

BEFORE THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, DINDIGUL.

Present: Thiru.V.PADMANABHAN, M.A.M.L.D.H.

PRINCIPAL DISTRICT AND SESSIONS JUDGE, DINDIGUL.

Tuesday the 23rd day of June, 2026.

SESSIONS CASE NO.192/2023

(CNR No.TNDG010072802023)

(Committed to the Court of Sessions, Dindigul by the Additional District Munsif -cum- Judicial Magistrate by its Order in PRC No.05/2023 dated; 04.12.2023.)

Complainant	The Inspector of Police, Eriodu Police Station.
Name and address of the accused	Sakthivel (29/23) S/o Murugesan, Vathiyarkulam, Meenatchipuram, Eriodu, Vedasandur Taluk.
Charges framed against the accused	U/s 302 of Indian Penal Code
Plea of the accused	Not guilty.
Finding of the Court	Accused found not guilty.
Sentence or Order	In the result, the prosecution has not proved the guilt against the accused U/s 302 of Indian Penal Code beyond all reasonable doubts and hence he found not guilty of the same. The accused is acquitted of the Charge U/s 235(1) of Cr.P.C. In view of this judgment, his bail bonds if any shall stand cancelled, after the appeal time is over.
	The properties remanded in R.P.R.No.12/2026 namely M.O.1- Blood stained earth, M.O.2 - Sample earth, M.O.3- Blood stained full sleeved shirt, M.O.4- Blood stained black colour dhoti, M.O.5-Blood stained sickle with a tubular handle measuring approximately 34 cm in length, M.O.6- Blood stained purple colour underwear and M.O.7- checkered lungi are ordered to be destroyed after the lapse of appeal time.

Details of Case Summary:-

Sl.No.		Particulars
1.	Name of the Police Station and the crime number of the offence	Eriodu Police Station, Crime Number 184/2022.
2.	Name of the accused	Sakthivel.
3.	Father/Husband's Name of the accused	Murugesan.
4.	Occupation of the accused.	Coolie.
5.	Residence of the accused	Vathiyarkulam, Meenatchipuram, Eriodu, Vedasandur Taluk.
6.	Age of the accused	29/23
7.	Date of occurrence	27.08.2022
8.	Date of Complaint	27.08.2022
9.	The Period of remand of the accused	<u>Remand</u> <u>Released on bail</u> 27.08.2022 03.08.2022
10.	The date of committal of the case	04.12.2023
11.	The date of Questioning of the accused U/s 228 of Cr.P.C.	12.03.2024
12.	Date of examination of the accused U/s 31(i)(b) of Cr.P.C.	23.06.2026
13.	Commencement of Trial.	08.06.2026
14.	Close of Trial.	15.06.2026
15.	Defence witness closed on	23.06.2026
16.	Sentence or order	..06.2026
17.	Criminal Miscellaneous petitions filed by the accused except routine petitions like petitions U/s 317 of Cr.P.C.	Nil.
18.	Details of abscondence of an accused and his appearance/ production, as the case may be; and	Nil.
19.	Grant of Stay by Superior Courts and the results thereof.	Nil.

Date of examination in-chief and cross-examination of a witness:-

Sl.No.	Name of the witnesses	Date of Chief examination of witness	Date of Cross examination of witness
1.	Thiru.Ravi	08.06.2026	08.06.2026
2.	Thiru.Murugesan	08.06.2026	08.06.2026
3.	Thiru.Varadharaj	08.06.2026	08.06.2026
4.	Tmt. Nagajothi	08.06.2026	08.06.2026
5.	Thiru.Thangapandi	08.06.2026	08.06.2026
6.	Thiru. Eswaran	08.06.2026	08.06.2026
7.	Tmt.Subbulakshmi	08.06.2026	08.06.2026
8.	Thiru.Marudhai	08.06.2026	08.06.2026
9.	Tmt.Mallika	08.06.2026	08.06.2026
10.	Tmt.Annalakshmi	08.06.2026	08.06.2026
11.	Thiru.Prabakaran	08.06.2026	08.06.2026
12.	Thiru.Karuppuchamy	08.06.2026	08.06.2026
13.	Thiru.Sambu	08.06.2026	08.06.2026
14.	Thiru.Karthi	08.06.2026	08.06.2026
15.	Thiru.Palanichamy, Sub Inspector of Police (Retired)	09.06.2026	09.06.2026
16.	Tmt.Jeyarani, Inspector of Police.	15.06.2026	15.06.2026

This Sessions case coming on 23.06.2026 for final hearing before me, in the presence of Thiru.P.Mahendran, learned Public Prosecutor for State and of Thiru.M. Arabu Ali, Advocate for the accused and upon hearing the arguments on both sides and upon perusing the material records and finally, having stood over for consideration till this day, this Court pronounced the following:-

JUDGMENT

1. The Inspector of Police, Eriodu Police Station has filed the final report against the accused as follows:-

The defacto complainant resides at Meenakshipuram. The deceased namely Maruthai is defacto complainant's father. The accused is defacto complainant's brother's son. Prior to this case incident there was a dispute between accused and defacto complainant's father in respect of division of a land. In this regard, the accused used to pick up quarrel with him. The defacto complainant's

father refused for partition. Keeping the said motive in mind on 27.08.2022 at about 4.00 A.M. when defacto complainant's father was sleeping in front of his petty shop situated near Meenakshipuram diversion road, the accused came there and demanded for partition. Suddenly the accused strangled the Maruthai with bed sheet and also severed his head with sickle and thereby committed murder. Thus, the accused appears to have committed the offence punishable U/s 302 of Indian Penal Code.

2. The case was taken on file as PRC No.05/2023. On careful consideration of the records, the learned Additional District Munsif-cum- Judicial Magistrate, Vendasandur has found that the offence U/s 302 of Indian Penal Code is exclusively triable by the Sessions Court. The learned Additional District Munsif-cum- Judicial Magistrate, Vendasandur after furnishing the copies of the documents and materials to the accused has committed the case to this court for disposing the same in accordance with law.

3. On appearance of the accused and on hearing the learned Public Prosecutor appearing for the prosecution and the learned counsel appearing for the accused and upon considering the materials and documents accused was charged U/s 302 of Indian Penal Code. When the ingredients of the charges were read over in Tamil and questioned, the same was denied by him and he pleaded not guilty and claimed to be tried.

4. In order to prove it's case, the prosecution has examined P.W.1 to P.W.16 and marked exhibits Ex.P1 to Ex.P25 and M.O.1 to M.O.7.

5. **The brief fact of prosecution case as spoken by the witnesses is as follows:**

During trial P.W.1 to P.W.14 have not supported the prosecution and treated as hostile witnesses.

P.W.15 Thiru.Palanichamy served as Sub-Inspector of Police and now retired from service. On 27.08.2022 while he was working in Eriodu police station, he received a complaint from PW1 who is the son of deceased Maruthai and registered a case in Cr.No.184/2022 U/s 302 IPC. The

complaint and the F.I.R. are Ex.P.11 and Ex.P.12 respectively. He sent the complaint to the Additional District Munsif-cum-Judicial Magistrate Court, Vendasandur and sent copies of the same to concerned higher officials.

6. P.W.16 Tmt.Jeyarani is now working as Inspector of Police in Uthamapalayam All Women Police Station. On 27.08.2022 when she was working in All Women Police Station, Vadamadurai she took up the case for investigation. She went to the spot where he prepared observation mahazar Ex.P.13 and rough sketch Ex.P.14 in the presence of witnesses namely one P.W.11 Prabakaran and P.W.12 Karuppasamy and recorded their statements. On the same day at 7.20 hours she recovered blood stained earth M.O.1 and sample earth M.O.2 in the presence of said witnesses under athatchi Ex.P.15. On the same day at 9.30 hours she conducted inquest on the dead body of deceased Maruthai and prepared inquest Report in the mortuary. The inquest report is Ex.P.16. She sent the severed head of the deceased and dead body to the Government Hospital, Vendasandur for postmortem through Grade 1 police constable namely Raja and gave requisition Ex.P.17.

7. Dr.Sirajudeen, who was the then duty Doctor conducted postmortem on the dead body and found the injuries as follows:

External Injuries: Decapitation or complete transection of head from the trunk at the level of 2.5 c.m. above the hyoid bone- Irregular cuts. Prominent part (Head) almost matches with distal part (Trunk). Minimal skin. Skin, subcutaneous tissue, muscles of all sides of the neck, great vessels and neuron elements completely transected into two parts.

Internal Examination:

Thiviar-pooled with 750 ml of blood. Hyoid bone-intact. Ribs. No fracture. Heart chambers empty. Lungs- c/s pale, stomach c/s pale and contains about 50 ml of digested food particles. Skull- NO fracture. Membrane – Intact. Brain- Haemorrhage. Spinal Cord completely transected into two parts at one level above of the hyoid bone.

Death would have occurred 10 – 12 hours prior to autopsy.

He gave final opinion that the deceased would have died of anoxia (Hypoxia) & Ischemia and Haemorrhagic shock due to antemortem decapitation. The Accident Register is Ex.P.20. The Postmortem Certificate is Ex.P21.

8. On 27.08.2022 at 13.00 hours she arrested the accused nearby Eriodu-Ayyalur Perumal temple in the presence of witnesses namely one P.W.13/Sambu and P.W.14/ Karthi and recorded his confession statement. In pursuant to the confession statement when the accused was taken to his house, he identified blood stained full sleeve shirt, blood stained black colour dhoti and blood stained sickle and P.W.16 seized the same in the presence of same witnesses. The admissible portion of confession statement is Ex.P18. Athatchi is Ex.P19. Blood stained full sleeve shirt, blood stained black colour dhoti and blood stained sickle are M.O.3 to M.O.5 respectively. Then, she sent the accused for judicial remand. Thereafter, on 28.08.2022 Tmt.Sathiyaprabha, the then Inspector of Police took up the case for investigation and enquired witnesses namely one P.W.6/ Eswaran, P.W.7/ Subbulakshmi, P.W.8/Maruthai, P.W.9/Malliga and P.W.10/Annalakshi and recorded their statements separately. She sent the material objects to Regional Forensic Science Laboratory, Madurai for chemical analysis. Again on 12.12.2022 P.W.16 took up this case for investigation and enquired the doctors who conducted postmortem on the dead body of the deceased and recorded their statements. The Accident Register is Ex.P.20. Post mortem Certificate is Ex.P21. Requisition letter given to send the case properties to R.F.S.L. Madurai for chemical analysis is Ex.P22. Viscera Report is Ex.P23. Biology Report is Ex.P24. Serology Report is Ex.P24. Underwear and lungi recovered from the dead body of the deceased at the time of postmortem are marked as M.O.6 and M.O.7. At the end, she completed investigation and laid final report against the accused on 04.01.2023.

9. The incriminating evidence on record was put to the accused U/s 313(1)(b) of Cr.P.C to which the accused stated that a false case has been foisted against him. However, he has no defence evidence on his side.

10. **The point for determination is**

Whether the prosecution has proved the guilt of the accused beyond reasonable doubt?

11. On the Point:

Prosecution case is that on 27.08.2022 at about 4.00 a.m. due to previous enmity in connection with the partition of property, when the deceased namely Maruthai was sleeping in the scene of occurrence, the accused came there and picked up quarrel with him. The accused strangled him with bed sheet and also severed the head with sickle. On the other hand, the accused denied the charge and faced trial.

12. The learned Public Prosecutor would submit that PW1 is the defacto complainant and remaining witnesses spoken about the death of deceased Maruthai; P.W.15 also stated about the registration of F.I.R; P.W.16 is the investigation officer has done investigation properly; prosecution has proved the case beyond reasonable doubt and that accused may be convicted.

13. On the other hand, the learned counsel appearing for the accused contended that PW1 and remaining material witnesses namely PW2 to PW12 did not give basic evidence as to the motive and alleged incident; all the material witnesses have not supported the prosecution case; PW13 and PW14 also not spoken about the recording of confession statement and recovery upon it; investigation was not done properly and that benefit of doubt may be given to the accused.

14. According to the prosecution prior to this case incident the accused frequently picked up quarrel with PW1's father in respect of division of property. When PW1's father refused for it, irked over it, at the time of incident the accused murdered the PW1's father. After the incident PW1 lodged complaint in this regard.

15. PW1 is the defacto complainant and also son of the deceased. In Ex.P1 complaint, he has narrated that the accused used to demand for division of property before his father; his father not conceded for the same; on 27.8.2022 at about 4.00 a.m. when he was proceeding to take tea he found accused was coming out his father's petty shop with sickle and ran away with nervousness ;

when he see his father, he was lying in the cot and his head was severed and that he preferred the complaint. It is significant to note that in the complaint he has specifically stated about the specific overt act against the accused. Therefore the prosecution is expected to produce meaningful evidence in respect of crime connecting the accused. But during trial PW1 would testify that on the day of incident he received a message that his father found dead; he did not know who involved in the incident and that he along with PW2 went to the police station where he put his signature.

16. In fact, in Ex.P.1 complaint PW1 has mentioned not only motive for the incident but also seen the accused with sickle after committing the crime. Thus, the complaint is prime document as soon as the occurrence had happened. But, as indicated above, the said complaint has not got corroboration from PW1. In other words, during trial PW1 did not speak anything against the accused connecting with the crime. In such circumstances, this Court comes to a conclusion that PW1, material witness to the prosecution miserably failed to give basic evidence to connect the accused with the crime. This would goes to the root of the prosecution case.

17. As per prosecution version, PW2 accompanied with PW1 and put his signature in the complaint whe PW1 lodged complaint. PW3 and PW4 are PW1's brother and sister, while PW5 is PW4's son. P.W6 to PW8 are PW1's close relatives. In fact during trial they have also stated that they did not know the incident and only heard about the news that PW1's father died. Rightly, they were treated as hostile witnesses to the State and cross examined. However, the prosecution did not get any face lift to believe the prosecution version. In this way, their oral testimonies fails to inspire confident in the mind of this Court even in the light of their oral evidence. The prosecution also relied upon another one circumstance which connect the accused with the crime. As per the prosecution version the accused at the time of incident, taken the sickle from the PW9's shop and PW10 also witnessed the same. Further, during investigation P.W9 identified the sickle after it was recovered on the basis of confession statement of the accused. But during trial, they also not

supported the prosecution and went on to say that they did not know reason for PW1's father. This aspect also would raise a reasonable doubt over the prosecution version.

18. Another one circumstance projected by the prosecution is arrest of accused and recovery of M.O.5 sickle based upon his confession statement. In this regard evidence of P.W.16 the then Inspector of Police, PW13 and PW14 are relevant. According to her on 27.08.2022 at 13.00 hours near Perumal temple on Eriodu – Ayyalur, she arrested the accused in the presence of PW13 and PW14. Further she would testify that at the time of arrest, the accused gave confession statement and in pursuance of the said confession statement when accused was taken to his house, the accused identified the blood stained full sleeve shirt, blood stained dhoti and blood stained sickle and she recovered the same in the presence of same witnesses under athatchi Ex.P19. Thus, according to her she completed recovery proceedings based upon confession statement of the accused. During trial the independent witnesses as to confession and recovery namely PW13 and PW14 did not support this version. In their examination in chief, they only admitted their signatures found in alleged confession statement and recovery mahazar. Indeed, they have not spoken about the recovery of material objects based upon the alleged confession statement. However, no single witness identified the MO5 sickle when they are in witness box. This aspect would raise reasonable doubt over PW16's recovery theory.

19. For all the reasons set out here above, this Court hold on the point that the accused is not found guilty for the offence and hence the accused is entitled to get benefit of doubt.

20. In the result, the prosecution has not proved the guilt against the accused U/s 302 of Indian Penal Code beyond all reasonable doubts and hence he found not guilty of the same. The accused is acquitted of the Charge U/s 235(1) of Cr.P.C. In view of this judgment, his bail bonds if any shall stands cancelled, after the appeal time is over.

21. The properties remanded in R.P.R.No.12/2026 namely M.O.1- Blood stained earth, M.O.2 - Sample earth, M.O.3- Blood stained full sleeved shirt, M.O.4- Blood stained black colour dhoti,

M.O.5-Blood stained sickle with a tubular handle measuring approximately 34 cm in length, M.O.6- Blood stained purple colour underwear and M.O.7- checkered lungi are ordered to be destroyed after the lapse of appeal time.

Dictated by me to the Stenographer, transcribed and typed by him in computer, print out taken and corrected by me in the open Court on this, the 23rd day of June, 2026.

Principal District and Sessions Judge,
Dindigul.

PROSECUTION SIDE WITNESSES:-

P.W.1	Thiru.Ravi
P.W.2	Thiru.Murugesan
P.W.3	Thiru.Varadharaj
P.W.4	Tmt. Nagajothi
P.W.5	Thiru.Thangapandi
P.W.6	Thiru. Eswaran
P.W.7	Tmt.Subbulakshmi
P.W.8	Thiru.Marudhai
P.W.9	Tmt.Mallika
P.W.10	Tmt.Annalakshmi
P.W.11	Thiru.Prabakaran
P.W.12	Thiru.Karuppuchamy
P.W.13	Thiru.Sambu
P.W.14	Thiru.Karthi
P.W.15	Thiru.Palanichamy, Sub Inspector of Police (Retired)
P.W.16	Tmt.Jeyarani, Inspector of Police.

PROSECUTION SIDE EXHIBITS:-

Ex.P.1	27.08.2022	Signature of PW1 in the Complaint given by him.
Ex.P.2	27.08.2022	Signature of PW2 in the Complaint given by PW1.
Ex.P.3	27.08.2022	Signature of PW11 in the Observation Mahazar.
Ex.P.4	27.08.2022	Signature of PW11 in the Athatchi prepared at 07.20 hours.
Ex.P.5	27.08.2022	Signature of PW12 in the Observation Mahazar.
Ex.P.6	27.08.2022	Signature of PW12 in the Athatchi prepared at 07.20 hours.
Ex.P.7	27.08.2022	Signature of PW13 in the confession statement given by the accused.
Ex.P.8	27.08.2022	Signature of PW13 in the Athatchi prepared at 14.45 hours.

Ex.P.9	27.08.2022	Signature of PW14 in the confession statement given by the accused.
Ex.P.10	27.08.2022	Signature of PW14 in the Athatchi prepared at 14.45 hours.
Ex.P.11	27.08.2022	Complaint.
Ex.P.12	27.08.2022	First Information Report.
Ex.P.13	27.08.2022	Observation Mahazar.
Ex.P.14	27.08.2022	Rough sketch.
Ex.P.15	27.08.2022	Athatchi prepared at 07.20 hours.
Ex.P.16	27.08.2022	Inquest report on the body of Maruthai.
Ex.P.17	27.08.2022	Requisition letter given by Investigation officer to the duty medical officer of Government Hospital, Vendasandur to conduct post mortem over the decapitated head and body of the deceased.
Ex.P.18	27.08.2022	An admissible portion of confession statement of the accused.
Ex.P.19	27.08.2022	Athatchi prepared at 14.45 hours.
Ex.P.20	27.08.2022	Accident Register (Original).
Ex.P.21	27.08.2022	Post Mortem Certificate.
Ex.P.22	19.09.2022	Requisition letter given by Investigation officer to send case properties of this case to R.F.S.L. Madurai for chemical analysis before the Court.
Ex.P.23	16.09.2022	Viscera Report.
Ex.P.24	29.09.2022	Biology Report.
Ex.P.25	24.01.2023	Serology Report.

Material Objects:

M.O.1	Blood stained earth.
M.O.2	Sample earth.
M.O.3	Blood stained full sleeved shirt.
M.O.4	Blood stained black colour dhoti.
M.O.5	Blood stained sickle with a tubular handle measuring approximately 34 cm in length.
M.O.6	Blood stained purple colour underwea

M.O.7	Checkered lungi.
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Principal District and Sessions Judge,
Dindigul.

Principal District and Sessions Court,
Dindigul.
S.C.No.192/2023.
Judgment.
Dt.23.06.2026.

	Principal District and Sessions Court, Dindigul.
	Sessions Case No.192/2023
	Dt.23.06.2026.
	In the result, the prosecution has not proved the guilt against the accused U/s 302 of Indian Penal Code beyond all reasonable doubts and hence he found not guilty of the same. The accused is acquitted of the Charge U/s 235(1) of Cr.P.C. In view of this judgment, his bail bonds if any shall stands cancelled, after the appeal time is over. The properties remanded in R.P.R.No.12/2026 namely M.O.1- Blood stained earth, M.O.2 - Sample earth, M.O.3- Blood stained full sleeved shirt, M.O.4- Blood stained black colour dhoti, M.O.5-Blood stained sickle with a tubular handle measuring approximately 34 cm in length, M.O.6- Blood stained purple colour underwear and M.O.7- checkered lungi are ordered to be destroyed after the lapse of appeal time. Principal District and Sessions Judge, Dindigul.

