

IN THE COURT OF THE DISTRICT AND SESSIONS JUDGE, KARUR.

PRESENT:-THIRU.K.H. ELAVAZHAGAN, B.Sc., M.L.,

DISTRICT AND SESSIONS JUDGE

Monday, the 20th day of April 2026

SESSIONS CASE No.19/2022

CNR.No.TNKR-0100-1894-2022

Name of the Complainant	State, Represented by the Inspector of Police, Pasupathipalayam Police Station.
Represented by	Thiru. N. Senthilkumar, Public Prosecutor.
Accused	1. Kanagaraj S/o. Shanmugam 2 Santhoshkumar (died on 15.03.2025) S/o. Elaiyaraja 3. Prakash S/o. Subramanian 4. Ammu @ Alagulakshmi W/o. Kanagaraj 5. Jayalalitha W/o. Alazharsamy
Represented by	Thiru. C. Neduchezlian, Advocate for accused no.1 and 3. Thiru. B.K. Karthikeyan, Advocate for accused no.4 and 5.
Period of judicial custody already undergone by the accused, if any.	Accused no.1 Date of Remand : 11.04.2021 Released on Bail : 17.07.2021

	Accused no.3 Date of Remand : 12.04.2021, 03.02.2024 Released on Bail : 02.07.2021, 26.03.2024 Accused no.4 Date of Remand : 12.04.2021 Released on Bail : 15.06.2021 Accused no.5 Date of Remand : 12.04.2021 Released on Bail : 15.06.2021
Charge-sheeted for the offences punishable under Sections	U/s. 302, 120(b), 109 and 364 of IPC.
Charges framed by the Court against the accused	On 14.03.2024 charges framed against the Accused: 1st charge against the accused No.1 to 5 for the offence u/s.120(b) r/w 302 of IPC. 2nd charge against the accused No.1 to 5 for the offence u/s.364 r/w 120 (b) of IPC. 3rd charge against the accused No. 1 to 5 for the offence u/s.302 r/w. 120 (b) of IPC. On 25.09.2025 charges were altered against the Accused: 1st charge against the accused No.1, 3 to 5 for the offence u/s.120(b) of IPC. 2nd charge against the accused No.1 and 3 for the offence u/s. 302 of IPC. 3rd charge against the accused No.4 and 5 for the offence u/s.302 r/w. 109 of IPC.
Plea of the accused while framing charges	Accused not pleaded guilty.
Findings of the Court Result of the case and sentence awarded, if any	(i) The charges against the accused No. 2 Shanthosh is abated. Since he died on 15.03.2025. (ii) I am sentencing the accused No 1, 4, and 5 imprisonment of R.I. for life for the offence u/s. 120(b) of IPC and to pay a fine of Rs. 1,00,000/- each (Rupees one lakh only). In case of remission, if they fails to pay

the fine amount, they shall undergo simple imprisonment for 4 years.

(iii) I am sentencing the accused No 1 imprisonment of R.I. for life for the offence u/s. 302 of IPC and to pay a fine of Rs. 1,00,000/- (Rupees one lakh only). In case of remission, If he fails to pay the fine amount, he shall undergo simple imprisonment for 4 years.

(iv) 3rd charge against the accused No.4 and 5 for the offence u/s. 302 r/w. 109 of IPC. Are not proved. Since the section 109 abetment is the species of 120 (b). Further there is no evidence for 109 against accused No 4 and 5

(v) All the above sentence for accused no.1 shall run concurrently. In case of remission, the period already undergone by the accused no.1 shall be set off u/s 428 of Cr.P.C.

(vi) The offences as against the accused No.3 Prakash is not proved and he is acquitted from the charges leveled against them and the bail bond executed by the accused No. 3 shall stand cancelled.

(vii) **Property Order:**

The M.O.1 Three arecapalm plates (Pakku thattu), M.O.2 Three Plastic tumbler M.O.3, Three Empty Water bottles, M.O.4 ,Three Brandy bottles, M.O.5, One mat, M.O.6 Blood stained soil, M.O.7, Unstained soil, M.O.8 Aruval 65.5 cm, M.O.12 Aruval, M.O.13 Blue colour pant, M.O.14, shirt M.O.15 Lingerie are of no use. Therefore these MO.s shall be destroyed after the appeal period is over. M.O.10 Photos, M.O.11 Photos shall be kept in the bundle exhibit. M.O.9 Omni Van TN 72 AA 9303 is handed over the owner.

FORM B

Date of Offence	10.02.2018
Date of FIR	10.02.2018
Date of Charge Sheet	21.09.2021
Date of framing of Charges	25.09.2025
Date of Commencement of Evidence	01.07.2024
Date of the Judgment	20.04.2026
Date of the Sentencing Order, if any	20.04.2026

ACCUSED No.1 to 4 DETAILS

Name of the Accused	1. Kanagaraj 1st charge against the accused No.1, 3 to 5 for the offence u/s.120(b) of IPC. 2nd charge against the accused No.1 and 3 for the offence u/s. 302 of IPC. 3rd charge against the accused No.4 and 5 for the offence u/s.302 r/w. 109 of IPC. S/o. Shanmugam 2 Santhoshkumar (died) S/o. Elaiyaraja 3. Prakash S/o. Subramanian 4. Ammu @ Alagulakshmi S/o. Kanagaraj 5. Jayalalitha S/o. Alazharsamy
Date of Arrest	A1 – 11.04.2021 A3 – 12.04.2021, 03.02.2024 A4 – 12.04.2021 A5 – 12.04.2021

Date of Release on bail	A1 – 17.07.2021 A3 – 02.07.2021, 26.08.2024 A4 – 15.06.2021 A5 – 15.06.2021
Offence charged with	Charge against the accused under section 302, 120(b), 109 and 364 of IPC.
Whether Acquitted or Convicted	Acquitted as against the accused no.3 Conviction as against the accused no.1, 4 and 5
Sentence imposed	(i) The charges against the accused No. 2 Shanthosh is abated. Since he died on 15.03.2025. (ii) I am sentencing the accused No 1, 4, and 5 imprisonment of R.I. for life for the offence u/s. 120(b) of IPC and to pay a fine of Rs. 1,00,000/- each (Rupees one lakh only). In case of remission, if they fails to pay the fine amount, they shall undergo simple imprisonment for 4 years. (iii) I am sentencing the accused No 1 imprisonment of R.I. for life for the offence u/s. 302 of IPC and to pay a fine of Rs. 1,00,000/- (Rupees one lakh only). In case of remission, If he fails to pay the fine amount, he shall undergo simple imprisonment for 4 years. (iv) 3rd charge against the accused No.4 and 5 for the offence u/s. 302 r/w. 109 of IPC. Are not proved. Since the section 109 abetment is the species of 120 (b). Further there is no evidence for 109 against accused No 4 and 5 (v) All the above sentence for accused no.1 shall run concurrently. In case of remission, the period already undergone by the accused no.1 shall be set off u/s 428 of Cr.P.C. (vi) The offences as against the accused No.3 Prakash is not proved and he is acquitted from the

	charges leveled against them and the bail bond executed by the accused No. 3 shall stand cancelled. (vii) <u>Property Order:</u> The M.O.1 Three arecapalm plates (Pakku thattu), M.O.2 Three Plastic tumbler M.O.3, Three Empty Water bottles, M.O.4 ,Three Brandy bottles, M.O.5, One mat, M.O.6 Blood stained soil, M.O.7, Unstained soil, M.O.8 Aruval 65.5 cm, M.O.12 Aruval, M.O.13 Blue colour pant, M.O.14, shirt M.O.15 Lingerie are of no use. Therefore these MO.s shall be destroyed after the appeal period is over. M.O.10 Photos, M.O.11 Photos shall be kept in the bundle exhibit. M.O.9 Omni Van TN 72 AA 9303 is handed over the owner.
Period of Detention under gone during trial for purpose of Sec.428 of CRPC	A1-Date of Remand : 11.04.2021 Released on Bail : 17.07.2021 A3-Date of Remand : 12.04.2021, 03.02.2024 Released on Bail : 02.07.2021, 26.08.2024 A4-Date of Remand : 12.04.2021 Released on Bail : 15.06.2021 A5-Date of Remand : 12.04.2021 Released on Bail : 15.06.2021

This Sessions Case coming on 06.04.2026 for final hearing before me in the presence of Thiru. N. Senthilkumar, Public Prosecutor for the State and Thiru. C. Neduchezlian, Advocate for accused no.1 and 3 and of Thiru. B.K. Karthikeyan, Advocate for accused no.4 and 5 and after hearing the arguments of both sides and upon perusing the relevant records and having stood over for consideration till this day, this court pronounced the following:-

JUDGMENT

1. The Inspector of Police, Pasupathipalayam Police Station has filed a final report alleging that there are totally five accused in this case. Accused No.2 died on 15.03.2025. The case of the prosecution is that accused No. 2 and 3 are friends of accused No.1. Further, accused No.4 is the daughter of accused No.5. Furthermore, there was an illegal relationship between accused No.1 and accused No.4. Due to that motive, accused No.4 along with accused No.5 induced accused No.1 to kill the deceased Subburaj, who is the husband of the accused No.4. Furthermore, accused No.1, 4 and 5 along with accused No. 2 and 3 conspired together and planned to kill the deceased Subburaj. Thereafter, the accused No.1 called the deceased Subburaj through phone to see the rental shop for his butcher shop at Karur. As per the instruction of the accused No.1, on 09.02.2018 at about 06:00 P.M., the deceased Subburaj came to Karur for seeing rental shop for his butcher shop at Karur.

2. In the mean time, as per the plan of all the accused, accused No.1 to 3 were waiting in the blue colour Maruthi car bearing registration No. TN 72 AA 9303 with Aruval as to kill the deceased Subburaj. Further, on the same day at about 07:00 p.m., in order to execute their plan to kill the deceased Subburaj, accused No.1 to 3 sneakily kidnapped the deceased Subburaj in the blue colour Maruthi car bearing registration No. TN 72 AA 9303 and they went to the land of one Thangavel situated at M. Vellalapatti, Kirikkal pathway. Further, all the three accused along with the deceased Subburaj consumed alcohol and at that time, accused No.1 took the Aruval from the Maruthi car bearing registration No.TN 72 AA 9303 and assaulted the

deceased Subburaj and caused severe injuries on his right side of his face and furthermore, accused No.3 came there with another Aruval and assaulted the deceased Subburaj and caused severe injuries on the left side of his face and on his left hand palm.

3. Furthermore, with the help of accused No.2, accused No.1 assaulted the deceased Subburaj on his left side of his neck by using Aruval and caused severe injuries. Due to severe injuries and cut injuries caused by the accused, the deceased Subburaj died on the spot. Therefore, the accused has committed offences under Sections 302, 120(b), 109 and 364 of IPC.

COGNIZANCE & COMMITTAL:

1. On receipt of the final report dated 21.09.2021 along with the relevant records produced by the prosecution, the learned Judicial Magistrate No.I, Karur took cognizance on 04.12.2021 against the above said accused in P.R.C.No. 20/2021 and posted the case for appearance of the accused.

2. On 23.12.2021 the copies were furnished to them u/s 207 Cr.P.C with free of cost. On 11.03.2022 the learned Judicial Magistrate No.I, Karur committed the case under section 209 (a) Cr.PC to the 1 District and Sessions Judge, Karur against all the five accused.

3. The District and Sessions Judge, has taken cognizance of the case and assigned S.C.No 19 of 2022 and all the accused were directed to appear before the above said court for trial. Further, accused No.2 died on 15.03.2025.

OPENING OF PROSECUTION:

1. After the appearance of the the accused Nos. 1, 3, 4 and 5 and upon hearing of both sides and after careful scrutiny of the documents, the charges were framed.

2. On 14.03.2024 the Prosecutor has opened the case of the prosecution as per Section 226 of Cr.P.C. Upon hearing the counsels and by perusing the case records, as prima facie case was made out and hence, the charges were framed.

3. The charges were read over and explained to all the accused. All the accused ie., accused Nos.1, 3, 4 and 5 have denied the offence and pleaded not guilty to the charge framed against them.

FRAMING OF CHARGE:

1. On 14.03.2024 the charges were framed 1st charge against the accused No.1 to 5 for the offence u/s.120(b) r/w 302 of IPC. 2nd charge against the accused No.1 to 5 for the offence u/s.364 r/w 120 (b) of IPC and 3rd charge against the accused No. 1 to 5 for the offence u/s.302 r/w. 120 (b) of IPC. The charges were read over and explained to the accused. The Accused have denied the offences and pleaded not guilty to the charges framed against them. They claimed to be tried.

COMMENCEMENT OF TRIAL:

1. In order to prove the case of Prosecution, P.W.1 to P.W.22 were examined. Ex.P1 to Ex.P17 were marked and M.O.1 to M.O.15 was also marked and Ex.C1 to Ex.C3 were marked. No defense witnesses and no exhibits were marked on the side of the accused.

On 25.09.2025 Altered charges framed against the Accused :

2. The 1st charge against the accused No.1, 3 to 5 for the offence u/s.120(b) of IPC., 2nd charge against the accused No.1 and 3 for the offence u/s. 302 of IPC. And 3rd charge against the accused No.4 and 5 for the offence u/s.302 r/w. 109 of IPC.

The charges were read over and explained to the accused. The Accused have denied the offences and pleaded not guilty to the charges framed against them. They are allowed to recall the prosecution witnesses.

THE PROSECUTION CASE, AS UNFOLDED BY THE PROSECUTION WITNESSES AS FOLLOWS :-

Registration FIR

1. PW1 R. Saranya, Village Administrative Officer, on 10.02.2018 she has found an unidentified dead body at M. Vellalapatti, Kirikkal pathway and given a complaint exhibit P1 dated 10.02.2018 before the Pasupathipalayam Police Station and upon receipt of the complaint exhibit P1, FIR was registered by the police, Signature of PW 1 found in FIR is marked as Exhibit P 2.

2. PW18 P. Rajeshwari, Sub-Inspector of Police, Pasumathiapalayam Police Station on 10.02.2018 at 2.00 P.M. Upon receiving the complaint has registered FIR

exhibit P 14 and sent it to the Judicial Magistrate No 1, Karur.

3. PW9 T. Muruganantham Head constable of sniffer dog squad has handled the sniffer dog by name Steffi. On 10.02.2018 at 7.15 P.M went to the scene of occurrence and after sniffing the dead body the sniffer dog has went some distance towards eastern direction.

4. PW12 S. Kumar Head constable has submitted the FIR on 10.02.2018 with regard to crime no 82/2018 to the Judicial Magistrate No 1, Karur. On 16.02.2018 on the Pasupathipalayam Police Station order he identified the dead body and gave requisition letter to the Karur Government Hospital Doctor after postmortem he cremated the body in Karur Corporation burial ground. He has seized the Jeans pant MO 13, Rose colour shirt MO 14, jeeti Poomax Mo 15 and he handed over these material objects to the Inspector along with special report. On 15.03.2018, he has taken the visera to the regional forensice lab Trichy.

5. PW10 M. Babu Police men, who obtained dump tower from the cell phone company. PW17 K. Selvarajan Inspector of Police, has sent requisition letters to the various cell phone companies to find dump tower details of the cell phone numbers used in the scene of occurrence.

6. PW8 Dr. Sankar on receipt of the requisition letter from the Inspector of Police, Pasupathipalayam with regard to Crime No 82/2018, on 16.02.2018 at 1.45 P.M. has preformed postmortem on the unknown body and has given the post mortem report and final opinion exhibit C1.

7. PW15 V. Arumugam watchman in Karur Corporation has buried the body of a man as male orphan was on 16.02.2018 at 4.00 P.M brought by the Pasumathiapalayam Police Police Karur.

8. PW11 K. Sakkrai Bawa Police men, who went to Tiruppur with the Photo of the deceased and he searched for the person found in the photo and two persons identified the person found in the photo as Subburaj who ran cool drinks shop near to their shop.

Latter PW 2 and PW 3 identified the body of the deceased as Subburaj

1. PW2 K. Jayaraj is the brother of the deceased Subburaj. Algulakshmi is wife and they had two children Dindyashree and Kosi. They were residing at Kannampalayam Trippur District. His brother Subburaj has green tatoo (1) on his left hand “K.S.தன்யா ஸ்ரீ.A”. The accused Kangaraj was working in a chicken stall. Before 2018 his brother Subburaj and his wife had dispute and when his brother assaulted his wife her ear ring was damaged. Due to the dispute accused Alagulakshmi returned to her native place Kuppampatti village, in the year 2020 when he asked about his brother deceased Subburaj, the accused Alagulakshmi had told that her husband took 10 sovereign and eloped with one lady. Accused Alagulakshmi and her mother-in-law resided at Karur from 2018 to 2020. Thereafter he and his relatives searched for his brother at Bangalore, Madras, Andhara, Trippur. On 12.04.2021 Police came from Karur to Thoothukudi and arrested Algulakshmi and her mother Jayalakshmi. The Police had shown the body of the deceased but he

was not able identified the body. But he has identified his brother's photo Exhibit P5. He has identified the accused Alagulakshmi, and accused Jayalalitha in the Court.

2. PW3 K. Senthilkumar brother of the deceased Subburaj has stated that in the year 2018 his brother did not came to the village temple festival but his brother's wife, his mother-in-law and his brothers children came to the festival. When the people asked the accused Alagulakshmi, has stated that her husband took 10 sovereign and ran away with one lady. Thereafter he had searched for his brother in sweet stall, Andhara, Bangalore he could not find him. Further, the accused Alagulakshmi has demanded property of her husband. Subburaj has green tatoo on his left hand written as “ K.S.தன்யா ஸ்ரீ.A. ” He identified his brother's photo Exhibit P5. He had further stated that his mother was called to the Karur Government Hospital and blood samples were taken for DNA to find whether the DNA of the deceased brother and his mother matched with each other. Later his mother died.

3. PW4 V. Mohanraj is the house owner at Thillai Nagar 1st Cross, Vellapatti, Karur. In the year 2018 he has let in his house for monthly rent of RS 3000/- to the accused Kanagaraj. In that house Kanagaraj, his wife accused Alagulakshmi and their girl children namely Kosi and Dhaniyasri and an elderly women accused Lalitha was residing for a year. Thereafter they vacated the house. He has identified the accused Kanagaraj. his wife accused Alagulakshmi and accused Jayalalitha in the Court.

4. PW5 P. Loganayagi is running a chicken stall at Kannakampalayam, Tiruppur next to her shop the deceased Subburaj, was running sweet and juice shop

under the name and style of Dhaniyasrie. Accused Kangaraj was working in her chicken stall from the year 2019-2020. She has identified deceased Subburaj in photo Exhibit P5. She has identified the accused Kanagaraj in the Court.

5. PW7 M. Sureshkumar, Village Administrative Officer has stated that on 11.04.2021 at 11.00 A.M. the accused Kanagaraj has given confessional statement to the Inspector of Police, Pasupathipalayam Police Station, In further of the confessional statement, the accused took them to the Place of occurrence, took bill hook MO 8 from the accused house, which was seized under seizer mahazar exhibit P 6 and this admissible portion of confession statement was marked as exhibit P 8.

6. At 03.00 P.M., he arrested Shanthosh kumar has given confessional statement to the Inspector of Police, Pasupathipalayam Police Station, in further of the confessional statement the accused showed the car MO 9 bearing registration No TN 72 AA 9303, which was seized under seizer mahazar exhibit P 6 and the admissible portion of confessional statement was marked as exhibit P 8 .

7. On 12.04.2021 at 11.00 A.M. he arrested Ammu @ Algulakshmi has given confessional statement to the Inspector of Police, Pasupathipalayam Police Station. In furtherance of the confessional statement, the accused two photos MO 10 and MO 11, was seized under seizer mahazar exhibit P 10.

8. On 12.04.2021 at 3.00 P.M. he arrested accused Prakash has given confessional statement to the Inspector of Police, Pasupathipalayam Police Station. In furtherance of the confessional statement the accused took bill hooks MO 12, which was seizer under seized mahazar exhibit P 11 and the admissible portion of

confessional statement was marked as exhibit P 12.

9. PW13 J. Sahayarani Police constable was working at Pusupathipalayam Police Station. On 11.04.2021 at 11.00 P.M, with regarding to Crime No 82 /2018 when the Inspector was enquiring the accused Kangaraj, the accused Kangararj gave confessional statement, and PW13 has computer typed his confessional statement in the computer and got print of the confessional statement. Thereafter at 3.00 P.M. near Tersa Corner when the Inspector was inquiring the accused Shanthoshi, he has given the confessional statement, PW13 typed the confessional statement in a lap top and got the print of the confessional statement in the Police Station and handed over to the Inspector. Thereafter on 12.04.2021 at 11.30 A.M. the Inspector has inquired the accused Alagulakshmi, and she has given the confessional statement. PW13 has typed the confessional statement in the computer and got the print of the confessional statement in the Police Station and handed over to the Inspector. Thereafter at 3.00 P.M. rear side of Pasupathieswarar temple when the Inspector inquiring the accused Prakash gave confessional statement, she typed the confessional statement in a lap top and got print of the confessional in the Station and handed over to the Inspector. She also typed the 161 statements of the witnesses in this case.

10. PW22 S. Baby Inspector of Police, She on the order from the Judicial Magistrate, Karur. On 04.08.201 she took Ellammal, who is the mother of the deceased Subburaj to the Government Medical College hospital. There they took the Ellammal's blood sample. She has recorded 161 statement of Ellammal.

11. PW14 M. Usharani Forensic Science Department, Chennai she works as Scientific Officer in Genetics. On 24.09.2020 thigh bone was brought by Constable 1780 Thiru Balasubramani. She has extracted DNA, 15 STR PCR amplified STR and DNA/289/2020. On 05.08.2021 Head Constable 1831 Thiru Saravanan gave blood sample of Subburaj's mother namely Ellammal. She has compared with Subburaj mother Ellammal's blood sample with DNA of deceased Subburaj and given the Report C2.

12. PW16 M. Manimaran Forensic Science Department, Chengaluputtu, works as Scientific Officer in anthropology department. He has compared the photo exhibit P 5 with the skull of the unknown person and given the report exhibit C3.

13. PW19 K. Chandrasekaran, Inspector of Police, Pasumathiapalayam Police Station on 10.02.2018 has deposed that on 10.02.2018, when he was working as Inspect of Police, Pasupathipalayam P.S., he has taken the case in Cr.No.82/2018 for further investigation and on the same day, at about 14.45 hours, he has visited the scene of occurrence and he has prepared observation mahazar and Ex.P15 rough sketch in the presence of the witnesses Saranya and Sivaprakash. Further, on the same day, at about 15.30 hours, he has seized the three areca palm plates (Pakku thattu) M.O.1, one teared car mat M.O. 5, three plastic tumblers M.O.2, three empty water packets M.O.3, three empty Accord ACC brandy bottles M.O. 4, blood stained soil M.O. 6 and soil without blood stain M.O. 7. Further he has deposed that he has informed the District Police Officer to summon the sniffer dog, forensic science expert and the fingerprint expert. Further, he has issued summons to the Panchayatars

and other witness in order to conduct enquiry about the dead body and thereafter, he has conducted enquiry on the body of the male aged at about 25 to 30 years found in the place of occurrence in the presence of the panchayatars and witnesses and prepared Ex.P16 Inquest Report.

14. Thereafter, he has sent the dead body to the Karur Government Medical College Hospital through Head Constable viz. Kumar with a request letter to identification the unknown body for Postmortem. Thereafter, he has examined the witnesses viz.Saranya, Sivaprakash, Sivakumar, Rajendiran, Sakthivel, Anbarasu, Murugesan and recorded their statements.

15. Further, he has deposed that in order to identify the deceased, the fingerprints and photograph of the deceased was taken and he has prepared a report for publication in the local television and in newspaper and further, he has informed about the same to the nearby Districts.

16. Thereafter, on 16.02.2018, he has sent the dead body through Head Constable viz. 334 Kumar in order to conduct Post-Mortem with request letter to conduct Post-Mortem. Further, he has also sent request letter in Ex.P17 to collect the skull and femur of the deceased after conducting Post-Mortem. Further, he also sent a request letter to buried the body on behalf of the Karur Municipality. Further, he has also seized blood stained rose colour shirt M.O.14, blue colour jeans M.O.13, Poomex inner wear M.O.14 wear through Form 95. Further, he has deposed that since he was transferred he has placed the case file to another officer for further investigation.

17. PW20 Thiru Gopalakrishnan has stated that while he was working as Inspector of Police, at Pasupathipalayam Police station, he has taken the case for investigation, of the FIR in Crime No. 182/2018 of Pasupathipalayam Police station. Further, on 10.11.2020 he went to the scene of occurrence and investigated the witnesses namely Saranya, Sivaprakash, Sivakumar, Rajendran, Sakthivel, Anbarasan, Murugesan. Further, on 11.04.2021 he has recorded the confession statement of Kanagaraj. Furthermore, he has also seized one Aruval with the length of 65.5 cm., under seizer mahazar and the same was marked as M.O.8. Furthermore, on 11.04.2021 at about 02:30 p.m., he has recorded the confession statement of Santhoshkumar in the presence of the witnesses. Furthermore, he has also seized the vehicle bearing registration No.TN 72 AA 9303 M.O. 9 under seizer mahazar.

18. Furthermore, on 12.04.2021 he has recorded the confession statement of Ammu @ Alagulakshmi in the presence of the witnesses. Furthermore, he has marked two photos as MO10 and MO11. Furthermore, he has recorded the confession statement of accused Prakash in the presence of the witnesses. Furthermore, he has also seized Aruval MO 12 with the length of 57 cm., under seizer mahazar exhibit P11.

19. PW21 R. Sivasankari Investigation officer, has obtained DNA report, Superimpose report and has obtained the chemical report from Rajendran. She has obtained the final opinion from Dr. Shankar and on 21.09.2021 she has altered the case form 302 IPC to 120(b), 302, 109, 364 of IPC and sent the final report to the Court.

PW6 S. Kumaresan is treated as hostile witness.

When all the Accused were examined under Section 313(1) (b) of Cr.P.C., regarding the incriminating materials available against them in the prosecution evidence, they denied complicity in the offences. They submitted that they have witnesses to be examined, No witnesses were examined and no exhibits were marked on their side.

The points for consideration in this case are as follows:

- 1) Whether the unidentified dead body is that of the deceased is Subburaj or not ?
- 2) Whether the Prosecution has proved the motive for murder?
- 3) Whether the prosecution has proved the conspiracy ?
- 4) Whether the cause of death of Subburaj amounts to culpable homicide amounting to murder?
- 5) Whether the prosecution has proved the offences u/s 302 of I.P.C and other charges leveled against all the Accused beyond reasonable doubt?
- 6) If case is proved beyond all reasonable doubt, quantum of punishment ?
- 7) Whether the victim is entitled for compensation u/s section 357 (a) of Cr.P.C?
- 8) Whether the accused 2, 3 and 5 to 11 are entitled for compensation u/s 358 of Cr.P.C?
- 9) Whether the victims are entitled for compensation under section 357(A) of Cr.P.C?

10) Whether the properties to be returned, confiscated or destroyed?

Answering Point No 1

1. PW2 K. Jayaraj is the brother of the deceased Subburaj. His brother Subburaj has green tatoo on his left hand written as “K.S.தன்யா ஸ்ரீ.A”. . He has identified his brother’s photo Exhibit P5. PW3 K. Senthilkumar brother of the deceased Subburaj, has green tatoo on his left hand and written as “K.S.தன்யா ஸ்ரீ.A”. . He identified his brother photo Exhibit P5.

2. PW3 K. Senthilkumar brother of the deceased Subburaj. He has green tatoo on his left hand and written as “K.S.தன்யா ஸ்ரீ.A”. He identified his brother’s photo Exhibit P5. He further states that his mother was called to the Karur Government Hospital and blood samples were taken in order to find the DNA match with the deceased brother and his mother. Later his mother died.

3. PW5 P. Loganayagi is running a chicken stall at Kannakampalayam, Tiruppur next to her shop Subburaj, was running sweet and juice shop under the name and style of Dhaniyasrie. Accused Kangaraj was working in her chicken stall from the year 2019-2020. She has identified Subbraj in photo Exhibit P5. She has identified the accused Kanagaraj.

4. PW8 Dr. Sankar on 16.02.2018 when he conducting postmortem upon the unidentified body of the deceased case vide Pasupathupalaym police Station Crime No 82/2018.

5. PW22 S. Baby Inspector of Police, has stated that the order from the Judicial Magistrate, Karur, on 04.08.201 she took Ellammal to the Government Medical College hospital. There they took Ellammal's blood sample. She has recorded 161(3) statement of Ellammal.

6. PW 3 Senthilkumar has stated that his mother was called to the Karur Government Hospital and blood samples were taken in order to find the DNA match with the deceased brother and his mother. Later his mother died.

7. PW19 K. Chandrasekaran, Inspector of Police, Pasumathiapalayam Police Station, on 16.02.2018, has sent the dead body through Head Constable viz. 334 Kumar in order to conduct Post-Mortem with request letter to conduct Post-Mortem. Further, he has also sent request letter in Ex.P17 to collect the skull and femur of the deceased after conducting Post-Mortem.

8. PW14 M. Usharani from Forensic Science Department, Chennai works as Scientific Officer in Genetics, on 24.09.2020 thigh bone which was brought by Constable 1780 Thiru Balasubramani has extracted DNA, 15 STR PCR amplified STR and DNA/289/2020. On 05.08.2021 Head Constable 1831 Thiru Saravanan gave the blood sample of Subburaj's mother namely Ellammal to compare with Subburaj blood sample with DNA comparison and Report C2.

9. In John Anthonisamy Vs. State, (2023) 3 SCC 536 the Honourable Supreme Court of India has held that a super imposition test was conducted and the DNA examination was conducted on the bones and the skull and it was proved that the dead body was that of the deceased.

10. PW16 M. Manimaran Forensic Science Department, Chengaluputtu, he works as Scientific Officer in anthropology department. He has compared the photo exhibit P 5 with the skull of the unknown person and given the report exhibit C3.

11. In Mahesh Dhanaji Shinde vs State Of Maharashtra reported in 2014 AIR SCW 1562, 2014 (4) SCC 292, AIR 2014 SC (CRIMINAL) 906, AIR 2014 SC (SUPP) 517, the Honourable Supreme Court of India has held that the superimposition tests had testified that the probability of her finding being correct is almost 99% and the reliability of the superimposition test technique is 91%. had testified, on the basis of superimposition tests, that DB-2 to 5 were of deceased,

12. Regional Forensic Science Laboratory, The Assistant Director ... fact that the identity of the deceased was got tested by superimposition of the skeletal remains of the deceased conducted with reference to the photograph

Therefore the prosecution has established that the unknown body is certainly that if the deceased Subburaj. Accordingly point No 1 is answered.

Answering Point No 4

1. PW8 Dr. Sankar, on receipt of the requisition letter from the Inspector of Police, Pasupathipalayam with regard to Crime No 82/2018. On 16.02.2018 at 1.45 P.M. has preformed postmortem on the unknown body and found

The following postmortem injuries which are all follows:-

2. Oblique wound measuring 25 x 4 - 6 cm x bone deep, exposing the underneath fractured bone, extending from upper part of the right cheek, 2 cm below the outer aspects of the right cheek, 2 cm below of the outer aspect of the right eye,

running towards the back of head on right side, 5 cm above the back hairline, transcending the right cut into two halves during its course. The margins are clean cut.

3. Horizontal placed wound 16 x 2 – 3 cm x bone deep, exposing the underlying fracture bone, to the exterior, extending from lower part of left cheek to right chin, 7 cm below the left ear below. The margins are clear cut.

4. Horizontal placed wound seen over front of the neck, measuring 17 x 4 – 8 cm x bone deep, exposing the underlying fractured bone, blood vessels, nerves, muscles and cut ends of fracture and esophagus to the exterior. The margins are answered.

5. Oblique cut injuries 8 x 2 – 2cm muscle deep seen on lateral aspect of left palm. In fact, Scalp, skull bone and brain normal in size. Referred injuries to the chest, Thorax, heart normal in size, chamber cluttered with blood, valves and patent, great vessels, lungs normal in size. Stomach contains 20 ml of green colour fluid. Kidney normal in size.

6. Opinion:- The deceased would appear to have died of shock and hemorrhage due to multiple injuries sustained. and gave report post mortem report and final opinion exhibit P 13 and viscera report exhibit C1. Through MO 8 and MO 12 the above said injuries are possible.

Therefore the death is not due to homicide amounting to murder.

Accordingly point No 4 is answered.

Answering Point No 2

1. PW5 P. Loganayagi is running a chicken stall at Kannakampalayam, Tiruppur next to her shop Subburaj, he was running sweet and juice shop under

the name and style of Dhaniyasrie. Accused Kangaraj was working in her chicken stall from the year 2019-2020. She has identified Subbraji in photo Exhibit P5. She has identified the accused Kanagaraj. She has stated that accused Kanagraj had talk with the deceased Subburaj and his wife Alagulakshmi and her mother. Further accused Kanagaraj used to pickup Algulakshmi when ever she returns from the native place from the bus stand to the house.

2. PW4 V. Mohanraj is the house owner at Thilai Nagar 1st Cross, Vellapatti, Karur. In the year 2018 he has let in his house for monthly rent of RS 3000/- to the accused Kangaraj. In that house Kanagaraj, his wife accused Algulakshmi and their girl children namely Kosi and Dhaniyashri and an elderly women accused Lalitha were residing for a year. Thereafter they vacated the house. H has accused Kangaraj. his wife accused Algulakshmi and accused Lalitha in the Court.

3. This itself show that the accused Kangaraj and accused Alagulakshmi has lived as husband wife and this itself goes to show the said accused has illegal affairs. Therefor the Prosecution has proved the motive for murder. Accordingly point No 2 is answered.

Answering Point No 3 & 5

Lastly resided accused Alagulakshmi and her husband Subburaj resided

1. Later PW2 K. Jayaraj is the brother of the deceased Subburaj, his brother. Algulakshmi is his wife and they had two children Dindyashree and Kosi. They were residing at Kannampalayam Trippur District. The accused Kangaraj was having

butcher stall. Before 2018 his brother Subburaj and his wife had dispute his brother assaulted his wife as a result her ear ring was damaged. This was told by his deceased brother, which amounts dying declaration of the deceased Subburaj, since he is dead and section 32 of Evidence is squarely applicable. He has further stated that from 2018 to 2020 the accused Algulakshmi and her mother were residing together at Karur. From his evidence, the deceased Subburaj and his wife resided together at Trippur till 2018.

2. PW2 K. Jayaraj is the brother of the deceased Subburaj, his brother. Algulakshmi is deceased Subburaj's wife and they had two children Dindyashree and Kosi. They were residing at Kannampalayam Trippur District. The accused Kangaraj was running butcher stall. Before 2018 his brother Subburaj and his wife had dispute. His brother assaulted his wife and as a result her earring was damaged. Due to the dispute accused Algulakshmi returned to her native place Kuppampatti village, in the year 2020. When he asked about his brother she told that her husband took 10 sovereign and ran away with one lady. His brother and accused Algulakshmi resided at Triuppur from 2018 to 2020. On 12.04.2021 the Police came from Karur to Thoothukudi and arrested Algulakshmi and her mother Jayalakshmi. The police had shown the body of the but he was not able to identify the body. But he has identified his brother's photo Exhibit P5. He has identified the accused Alagulakshmi, and accused Jayalalitha in the Court.

3. Therefore, the evidence of PW2 is corroborated by PW3 K. Senthilkumar, brother of the deceased Subburaj with regard to the accused No 4 Alagulakshmi and

the deceased Subburaj lived together till 2018 at Kannakapalayam, Trippur.

4. PW5 P. Loganayagi is running a chicken stall at Kannakampalayam, Tiruppur next to her shop Subburaj, was running sweet and juice shop under the name and style of Dhaniyasri. Accused Kangaraj was working in her chicken stall from the year 2019-2020. She has identified Subbraj in photo Exhibit P5. She has identified the accused Kanagaraj.

5. Section 106 Evidence Act reads as follows:-

106. Burden of proving fact especially within knowledge. —

When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Illustrations

(a) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.

(b) A is charged with traveling on a railway without a ticket. The burden of proving that he had a ticket is on him.

6. In Trimukh Maroti Kirkan vs State Of Maharashtra reported in 2006 AIR SCW 5300, 2006 (10) SCC 681, the Honorable Supreme Court of India in para 16 observed that “ In a case based on circumstantial evidence where no eye- witness account is available, there is another principle of law which must be kept in mind. The principle is that when an incriminating circumstance is put to the accused and the said accused either offers no explanation or offers an explanation which is found to

be untrue, then the same becomes an additional link in the chain of circumstances to make it complete. This view has been taken in a catena of decisions of this Court. [See State of Tamil Nadu v. Rajendran (1999) 8 SCC 679 (para 6); State of U.P. v. Dr. Ravindra Prakash Mittal AIR 1992 SC 2045 (para 40); State of Maharashtra v. Suresh (2000) 1 SCC 471 (para 27); Ganesh Lal v. State of Rajasthan (2002) 1 SCC 731 (para 15) and Gulab Chand v. State of M.P. (1995) 3 SCC 574 (para 4)].”

7. Case on hand, the accused Algulakshmi wife of the deceased Subburaj and her mother Jayalalitha were residing lastly together at Tiruppur. The deceased Subburaj was found dead on 10.02.2018 at 1.00 P.M. at Karur, M. Vellalapatti, Kirikkal pathway. Till their arrest on 12.04.2021 the said accused has not taken any steps to find the deceased Subburaj to inform the missing of deceased Subburaj to any one including the Police and their brothers and his mother. The evidence of PW 2 and PW3 K. Senthilkumar brother of the deceased Subburaj goes to show that accused No 4 Alagulakshmi and the deceased Subburaj lived together till 2018 at Kannakapalayam, Tiruppur.

8. Further when accused No 4 Alagulakshmi came to the village of deceased they have informed that the deceased left with one lady with 10 sovereign. In 313 CrPC questioning also the accused have not come forward with any explanation or offers any explanation. Hence the information about the deceased is found to be untrue, and the same becomes an additional link in the chain of circumstances to make it complete.

9. Since the deceased Subburaj was last residing with the accused Algulakshmi, wife of the deceased Subburaj and accused Jayalalitha they have

the personal knowledge of deceased Subburaj, Therefore section 106 (a) of Evidence act applicable to this case and hence the burden of proving that fact is upon accused No 4 and accused No 5. These circumstances of the act suggests, the burden of proving that intention is upon No 4 and accused No 5.

Subsequent act of accused No 4 Alagulakshmi.

1. PW3 K. Senthilkumar brother of the deceased Subburaj. In the year 2018 his brother did not come to the village temple festival but his brother's wife, his mother-in-law and his brothers children came to the festival. When the people asked the accused Alagulakshmi, she has stated that her husband took 10 sovereign and ran away with one lady. Thereafter he searched for his brother in sweet stall, Andhara, Bangalore but he could not find him. Further the accused Alagulakshmi demanded property of her husband deceased Subburaj.

2. Later PW2 K. Jayaraj, the brother of the deceased Subburaj, his brother. Algulakshmi is wife and they had two children Dindyashree and Kosi. They were residing at Kannampalayam Trippur District. The accused Kangaraj was hav His brother assaulted his wife as a result her earing was damaged. Due to the dispute, accused Algulakshmi returned to her native place Kuppampatti village, in the year 2020. When he asked about his brother she told that her husband took 10 sovereign and ran away with one lady. His brother and accused Algulakshmi resided at Triuppur from 2018 to 2020. On 12.04.2021 the Police came from Karur to Thoothukudi and arrested Algulakshmi and her mother Jayalalitha. The police had shown the body of the deceased but he was not able to identify the body. But he identified his brother photo Exhibit P5. He has identified the

accused Alagulakshmi, and accused Jayalalitha in the Court.

3. PW4 V. Mohanraj is the house owner at Thilai Nagar 1st Cross, Vellapatti, Karur. In the year 2018 he has let in his house for monthly rent of RS 3000/- to the accused Kangaraj. In the house Kanagaraj, his wife accused Algulakshmi and their girl children names are Kosi and Dhaniyashri and an elderly women accused Lalitha were residing for a year. Thereafter they vacated the house. He has identified the accused Kangaraj. his wife accused Algulakshmi and accused Lalitha in the Court. Further, in the final report, the prosecution has mentioned accused no.4's husband is accused no.1 Kanagaraj, in framing of charges, in alternation of charges and in u/s.313 of Cr.P.C., questioning, the husband name of the 4th accused is mentioned as Kanagaraj and therefore, accused no.4 has also not disputed the same.

4. In Neeraj Dutta Vs. State (NCT of Delhi) (2023) 4 SCC 731 It was held that even if a witness is treated as 'hostile' and is cross- examined, his evidence cannot be written off altogether but must be considered with due care and circumspection and that part of the testimony which is creditworthy must be considered and acted upon. The Hon'ble Court further laid down that as a matter of prudence to consider the extent of evidence which is creditworthy for the purpose of proof of the case. In other words, the fact that a witness has been declared "hostile" does not result in an automatic rejection of his evidence. Even, the evidence of a "hostile witness" if it finds corroboration from the facts of the case may be taken into account while judging

the guilt of the accused. Thus, there is no legal bar to raise a conviction upon a "hostile witness" testimony if corroborated by other reliable evidence.

5. In *Shyamlal Ghosh Vs. State of W.B.*, (2012) 7 SCC 646 It was reiterated that statement of a hostile witness can be relied upon by court to the extent it supports case of prosecution. In the case under reference two witnesses had resiled during their examination in court, from their statements before police u/s 161Cr.P.C. The Hon'ble Court held that the FIR No. 720/16 State Vs. Har Gyan PS New Usmanpur page 7 of 13 mere fact that two witnesses had turned hostile in present case would not affect prosecution case adversely. Moreover, even statements of these witnesses, who had turned hostile, partially supported case of prosecution and hence, that by itself, could not be a ground to pronounce a judgment of acquittal.

6. PW4 V. Mohanraj is the house owner at Thilai Nagar 1st Cross, Vellapatti, Karur. In the year 2018 he has let in his house for monthly rent of RS 3000/- to the accused Kangaraj. In his house Kanagaraj, his wife accused Algulakshmi and their girl children names are Kosi and Dhaniyashri and an elderly women accused Lalitha was residing for a year. Thereafter they vacated the house. He has identified the accused Kangaraj. his wife accused Algulakshmi and accused Lalitha in the Court.

7. From the evidence PW 7 Sureshkumar goes to show that on 12.04.2021 at 11.00 A.M. arrested No 4 Ammu @ Algulakshmi she gave two photos to the Inspector of Police, Pasupathipalayam Police Station, vide photo of accused No 1 along with

accused No 4 and two daughters MO 10 and with her husband Subburaj MO 11, which was seizer under seizer mahazar exhibit P 10. The MO 10 goes to show that the accused No1 and accused No 4 given poss along with the childern as husband and wife, this part is also corroborates the evidence of PW4.

8. *Section 8 Evidence Act reads as follows:-*

8. Motive, preparation and previous or subsequent conduct.—Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

The conduct of any party, or of any agent to any party, to any suit or proceeding, in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto.

Explanation 1.—The word “conduct” in this section does not include statements, unless those statements accompany and explain acts other than statements; but this explanation is not to affect the relevancy of statements under any other section of this Act.

Explanation 2.—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

The Natural events and human conduct of accused No 4 Alagulakshmi and accused No 5 Jayalalitha:

1. Ordinary when the deceased Subburaj is missing from 10.02.2018 the accused Alagulakshmi and Jayalalitha should have informed to the parents of the deceased Subburaj and brothers of the deceased namely PW 2 and PW3 or to the Police also. Per contra accused have demanded property of the deceased from the PW2 and PW3 s and deceased mother. This itself speaks their involvement in the crime by the accused No 4 and 5.

2. PW4 V. Mohanraj evidence goes to show that accused Kanagaraj has introduced PW 4 that accused Alagulakshmi is his wife and their girl children names are Kosi and Dhaniyashri and elderly women accused Lalitha was resided at their residence for a year. Thereafter they vacated the house. This itself speaks the accused Kanagaraj involvement in the crime along with the accused No 4 and 5.

3. The accused No 1, accused No 4 and accused No 5 disputes the identification of the deceased body as deceased Subburaj inspite of MO 5 photograph of the deceased in which the green tattoo “K.S.தன்யா ஸ்ரீ.A”. . in his left hand. Further confirms their complicity in the crime.

4. Section 114 Evidence Act reads as follows:-

114. Court may presume existence of certain facts. — The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case.

The Court may presume —

5. Further the accused No 4 Alagulakshmi, accused No 5 Jayalitha were residing along with accused No 1 Kangaraj, Accused No 4 Alagulakshmi and her children residing at the house of PW 4 Mohanraj which would itself speaks that the accused No 4 Alagulakshmi, accused No 5 Jayalitha and accused No 1 Kangaraj were living for a year their in complicity towards the crime.

6. Not only this further the accused No 1 Kangaraj has introduced to PW 4 that accused No 4 Alagulakshmi is his wife, accused No 5 Jayalaitha as his mother in law and the children Kosi and Dhaniyashree as his daughters would silently speaks about the conspiracy and sequent conduct of the accused.

Arrest, confessional statements the accused and recovery in furtherance of the confessional statements:

1. PW7 M. Sureshkumar, Village Administrative Officer has stated that on 11.04.2021 at 11.00 A.M. the accused No 1 Kanagaraj has given confessional statement to the Inspector of Police, Pasupathipalayam Police Station, In further of the confessional statement the accused took them to the Place of occurrence, and took bill hook MO 8, from the house of the accused which was seized under seizer mahazar exhibit P 6 and the admissible portion of confessional statement was marked as exhibit P 8.

2. At 03.00 P.M., arrested accused No 2 Shanthosh kumar gave confessional statement to the Inspector of Police, Pasupathipalayam Police Station. In further of the confessional statement the accused showed the car MO 9 bearing registration No

TN 72 AA 9303, which was seized under seizer mahazar exhibit P 6 and the admissible portion of confessional statement was marked as exhibit P 9 .

3. On 12.04.2021 at 11.00 A.M. arrested accused No 4 Ammu @ Algulakshmi gave two photos to the Inspector of Police, Pasupathipalayam Police Station, vide photo of accused No 1 along with accused No 4 and two daughters MO 10 and with her husband Subburaj MO 11, which was seized under seizer mahazar exhibit P 10.

4. On 12.04.2021 at 3.00 P.M. arrested accused No 3 Prakash gave confessional statement to the Inspector of Police, Pasupathipalayam Police Station, In furtherance of the confessional statement the accused took bill hooks MO 12, which was seizer under seizer mahazar exhibit P 11 and admissible portion of confessional statement was marked as exhibit P 12.

5. The MO 8 and MO 12 aruval recovered from accused No 1 Kangaraj and Prakash and further the PW 8 Dr Shankar has stated that these MO8 and MO12 Aruvals might have inflicted the wounds found the body of the deceased. These objects were not sent to the forensic lab and tested if whether it contains human blood or not. Further there is no blood group is done to further strengthen the case of prosecution. The confessional statement of accused No 3 is not corroborated by any other witness. Therefore the benefit of doubt is given in favour of the accused No 3 Prakash.

6. From the evidence of PW1 Village Administrative Office and M.O.1 Three areca palm plates (Pakku thattu), M.O.2 Three Plastic tumbler, M.O.3 Three Empty Water bottles, M.O.4 Three Brandy bottles, M.O.5 One Carpet, M.O.6 Blood stained

soil, M.O.7 Unstained soil were recovered but not connecting the accused.

8. Since the subsequent conduct of the accused No 1 Kangaraj living with the deceased wife for a year and introducing the deceased wife as his wife and their children as his children and the deceased mother in law as his mother in law to PW 4 corroborates the admitted portion of the confessional accused No 1. Further Dr. has stated that MO 8 might have inflicted the injuries found on the deceased body.

9. PW7 M. Sureshkumar, goes to show that the accused No 1 Kanagaraj gave confessional statement, infurther of the confessional statement the accused took them to the Place of occurrence, took accused house and took bill hook MO 8, which was seizer under seizer mahazar exhibit P 6 and admissible portion of confessional statement was marked as exhibit P 8. The doctor evidence that MO 8 may cause the injuries found in the deceased body and further. All the circumstances points the accused No 1 towards commission of offence.

10. In the case of accused No 3 only recovery of MO 12 is available and no other evidence is corroborated. And therefore the prosecution has failed to prove the charges beyond all reasonable doubts against the accused No 3.

To prove conspiracy

1. Case on hand according, to the evidence of PW 4 Mohanraj's evidence goes to show that the accused Kangaraj has told to the PW 4 that accused Alagulakshmi is his wife even though she is the wife of the deceased Subburaj. Likewise he has introduced accused Jayalalitha as his mother in law goes after achieving their goal of murdering the Subburaj. These subsequent, conduct by the accused proved the

conspiracy between the accused no.1, accused no.4 and accused no.5, to the achieving of the object of conspiracy may tend to prove that a particular accused was party to the conspiracy. Once the object of conspiracy has been achieved, any subsequent act, which may be unlawful I.e the accused No1 and No4 living as husband and wife, would not make the accused a part of the conspiracy.

2. In **State through Superintendent of Police v. Nalini & Ors. Reported in (1999) 5 SCC 253 The Honourable Supreme Court of India** in 3-Judges Bench held as follows: i. Conspiracy is when two or more persons agree to do or cause to be done an illegal act or legal act by illegal means. ii. The offence of criminal conspiracy is an exception to the general law, where intent alone does not constitute crime. It is the intention to commit a crime and join hands with persons having the same intention. iii. Conspiracy is hatched in private or in secrecy. It is rarely possible to establish a conspiracy by direct evidence. Usually, the existence of the conspiracy and its objects have to be inferred from the circumstances and the conduct of the accused. iv. Where in pursuance of the agreement, the conspirators commit offenses individually or adopt illegal means to do a legal act that has a nexus to the object of the conspiracy, all of them will be liable for such offenses even if some of them have not actively participated in the commission of those offenses.

3. In ***Mohd. Naushad v. State of NCT of Delhi* reported in 2023 INSSC 605** the Honourable Apex Court held clarified that criminal conspiracy creates joint responsibility, making all conspirators liable for acts committed as a result of the conspiracy. Therefore the accused No 1 Ramar to accused No 11 creates joint

responsibility and make all the conspirators liable for the acts committed as a result of the conspiracy.

4. When all the Accused were examined under Section 313(1) (b) of Cr.P.C., regarding the incriminating materials available against them in the prosecution evidence, they denied complicity in the offences. They submitted that they have witnesses to be examined, No witnesses examined; no exhibits were marked on their side.

5. In *Tanviben Pankajkumar Divetia vs. State of Gujarat* reported in AIR 1997 SUPREME COURT 2193, 1997 (7) SCC 156 to contend that in circumstantial evidence-based cases, each incriminating circumstance must be clearly established by reliable and clinching evidence and the circumstances proved must form a chain of events from which the irresistible conclusion of the accused's guilt can be safely drawn; no other hypothesis is possible.

6. The Court must satisfy itself that various circumstances in the chain of events have been established clearly, and such a completed chain of events must be such as to rule out a reasonable likelihood of the innocence of the accused. It has also been indicated that when the important link goes, the chain of circumstances gets snapped, and the other circumstances cannot, in any manner, establish the guilt of the accused beyond all reasonable doubts. Counsel also stated that this court has to be watchful and avoid the danger of allowing the suspicion to take the place of legal proof for sometimes, unconsciously it may happen to be a short step between moral certainty and legal proof. It has been indicated by this court that there is a long mental

distance between “may be true” and “must be true” and the same divides conjectures from sure conclusions. It was contended that in the present case, the prosecution was unable to prove beyond reasonable doubt, every circumstance, and the courts below erred in treating suspicion as proof, leading to the appellants’ conviction. State/Prosecution’s contentions

7. In *Hanumant v. State of Madhya Pradesh* reported in AIR1952SC343 wherein the Honourable Supreme Court of India has held that in circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved...it must be such as to show that within all human probability the act must have been done by the accused. Followed by the Honourable Supreme Court in *Tanviben Pankajkumar Divetia vs State Of Gujarat* reported in AIR 1997 SUPREME COURT 2193, 1997 wherein the Honourable Supreme Court of India has held that

8. In *Prithpal Sing & Ors Vs. State of Punjab & Anor* reported (2012) 1 SCC 10) the Honourable Supreme Court. Thus, the doctrine of “last seen together” shifts the burden of proof on the accused, requiring him to explain how the incident had occurred. Failure on the part of the accused to furnish any explanation in this regard, would give rise to a very strong presumption against him. Followed by the Honourable Supreme Court in *Rohtash Kumar vs State Of Haryana* reported in 2013 AIR SCW 3208, 2013 (14) SCC 434, 2013 CRI. L. J. 3183, AIR 2013 SC (CRIMINAL) 1544.

9. The Prosecution has proved the complete chain of circumstances i.e The subburaj and the accused No 4 lastly resided at Trippur. On 09.02.2018 the murder of

the deceased Subburaj taken place, in year 2018 the accused No 4 saying that her husband went with on lady along with 10 sovereign and further she demands the property of the husband. Thereafter the accused No 1, Accused No 4 and Accused 5 living at Karur and accused No 4 and accused No 5 not reporting any thing of the deceased. Therefore Therefore prosecution has proved the conspiracy in between accused No 1 Kangaraj, accused No 4 Alagulakshmi and accused No 5 Jayalalitha. But failed to prove the nexus between accused No 3 with other accused. Accordingly point No 3 is proved.

From the above discussions, the charges against accused No Shanthosh Kumar is abetted. The accused is found guilty are as follows :-

1st charge against the accused No.1, accused No 4 and Accused No 5 for the offence u/s.120(b) of IPC. is proved and not proved against accused No 3.

2nd charge against the accused No.1 for the offence u/s.302 of IPC. Is proved and not proved against accused No 3.

3rd charge against the accused No.4 and 5 for the offence u/s. 302 r/w. 109 of IPC. Are not proved. Since the section 109 abetment is the species of 120 (b). Further there is no evidence for 109 against accused No 4 and 5.

2. The accused is questioned about the sentenced imposed on him u/s. 235(2) of Cr.PC.

They replied that :-

Accused No 1

குற்றவாளி இல்லை, எனக்கும் இந்த வழக்கிற்கும் சம்பந்தம் இல்லை.

Accused No 4

நான் எந்த குற்றமும் செய்யவில்லை. எனக்கு யாரும் இல்லை, எனக்கு இரண்டு குழந்தைகள் உள்ளனர், தினமும் கூலி வேலைக்கு சென்று தான் சாப்பிடுகிறோம்.

Accused No 5

நான் எந்த குற்றமும் செய்யவில்லை. எனக்கு யாரும் இல்லை, தினமும் கூலி வேலைக்கு சென்று தான் சாப்பிடுகிறோம்.

Heard the following

Since the District Legal Services Authority. Allows three lakhs for the death of person Rs.3.00 lakh is award, which is granted under the Tamil Nadu Victim Compensation Scheme, 2013.

Answering Point No. 7:

Case on hand the charges are proved beyond all reasonable doubt and the question of the victim arose u/s 357(A) of Cr.P.C. The children of deceased may be seek remedy through the Legal Services Authority, Karur by way of Victim Compensation Scheme. For the same DSLA, Karur panel advocates shall take initiative and the amount shall be deposited in the name of the children. Accordingly, the Point No 8 is answered. Accordingly point No 7 is answered.

Answering Point No. 8 :

The accused herein has not claimed any compensation, nor while cross examination of the Investigation officer, he has not also put any questions to this effect. Since, he has not claimed any compensation for his arrest and detention,

Further the offence against him is proved. I am not inclined to grant any compensation in this section 358 of Cr.P.C. Accordingly, the point No.8 is answered.

Answering Point No. 10:

The M.O.1 Three areca palm plates (Pakku thattu), M.O.2 Three Plastic tumbler M.O.3, Three Empty Water bottles, M.O.4 ,Three Brandy bottles, M.O.5, One mat, M.O.6 Blood stained soil, M.O.7, Unstained soil, M.O.8 Aruval 65.5 cm, M.O.12 Aruval, M.O.13 Blue colour pant, M.O.14, shirt M.O.15 Lingerie are of no use. Therefore these MO.s shall be destroyed after the appeal period is over. M.O.10 Photos, M.O.11 Photos shall be kept in the bundle exhibit. M.O.9 Omni Van TN 72 AA 9303 is handed over the owner after the appeal period is over. Accordingly, the point No.10 is answered.

In fine,

(i) The charges against the accused No. 2 Shanthosh is abated. Since he died on 15.03.2025.

(ii) I am sentencing the accused No 1, 4, and 5 imprisonment of R.I. for life for the offence u/s. 120(b) of IPC and to pay a fine of Rs. 1,00,000/- each (Rupees one lakh only). In case of remission, if they fails to pay the fine amount, they shall undergo simple imprisonment for 4 years.

(iii) I am sentencing the accused No 1 imprisonment of R.I. for life for the offence u/s. 302 of IPC and to pay a fine of Rs. 1,00,000/- (Rupees one lakh only). In case of remission, If he fails to pay the fine amount, he shall undergo simple imprisonment for 4 years.

(iv) 3rd charge against the accused No.4 and 5 for the offence u/s. 302 r/w. 109 of IPC. Are not proved. Since the section 109 of IPC abetment is the species of 120 (b) of IPC. Further there is no evidence for 109 of IPC against accused No 4 and 5.

(v) All the above sentence for accused no.1 shall run concurrently. In case of remission, the period already undergone by the accused no.1 shall be set off u/s 428 of Cr.P.C.

(vi) The offences as against the accused No.3 Prakash is not proved and he is acquitted from the charges leveled against them and the bail bond executed by the accused No. 3 shall stand cancelled.

(vi)**Property Order:**

The M.O.1 Three arecapalm plates (Pakku thattu), M.O.2 Three Plastic tumbler M.O.3, Three Empty Water bottles, M.O.4 ,Three Brandy bottles, M.O.5, One mat, M.O.6 Blood stained soil, M.O.7, Unstained soil, M.O.8 Aruval 65.5 cm, M.O.12 Aruval, M.O.13 Blue colour pant, M.O.14, shirt M.O.15 Lingerie are of no use. Therefore these MO.s shall be destroyed after the appeal period is over. M.O.10 Photos, M.O.11 Photos shall be kept in the bundle exhibit. M.O.9 Omni Van TN 72 AA 9303 is handed over the owner. Accordingly, the point No.5 is answered.

Dictated by me to the stenographer, typed by her directly on computer on my dictation, corrected and pronounced by me in the open court, on the 20th day of April 2026.

DISTRICT AND SESSIONS JUDGE,

KARUR

LIST OF WITNESSES AND EXHIBITS

Witnesses on behalf of Prosecution:-

<i>Prosecution Witness No</i>	<i>Name of the Witness</i>	<i>Description</i>
PW1	R. Saranya	Complainant
PW2	K. Jayaraj	Conspiracy witness
PW3	K. Senthilkumar	Conspiracy witness
PW4	V. Mohanraj	Conspiracy witness
PW5	P. Loganayagi	Witness having shop near the deceased Subburaj
PW6	S. Kumaresan	Hostile witness
PW7	M. Sureshkumar	Confession and recovery witness
PW8	Dr. Sankar	Conducted Postmortem
PW9	T. Muruganantham	Police witness
PW10	M. Babu	Police witness
PW11	K. Sakkrari Bawa	Police witness
PW12	S. Kumar	Police witness
PW13	J. Sahayarani	Police witness
PW14	M. Usharani	Forensic and Scientific witness
PW15	V. Arumugam	Formal witness
PW16	M. Manimaran	Forensic and Scientific witness
PW17	K. Selvarajan	Police witness
PW18	P. Rajeshwari	Police witness
PW19	K. Chandrasekaran	Investigation Officer
PW20	S. Gopalakrishnan	Investigation Officer
PW21	R. Sivasankari	Investigation Officer
PW22	S. Baby	Police witness

Exhibits on behalf of Prosecution:-

<i>Exhibit No</i>	<i>Date</i>	<i>Description of the Exhibits</i>	<i>Proved by/Attested by</i>
Ex.P1	10.02.2018	Complaint	PW1
Ex.P2	10.02.2018	Sign in FIR	PW1
Ex.P3	10.02.2018	Observation Mahazar	PW1
Ex.P4	10.02.2018	Seizure Mahazar	PW1
Ex.P5	09.04.2021	Photo of the deceased	PW2
Ex.P6	11.04.2021	Seizure Mahazar	PW7
Ex.P7	11.04.2021	Sign in Confession Statement	PW7
Ex.P8	11.04.2021	Admitted portion in confession statement	PW7
Ex.P9	11.04.2021	Seizure mahazar	PW7
Ex.P10	12.04.2021	Seizure mahazar hostile	PW7
Ex.P11	12.04.2021	Seizure mahazar	PW7
Ex.P12	12.04.2021	Admitted portion in confession statement	PW7
Ex.P13	16.02.2018	PMC Certificate	PW8
Ex.P14	10.02.2018	FIR	PW18
Ex.P15	10.02.2018	Rough sketch	PW19
Ex.P16	16.02.2018	Inquest report	PW19
Ex.P17	16.02.2018	PMC Requisition letter	PW19

Material Objects on behalf of Prosecution:-

<i>Material Object No.</i>	<i>Description of the Exhibit</i>	<i>Proved by/Attested by</i>
M.O.1	Three arecapalm plates (Pakku thattu)	PW1
M.O.2	Three Plastic tumbler	PW1
M.O.3	Three Empty Water bottles	PW1

M.O.4	Three Brandy bottles	PW1
M.O.5	One Carpet	PW1
M.O.6	Blood stained soil	PW1
M.O.7	Unstained soil	PW1
M.O.8	One Aruval with the length of 65.5 cm	PW7
M.O.9	Omni Van TN 72 AA 9303	PW7
M.O.10	Photos	PW7
M.O.11	Photos	PW7
M.O.12	Aruval	PW7
M.O.13	Blue colour pant	PW12
M.O.14	shirt	PW12
M.O.15	Lingerie	PW12

List of Documents marked through Court:-

<i>Exhibit No</i>	<i>Date</i>	<i>Description of the Exhibits</i>	<i>Proved by/Attested by</i>
Ex.C1	13.03.2023	Viscera Report	PW8
Ex.C2	15.09.2021	DNA Report	PW14
Ex.C3	28.07.2021	Anthro (Super Transposition) Report	PW16

List of Witnesses, exhibits on behalf of Defence:- NIL

**DISTRICT & SESSIONS JUDGE,
KARUR.**

ANNEXURE-II**CASE SUMMARY****(in S.C.No.19/2022)**

i	The period of remand of the accused ;	01.11.2024		
ii	The date of filing of the complaint/final report in the case ;	21.09.2021		
iii	The date of committal of the case to the Court of Sessions;	11.03.2022		
iv	The date of questioning of the accused u/s 228 of the Cr.P.C. as the case may be ;	-----		
v	Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts;except routine petitions like petitions u/s 317 of the Code;	Crl. M.P.No.	Result	Result in Superior Courts
		1. CMP No. xxxxx u/s 311 Cr.P.C. Petition	<u>Allowed</u>	----

vi	Date of examination in chief and cross examination of a witness;	P.Ws. No.	Date of Chief examination	Date of Cross examination
		1	01.07.2024	15.09.2024
		2	01.07.2024	15.09.2024
		3	01.07.2024	15.09.2024
		4	01.07.2024	15.10.2024
		5	01.07.2024	29.10.2024
		6	01.07.2024	15.10.2024
		7	01.07.2024	15.10.2024
		8	02.07.2024	15.09.2024
		9	02.07.2024	---
		10	02.07.2024	---
		11	02.07.2024	---
		12	02.07.2024	---
		13	02.07.2024	09.02.2026
		14	23.07.2024	---
		15	05.08.2024	---
		16	05.08.2024	05.08.2024
		17	05.08.2024	---
		18	11.09.2024	11.09.2024
		19	25.08.2024	25.08.2024 29.01.2025
		20	25.08.2024	25.08.2024 05.08.2025 02.02.2026
		21	25.08.2024	25.08.2024 17.12.2024

				12.02.2025
				29.10.2025
		22	29.10.2024	29.10.2024
vii	Date of examination of the accused u/s 313 of the Code;			
viii	Details of abscondence of an accused and his appearance/ production, as the case may be; and	---		
ix	Grant of stay by superior Courts and the results thereof	---		

DISTRICT & SESSIONS

COURT, KARUR

S.C.No.19/2022

D.D. 20.04.2026

DRAFT/FAIR JUDGMENT
