

**IN THE COURT OF II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI**

PRESENT : Tmt.M.Breetha, M.L.,
II Additional District and Sessions Judge,
Thoothukudi.

Tuesday, the 21st day of July 2026

Sessions Case No. 211/2021

CNR No. TNTT01 – 006990 – 2021

Name of the Complainant : State of Tamil Nadu,
The Inspector of Police,
Eral Police Station,
Crime No. 46/2021

Name of the Accused : Murugavel
S/o. Rajagopal
39A, Narayana Swamy Kovil Street,
Theepatchi, Maramangalam, Eral,
Thoothukudi,
Now at Main Rod, Korkai Vilakku,
Valavallan, Eral Taluk,
Thoothukudi District.

Occurrence : 01.02.2021

Arrest : 01.02.2021

Released on Bail : 19.04.2022

Date of filing of the final : 01.09.2021
Report

Charges Framed : 24.02.2022

Questioning of U/s. 313 Cr.P.C : 12.12.2025

Plea of the Accused : Accused found guilty
u/s.302, 307, 353 of IPC

Finding of the Court : **In the result,**
(i) The accused is found guilty under Sections 302, 307 and 353 of IPC and is liable to be convicted under Section 235(2) of Cr.P.C. The accused is convicted under Section **302 of IPC** and sentenced to undergo **Life Imprisonment** and to pay of fine of **Rs.5,000/-** and in default to undergo Simple Imprisonment for a period of **six months** and the accused is convicted under Section **307 of IPC** and sentenced to undergo **Life Imprisonment** and to pay of fine of **Rs.5,000/-** and in default to undergo Simple Imprisonment for a period of **six months** and the accused is convicted under Section **353 of IPC** and sentenced to undergo **Rigorous Imprisonment for 2 years**. All the sentences shall run concurrently. The period of Imprisonment undergone by the accused during remand shall be set off under Section 428 of Cr.P.C. Total fine amount Rs.10,000/-.
(ii) The material objects were produced by the prosecution and remanded in P.R. No.24/2022. M.O.20 and Item No.31, which were already handed over to its owner Tr.Linga Ganesh (PW14) by the order passed by the Learned Judicial Magistrate, Srivaikundam in Cr.M.P. No.2026/2021 dated 10.08.2021 is hereby handed over to his absolute custody after the period of appeal or as the order of the appeal. M.O.5 and M.O.6, which were already handed over to

Inspector of Police, Eral Police Station by the order passed by the Learned Judicial Magistrate, Srivaikundam in Cr.M.P. No. 6555/ 2023 dated 15.11.2023 is hereby handed over to his absolute custody after the period of appeal or as the order of the appeal. M.O.8 TN69 J 8942 is ordered to be handed over to its owner after the period of appeal or as per the order of the appeal. M.O.1 to M.O.4, M.O.7, M.O.9 to M.O.19, M.O.21 to M.O.30 ordered to be destroyed after the period of appeal or as per the order of the appeal.

(iii) As the Tr.Balu is murdered in this case, his dependents are entitled to get compensation under section 357(A) Cr.P.C. Accordingly, a copy of this judgment is ordered to be forwarded to District Legal Services Authority, Thoothukudi to determine the quantum of compensation and payable to them.

This case came before me for final hearing on 18.04.2026 in the presence of Tr.D.Xavier Gnana Prakasam, Learned Additional Public Prosecutor for the respondent, and Tr.M.S.D.Jebakumar, Learned counsel for accused and upon hearing arguments of both sides and perusing the materials available on record and having stood over till this date for consideration of this court and this court delivers the following

JUDGMENT

1) Gist of the final report filed by the prosecution:

(i) The Inspector of police, Eral Police Station has laid final report against the accused stating that on 31.01.2021 at about 21.45 hours, when LW1 Pon Subbaiah was in motorcycle patrolling, Grade I Police Constable 1817 Thomas Palraj had informed him through phone about the brawl in a mobile Fast food shop

situated at Eral Bharathiyar Road near State Bank of India and that LW1 and Grade I Police Constable 1588 Mr.Jegastin Rajkumar proceeded there and after enquiry with the witness Mupidathy, the owner of Fast food shop, it was revealed that initially, the accused Murugavel had picked up quarrel with him demanding Masala Poori and abused him in filthy language and at about 09.00 p.m., the accused came in his FORCE vehicle bearing registration number TN 67 AX 4389 and picked up brawl by consuming Beer and demanded to prepare Fried rice and that in continuation of that, at about 09.30 p.m., the accused came back and stopped the vehicle in front of his shop in the middle of the road and picked up brawl and threatened him by demanding the fried rice ordered by him earlier.

(ii) The witnesses Pon Subbaiah and Jegastin Rajkumar enquired the accused, who was sitting in the FORCE vehicle bearing registration number TN 67 AX 4389 at Eral bus stand about the above said allegation, he had picked up quarrel with them and as the accused was in an intoxicated state, the witness Jegastin Rajkumar took his vehicle to police station and LW1 Pon Subbaiah took him to police station in his motorcycle to police station, where Sub Inspector of Police Mr.Balu, the deceased in this case registered Motor Petty case Nos.419/2021 and 420/2021 for not possessing driving license and R.C.Book and obtained muchalika for his appearance for enquiry the next day and stationed the FORCE vehicle bearing registration number TN 67 AX 4389 in the custody of police station, which developed the hostility and intention in the accused to murder Sub Inspector of Police Mr.Balu.

(iii) Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah went for night patrolling in the Hero Honda Passion Plus motorcycle of Sub Inspector of Police Mr.Balu bearing registration number TN 69 J 8942 in Eral Bazaar and on 01.02.2021 at about 00.30 hours, they inspected the picketing note of Grade I Police constable

1606 Mr.Puthiyavel for his presence at Umarikadu and when they were proceeding via Korkai four junction road at about 00.45 hours, the accused Murugavel was there with Ashok Leyland Dost vehicle, which was stolen by him from the witness Linga Ganesh and was chatting with the witnesses Mytheen @ Manikandan and Murugan, who were proceeding in their motorcycle bearing registration number TN 69 J 1813.

(iv) Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah, who were proceeding in their Hero Honda Passion Plus motorcycle bearing registration number TN 69 J 8942 condemned the presence of the accused there and ordered him to go to his house, the accused had told that they had grabbed his vehicle and stationed at police station without enabling him to take his wife, who was admitted in hospital for consuming poison and that the Sub Inspector of Police Mr.Balu had slapped him for his arrogant reply and when the Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah had attempted to assault the accused further for his intimidating reply, the accused had left the place in his Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901 and parked it in front of his house and observed the movements of Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah and that when LW1 Pon Subbaiah was riding the Hero Honda Passion Plus motorcycle bearing registration number TN 69 J 8942 with Sub Inspector of Police Mr.Balu as pillion rider and were proceeding towards Eral, they had further warned the accused, who was standing in front of his house to get inside the house, otherwise to face the consequences in jail, which leads to further hostility towards Sub Inspector of Police Mr.Balu.

(v) While being so, on 01.02.2026 at about 01.00 a.m., when Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah were proceeding in the northern side of Vazhavallan Oorkatha Swamy temple in Eral to Korkai road from eastern direction to western direction trailed by LW6 Mytheen @ Manikandan and LW7 Murugan in their

CT 100 motorcycle bearing registration number TN 69 J 1813, the accused drove the Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901 in the same direction rashly with an intention to murder Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah out of previous hostility and over took the motorcycle of LW6 and LW7 and dashed the motorcycle rode by LW1 Pon Subbaiah with Sub Inspector of Police Mr.Balu as pillion rider with the middle portion of the Ashok Leyland Dost vehicle and caused the death of Sub Inspector of Police Mr.Balu and attempted to cause the death of LW1 Pon Subbaiah and hence, charge sheet was laid u/s 353, 307 and 302 of IPC.

2) The final report was laid before Judicial Magistrate, Srivaikundam and on being satisfied with the prima facie case against the accused to take cognizance of the offences charged, the same was taken on file as P.R.C. No. 24/2021 on 01.09.2021. On the appearance of the accused, copies of police records were furnished to the accused under section 207 of Cr.P.C and the case was committed by the learned Judicial Magistrate Court, Srivaikundam to the Principal District and Sessions Judge, Thoothukudi as the case is exclusively triable by the Court of sessions.

3) The case was taken on file of the Principal District and Sessions Court, Thoothukudi as S.C. No. 211/2021 on 24.11.2021 and made over to the II Additional District and Sessions Court, Thoothukudi.

4) On appearance of the accused before this Court and after being satisfied that copies were furnished to the accused under section 207 CrPC, the case was proceeded with. After opening of the case by the prosecution by Learned Additional Public prosecutor and on hearing both sides and on perusal of records, charges were framed against the accused under sections 302, 307, 353 of IPC and read over and

explained to the accused in Tamil. When the accused was questioned regarding the charges, they pleaded not guilty and claimed to be tried.

5) As the accused has denied the charges leveled against him, prosecution was ordered to let in his side evidence and in order to substantiate the charges leveled against the accused, the prosecution has examined P.W.1 to P.W.51 and has produced Ex.P1 to Ex.P79 documents along with M.O.1 to M.O.30 material objects. Ex.D1 was marked during cross examination of P.W.14 and Ex.D2 was marked during cross examination of PW41 on the side of the defence.

6) Brief facts of the case of the prosecution:

The case of the prosecution is that on 31.01.2021 at about 21.45 hours, when LW1 Pon Subbaiah was in motorcycle patrolling, Grade I Police Constable 1817 Thomas Palraj had informed him through phone about the brawl in a mobile Fast food shop situated at Eral Bharathiyar Road near State Bank of India and that LW1 and Grade I Police Constable 1588 Mr.Jegastin Rajkumar proceeded there and after enquiry with the witness Mupidathy, the owner of Fast food shop, it was revealed that that the accused Murugavel had picked up quarrel with him demanding food and threatened him and that the witnesses Pon Subbaiah and Jegastin Rajkumar enquired the accused, who was sitting in the FORCE vehicle bearing registration number TN 67 AX 4389 at Eral bus stand about the above said allegation, he had picked up quarrel with them and as the accused was in an intoxicated state, the witness Jegastin Rajkumar took his vehicle to police station and LW1 Pon Subbaiah took him to police station in his motorcycle to police station, where Sub Inspector of Police Mr.Balu, the deceased in this case registered Motor Petty case Nos.419/2021 and 420/2021 for not possessing driving license and R.C.Book and obtained muchalika for his appearance for enquiry the next day and stationed the FORCE vehicle bearing

registration number TN 67 AX 4389 in the custody of police station, which developed the hostility and intention in the accused to murder Sub Inspector of Police Mr.Balu and that the Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah went for night patrolling in the Hero Honda Passion Plus motorcycle of Sub Inspector of Police Mr.Balu bearing registration number TN 69 J 8942 in Eral Bazaar and they were proceeding via Korkai four junction road at about 00.45 hours, and the accused Murugavel was there with Ashok Leyland Dost vehicle, which was stolen by him from the witness Linga Ganesh and was chatting with the witnesses Mytheen @ Manikandan and Murugan, who were proceeding in their motorcycle bearing registration number TN 69 J 1813 and when they condemned the presence of the accused there and ordered him to go to his house, the accused had told that they had grabbed his vehicle and stationed at police station without enabling him to take his wife, who was admitted in hospital for consuming poison and that the Sub Inspector of Police Mr.Balu had slapped him for his arrogant reply and when the Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah had attempted to assault the accused further for his intimidating reply, the accused had left the place in his Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901 and parked it in front of his house and observed the movements of Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah and that when LW1 Pon Subbaiah was riding the Hero Honda Passion Plus motorcycle bearing registration number TN 69 J 8942 with Sub Inspector of Police Mr.Balu as pillion rider and were proceeding towards Eral, they had further warned the accused, who was standing in front of his house to get inside the house, otherwise to face the consequences in jail, which leads to further hostility towards Sub Inspector of Police Mr.Balu and that on 01.02.2026 at about 01.00 a.m., when Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah were proceeding in the northern side of Vazhavallan Oorkatha Swamy temple in Eral to Korkai road from eastern direction to western direction trailed by LW6 Mytheen @ Manikandan and

LW7 Murugan in their CT 100 motorcycle bearing registration number TN 69 J 1813, the accused drove the Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901 in the same direction rashly with an intention to murder Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah out of previous hostility and over took the motorcycle of LW6 and LW7 and dashed the motorcycle rode by LW1 Pon Subbaiah with Sub Inspector of Police Mr.Balu as pillion rider with the middle portion of the Ashok Leyland Dost vehicle and caused the death of Sub Inspector of Police Mr.Balu and attempted to cause the death of LW1 Pon Subbaiah and hence the charges.

7) Gist of deposition of prosecution witnesses:

(I) PW1.Tr.Ponsubbiah, Gr.I PC 2447 has deposed that he was working as Grade I Police constable in Eral Police Station from 10.03.2019 and that he is acquainted with the accused Murugavel and that he reported to duty on 31.01.2021 at 08.00 a.m., and he was allotted motorcycle patrolling duty and he did his duty till 02.00 p.m., and then after rest, reported back to duty at 09.00 p.m., and went to vehicle patrolling at Siruthondanallur and at about 09.45 hours, Grade I Police Constable 1817 Thomas Palraj had informed him through phone about the brawl in a mobile Fast food shop situated at Eral Bharathiyar Road near State Bank of India and that he and Police Constable 1588 Mr.Jegastin Rajkumar proceeded there and after enquiry with the owner of Fast food shop Mupidathy, it was revealed that initially, the accused Murugavel had picked up quarrel with him demanding Pani Poori and then at about 09.00 p.m., the accused came in his FORCE vehicle bearing registration number TN 67 AX 4389 and intimidated that he would vandalise his shop and would put a shop opposite to his shop and proceeded towards Eral bus stand and that he and Jegastin Rajkumar enquired the accused, who was sitting in the FORCE auto bearing registration number TN 67 AX 4389 at Eral bus stand about the above said allegation, he had picked up quarrel with them and that Jegastin Rajkumar took his vehicle to

police station and he took the accused to police station in his motorcycle to police station and handed over the motorcycle and the accused to Sub Inspector of Police Mr.Balu, the deceased in this case and that Sub Inspector of Police Balu demanded him R.C.Book, License and Insurance and as the accused didn't possess the above said documents, he had registered Motor Petty case and obtained muchalika for his appearance for enquiry the next day and stationed the vehicle and then he and Sub Inspector of Police went for night patrolling in the Hero Honda Passion Plus motorcycle of Sub Inspector of Police Mr.Balu bearing registration number TN 69 J 8942 in Eral Bazaar and on 01.02.2021 at about 00.30 hours, Sub Inspector of Police Mr.Balu inspected Head Police constable 1606 Mr.Puthiyavel, who was in duty at Umarikadu and when they reached Korkai four junction road at about 00.45 hours, the accused Murugavel was there with Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901 and was talking with Akilan, who was working in Narayan parotta shop and two persons in red colour CD 100 motorcycle bearing registration number TN 69 J 1813, who were chatting with him moved from that place on seeing them. He has further deposed that when Sub Inspector of Police Mr.Balu enquired about the presence of the accused there in that unusual time, he had replied with arrogance that his wife had been admitted in hospital for consuming poison and he had also grabbed his vehicle and was stationed at police station and that it was his town and he would be there and he can do whatever he could do and that the Sub Inspector of Police Mr.Balu had slapped him for his arrogant reply and they both asked him to leave that place and that the accused had gone to the front of his house and that when he and Sub Inspector of Police Mr.Balu were proceeding from four junction road towards Eral, the accused was standing in front of his house and that Sub Inspector of Police Mr.Balu warned him to get inside the house, otherwise to face the consequences in jail and that he was riding the motorcycle and Sub Inspector of Police Mr.Balu was travelling as pillion rider and they were

proceeding towards Eral and when they were proceeding near Vazhavallan Lakshmipuram Oorkathamman temple, there was flashing light from behind, he moved to the shoulder of the road, the accused drove the Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901 at high speed and dashed the motorcycle rode by him with the middle portion of the vehicle and they both were thrown away from the vehicle and that the accused took an U-Turn and stopped the vehicle and told "செத்து தொலைங்களே, உங்களை கொல்ல வேண்டும் என்று தான் வண்டியை வைத்து இடித்தேன்" and sped away and he viewed the same with the help of illuminating 2 street lights and that the front bumper, front mirror of the vehicle drove by the accused were broken and fell there and the indicator, 2 mudguards of the motorcycle, helmet, walkie talkie, e-chalan machine were also damaged and that Sub Inspector of Police Mr.Balu was in an unconscious state and he got water from Mrs.Muthulakshmi and sprinkled on him and as he didn't respond, he informed to Police constable 1516 Mr.Sankar through phone and that 1588 Mr.Jegastin Rajkumar, Police constable 1205 Mr.Palavesa Parthiban, Grade I Police Constable 1817 Mr.Thomas Palraj arrived at the spot and they took them to Eral primary Health Centre in 108 ambulance and they examined SI Mr.Balu and declared him to be dead and he was given first aid and that the accused had did that act with an intention to cause death and that at about 04.00 a.m., he lodged a complaint to SI Mr.Murugaperumal and that as TATA Ace and TATA FORCE looks similar, out of anxiety, he had mentioned the vehicle drove by the accused as TATA Ace in the complaint. The complaint was marked as Ex.P1. After lodging complaint, he received medical memo and took treatment at Thoothukudi Government Hospital.

Blue colour torn sweater worn by the deceased was marked as M.O.1. The torn Khaki colour uniform worn by the deceased was marked as M.O.2. The Khaki colour cap with government emblem was marked as M.O.3. Brown colour belt was marked

as M.O.4. Damaged Kenwood walkie talkie was marked as M.O.5. Damaged e-chalan machine of the brand Pine Labs was marked as M.O.6. Damaged helmet of the brand Steelbird was marked as M.O.7. Damaged Hero Honda Passion plus motorcycle bearing registration number TN 69 J 8942 was marked as M.O.8. Left side mirror was marked as M.O.9. Damaged rear indicators(2) was marked as M.O.10. Damaged front mudguard was marked as M.O.11. Damaged speedometer glass was marked as M.O.12. Damaged visor was marked as M.O.13. Damaged fuel meter glass was marked as M.O.14. Damaged side box of the brand Aerostar was marked as M.O.15. Damaged rear danger lights(2) was marked as M.O.16. The front bumper of Ashok Leyland Dost vehicle was marked as M.O.17. Damaged front mirror of Ashok Leyland Dost vehicle was marked as M.O.18. Torn Khaki colour pants worn by the deceased was marked as M.O.19. Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901 was marked as M.O.20.

(II) P.W.2 Tr.Arul Velayudham, the son of the deceased has deposed that on 01.02.2021, the police officials from Eral Police Station has informed him that his father was murdered with Ashok Leyland Dost vehicle and that he rushed to the hospital and saw the dead body of his father and that he heard that his father had condemned the accused who had brawled in the public and stationed his vehicle in police station and the accused had developed rage and hostility towards his father and had murdered his father and attempted to murder Pon Subbaiah by hitting with vehicle and that complaint was lodged by Police Constable Pon Subbaiah in Eral Police Station.

(III) P.W.3 Tr.Murugan, Special Sub Inspector of Police is the brother of the brother of the deceased and he has deposed that on 01.02.2021, he was informed from Eral Police Station that his brother was murdered by hitting with Ashok Leyland Dost vehicle and that he and his brother Subbaiah rushed to the hospital and saw the dead

body of his brother and that PW1 Pon Subbaiah was there and he narrated the incident to him.

(IV) P.W.4 Tr.Murugan, has deposed that he is a resident of M.K.P.Nagar, Palayamkottai and he was working in the fish shop run by Pudukudi Murugapandi Thevar and has deposed that he is acquainted with the deceased Balu and he had seen the accused and that on 31.01.2021, he and his friend Mydeen proceeded from Palayamkottai to Eral in the motorcycle rode by Mydeen to buy anklet, as anklets' price would be lesser there and they bought anklets at Nallathambi Jewellers at Eral and then decided to go to Arumugamangalam temple and as he had the habit of consuming liquor, they both went to Korkai four junction road and as it was 12.30 in the night, all the shops were closed and that they enquired about the availability of liquor with the accused who was sitting in a vehicle like jeep and that Sub Inspector of Police Balu and a police constable came there and they shouted at them to go to their house and something happened and Sub Inspector of Police Balu gave a slap and that the slapped person took his vehicle from four junction road and then stopped his vehicle at about 4, 5 feet and that the police constable rode the motorcycle with Sub Inspector of Police as pillion rider and they proceeded further and they also followed them and that the jeep rider overtook them and dashed against the motorcycle which was preceding them and they heard a dashing sound and lights were illuminating in the post and that Sub Inspector of Police and police constable fell down and a temple was there and that the jeep rider took reverse of his vehicle and went back in the same way and they also left the place to avoid trouble and that 4, 5 days later, police had identified them with the registration number of the motorcycle of Mydeen and he revealed the above said incident and his statement was recorded before Judicial Magistrate, Srivaikundam. His statement recorded u/s 164 of Cr.P.C before Judicial Magistrate, Srivaikundam was marked as Ex.P2.

(V) P.W.5 Tmt.Muthulakshmi, has deposed that on 01.02.2021 at about 01.00 a.m., the police officials asked for water and he drank water and another police official was lying down and then an ambulance came there and took both of them and they both of them were in uniform and she learnt that the name of the deceased police official is Balu.

(VI) P.W.6 Tr.Praveen, has deposed that he is running motor vehicle workshop under the name and style Ammu Electricals at Mukkani Roundana, Vazhavallan and that he is acquainted with the accused and the deceased Sub Inspector of Police Balu and that on 31.01.2021, as he was ill, he had been to Suresh Hospital at Eral and at about 09.00 p.m., when he was standing outside, the accused was consuming Beer in his FORCE vehicle and demanding Esairani Fast food to prepare fried rice for him and that the registration number of the said vehicle was TN 67 AX 3489, which he couldn't remember exactly and that as the owner had told that others were waiting, he left that place and that the accused came after half an hour and asked whether he had prepared fried rice and as it was not prepared, it resulted in brawl between them and that the abused him in filthy language and told that he would do away with him by hitting with vehicle and that he called Police constable Thomas and informed him about the brawl and at about 10.00 p.m., the accused asked him for a 407 vehicle citing the illness of his wife and that when he asked him whether he required that vehicle for taking his wife, he gave an evasive answer and left that place and that on 01.02.2021, he heard that the accused had murdered Sub Inspector of Police Balu by hitting with vehicle and another police official had sustained injuries.

(VII) P.W.7 Tr.Thomas Paulraj, Grade I Police Constable 1817 has deposed that he is acquainted with the deceased Sub Inspector of Police, Pon Subbaiah and PW6 Praveen and that on 31.01.2021 at about 09.45 p.m., Praveen informed him about the brawl took place at Esairani Fast food shop near State Bank of India at Bharathiyar

Road and that on his intimation, Grade I Police Constable 2447 Pon Subbaiah and Grade I Police Constable 1588 Jegastin Rajkumar went there for enquiry and came to know that the person who brawled there had gone towards Eral Bus Stand and that they asked the accused, who was sitting in the FORCE vehicle bearing registration number TN 67 AX 4389 at Eral bus stand, he had picked up quarrel with them and that Jegastin Rajkumar took his vehicle to police station and Pon Subbaiah took the accused to police station in his motorcycle to police station and handed over the motorcycle and the accused to Sub Inspector of Police Mr.Balu, the deceased in this case and that Sub Inspector of Police Mr.Balu demanded him R.C.Book, License and Insurance and as the accused didn't possess the above said documents, he had registered Motor Petty case and obtained muchalika for his appearance for enquiry the next day and at about 00.45 hours, Pon Subbaiah informed para constable 2447 that when he and Sub Inspector of Police Balu were proceeding from Korkai junction towards Eral in motorcycle rode by Pon Subbaiah with Balu as pillion rider, near Oorkathamman temple, the accused drove his Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901 from behind and dashed against them by yelling "பின்னால் வந்து செத்து தொலைங்கடா என்று இடித்துவிட்டதாகவும், எங்கள் வண்டியின் மீது மோதிவிட்டதாகவும்" and then took reverse of his vehicle and returned and that para constable Sankar informed to him, Jegastin Rajkumar and Palavesa Parthiban and they went to the spot and found Balu in complete stillness and Pon Subbaiah had also sustained injuries and that they sent them to Eral Government Hospital in 108 ambulance at about 01.45 a.m., on 01.02.2021 and that Sub Inspector of Police Balu was declared to be dead and first aid was given to Pon Subbaiah and that Pon Subbaiah had told him that the accused had hit their motorcycle with his vehicle with an intention to cause death out of previous hostility.

(VIII) P.W.8 Tr.Jegastin Rajkumar, has deposed that he was working as Police constable in Eral Police Station and that on 31.01.2021, police constable Pon Subbaiah had called him for assistance to enquire about a brawl said to be taken place in a fast food shop and they both went to Esairani Fast food shop situated at Eral Bharathiyar Road near State Bank of India and after enquiry with the owner of Fast food shop Mupidathy, it was revealed that one person had picked up drunken brawl demanding fried rice and then proceeded towards Eral Bus Stand in FORCE vehicle and that when they enquired the accused, who was in intoxicated state at Eral bus stand about the above said allegation, he had picked up quarrel with them and that he took the vehicle of the accused to police station and Pon Subbaiah took the accused to police station in his motorcycle to police station and handed over the motorcycle and the accused to Sub Inspector of Police Mr.Balu, the deceased in this case and that Sub Inspector of Police Balu demanded him R.C.Book, License and Insurance and as the accused didn't possess the above said documents, he had registered Motor Petty case and obtained muchalika for his appearance for enquiry the next day and at about 01.15 hours, Pon Subbaiah narrated the incident to para constable Sankar and that the said Sankar informed him and he along with Palavesa Parthiban and Thomas Palraj went to the spot and found Balu in complete stillness and Pon Subbaiah had also sustained injuries and that they sent them to Eral Government Hospital in 108 ambulance at about 01.45 a.m., on 01.02.2021 and that Sub Inspector of Police Balu was declared to be dead and first aid was given to Pon Subbaiah and that Pon Subbaiah had told him that the accused had hit their motorcycle with his vehicle with an intention to cause death out of previous hostility.

(IX) P.W.9 Tr.Sankar, has deposed that he was working as Grade I Police constable in Eral Police Station and that on 31.01.2021, he was allotted para duty in station and at about 09.45 p.m., police constable Pon Subbaiah came to police station

and took Grade I Police Constable Thomas Palraj for assistance to enquire about a brawl said to have taken place in a fast food shop situated at Eral Bharathiyar Road near State Bank of India and after enquiry with the owner of Fast food shop Mupidathy, it was revealed that the accused had picked up drunken brawl demanding fast food and then he had proceeded towards Eral Bus Stand in FORCE vehicle and that when they enquired the accused, who was sitting inside the said vehicle in intoxicated state at Eral bus stand about the above said allegation, he had picked up quarrel with them and that Jegastin Rajakumar took the vehicle of the accused to police station and Pon Subbaiah took the accused to police station in his motorcycle to police station and handed over the motorcycle and the accused to Sub Inspector of Police Mr.Balu, the deceased in this case and that Sub Inspector of Police Balu demanded him R.C.Book, License and Insurance and as the accused didn't possess the above said documents, he had registered Motor Petty case and obtained muchalika for his appearance for enquiry the next day and that on 01.02.2021 at about 01.15 hours, Pon Subbaiah called him and told that when he was riding the motorcycle with Balu as pillion rider and was proceeding near Oorkathasamy temple at Korkai four junction road, the accused had dashed against them by telling 'செத்து தொலைங்கடா' and then took reverse and returned back and that he informed to Jegastin Rajkumar, Thomas Palraj and Palavesa Parthiban and asked them to go to the spot and that they were taken to Eral Government Hospital in 108 ambulance at about 01.45 a.m., on 01.02.2021 and that Sub Inspector of Police Balu was declared to be dead and first aid was given to Pon Subbaiah and that Pon Subbaiah had told him that the accused had hit their motorcycle with his vehicle with an intention to cause death out of previous hostility.

(X) P.W.10 Tr.Bala Maharajan and P.W.11 Tr.Shanmugasundaram who were cited as formal witnesses to speak about the brawl picked up by the accused at the

Fast food shop didn't lend any support to the case of the prosecution and were treated as hostile witnesses.

(XI) P.W.12 Tr.Dinesh, has deposed that he was running SRS mobile shop at Eral bus stand and that he is acquainted with the deceased Sub Inspector of Police Balu, injured Pon Subbaiah and the accused and that the accused was running a workshop at Korkai four junction road and that the accused had given his Lava mobile phone for service in his shop and that on 31.01.2021, he had been for a meeting and he was informed by his employee that the accused came in a Force vehicle and was picking up drunken brawl and intimidating them seeking the mobile phone stating that he would do away with them by hitting with vehicle and that he came to the shop at 09.15 p.m., and that the accused came back again and threatened him and that he heard that Sub Inspector of Police Balu had filed a case against the accused who had brawled in the public and stationed his vehicle in police station and therefore, the accused had murdered him and caused injuries to a police official by hitting with vehicle and that out of fear, his employees Karthick and Chermaraj lodged complaint.

(XII) P.W.13, Tr.Chermaraj has deposed that he was working in SRS mobile shop at Eral bus stand and that he is acquainted with the deceased Sub Inspector of Police Balu and the accused and that the accused had given his Lava mobile phone for service in their shop that on 31.01.2021 at about 08.15 p.m., while he and his colleague Karthick were at their shop, the accused came in his Force car bearing registration number TN 67 AX 4389 and asked for the mobile to Karthick and he had replied that the said phone was sent to Lava service centre and that the accused abused him in filthy language and intimidating him stating that he would do away with them by hitting with vehicle and they informed about the above said incident to PW12 and he came to shop by 08.45 p.m., and that he heard that Sub Inspector of

Police Balu had filed a case against the accused who had brawled in the public and stationed his vehicle in police station and therefore, the accused had murdered him and caused injuries to a police official by hitting with vehicle and that out of fear and to protect their life, he and Karthick lodged complaint before Eral Police Station.

(XIII) PW14, Mr.Linga Ganesh has deposed that he was managing his brother's grove and complex and that he owned Ashok Leyland Dost auto bearing registration no. TN 92 E 6901 and it stood in the name of his brother Kumaresan and he had applied for name transfer and he used to park the said vehicle in front of the house of his brother and put the keys in the holder behind the window, so that his brother could take the same and that the accused is residing in the house of his brother for rent and the accused who used to replace the battery if required also knew the place of keys and that on 31.01.2021 at about 06.00, 07.00 p.m., he had parked his vehicle near the compound wall of Kumaresan and put the keys in the holder as usual and that on 01.02.2021 at about 06.00, 07.00 a.m., he found the vehicle missing and that he heard that the accused had murdered Sub Inspector of Police by hitting him with the said vehicle and Pon Subbaih sustained injuries and he had lodged complaint before Eral Police Station on 02.02.2021 and his vehicle had been marked as M.O.20.

(XIV) PW15, Tr.Puthiyavel, Head Constable, Eral Police Station has deposed that he was in para duty in the house of Umari Sankar from 27.12.2020 in rotation and that he was in the said duty from 02.00 AM on 31.01.2021 to 08.00 AM on 01.02.2021 and at about 00.30 hrs., SI Balu and Grade I Pon Subbaiah came in their Hero Honda Passion Pro vehicle bearing Registration No. TN 69 J 8942 and they had told that the accused had picked up brawl in fast food shop near the bus stand and as he didn't possess the required documents, his vehicle was stationed at police station and that they inspected him and proceeded further towards Korkai four junction road and that the accused Murugavel was there and when he was condemned by SI Balu

and Pon Subbaiah, there was altercation and after few minutes, Grade I Police Constable Sankar called him and informed that when Pon Subbaiah and Sub Inspector of Police Balu were proceeding from Korkai junction towards Eral in motorcycle rode by Pon Subbaiah with Balu as pillion rider, near Oorkathamman temple, the accused drove his Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901 from behind and dashed against them with an intention to murder and then took reverse of his vehicle and left that place and then Pon Subbaih informed about the said incident to Police Constable Sankar and then they were taken in 108 ambulance to Eral Primary Health Centre, where SI Balu was declared to be dead and then complaint was lodged by Pon Subbaiah. The note book containing the entries of para duty from 05.01.2021 to 14.03.2021 was marked as Ex.P4. The relevant particulars pertaining to his para duty on 31.01.2021 at 00.30 hrs., was marked as Ex.P5.

(XV) PW16, Mrs. Vanaja, deposed that she and her husband ran the "Esaivani Fast Food" shop near the Eral Bus Stand, close to Suresh Hospital and that she came to know the accused as a customer and that on 31.01.2021, between 07:00 PM and 08:00 PM, the shop was crowded, and they could not supply the masala poori the accused had demanded and that consequently, he left in his FORCE vehicle and however, he returned an hour and a half later, causing a brawl and demanding fried rice and that one of the customers present condemned his behavior and the accused then left the premises while drinking beer and shouting intimidation tactics as he proceeded toward the bus stand and that Mrs. Vanaja and her husband reported the incident to two police officers who questioned them and because they had moved from another district for their business, they chose not to lodge a formal complaint at that time to avoid conflict and that the police officers subsequently apprehended the accused, Murugavel, at the bus stand along with his vehicle and the following day,

she learned that the accused had murdered Sub-Inspector Balu and injured another police officer and that out of fear and a desire to prevent further violent acts by the accused, her husband then filed a formal complaint regarding the altercation at their shop and consequently, an FIR was registered at the Eral Police Station under Crime No. 48/2021.

(XVI) PW17, Mr. Thangakumar, deposed that on 31.01.2021 at approximately 08:15 PM, while he was standing near the SRS Mobile shop located at the Eral Bus Stand, the accused, Murugavel, arrived at the shop and questioned a person named Karthick regarding a mobile phone he had handed over for repairs and that Karthick replied that the phone had been sent for service and would be handed back once it was returned and that the accused began abusing Karthick in filthy language and entered into a heated altercation with him and that he condemned the accused's aggressive behavior and physically moved him away from the location and the following day, he learned that the accused had struck Sub-Inspector Balu with his vehicle, causing the officer's death in the resulting accident.

(XVII) PW18, Mr. Akilan, who was cited as a witness to speak about the heated altercation took place between the accused and SI Balu at Korkai four junction road at about 00.45 hours and the intention of the accused to murder SI Balu didn't support the case of the prosecution and was treated as hostile witness.

(XVIII) PW19, Mr. Palavesa Parthiban, Grade II Police Constable has deposed that he is acquainted with the deceased Sub Inspector of Police, Pon Subbaiah and witnesses Thomas Palraj, Jegastin Rajkumar and Sankar and that on 31.01.2021 at about 09.45 p.m., while he was in duty, Pon Subbaiah and Jegastin Rajkumar went there for enquiry regarding a brawl took place at a Fast food shop near State Bank of India and came to know that the person who brawled there had gone towards Eral

Bus Stand and that they asked the accused, who was sitting in the FORCE vehicle bearing registration number TN 67 AX 4389 at Eral bus stand, he had picked up quarrel with them and that Jegastin Rajkumar took his vehicle to police station and Pon Subbaiah took the accused to police station in his motorcycle to police station and handed over the motorcycle and the accused to Sub Inspector of Police Mr.Balu, the deceased in this case and that Sub Inspector of Police Mr.Balu demanded him R.C.Book, License and Insurance and as the accused didn't possess the above said documents, he had registered Motor Petty case and obtained muchalika for his appearance for enquiry the next day and at about 01.15 hours, Pon Subbaiah informed Grade I constable Sankar that when he and Sub Inspector of Police Balu were proceeding from Korkai junction towards Eral in motorcycle rode by Pon Subbaiah with Balu as pillion rider, near Oorkathamman temple, the accused drove his Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901 from behind and dashed against them by yelling “இதோடு செத்து தொலைங்கடா”, and then took reverse of his vehicle and returned and that para constable Sankar informed to him, Jegastin Rajkumar and Thomas Palraj and they went to the spot and found Balu in complete stillness and Pon Subbaiah had also sustained injuries and that they sent them to Eral Government Hospital in 108 ambulance at about 01.45 a.m., on 01.02.2021 and that Sub Inspector of Police Balu was declared to be dead and first aid was given to Pon Subbaiah and that Pon Subbaiah had told him that the accused had hit their motorcycle with his vehicle with an intention to cause death out of previous hostility.

(XIX) PW19, Mr. Sankar Subbu, deposed that he works as the priest at the Sudalaimadan Swamy Temple and the Petchiamman Temple and that on 05.02.2021 at approximately 05:30 PM, while he was preparing Pongal alongside Senthilvel, Jeya Murugan, and Arumuga Nainar, the Deputy Superintendent of Police of the

Srivaikuntam Sub-Division, along with the Village Administrative Officer and the Village Assistant, arrived at the location with the accused and the officials searched for a set of keys and that in the presence of the VAO and the Village Assistant, the accused retrieved the keys from beneath a kadappa stone located near a thorn bush and handed them over to the DSP and he was subsequently informed that the recovered item was a car key.

(XX) PW21, Mr. Selvam, the proprietor of "Nallathambi Jewelers" situated at the Eral Main Bazar, has deposed that on 31.01.2021 at about 07:30 PM, while he was in his shop, one Mytheen @ Manikandan purchased a pair of silver anklets weighing approximately 120 grams for a consideration of Rs.10,130/- and that the receipt issued by him was marked as Ex.P8.

(XXI) PW22, Mr. Karthik has deposed that he was working at the SRS Mobile shop situated in Eral during the year 2021 and that he was acquainted with the accused, who had handed over his Lava mobile phone for repairs and the shop had subsequently sent the device to the Lava Mobile Service Center in Thoothukudi, which requested two days to complete the service and that on 31.01.2021, between approximately 07:45 PM and 08:00 PM, the accused, Murugavel, came to his shop regarding the device and that the accused called out to the witness while sitting inside his FORCE vehicle, with the registration number TN 67 AX 4389 and when he approached the vehicle, the accused demanded the return of his mobile phone and he replied and reiterated that the repair process would take two days and that the accused lost his temper and began abusing the witness in filthy language and he further him by threatening to murder him by running him over with his vehicle and that he reported the matter to his employer, who advised him to ignore it and let it go and that they closed the shop between 09:30 PM and 09:45 PM as usual and while he was on his way to drop off his colleague, he observed the accused causing a brawl at a

nearby fried rice shop and the police subsequently took the accused and his vehicle to the police station and the following day, he learned that the accused had murdered a police official from the Eral Police Station and out of fear, they lodged a complaint at the police station on 02.02.2021. The certified copy of the complaint was marked as Exhibit P9.

(XXII) PW23, Mr. Govindasamy Karthick, the Village Administrative Officer of Vazhavallan Village has deposed that on 01.02.2021 at approximately 05:15 AM, while he and the Village Assistant were returning from tax collection duties, the Inspector of Police inspected the crime scene connected with Crime No. 46/2021 on the northern side of the Oorkathasamy Temple and prepared an Observation Mahazar and a Rough Sketch and that he along with the Village Assistant, signed the document as witnesses. The Observation Mahazar was marked as Exhibit P10. He has further deposed that the Inspector of Police seized the torn Khaki colour uniform worn by the deceased, the Khaki colour cap with government emblem, Brown colour belt, damaged walkie talkie, damaged e-chalan machine, damaged helmet, damaged Hero Honda Passion plus motorcycle bearing registration number TN 69 J 8942, left side mirror, damaged rear indicators(2), damaged front mudguard, damaged speedometer glass, damaged visor, damaged fuel meter glass, damaged side box of the brand Aerostar, damaged rear danger lights(2), the front bumper of Ashok Leyland Dost vehicle, damaged front mirror of Ashok Leyland Dost vehicle through EX.P11 Seizure Mahazar and that he along with the Village Assistant, signed the document as witnesses and at approximately 06:50 PM, the Inspector of Police lifted the tyre marks from the Ashok Leyland Dost vehicle used by the accused onto a Mylar film through Ex.P12, Seizure Mahazar and the tyre mark trace on the Mylar film was marked as MO.21 and at approximately 07:15 PM, the Inspector of Police lifted a tyre impression from a spot situated between the newly constructed house of

one Netaji and Tar road using Plaster of Paris through Ex.P13, Seizure Mahazar. The tyre mark cast was marked as M.O.22.

He has further deposed that on 02.02.2021 at approximately 03:15 AM, while he and the Village Assistant were returning from tax collection duties, the Deputy Superintendent of Police inspected the crime scene on the northern side of the Oorkathasamy Temple and prepared an Observation Mahazar and a Rough Sketch and that he along with the Village Assistant, signed the document as witnesses. The Observation Mahazar was marked as Ex.P14 and at about 04.00 PM, he seized a number plate bearing No. TN 92 E 6901 from a thorny bush located near the scene of occurrence through Ex.P15, Seizure Mahazar and he along with the Village Assistant, signed the document as witnesses. The yellow colour number plate bearing No. TN 92 E 6901 with two bolts was marked as M.O.23.

He further deposed that on 05.02.2021, the accused, who had surrendered before the police, was remanded to police custody by the court and the accused was subsequently interrogated in the presence of him and the Village Assistant and that during the interrogation, the accused voluntarily gave a confession statement and that based on this admissible portion of the disclosure statement, the accused identified the crime scene, the location from where he had retrieved the vehicle keys, and the spot where he was intercepted by Sub-Inspector of Police Balu and he further identified the Korukkai Pond, where he had disposed of the broken glass pieces and at approximately 05:15 PM, the accused identified the spot where he had parked the vehicle behind the Sudalai Madaswamy Kovil and from beneath a kadappa stone located at that spot, he retrieved the keys and handed them over and the keys were subsequently seized by the Deputy Superintendent of Police under a Seizure Mahazar, which was marked as Exhibit P16. The admissible portion of the confession statement was marked as Ex.P53.

(XXIII) PW24, Mr. Raman, deposed that on 01.02.2021 at approximately 01:00 AM, after he and Muthuraja had finished irrigating their fields and they were proceeding along the road leading from Marangalam towards Idaiyarkadu and that the accused, Murugavel, was driving the Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901, proceeding toward the Sudalai Madaswamy Kovil belonging to the Yogeewarar community and the following day, he learned through the newspaper that the accused had murdered Sub-Inspector of Police Balu by striking him with the aforementioned vehicle.

(XXIV) PW25, Mr.Subramanian has deposed that on 02.02.2021 at about 10.30 PM to 11 PM, when he had been to Sudalaimadan swamy Temple belonged to their Yogeewaran community, the Deputy Superintendent of Police, Eral inspected the spot behind the Petchiamman temple, where the Ashok Leyland Dost vehicle bearing Registration No. TN 92 E 6901, with the broken mirror was stationed with the help of lights illuminating behind the temple, torch light and vehicles' light and prepared Ex.P17 Observation Mahazar and he and his brother signed the said document as witnesses. He has further deposed that the Deputy Superintendent of Police seized the said Ashok Leyland Dost vehicle bearing Registration No. TN 92 E 6901, broken round shaped Ashok Leyland symbol, a part of broken indicator, a small portion of blood stained paint, a patch of maroon coloured paint from the said vehicle, broken pieces of glass through Ex.P18, Seizure Mahazar. The broken round shaped Ashok Leyland symbol was marked as M.O.24. The part of broken indicator was marked as M.O.25. The small portion of blood stained paint was marked as M.O.26. The patch of maroon coloured paint from the said vehicle was marked as M.O.27. The broken pieces of glass was marked as M.O.28.

(XXV) PW26, Mr. Murugasundaram, Grade I Police Constable attached to the Eral Police Station, deposed that on 01.02.2021 at approximately 01:00 AM, he

transported the body of the deceased Sub-Inspector of Police, Balu, to the Thoothukudi Government Hospital and the body was conveyed in a Muslim Munnetra Kazhagam ambulance with Registration No. TN 92 D 6743 driven by Ahmed Kabeer and at around 05:40 PM, he submitted the official requisition from the Inspector of Police, registered the admission, and secured the body in the hospital mortuary. He further deposed that later that evening, at about 09:00 PM, he took custody of the Observation Mahazar, Rough Sketch, Form-91, and the Inquest Report, which he subsequently delivered to the Judicial Magistrate of Srivaikuntam at his official quarters at 10:13 PM.

(XXVI) PW27, Dr. Suresh, deposed that he operates a medical practice named "Dr. Suresh Clinic," located on the ground floor of his residential building and that he is personally acquainted with the accused, who frequently visited his clinic to receive medical treatment and that on 31.01.2021 at approximately 07:15 PM, the accused, Murugavel, brought his wife, Selvalakshmi, to the clinic with complaints of vomiting and anxiety and he administered initial treatment and admitted her to the hospital for further medical care and that she was accompanied by her husband and their two young children, and was assisted by the staff, Hridaya Sindhiya Velkani and that the accused left the hospital to purchase food, and a few minutes later, he heard a commotion outside and upon peering out, they observed the accused, Murugavel, brawling with a nearby fast-food stall owner and at approximately 11:15 PM, he returned to the clinic in an intoxicated state and demandingly insisted on the immediate discharge of his wife and therefore, his wife was discharged at 11.45 PM and the following day, he heard that he had murdered Sub Inspector of Police Balu by hitting with a vehicle near Vazhavallan Oorkathaswamy temple. The discharge summary was marked as Ex.P19.

(XXVII) PW28, Ms. Hridaya Sindhiya Velkani, deposed that she was working as a staff nurse at "Dr. Suresh Clinic" and was acquainted with the accused and that on 31.01.2021 at approximately 07:15 PM, the accused, Murugavel, brought his wife, Selvalakshmi, to the clinic with complaints of vomiting and anxiety and after Dr. Suresh administered initial treatment and admitted her for further medical care, she assisted the patient on the doctor's instructions, noting that the patient was accompanied by her husband and two young children. She further deposed that the accused subsequently left the clinic to purchase food, and a few minutes later, she heard a commotion outside; upon looking out, she observed the accused brawling with Mupidathy, a nearby fast-food shop owner and that the accused returned between 08:00 PM and 09:00 PM to give food to his children, and later, at approximately 11:15 PM, he returned to the clinic in an intoxicated state, aggressively demanding his wife's immediate discharge, leading to her prompt release and that on the following day, she learned that the accused had murdered a Sub-Inspector of Police by ramming him with a vehicle.

(XXVIII) PW29, Mr. Syed Ahmed, deposed that he was employed as a driver for the ambulance belonging to the Tamil Nadu Muslim Munnetra Kazhagam, which carried registration number TN 92 B 6743 and that on 01.02.2021 in the early morning, while on duty, he received information from the Eral Police Station and immediately proceeded there with the ambulance and upon arrival, he learned that Sub-Inspector Balu had died after being struck by a vehicle and he then proceeded to the Eral Primary Health Centre and, along with Police Constable Murugasundaram, took custody of the deceased Sub-Inspector Balu's body at 03:45 AM and transported the body to the Thoothukudi Government Hospital, arriving at 05:40 PM, where the body was safely secured in the hospital mortuary and that a rental amount of Rs.3,200 was paid, and the corresponding rent receipt was marked as Exhibit P2.

(XXIX) PW30, Mr. Sudalai Muthu, deposed that he was working on deputation in the police photography department and that on 01.02.2021 at approximately 03:00 PM, he was called to assist with the investigation and he proceeded to the scene of occurrence and took photographs of the spot and its surroundings and subsequently handed over copies of the photographs to the Inspector of Police. The four photographs were marked collectively as Exhibit P21.

(XXX) PW31, Mr. Agni Muthu, deposed that he was employed as a lineman at the Tamil Nadu Electricity Board's Eral Valavallan substation and that on 31.01.2021, while he was on duty, all the streetlights located near the Valavallan Oorkatha Samy Temple, as well as the lights within the temple premises, were fully functional and illuminating and that there was no power outage in the specified area until the following morning, and that the Junior Electricity Engineer of Eral had issued an official certificate confirming this uninterrupted power supply.

(XXXI) PW32, Dr. Banumathi, attached to the Eral Primary Health Centre, deposed that on 01.02.2021 between approximately 01:30 AM and 01:45 AM, while she was on duty, Grade I Police Constable Pon Subbiah arrived at the facility and he informed her that at approximately 01:00 AM, while he was riding a Honda Passion motorcycle with Registration No. TN 69 J 8424 with Sub-Inspector Balu as a pillion rider near the Valavallan Temple, a four-wheeler bearing Registration No. TN 92 E 6901 was driven by a known person, Murugavel, in a reckless manner and with the intention to murder them, intentionally ram the motorcycle from behind and that in the said incident, both he and the pillion rider, Sub-Inspector Balu, sustained injuries and that upon clinical examination of Sub-Inspector Balu, he had no palpable pulse, his blood pressure was unrecordable, and his pupils were fixed and dilated and upon performing an ECG, it revealed a flat line, confirming clinical death. Consequently, she issued a medical certificate declaring that Sub-Inspector Balu was dead on arrival

on 01.02.2021 at 01:45 AM. The official report issued by her was marked as Ex.P22. She further deposed that she examined Constable Pon Subbiah and found he had sustained injuries to his left leg and lower lip. Accordingly, she administered an injection and prescribed tablets before referring him to the Thoothukudi Government Hospital for further treatment. The medical examination report issued by her in respect of his injuries was marked as Ex.P23.

(XXXII) PW33, Dr. Mr. Dinesh, deposed that while he was working as the Regional Medical Officer at the Eral Government Community Health Centre, on 01.02.2021, upon receiving a request from the Deputy Superintendent of Police, he proceeded to the Eral Police Station and he inspected the relevant entries in the police station Para Book dated 31.01.2021 and 01.02.2021, and subsequently certified a photocopy of the said document. This certified photocopy of the Para Book entries was marked as Exhibit P24.

(XXXIII) PW34, Dr. Aravind Hari, deposed that on 01.02.2021 at approximately 03:10 PM, while on duty in the Casualty Department at the Thoothukudi Government Medical College Hospital, Constable Pon Subbiah was brought in for medical treatment and that he informed him that on 01.02.2021 at around 01:00 AM, while he was riding his two-wheeler, a known individual hit against his vehicle near the Oorkkathamman Temple and upon physical examination, he noted the following specific injuries: an abrasion measuring 3 x 1 cm on the right knee, an abrasion measuring 3 x 2 cm on the right ankle, and an abrasion measuring 2 x 1 cm on the lower lip, a sutured wound on the left leg measuring 1 x 1 cm, and a contusion on the right side of the neck measuring 3 x 2 cm and he was admitted as an inpatient, and an X-ray taken on 02.02.2021 revealed no bone fractures and consequently, issued a medical report certifying that all the sustained injuries were simple in nature, which was marked as Exhibit P25. He further gave the opinion that the said injuries could have

been sustained if a four-wheeler dashed against a two-wheeler from behind, causing the rider to fall.

(XXXIV) PW35, Mr. Vinayagam, Regional Transport Officer of Tiruchendur, deposed that upon receiving an official request from the Deputy Superintendent of Police of Eral, he furnished the ownership particulars, including the name and address of the registered owner, for the Ashok Leyland Dost vehicle bearing Registration No. TN 92 E 6901. The report issued by him for the vehicle was marked as Ex.P26. Furthermore, on 26.02.2021, he furnished the ownership particulars for the motorcycle bearing Registration No. TN 69 J 8942, and this second report was marked as Ex.P27.

(XXXV) PW36, Mr. Rajasekhar, Motor Vehicle Inspector Grade I, attached to the Tiruchendur RTO, deposed that pursuant to a letter from the RTO and in order to answer the specific queries raised by the Judicial Magistrate of Srivaikuntam, he inspected the transport vehicle bearing Registration No. TN 92 E 6901 and the two-wheeler bearing Registration No. TN 69 J 8942 within the court premises and he submitted a report detailing the damages sustained by both vehicles and answers to the queries raised by the court. The official requisition letter issued by the court was marked as Exhibit P28, and the corresponding reply report submitted by him was marked as Exhibit P29. He further deposed that when a four-wheeler driven at high speed dashes against a two-wheeler from behind, extensive damage is bound to be caused to the two-wheeler. He concluded that his inspection findings and the official report issued by him explicitly corroborate this mechanism of collision.

(XXXVI) PW37, Mr. Selvaraj, Grade I Police Constable attached to the Eral Police Station, deposed that he received the original First Information Report and the complaint relating to Crime No. 46 of 2021 at 04:45 AM from Sub-Inspector of

Police Murugaperumal to be delivered as express correspondence. He further stated that the road leading from Eral to Srivaikuntam featured numerous uneven ups and downs and speed breakers, and it was dark throughout his journey and traveling on his two-wheeler, he negotiated these obstacles, successfully reached the residence of the Judicial Magistrate, and handed over the express records at 06:10 AM on 01.02.2021. The passport issued to him for this dispatch duty was marked as Ex.P3.

(XXXVII) PW38, Mr. Shankar, Head Constable attached to the Eral Police Station, deposed that on 01.02.2021 at 11:35 AM, following the conclusion of the inquest on the body of the deceased Sub-Inspector Balu at the Thoothukudi Government Medical College Hospital mortuary, he took custody of the body and also received the official requisition letter to be submitted to the medical authorities to conduct a post-mortem examination to ascertain the true cause of death and that he handed over the body and the requisition letter over to the Professor of the Medico-Legal Department at the Government Hospital, formally identified the deceased, and assisted during the post-mortem examination and following the procedure, he took custody of the clothing removed from the body of the deceased and delivered these items to the Inspector of Police at 17:35 hours. He further deposed that on 09.02.2021, upon receiving an official letter from the Judicial Magistrate of Srivaikuntam, he collected the preserved visceral organs and blood samples of the deceased Sub-Inspector Balu from the Government Medical College Hospital, Thoothukudi, and safely delivered them to the Regional Forensic Science Laboratory in Tirunelveli and that on 23.02.2021, he received an official letter containing the thumb impressions of the accused, Murugavel, and delivered it to the Fingerprint Bureau in Thoothukudi, subsequently receiving their analysis report and submitting it to the Judicial Magistrate on 31.08.2022. The passport issued to him was marked as Ex.P31.

(XXXVIII) P.W.39 Dr.Tr.Sudalaimuthu, Professor and Senior Civil Surgeon in Thoothukudi Government Medical College Hospital has deposed that he conducted the post-mortem of the deceased Balu on 01.02.2021 at about 12.55 p.m., and issued Ex.P33 Post Mortem certificate and Ex.P35, Final opinion as follows:

Appearance found at the post Mortem :

Well nourished body of a male. Postmortem hypostasis noted over back of body and found fixed. Finger and toe nails were pale. Dried blood stains noted over right ear. Postmortem ant bite mark seen over inner aspect of left upper limb.

The following ante mortem injuries were noted in the body:-

1) Red colour irregular graze abrasions seen over following areas: 9x0.5cm to 2 cm over left side of chin, 1x0.5 cm over upper part of right ear lobe, 3x2cm over back of lower part of right ear lobe, 19x10cm over back and outer aspect of middle and lower part of right arm, 5x3cm over back of right elbow, 8x3cm over inner aspect of right elbow, 18x9cm over back of upper part of right forearm, 3x3cm over back of right wrist, 1x1cm over inner aspect and back of right wrist, 3x3cm over back of right hand near base of right index finger, 1x1cm over back of right middle finger near its base, 0.5x0.5 cm over back of right index finger, 3x2cm over upper part of front of right knee, 6x4cm over lower part of front of right knee, 1x0.5cm over front of right chest, 5x4cm over inner aspect of left elbow, 3x1cm over back of middle of left forearm, 2x1cm over back of left elbow, 16x8cm over left side of front of lower part of abdomen, 4x3cm over front of left knee and 2x1cm over left foot near 2nd toe.

On dissection of Scalp, Skull and Dura: Right temporalis muscle found bruised.

On dissection of chest and abdomen: Contusion of anterior chest wall over an area of 35x30 cm seen over both sides of upper part of front of chest. Peritoneal cavity contains about 500ml of fluid blood. Liver found lacerated. Sternum found fractured in its lower 1/3rd with surrounding bruise noted. Left clavicle found fractured in its inner end with surrounding bruise noted. 2 to 8 right side ribs found fractured in their back near spine with surrounding bruise noted. 3 to 6 right side ribs found fractured

in their outer aspect with surrounding bruise noted. 2 to 7 left side ribs found fractured in their back with surrounding bruise noted. Left side thoracic cavity contains about 100ml of fluid blood. Right thoracic cavity contains about 800ml of fluid blood. Right lung found lacerated.

On dissection of Neck: Fracture of body of cervical vertebra no.6 with surrounding bruise noted. Underlying spinal cord found lacerated.

Other Findings:

Peritoneal and Pleural cavities-described. Heart - appears to be normal. Coronaries-patent. Hyoid bone-intact. Stomach- contains about 250 gms of partially digested food particles with nil specific smell, Mucosa - Pale. Lungs and Liver - described. Spleen and Kidneys-c/s pale. Small intestine-contains about 20ml of bile stained fluid with nil specific smell, mucosa-pale. Urinary bladder-Empty. Brain/c/s.pale.

Viscera preserved for chemical analysis. Sample of blood preserved for grouping.

OPINION AS TO THE CAUSE OF DEATH :- RESERVED, PENDING CHEMICAL ANALYSIS REPORT TIME SINCE DEATH: 6 to 24 HRS PRIOR TO THE POSTMORTEM EXAMINATION.

The requisition letter was marked as Ex.P32 and the chemical examination report was marked as Ex.P34.

(XXXIX) PW40, Mr. Mupidathy, deposed that he and his wife operate a pani puri business from a mobile cart under the name "Isai Rani Fast Food" and that he is personally acquainted with the accused, Murugavel, who is a regular customer at his shop and . that on 31.01.2021 at approximately 08:00 PM, while he and his wife were tending to their shop, the accused arrived and ordered masal puri and that due to a large crowd of customers, he requested the accused to wait for his turn, which enraged the accused and that the accused then abused him in filthy language and threatened to vandalise his shop, further declaring that he would set up a competing stall

directly next to him to ruin his business and at approximately 09:00 PM, the accused returned driving a Force vehicle bearing Registration No. TN 67 AX 4389, which he abruptly parked in the middle of the road and while consuming a bottle of beer inside the vehicle, the accused ordered a chicken fried rice; however, before he could finish preparing the food, the accused suddenly threw the vehicle into reverse and sped away and that at approximately 09:30 PM, the accused returned yet again in the same vehicle and, while continuing to consume beer, demanded fried rice, created a scene, and picked a fight with him and that the accused went on to criminally intimidate him, threatening to run him over with the vehicle, and aggressively advanced to physically assault him and that his disruptive behavior was strongly condemned by him, his wife, and two customers, Balmaharaj and Sundar, who were eating at the stall. Following this, the accused got into his vehicle and drove toward the Eral bus stand and shortly thereafter, responding to reports of the public disturbance, police officials arrived at the spot to inquire about the brawl, and he narrated the entire incident to them and that fearing that the accused would fulfill his threat and kill him by ramming him with the vehicle, the witness did not lodge an immediate police complaint. He has further deposed that since the accused was in a highly intoxicated state, the arriving police officials took him and his vehicle into custody and transported them to the police station and the following day, he learned that the accused had murdered Sub-Inspector Balu and caused severe injuries to Constable Pon Subbiah by striking them with a vehicle and out of fear, he subsequently lodged a complaint regarding the brawl caused by the accused on 02.02.2021 at 10:30 AM at the Eral Police Station. The certified copy of the complaint lodged by him was marked as Ex.P36, and the corresponding First Information Report was marked as Ex.P37.

(XL) PW41, Mr. Murugaperumal, Sub-Inspector of Police attached to the Eral Police Station, deposed that on 01.02.2021 at approximately 04:00 AM, while he was

on duty, he received the complaint lodged by Grade I Police Constable Pon Subbiah and based on the complaint, he registered a case in Crime No. 46 of 2021 under Sections 353, 307, and 302 of the Indian Penal Code and he sent the original complaint and the First Information Report to the Judicial Magistrate of Srivaikuntam through Grade I Police Constable 1620, Mr. Selvaraj, and dispatched copies to higher officials through Grade I Police Constable 1258, Mr. Karuppasamy and he then handed over the investigation file to the Circle Inspector through Police Constable 1588, Mr. Jagastin Rajkumar and that upon request, he handed over the official police notice regarding the motor petty case registered by the deceased Sub-Inspector Balu against the accused. The original complaint lodged by the informant was marked as Exhibit P1, and the FIR was marked as Exhibit P38. The motor petty case registered against the accused was marked as Exhibit P39, and the relevant entries in the General Diary of the Eral Police Station written by him were marked as Exhibit P40.

(XLI) PW42, Mr. Pooraja, who was cited as an eyewitness to speak about the reckless driving of the Ashok Leyland Dost vehicle bearing Registration No. TN 92 E 6901 by the accused on 01.02.2021 at approximately 01:15 AM, did not lend support to the prosecution's case and was consequently treated as a hostile witness.

(XLII) PW43, Tr.Subrmanian, Sub Inspector of Police, Eral Police Station has deposed that on 02.02.2021, at about 8.00 a.m., he received the complaint lodged by Tr.Linga Ganesh and registered a case in crime no. 47/2021 u/s. 457, 379, 380 of IPC. The First Information Report was already marked as Ex.P3. Further, on the same day, at 10.00 a.m., he received the complaint lodged by Tr.Muppidathi and registered a case in crime no. 48/2021 u/s. 294(b), 506(ii) of IPC. The First Information Report was already marked as Ex.P37. Further, on the same day, at 12.00 p.m., he received the complaint lodged by Tr.Karthick and registered a case in crime no. 49/2021 u/s. 294(b), 506(ii) of IPC. The First Information Report was already marked as Ex.P41

and the above said complaint was already made as Ex.P9. The above said three FIR's and Complaint's forwarded to the Judicial Magistrate, Srivaikundam.

(XLIII) PW44, Dr. Gayatri, deposed that while she was on duty in the Casualty Department at Thoothukudi Government Medical College Hospital on 01.02.2021 at approximately 05:40 PM, she examined the body of Sub-Inspector of Police Balu, who was brought dead by Grade I Police Constable Murugasundaram and upon examining the body, she formally declared him dead on arrival and directed that the body be moved to the mortuary. The Accident Register copy issued by her in respect of this admission was marked as Ex.P42.

(XLIV) PW45, Mrs.Murugeswari, Sub-Inspector of Police attached to the Fingerprint Bureau, Thoothukudi, deposed that pursuant to a request from the Deputy Superintendent of Police, Srivaikuntam, she inspected the Ashok Leyland Dost vehicle bearing Registration No. TN 92 E 6901 on 02.02.2021 and that during the inspection, she lifted a fingerprint from the rearview mirror of the vehicle, and the developed fingerprint sample was marked as M1. She conducted the examination and submitted a preliminary forensic inspection report on 03.02.2021 to the Inspector of Police, Eral, and the said inspection report was marked as Ex.P43.

(XLV) PW46, Mr. Rathina Sekhar, Deputy Superintendent of Police, Finger Print Bureau, Kanyakumari District, who was holding additional charge of Thoothukudi District, deposed that he received a requisition from the Judicial Magistrate of Srivaikuntam to compare the M1 fingerprint lifted from the Ashok Leyland Dost vehicle bearing Registration No. TN 92 E 6901 with the sample fingerprint impressions of the accused and that he conducted the comparison and issued a report certifying that the M1 fingerprint impression lifted from the rearview mirror was identical to the left thumb impression of the accused. The official letter issued by the

court was marked as Ex.P44, and the requisition letter submitted by the Deputy Superintendent of Police to the Judicial Magistrate of Srivaikuntam was marked as Ex.P45. The sample impressions obtained from the accused, Murugavel, were marked as Ex.P46, and the comparison report submitted by him was marked as Ex.P47. The photograph of the impressions was marked as Ex.P48, and the detailed statement of reasoning given by him in support of his expert opinion was marked as Ex.P49.

(XLVI) PW47, Mrs. Uma, Scientific Officer at the Regional Forensic Science Department, Madurai, deposed that she was working as a scientific officer and document expert, and that she had nine years of prior service in the physics department of the Forensic Science Department in Chennai. She deposed that on 26.02.2021, she received a sealed packet with its seals intact containing 1) a synthetic broken portion of a side box bearing letters AEROSTAR and with black/yellow paint smear, 2) one 43 cm x 16 cm rectangular yellow,red/black painted number plate bearing Registration No. TN 92 E 6901, 3) 16.3 cm x 7 cm rectangular Mylar film bearing a tyre mark impression, 4) one damaged black/brown motorcycle bearing Registration No. TN 69 J 8942, 5) some irregular bluish/gray paint flakes, 6) 28 cm x 18 cm plaster of Paris cast of a tyre mark impression, 7) 36.4 cm x 18 cm plaster of Paris cast of a tyre mark impression, 8) 35.6 cm diameter tyre bearing impression "MRF Savari Nylon" with serial number 44433144113, 9) 35.6 cm diameter tyre bearing impression "MRF Savari Nylon" with serial number 441311443213, 10) 35.6 cm diameter tyre bearing impression "MRF Savari Nylon" with serial number 44003154416, 11) 35.6 cm diameter tyre bearing impression "MRF Savari Nylon" tread impression with serial number 44433114113.

She conducted a comparative examination and found that the yellow smear from the broken portion of the synthetic side box (item one) was identical to the yel-

low paint on the number plate (item two) in respect of color appearance and their Fourier-Transform Infrared (FTIR) spectrum. Similarly, the transferred synthetic black smear found on the number plate (item two) was compared with the broken black synthetic side box of the motorcycle (item one) and they were found to be similar to one another in respect of color, appearance, and FTIR spectrum. The blue paint adhering to the rear side chassis frame of the motorcycle (item four) was compared with the blue paint flakes (item five), and they were found to be similar to one another in respect of color spectrum and FTIR spectrum. She noted that the rim of the rear wheel was found damaged and bent, meaning a sample impression of the rear tyre could not be taken for the comparison of individual characteristics; however, the pattern in the tyre impression found on the Mylar film (item number 3) and those found on the rear tyre of the motorcycle (item number 4) were similar in nature. She further observed that the impressions on the plaster of Paris cast (item six) were not distinct or clear, rendering it unsuitable for comparison with the tyres (items eight to eleven). While the tread pattern impressions on the plaster of Paris cast (item seven) and the tread pattern on the tyres (items eight to eleven) were similar to each other, the plaster of Paris cast did not manifest distinct individual characteristics that could be definitively associated with one of the four specific tyres (items eight to eleven).

Based on these observations, she provided her expert opinions:

- (i) The yellow smear found on the synthetic side box of the motorcycle, item 1 and the yellow paint from the number plate, item 2 could have originated from the same source.
- (ii) The broken black synthetic side box, item 1 and the transferred synthetic black smear found on the number plate, item 2 could have originated from the same source.

- (iii) The blue paint flakes from the damaged rear chassis frame of the motorcycle, item 4 and the blue paint flakes, item 5 could have originated from the same source.
- (iv) The tyre tread impression on the Mylar film, item 3 and the tyre tread pattern on the rear wheel of the motorcycle, item 4 are similar in class characteristics.
- (v) The tyre tread impressions on the plaster of Paris cast, item 7 and the tyre tread pattern on the tyres, items 8 to 11 are similar in class characteristics.

The letter issued by the Judicial Magistrate, Srivaikuntam was marked as Ex.P50. The comprehensive forensic report issued by her detailing these findings and opinions was marked as Exhibit P51.

(XLVII) PW48, Mr. Ramesh, Assistant Electrical Engineer attached to the Srivaikuntam Electricity Distribution Department and holding additional charge of the Eral Distribution Department, deposed that upon receiving an official requisition from the Inspector of Police, he conducted an inquiry with the concerned foreman and wireman and verified the records pertaining to the Valavallan section and the Oorkkathamman Temple area and that based on this verification, he issued a certificate on 23.04.2021, which was marked as Exhibit P52, confirming that there was no power interruption in the specified area from the evening of 31.01.2021 until 08:00 AM on 01.02.2021.

(XLVIII) PW49, Mrs. Muthulakshmi, Circle Inspector of Police attached to the Eral Police Station, deposed that on 01.02.2021 at approximately 04:30 AM, she received the case file from Grade I Police Constable Jestin Rajkumar and took over the case for further investigation and she then examined Grade I Police Constable 2447, Pon Subbiah, who had preferred the complaint, and Sub-Inspector of Police

Murugaperumal, who had registered the FIR, and recorded their statements and at 05:15 AM, she inspected the scene of occurrence in the presence of Village Administrative Officer Govindasamy Karthik and Village Assistant Thiraviyam utilizing torchlights, streetlights, and vehicle headlights for illumination and prepared the Exhibit P10 Observation Mahazar and the Exhibit P54 Rough Sketch. She has further deposed that she seized the torn Khaki colour uniform worn by the deceased, the Khaki colour cap with government emblem, Brown colour belt, damaged walkie talkie, damaged e-chalan machine, damaged helmet, damaged Hero Honda Passion plus motorcycle bearing registration number TN 69 J 8942, left side mirror, damaged rear indicators(2), damaged front mudguard, damaged speedometer glass, damaged visor, damaged fuel meter glass, damaged side box of the brand Aerostar, damaged rear danger lights(2), the front bumper of Ashok Leyland Dost vehicle, damaged front mirror of Ashok Leyland Dost vehicle through EX.P11 Seizure Mahazar in the presence of the same witnesses and at approximately 06:50 PM, she lifted M.O.21 tyre marks from the Ashok Leyland Dost vehicle used by the accused onto a Mylar film through Ex.P12, Seizure Mahazar and at approximately 07:15 PM, she lifted M.O.22 tyre impression from a spot situated between the newly constructed house of one Netaji and Tar road using Plaster of Paris through Ex.P13, Seizure Mahazar and obtained the signature of the said witnesses in the above documents and that she examined Village Administrative Officer, Govindasamy karthick and Village Assistant Thiraviyam and recorded their statement.

She has further deposed that she conducted an inquest on the body of the deceased Sub-Inspector of Police, Balu, between 09:30 hours and 11:30 hours and prepared Ex.P58 Inquest Report and she then forwarded the body of the deceased, along with the official requisition letter to conduct a post-mortem examination, through Head Constable 395, Mr. Shankar and that she examined witnesses Velkani and Murgan and recorded their statements and at approximately 14:00 hours, she examined

Grade I Police Constable 1817, Thomas Parthiban, Police Constable 1516, Shankar, Police Constable 1588, Jagastin Rajkumar, Police Constable 1205, Palavesa Parthiban, and Grade I Police Constable 1620, Selvaraj, and recorded their statements. She then examined Head Constable 1606, Puthiyavel and recorded his statement and at approximately 17:00 hours, she examined Head Constable 395, Shankar, and recorded his statement, subsequently seized the clothing items handed over by him under Ex. P59 Form-91. The torn coffee-coloured Viking brief was marked as M.O.27, and the white-coloured SKC Munda vest was marked as M.O.28. The accused surrendered before the Judicial Magistrate Court, Vilathikulam, on the same day and was remanded to judicial custody, with an order directing his production before the Judicial Magistrate, Srivaikuntam, on 05.02.2021. As per the proceedings of the Superintendent of Police, Thoothukudi, in Na.ka.No. C No.24/Camp/SP-Tut/2021 dated 02.02.2021, she completed her preliminary investigation and submitted the entire case records to the Deputy Superintendent of Police, Srivaikuntam Subdivision, for further investigation. The transfer order issued by the Superintendent of Police was marked as Ex.P60.

(XLIX) PW50, Mr. Tamilarasan, Judicial Magistrate of Srivaikuntam, deposed that he received a requisition from the Deputy Superintendent of Police to record the statements of the witnesses under Section 164 of the CrPC and it was taken on file as CrI.M.P. No. 315 of 2021, and summonses were issued to the witnesses directing their appearance on 12.02.2021. He further deposed that on 12.02.2021, he examined the witnesses Murugan, Mytheen @ Manikandan and Yesu Akhilan @ Yesu Akhilan and recorded their statements under Section 164 of the CrPC and that prior to recording, he statutorily cautioned the witnesses that they were not bound to make any statement and carefully ascertained that they were giving their statements voluntarily. The requisition letter submitted by the Deputy Superintendent of Police, Srivaikuntam, was marked as Ex.P61. The summons issued to witness Murugan was marked as

Ex. P62, and the witness summons issued to witness Mytheen @ Manikandan was marked as Ex.P63. The Section 164 CrPC statement given by Mytheen @ Manikandan was marked as Ex.P64.

(L) PW51, Mr.Venkateswaran, Deputy Superintendent of Police, Srivaikuntam Sub Division has deposed that as per the proceedings of the Superintendent of Police, Thoothukudi, in Na.ka.No. C No.24/Camp/SP-Tut/2021 dated 02.02.2021, he took over the case for further investigation and at about 03:15 AM, he inspected the crime scene on the northern side of the Oorkathasamy Temple in the presence of Village Administrative Officer Govindasamy Karthick and the Village Assistant Thiraviyam and prepared Ex.P14, Observation Mahazar and Ex.P65, Rough Sketch and obtained the signature of the witnesses in the document and at about 04.00 PM, he seized a number plate bearing No. TN 92 E 6901, which was marked as M.O.23 from a thorny bush located near the scene of occurrence through Ex.P15, Seizure Mahazar and obtained the signature of the witnesses in the document and that he examined the witness Muthulakshmi, who provided water to Pon Subbaih and recorded her statement and at about 15.30 hrs., he examined Grade I Police Constable 1817, Thomas Parthiban, Police Constable 1516, Shankar, Police Constable 1588, Jagastin Rajkumar, Police Constable 1205, Palavesa Parthiban, and Grade I Police Constable 1620, Selvaraj, Constable 1606, Puthiyavel, Head Constable 395, Shankar, and recorded their statement and at about 19.00 hrs., he examine dteh witnesses Subbaiah, Murugan and Arun Velyutham, Sub Inspector of Police Muruga Perumal, who registered FIR and first Investigating officer Muthulakshmi and recorded their statement.

He has further deposed that on receipt of information from the control room regarding the location of Ashok Leyland Dost vehicle, at about 10.00 PM, he inspected the spot behind the Petchiamman temple, where the Ashok Leyland Dost ve-

hicle bearing Registration No. TN 92 E 6901 was stationed with the help of lights illuminating behind the temple, torch light and vehicles' light and prepared Ex.P17 Observation Mahazar and Ex.P66, Rough Sketch and he gave information to Finger Print Bureau and called them to the spot and that he seized the said Ashok Leyland Dost vehicle bearing Registration No. TN 92 E 6901, broken round shaped Ashok Leyland symbol, a part of broken indicator, a small portion of blood stained paint, a patch of maroon coloured paint from the said vehicle, broken pieces of glass, which were marked as M.O.24 to 28 through Ex.P18, Seizure Mahazar and sent them to court through Form-91 marked as Ex.P67(2 Nos). On 03.02.2021, he examined Mupidathy, the owner of Esai Rani Fast food, with whom the accused picked up brawl, Vanaja, Balamaharajan, Shunmugasundaram and recorded their statement and then he examined the witnesses Karthick and Chermaraj at SRS Mobile shop, where the accused picked up brawl and recorded their statement and that he examined the witness Linga Ganesh, the owner of Ashok Leyland Dost vehicle regarding the theft by the accused and recorded his statement and that he examined Special Sub Inspector of Police, Subramanian, who registered FIR against the accused in Eral Police Station crime nos. 47/2021, 48/2021 and 49/2021 and recorded his statement and that he sent the material objects to court through Form-91 and obtained PR.No.74/2021.

He has further deposed that on 04.02.2021, he submitted an application before Judicial Magistrate, Srivaikuntam to take the accused into police custody and he examined Dr.Sudalaimuthu, who conducted the postmortem of the deceased and obtained Ex.P33, Postmortem Report and recorded his statement and that as per the orders of Judicial Magistrate, Srivaikuntam, he took the accused into police custody from 12.15 PM on 05.02.2021 to 18.00 hrs., on 06.02.2021 and that after medical examination, the accused was brought to Eral Police Station at 13.30 hrs., and the accused was subsequently interrogated in the presence of Village Administrative Offi-

cer Govindasamy Karthick and the Village Assistant Thiraviyam and that during the interrogation, the accused voluntarily gave a confession statement and that based on this admissible portion of the disclosure statement, the accused identified the crime scene, the location from where he had retrieved the vehicle keys, and the spot where he was intercepted by Sub-Inspector of Police Balu and he further identified the Korukkai Pond, where he had disposed of the broken glass pieces and at approximately 05:15 PM, the accused identified the spot where he had parked the vehicle behind the Sudalai Madaswamy Kovil and from beneath a kadappa stone located at that spot, he retrieved the keys and handed them over and the keys were subsequently seized by him under Ex.P16, Seizure Mahazar and he examined Village Administrative Officer Govindasamy Karthick and the Village Assistant Thiraviyam and recorded their statement. He then examined the independent witnesses Sankarasubbu, Senthilvel and Jeyamurugan, who were present while retrieving the keys and recorded their statement.

He has further deposed that based on the information collected during the examination of Pon Subbaiah, he identified the witnesses Mytheen @ Manikandan and Murugan and summoned them to police station and identified the accused and they examined them and recorded their statement and then he produced the accused before Judicial Magistrate, Srivaikuntam for judicial remand and then he sent the keys seized through Ex.P68, Form-91 to Judicial Magistrate, Srivaikuntam and that at about 14.00 hrs., he examined the witness Akilan @ Yesu Akilan and at about 15.00 hrs., he examined the witness Praveen and at about 16.00 hrs., he examined Dr.Banumathi, who gave first treatment to Pon Subbaiah and who confirmed the death of SI Balu and at about 17.00 hrs., he examined Dr.Suresh and nurse Hridhaya Sindiya Velkani, who gave treatment to the wife of the accused and at about 20.00 hrs., he examined the driver of the ambulance witness Syed Ahmed Kabir and Grade

I Police Constable 923 Murugasundaram and eye witness Mytheen @ Manikandan and owner of Nall Thambi Jewellers witness Mr.Selvam and recorded their statement. He examined the witnesses Muthuraja, Ramar, Petchiammal, Grade I Police Constable 2283 Sudalaimuthu, who took photographs of the crime scene and recorded their statement.

He has further deposed that on 08.02.2021, he submitted Ex.P69 and Ex.P70 requisition letters to send the blood samples and viscera collected during post-mortem to send for chemical examination and after obtaining Ex.P71, Ex.72 orders, the same were sent to RFSL, Tirunelveli through Head Constable 395 Sankar and that on 09.02.2021, he submitted Ex.P73 requisition letter to send the vehicles involved in this case and remanded in P.R.Nos.72/2021 and 74/2021 for examination that on 10.02.2021, he submitted Ex.P61 requisition letter to record the 164 statement of the eye witnesses Murugan Mytheen @ manikandan and Akilan @ Yesu Akilan and their statement were recorded on 12.02.2021 and that on 18.02.2021, the Hero Honda Passion Plus motorcycle bearing No. TN 69 J 8942 and Ashok Leyland Dost bearing No. TN 92 E 6901 were inspected by MVI Mr.Rajasekar at the court premises and obtained Ex.P29, MVI Report. He has further deposed that on 29.02.2021, he submitted Ex.P74 requisition to Judicial Magistrate, Srivaikuntam to send the material objects remanded in P.R.No.72/2021 and 74/2021 to get answers for the queries related to the case and that on 09.03.2021, on receipt of Ex.P34, Chemical examination report, he examined Dr.Sudalaimuthu and obtained Ex.P35 final opinion and the report sent by Dr.Sudalaimuthu to Judicial Magistrate, Srivaikuntam was marked as Ex.P75 and that he examined Dr.Aravintha Hari, who treated Pon Subbaiah and obtained Ex.P76, wound certificate and that he examined lineman Agnimuthu regarding the power supply in the place of occurrence and obtained Ex.P52 Report and that he examined Dr.Dinesh, who certified the copy of the entries

in para book and that he examined MVI Inspector Vallinayagam who furnished the particulars of ownership of Ashok Leyland Dost vehicle and obtained Ex.P26 Report and he then examined the witness Dinesh and recorded their statement respectively. The Biological Report TIN/BIOL/105/2021 dated 15.02.2021 was marked as Ex.P77. The petition and affidavit filed by PW14 Liga Ganesh intimating the loss of keys due to natural calamities and his inability to produce before the court was marked as Ex.78. He then concluded his investigation and filed his report u/s 353, 307 and 302 of IPC against the accused before Judicial Magistrate, Srivaikuntam.

The case was taken on file as PRC.No.24/2021 and then he examined Additional superintendent of Police Mr.Rathina Sekar, who gave opinion regarding the finger print and obtained Ex.P49 Report and he examined Scientific officer Mrs.Uma and obtained Ex.P51 Report and that he submitted Ex.P79 requisition to Judicial Magistrate, Srivaikuntam to accept the additional documents.

8) On completion of the evidence of prosecution witnesses, when the accused was questioned about the incriminating circumstances emerged from the evidence of the prosecution witnesses u/s. 313(1)(b) Cr.P.C., the accused denied the evidence as false and stated that he has no witness to be examined on his side.

9) The Additional Public Prosecutor argued that the testimony of prosecution witnesses are trustworthy and reliable, supported by documentary evidences and material objects. The prosecutor asserts that the charge leveled against the accused has been proved by the prosecution beyond reasonable doubt and prays the court to convict the accused.

10) The defense strongly argued that the crash occurred at 01:00 AM on 01.02.2021, and the formal FIR, Ex.P38 was registered only at 04:00 AM, an unexplained three-hour delay exists and they contended that the first investigating

officer PW49 and other police officers used this time gap to reach the spot, conduct preliminary inquiries, and deliberate on a strategy and the defense asserted that Ex.P1, written complaint was born out of mutual discussion at the scene, reducing it to a statement made during an investigation that is legally inadmissible under Section 162 of the CrPC. The defense highlighted a clear mismatch in the vehicle identity records and that PW1's initial complaint-Ex.P1 explicitly described the offending vehicle as a TATA Ace, whereas the police later seized an Ashok Leyland Dost commercial truck and furthermore, they pointed out that the official RTO ledger particulars, Ex.P27 and Ex.P57 list the victim's two-wheeler bearing No. TN 69 J 8942 as a Hero Honda Splendor Plus in Maroon color, directly contradicting the prosecution's repetitive testimony that the patrol bike was a Hero Honda Passion Plus in Brown color. The defense claimed these contradictions prove the police staged the scene using a substituted motorcycle and a random truck. The defense strongly contends that the prosecution's case is built upon pre-fabricated documents, as proven by a fatal chronological impossibility in the court records. The learned Magistrate's handwritten initials on the receipt of the Section 161(3) CrPC statements for critical witnesses including LW6, LW7, LW8, LW9, LW13, LW14, LW15 are officially dated 01.02.2021, however, the Investigating Officer's own records state that these witnesses were physically interrogated only days later, stretching up to 06.02.2021. The defense asserted that the police could not have delivered documents to the judiciary days before they were written, proving the entire investigation file was pre-manufactured on day one. The defense established through cross-examination that the Eral Police Station was fully equipped with functional CCTV cameras at the time of the incident and they argued that if the accused's FORCE vehicle had truly been confiscated and if the accused had been present at the desk with SI Balu at 22:00 hours on 31.01.2021, the interaction would have been captured on camera. They contended that the prosecution's failure to produce and mark this CCTV footage

amounts to a deliberate suppression of the "best evidence," destroying the credibility of the alleged motive. The defense challenged the validity of the fingerprint matching report, Ex.P47 and they argued that the specimen prints Ex.P46 were rolled by an unexamined constable named Arthomai without a prior judicial order under Section 5 of the Identification of Prisoners Act, violating the Tamil Nadu Police Standing Orders and that the learned counsel for the defence would contend that the prosecution has failed to prove its case and that Ex.P1 complaint is not believable and that motive for murder has not been proved by the prosecution and that the oral evidence of witnesses are contradictory and against rules of prudence and a false case has been foisted against accused and the learned counsel for defence prays for acquittal of the accused.

11) Point for consideration:-

Whether the prosecution has proved the charge under sections 302, 307, 353 of IPC leveled against the accused beyond all reasonable doubt?

Solution:

12) The case of the prosecution is that on 31.01.2021 at about 21:45 hours, LW1, Pon Subbaiah and Grade I PC 1588 Jegastin Rajkumar, while on motorcycle patrol, responded to information regarding a brawl at a mobile fast-food shop on Eral Bharathiyar Road and enquiry with the shop owner, Mupidathy, revealed that the accused, Murugavel, had initially quarreled with him in an intoxicated state, demanded Masala Poori, and later returned at 21:00 hours and 21:30 hours in his FORCE vehicle bearing Reg. No. TN 67 AX 4389 to create a further ruckus and threaten the owner and when LW1 and PC Jegastin Rajkumar intercepted the accused at the Eral bus stand, the accused picked up a quarrel with them and that due to his heavily intoxicated state, the officers brought him and his vehicle to the Eral Police

Station. There, the now-deceased Sub-Inspector of Police, Mr. Balu, registered Motor Petty Cases Nos. 419/2021 and 420/2021 for non-production of a driving licence and RC book, detained the vehicle, and released the accused on a muchalika to appear the next day and this action fueled deep hostility and a murderous intent in the accused against SI Balu.

13) Later that night, at about 00:45 hours on 01.02.2021, while SI Balu and LW1 were on night patrol on a Hero Honda Passion Plus motorcycle bearing Reg. No. TN 69 J 8942 near the Korkai four junction road, they spotted the accused chatting with witnesses LW6, Mytheen @ Manikandan and LW7, Murugan and that the accused was in possession of an Ashok Leyland Dost vehicle bearing Reg.No. TN 92 E 6901 stolen from witness Linga Ganesh and that when the police officers questioned his presence and ordered him to go home, the accused complained that his vehicle had been unjustly seized, preventing him from visiting his hospitalised wife and that an altercation ensued, during which SI Balu slapped the accused for his arrogant reply and that the accused then drove to his house, watched the movements of the patrolling officers, and was further warned by them as they passed his residence.

14) Driven by this compounding hostility, at about 01:00 hours on 01.02.2021, while SI Balu as pillion rider and LW1 as rider were proceeding from east to west on the Eral-Korkai road near the Vazhavallan Oorkatha Swamy temple, followed by LW6 and LW7 on their motorcycle, the accused trailed them in the stolen Ashok Leyland Dost vehicle, driving rashly and with the explicit intention to murder the police officers, the accused overtook LW6 and LW7 and deliberately rammed the middle portion of his vehicle into the rear of the police motorcycle and that the impact caused the instantaneous death of SI Balu and constituted an attempt on the life of LW1.

15) The learned counsel for the defence referred to decision of the Hon'ble Madurai Bench of Madras High Court in the case K.Nagarathinam vs State rep by The Inspector of Police, Ramanathapuram Bazaar Police Station in Cr.R.C(MD) No.739 of 2017 dated 22.09.2021 and argued that in criminal jurisprudence that more serious offence, the stricter is the degree of proof and the burden is always on the prosecution to prove its case beyond all reasonable doubts.

16) There cannot be any second opinion to the principle that the accused cannot be convicted on mere surmises and conjecture and can be convicted only on legal evidence and the burden of proof is on the prosecution to prove its case beyond all reasonable doubts. As per the settled principle of law, this court proceeds further to find out whether the prosecution has proved its case beyond all reasonable doubts.

17) The prosecution claiming to be the injured direct witness has examined Pon Subbaiah as PW1 in support of their case. PW1.Tr.Ponsubbiah, Gr.I PC 2447 has deposed that he was working as Grade I Police constable in Eral Police Station from 10.03.2019 and that he is acquainted with the accused Murugavel and that he reported to duty on 31.01.2021 at 08.00 a.m., and he was allotted motorcycle patrolling duty and he did his duty till 02.00 p.m., and then after rest, reported back to duty at 09.00 p.m., and went to vehicle patrolling at Siruthondanallur and at about 09.45 hours, Grade I Police Constable 1817 Thomas Palraj had informed him through phone about the brawl in a mobile Fast food shop situated at Eral Bharathiyar Road near State Bank of India and that he and Police Constable 1588 Mr.Jegastin Rajkumar proceeded there and after enquiry with the owner of Fast food shop Mupidathy, it was revealed that initially, the accused Murugavel had picked up quarrel with him demanding Pani Poori and then at about 09.00 p.m., the accused came in his FORCE vehicle bearing registration number TN 67 AX 4389 and intimidated that he would

vandalise his shop and would put a shop opposite to his shop and proceeded towards Eral bus stand and that he and Jegastin Rajkumar enquired the accused, who was sitting in the FORCE auto bearing registration number TN 67 AX 4389 at Eral bus stand about the above said allegation, he had picked up quarrel with them and that Jegastin Rajkumar took his vehicle to police station and he took the accused to police station in his motorcycle to police station and handed over the motorcycle and the accused to Sub Inspector of Police Mr.Balu, the deceased in this case and that Sub Inspector of Police Balu demanded him R.C.Book, License and Insurance and as the accused didn't possess the above said documents, he had registered Motor Petty case and obtained muchalika for his appearance for enquiry the next day and stationed the vehicle and then he and Sub Inspector of Police went for night patrolling in the Hero Honda Passion Plus motorcycle of Sub Inspector of Police Mr.Balu bearing registration number TN 69 J 8942 in Eral Bazaar and on 01.02.2021 at about 00.30 hours, Sub Inspector of Police Mr.Balu inspected Head Police constable 1606 Mr.Puthiyavel, who was in duty at Umarikadu and when they reached Korkai four junction road at about 00.45 hours, the accused Murugavel was there with Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901 and was talking with Akilan, who was working in Narayan parotta shop and two persons in red colour CD 100 motorcycle bearing registration number TN 69 J 1813, who were chatting with him moved from that place on seeing them. He has further deposed that when Sub Inspector of Police Mr.Balu enquired about the presence of the accused there in that unusual time, he had replied with arrogance that his wife had been admitted in hospital for consuming poison and he had also grabbed his vehicle and was stationed at police station and that it was his town and he would be there and he can do whatever he could do and that the Sub Inspector of Police Mr.Balu had slapped him for his arrogant reply and they both asked him to leave that place and that the accused had gone to the front of his house and that when he and Sub Inspector of Police

Mr.Balu were proceeding from four junction road towards Eral, the accused was standing in front of his house and that Sub Inspector of Police Mr.Balu warned him to get inside the house, otherwise to face the consequences in jail and that he was riding the motorcycle and Sub Inspector of Police Mr.Balu was travelling as pillion rider and they were proceeding towards Eral and when they were proceeding near Vazhavallan Lakshmipuram Oorkathamman temple, there was flashing light from behind, he moved to the shoulder of the road, the accused drove the Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901 at high speed and dashed the motorcycle rode by him with the middle portion of the vehicle and they both were thrown away from the vehicle and that the accused took an U-Turn and stopped the vehicle and told “செத்து தொலைங்களை, உங்களை கொலை வேண்டும் என்று தான் வண்டியை வைத்து இடித்தேன்” and sped away and he viewed the same with the help of illuminating 2 street lights and that the front bumper, front mirror of the vehicle drove by the accused were broken and fell there and the indicator, 2 mudguards of the motorcycle, helmet, walkie talkie, e-chalan machine were also damaged and that Sub Inspector of Police Mr.Balu was in an unconscious state and he got water from Mrs.Muthulakshmi and sprinkled on him and as he didn't respond, he informed to Police constable 1516 Mr.Sankar through phone and that 1588 Mr.Jegastin Rajkumar, Police constable 1205 Mr.Palavesa Parthiban, Grade I Police Constable 1817 Mr.Thomas Palraj arrived at the spot and they took them to Eral primary Health Centre in 108 ambulance and they examined SI Mr.Balu and declared him to be dead and he was given first aid and that the accused had did that act with an intention to cause death and that at about 04.00 a.m., he lodged a complaint to SI Mr.Murugaperumal and that as TATA Ace and TATA FORCE looks similar, out of anxiety, he had mentioned the vehicle drove by the accused as TATA Ace in the complaint. The complaint was marked as Ex.P1. After lodging complaint, he received medical memo and took treatment at Thoothukudi Government Hospital.

18) PW1, Pon Subbaiah has categorically testified that accused Murugavel intentionally rammed a motorcycle with his commercial vehicle, causing the death of Sub Inspector Balu and injuring him following a series of confrontations. PW1 identified the accused, noted the vehicle's damage, and testified to the sequence of events leading to the collision, including an initially mistaken vehicle identification in the complaint due to anxiety.

19) Now, it is necessary to find out whether the testimony of the injured direct eyewitness, PW1 Pon Subbaiah stands independently corroborated by independent witnesses, medical evidence, and documentary evidences to establish the actus reus, mental reus and the identity of the offending vehicle.

20) The defense counsel argued that according to the prosecution's case, the occurrence took place on 01.02.2021 at about 01:00 AM, but the FIR was registered only at 04:00 AM on the same day and he contended that this three-hour delay has not been duly explained by the prosecution, making the exact time and date the FIR reached the court highly suspicious and that based on this, the defense asserted that Ex.P38, FIR is a post-investigation document which has been retrospectively manufactured to falsely implicate the accused and that the FIR is hit by Section 162 of the Cr.P.C and possesses no evidentiary value, as the information was gathered through a post-investigation process.

21) In support of the above said contention, the counsel for the defence pointed out that the record clearly demonstrates that PW1 informed the police about the alleged occurrence immediately after its commission in the presence of PW9, Sankar and PW9 then promptly conveyed the details of the incident to PW7, Thomas Palraj, PW8, Jegastin Rajkumar, and PW19, Palavesa Parthiban, who immediately rushed to the place of occurrence to provide assistance and secure the scene. The

defense counsel further argued that the FIR was prepared only after reaching the spot following extensive deliberations, consultations, and discussions and he contended that such a delayed complaint cannot be treated as a valid FIR and must instead be regarded as a statement made during the course of an ongoing investigation, thereby attracting the statutory bar under Section 162 of the Cr.P.C.

22) This Court carefully analysed the evidence on record. The collision occurred at 01:00 AM in a rural area near the Vazhavallan Temple. The Sub-Inspector of Police was knocked unconscious, and PW1, Pon Subbaiah was left bleeding with multi-site trauma. The immediate response of the arriving police constables PW7, PW8, and PW19 was to secure medical care, arrange an Ambulance, and rush both uniform-clad victims to the Eral Primary Health Centre.

23) The law does not expect an injured eye-witness or responding officers to prioritize writing a complaint over trying to save a colleague's life. It is settled principle of law that delay in lodging the FIR cannot be used as a ritualistic formula for doubting the prosecution case and to discard the same. Delay has the effect of putting the Court in its guard to search if any explanation has been offered for the delay, and if offered, whether it is satisfactory or not. If the prosecution fails to satisfactorily explain the delay and there is possibility of embellishment in prosecution version on account of such delay, the same would be fatal to the prosecution. However, if the delay is explained to the satisfaction of the Court, same cannot by itself be a ground for disbelieving and discarding the entire prosecution version.

24) The case on hand is analysed on the above said principle and this court proceeds to find out whether the delay has been properly explained by the prosecution. PW1 testified that the collision occurred at approximately 01:00 AM on

01.02.2021. The impact threw both officers from the motorcycle with great force. PW1 testified that Sub-Inspector Balu was rendered immediately unconscious. PW1, despite suffering multiple injuries to his left leg, lower lip, knee, and neck, attempted to revive him using water sourced from a nearby resident, PW5, Mrs. Muthulakshmi. When SI Balu failed to respond, PW1 immediately contacted the police station for emergency backup. Upon the arrival of backup and an Ambulance, both officers were rushed to the Eral Primary Health Centre for emergency evaluation, arriving between 01:30 AM and 01:45 AM.

25) Forcing a severely injured eyewitness to write a formal legal complaint while his superior lies motionless next to him would be completely unreasonable. The three-hour interval from the time of the impact, 01:00 AM to the formal registration of the complaint at 04:00 AM represents the actual time required to manage a critical medical emergency and arrange transport to the hospital.

26) The testimony of PW1 regarding this timeline does not stand alone; it is fully supported by independent witnesses and records. PW32, Dr. Banumathi confirmed that PW1 arrived at the Eral PHC around 01:30 AM to 01:45 AM in a state of distress. She officially declared SI Balu dead on arrival at 01:45 AM after checking for a pulse and performing an ECG and issued Ex.P22 certificate. She also treated PW1's injuries and referred him to the Thoothukudi Government Hospital for inpatient stabilization and issued Ex.P23 certificate.

27) The primary reason defense counsels challenge a delayed FIR is the risk that the police used the time gap to hold consultations and falsely implicate an innocent person. It would be pertinent to note down the evidence of PW32, Dr.Banumathi along with Ex.P22 and P23 documents.

28) PW32, Dr. Banumathi explicitly testified that upon entering the Primary

Health Centre at 01:30 AM, PW1 immediately stated that a known person named Murugavel had intentionally rammed their motorcycle from behind using a vehicle with registration number TN 92 E 6901. This clear identification was logged in the hospital's official Accident Register, Ex.P32 and Ex.P23 within 30 minutes of the crash. The above facts ruled out the claim of the defense the complaint was fabricated at 04:00 AM to frame the accused.

29) For the above said reasons, this court is of the view that the defense's argument that the three-hour gap represents an artificial delay used for "deliberation and consultation" ignores basic human priorities and established criminal jurisprudence and PW1's explanation for the three-hour interval is fully accepted as true and natural. The timeline shows a continuous, urgent response to a crisis, with no gaps that would allow for manipulation or fabrication. His testimony remains a reliable piece of core evidence for this Court. The three-hour interval between the commission of the offense at 01:00 AM and the registration of the FIR at 04:00 AM has been fully, logically, and transparently explained by the prosecution as a period consumed strictly by emergency life-saving and medical evacuation logistics and hence, the contention put forth by the counsel for the defence regarding the delay in lodging FIR is not sustainable.

30) Dwelling into the next contention put forth by the counsel for the defence that FIR is hit by section 162 of Cr.P.C, this court is of the view that for a statement to be hit by Section 162 of the CrPC, it must be made to a police officer in the course of an active investigation. The distress phone call made by PW1 to the station para duty constable PW9, and the subsequent arrival of the police constables at the scene, were actions taken to secure backup and medical relief. They did not mark the start of a formal statutory investigation. The early telephonic or oral communications between the colleagues, who happened to be a police officials to arrange emergency medical

transport do not constitute an active investigation.

31) The defense counsel vehemently argued that the presence of PW49, Circle Inspector Mrs. Muthulakshmi, the first investigating officer, alongside the injured eyewitness PW1 at both the crime scene and during the subsequent transit to the Eral Primary Health Centre, indicates a pre-meditated and staged police operation. However, the prosecution record firmly establishes that following the high-speed collision, PW49 arrived promptly at the spot, where she was met by PW14, Linga Ganesh. Recognizing the critical nature of the emergency and the physical trauma sustained by PW1, PW49 immediately utilized her official police jeep to safely evacuate the bleeding officer to the hospital, accompanied by PW14. This joint presence was a natural, necessary medical response to a midnight crisis and cannot be distorted to imply an ongoing or calculated post-investigation deliberation.

32) For this joint transit to damage the prosecution's case, the defense would have to show that PW49 used the journey to interrogate PW1 and draft a post-investigation narrative before registering the case. The independent medical records completely rule this out. The evidence of PW32, Dr. Banumathi confirmed that upon arriving at the Primary Health Centre, it was PW1 who directly spoke to her, providing a spontaneous description of the attack while PW49 was just accompanying PW1. The details of the accused's identity and his vehicle TN 92 E 6901 were entered into the hospital register, Ex.P22 and Ex.P23 by Dr. Banumathi based exclusively on PW1's first-hand disclosure.

33) PW49 did not officially take custody of the case file from the station desk until 04:30 AM, right after PW41, SI Murugaperumal registered the formal FIR based on PW1's written complaint Ex.P1. The formal written complaint, Ex.P1 given by PW1 to PW41, SI Murugaperumal at 04:00 AM was the very first information that

set the criminal law in motion under Crime No. 46/2021. Because no official investigation had begun before this point, Ex.P38 cannot be classified as a post-investigation document.

34) For the above said reasons, this court is of the view that the joint presence of PW49 and PW1 at the scene and during the hospital transit reflects a prompt, professional response to a crisis, ensuring both immediate medical care and the preservation of crucial evidence and hence, the contentions raised by the defence's counsel u/s 162 of Cr.P.C is without merit and hence not acceptable.

35) Next, this court proceeds to find out whether there is any delay in the FIR reaching the court. It would be pertinent to point out that FIR was registered at 04:00 AM and the Express FIR was handed over to PW37, Constable Selvaraj at 04:45 AM. Navigating poor rural roads, uneven surfaces, and multiple speed breakers in the dark on a motorcycle, PW37 delivered the original files directly to the residence of the Judicial Magistrate of Srivaikuntam by 06:10 AM. A total delivery window of 2 hours and 10 minutes from the police station desk to the hands of the Magistrate leaves zero time for the police to forge evidence, alter timelines or pad the case file. The prompt dispatch proves the integrity of the document.

36) For the above said reasons, this court is of the view that the contention of the defense is not legally sustainable and holds that that Ex.P38, First Information Report is a spontaneous, contemporaneous, and legally untainted document and it is not hit by the statutory bar of Section 162 of the CrPC. The three-hour interval between the commission of the offense and the registration of the FIR has been fully, logically, and transparently explained by the prosecution as a period consumed strictly by emergency life-saving and medical evacuation logistics and reached court promptly and holds that the FIR remains a valid piece of core evidence for this trial.

37) Next, it is necessary to find out whether the prosecution has established an unbroken, legally sound motive beyond all reasonable doubts to show that the accused harbored deep hostility and a specific intent to murder Sub-Inspector Balu.

38) The case of the prosecution is that on 31.01.2021 at about 21.45 hours, when LW1 Pon Subbaiah was in motorcycle patrolling, Grade I Police Constable 1817 Thomas Palraj had informed him through phone about the brawl in a mobile Fast food shop situated at Eral Bharathiyar Road near State Bank of India and that LW1 and Grade I Police Constable 1588 Mr.Jegastin Rajkumar proceeded there and after enquiry with the witness Mupidathy, the owner of Fast food shop, it was revealed that the accused Murugavel had picked up quarrel with him demanding food and threatened him and that the witnesses Pon Subbaiah and Jegastin Rajkumar enquired the accused, who was sitting in the FORCE vehicle bearing registration number TN 67 AX 4389 at Eral bus stand about the above said allegation, he had picked up quarrel with them and as the accused was in an intoxicated state, the witness Jegastin Rajkumar took his vehicle to police station and LW1 Pon Subbaiah took him to police station in his motorcycle to police station, where Sub Inspector of Police Mr.Balu, the deceased in this case registered Motor Petty case Nos.419/2021 and 420/2021 for not possessing driving license and R.C.Book and obtained muchalika for his appearance for enquiry the next day and stationed the FORCE vehicle bearing registration number TN 67 AX 4389 in the custody of police station, which developed the hostility and intention in the accused to murder Sub Inspector of Police Mr.Balu.

39) PW1, Pon Subbaiah as a direct participant and injured victim, he gave detailed first-hand testimony. He deposed that while on motorcycle patrol duty, he received a phone call from PW7 regarding a public disturbance and he and PC

Jegastin Rajkumar proceeded to the fast-food stall, enquired with the owner, and subsequently intercepted the intoxicated accused sitting inside his Force vehicle bearing Reg. No. TN 67 AX 4389 at the Eral Bus Stand. He details bringing the accused to the station, where the deceased SI Balu impounded the vehicle for want of essential statutory documents.

40) PW7, Thomas Paulraj Grade I PC 1817, deposed that on 31.01.2021 at about 09:45 PM, PW6 Praveen telephonically informed him about a drunken brawl created by the accused at the Esairani Fast Food shop near the State Bank of India on Bharathiyar Road. Upon receiving this intimation, PW1 Grade I PC 2447 Pon Subbaiah and PW8 PC 1588 Jegastin Rajkumar proceeded there for an enquiry, learnt that the accused had moved towards the Eral Bus Stand, and subsequently intercepted him there while he was sitting inside his FORCE vehicle bearing registration number TN 67 AX 4389. When questioned, the accused picked up a quarrel with the officers, leading to PC Jegastin Rajkumar driving the offending vehicle to the station while PW1 escorted the accused on his motorcycle. They handed over both the vehicle and the accused to the deceased Sub-Inspector Balu, who registered a Motor Petty Case and obtained a muchalika for his appearance the next day after the accused failed to produce an RC Book, driving licence, or insurance.

41) PW8, Jegastin Rajkumar deposed that on 31.01.2021, PW1 called him to assist with a drunken brawl inquiry at Esairani Fast Food shop near the State Bank of India, Eral Bharathiyar Road, where shop owner Mupidathy revealed that an intoxicated individual had picked a fight demanding fried rice and fled toward the Eral Bus Stand in a FORCE vehicle and that upon intercepting the accused there, he picked a quarrel with the officers, prompting PW8 to drive the vehicle to the station while PW1 escorted the accused on a motorcycle and they handed both over to the deceased SI Balu, who impounded the vehicle under a Motor Petty Case and took a

muchalika after the accused failed to produce an RC book, licence, or insurance.

42) PW19, Palavesa Parthiban deposed that on 31.01.2021 at about 09:45 PM, while he was on duty, Police constables PW1 Pon Subbaiah and PW8 Jegastin Rajkumar conducted an enquiry regarding a brawl at a fast-food shop near the State Bank of India and they traced the accused to the Eral Bus Stand, where he was sitting inside a FORCE vehicle bearing registration number TN 67 AX 4389 and upon being questioned, the accused picked a quarrel with them, leading to PW8 driving the vehicle to the station while PW1 escorted the accused on a motorcycle, subsequently handing both over to the deceased Sub-Inspector Balu.

43) PW40, Mr. Mupidathy deposed that on 31.01.2021, the accused, Murugavel, caused successive altercations at his "Isai Rani Fast Food" stall, starting at 08:00 PM over a service delay and that the accused returned at 09:00 PM and 09:30 PM in a FORCE vehicle bearing Reg No.TN 67 AX 4389, drinking beer, disrupting traffic, and criminally intimidating PW40 by threatening to run him over with the vehicle and after the accused drove toward the Eral bus stand, arriving police officers were briefed and took the highly intoxicated accused and his vehicle into custody.

44) PW16, Mrs. Vanaja deposed that on 31.01.2021, between 07:00 PM and 08:00 PM, the accused created a scene at her "Esaivani Fast Food" shop after being denied masala poori due to a heavy crowd and he left in his FORCE vehicle but returned an hour and a half later, causing a drunken brawl over fried rice while drinking beer and shouting intimidation tactics. She and her husband narrated the disturbance to two arriving police officers, who subsequently apprehended the accused, Murugavel, at the bus stand.

45) PW41, Sub-Inspector Mr. Murugaperumal has produced and proved the

physical copies of Motor Petty Cases Nos. 419/2021 and 420/2021 registered by the deceased SI Balu against the accused for driving without a license, RC book, or insurance.

46) The consolidated evidence of the police officers, PW1 Pon Subbaiah, PW7 Thomas Paulraj, PW8 Jegastin Rajkumar, and PW19 Palavesa Parthiban perfectly matches the independent accounts of the fast-food shop owners, PW16 Mrs. Vanaja and PW40 Mr. Mupidathy, to fully establish the initial incident and the development of mens rea in the accused. The testimonies demonstrates an unbroken sequence: the accused initiated successive drunken brawls at the stall, drove recklessly in a FORCE vehicle bearing Reg.No. TN 67 AX 4389 while drinking beer, and explicitly threatened to run the shop owners over. This public disturbance led directly to his interception at the Eral Bus Stand by PW1 and PW8. He picked a quarrel with them before being brought to the police station, where the deceased Sub-Inspector Balu registered a Motor Petty Case and impounded his vehicle. The independent civilian witnesses naturally explained that their delay in filing formal complaints was driven by fear. This fear was tragically validated hours later when the accused acted out his hostility by using a heavy truck to execute his recurring threat against the police officers.

47) The defense argued that because Ex.D2, the final Motor Petty Case charge sheet was signed and filed in court by PW41, Sub-Inspector Murugaperumal, the preliminary police notice Ex.P39 must be a fabricated document falsely attributed to SI Balu after his death.

48) This court would like to impress upon that the Purpose of Ex.P39, is a statutory checking notice issued to a driver under the Motor Vehicles Act when a vehicle is taken into station custody for document validation. PW1, PW8, and PW19

uniformly deposed that when the intoxicated accused failed to produce an RC book or driving licence, SI Balu checked the vehicle, impounded it, and immediately issued Ex.P39, notice while alive during his regular evening shift.

49) The Purpose of Ex. D2 is the formal judicial charge sheet submitted to the Magistrate's court to initiate the summary trial. An officer who intercepts a vehicle is not required to instantly run to the court to file a charge sheet. The paperwork is compiled sequentially at the station. Because SI Balu was dead at 01:00 AM on 01.02.2021, he was physically unavailable to carry the administrative petty case files to the Srivaikuntam Court later that week. Signing a final court charge sheet, Ex.D2 by PW41, the administrative successor, because the initiating officer has passed away is proper legal practice and standard station management. It cannot be twisted to suggest that the initial Ex.P39 notice signed by the living SI Balu is a post-mortem fabrication.

50) PW33, Regional Medical Officer Dr. Dinesh verified and certified the photocopies of the official, sequential station Para Book entries, which was marked as Ex.P24 for 31.01.2021 and 01.02.2021. Ex.P24 show that on 31.01.2021 at 22.20 hrs., when the intoxicated accused failed to produce an RC book or driving licence, SI Balu checked the vehicle, impounded it and the Motor vehicle was taken into station custody for document validation. These entries were made hours before the midnight collision occurred. The police could not have guessed at 22:00 hours that SI Balu would be murdered at 01:00 AM, meaning it was impossible for them to pre-manufacture these records to create a false motive.

51) The defense counsel argued that because witnesses confirmed the existence of CCTV cameras within the Eral Police Station, the prosecution was legally bound to secure, produce, and mark the electronic footage as the "best

evidence" to prove that the accused and his Force vehicle bearing Reg.No.TN 67 AX 4389 were physically at the station between 22:00 hours and 23:00 hours on 31.01.2021 and contend that failing to produce this footage indicates a deliberate suppression of evidence under Section 114(g) of the Indian Evidence Act.

52) Regarding the said contention, this court is of the view that Ex.P24, the station sentry Para Book is a statutory primary paper ledger written by the duty officer in real time as events occur. Its entries are contemporaneous records. The entries that the intoxicated accused failed to produce an RC book or driving licence, SI Balu checked the vehicle, impounded it and the Motor vehicle was taken into station custody for document validation were written into the Para Book at 22:20 hours on 31.01.202. The physical logs in Ex.P24 provide reliable primary proof of the vehicle's detention. CCTV footage would merely serve as secondary, visual corroboration. Its absence does not reduce the legal value of the physical station logbooks.

53) It is settled principle of law that an omission by an investigating officer to collect or produce CCTV footage cannot destroy an otherwise solid criminal case supported by reliable eyewitness accounts. The initial altercation, the public disturbance, and the vehicle detention are fully supported by four police witnesses, PW1, PW7, PW8, PW19 and two independent civilian business owners, PW16, PW40, whose statements are consistent and clear. A procedural oversight in downloading or preservation cannot override this solid wall of oral and documentary evidence.

54) The prosecution is not required to provide photographic or video proof of every minor step leading up to a crime. The primary purpose of proving the station encounter is to establish the motive, the anger triggered by the vehicle impounding.

As the development of hostility is fully proven by events that occurred outside the station, the presence or absence of internal precinct footage has no bearing on the final determination of guilt.

55) For the above said reasons, this court is of the view that the prosecution has presented a complete, unassailable chain of primary evidence and hence, the defense's technical objection regarding the missing CCTV footage is without legal merit and is not sustainable.

56) In view of the above findings, this court is of the view that the vehicle seizure, the registration of the petty cases, and the origin of the motive stand fully established beyond a reasonable doubt.

57) It is the further case of the prosecution that the Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah went for night patrolling in the Hero Honda Passion Plus motorcycle of Sub Inspector of Police Mr.Balu bearing registration number TN 69 J 8942 in Eral Bazaar and they were proceeding via Korkai four junction road at about 00.45 hours, and the accused Murugavel was there with Ashok Leyland Dost vehicle, which was stolen by him from the witness Linga Ganesh and was chatting with the witnesses Mytheen @ Manikandan and Murugan, who were proceeding in their motorcycle bearing registration number TN 69 J 1813 and when they condemned the presence of the accused there and ordered him to go to his house, the accused had told that they had grabbed his vehicle and stationed at police station without enabling him to take his wife, who was admitted in hospital for consuming poison and that the Sub Inspector of Police Mr.Balu had slapped him for his arrogant reply and when the Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah had attempted to assault the accused further for his intimidating reply, the accused had left the place in his Ashok Leyland Dost vehicle bearing registration number TN 92 E

6901 and parked it in front of his house and observed the movements of Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah and that when LW1 Pon Subbaiah was riding the Hero Honda Passion Plus motorcycle bearing registration number TN 69 J 8942 with Sub Inspector of Police Mr.Balu as pillion rider and were proceeding towards Eral, they had further warned the accused, who was standing in front of his house to get inside the house, otherwise to face the consequences in jail, which leads to further hostility towards Sub Inspector of Police Mr.Balu.

58) PW1, Pon Subbaiah has deposed with high precision that after patrolling Eral Bazaar with SI Balu on the Honda Passion Plus motorcycle bearing Reg.No. TN 69 J 8942, they reached the Korkai four-junction road at about 00:45 hours and he directly observed the accused with an Ashok Leyland Dost truck bearing Reg No. TN 92 E 6901 chatting with an employee named Akilan and two individuals on a red motorcycle and when SI Balu questioned his presence at that unusual hour, the accused arrogantly declared that the police had locked up his vehicle while his wife was hospitalized for consuming poison and he testified that SI Balu slapped the accused for his aggressive posture. He further deposed that as they drove past the accused's house toward Eral, the accused stood outside watching them, prompting a final warning from SI Balu to go inside or face jail.

59) PW4, Tr. Murugan, an independent witness whose presence at the junction is verified by a commercial jewellery receipt, Ex.P8 from earlier that evening has deposed that he and his friend Mydeen stopped their motorcycle bearing Reg.No. TN 69 J 1813 at the Korkai junction at 12:30 midnight to look for liquor. He explicitly confirmed that they approached the accused, who was sitting in a "jeep-like" commercial vehicle, to ask where to find alcohol. PW4 witnessed the arrival of SI Balu and PW1, who ordered them to go home. Crucially, he saw the verbal escalation and explicitly witnessed SI Balu slapping the accused. He noted that the

accused drove the vehicle 4 to 5 feet away, stopped, and waited.

60) PW15, Head Constable Puthiyavel deposed that while on stationary para duty, SI Balu and PW1 visited his post at 00:30 hours on their motorcycle, briefed him about the fast-food brawl and the vehicle impounding, and then proceeded directly toward the Korkai junction. His testimony is locked into the case file via his official logbook entries Ex.P5 in Ex.P4 and it provides a vital chronological boundary just 15 minutes prior to the confrontation.

61) The conjoint consideration of the above oral and documentary evidences would demonstrate that the oral evidence of PW15, Head Constable Puthiyavel, would provide an ironclad baseline by confirming via official log entries, Ex.P5 that SI Balu and PW1 checked his patrol post at 00:30 AM before proceeding toward the Korkai junction and this official entry perfectly positions the officers for their 00:45 AM encounter at the four-junction road, a scene fully detailed by the injured eyewitness, PW1, and corroborated by independent civilian witness PW4, Murugan. PW4's presence at the junction is corroborated by a commercial jewellery receipt, Ex.P8, and his detailed eye-witness account of the verbal dispute, SI Balu's slapping, and the accused's hostile retreat to wait nearby.

62) The systematic review of the ocular evidence and log entries reveals an unbroken, tightly timed sequence that conclusively establishes the midnight confrontation and the immediate escalation of the accused's malice and this court holds that the second pre-incident confrontation has been fully established by the prosecution beyond all reasonable doubts.

63) The next question that arises for consideration is whether the prosecution has proved that the accused had caused the death of SI Balu and attempted to cause the death of PW1 Pon Subbaiah by dashing him with Ashok Leyland Dost vehicle.

The case of the prosecution is that on 01.02.2026 at about 01.00 a.m., when Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah were proceeding in the northern side of Vazhavallan Oorkatha Swamy temple in Eral to Korkai road from eastern direction to western direction trailed by the witnesses Mytheen @ Manikandan and Murugan in their CT 100 motorcycle bearing registration number TN 69 J 1813, the accused drove the Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901 in the same direction rashly with an intention to murder Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah out of previous hostility and over took the motorcycle of LW6 and LW7 and dashed the motorcycle rode by LW1 Pon Subbaiah with Sub Inspector of Police Mr.Balu as pillion rider with the middle portion of the Ashok Leyland Dost vehicle and caused the death of Sub Inspector of Police Mr.Balu and attempted to cause the death of LW1 Pon Subbaiah.

64) First, it is just and necessary to find out whether the prosecution has proved that Murugavel, took and operated the Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901, which was marked as M.O.20 to commit the offense.

65) PW1, Pon Subbaiah deposed that while he was riding the motorcycle with SI Balu as a pillion rider near the Vazhavallan Lakshmipuram Oorkathamman Temple, he noticed flashing headlights from behind and steered onto the road shoulder. The accused, driving an Ashok Leyland Dost vehicle bearing Reg. No. TN 92 E 6901 at high speed, intentionally rammed the middle portion of the truck into their motorcycle, violently throwing both officers onto the ground. Illuminated by two fully functional streetlights, PW1 witnessed the accused execute a deliberate U-turn, momentarily stop the vehicle to shout a threatening statement, and speed away.

66) PW4, Tr. Murugan deposed that on 31.01.2021, he and his friend

Mydeen travelled from Palayamkottai to Eral on a motorcycle to purchase a silver anklet from Nallathambi Jewellers. Looking for liquor at around 12:30 AM at the Korkai four-junction road, they enquired with the accused, who was sitting inside a jeep-like vehicle. He explicitly witnessed the arrival of SI Balu and PW1, who ordered them home and slapped the accused during the ensuing altercation. PW4 then trailed behind the police motorcycle and directly witnessed the accused's vehicle overtake them, intentionally ram the police motorcycle from behind near a temple under active streetlights, and swiftly reverse to flee the scene. He deposed that they left to avoid trouble but were traced by the police four to five days later via Mydeen's motorcycle registration plate.

67) PW14, Mr. Linga Ganesh deposed that he managed his brother Kumaresan's complex, where he routinely parked his Ashok Leyland Dost auto bearing registration number TN 92 E 6901. He testified that the accused resided in the same building as a tenant and worked as a mechanic who replaced the vehicle's battery, which gave him exclusive knowledge that the keys were kept in a holder behind the window. PW14 deposed that he parked the vehicle and placed the keys in their usual spot between 06:00 PM and 07:00 PM on 31.01.2021, but found both missing by 06:00 AM to 07:00 AM the next morning. Upon learning that the accused had used his vehicle to murder SI Balu and injure Constable Pon Subbaiah, he lodged a formal complaint at the Eral Police Station on 02.02.2021.

68) PW24, Mr. Raman, deposed that on 01.02.2021 at approximately 01:00 AM, after he and Muthuraja had finished irrigating their fields and they were proceeding along the road leading from Marangalam towards Idaiyarkadu and that the accused, Murugavel, was driving the Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901, proceeding toward the Sudalai Madaswamy Kovil belonging to the Yogeeswarar community.

69) The collective testimony of PW1, PW4, PW14 and PW24 would establishes that the white Ashok Leyland Dost vehicle bearing Reg. No. TN 92 E 6901 was under the management of PW14 and parked safely near a compound wall between 06:00 PM and 07:00 PM on 31.01.2021 and he explicitly establishes the insider access and exclusive knowledge of the accused, who lived on the premises as a rent-paying tenant and worked as a mechanic on that specific vehicle. The accused knew exactly where the ignition keys were hidden.

70) PW4, Tr. Murugan, whose late-night presence in Eral confirms seeing the accused sitting inside this commercial vehicle at the Korkai four-junction road at 12:30 AM. Both PW1 and PW4 explicitly witnessed the accused drive the Ashok Leyland Dost truck at high speed, overtake PW4's motorcycle, and intentionally ram the center portion of the truck into the back of the police bike. Both witnesses confirm the high-velocity impact threw the uniform-clad officers onto the ground. PW24, Mr. Raman testifies that at approximately 01:00 AM, while returning from irrigating his fields, he personally observed the accused, Murugavel, driving the Ashok Leyland Dost truck bearing Reg. No. TN 92 E 6901 at high speed away from the scene toward the Sudalai Madaswamy Temple.

71) To add teeth to the above said witnesses, the prosecution has produced scientific evidences. The point for consideration is whether the forensic fingerprint evidence develops an unassailable scientific nexus establishing the exclusive presence and physical control of the accused inside the offending Ashok Leyland Dost vehicle bearing Reg. No. TN 92 E 6901 at the relevant time of the occurrence.

72) PW51, Deputy Superintendent of Police Mr. Venkateswaran testified that upon receiving a control room alert on 02.02.2021 at 22:00 hours, he located the abandoned truck bearing Reg.No. TN 92 E 6901 hidden behind the Petchiamman

Temple. He immediately summoned the Fingerprint Bureau to the spot to find the traces of Finger prints.

73) PW45, Mrs.Murugeswari, Sub-Inspector of Police attached to the Fingerprint Bureau, Thoothukudi, deposed that pursuant to a request from the Deputy Superintendent of Police, Srivaikuntam, she inspected the Ashok Leyland Dost vehicle bearing Registration No. TN 92 E 6901 on 02.02.2021 and that during the inspection, she lifted a fingerprint from the rearview mirror of the vehicle, and the developed fingerprint sample was marked as M1. She conducted the examination and submitted a preliminary forensic inspection report on 03.02.2021 to the Inspector of Police, Eral, and the said inspection report was marked as Ex.P43.

74) PW46, Mr. Rathina Sekhar, Deputy Superintendent of Police, Finger Print Bureau, Kanyakumari District, who was holding additional charge of Thoothukudi District, deposed that he received a requisition from the Judicial Magistrate of Srivaikuntam to compare the M1 fingerprint lifted from the Ashok Leyland Dost vehicle bearing Registration No. TN 92 E 6901 with the sample fingerprint impressions of the accused and that he conducted the comparison and issued a report certifying that the M1 fingerprint impression lifted from the rearview mirror was identical to the left thumb impression of the accused. The official letter issued by the court was marked as Ex.P44, and the requisition letter submitted by the Deputy Superintendent of Police to the Judicial Magistrate of Srivaikuntam was marked as Ex.P45. The sample impressions obtained from the accused, Murugavel, were marked as Ex.P46, and the comparison report submitted by him was marked as Ex.P47. The photograph of the impressions was marked as Ex.P48, and the detailed statement of reasoning given by him in support of his expert opinion was marked as Ex.P49.

75) PW45, Sub-Inspector Mrs. Murugeswari and PW46, DSP Mr. Rathina Sekhar of the Fingerprint Bureau provided unassailable scientific evidence establishing the accused's physical presence inside the cabin of the murder weapon. The defense's challenged the finger print report by claiming that because the constable who rolled the accused's prints was not examined, and because the prints were taken without an explicit judicial order under Section 5 of the Identification of Prisoners Act, the entire biometric collection process violates the Tamil Nadu Police Standing Orders.

76) The defense's argument relies on a misunderstanding of procedural guidelines. First, the non-examination of the routine clerical handler who physically rolled the ink on the card is an immaterial omission that does not affect the master record. Second, it is a settled principle of law that the power of the police to collect fingerprints during a statutory investigation under Section 4 of the Identification of Prisoners Act is fully independent. It is not restricted or controlled by the optional magisterial routing mentioned under Section 5 of the Act. In view of the above findings, this court is of the view that the defense's technical objections are without merit and are not acceptable.

77) The next factor relied upon by the prosecution is the Fourier-Transform Infrared (FTIR) Spectroscopic paint transfer analysis. The point that arises for consideration is whether the Fourier-Transform Infrared Spectroscopic paint transfer analysis establishes an undeniable scientific nexus proving physical collision contact between the offending Ashok Leyland Dost vehicle bearing Reg. No. TN 92 E 6901 and the victim's Hero Honda Passion Plus motorcycle bearing Reg.No. TN 69 J 8942.

78) PW49, the first investigating officer has deposed that at approximately 06:50 PM, she lifted M.O.21 tyre marks from the Ashok Leyland Dost vehicle used

by the accused onto a Mylar film through Ex.P12, Seizure Mahazar and at approximately 07:15 PM, she lifted M.O.22 tyre impression from a spot situated between the newly constructed house of one Netaji and Tar road using Plaster of Paris through Ex.P13, Seizure Mahazar.

79) PW47, Mrs. Uma, Scientific Officer at the Regional Forensic Science Department, Madurai, deposed that she was working as a scientific officer and document expert, and that she had nine years of prior service in the physics department of the Forensic Science Department in Chennai. She deposed that on 26.02.2021, she received a sealed packet with its seals intact containing 1) a synthetic broken portion of a side box bearing letters AEROSTAR and with black/yellow paint smear, 2) one 43 cm x 16 cm rectangular yellow,red/black painted number plate bearing Registration No. TN 92 E 6901, 3) 16.3 cm x 7 cm rectangular Mylar film bearing a tyre mark impression, 4) one damaged black/brown motorcycle bearing Registration No. TN 69 J 8942, 5) some irregular bluish/gray paint flakes, 6) 28 cm x 18 cm plaster of Paris cast of a tyre mark impression, 7) 36.4 cm x 18 cm plaster of Paris cast of a tyre mark impression, 8) 35.6 cm diameter tyre bearing impression "MRF Savari Nylon" with serial number 44433144113, 9) 35.6 cm diameter tyre bearing impression "MRF Savari Nylon" with serial number 441311443213, 10) 35.6 cm diameter tyre bearing impression "MRF Savari Nylon" with serial number 44003154416, 11) 35.6 cm diameter tyre bearing impression "MRF Savari Nylon" tread impression with serial number 44433114113.

80) She conducted a comparative examination and found that the yellow smear from the broken portion of the synthetic side box (item one) was identical to the yellow paint on the number plate (item two) in respect of color appearance and their Fourier-Transform Infrared (FTIR) spectrum. Similarly, the transferred synthetic black smear found on the number plate (item two) was compared with the broken

black synthetic side box of the motorcycle (item one) and they were found to be similar to one another in respect of color, appearance, and FTIR spectrum. The blue paint adhering to the rear side chassis frame of the motorcycle (item four) was compared with the blue paint flakes (item five), and they were found to be similar to one another in respect of color spectrum and FTIR spectrum. She noted that the rim of the rear wheel was found damaged and bent, meaning a sample impression of the rear tyre could not be taken for the comparison of individual characteristics; however, the pattern in the tyre impression found on the Mylar film (item number 3) and those found on the rear tyre of the motorcycle (item number 4) were similar in nature. She further observed that the impressions on the plaster of Paris cast (item six) were not distinct or clear, rendering it unsuitable for comparison with the tyres (items eight to eleven). While the tread pattern impressions on the plaster of Paris cast (item seven) and the tread pattern on the tyres (items eight to eleven) were similar to each other, the plaster of Paris cast did not manifest distinct individual characteristics that could be definitively associated with one of the four specific tyres (items eight to eleven).

Based on these observations, she provided her expert opinions:

- (i) The yellow smear found on the synthetic side box of the motorcycle, item 1 and the yellow paint from the number plate, item 2 could have originated from the same source.
- (ii) The broken black synthetic side box, item 1 and the transferred synthetic black smear found on the number plate, item 2 could have originated from the same source.
- (iii) The blue paint flakes from the damaged rear chassis frame of the motorcycle, item 4 and the blue paint flakes, item 5 could have originated from the same source.
- (iv) The tyre tread impression on the Mylar film, item 3 and the tyre tread pattern on the rear wheel of the motorcycle, item 4 are similar in class

characteristics.

- (v) The tyre tread impressions on the plaster of Paris cast, item 7 and the tyre tread pattern on the tyres, items 8 to 11 are similar in class characteristics.

The letter issued by the Judicial Magistrate, Srivaikuntam was marked as Ex.P50. The comprehensive forensic report issued by her detailing these findings and opinions was marked as Exhibit P51.

81) PW47, the Scientific Officer provided definitive chemical and mechanical proof of the physical impact between the two vehicles. Her expert evaluation using Fourier-Transform Infrared Spectroscopy revealed a definitive mutual cross-transfer of materials: the yellow paint smear on the motorcycle's broken "Aerostar" synthetic side box was identical to the paint on the truck's registration plate (TN 92 E 6901), while the black synthetic smear adhering to the truck's number plate mirrored the compound of the motorcycle's side box. She further certified that the loose blue paint flakes matched the damaged rear chassis frame of the police motorcycle. Additionally, she noted that the tire tread profiles preserved on the Mylar road film and the Plaster of Paris casts shared matching class characteristics with the truck's "MRF Savari Nylon" tyres, providing an unassailable scientific nexus that locked both vehicles into a high-velocity rear-end collision.

82) In view of the above findings, this court is of the view that Ex.P51, The FTIR spectroscopic analysis provides a concrete scientific proof that connects the two vehicles. It confirms that the front assembly of the stolen truck struck the rear frame of the police motorcycle at high speed, validating the eyewitness descriptions of a violent rear-end collision. The forensic evidence stands fully accepted as an unassailable pillar of the prosecution's case.

83) The next factor relied upon by the prosecution is the recovery of the stolen vehicle's ignition keys under Section 27 of the Indian Evidence Act. PW51, the investigating officer has deposed that as per the orders of Judicial Magistrate, Srivaikuntam, he took the accused into police custody from 12.15 PM on 05.02.2021 to 18.00 hrs., on 06.02.2021 and that after medical examination, the accused was brought to Eral Police Station at 13.30 hrs., and the accused was subsequently interrogated in the presence of Village Administrative Officer Govindasamy Karthick and the Village Assistant Thiraviyam and that during the interrogation, the accused voluntarily gave a confession statement and that based on this admissible portion of the disclosure statement, the accused identified the crime scene, the location from where he had retrieved the vehicle keys, and the spot where he was intercepted by Sub-Inspector of Police Balu and he further identified the Korkkai Pond, where he had disposed of the broken glass pieces and at approximately 05:15 PM, the accused identified the spot where he had parked the vehicle behind the Sudalai Madaswamy Kovil and from beneath a kadappa stone located at that spot, he retrieved the keys and handed them over and the keys were subsequently seized by him under Ex.P16, Seizure Mahazar.

84) PW23 has deposed that on 05.02.2021, the accused, who had surrendered before the police, was remanded to police custody by the court and the accused was subsequently interrogated in the presence of him and the Village Assistant and that during the interrogation, the accused voluntarily gave a confession statement and that based on this admissible portion of the disclosure statement, the accused identified the crime scene, the location from where he had retrieved the vehicle keys, and the spot where he was intercepted by Sub-Inspector of Police Balu and he further identified the Korkkai Pond, where he had disposed of the broken glass pieces and at approximately 05:15 PM, the accused identified the spot where he had

parked the vehicle behind the Sudalai Madaswamy Kovil and from beneath a kadappa stone located at that spot, he retrieved the keys and handed them over and the keys were subsequently seized by the Deputy Superintendent of Police under a Seizure Mahazar, which was marked as Exhibit P16. The admissible portion of the confession statement was marked as Ex.P53.

85) PW20, Mr. Sankar Subbu, deposed that he works as the priest at the Sudalaimadan Swamy Temple and the Petchiamman Temple and that on 05.02.2021 at approximately 05:30 PM, while he was preparing Pongal alongside Senthilvel, Jeya Murugan, and Arumuga Nainar, the Deputy Superintendent of Police of the Srivaikuntam Sub-Division, along with the Village Administrative Officer and the Village Assistant, arrived at the location with the accused and the officials searched for a set of keys and that in the presence of the VAO and the Village Assistant, the accused retrieved the keys from beneath a kadappa stone located near a thorn bush and handed them over to the DSP and he was subsequently informed that the recovered item was a car key.

86) The oral and documentary evidences are meticulously analysed. PW51, Mr. Venkateswaran testified that pursuant to a direct order from the Judicial Magistrate, Srivaikuntam, he took the accused, Murugavel, into formal police custody from 12:15 PM on 05.02.2021. Following a standard medical examination, the accused was brought to the Eral Police Station for active questioning. PW23, VAO Govindasamy Karthick testified that he and the Village Assistant were physically present in the interrogation room. He testified that the accused voluntarily gave a confession statement, the admissible portion of which was formally marked as Ex.P53. The prosecution's most powerful corroboration comes from Mr. Sankar Subbu, the priest of the Sudalaimadan Swamy Temple. He is a local citizen with no ties to the police or any bias against the accused.

87) The keys were not found in an open area or inside the accused's pockets. They were hidden outdoors beneath a stone by a thorn bush. The police could not have known this exact location unless the accused pointed it out himself. This brings the recovery squarely within the scope of Section 27, creating an unshakeable presumption that the accused was the person who hid the keys after abandoning the truck.

88) The defense counsel argued that the recovery is a fabrication, pointing to Ex. P78, a petition filed later by the truck owner, PW14 Linga Ganesh, stating that the keys were lost due to natural calamities. The defense claimed this petition proves the police never actually had the keys. Regarding the said contention, this court is of the view that PW14 filed Ex.P78, affidavit much later to explain his inability to produce the physical keys during a subsequent property return application, noting they were lost while in local custody due to natural warehouse flooding or handling issues.

89) An administrative loss of property after it has been seized and sent to the court custody does not alter the fact that the keys were successfully recovered from the hidden spot on 05.02.2021. The physical seizure was legally completed on the spot through Ex.P16 Seizure Mahazar and recorded in the official court property register and Ex.P68, Form-91.

90) In view of the above findings, this court is of the view that the prosecution has presented a flawless, legally sound recovery process under Section 27 of Indian Evidence Act. The consistent testimonies of PW51, the Investigating Officer, PW23, and PW19 prove that the location of the keys was within the exclusive knowledge of the accused. The defense's technical objections are without merit and hence not sustainable.

91) The defense counsel argued that Ex.P27, Motor Vehicle Register list the two-wheeler under Registration No. TN 69 J 8942 as a "Hero Honda Splendor Plus" in "Maroon color," while the prosecution's witnesses and layout files repeatedly call it a "Hero Honda Passion Plus" in "Brown color," which renders the entire crime scene to be suspicious and staged.

92) In criminal cases involving vehicular homicides, the identity of a vehicle is not determined by its commercial model decal or its paint shade, both of which can be described differently by different eyes. The absolute legal proof of identity relies exclusively on the factory-engraved identifiers. The initial Seizure Mahazar, Ex.P11, executed by the first Investigating Officer on 01.02.2021 at the spot, recorded the exact physical Engine and Chassis numbers stamped directly onto the recovered metal frame of the ruined two-wheeler.

93) PW35, RTO Mr. Vinayagam produced the official ownership ledger, Ex.P27. The unique engine and chassis numbers lifted from the crime scene match the official state registry entries for vehicle TN 69 J 8942 perfectly. PW36, the Motor Vehicle Inspector Mr. Rajasekhar inspected the identical chassis inside the court yard and checked the same numbers when compiling his high-speed impact damage report Ex.P29. Because these unalterable manufacturing numbers match perfectly across every station log, RTO file, and expert damage evaluation, there is no room for the defense to claim that the vehicle found at the scene was a different, substituted two-wheeler. The differences highlighted by the defense are completely natural.

94) For the above said reasons, this court is of the view that when the primary identity of a vehicle is solidly proven by its matching engine and chassis numbers and registration number, minor discrepancies in layman descriptions, such as the exact color shade or commercial sub-model variant cannot undermine the case.

95) In view of the said findings, this court is of the view that the prosecution has successfully demonstrated that the motorcycle involved was indeed TN 69 J 8942, the active patrol vehicle used by the deceased officer. The defense's technical objection is without merit and hence, is not sustainable.

96) The defense strongly contends that the prosecution's case is built upon pre-fabricated documents, as proven by a fatal chronological impossibility in the court records. The learned Magistrate's handwritten initials on the receipt of the Section 161(3) CrPC statements for critical witnesses including LW6, LW7, LW8, LW9, LW13, LW14, LW15 are officially dated 01.02.2021, however, the Investigating Officer's own records state that these witnesses were physically interrogated only days later, stretching up to 06.02.2021.

97) Regarding the said contention, this court is of the view that admittedly, a clerical discrepancy exists regarding the date appended by the learned Magistrate in his initials on the receipt of the Section 161(3) CrPC witness statements, as the initialled date appears earlier than the actual date of examination recorded by the Investigating Officer. However, this Court is of the view that if the early date written by the Magistrate is to be accepted at face value, the legal presumption must be that the witnesses were interrogated with absolute promptness and their statements reached the court immediately without any delay. This exceptionally fast turnaround completely eliminates any possibility of afterthought padding or delayed fabrication, which is the primary evil Section 161(3) protections seek to guard against. Because the record shows an exceptionally fast turnaround, the possibility of the police holding consultations to falsely implicate a random suspect is entirely ruled out.

98) Further, when multiple batches of papers arrive at a busy magisterial desk, clerical staff or the officer can easily execute a routine slip by back-dating or

repeating an earlier initial date on newly added sheets. This court is of the view that a date-stamping variation or a clerical mistake made by court staff on incoming documents cannot override or cancel out a robust prosecution case built on trustworthy eyewitnesses and expert scientific matches. In view of the said findings, this court is of the view that the arguments put forth by the counsel for the accused is not legally sustainable.

99) The official records prove that the deceased, Mr. Balu, was a serving Sub-Inspector of Police, and PW1, Mr. Pon Subbaiah, was a Grade I Police Constable, both attached to the Eral Police Station. Ex.P24, the station Para Book entries and the physical patrol notebooks, Ex.P4 and Ex.P5 conclusively establish that both officers were actively deployed on nighttime motorcycle patrolling duty at 00:30 AM on 01.02.2021. When the officers intercepted the accused at the Korkai junction and later warned him outside his residence to remain indoors, they were performing their lawful statutory duties to maintain public order. By deliberately driving the Ashok Leyland Dost vehicle at high speed to strike their motorcycle, the accused applied violent criminal force. This act was directly intended to obstruct and deter these public servants from discharging their active patrolling duties, thereby fully satisfying all the statutory ingredients of Section 353 IPC.

100) Upon a comprehensive, holistic, and interlocking evaluation of the oral and documentary evidences, this Court holds that the prosecution has successfully, discharged its statutory burden of proof beyond all reasonable doubts. The defense's case, constructed upon general denials and minor clerical discrepancies, collapses entirely when contrasted with the objective, immutable architecture of physical and scientific data. The prosecution has woven a web of proof where every individual piece of oral, medical, technical, and forensic evidence serves as an unyielding link that reinforces the adjacent elements of the crime.

101) The chain of evidence is complete and unbroken. The prosecution has connected the accused to the crime through vocalized intent, access to the weapon, eyewitness tracking, fingerprint identification, chemical spectroscopy, and the physical recovery of hidden keys. This collective proof establishes the identity and guilt of the accused beyond all reasonable doubts.

102) In view of the above findings, this court is of the view that the prosecution has successfully proved the acts done by the accused which caused the death of Balu and simple injuries to Pon Subbaiah and the live link between the acts of the accused and the resultant death of Balu. and simple injuries to Pon Subbaiah.

103) In the paragraph stated supra, it has been held that the prosecution has proved that on 31.01.2021 at approximately 20:00 hours, the accused created a violent disturbance at the "Isai Rani Fast Food" shop over a service delay and he returned at 21:30 hours in a FORCE vehicle bearing Reg.No. TN 67 AX 4389 drinking beer in the middle of the road and that alerted by the public, patrolling officers P.W.1, Pon Subbaiah and P.W.8, Jegastin Rajkumar apprehended the highly intoxicated accused at the Eral Bus Stand and at the station, the deceased Sub-Inspector Balu registered Motor Petty Cases and impounded the vehicle for want of a licence, RC book, and insurance and this lawful detention generated immediate, deep hostility in the accused and that on 01.02.2021 at 00:45 hours, SI Balu and PW1 encountered the accused driving the stolen truck at the Korkai four-junction road and when questioned, the accused responded with extreme arrogance, prompting SI Balu to slap him and order him home and that this physical encounter generated an immediate subsequent motive, causing the accused to trace, trail, and ambush the patrolling officers' motorcycle. It has also been proved that on 01.02.2026 at about 01.00 a.m., when Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah were proceeding in the northern side of Vazhavallan Oorkatha Swamy temple in Eral to

Korkai road the motorcycle bearing registration number TN 69 J 1813, the accused drove the Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901 in the same direction rashly with an intention to murder Sub Inspector of Police Mr.Balu and LW1 Pon Subbaiah dashed the motorcycle and caused the death of Sub Inspector of Police Mr.Balu and attempted to cause the death of LW1 Pon Subbaiah.

104) In the light of the observations and findings made in the afore mentioned paragraphs, this court is of the view that the prosecution has proved the charges under Sections 302, 307 and 353 of IPC leveled against the accused beyond reasonable doubt. Point is thus answered accordingly.

105) For the reasons stated above, it is held that the charges against the accused for the offence under Sections 302, 307 and 353 of IPC are clearly proved by the prosecution beyond any reasonable doubt and the accused is found guilty under Sections 302, 307 and 353 of IPC.

106) In the result, the accused is held guilty under Sections 302, 307 and 353 of IPC and is liable to be convicted under Section 235(2) of Cr.P.C. The gist of the Judgment is informed to the accused and the operative portion is explained and read over to the accused in Tamil. When the accused was questioned regarding the sentence to be awarded, he stated as,

"குறைந்தபட்ச தண்டனை விதிக்க வேண்டுகிறேன்"

107) On considering nature of the case and the plea of accused, this court is of the view that when minimum punishment of imprisonment for life is prescribed for the offence U/s. 302 of IPC, no leniency could be shown in punishment.

In the result,

(i) The accused is found guilty under Sections 302 of IPC and is liable to be convicted under Section 235(2) of Cr.P.C. The accused is convicted under Section **302 of IPC** and sentenced to undergo **Life Imprisonment** and to pay of fine of **Rs.5,000/-** and in default to undergo Simple Imprisonment for a period of **six months** and the accused is convicted under Section **307 of IPC** and sentenced to undergo **Life Imprisonment** and to pay of fine of **Rs.5,000/-** and in default to undergo Simple Imprisonment for a period of **six months** and the accused is convicted under Section **353 of IPC** and sentenced to undergo **Rigorous Imprisonment for 2 years**. All the sentences shall run concurrently. The period of Imprisonment undergone by the accused during remand shall be set off under Section 428 of Cr.P.C. Total fine amount Rs.10,000/-.

(ii) The material objects were produced by the prosecution and remanded in P.R. No.24/2022. M.O.20 & Item No.31, which were already handed over to its owner Tr.Linga Ganesh (PW14) by the order passed by the Learned Judicial Magistrate, Srivaikundam in Cr.M.P. No.2026/2021 dated 10.08.2021 is hereby handed over to his absolute custody after the period of appeal or as the order of the appeal. M.O.5 & M.O.6, which were already handed over to Inspector of Police, Eral Police Station by the order passed by the Learned Judicial Magistrate, Srivaikundam in Cr.M.P. No. 6555/ 2023 dated 15.11.2023 is hereby handed over to his absolute custody after the period of appeal or as the order of the appeal. M.O.8 TN69 J 8942 is ordered to be handed over to its owner after the period of appeal or as per the order of the appeal. M.O.1 to M.O.4, M.O.7, M.O.9 to M.O.19, M.O.21 to M.O.30 ordered to be destroyed after the period of appeal or as per the order of the appeal.

(iii) As the Tr.Balu is murdered in this case, his dependents are entitled to get compensation under section 357(A) Cr.P.C. Accordingly, a copy of this judgment is

ordered to be forwarded to District Legal Services Authority, Thoothukudi to determine the quantum of compensation and payable to them.

This Judgment is dictated by me to the stenographer and typed by her in the computer and corrected by me and pronounced in the open court in this 21st day of July 2026.

**II Additional District and Sessions Judge,
Thoothukudi.**

Witnesses on the side of the Prosecution :

- P.W.1 - Tr.Ponsubbiah (Complainant)
- P.W.2 - Tr.Arul Velayutham (Inquest witness)
- P.W.3 - Tr.Murugan (Inquest witness)
- P.W.4 - Tr.Murugan (Eye witness)
- P.W.5 - Tmt.Muthulakshmi (Formal witness)
- P.W.6 - Tr. Praveen (Formal witness)
- P.W.7 - Tr. Thomas Paulraj (Formal witness)
- P.W.8 - Tr.Jegastin Rajkumar (Formal witness)
- P.W.9 - Tr.Sankar (Formal witness)
- P.W.10 - Tr.Bala Maharajan (Formal witness - Hostile)
- P.W.11 - Tr.Shanmugasundaram (Formal witness - Hostile)
- P.W.12 - Tr.Dinesh (Hearsay witness)
- P.W.13 - Tr. Sermaraj (Formal witness)
- P.W.14 - Tr. Lingaganesh (Formal witness)
- P.W.15 - Tr. Puthiavel (Formal witness)
- P.W.16 - Tmt.Vanaja (Formal witness)
- P.W.17 - Tr. Thangakumar (Formal witness)

- P.W.18 - Tr.Akilan @ Yesu Akilan (Formal witness)
- P.W.19 - Tr.Palavesaparthiban (Formal witness)
- P.W.20 - Tr.Sankarasubbu (Expert witness)
- P.W.21 - Tr.Selvam (Expert witness)
- P.W.22 - Tr.Karthick (Formal witness)
- P.W.23 - Tr.Govindasamy Karthick (Confession and seizure mahazar witness)
- P.W.24 - Tr.Ramar (Formal witness)
- P.W.25 - Tr.Subramanian (Observation and seizure mahazar witness)
- P.W.26 - Tr.Murugasundaram (Formal witness)
- P.W.27 - Dr.Tr.Suresh (Formal witness)
- P.W.28 - Tmt.Idaya Cynthia Velkani (Formal witness)
- P.W.29 - Tr.Syed Ahamed (Formal witness)
- P.W.30 - Tr.Sudalaimuthu (Formal witness)
- P.W.31 - Tr.Aknimuthu (Formal witness)
- P.W.32 - Dr.Tmt.Banumathy (Expert witness)
- P.W.33 - Dr.Tr.Dinesh (Expert witness)
- P.W.34 - Dr.Tr.Aravinda Hari (Expert witness)
- P.W.35 - Tr.Vallinayagam (Expert witness)
- P.W.36 - Tr.Rajasekar (Expert witness)
- P.W.37 - Tr.Selvaraj (Formal witness)
- P.W.38 - Tr.Sankar (Formal witness)
- P.W.39 - Dr.Tr.Sudalaimuthu (Expert witness)
- P.W.40 - Tr.Muppidathi (Formal witness)
- P.W.41 - Tr.Murugaperumal (Official witness)
- P.W.42 - Tr.Pooraja (Formal witness- Hostile)
- P.W.43 - Tr.Subramanian (Formal witness)
- P.W.44 - Dr.Tmt.Gayathri (Expert witness)

P.W.45 - Tmt.Murugeswari (Expert witness)
P.W.46 - Tr.Rathinasekar (Official witness)
P.W.47 - Tmt.Uma (Expert witness)
P.W.48 - Tr.Ramesh (Formal witness)
P.W.49 - Tmt.Muthulakshmi (Official witness)
P.W.50 - Tr.Thamilarasu (Expert witness)
P.W.51 - Tr.Venkateswaran (Investigating Officer)

List of documents on the side of the Prosecution :

Ex.P1	01.02.2021	Complaint
Ex.P2	12.02.2021	164 Cr.P.C. statement of P.W.4 Murugan
Ex.P3	01.02.2021	Certified copy of First Information report in Cr. No.47/21
Ex.P4	05.01.2021 to 14.03.2021	Police Para Note Book
Ex.P5	30.01.2021	Specific entry dated 01.02.2021 in EX.P4.
Ex.P6	11.02.2021	Summon to P.W.18
Ex.P7	12.02.2021	164 Cr.P.C statement of P.W.18 Akilan
Ex.P8	31.01.2021	Receipt given by Maideen @ Manikandan for purchase of Anklet.
Ex.P9	02.02.2021	Certified copy of complaint given by P.W.22
Ex.P10	01.02.2021	Observation mahazar (01.02.2021 at 5.15 a.m)
Ex.P11	01.02.2021	Seizure mahazar (01.02.2021 at 6.15 a.m)
Ex.P12	01.02.2021	Seizure mahazar (01.02.2021 at 6.50 a.m)
Ex.P13	01.02.2021	Seizure mahazar (01.02.2021 at 7.05 a.m)
Ex.P14	02.02.2021	Observation mahazar (02.02.2021 at 15.15 a.m)

Ex.P15	02.02.2021	Seizure mahazar (02.02.2021 at 16.00 hrs.)
Ex.P16	02.02.2021	Seizure mahazar (05.02.2021 at 17.15 a.m)
Ex.P17	02.02.2021	Observation mahazar (02.02.2021 at 23.00 hrs)
Ex.P18	02.02.2021	Seizure mahazar (02.02.2021 at 23.30 hrs.)
Ex.P19	31.01.2021	Discharge summary of Tmt. Selvalakshmi
Ex.P20	01.02.2021	Ambulance rent receipt given to P.W.29 Seyad Ahamed
Ex.P21 (4-series)	--	Photos
Ex.P22	01.02.2021	Death intimation of Tr. Murugavel
Ex.P23	01.02.2021	Injury intimation of Tr.Pon Subbaiah
Ex.P24 (3-Pages)	--	Certified photo copy of para book (3 Pages)
Ex.P25	01.02.2021	Accident register of Pon Subbaiah
Ex.P26	22.02.2021	TN.92 E 6901 Vehicle's owner name and address given to Deputy Superintendent of Police, Srivaikundam,
Ex.P27	26.02.2021	Motor Vehicle's report in TN.69 J 8942 motorcycle
Ex.P28	16.02.2021	Letter of Judicial Magistrate, Srivaikundam to The RTO, RTO Office, Tiruchendur for the answers of the questions made herein and the issuance of MVI reports bearing Reg. Nos. TN.92 E 6901 and TN69 J 8942
Ex.P29	12.02.2021	Motor vehicle inspection report bearing Reg. No.TN92 E 6901
Ex.P30	01.02.2021	Passport of HC 1620 Selvaraj
Ex.P31	01.02.2021	Passport of HC 395 Sankar
Ex.P32	01.02.2021	Requisition from the Inspector of Police, Eral P.S. for post-mortem examination
Ex.P33	01.02.2021	Post Mortem Certificate in P.M. No.86/2021(Tr. Balu)
Ex.P34	22.02.2021	Viscera Report in TIN/TOX.H/400/2021.
Ex.P35	22.02.2021	Final opinion
Ex.P36	02.02.2021	Certified copy of Complaint given by P.W.40 Muppidathi

Ex.P37	02.02.2021	Certified copy of First Information Report in Cr. No.48/21
Ex.P38	01.02.2021	First information report in Cr. No.46/2021
Ex.P39	31.01.2021	Motor Accident case register against the accused.
Ex.P40	31.01.2021 to 01.02.2021	Eral Police Station General diary
Ex.P41	02.02.2021	Certified copy of First information report in Crime No.48/2021
Ex.P42	01.02.2021	Death intimation given by P.W.44
Ex.P43	03.02.2021	Finger Print Expert Report
Ex.P44	23.02.2021	Letter of Judicial Magistrate, Srivaikundam to Single Digit Finger Print Bureau, Thoothukudi to compare the finger print of accused
Ex.P45	22.02.2021	Requisition from the Inspector of Police, Eral P.S. for Finger print examination
Ex.P46	05.02.2021	Finger print of accused Murugavel (2 Pages)
Ex.P47	26.08.2021	Letter of Finger Print Expert Report
Ex.P48	30.08.2021	Photos of enlargement of finger prints
Ex.P49	30.08.2021	Certificate of Finger Print Examination in Certificate No.16/SOC/TUT/2021
Ex.P50	24.02.2021	Letter of Judicial Magistrate, Srivaikundam to RFSL for physical examination of vehicles bearing Nos.TN 92 E 6901 and TN69 J 8942. comparison report
Ex.P51	14.07.2021	Physical examination report in T.No.2258/2021 Phy 49/2021
Ex.P52	23.04.2021	Report from Assistant Engineer, Tamil Nadu Electricity Board
Ex.P53	05.02.2021	Admissible portion of confession statement
Ex.P54	01.02.2021	Rough sketch
Ex.P55	01.02.2021	Form 91 for accident spot (01.02.2021 at 6.15 a.m.)
Ex.P56	01.02.2021	Form 91 for Tyre mark (01.02.2021 at 6.50 a.m.)
Ex.P57	01.02.2021	Form 91 for Tyre mark (01.02.2021 at 7.05 a.m.)

Ex.P58	01.02.2021	Inquest report
Ex.P59	01.02.2021	Form 91 for post mortem (01.02.2021 at 17.35 hrs.)
Ex.P60	02.02.2021	Proceedings of the Superintendent of Police, Thoothukudi District for Change of Investigation Officer
Ex.P61	--	Requisition given by Deputy Superintendent of Police, Srivaikundam for 164 Cr.Pc statement of witnesses.
Ex.P62	11.02.2021	Summon to witness Murugan
Ex.P63	11.02.2021	Summon to witness Maideen @ Manikandan
Ex.P64	12.02.2021	164 Cr.Pc statement of witness Maideen @ Manikandan
Ex.P65	02.02.2021	Rough sketch in Cr. No.46/2021
Ex.P66	02.02.2021	Rough sketch in Cr. No.46/2021
Ex.P67 (2-series)	02.02.2021	Form 91 (02.02.2021 at 23.30 hrs)
Ex.P68	05.02.2021	Form 91 (05.02.2021 at 17.15 hrs)
Ex.P69	08.02.2021	Requisition to send the blood samples for chemical analysis to Forensic Science Laboratory, Tirunelveli.
Ex.P70	08.02.2021	Requisition to send the Internal organs for chemical analysis to Forensic Science Laboratory, Tirunelveli.
Ex.P71	08.02.2021	Letter to RFSL to examine the blood samples for chemical examination.
Ex.P72	08.02.2021	Letter RFSL to examine the Internal organs for chemical examination.
Ex.P73	09.02.2021	Requisition to send the motor vehicles for motor vehicle inspection.
Ex.P74	23.02.2021	Requisition to send the material objects for chemical analysis to Forensic Science Laboratory, Chennai.
Ex.P75	11.11.2021	Letter of Dr. Sudalaimuthu to Judicial Magistrate, Sathankulam attested copy of post-mortem certificate and final opinion
Ex.P76	01.02.2021	Discharge Summary of Tr. Pon Subbaiah
Ex.P77	15.02.2021	Biological report in TIN/BIOL/105/2021
Ex.P78	17.12.2024	Petition filed by P.W.14 Linga Ganesh with Vakalath and

		Copy of RC, Copy of Aadhaar
Ex.P79	24.09.2021	Requisition to Judicial Magistrate, Srivaikuntam to accept the additional documents

Material Objects on the side of prosecution :-

M.O.1	Blue colour torn sweater worn by the deceased
M.O.2	The torn Khaki colour uniform worn by the deceased
M.O.3	The Khaki colour cap with government emblem
M.O.4	Brown colour belt
M.O.5	Damaged Kenwood walkie talkie
M.O.6	Damaged e-chalan machine of the brand Pine Labs
M.O.7	Damaged helmet of the brand Steelbird
M.O.8	Damaged Hero Honda PasSion plus motorcycle bearing registration number TN 69 J 8942
M.O.9 series	Left side mirror
M.O.10 series	Damaged rear indicators(2)
M.O.11	Damaged front mudguard
M.O.12	Damaged speedometer glass
M.O.13	Damaged visor
M.O.14	Damaged fuel meter glass
M.O.15	Damaged side box of the brand Aerostar
M.O.16	Damaged rear danger lights(2)
M.O.17	The front bumper of Ashok Leyland Dost vehicle
M.O.18	Damaged front mirror of Ashok Leyland Dost vehicle
M.O.19	Torn Khaki colour pants worn by the deceased
M.O.20	Ashok Leyland Dost vehicle bearing registration number TN 92 E 6901
M.O.21	Tyre marks from the Ashok Leyland Dost vehicle used by the accused onto a Mylar film
M.O.22	Tyre mark cast

M.O.23	The yellow colour number plate bearing No. TN 92 E 6901 with two bolts
M.O.24	The broken round shaped Ashok Leyland symbol
M.O.25	The part of broken indicator
M.O.26	The small portion of blood stained paint
M.O.27	The patch of maroon coloured paint from the said vehicle
M.O.28	The broken pieces of glass
M.O.29	The brown coloured Viking under garment in torn condition
M.O.30	The white coloured SKL Munda Banyan in torn condition

List of witnesses on the side of the Defence :- NIL

List of documents on the side of the Defence :-

Ex.D1	Certified copy of Deposition of Witness PW1 Lingaganesh in C.C. No. 207/2021 on the file of Judicial Magistrate Court No.2, Srivaikundam
Ex.D2	Certified copy of Motor petty case charge sheet in STC No.264/2021 on the file of Judicial Magistrate, Srivaikundam

**II Additional District and Sessions Judge,
Thoothukudi.**

**II Additional District and
Sessions Court, Thoothukudi
Sessions Case No. 211/2021
Draft/Fair Judgment
Dt : 21.07.2026**

JUDGMENT ANNEXURE**S.C. No. 211/2021**

i)	The period of remand of the accused	: <u>Date of Remand :-</u> 01.02.2021 <u>Date of released on bail:-</u> 19.04.2022
ii)	The date of filing of the complaint/final report in the Court	: Complaint date :-01.02.2021 Final Report Date:- 01.07.2021
iii)	the date of committal of the case to the Court Sessions	: 26.10.2021
iv)	the date of questioning of the accused u/s. 228, 240, 246 and 251 of the Code of Criminal Procedure 1973 as the case may be	: 24.02.2022
v)	Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts: except routine petitions like petitions under section 317 of the Code	: 1) The 3 rd party/owner of vehicle Tr.Linga Ganesh has filed petition u/s. 451 Cr.P.C. seeking interim custody of the property and the same was allowed as per order of this court in Cr.M.P. No.2026/2021 on 10.08.2021 2) The Accused filed a petition U/s. 439 Cr.P.C. seeking interim bail as per order of this court in Crl.M.P. No. 1053/2022 and said Petition is stands dismissed on 14.03.2022. 3) The Accused filed a petition U/s. 439 Cr.P.C. seeking interim bail as per order of the Hon'ble Madurai Bench of Madras High Court, Madurai in Crl.O.P.(M.D) No. 6822/2022 and said Petition is stands allowed on 12.04.2022. 4) The Accused has filed petition u/s. 407 Cr.P.C. prays to withdraw S.C. No. 211/2021 from the file of the II ADJ, Thoothukudi and transfer the same to any other court of competent jurisdiction at Tirunelveli and the same was dismissed as

		per order of the Hon'ble Madurai Bench of Madras High Court, Madurai in CrI.O.P. (MD) No.13.06.2022 and CrI.M.P(MD) No.6519/2022 on 13.07.2022 5) The Accused has filed petition u/s. 309 Cr.P.C. prays to postpone the case to any other day and the same was dismissed as per order of this court in Cr.M.P. No.3044/2022 on 20.08.2022. 6) The Accused has filed petition u/s. 207 Cr.P.C. prays to furnish the documents forwarded to this court U/s. 173(5) Cr.P.C and Confession statement of this accused and the same was dismissed as per order of this court in Cr.M.P. No.4572/2022 on 15.12.2022. 7) The Petitioner/Accused filed a petition U/s. 231(2) of Cr.PC to defer the cross examination of prosecution side witnesses until supply of documents in this case as per order of this court in CrI.M.P. No. 519/2023 and said Petition is stands dismissed on condition dated 23.01.2023. 8) The Petitioner/Accused filed a petition U/s. 311 of Cr.PC to recall the PW1 to PW3 for the purpose of cross examination as per order of this court in CrI.M.P. No. 3641/2023 and said Petition is stands dismissed on condition dated 06.07.2023. 9) The Accused filed a petition U/s. 482 Cr.P.C. prays to set aside the order passed by II Additional District Court, Thoothukudi in CrI.M.P. No.3641/2023 dated 06.07.2023 as per order of the Hon'ble Madurai Bench of Madras High Court in CrI.O.P.(MD) No.16698/2023 and and CrI.M.P.(MD) No.13311/2023 said criminal original petition is disposed of and connected miscellaneous petition is closed on 09.10.2023
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		10) The Inspector of Police, Eral Police Station has filed petition u/s. 451 Cr.P.C. seeking interim custody of the property and the same was allowed as per order of this court in Cr.M.P. No.6555/2023 on 15.11.2023. 11) The Petitioner/Accused filed a petition U/s. 311 of Cr.PC to recall PW4 for the purpose of cross examination as per order of this court in Crl.M.P. No. 7678/2023 and said Petition is stands allowed on condition dated 12.01.2024. 12) The Petitioner/Accused filed a petition U/s. 348 of BNSS Act to recall PW16 for the purpose of cross examination as per order of this court in Crl.M.P. No. 4791/2024 and said Petition is stands allowed on 29.07.2024.																																																			
vi)	Date of examination in Chief and Cross examination of a witness :	<table> <tr> <th></th><th><u>Chief</u></th><th><u>Cross</u></th></tr> <tr><td>P.W.1</td><td>23.01.2023</td><td>28.11.2023</td></tr> <tr><td>P.W.2</td><td>23.01.2023</td><td>28.11.2023</td></tr> <tr><td>P.W.3</td><td>23.01.2023</td><td>28.11.2023</td></tr> <tr><td>P.W.4</td><td>06.07.2023</td><td>22.01.2024</td></tr> <tr><td>P.W.5</td><td>22.01.2024</td><td>22.01.2024</td></tr> <tr><td>P.W.6</td><td>02.02.2024</td><td>02.02.2024</td></tr> <tr><td>P.W.7</td><td>02.02.2024</td><td>02.02.2024</td></tr> <tr><td>P.W.8</td><td>02.02.2024</td><td>02.02.2024</td></tr> <tr><td>P.W.9</td><td>02.02.2024</td><td>02.02.2024</td></tr> <tr><td>P.W.10</td><td>21.02.2024</td><td>21.02.2024</td></tr> <tr><td>P.W.11</td><td>21.02.2024</td><td>21.02.2024</td></tr> <tr><td>P.W.12</td><td>21.02.2024</td><td>21.02.2024</td></tr> <tr><td>P.W.13</td><td>21.02.2024</td><td>21.02.2024</td></tr> <tr><td>P.W.14</td><td>21.02.2024</td><td>21.02.2024</td></tr> <tr><td>P.W.15</td><td>21.02.2024</td><td>21.02.2024</td></tr> <tr><td>P.W.16</td><td>09.07.2024</td><td>10.06.2025</td></tr> </table>		<u>Chief</u>	<u>Cross</u>	P.W.1	23.01.2023	28.11.2023	P.W.2	23.01.2023	28.11.2023	P.W.3	23.01.2023	28.11.2023	P.W.4	06.07.2023	22.01.2024	P.W.5	22.01.2024	22.01.2024	P.W.6	02.02.2024	02.02.2024	P.W.7	02.02.2024	02.02.2024	P.W.8	02.02.2024	02.02.2024	P.W.9	02.02.2024	02.02.2024	P.W.10	21.02.2024	21.02.2024	P.W.11	21.02.2024	21.02.2024	P.W.12	21.02.2024	21.02.2024	P.W.13	21.02.2024	21.02.2024	P.W.14	21.02.2024	21.02.2024	P.W.15	21.02.2024	21.02.2024	P.W.16	09.07.2024	10.06.2025
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			P.W.19	22.07.2024	22.07.2024
			P.W.20	15.10.2024	15.10.2024
			P.W.21	05.11.2024	05.11.2024
			P.W.22	10.12.2024	10.12.2024
			P.W.23	10.12.2024	02.01.2025
			P.W.24	10.12.2024	10.12.2024
			P.W.25	02.01.2025	02.01.2025
			P.W.26	07.01.2025	07.01.2025
			P.W.27	07.01.2025	07.01.2025
			P.W.28	07.01.2025	07.01.2025
			P.W.29	23.01.2025	23.01.2025
			P.W.30	23.01.2025	23.01.2025
			P.W.31	23.01.2025	23.01.2025
			P.W.32	13.03.2025	13.03.2025
			P.W.33	13.03.2025	13.03.2025
			P.W.34	20.03.2025	20.03.2025
			P.W.35	20.03.2025	20.03.2025
			P.W.36	20.03.2025	20.03.2025
			P.W.37	27.03.2025	27.03.2025
			P.W.38	27.03.2025	27.03.2025
			P.W.39	04.06.2025	04.06.2025
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			P.W.41	11.07.2025	02.09.2025 03.09.2025
			P.W.42	28.08.2025	--
			P.W.43	03.09.2025	03.09.2025
			P.W.44	11.09.2025	11.09.2025
			P.W.45	11.09.2025	11.09.2025
			P.W.46	11.09.2025	11.09.2025
			P.W.47	10.10.2025	10.10.2025
			P.W.48	10.10.2025	10.10.2025

			<table><tr><td>P.W.49</td><td>07.11.2025</td><td>07.11.2025 21.11.2025</td></tr><tr><td>P.W.50</td><td>21.11.2025</td><td>21.11.2025</td></tr><tr><td>P.W.51</td><td>08.12.2025</td><td>09.01.2026 02.02.2026 18.02.2026</td></tr></table>	P.W.49	07.11.2025	07.11.2025 21.11.2025	P.W.50	21.11.2025	21.11.2025	P.W.51	08.12.2025	09.01.2026 02.02.2026 18.02.2026
P.W.49	07.11.2025	07.11.2025 21.11.2025										
P.W.50	21.11.2025	21.11.2025										
P.W.51	08.12.2025	09.01.2026 02.02.2026 18.02.2026										
vii)	Date of examination of the accused u/s. 313 of the Cr.P.C. Code	:	12.12.2025									
viii)	details of abscondence of an accused and his appearance appearance/production, as the case may be; and	:	---									
ix)	Grant of stay by superior Courts and the results thereof.	:	---									

**II Additional District and Sessions Judge,
Thoothukudi.**