



IN THE ADDITIONAL DISTRICT AND SESSIONS COURT, DINDIGUL.

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

Tuesday, this the 30th day of June 2026

**Sessions Case No.54/2022
(CNR.No.TNDG01-002057-2022)**

Complainant	:	The State, represented through the Inspector of Police, Dindigul Taluk Police Station. (Crime No.857/2021)
Accused	:	1. Chiranjeevi (Age 36/2021) S/o.Kalimuthu North Malaipatti, Thottanuthu Post, Dindigul. 2. Murugesan, (Age 41/2021) S/o.Kalimuthu North Malaipatti, Thottanuthu Post, Dindigul. 3. Murugesan (Age 35/2021) S/o.Mahamuni Sanganampatti Jampuliampatti Post, Dindigul
Date of Occurrence	:	14.06.2021
Date of the Complaint given	:	14.06.2021
Date of the arrest of the Accused 1, 2	:	1 st Accused arrested on - 15.06.2021 2 nd Accused arrested on - 15.06.2021 3 rd Accused arrested on - 15.06.2021
Date of release of the accused on bail	:	1 st Accused Released on – 18.03.2022

		2 nd Accused Released on – 20.08.2021 3 rd Accused Released on - 02.09.2021
P.R.C. No., and date of Committal	:	P.R.C. No.50/2021 Committed on 29.03.2022
Date of Commencement of trial of the Sessions Case	:	10.02.2023
Closure of Trial	:	23.09.2025
Date when the defence enquiry was closed	:	25.03.2026
Crime : 1. Charges pleaded in the charge sheet	:	1 st Accused – U/sec.341, 294(b), 302, 307 of IPC., 2 nd and 3 rd Accused – U/sec. 341, 294(b), 302 r/w 34 of IPC.,
2. Charges framed	:	1 st Accused – U/sec.341, 294(b), 302, 307 of IPC., 2 nd and 3 rd Accused – U/sec. 341, 294(b), 302 r/w 34 of IPC.,
Reason for the delay	:	--
Prosecution witnesses particulars of enquiry	:	P.W.1 to PW3- Chief Examination on – 10.02.2023 P.W.1 to PW3 - Cross Examination on 20.03.2023 PW4- Chief Examination on 22.06.2023 PW4 - Cross Examination on 04.01.2024 P.W.5- Chief Examination on 22.06.2023 PW5 - Cross Examination on 04.01.2024 PW6 - Chief Examination on 13.07.2023 PW6 - Cross Examination on 31.01.2024 PW7 – Chief Examination on 13.07.2023 PW7 - Cross Examination on 31.01.2024 PW8 – Chief Examination on 13.07.2023 PW8 - Cross Examination on 04.01.2024 PW9- Chief Examination on 07.02.2024 PW10-Chief Examination on 07.02.2024 PW11-Chief Examination on 07.03.2024

		PW11 - Cross examination on 25.03.2026 PW12-Chief Examination on 07.03.2024 PW13-Chief Examination on 03.04.2024 PW13 - Cross examination on 25.07.2025 PW14-Chief Examination on 24.04.2024 and Cross Examination on 06.08.2025 PW15-Chief Examination on 02.09.2024 and Cross Examination on 14.08.2025 PW16-Chief Examination on 24.09.2024 PW16- Cross Examination on 23.09.2025
The date of enquiry of the accused U/S 313 (1)(b) of Cr.P.C.,	:	04.11.2025
Government Side Advocate	:	Thiru.S.Soosai Robert
Advocate for the Accused A1 and A2	:	Thiru. M.Anandharaj
Advocate for the Accused A3	:	Thiru. M.Kannan
The Statement of the Accused	A :	Accused denied the offence and stated that the case is a false case.
Decision of the Court	:	In the result, (1) Accused Nos.1 to 3 are found guilty of the offence punishable under Section 302 read with Section 34 IPC and are hereby convicted thereunder. (2) Each of the accused, namely Accused Nos.1 to 3, is sentenced to undergo Imprisonment for Life and to pay a fine of Rs.25,000/- (Rupees Twenty Five Thousand only) each, in default, to undergo Simple Imprisonment for six months each. (3) Accused Nos.1 to 3 are acquitted of the charges under Sections 341, 294(b) and 307 IPC. (4) In exercise of the powers under Section 357(1) Cr.P.C., the entire fine amount, if realised, shall be paid to PW4

	Rajeshwari, the wife of the deceased, for the benefit of herself and the minor child. (5) The learned Secretary, District Legal Services Authority, Dindigul, is requested to consider the case of the dependants of the deceased for award of compensation under the Victim Compensation Scheme framed under Section 357A Cr.P.C., in accordance with law and within the timeframe as enumerated thereunder. (6) The period of detention already undergone by Accused Nos.1 to 3 during investigation, inquiry and trial shall be set off under Section 428 Cr.P.C. (7) The case properties in R.P.R.No.06/2022 marked as M.O.1, M.O.4 and MO5, MO6 are ordered to be destroyed after the expiry of the appeal period. MO2- TN-57- AL 1828 XL Super motor cycle ordered to be retained in Police custody till expiry of the appeal period and thereafter to be returned to its owner on proper application. MO.3 - TN-57 AL 3817 Passion Pro motor cycle, Pursuant to the order dated 17.11.2021 in Cr.No.857/2021 CrImp.No.11946/2021 the interim custody bond executed in favour of the petitioner / 2nd Accused is hereby cancelled, and the said case property is ordered to be seized and taken in to court custody. Item No.9 has already been submitted for analysis. (8) Furnish a free copy of this judgment to each of the accused forthwith, as required under Section 363 Cr.P.C.
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(P.R.C.No.50/2021 on the file the Judicial Magistrate No.I Court, Dindigul)

This Sessions case was coming upon 24.06.2026 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. M.Anandharaj, Advocate for the accused person A1 and A2, Thiru. M.Kannan, Advocate for the accused person A3, 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

J U D G M E N T**1. Prosecution Case:**

I. The prosecution case is that the deceased, Karuppaiya, and the injured eyewitness/defacto complainant, Gangadharan, were close friends. Karuppaiya was engaged in painting and plumbing contract work, while the complainant was employed as a contractual driver in TVS Mahindra Company, Hosur. One Santosh had been working under Karuppaiya and had allegedly borrowed money from him. Since Santosh neither attended work regularly nor repaid the advance amount received from Karuppaiya, disputes had arisen between them about two months prior to the occurrence, resulting in strained relations.

II. On 14.05.2021, during the morning hours, the complainant and Karuppaiya visited the TASMACH shop situated at Uttanampatti Junction on Siluvathur Road. There, they entrusted Rs.400 to one Chiranjeevi (A1) for purchasing four quarter liquor bottles. As Chiranjeevi demanded reimbursement of the additional amount allegedly spent by

him for purchasing the bottles, a quarrel ensued between Chiranjeevi on one side and the complainant and Karuppaiya on the other.

III. Thereafter, after consuming liquor, the complainant and Karuppaiya proceeded to the Konar Hotel situated opposite the TASMACH shop to purchase food parcels. At that place, they noticed Santosh. Karuppaiya questioned Santosh as to why he had stopped talking to him. Santosh allegedly abused Karuppaiya in filthy language, leading to a verbal altercation, whereupon the complainant took Karuppaiya away from the place.

IV. According to the prosecution, during the afternoon, when the complainant and Karuppaiya reached the vicinity of Muniappan Temple at Achcharajakkampatti, they again found Santosh and Chiranjeevi consuming liquor. A further quarrel arose, during which Karuppaiya allegedly picked up a stone lying nearby and struck Chiranjeevi on the head, causing him injuries. The complainant thereafter removed Karuppaiya from the scene.

V. The prosecution further alleges that at about 4.30 p.m., on the same day, while the complainant was riding his TVS Excel Super (Registration No. TN-57-AL-1828) with Karuppaiya as the pillion rider, and after returning from Uttanampatti towards Siluvathur Road, the accused intercepted them near the Malaipatti Junction Land Bridge. Chiranjeevi (A1), his brother Murugesan, and another Murugesan, son of Mahamuni, allegedly arrived on a Hero Passion Pro motorcycle bearing Registration No. TN-57-AL-3817 and obstructed the complainant's vehicle.

VI.It is alleged that the accused abused the complainant and the deceased in filthy language over the earlier quarrels. Thereafter, Murugesan, son of Mahamuni, and Murugesan, son of Kalimuthu, allegedly caught hold of the hands of Karuppaiya, while Chiranjeevi (A1), who was carrying a concealed knife, declared that Karuppaiya should not be allowed to escape and inflicted a forceful knife blow on the right side of Karuppaiya's neck at the clavicle bone region, besides kicking him. As a result, Karuppaiya collapsed on the road.

VII.The prosecution further alleges that when the complainant attempted to flee towards the western side, Chiranjeevi (A1) chased him and inflicted a knife injury on the left side of his back, causing bleeding injuries. On seeing members of the public approaching, all the three accused allegedly fled from the scene on their motorcycle towards Siluvathur.

VIII.The complainant thereafter examined Karuppaiya and found that he was not breathing. With the assistance of persons present nearby, both were taken in an autorickshaw to the Government Hospital, Dindigul. At about 5.15 p.m., the duty doctor declared that Karuppaiya had died on the way to the hospital. The complainant, who had sustained injuries in the occurrence, was admitted as an inpatient for treatment.

IX.Based on the statement given by the injured complainant at the hospital, the Inspector of Police, Taluk Police Station, Dindigul, registered a case in Crime No.857 of 2021 at about 9.00 p.m. on 14.05.2021 for the offences punishable under Sections

341, 294(b), 302 and 307 of the Indian Penal Code against the accused. Investigation was thereafter taken up in accordance with law.

2. Upon committal, copies of all the prosecution records were furnished to Accused Nos.1 to 3 under Section 207 Cr.P.C. by the learned Judicial Magistrate No.I, Dindigul. Since the offences were exclusively triable by the Court of Session, the case was committed to the Court of Session and was thereafter made over to this Court for trial.

3. On committal, the case was made over to this Court by the Hon'ble Principal District and Sessions Court, Dindigul and taken on file as S.C.No.54/2022 and thereafter charges were framed against the A1 under Sections 341, 294(b), 302, 307 of IPC, and A2, A3 charge framed for under sections 341, 294(b), 302 r/w 34 of IPC. The accused persons A1 to A3 denied the charges and pleaded not guilty and claimed to be tried.

4. In order to substantiate the charges, prosecution examined PW1 to PW16, marked Exhibits P1 to P23 and produced Material Objects 1 to 6.

05. Evidence of PW1:

PW1, Gangadharan, the defacto complainant as well as the injured eyewitness, was examined on 10.02.2023. He deposed that the deceased Karuppaiya was his close friend and that all the three accused were known to him even prior to the occurrence. According to him, on the date of occurrence, he and the deceased had gone to the TASMACH shop situated at Uttanampatti Junction, where the first accused,

Chiranjeevi, was present. They entrusted money to Chiranjeevi for purchasing liquor bottles. After purchasing the liquor, Chiranjeevi demanded payment of certain additional expenses allegedly incurred by him. As the complainant and the deceased refused to pay the additional amount, a quarrel ensued between them.

I.PW1 further deposed that after purchasing food parcels from the Konar Hotel, they found Santosh and Chiranjeevi standing there. Santosh had earlier worked under the deceased in building contract works and had received advance amounts from him. Since Santosh had failed to repay the advance and had stopped working under the deceased, there had been strained relationship between them for about two months prior to the occurrence. On seeing Santosh, the deceased questioned him as to why he was not speaking to him, resulting in another quarrel, whereupon PW1 pacified the deceased and took him away.

II.PW1 further stated that later, when they reached the vicinity of Muniappan Temple at Achcharajakkampatti, Santosh and Chiranjeevi were again found consuming liquor. A fresh altercation arose, during which the deceased assaulted Chiranjeevi on the back of his head with his hand. PW1 thereafter took the deceased away from that place.

III.According to PW1, while he was riding his TVS Excel Super motorcycle with the deceased as pillion rider from east to west near Muttanampatti, the accused intercepted them while coming on another motorcycle passion pro. The first accused abused the deceased in filthy language. Thereafter, Accused Nos.2 and 3 caught hold

of the hands of the deceased, while the first accused took out a concealed knife and stabbed the deceased on the right shoulder/neck region, uttering that he should die. The first accused also kicked the deceased, causing him to fall down. When PW1 attempted to intervene, the first accused inflicted another stab injury on the back of PW1 with the same knife, causing bleeding injuries. Thereafter, all the three accused fled from the scene on their motorcycle towards the eastern direction.

IV.PW1 further deposed that when he checked the deceased, he found that Karuppaiya was not breathing. With the assistance of persons present nearby, both of them were taken in a Poco Auto (share auto) (examined as PW2 - Gopi Anand) to the Government Hospital, Dindigul, where the doctor declared that Karuppaiya had died on the way. PW1 was admitted as an inpatient for treatment of the injuries sustained by him. During his treatment, the police recorded his complaint, which was marked as Exhibit P1. He identified his signature therein and stated that his sister had also signed the complaint as an attesting witness. He further identified MO1, the knife alleged to have been used in the commission of the offence, which was allegedly recovered from A1 pursuant to the confession.

V.PW1 was recalled and cross examined on 23.02.2023. During such examination, he stated that the complaint had been written by the police on the basis of the oral narration given by him and that it was read over to him before he signed the same. During cross-examination, he admitted that Santosh, despite his involvement in the earlier quarrels, had not been arrayed as an accused in the case. He also admitted that

after obtaining the food parcels, both he and the deceased consumed liquor at about 1.00 p.m. on the date of occurrence and that they were under the influence of alcohol at the time of the incident. He further stated that after the occurrence they proceeded to the Government Hospital in a Poco Auto. Except for the above admissions, nothing substantial was elicited in his cross-examination to discredit his testimony, and he denied the other suggestions put forth on behalf of the defence. No suggestions were made by the defence as to the injuries inflicted on himself due to any other person or at any other place or so on.

06. Evidence of PW2 :

I.PW2, Gopi Anand, the autorickshaw driver, was examined by the prosecution to establish the circumstances immediately following the occurrence and the transportation of the injured to the Government Hospital. He deposed that he was acquainted with the deceased Karuppaiya, the complainant Gangadharan, as well as the accused persons beforehand.

II.According to PW2, on 14.05.2021, at about 4.30 p.m., while he was proceeding from Airport Nagar towards Malaipatti from east to west in his autorickshaw, he was intercepted by PW1, Gangadharan, near Malaipatti Junction. At that time, he found Karuppaiya lying on the road with stab injuries. Upon enquiring with PW1 as to what had transpired, PW1 informed him that Chiranjeevi had stabbed Karuppaiya with a knife and that Chiranjeevi, along with two other persons, was standing nearby, with

Chiranjeevi still carrying the knife. PW2 also noticed that PW1 had sustained an injury on his back and that his shirt was soaked in blood.

III.PW2 further deposed that he immediately shifted both the injured Gangadharan and the deceased Karuppaiya in his autorickshaw to the Government Hospital, Dindigul. During the journey, PW1 narrated to him the sequence of events commencing from the quarrel at the TASMACH shop in the morning, the subsequent altercations involving Santosh and Chiranjeevi, the assault made by Karuppaiya on the head of Chiranjeevi near the Muniappan Temple, and finally the attack in which Chiranjeevi allegedly stabbed Karuppaiya with a knife. According to PW2, upon reaching the hospital, Karuppaiya was declared dead.

IV.During cross-examination, PW2 admitted that he had erroneously mentioned the registration number of his autorickshaw as TN-57-W-6791 during the police enquiry, whereas the correct registration number was TN-57-W-6197. He further admitted that PW1 belonged to his village and to the same community. He candidly stated that he had not witnessed the actual occurrence and that whatever he had deposed regarding the assault was based solely on the narration given to him by PW1 while they were proceeding to the hospital. He denied the suggestion that he had neither seen the accused nor transported the injured in his autorickshaw. He also clarified that he was not a close relative of the deceased but only a distant relative. According to him, no other persons were present at the spot when he transported the deceased and PW1 to the Government Hospital. Except for the above admissions, nothing material was

elicited in his cross-examination to discredit his evidence regarding the transportation of the injured and the deceased to the hospital. No suggestions made by the defence about him not transporting the deceased and the PW1 on that day and time.

07. Evidence of PW3:

I.PW3, Murugan, son of Periyasamy, a resident of Achcharajakkampatti and an electrician by profession, was examined by the prosecution as a witness to the events immediately preceding and succeeding the occurrence. He deposed that he was acquainted with the deceased Karuppaiya, PW1 Gangadharan, PW2 Gopi Anand, and all the accused persons.

II.According to PW3, on the morning of 14.05.2021, PW1 Gangadharan contacted him over phone and informed him that a quarrel had taken place near the Muniappan Temple at Achcharajakkampatti involving Santosh, Chiranjeevi, Karuppaiya and Gangadharan. As the marriage of his elder brother's son was being conducted on that day, PW3 informed PW1 that he would come only after the marriage ceremony was over.

III.PW3 further deposed that at about 4.30 p.m., while proceeding from his house towards Balakrishnapuram, he noticed Karuppaiya lying on the road with stab injuries on his chest. At that time, PW2 Gopi Anand also arrived there in his autorickshaw. PW3 noticed that PW1 had sustained an injury on his back. PW1 informed him that the two Murugesans had restrained Karuppaiya by holding his hands and that the first accused, Chiranjeevi, had stabbed Karuppaiya with a knife.

Thereafter, PW2 transported both Karuppaiya and PW1 in his autorickshaw to the Government Hospital, Dindigul, where the doctor declared Karuppaiya dead.

IV. During cross-examination, PW3 admitted that he had not witnessed the actual occurrence. He further admitted that PW1 was related to him and that the deceased Karuppaiya was his paternal uncle (Chithappa relationship). He stated that after learning about the death of Karuppaiya, he went to the Government Hospital and saw the body of the deceased. Except for these admissions, he denied the suggestions put to him by the defence.

08. Evidence of PW4:

I. PW4, Rajeshwari, the wife of the deceased Karuppaiya, was examined by the prosecution. She deposed that all the accused were known to her beforehand. According to her, her husband was engaged in painting and plumbing contract work and Santosh was employed under him. Santosh had received advance amounts from her husband, and on account of his failure to repay the same, disputes had arisen between Santosh and the deceased, resulting in frequent quarrels.

II. PW4 further deposed that she came to know about the occurrence only after PW1 informed her while she was came to the Government Hospital. She thereafter she saw the body of her husband. She noticed an injury on the right shoulder/neck region of the deceased and also observed that PW1 had sustained an injury on his back. She deposed before the Court the facts narrated to her by PW1 regarding the occurrence.

III. During cross-examination, PW4 admitted that there had been a quarrel between Santosh and her husband prior to the occurrence. She further stated that she reached the Government Hospital at about 4.45 p.m. to 5.00 p.m. and found that the clothes worn by the deceased were stained with blood. She admitted that PW1 was also her relative and that she had no personal knowledge of the occurrence, having learnt about the incident only through PW1. She denied the defence suggestion that the deceased, being under the influence of alcohol, had accidentally fallen down and sustained the injuries. She further stated that she saw PW1 only at the Government Hospital and had received information regarding the admission of the deceased and PW1 over phone. She also admitted that, apart from the incident in question, there was no previous enmity between the deceased and the third accused, Murugesan. Except for the above admissions, nothing material was elicited in her cross-examination to discredit her evidence.

09. Evidence of PW5:

I. PW5, Azhagumani @ Vayapuri, the father of the deceased Karuppaiya, was examined by the prosecution. He deposed that PW1 Gangadharan, his deceased son Karuppaiya, and the accused persons were all known to him beforehand. According to him, about two years prior to his deposition, on the date of occurrence, his son had gone out along with PW1. Subsequently, he received information from the villagers that his son had died. On receiving such information, he immediately proceeded to the Government Hospital, Dindigul, where he found the body of his son with an

injury on the right shoulder/neck region. He further stated that he came to know that the accused persons had done away with his son.

II. During cross-examination, PW5 admitted that he was unable to recollect the name of the person who informed him about the occurrence. He candidly admitted that he had not witnessed the incident and that his knowledge regarding the occurrence was only hearsay. He also admitted that his son was in the habit of consuming alcohol. He denied the suggestions put forth by the defence that the third accused had no connection with the occurrence or that he had not seen the third accused prior to his deposition.

10. Evidence of PW6:

I. PW6, Premkumar, son of Murugesan, a driver by profession, was examined as an attesting witness to the observation mahazar and the recovery proceedings conducted at the place of occurrence. He deposed that on 14.05.2021, at about 4.30 p.m., after hearing about the murder of Karuppaiya, he proceeded to Dindigul. Along with one Magudeeswaran, he visited the place of occurrence situated on Siluvathur Road. At that time, the police were preparing the observation mahazar and the rough sketch. He signed both the documents as an attesting witness. He further stated that the police recovered the TVS Excel Super motorcycle bearing Registration No. TN-57-AL-1828 from the place of occurrence, besides recovering blood-stained soil and sample (unstained) soil under a mahazar.

II.PW6 was recalled for cross-examination on 31.01.2024. During such cross-examination, he stated that when he reached the place of occurrence along with Magudeeswaran, only two police personnel were present. He admitted that there was no electric lighting at the place of occurrence. He further stated that he did not know who actually wrote the observation mahazar or the rough sketch, except that the police were preparing the documents. He also admitted that he was unaware of the contents of the said documents before signing them. He clarified that Magudeeswaran was not related to him and that they were engaged in different occupations. He denied the suggestion that he was a stock witness of the police.

11. Evidence of PW7:

I.PW7, Magudeeswaran, was examined as the other attesting witness to the observation mahazar and the recovery proceedings. His evidence substantially corroborated that of PW6. He deposed that he witnessed the preparation of the observation mahazar and rough sketch by the Investigating Officer and also witnessed the recovery of the TVS Excel Super motorcycle and other material objects from the scene of occurrence under a mahazar.

II.During cross-examination, PW7 admitted that the place of occurrence was dark at the time when the observation mahazar and rough sketch were prepared, as there was no electrical lighting available at the spot. Except for the above admission, nothing material was elicited in his cross-examination, and he denied the suggestions put forth on behalf of the defence.

12. Evidence of PW8:

I. PW8, Dhavamani, son of Palanisamy was examined as the witness to the arrest, confession and recovery. She deposed that on 15.05.2021 at about 11.00 a.m., while she was present near the Irandalapallam Pond, the Inspector of Police, Dindigul Taluk Police Station, was conducting a vehicle check. At that time, the three accused came on a Hero Passion Pro motorcycle and were intercepted by the police. According to her, the first accused gave a voluntary confession statement in the presence of the witnesses. Pursuant to such confession, the first accused produced the Hero Passion Pro motorcycle as well as the knife alleged to have been used in the commission of the offence. She identified the knife, which was marked as MO2, and the motorcycle, which was marked as MO3.

II. During cross-examination, PW8 admitted that about four police personnel, including the Inspector of Police, were present at the time of the recovery. She further stated that the contents of the proceedings were initially written in the police jeep and were thereafter typed at the police station, following which her signatures were obtained. She stated that she had signed on two pages. Except for the above admissions, she denied all the suggestions put forth by the defence, and nothing material was elicited to discredit her testimony.

13. Evidence of PW9:

PW9, Senthilkumar, son of Mokkaian, the Station Writer attached to Dindigul Taluk Police Station, was examined to prove the dispatch of the First Information Report. He deposed that after registration of the case, he carried the express First

Information Report to the Court of the learned Judicial Magistrate No.I, Dindigul, at about 6.40 a.m. on 15.05.2021 and delivered the remaining copies to the concerned superior police officials in the ordinary course of official duty.

14. Evidence of PW10:

PW10, Velumani, son of Palaniyappan, a Head Constable attached to Dindigul Taluk Police Station, was examined to prove the official steps taken after the registration of the case. He deposed that on 15.05.2021 at about 8.45 a.m., he received the requisition from the Inspector of Police for conducting post-mortem over the body of the deceased Karuppaiya and produced the same before the Government Hospital, Dindigul. He identified the body of the deceased before the Medical Officer who conducted the post-mortem examination. He further deposed that, as instructed by the Investigating Officer, he carried the necessary communications to the learned Judicial Magistrate and thereafter forwarded the viscera and internal organs of the deceased to the Forensic Sciences Laboratory, Madurai, for chemical analysis. He also handed over the clothes worn by the deceased for forensic examination in accordance with the directions of the Investigating Officer.

15. Evidence of PW11:

I.PW11, Dr. Sathya Prakash, son of Nataraj, the Medical Officer attached to the Government Hospital, Dindigul, conducted the post-mortem examination on the body of the deceased Karuppaiya on 15.05.2021 at about 10.48 a.m. pursuant to the requisition received from the Inspector of Police through PW10.

II. The Doctor deposed that during post-mortem he noticed, inter alia, a stab injury measuring $4 \times 3 \times 7$ cm situated below the right side of the neck. He further found fractures of the first to third ribs on the right side, fracture of the right clavicle, about 2.5 litres of clotted blood inside the chest cavity, the right chamber of the heart filled with blood while the left chamber was empty, and a lacerated injury measuring $3 \times 2 \times 3$ cm involving the right lobe of the liver. The right lung had also sustained a penetrating injury corresponding to the stab wound.

III. According to PW11, the post-mortem was completed at about 12.00 noon. He issued the Post-mortem Certificate, marked as **Ex.P8**, and opined that the deceased had died due to shock and haemorrhage consequent upon multiple injuries involving vital organs, particularly the right lung. He further opined that the injuries noted by him could have been caused by MO2, the knife produced before him for medical opinion.

IV. PW11 was initially examined in chief on 07.03.2024 and was subsequently recalled for cross-examination only on 25.03.2026. During cross-examination, more pertinently, he clarified that if the knife was thrust vertically into the body, the injuries found in the upper portion of the right lung could have been caused in the manner noticed during post-mortem. He further explained that the remaining internal injuries and fractures could have resulted from the force of the penetrating injury and the consequent haemorrhage and shock. He specifically denied the defence suggestion that a single stab injury could not have produced the various internal injuries recorded in the post-mortem certificate.

16. Evidence of PW12:

PW12, Balasubramanian, son of Chinnazhakar, was the Dog Squad Handler. He deposed that, on the request of the Investigating Officer, he visited the place of occurrence with the sniffer dog "Ruby". According to him, despite making the necessary efforts, the sniffer dog did not lead the police to any useful clue or material objects connected with the crime.

17. Evidence of PW13:

PW13, Dr. Prasanna Kumar, son of Rangadurai, was the Casualty Medical Officer attached to the Government Hospital, Dindigul, who attended both the deceased and the injured eyewitness on the date of occurrence.

He deposed that on 14.05.2021 at about 5.15 p.m., one Gopi Anand brought Karuppaiya to the Government Hospital. On examination, he found that Karuppaiya had already died before arrival, made the necessary Accident Register entry, and thereafter referred the body for postmortem examination. The Accident Register relating to the deceased was marked as **Ex.P9**.

PW13 further deposed that at about 5.25 p.m. on the same day, PW1 Gangadharan was brought to the casualty by one Ponnandavar, a relative. PW1 informed him that at about 5.00 p.m., near Malaipatti Junction, he had been assaulted by a known person. On examination, PW13 found a lacerated injury measuring 5 × 2 × 2 cm over the shoulder/back region. After administering first aid and taking an X-ray, he opined that the injury was simple in nature. The Accident Register relating to

PW1 was marked as **Ex.P10**, and the Wound Certificate issued by him was marked as **Ex.P11**.

During cross-examination, PW13 admitted that he had not mentioned the description of the weapon alleged to have caused the injury in the wound certificate. He further stated that, as a medical possibility, the injury found on PW1 could also occur if a person, while under the influence of alcohol, accidentally fell against a sharp object. However, he did not state that such was the actual cause of the injury sustained by PW1.

18. Evidence of PW14:

I. PW14, J. Ganesh, who was then serving as the Sub-Inspector of Police attached to Dindigul Taluk Police Station, was examined to prove the registration of the First Information Report. He deposed that on 14.05.2021, while on duty, he received intimation from the Government Hospital, Dindigul, regarding the admission of the injured Gangadharan (PW1). On reaching the hospital, he recorded the complaint given by PW1 and, based on the same, registered a case in Crime No.857 of 2021 at about 9.00 p.m. for the offences under Sections 341, 294(b), 302 and 307 IPC. The printed First Information Report was marked as **Ex.P12**. He further deposed that the express FIR was promptly forwarded to the Court of the learned Judicial Magistrate No.I, Dindigul, and copies were despatched to the superior police officers in accordance with the prescribed procedure.

II. During cross-examination, PW14 admitted that Kalpana, the sister of PW1, was present at the hospital when the complaint was given and that she had signed the

complaint as an attesting witness. He further stated that when he reached the hospital, the complaint had already been reduced into writing and that he received the written complaint and registered the case on its basis. He denied the defence suggestion that he had reached the hospital only at about 9.30 p.m. and that the complaint had been fabricated thereafter. He reiterated that the case had been registered at 9.00 p.m. itself and denied all other suggestions put to him by the defence.

19. Evidence of PW15:

I. PW15, Parthiban, the then Inspector of Police, Dindigul Taluk Police Station, was the first Investigating Officer in the case. He deposed that after receipt of the FIR for investigation, he proceeded to the place of occurrence, prepared the observation mahazar and rough sketch, recovered the material objects found at the scene under mahazars, and examined the available witnesses.

II. PW15 further deposed that on 15.05.2021, he arrested the accused persons and, pursuant to the admissible portion of the confession of the first accused, recovered the Hero Passion Pro motorcycle and the knife alleged to have been used in the commission of the offence. He also conducted the inquest over the body of the deceased in the presence of panchayatdars, and the Inquest Report was marked as **Ex.P14**. He further spoke about the recovery of the blood-stained clothes and other material objects from the deceased after post-mortem and their seizure under proper mahazars. According to him, on 16.05.2021, upon his transfer from the station, he handed over the entire case diary and investigation records to his successor for continuation of the investigation.

20. Evidence of PW16:

I. PW16, Pastin Dhinakaran, the succeeding Investigating Officer, deposed that after taking over the investigation from PW15, he continued the investigation by examining and recording the statements of the remaining witnesses under Section 161 Cr.P.C. He further deposed that he forwarded the material objects to the Regional Forensic Science Laboratory for biological, serological and chemical examination and subsequently received the Postmortem Certificate, Biology Report, Serology Report and Viscera Analysis Report.

II. According to PW16, upon completion of the investigation, he found that the offences were also attracted with the aid of common intention. Accordingly, on 18.08.2021, he filed an alteration report altering the penal provisions from Sections 341, 294(b), 307 and 302 IPC to Sections 341, 294(b), 307 and 302 read with Section 34 IPC. Thereafter, having completed all formalities of investigation, he laid the final report before the jurisdictional Court on the same day. The Biology Report, Serology Report and Viscera Report received from the Forensic Science Laboratory were marked through PW16 as **Exs.P21, P22 and P23**, respectively.

III. PW16 was subjected to an elaborate cross-examination by the defence regarding the manner in which the investigation had been conducted. However, except putting various suggestions disputing the fairness of the investigation, nothing material was elicited to discredit either the investigation conducted by him or the documents proved through his evidence.

21. After the closure of the prosecution evidence, all the incriminating circumstances appearing against the accused in the evidence of the prosecution witnesses were put to Accused Nos.1 to 3 under Section 313 of the Code of Criminal Procedure. The accused denied each and every incriminating circumstance as false and pleaded innocence. They did not choose to examine any witness on their side nor did they mark any document in defence. The defence is one of total denial. Having heard the arguments advanced by the learned Public Prosecutor and the learned counsel appearing for the accused and upon perusing the entire oral and documentary evidence available on record, this Court proceeds to determine the points that arise for consideration.

22. Point for Determination:

In the light of the materials placed on record before me, the following point arises for consideration:

Whether the prosecution has proved beyond reasonable doubt that on 14.05.2021 at about 4.30 p.m. near Malaipatti Junction, the accused, in furtherance of their common intention, wrongfully restrained PW1 Gangadharan and the deceased Karuppaiya, abused them in obscene language, committed the murder of Karuppaiya by inflicting knife injuries and attempted to commit the murder of PW1, thereby committing offences punishable under Sections 341, 294(b), 302 and 307 read with Section 34 IPC?

23. Rival submissions:

The learned Public Prosecutor would submit that the prosecution has established the guilt of all the accused beyond reasonable doubt through the cogent, consistent and trustworthy evidence of PW1, the injured eyewitness, whose presence at the place of occurrence stands conclusively proved by the medical evidence of PW13 and the evidence of PW2, auto driver. It is contended that the testimony of an injured witness carries great evidentiary value and ordinarily cannot be discarded unless compelling circumstances exist. According to the prosecution, the evidence of PW1 receives substantial corroboration from the prompt registration of the First Information Report, the medical evidence of PW11 establishing that the deceased died due to homicidal stab injuries, the recovery of MO2 knife and MO3 motorcycle pursuant to the disclosure statement of the first accused, the evidence of PW2 regarding the transportation of the deceased and PW1 immediately after the occurrence, and the investigation carried out by PW15 and PW16. It is further submitted that the earlier quarrels between the deceased, Santosh and the first accused furnish the motive for the occurrence. Hence, it is argued that all the accused are liable to be convicted for the offences punishable under Sections 341, 294(b), 302 and 307 read with Section 34 IPC.

24. Per contra, the learned counsel appearing for the accused would contend that the prosecution has failed to prove its case beyond reasonable doubt. According to the learned counsel, except PW1, there is no eyewitness to the occurrence and the entire prosecution case rests upon the interested testimony of PW1, who is admittedly a

close friend and relative of the deceased. It is further contended that PW1 himself admitted that he and the deceased had consumed liquor prior to the occurrence and were under the influence of alcohol. The injury sustained by PW1 has been opined by PW13 to be simple in nature and, according to the doctor, such an injury could also be sustained by a drunken person falling on a sharp object. It is further argued that Santosh, who admittedly had the real dispute with the deceased and who figured in all the earlier quarrels, has not been examined by the prosecution. The evidence of PW2 to PW5 is only hearsay insofar as the actual occurrence is concerned. The recovery witnesses are interested witnesses and the alleged recovery itself is doubtful. It is also contended that no independent witness from the locality has been examined though the occurrence allegedly took place on a public road. Hence, according to the defence, the prosecution has failed to establish either the common intention attributed to all the accused or the individual offences alleged against them and, therefore, all the accused are entitled to acquittal.

25. Discussion and findings:

At the outset, this Court proposes to examine whether the prosecution has established that the death of Karuppaiya was homicidal. Upon a careful appreciation of the oral and documentary evidence, this Court has no hesitation in holding that the prosecution has conclusively established the homicidal death of Karuppaiya for the reasons as under.

PW11, Dr. Sathya Prakash, who conducted the postmortem examination, found a penetrating stab injury measuring $4 \times 3 \times 7$ cm below the right side of the neck. On

internal examination, he noticed fractures of the first to third ribs on the right side, fracture of the right clavicle, injuries to the right lung and liver and accumulation of about 2.5 litres of clotted blood inside the chest cavity. He has categorically opined that the deceased died due to shock and haemorrhage consequent upon injuries to the vital organs. Ex.P8, the post-mortem certificate, fully corroborates his oral testimony. PW11 has further opined that the injuries found on the deceased could have been caused by MO2 knife. The doctor has also crucially clarified that even a single stab injury could have led to the multiple organ injuries resulted on the deceased. Nothing worthwhile has been elicited during his cross-examination to discredit his medical opinion. The defence has also not seriously disputed either the cause or the nature of death. Therefore, this Court unhesitatingly holds that Karuppaiya died a homicidal death.

26. The next question that falls for consideration is whether the prosecution has established that the accused were the perpetrators of the offence.

The prosecution case principally rests upon the testimony of PW1, Gangadharan, who is both the de-facto complainant and an injured eyewitness. It is well settled that the evidence of an injured witness ordinarily carries greater evidentiary value since his presence at the place of occurrence stands established by the injuries sustained by him. Unless strong circumstances exist to reject such evidence, Courts ordinarily accept the testimony of an injured witness.

27. In the present case, the presence of PW1 at the scene cannot be doubted. PW13 examined him immediately after the occurrence and Exs.P10 and P11 establish that

he had sustained injuries at the relevant point of time. PW2 has also consistently deposed that he found PW1 with bleeding injuries at the place of occurrence and intercepted his auto and he transported both PW1 and the deceased to the Government Hospital. Thus, the presence of PW1 at the place of occurrence stands proved beyond doubt.

28. PW1 has narrated the sequence of events in a natural and consistent manner. He has not attempted to suppress the earlier incidents which had taken place during the course of the day. On the contrary, he has fairly admitted that there were successive quarrels between the deceased, Santosh and the first accused at the TASMACH shop, near the Konar Hotel and later near the Muniappan Temple, during which the deceased himself assaulted the first accused. This version finds corroboration from PW4, the wife of the deceased, who has also spoken about the financial dispute between Santosh and the deceased. The fact that PW1 has not concealed the role played by the deceased in the earlier altercations lends assurance to the truthfulness of his testimony.

29. PW1 has consistently deposed that while he and the deceased were proceeding on their motorcycle, the accused intercepted them and that the first accused Chiranjeevi took out a concealed knife and inflicted a forceful stab injury on the right side of the neck and shoulder region of the deceased. His version regarding the nature of the injury is fully corroborated by the medical evidence of PW11 and the same facts narrated by him in his complaint lodged immediately after the incident. There is

complete harmony between the ocular and medical evidence regarding the situs, nature and effect of the fatal injury.

30. Though PW2 and PW3 are not eyewitnesses to the actual assault, they reached the scene immediately thereafter and found the deceased lying with stab injuries and PW1 bleeding from his back. PW2 immediately shifted both of them to the Government Hospital, while PW3 also reached the place shortly thereafter. It is true that PW2, during his examination, stated that he had seen the accused persons standing at the place of occurrence when he arrived in his autorickshaw, whereas PW1 has consistently deposed that immediately after the assault, the accused fled from the scene upon noticing the public approaching. This discrepancy, in the considered opinion of this Court, is not of such a nature as to affect the substratum of the prosecution case. The contradiction pertains only to the presence or absence of the accused at the spot immediately after the occurrence and not to the manner in which the occurrence took place. It appears to be an embellishment or exaggeration on the part of PW2, possibly made with an intention to lend further support to the prosecution case. It is well settled that minor embellishments or exaggerations, which do not go to the root of the prosecution case, are liable to be ignored while appreciating the evidence. The maxim *falsus in uno, falsus in omnibus* has no application to criminal trials in India, and it is the duty of the Court to separate the grain from the chaff. Ignoring the said embellishment, the evidence of PW2 and PW3 consistently establishes the immediate aftermath of the occurrence, the condition of the deceased and PW1, and the prompt transportation of both to the Government

Hospital. To that extent, their evidence lends valuable corroboration to the testimony of PW1 regarding the occurrence.

31. The First Information Report was promptly registered on the basis of the complaint lodged by PW1 while he was undergoing treatment at the Government Hospital. PW14 has categorically deposed that the case was registered at 9.00 p.m. on the date of occurrence, and Ex.P12 also reflects the same. PW9 has further spoken about the despatch of the express First Information Report to the Court of the learned Judicial Magistrate in the early morning hours of the following day. Though the learned defence counsel contended that there was an unexplained delay in the FIR reaching the jurisdictional Magistrate, this Court is unable to accept the said contention. PW9 has satisfactorily explained that, since the FIR was registered during the intervening night hours, it was delivered to the jurisdictional Magistrate at about 6.40 a.m. on the following morning in the normal course of official duty. The explanation offered appears to be natural, reasonable and acceptable. The delay, if any, is neither inordinate nor suggestive of any manipulation or interpolation in the prosecution case. In the absence of any material to show that the intervening period was utilised for deliberation or fabrication, the prompt registration and despatch of the FIR substantially rule out the possibility of false implication or subsequent embellishment. This Court, therefore, finds no merit in the objection raised by the defence regarding the alleged delay in forwarding the First Information Report.

32. The prosecution has also relied upon the recovery of MO2 knife and MO3 motorcycle pursuant to the disclosure statement of the first accused. PW8 has spoken

about the recovery proceedings and PW15 has corroborated the same during investigation. The Biology and Serology Reports received from the Forensic Science Laboratory further lend support to the prosecution case. Though certain minor discrepancies have been elicited regarding the manner of preparation of the recovery mahazar, they do not strike at the root of the prosecution case.

33. The defence has sought to impeach the testimony of PW1 on the ground that he and the deceased had consumed liquor prior to the occurrence. PW1 himself has candidly admitted this fact. However, mere consumption of liquor cannot, by itself, render the testimony of a witness unreliable. There is absolutely no material to indicate that PW1 was so intoxicated as to lose his capacity to perceive the occurrence or identify the assailants. His evidence has remained substantially consistent as found in his complaint, throughout his chief-examination, recall examination and lengthy cross-examination.

34. The defence has also emphasised the non-examination of Santosh. Admittedly, Santosh had previous disputes with the deceased and figured prominently in the earlier quarrels. However, there is no evidence that Santosh was present at the place where the fatal assault occurred. Therefore, mere non-examination of Santosh cannot by itself discredit the otherwise reliable testimony of PW1. Having accepted the prosecution case regarding the homicidal death of Karuppaiya and the occurrence, this Court shall now examine the individual charges framed against the accused.

35. Charge under Section 341 IPC:

The prosecution alleges that the accused wrongfully restrained PW1 and the deceased by intercepting their motorcycle. However, except the interested testimony of PW1, there is no independent evidence establishing the ingredients of wrongful restraint. The interception alleged by PW1 appears to have been only an integral part of the same transaction culminating in the assault and has not been proved as an independent offence. Accordingly, the prosecution has failed to establish the charge under Section 341 IPC beyond reasonable doubt.

36. Charge under Section 294(b) IPC:

Though PW1 has generally stated that the accused abused him and the deceased in filthy language, the prosecution has neither proved the exact obscene words allegedly uttered nor established the more important requirement of the offence that such utterances caused annoyance to any member of the public, which is an essential ingredient of Section 294(b) IPC. Mere abusive language is insufficient to attract the penal provision. Hence, the prosecution has failed to establish the charge under Section 294(b) IPC.

37. Charge under Section 307 IPC:

The prosecution has further alleged that the first accused attempted to commit the murder of PW1. The factum of PW1 sustained an injury during the occurrence has been sufficiently proved by the prosecution. However, PW13 has categorically opined that the injury sustained by PW1 was only simple in nature. Ex.P11 Wound Certificate also reflects only a simple lacerated injury without any injury to a vital

organ or fracture. Though PW13 admitted during cross-examination that such an injury could also be sustained by a drunken person falling on a sharp object, such opinion merely indicates a medical possibility and does not demolish the prosecution version regarding the occurrence.

38. Nevertheless, to attract Section 307 IPC, the prosecution must establish not merely the causing of an injury but the requisite intention or knowledge to cause death. Considering the simple nature of the injury, the absence of injury to any vital organ, the medical opinion of PW13 and the overall circumstances of the case, this Court is of the considered opinion that the prosecution has failed to establish the ingredients necessary to constitute an offence punishable under Section 307 IPC beyond reasonable doubt. Consequently, the accused are entitled to acquittal for the charge under Section 307 IPC.

39. Accordingly, this Court holds that the prosecution has failed to establish the charges under Sections 341, 294(b) and 307 IPC beyond reasonable doubt, and the accused are entitled to acquittal in respect of the said offences. However, the evidence on record unmistakably establishes that the deceased Karuppaiya died a homicidal death on account of the fatal stab injury inflicted by the first accused and that Accused Nos.2 and 3 actively participated in the commission of the offence by restraining the deceased and facilitating the assault. The evidence of PW1 in this regard is cogent, natural and trustworthy and finds substantial corroboration from the medical evidence, the surrounding circumstances and the prompt lodging of the First

Information Report. The overt acts attributed to the accused, viewed in their entirety, clearly establish that they acted in furtherance of their common intention to commit the murder of Karuppaiya. Consequently, this Court holds that the prosecution has proved beyond reasonable doubt that Accused Nos.1 to 3 committed the offence punishable under Section 302 read with Section 34 IPC and are liable to be convicted thereunder.

40. Finding:

In view of the foregoing discussion, this Court arrives at the following conclusions:

- (i) The prosecution has conclusively established that Karuppaiya died a homicidal death.
- (ii) The evidence of PW1, the injured eyewitness, is natural, cogent and trustworthy insofar as the overt act attributed to the first accused is concerned. His evidence receives substantial corroboration from the medical evidence of PW11, the prompt registration of the First Information Report, the evidence of PW2 regarding the immediate transportation of the injured and the deceased to the Government Hospital, and the recovery of MO2 knife during investigation.
- (iii) The prosecution has failed to prove the ingredients of the offences punishable under Sections 341 and 294(b) IPC beyond reasonable doubt.
- (iv) Though PW1 sustained an injury during the occurrence, the medical evidence of PW13 establishes that the injury was only simple in nature. The prosecution has

therefore failed to establish the ingredients of the offence punishable under Section 307 IPC beyond reasonable doubt.

(v) Insofar as Accused Nos.2 and 3 are concerned, PW1 has consistently deposed from the earliest point of time, namely in the complaint, during investigation and before this Court, that immediately before the fatal assault, Accused Nos.2 and 3 caught hold of the hands of the deceased, thereby facilitating the first accused to inflict the fatal stab injury. This part of the evidence of PW1 has remained unshaken during the course of cross-examination. Merely because no independent eyewitness has spoken about the overt acts of Accused Nos.2 and 3, the testimony of PW1 cannot be discarded. It is a settled proposition of law that conviction can safely be founded on the testimony of a single injured eyewitness if his evidence inspires confidence. The evidence of PW1 is found to be natural, cogent and wholly reliable. The fact that Accused Nos.2 and 3 restrained the deceased at the crucial moment when the first accused inflicted the fatal blow clearly demonstrates that they actively facilitated the commission of the offence. Their participation was neither accidental nor passive. The concerted manner in which all the three accused acted, immediately after the earlier quarrels that had taken place during the day, unmistakably establishes that they shared the common intention to assault the deceased and facilitate the commission of the murder. The absence of any separate weapon in the hands of Accused Nos.2 and 3 or the absence of independent injuries attributable to them is of no consequence, as Section 34 IPC embodies the principle of joint liability and does not require every participant to inflict a separate injury.

(vi) The prosecution has, therefore, proved beyond all reasonable doubt that the first accused, Chiranjeevi, intentionally inflicted the fatal knife injury on the vital part of the body of the deceased while Accused Nos.2 and 3 held the deceased and facilitated the commission of the offence. The injury penetrated the clavicle region and the chest cavity, injured the right lung and liver and resulted in profuse internal haemorrhage, leading to the death of Karuppaiya. The nature of the weapon employed, the vital part of the body chosen for assault, the force with which the injury was inflicted and the active assistance rendered by Accused Nos.2 and 3 clearly establish that the act was committed in furtherance of the common intention shared by all the three accused. The act of the accused squarely falls within the ambit of Section 300 IPC and is punishable under Section 302 read with Section 34 IPC.

(vii) Accordingly, this Court holds that the prosecution has established beyond all reasonable doubt that Accused Nos.1 to 3, in furtherance of their common intention, committed the murder of Karuppaiya and are consequently liable to be convicted for the offence punishable under Section 302 read with Section 34 IPC. However, the prosecution has failed to establish the charges under Sections 341, 294(b) and 307 IPC beyond reasonable doubt, and all the accused are entitled to acquittal in respect of the said offences.

41. Compensation:

(i) This Court has also considered the question of compensation to the victim's family. The evidence on record discloses that the deceased Karuppaiya was a young man engaged in painting and plumbing contract work and was the sole breadwinner

of his family. PW4, Rajeshwari, the wife of the deceased, has deposed that they had been blessed with a male child only about twenty days prior to the occurrence. By the unfortunate incident, the wife has lost her husband and the infant child has been deprived of the love, care and financial support of his father. The consequences of the crime have thus extended far beyond the loss of a single person's life and have caused irreparable hardship to the dependants of the deceased.

(ii) While the sentence imposed upon the first accused serves the punitive and deterrent object of criminal law, the victim's family is equally entitled to receive monetary compensation to alleviate, to some extent, the hardship caused by the offence. The concept of victim compensation has now become an integral component of the criminal justice system.

(iii) Accordingly, in exercise of the powers under Section 357(1) and Section 357(3) of the Code of Criminal Procedure, this Court directs that, upon recovery of the fine amount from the accused, the entire fine amount shall be paid to PW4 Rajeshwari, the wife of the deceased, for the benefit of herself and the minor child.

(iv) Considering the gravity of the offence and the financial loss suffered by the dependants of the deceased, this Court further recommends the case of the legal heirs of the deceased for grant of compensation under the Victim Compensation Scheme framed under Section 357A of the Code of Criminal Procedure. The learned Secretary, District Legal Services Authority, Dindigul, is requested to treat this judgment as a recommendation and to process the claim of the dependants of the deceased for award of appropriate compensation under the applicable Victim

Compensation Scheme, after due enquiry, in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this judgment.

42. Sentence:

(i) After pronouncement of the finding of guilt, the accused were heard on the question of sentence, as mandated under Section 235(2) of the Code of Criminal Procedure.

(ii) The learned counsel appearing for the accused pleaded for leniency in the matter of sentence, submitting that all the three accused are the sole breadwinners of their respective families, have family responsibilities to discharge and have no previous criminal antecedents. It was further submitted that the occurrence was not premeditated but had arisen out of a series of quarrels and altercations which had taken place between the parties during the course of the same day. According to the learned counsel, the incident was the culmination of a sudden flare-up of emotions and not the result of any long-standing pre-planned conspiracy. It was, therefore, pleaded that this Court may take a lenient view while imposing the sentence.

(iii) Per contra, the learned Public Prosecutor submitted that the offence committed by the accused is grave and heinous in nature. It was argued that the accused, acting in furtherance of their common intention, intercepted the deceased on a public road, restrained him and enabled the first accused to inflict a fatal knife injury on a vital part of the body, resulting in his instantaneous death. The deceased, a young man, left

behind his wife and an infant child aged only about twenty days. It was therefore submitted that the gravity of the offence, the manner in which it was committed and its devastating impact on the victim's family warrant the imposition of the maximum sentence prescribed under law.

43. This Court has carefully considered the rival submissions on the question of sentence.

44. The evidence on record establishes that the accused acted in furtherance of their common intention. While the first accused inflicted the fatal stab injury with a deadly weapon on the neck and upper chest region of the deceased, Accused Nos.2 and 3 actively restrained the deceased and thereby facilitated the commission of the offence. The injury caused extensive internal damage to the ribs, clavicle, right lung and liver, resulting in profuse internal haemorrhage and the instantaneous death of the deceased. The manner in which the offence was committed clearly demonstrates that the accused acted with the requisite intention attracting Section 302 read with Section 34 IPC.

45. Though the occurrence had been preceded by quarrels earlier in the day, the accused, instead of allowing the matter to subside, intercepted the deceased and PW1 while they were proceeding on the motorcycle and executed the fatal assault. The nature of the assault, the weapon employed and the part of the body chosen leave no scope for showing undue leniency.

46. At the same time, this Court does not find the present case to fall within the category of the "rarest of rare" cases warranting the imposition of the death penalty. The ends of justice would therefore be adequately met by imposing the sentence of imprisonment for life upon all the three accused.

47. Order:

1. Accused Nos.1 to 3 are found **guilty** of the offence punishable under **Section 302 read with Section 34 IPC** and are hereby **convicted** thereunder.
2. Each of the accused, namely Accused Nos.1 to 3, is sentenced to undergo **Imprisonment for Life** and to pay a **fine of Rs.25,000/- (Rupees Twenty Five Thousand only) each**, in default, to undergo **Simple Imprisonment for six months each**.
3. Accused Nos.1 to 3 are **acquitted** of the charges under Sections **341, 294(b) and 307 IPC**.
4. In exercise of the powers under Section 357(1) Cr.P.C., the entire fine amount, if realised, shall be paid to PW4 Rajeshwari, the wife of the deceased, for the benefit of herself and the minor child.
5. The learned Secretary, District Legal Services Authority, Dindigul, is requested to consider the case of the dependants of the deceased for award of compensation under the Victim Compensation Scheme framed under Section 357A Cr.P.C., in accordance with law and within the timeframe as enumerated thereunder.

6. The period of detention already undergone by Accused Nos.1 to 3 during investigation, inquiry and trial shall be set off under Section 428 Cr.P.C.
7. The case properties in R.P.R.No.06/2022 marked as M.O.1, M.O.4 and MO5, MO6 are ordered to be destroyed after the expiry of the appeal period. MO2-TN-57- AL 1828 XL Super motor cycle ordered to be retained in Police custody till expiry of the appeal period and thereafter to be returned to its owner on proper application. MO.3 - TN-57 AL 3817 Passion Pro motor cycle, Pursuant to the order dated 17.11.2021 in Cr.No.857/2021 CrImp.No.11946/2021 the interim custody bond executed in favour of the petitioner / 2nd Accused is hereby cancelled, and the said case property is ordered to be seized and taken in to court custody. Item No.9 has already been submitted for analysis.
8. Furnish a free copy of this judgment to each of the accused forthwith, as required under Section 363 Cr.P.C.

Directly dictated by me to the google docx, typed by it, corrected and pronounced by me in Open Court on this the 30th day of June 2026.

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

Annexures :
Prosecution Witnesses :

P.W.1 -	M.Gangadharan
P.W.2 -	G.Gobi Anandh
P.W.3 -	P.Murugan

P.W.4 -	P.Rajeshwari
P.W.5 -	V.Alagumani
P.W.6 -	M.Premkumar
P.W.7 -	P.Magudeshwaran
P.W.8 -	P.Dhavamani
P.W.9 -	M.Senthilkumar
P.W.10-	P.Velumani (Head Constable)
P.W.11-	N.Sathyaprakash (Doctor)
P.W.12-	C.Balasubramanian
P.W.13-	T.Prasannakumar (Doctor)
P.W.14-	K.Jai Ganesh (Sub Inspector)
P.W.15-	P.Parthiban (Inspector of Police)
P.W.16-	T.Pastin Dhinakaran (Inspector of Police)

Prosecution Exhibits:-

Ex.P1	14.06.2021	Complaint
Ex.P2		Observation Mahazar
Ex.P3	14.06.2021	Athatchi at 23.30
Ex.P4	***	Confession statement of A1 Chiranjeevi
Ex.P5	15.06.2021	Athatchi at 12.30
Ex.P6	15.06.2021	Requisition by the Inspector of Police for Post-Mortem Examination
Ex.P7	15.06.2021	Post-mortem Certificate of Karuppaiya
Ex. P8	***	Final Opinion of Karuppaiah
Ex.P9	14.06.2021	Accident Register of Karuppaiah
Ex. P10	14.06.2021	Accident Register of Gangadharan
Ex.P11	***	Wound Certificate of Gangadharan
Ex.P12	14.06.2021	First Information Report

Ex.P13	***	Rough Sketch
Ex.P14	14.06.2021	Inquest Report
Ex.P15	15.06.2021	Form -95 at 17.30
Ex.P16	15.06.2021	Form -95 at 12.30 (TVS XL)
Ex.P17	15.06.2021	Form -95 at 12.30(Passion Pro)
Ex.P18	23.06.2021	Police Requisition forwarding the case properties for chemical analysis and report
Ex.P19	28.06.2021	Police Requisition forwarding the deceased Viscera for chemical analysis
Ex.P20	18.08.2021	Section Alteration Report
Ex.P21	12.07.2021	Biology Report
Ex.P22	31.08.2021	Serology Report
Ex.P23	13.07.2021	Viscera Report

Prosecution Material Objects :-

M.O. 1	One Blood stained knife total length 30.5 c.m, Iron handle length 11.5 c.m, iron blade portion length 19 c.m.
M.O. 2	Photograph of TN-57- AL 1828 XL Super motor cycle
M.O. 3	Photograph of TN-57 AL 3817 Passon Pro motor cycle
M.O. 4	Blood stained soil
M.O. 5	Blood un-stained soil
M.O. 6	Blood stained full sleeved shirt with red checks. Blood stained Black and white cement coloured bordered four cubit Dhoti(veshti) Blood stained coffee coloured underwear - (Nos.6)

Defence side witness and exhibits :-

- Nil -

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