating circumstance.

95. It is argued by the prosecution that the brutal manner in which the murder was executed shows that the accused had been very much towards slaying of the woman in order to commit theft/robbery. This definitely can be taken as an aggravating circumstance. Lack of a track record, that the accused is presently disabled with his both palms are all mitigated circumstances as well. Also, the conviction is based on circumstantial evidence.

Rarest of the rare?

96. The constitutional parameters prescribed by the Apex/Higher Court alone should be the concern in fixing the standard and there is no scope for an emotional fervour. Hon'ble Apex Court calls for sense to prevail, while

evaluating the rarest of the rare cases, as held in **Bachan Singh vs. State of Punjab** MANU/SC/0055/1982.

“116. It is, therefore, imperative to voice the concern that courts, aided by the broad illustrative guidelines indicated by us, will discharge the onerous function with evermore scrupulous care and humane concern, directed along the highroad of legislative policy outlined in Section 354(3), viz, that for persons convicted of murder, life imprisonment is the rule and death sentence an exception. A real and abiding concern for the dignity of 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.”

97. Nature and contents of the dictum has been discussed and enunciated in **Santosh Kumar Satishbhusan Bariyar and Ors. vs. State of Maharashtra** MANU/SC/0801/2009 in the following words by the Honorable apex court.

“63. An analytical reading of this formulation would reveal it to be an authoritative negative precept. "Rarest of rare cases" is an exceptionally narrow opening provided in the domain of this negative precept. This opening is also qualified by another condition in form of "when the alternative option is unquestionably foreclosed". Thus, in essence, rarest of rare dictum imposes a wide-ranging embargo on award of death punishment, which can only be revoked if the facts of the case successfully satisfy double qualification enumerated below: that the case belongs to the rarest of rare category and the alternative option of life imprisonment will just not suffice in

the facts of the case.”

98. In **Shankar Kisanrao Khade v. State of Maharashtra** MANU/SC/0476/2013 : (2013) 5 SCC 546 the Honble Apex Court looked at the manner in which the aggravating and mitigating circumstances are to be weighed and how the rarest of rare test is to be applied while awarding death sentence and held thus:

"52. Aggravating circumstances as pointed out above, of course, are not exhaustive so also the mitigating circumstances. In my considered view, the tests that we have to apply, while awarding death sentence are "crime test", "criminal test" and the "R-R test" and not the "balancing test". To award death sentence, the "crime test" has to be fully satisfied, that is, 100% and "criminal test" 0%, that is, no mitigating circumstance favouring the Accused. If there is any circumstance favouring the Accused, like lack of intention to commit the crime, possibility of reformation, young age of the Accused, not a menace to the society, no previous track record, etc. the "criminal test" may favour the Accused to avoid the capital punishment. Even if both the tests are satisfied, that is, the aggravating circumstances to the fullest extent and no mitigating circumstances favouring the Accused, still we have to apply finally the rarest of the rare case test (R-R test). R-R test depends upon the perception of the society that is "society-centric" and not "Judge-centric", that is, whether the society will approve the awarding of death sentence to certain types of crimes or not. While applying that test, the court has to look into variety of factors like society's abhorrence, extreme

indignation and antipathy to certain types of crimes like sexual assault and murder of intellectually challenged minor girls, suffering from physical disability, old and infirm women with those disabilities, etc. Examples are only illustrative and not exhaustive. The courts award death sentence since situation demands so, due to constitutional compulsion, reflected by the will of the people and not the will of the Judges."

99. This decision has been relied on in **Chhannu Lal Verma vs. The State of Chhattisgarh MANU/SC/1352/2018**. In the present case, there is nothing to suggest that the alternative option of life imprisonment will not suffice in the facts of the case. Also, there is no proof of any sexual assault. The accused has no track record as that of a criminal. Therefore the case does not fall within the category of rarest of the rare analysing the facts of the case. There is no evidence to show that this is a case of exceptional nature falling within purview of the rarest of the rare doctrine.

Finding on sentence

100. It follows that the accused person 1 be sentenced to life imprisonment under section 302 IPC. Added to that, he shall also be sentenced to pay a fine of Rs.5,00,000/- (Rupees Five Lakhs Only), which in the event of realisation, shall be released to husband Sasikumar (PW12). Set off is his right, which he claimed while questioning on sentence, and that shall be allowed. The accused person 1 wanted his sentence to run concurrently, and there are no reasons to deny this general rule to follow in this case.

101. Considering the circumstances mentioned above and the proportionality principles, I find that the following sentences can be awarded to the accused person 1 under the respective sections.

Table 2

Accused No	Section of law -(IPC)	Substantive sentence	Fine	Default sentence	Remark
1	302 IPC	Rigorous Imprisonment for Life	Rs.5,00,000/-	R I for One year	To be given to PW12 as Compensation
1	397 IPC	Rigorous Imprisonment for 7 years	Rs.3,00,000	R I for One year	
1	449 IPC	Rigorous Imprisonment for 5 years	Rs.1,00,000/-	R I for Six months	

Sentences Imposed

102. In the result, the accused person 1 is sentenced as follows.

1. The accused person 1 is sentenced to undergo rigorous imprisonment for life under section 302 IPC and to pay a fine of Rs.5,00,000/- (Rupees Five Lakhs Only) or in default, to undergo rigorous imprisonment for a further period of one year.
2. The accused person 1 is sentenced to undergo rigorous imprisonment for 7 years under section 397 IPC and to pay a fine of Rs.3,00,000/- (Rupees Three Lakhs Only) each or in default, to undergo rigorous imprisonment for a further period of one year.
3. The accused person 1 is sentenced to undergo rigorous imprisonment for 5 years under section 449 IPC and to pay a fine of Rs.1,00,000/- (Rupees One Lakh Only) each or in default, to undergo rigorous imprisonment for a further period of six months.
4. The fine amount u/s 302 IPC, if realised, shall be given by way of compensation to the PW12 Sasikumar.

5. The accused person 1 shall be entitled to set off. The sentences shall run concurrently.

(Dictated to the appropriate dictation software, corrected by me and pronounced in open court on the 16th day of May, 2026).

Sd/-

K. KAMANEES
I ADDL. SESSIONS JUDGE, THRISSUR

APPENDIX

Prosecution witnesses:

PW1	-	30.12.2024	-	K. V. Sankarankutty	CW4
PW2	-	01.01.2025	-	Sindhu Manojkumar	CW19
PW3	-	01.01.2025	-	Radhakrishnan. T	CW22
PW4	-	03.01.2025	-	Sony. K. T	CW27
PW5	-	03.01.2025	-	Babu Thattil. P	CW31
PW6	-	03.01.2025	-	Ranjith. J. Menon	CW5
PW7	-	16.01.2025	-	Roy. P. J	CW2
PW8	-	26.05.2025	-	Bindu	CW12
PW9	-	26.05.2025	-	Rajesh	CW14
PW10	-	26.05.2025	-	Benley Nornha	CW15
PW11	-	19.06.2025	-	Manivannan	CW6
PW12	-	19.06.2025	-	Sasi Kumar	CW1
PW13	-	10.07.2025	-	Binoy	CW43
PW14	-	23.08.2025	-	Dr. V. K. Rajendra Prasad	CW32
PW15	-	29.08.2025	-	K. P. Balakrishnan	CW39
PW16	-	29.08.2025	-	Satheesh	CW40
PW17	-	29.08.2025	-	Mohanan	CW41
PW18	-	01.09.2025	-	Dr. Suresh	CW35

PW19	-	01.09.2025	-	Unnikrishnan	CW38
PW20	-	09.10.2025	-	Murukan	CW9
PW21	-	09.10.2025	-	Muthu	CW11
PW22	-	19.12.2025	-	Dr. Manoharan. R	CW33
PW23	-	09.02.2026	-	Santhosh. T. R	CW49
PW24	-	10.03.2026	-	Biju. K. M	CW50
PW25	-	23.03.2026	-	K. K. Sajeev	CW51
PW26	-	01.04.2026	-	S. Ramesh	CW13

Prosecution Exhibits:

		<u>Date</u>		<u>Exhibits</u>	
P1	-	28.07.2013	-	Inquest Report	PW4
P2	-	No date	-	Scene sketch	PW5
P3	-	28.07.2013	-	Scene mahazar	PW7
P4	-	27.07.2013	-	First Information Statement	PW12
P5	-	28.07.2013	-	Seizure mahazar	PW13
P6	-	28.07.2013	-	Postmortem certificate	PW14
P7	-	06.12.2014	-	Fingerprint report	PW15
P8	-	28.07.2013	-	Seizure mahazar (MOs collected by scientific officer)	PW16
P9	-	01.08.2013	-	Arrest memo of A1	PW16
P10	-	01.08.2013	-	Seizure mahazar (Nokia mobile)	PW16
P11	-	01.08.2013	-	Arrest memo of A2	PW16
P12	-	01.08.2013	-	Seizure mahazar (currency notes)	PW16
P13	-	14.08.2013	-	Seizure mahazar (Hair, nail clippings of A1)	PW16
P14	-	28.07.2013	-	Seizure Mahazar (train tickets)	PW17
P15 series	-	28.07.2013	-	Train tickets (2 nos)	PW17
P16	-	28.07.2013	-	Receipt	PW19

P17	-	28.07.2013	-	Report of examination of crime	PW19
P18	-	28.07.2013	-	Specimen seal impression	PW19
P19	-	01.08.2013	-	Seizure mahazar (gold ornaments)	PW20
P20	-	18.11.2025	-	Medical records	PW22
P21	-	05.08.2010	-	Discharge summary	PW22
P22	-	27.07.2013	-	FIR	PW23
P23 series	-	No date	-	Photographs (16 nos)	PW23
P24	-	No date	-	CD	PW23
P25	-	28.07.2013	-	Report regarding stolen properties	PW23
P26	-	29.07.2013	-	Section adding and abating report	PW23
P27	-	01.08.2013	-	Inspection memo of A1	PW23
P28	-	01.08.2013	-	Confession extract of A1 (gold ornaments)	PW23
P29	-	01.08.2013	-	Inspection Memo of A2	PW23
P30	-	02.08.2013	-	Remand Report of A1	PW23
P31	-	01.08.2013	-	Confession extract of A2 (regarding money)	PW23
P32	-	02.08.2013	-	Remand report of A2 (Thiruchirappilly JFCM)	PW23
P33 series	-	28.07.2013	-	Property list (8 in nos)	PW23
P34	-	16.09.2014	-	Seizure mahazar	PW23
P35	-	23.09.2014	-	Copy of forwarding note	PW23
P36	-	16.09.2014	-	Property list (PI 378/2014)	PW23
P37	-	13.11.2024	-	RFSL Report	PW23
P38	-	10.12.2014	-	Section adding report	PW23
P39	-	29.12.2014	-	Occurrence time adding report	PW23

Defence Witness: Nil

Defence Exhibits:

D1	-	01.08.2013	-	Relevant portion of S.161 statement of CW11	PW21
----	---	------------	---	---	------

Material objects:

MO1	-	01.08.2013	-	Gold chain with locket	PW8
MO2	-	01.08.2013	-	Gold chain	PW8
MO3	-	01.08.2013	-	Ear rings (jimikki)	PW8
MO4	-	01.08.2013	-	Gold ring	PW8
MO5	-	01.08.2013	-	Purse (Kalyan jewellers)	PW16
MO6	-	01.08.2013	-	Nokia mobile phone of A1	PW16

FOOT NOTE

Crime No.& Name of Station: Crime No.1709/2013 of Thrissur East Police Station

DESCRIPTION OF THE ACCUSED

Sl. No	Name of accused	Father's name	Occupation	Residence	Age
1.	Palani Swamy	Karuppayya	Nil	Tamilnadu	62
2.	Farook	Abubacker	Nil	Tamilnadu	58

DATE OF

Occurrence	:	27.07.2013	
Complaint	:	27.07.2013	
Apprehension	:	01.08.2013	A1 & A2
Release on bail	:	30.07.2021	A1
		31.08.2013	A2
Commencement of trial	:	11.09.2018	

Close of trial	:	05.05.2026	
Judgment pronounced	:	16.05.2026	
Explanation for delay	:	No delay	

Sd/-

**I ADDITIONAL SESSIONS JUDGE,
THRISSUR.**

/ True Copy/

By Order

Sheristadar

Copy of Judgment in
S.C 432/2015
Dated: 16.05.2026