



ADDITIONAL DISTRICT AND SESSIONS COURT, DINDIGUL.

**Present : THIRU. SWARNAM J RAJAGOPALAN, B.A.B.L.,(HONS.)
Additional District and Sessions Judge, Dindigul**

Friday, the 17th day of April 2026

**Sessions Case No.32/2023
(CNR.No.TNDG01-001779-2023)**

Complainant	:	The State, represented through the Inspector of Police, Vadamadurai Police Station. (Crime No.294/2022)
Accused	:	1. Anupam Pauri, aged 22 years S/o.Indira Pauri, residing at Indkuri, Manbazan, Purulia, West Bengal 2. Mahabir Dibar, aged 23 years, S/o.Bhagrajan Dibak, Madanbazar, Purulia, West Bengal.
Date of Occurrence	:	24.08.2022
Date of the Complaint given	:	26.08.2022
Date of the arrest of the accused	:	A1 - Arrested on 27.08.2022 A2 – Arrested on 27.08.2022
Date of release of the accused on bail	:	A1 - Released on 06.03.2023 (Re remand on 23.10.2024 till date) A2 - Released on 13.01.2023
P.R.C. No., and date of Committal	:	P.R.C. No.1/2023 Committed on 28.02.2023
Date of Commencement of trial of the Sessions Case	:	12.02.2026
Closure of Trial	:	12.03.2026

Date when the defence enquiry was closed	:	26.03.2026
Crime :	:	
1. Charges pleaded in the charge sheet		U/s 302 IPC
2. Charges framed		U/s. 302 IPC
Reason for the delay	:	--
Prosecution witnesses particulars of enquiry	:	<p>P.W.1 to P.W.6-Chief Examination and Cross examination on 12.02.2026</p> <p>P.W.7- Chief Examination and Cross examination on 08.10.2026</p> <p>P.W.8 to P.W.12 –Chief Examination and Cross examination on 23.02.2026</p> <p>P.W.13 and P.W.14 - Chief Examination and Cross examination on 03.03.2026</p> <p>P.W.15- Chief Examination and Cross examination on 12.03.2026.</p>
The date of enquiry of the accused U/S 313 (1)(b) of Cr.P.C.,	:	26.03.2026
Government Side Advocate	:	Thiru. S. Soosai Robert.
Advocate for the Accused	:	Thiru.A.James Ilango
The Statement of the Accused	:	Accused denied the offense and stated that the case is a false case.
Decision of the Court	:	I) In the result , this Court finds that the prosecution has failed to prove the charge against the accused persons beyond reasonable doubt, and accordingly, the accused persons, namely A1 – Anupam Pauri

and A2 – Mahabir Dibar, are found not guilty of the offence punishable under Section 302 of the Indian Penal Code and they are hereby acquitted of the said charge.

II) The bail bonds, if any, executed by the accused shall stand cancelled. The material objects, namely MO1 to MO10, shall be disposed of in accordance with law after the expiry of the appeal period, subject to the result of any appeal, if preferred. The accused persons are set at liberty forthwith, unless their custody is required in connection with any other case.

III) Though this Court has come to the conclusion that the prosecution has failed to prove the charges against the accused beyond reasonable doubt, it cannot lose sight of the fact that the deceased Ram Kumar has left behind two minor children, namely a daughter aged about 6 years and a son aged about 4 years, and that his wife had predeceased him, leaving the children without parental support. In such circumstances, this Court deems it appropriate to invoke the principles of victim compensation. Accordingly, the Secretary, District Legal Services Authority, Dindigul, is requested to expeditiously consider the case of the minor children of the deceased under Section 357A of the Code of Criminal

	Procedure, corresponding to Section 396 of the Bharatiya Nagarik Suraksha Sanhita and take appropriate steps to award and disburse compensation to all the eligible dependents of the deceased, in accordance with law, within the timeline mandated under the provisions of Section 396(5) BNSS.
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(P.R.C.No.1/2023 on the file the Judicial Magistrate Court, Vedasandur)

This Sessions case was coming upon 02.04.2026 for final hearing before me in the presence of Thiru. S.Soosai Robert, Additional Public Prosecutor for the District on behalf of the State and Thiru.A.James Ilango, Advocate for the accused persons 1 and 2, and upon hearing both sides arguments, perusing the evidence, documents, the case having stood over for consideration till this date, this Court delivered the following

// JUDGEMENT //

The Inspector of Police, Vadamadurai Police Station, in Crime No.294 of 2022, has laid the final report against the accused persons, namely A1 – Anupam Pauri and A2 – Mahabir Dibar, alleging that on 24.08.2022 at about 6:30 P.M., while the deceased Ram Kumar was travelling in a bus from Vadamadurai to Dindigul in an intoxicated condition, an altercation arose between the deceased and the accused persons, during the course of which the accused are alleged to have kicked and pushed the deceased out of the bus. It is the further case of the prosecution that thereafter, when the accused were proceeding towards Moonandipatti, near a shop,

the deceased allegedly followed them and issued threats, and subsequently, near the Cauvery Mill, the deceased is said to have confronted the accused while being armed with a small knife and demanded money and a mobile phone from them. Upon the accused refusing to comply with such demand, the deceased allegedly picked up a stone lying on the ground and attempted to assault the first accused, whereupon the first accused is stated to have wrested the said stone and struck the deceased on his head, and when the deceased raised alarm, the second accused also used the same stone to further attack the deceased on his head. It is thus alleged that the accused persons, with the knowledge that such acts were likely to cause death, inflicted fatal injuries on the deceased, resulting in his death, and thereby committed the offence of murder punishable under Section 302 of the Indian Penal Code.

2. Upon the filing of the final report, the learned Judicial Magistrate, Vendasandur, took cognizance of the offence in P.R.C. No.1 of 2023 and furnished copies of the prosecution records to the accused in compliance with Section 207 of the Code of Criminal Procedure. As the offence alleged is exclusively triable by a Court of Sessions, the learned Judicial Magistrate committed the case to this Court for trial in accordance with law. Since the accused were not possessed of sufficient means to engage a counsel of their choice, a Legal Aid Counsel was appointed by this Court to defend them, and considering the language barrier, the assistance of a Hindi translator was also provided throughout the proceedings. Thereafter, upon hearing the prosecution and the defense, this Court framed charges against the accused under Section 302 of the Indian Penal Code, and when questioned with regard to the said

charges, the accused denied the same and pleaded not guilty, thereby necessitating a full-fledged trial.

3. **Witnesses and Documents :-**

In order to substantiate the charges against the accused, the prosecution examined PW1 to PW15, marked Ex.P1 to Ex.P19 as documentary evidence, and produced MO1 to MO10 as material objects. The case of the prosecution, as could be gathered from the oral evidence, particularly that of PW1, is that PW1, being the sister of the deceased, lodged a complaint before the Vadamadurai Police Station on 26.08.2022 at about 10:10 A.M., stating that the deceased Ramkumar was her brother, who was working as a mason and had married one Nagalakshmi about seven years prior to the occurrence, and through the said wedlock, he had two children, namely a daughter aged about 6 years and a son aged about 4 years, and that they were residing as a joint family.

4. It is the further case of the prosecution that on 24.08.2022, the deceased had gone to Monadipatti Village, and at about 8:08 P.M., PW1, the sister of the deceased, received a phone call from her uncle Nagendran informing her that the deceased had an altercation with certain Hindi-speaking persons, whereupon PW1 requested him to proceed to the place of occurrence and pacify the situation. However, the deceased did not return home thereafter, and despite search being made at various places on 25.08.2022, his whereabouts could not be ascertained.

Subsequently, on 26.08.2022, information was received that an injured person was found near the Cauvery Mill situated on the Dindigul–Trichy Highway, and PW1 proceeded to the said place at about 9:00 A.M., where she found, on the western side of the Cauvery Mill compound amidst bushes, the body of her brother Ram Kumar with grievous head injuries and abrasions on his legs, and after identifying the body, she informed the relatives and proceeded to the Vadamadurai Police Station and lodged the complaint.

5. PW1, the complainant and the sister of the deceased Ramkumar, has spoken to the said facts in her chief examination in line with the complaint. Based on the said complaint, a case in Crime No.294 of 2022 was registered by the Vadamadurai Police, and investigation was taken up. During the course of investigation, the Investigating Officer visited the scene of occurrence, recovered blood-stained earth and sample earth, which were marked as MO1 and MO2 through PW7, and also recovered blood-stained stones marked as MO3 under a mahazar dated 26.08.2022, which was marked as Ex.P3. The Investigating Officer further sent a requisition to the Government Hospital, Dindigul, for conducting postmortem on the body of the deceased, which was marked as Ex.P4 through PW8, pursuant to which the Doctor conducted the postmortem examination and noted the injuries sustained by the deceased as follows:

1. A wide injury was found on the skull bone of the head.
2. The outer covering of the brain (meninges) was found to be torn.

3. The brain was found fragmented into small pieces. Maggots were seen around the brain.
4. A wide injury was found on the back portion of the head.
5. In the front portion of the neck, the laryngeal bone was intact and the thyroid region was found to be normal.
6. The ribs of the chest were intact and in good condition.
7. The heart appeared pale. The chambers were empty. The heart valves were intact. A small amount of clotted blood was seen in the blood vessels of the heart.
8. Both lungs were found in a collapsed state, and their internal structures appeared pale.
9. The stomach was found empty. The internal structures of the abdominal region were found to be decomposed.
10. The intestinal portions of the abdomen were filled with gas and found to be decomposed.
11. The liver, spleen and kidneys were found in a shrunken and decomposed state.
12. About 10 ml of urine was present in the urinary bladder.
13. The pelvic and posterior bones were found to be in good condition, and opinion that the cause of the death was due to the crush injury on the head and face of the deceased person and opinion in the final report filed as Ex.P6 that the deceased died due to the effects of the crush injury and no ethyl alcohol or any other poison was protected on the deceased persons body.

6. During the course of investigation, the Investigating Officer recorded the confession statements of the accused, which were marked as Ex.P8, and prepared a rough sketch of the scene of occurrence, marked as Ex.P12 through PW15. The material objects were subjected to forensic examination, and the viscera as well as biological samples were sent to the Regional Forensic Science Laboratory, Madurai, and the reports obtained therefrom were marked as Ex.P18 and Ex.P19. The Investigating Officer also conducted inquest over the body of the deceased and prepared the inquest report, which was marked as Ex.P14 through PW15, wherein the following external injuries were noted on the body of the deceased: multiple lacerated injuries of varying sizes on the forehead and face, and multiple abrasion injuries of varying sizes on both the upper and lower limbs. Upon completion of investigation and after examining the witnesses, the Investigating Officer laid the final report against the accused for the offence alleged. When the incriminating materials were put to the accused, they denied the same in toto and contended that a false case had been foisted against them. Further, upon conclusion of the trial, when the accused were questioned under Section 313 of the Code of Criminal Procedure with regard to the incriminating circumstances appearing in the evidence of the prosecution, the accused reiterated their denial and claimed innocence. No evidence, either oral or documentary, was adduced on the side of the defence.

7. In the light of the rival contentions, the point that arises for determination in this case is as to whether the prosecution has proved the charge against the accused

beyond reasonable doubt so as to bring home their guilt for the offence punishable under Section 302 of the Indian Penal Code.

8. The learned Additional Public Prosecutor appearing for the State would contend that the prosecution has established that the accused persons were last seen in the company of the deceased on 24.08.2022, during which time an altercation had taken place between them, as spoken to by PW6, namely Cibu, who had witnessed the quarrel and intervened to pacify the parties. It is further contended that thereafter, the deceased was found dead behind the Cauvery Mill on 26.08.2022, and therefore, the prosecution has successfully established the circumstance that the accused persons were in the company of the deceased shortly prior to his death. According to the prosecution, in such circumstances, the burden shifts upon the accused to explain as to how the deceased met with his death when they were last seen together. It is also contended that PW1 and the uncle of the deceased have spoken about the prior altercation between the accused and the deceased, and thus, the presence and involvement of the accused stand proved beyond reasonable doubt. In the absence of any plausible explanation from the accused, it is urged that an adverse inference is liable to be drawn against them, and therefore, the learned Additional Public Prosecutor prayed for conviction of the accused under Section 302 of the Indian Penal Code.

9. Per contra, the learned Legal Aid Counsel appearing for the accused would submit that the prosecution has failed to establish any motive whatsoever for the

alleged occurrence, and no convincing evidence has been let in to prove any prior enmity between the accused and the deceased. It is further contended that even according to the prosecution, the alleged altercation had taken place on 24.08.2022, whereas the body of the deceased was found only on 26.08.2022, thereby leaving a significant time gap, during which the possibility of intervention by third parties cannot be ruled out. It is the further submission of the defense that none of the prosecution witnesses have spoken specifically about the involvement of the accused in causing the death of the deceased, and the case rests purely on circumstantial evidence, which is incomplete and does not form a continuous chain pointing towards the guilt of the accused. The learned counsel would further contend that mere suspicion, however strong, cannot take the place of proof, and in the absence of a complete chain of circumstances, the accused cannot be convicted for an offence under Section 302 IPC, as consistently held by the Hon'ble Supreme Court in a catena of decisions. On the above grounds, the learned defense counsel prayed for acquittal of the accused persons.

10. Consideration of Evidence:

This Court has given its anxious and careful consideration to the rival submissions made on either side, and has meticulously analysed the entire oral and documentary evidence available on record. At the outset, it is to be noted that, except the prosecution version that an altercation had allegedly taken place between the accused persons and the deceased on 24.08.2022, no other material has been placed before

this Court to establish any prior enmity, motive, or any other compelling circumstance to attribute the overt act of causing the death of the deceased to the accused persons. The prosecution has not let in any cogent or convincing evidence to demonstrate that the accused had any intention or pre-existing motive to eliminate the deceased, which assumes significance in a case resting purely on circumstantial evidence.

11. The prosecution has placed considerable reliance upon the testimony of PW6, who is projected as an eyewitness to the alleged altercation between the accused and the deceased on 24.08.2022 at the bus stop of Moonandipatti. However, a careful and critical scrutiny of his evidence does not support the prosecution version in material particulars. PW6, in his deposition, states that he witnessed a quarrel between the accused persons and the deceased on the day prior to the police enquiry, during which he intervened, pacified the parties, and sent the accused back to their workplace, while the deceased also left the place thereafter. He further states that on the following day, at about 10.00 a.m., he identified the accused persons. Significantly, PW6 does not speak of any assault resulting in injuries to the deceased. On the contrary, his categorical version is that the quarrel was effectively diffused upon his intervention and that both sides dispersed without any further incident. This version of PW6 assumes importance, as it runs contrary to the prosecution case that the altercation on 24.08.2022 culminated in the fatal assault on the deceased. The evidence of PW6, instead of establishing a continuing chain of events leading to the

death of the deceased, rather probabalises the defence version that the quarrel, if any, had come to an end without any serious consequence. Moreover, his statement that the incident occurred on the day prior to the police enquiry creates a material inconsistency with the prosecution timeline. In such circumstances, the testimony of PW6 cannot be relied upon to draw any inference that the accused were responsible for causing the fatal injuries to the deceased. On the contrary, his evidence dilutes the prosecution case and fails to establish any nexus between the alleged altercation and the death of the deceased.

12. It is further to be noted that none of the other witnesses examined on the side of the prosecution have spoken about the actual occurrence leading to the death of the deceased. The medical evidence does indicate that the deceased had sustained severe head injuries, including crush injuries, which ultimately resulted in his death. However, there is a complete absence of ocular evidence to connect such injuries with the acts of the accused nor were any witnesses examined to show the last seen theory. In a case of this nature, where the prosecution relies entirely on circumstantial evidence, the law is well settled that every link in the chain of circumstances must be firmly established and must unerringly point towards the guilt of the accused, ruling out every possible hypothesis of innocence. In this regard, this court is reminded of the settled principles laid down by the Hon'ble Supreme Court in ***Sharad Birdhichand Sarda v. State of Maharashtra*** (1984 SCC (4) 116) which is squarely applicable.

13. In the present case, the only circumstance projected by the prosecution is the alleged altercation that took place one day prior to the discovery of the dead body between the accused persons and the deceased person. Such a circumstance, by itself, is wholly insufficient to fasten criminal liability on the accused for the offence of murder. The time gap between the alleged altercation on 24.08.2022 and the recovery of the body on 26.08.2022 remains unexplained, and the possibility of intervention by third parties during the intervening period cannot be ruled out. Therefore, the prosecution has failed to establish the “last seen” theory in a manner known to law.

14. Upon a careful appreciation of the evidence of PW1, the complainant, it emerges that her knowledge regarding the alleged altercation between the accused persons and the deceased on 24.08.2022 is based on her telephonic conversation with PW11, Nagendran. However, PW11, in his deposition, attributes the source of such information to PW2, Periyasamy, stating that it was PW2 who informed him about the said altercation. In a further turn, PW2, instead of corroborating the version of PW11, states that it was PW11 who actually informed him about the incident and requested him to pacify the parties. This mutually contradictory chain of communication renders the origin of the information highly doubtful. The credibility of PW2 is further eroded during his cross-examination, wherein he admits that he does not possess a mobile phone, yet claims to have received information over the phone, allegedly facilitated by certain villagers whose identities he is unable to disclose. Such an explanation appears wholly unconvincing and does not inspire the

confidence of this Court by any measure.

15. Furthermore, PW2 deposes that on the day following the alleged altercation, he, along with a Sub-Inspector, was searching for the deceased, Ramkumar. This assertion stands in stark contradiction to the prosecution case itself, which indicates that no complaint regarding the missing person was lodged until the morning of 26.08.2022 by the PW1. This inconsistency further undermines the reliability of his testimony.

16. It is also pertinent to note that PW2 is, by his own admission, not an eyewitness to the occurrence. His evidence is purely hearsay in nature, as he neither witnessed the alleged altercation nor saw the accused at the relevant time. As per his version, by the time he reached the place of occurrence, the persons involved had already dispersed. Consequently, his testimony neither advances the case of the prosecution nor assists in establishing the presence or involvement of the accused at the scene of occurrence.

17. Similarly, PW3, who acted as a translator during the course of investigation, has merely deposed regarding the procedural aspects of translation and has not furnished any material particulars relating to the occurrence. PW4, the HR Manager of the mill, has spoken only about the employment of the accused and their residence within the mill premises, a fact which is not in dispute. His evidence does not, in any manner, connect the accused with the commission of the alleged offence.

18. PW5 is again a hearsay witness, who has only spoken about his acquaintance with the accused in the course of their employment and has not witnessed either the alleged altercation or the occurrence. PW7, for his part, has deposed only to the extent of having seen the dead body on 26.08.2022, and his evidence is confined solely to that aspect.

19. In the considered view of this Court, the testimonies of PW2, PW3, PW4, PW5, and PW7 do not, either individually or cumulatively, advance the case of the prosecution in establishing the guilt of the accused. The official witnesses, namely PW9 and PW10, have spoken about the registration of the FIR and its dispatch to the jurisdictional Magistrate, which are procedural in nature and do not, by themselves, establish the guilt of the accused. PW12, who is cited as a witness to the confession statement and recovery, has spoken about the alleged confession given by the accused and the recovery of certain materials. However, it is a settled principle of criminal law that an extra-judicial confession or recovery, in the absence of corroborative evidence, cannot form the sole basis for conviction, particularly in a case involving a serious charge under Section 302 IPC. The alleged recovery in the present case does not have any direct nexus with the commission of the offence so as to conclusively connect the accused with the crime.

20. Thus, upon an overall appreciation of the evidence, this Court finds that there is no independent or reliable evidence to connect the accused persons with the homicidal death of the deceased. The chain of circumstances projected by the

prosecution is incomplete and does not form a continuous sequence leading to the only hypothesis of the guilt of the accused. On the contrary, several missing links and unexplained circumstances create a reasonable doubt in the prosecution case.

21. It is trite law that suspicion, however strong it may be, cannot take the place of proof. In the absence of a complete chain of circumstances and in the absence of cogent evidence establishing the guilt of the accused beyond reasonable doubt, this Court is constrained to hold that the prosecution has failed to prove the charge under Section 302 IPC against the accused persons. The evidence on record does not point unerringly towards the guilt of the accused, and the benefit of doubt must necessarily ensure to them. Accordingly, this Court holds that the accused are entitled to be acquitted of the charges levelled against them.

22. RESULT:

- I. **In the result**, this Court finds that the prosecution has failed to prove the charge against the accused persons beyond reasonable doubt, and accordingly, the accused persons, namely A1 – Anupam Pauri and A2 – Mahabir Dibar, are found not guilty of the offence punishable under Section 302 of the Indian Penal Code and they are hereby acquitted of the said charge.
- II. The bail bonds, if any, executed by the accused shall stand cancelled. The material objects, namely MO1 to MO10, shall be disposed of in accordance with law after the expiry of the appeal period, subject to the result of any

appeal, if preferred. The accused persons are set at liberty forthwith, unless their custody is required in connection with any other case.

III. Though this Court has come to the conclusion that the prosecution has failed to prove the charges against the accused beyond reasonable doubt, it cannot lose sight of the fact that the deceased Ram Kumar has left behind two minor children, namely a daughter aged about 6 years and a son aged about 4 years, and that his wife had predeceased him, leaving the children without parental support. In such circumstances, this Court deems it appropriate to invoke the principles of victim compensation. Accordingly, the Secretary, District Legal Services Authority, Dindigul, is requested to expeditiously consider the case of the minor children of the deceased under Section 357A of the Code of Criminal Procedure, corresponding to Section 396 of the Bharatiya Nagarik Suraksha Sanhita and take appropriate steps to award and disburse compensation to all the eligible dependents of the deceased, in accordance with law, within the timeline mandated under the provisions of Section 396(5) BNSS.

This Judgment was dictated to the steno typist transcribed and typed by her in computer, corrected and pronounced by me in Open Court on this the 17th day of April 2026.

**Additional District and Sessions Judge,
Dindigul.**

Annexures :**Prosecution Witnesses :**

- P.W.1 - Tmt.Shanthisheela
P.W.2 - Thiru.Periyasamy
P.W.3 - Tmt.Chanthirakumari
P.W.4 - Thiru.Palanisamy
P.W.5 - Thiru.Vinothkumar
P.W.6 - Thiru.Cibu
P.W.7 - Thiru.Mohan
P.W.8 - Selvi.Subashini (Doctor)
P.W.9 - Selvi.Krishnaveni (Sub-Inspector)
P.W.10 - Thiru.Eswaran (Inspector of Police)
P.W.11 - Thiru.Nagendran
P.W.12 - Thiru.Muthupandi
P.W.13 - Tmt.Reenajose (Doctor)
P.W.14 - Thiru.Ramakrishnan (Sub-Inspector)
P.W.15 - Thiru.Jothi Murugan (Police-Inspector)

Prosecution Exhibits:-

Ex.P1	26.08.2022	Complaint
Ex.P2	26.08.2022	Attatchi
Ex.P3	26.08.2022	Observation Mahazar
Ex.P4	26.08.2022	Requisition letter
Ex.P5	26.08.2022	Postmortem Certificate and Final opinion
Ex.P6	03.12.2022	Final opinion
Ex.P7	26.08.2022	First Information Report
Ex. P8	27.08.2022	Confession Statement of A1
Ex.P9	-	Seizer Mahazar
Ex. P10	26.08.2022	Accident Register

Ex.P11	06.10.2022	Requisition of ADM cum JM Court, Vedasandur for Chemical Analysis
Ex.P12	26.08.2022	Rough Sketch
Ex.P13	26.08.2022	Form-91
Ex.P14	26.08.2022	Inquest Report
Ex.P15	26.08.2022	Form 91
Ex. P16	27.08.2022	Form 91
Ex.P17	11.02.2023	Acknowledgment card and Zerology report
Ex.P18	19.10.2022	Viscera Report
Ex.P19	25.10.2022	Biology Report

Prosecution Material Objects :-

M.O. 1	Blood Stained soil
M.O. 2	Soil Unstained by blood
M.O. 3	An irregular stone stained with blood
M.O. 4	A Blood stained Black and White Half Hand shirt
M.O. 5	A Blood stained Dark-blue Lower
M.O. 6	A Blood stained Black colour lower nike-1
M.O.7	A Blood stained Half-sleeve shirt with black, red and blue colored floral prints
M.O. 8	Orange colored full hand vest cut and removed from the body
M.O. 9	Blue colored pant cut and removed from the body
M.O.10	The maroon-colored trousers with cement-colored check patterns, cut and removed from the body

Defence side witnesses and exhibits : Nil

**Additional District and Sessions Judge,
Dindigul.**