

IN THE COURT OF IVth ADDITIONAL DISTRICT JUDGE, UDUMALPET.**PRESENT: Thiru.M.Nambirajan, B.A., B.L.,**IVth Additional District and Sessions Judge, Udumalpet.**Thursday, the 23rd day of July, 2026**(2057 Tiruvalluvarandu, Parabava Varudam, 7th day of Adi)**S.C.No. 126/2016****(CNR.No.TNTI25000025-2022)**

Statement as per Rule 106 of the Criminal Rule of Practice-2019		
1	Serial Number	S.C.No.126/2016
2	Name of the Police Station & Crime Number	Kaniyur Police Station, Tiruppur Cr. No.107/2015
3, 7 4 5 6	Name of the Accused & Age Father's/Husband's Name Occupation Residence	A1-Sekar @ Chandra sekar, (age 27/2015), S/o. Thangavel Vadakku thottam, Nallampalli, Kolarpatti, Pollachi Taluk. A2-Karthik @ Anandhababu, (age 32/2015), S/o.Nataraj, 873, Paraiyur, Thungavi, Madathukulam Taluk. A3-Maheswari(age 29/2015), W/o.Balaji @ Balasubramaniam(late) 4/168, Thottathusalai, Kurichikottai, Udumalai Taluk.
8	Date of Occurrence	04.02.2015
9	Date of Final Report	21.05.2015

10	Date of Apprehension	A1-07.02.2015 A2-10.02.2015 A3-12.02.2015
11	Date of Release on bail	A1-20.05.2015 A2-16.06.2015 A3-10.06.2015
12	Date of Commitment	Committed by the learned Judicial Magistrate No.II, Udumalpet, vide order dated 01.07.2016 in PRC No.15/2015.
13	Date of Commencement of Trial	03.01.2017
14	Closure of Trial	25.02.2026
15	Sentence of Order	23.07.2026
16	Service of copy of judgment or finding on accused	Copy served to the accused Uploaded in the website.
17	Explanation of delay	--
18	Counsel for Prosecution	Thiru.P.Palanisamy, Additional Public Prosecutor.
19	Counsel for Accused	A1 - Thiru. C.Chidambarasamy A2 - Thiru.K. Ravi A3- Thiru.S.Sivakumar

JUDGMENT

The Inspector of Police, Kaniyur Police Station, Tiruppur has filed the **Final Report** as against the accused in Crime No.107/2015 of Kniyur Police Station, Tiruppur as follows,

2.1) The 1st accused, Sekar @ Chandrasekar, and the 3rd accused, Maheswari, were lovers. The 2nd accused, Karthik @ Anand Babu, is a close relative of the 1st accused, and he stands in the position of an elder brother to him. The 1st and 3rd accused were in a romantic relationship. When their relationship became known to the parents of the 3rd accused, they arranged her marriage in the year 2014 with Balaji @ Balasubramaniam(since deceased). Even after the marriage, the relationship between the 1st accused and the 3rd accused continued. In this situation, about two months prior to 04.02.2015, the 1st accused Sekar @ Chandrasekar and the 3rd accused Maheswari conspired together to murder Maheswari's husband. As part of this plan, the 3rd accused introduced the 1st accused to her husband Balaji @ Balasubramaniam as her uncle's son. Thereafter, the 1st accused developed acquaintance with Balaji, waiting for an opportunity to kill him.

2.2) Further, prior to Pongal, on 14.01.2015, at a garden belonging to the 1st accused in Nallampalli, the 1st accused Sekar @ Chandrasekar, the 2nd accused Karthik @ Anand Babu, and the 3rd accused Maheswari jointly conspired to murder Maheswari's husband. In continuation of the said conspiracy, on 01.02.2015, when the deceased Balaji requested money from the 1st accused to purchase a mobile phone, the 1st and 2nd accused decided to kill him. Accordingly, on 03.02.2015 at about 8:00 a.m., they contacted Balaji over the phone and asked him to come to Udumalai Bus Stand on the pretext of buying him a mobile phone.

2.3) Subsequently, in furtherance of the conspiracy and at the instigation of the 3rd accused, on 03.02.2015 at about 9:00 p.m., the 1st and 2nd accused took Balaji

on a motorcycle (bearing registration No. TN 41 P 6145), making him sit between them, to the Amaravathi main canal sluice (No. 55) under Kaniyur Police Station limits, near the right shutter. The 3rd accused had instructed them to bring Balaji secretly by making him wear a jerkin so that no one would recognize him, thereby facilitating the crime. In continuation of the occurrence, on 04.02.2015 at about 1:30 a.m., near the said location, the 1st and 2nd accused gave Balaji, poison (Kurunai poison and Sulphas tablets) mixed in a banana. When he vomited but did not die, the 1st accused took an aruval (sickle) concealed in the motorcycle and attacked Balaji repeatedly on the back of his head, shouting, “You are an obstacle to our love; die now.” Thereafter, the 2nd accused assaulted Balaji on the head with an iron rod. As Balaji still did not die, both the accused used a rope (Mookanangayiru) hidden in the motorcycle to strangle him. Due to asphyxia and head injuries, Balaji died on the spot. The 3rd accused Maheswari abetted and instigated the commission of the murder.

2.4) Further, in order to destroy evidence and avoid identification, on 04.02.2015 at about 1:30 a.m., the 1st and 2nd accused removed the jerkin and shirt worn by the deceased and burnt them. They disposed of the dead body by throwing it into the Amaravathi canal near the place of occurrence. They also erased bloodstains by covering them with mud, threw away remaining Sulphas tablets and poison into the canal, and removed the weapons used for the crime (aruval, iron rod, and rope) from the scene. Thus, in order to escape punishment, they destroyed evidence. Based on this, the Inspector of Police, Kaniyur Police Station, has filed a charge sheet in

Crime No. 107/2015 against Accused 1 and 2 committed for the offences under Sections 120(B), 364, 302, and 201 IPC, and Accused 3 committed for the offences under Sections 120(B), 364 r/w 109, and 302 r/w 109 IPC.

Committal Proceedings :-

3) The said case was taken on file on 11.12.2015 as P.R.C.No.15/2015 on the file of the Judicial Magistrate No.II, Udumalpet. On the appearance of the accused before the Judicial Magistrate, copies of the relevant documents under Section 207 of the Code of Criminal Procedure were furnished. After perusing the records, the learned Judicial Magistrate No.II, Udumalpet found that the above said offences under Sections of IPC is made out and is exclusively triable by the court of Sessions, had committed the case under Section 209(a) of Code of Criminal Procedure to the Principal Sessions Court, Tiruppur. The same was taken on file as S.C.No.126/2016 and made over to IIIrd Additional District Court, Dharapuram and thereafter as per O.M. of Principal District Court, Tiruppur, in D.No.4661/2022 dated 26.05.2022 this case was transferred from IIIrd Additional District Court, Dharapuram to this court and this was taken up this court on 07.07.2022 for disposal in accordance of law.

Trial Proceedings :-

4) **Charges Framed** :- On the appearance of the accused before IIIrd Additional District Court, Dharapuram, after hearing the submission of the accused and the arguments of both side counsels, that Court found that a prima facie case is made out to frame charges against the A1 and A2 for the offences under Sections 120(b), 364, 302, 201 of IPC and frame charges against the A3 for the offences under

Sections 120(b), 364 r/w. 109, 302 r/w. 109 of IPC. The said charges were read over and explained to the accused in Tamil and when the accused were questioned about the same, they denied the charges and pleaded not guilty and also, claimed to be trial.

5) On perusal of the available material records, in order to prove the guilt of the charges leveled against the accused, the prosecution has examined the PW1 to PW 29 and Ex.P1 to Ex.P42 and M.O.1, M.O.12 were marked, on the side of accused, no witnesses were examined and no documents were marked.

The Prosecution case : -

6) P.W.1 Chandrakala, in her testimony, has stated that she is currently working as a Village Administrative Officer in Peramium village, and that at the time of the incident in this case, she was working as the Village Administrative Officer of Selampalayam village. On 04.02.2016, at about 10:30 a.m., she, along with her assistant Devaraj, went for field inspection to Survey No. 420, situated near the 17th sluice (madagu) of the Amaravathi irrigation new ayacut, close to an 8-foot canal in Selampalayam village. At that time, on the southern side of the field belonging to one Velusamy, she noticed an unidentified male dead body floating in the water in the canal. As there was no one nearby, they called members of the public from a nearby garden. Among them, persons named Prabhu and Satheesh and about 10 other members of the public came. With their assistance, when they examined the body, they found a ligature mark on the neck indicating strangulation and cut injuries on the head. Upon checking, they found no signs of life in the body. The age of the deceased appeared to be between approximately 28 to 35 years. The deceased was wearing a

blue jeans pant, a light violet banian (undershirt), and brown shorts. The height was approximately 2 feet (as stated). He was of a reddish complexion. On both feet, there were six toes each, with the sixth toe attached next to the little toe. From the appearance, she suspected that the person had been murdered. Therefore, at about 2:00 p.m., she personally went to Alangiyam Police Station and gave a written complaint. Subsequently, at about 3:00 p.m., the Inspector and four to five police personnel came to the said 17th sluice and conducted an inquiry with her.

7) P.W.2 Prabhu, in his testimony, has stated that he is residing in Kallivalasu and is running a poultry farm. On 04.02.2016, at about 11:00 a.m., while he was at his house, he received information that a male dead body was floating in the new ayacut canal near the 17th sluice. At that time, his friend had come to his house, and both of them went to the said 17th sluice at about 1:00 p.m. When they reached there, the Village Administrative Officer of Selampalayam and her assistant were present. About 40 feet east from the said 17th sluice, a male dead body was seen floating. On the request of the Village Administrative Officer, he, along with Satheesh and about 10 other persons who had gathered there, took the dead body out of the canal and brought it to the bank. The deceased was wearing a light violet banian, blue jeans, and brown shorts. There were about five cut injuries on his head, and there was a ligature mark on the neck indicating strangulation. He was of reddish complexion, and on both legs, there were six toes each. Thereafter, the Village Administrative Officer went to the police station to give a complaint. At about 3:00 p.m., the Inspector requested him and Satheesh to act as witnesses, and they agreed. The police

prepared a rough sketch of the place and wrote the observation mahazar. In that observation mahazar, the Inspector obtained signatures from him and Satheesh. He further stated that the Inspector examined him.

8) P.W.3 Senthilkumar, in his testimony, has stated that he is residing in Thalavaypattinam and is working as a field worker in the Public Works Department. His area of work extends from canal mile 33/1 002 up to Selampalayam, covering a distance of about 3 miles towards the east. The 17th sluice (madagu) irrigation division in the Amaravathi canal falls within his jurisdiction. He further stated that on 02.02.2015, water was released from the dam into the said new ayacut canal, and he was in charge of water distribution work. On 04.02.2016, at about 10:30 a.m., while he was on duty at the 28th mile near Natukalpalyam, some farmers informed him that a dead body was lying in the canal. Based on this information, he went to the place where the body was found, which was below the 17th sluice, at about 1:00 p.m. When he saw, the male dead body had already been taken out of the canal and placed on the bank below the 17th sluice. The deceased was wearing blue jeans, a violet banian, and brown shorts. There were cut injuries on the head, a ligature mark on the neck indicating strangulation, and six toes on each foot. He further stated that the Village Administrative Officer had gone to Alangiyam Police Station to lodge a complaint, and the police came at about 3:00 p.m. and examined him at about 4:00 p.m.

9.a) P.W.4 Panchalingam, in his testimony, has stated that he is residing in Kurichikottai and is engaged in agriculture. The deceased, Balaji (alias

Balasubramaniam), was his son, aged about 33 years. His son was working as a meat cutter in a company named Suguna located at Vayalur. On 03.02.2015, at about 7:30 a.m., his son left for work. He was expected to return by 6:00 p.m., but did not return even by 10:00 p.m. They made inquiries in the neighborhood, but no one had seen him. The next day, they informed relatives and searched in several places, but he was not found anywhere, nor had he gone to any relative's house. He further stated that one Kandharamani, who is from their village and works as a supervisor in the company where his son was employed, was approached for inquiry. Kandharamani informed them that on 03.02.2015, his son had not come to work at the company from the morning itself.

9.b) Further, P.W.4, in his testimony, has stated that on the morning of 05.02.2015, he saw a news report in the *Daily Thanthi* newspaper stating that a young man had been hacked to death with an aruval (sickle). Upon seeing this, he, along with his daughter-in-law and his wife Susila, went to the Dharapuram Government Hospital, where they confirmed that the deceased was his son. When they saw the body, there were five cut injuries on the back of the head, a ligature mark on the neck indicating strangulation, small injuries on both hands, and a bleeding injury on the middle part of the body. He further stated that his son had six toes on each foot from birth.

9.c) Thereafter, at about 6:00 a.m., they went to the Alangiyam Police Station, where they came to know that the Village Administrative Officer of Selampalayam had already lodged a complaint. He also stated that he requested the

police to identify and punish the persons responsible for the said crime. Later, when he returned to the hospital, the Inspector conducted the inquest in his presence. He identified the body as that of his son. He further stated that the Inspector examined him.

9.d) Further, P.W.4, in his testimony, has stated that on 07.02.2015, the Inspector of Alangiyam Police Station called him to come to the police station. Accordingly, he, along with his wife and his brother-in-law Muruganandam, went to the police station. At that time, one Sekar (alias Chandrasekar) was present in the police station. The Inspector informed him that the accused persons had been identified. He further stated that on the next day, i.e., 08.02.2015, while he was in his garden, at about 12:00 noon, the Inspector came there and examined him again. During that inquiry, he stated the following: About two months prior to Pongal in the year 2015, when Chandrasekar had come to their garden, his daughter-in-law Maheshwari introduced him as her uncle's son. On another occasion when Chandrasekar visited, they did not question her and remained silent assuming he was her uncle's son. He also stated that on one occasion, when Maheshwari returned after going to the town, she brought a white-colored mobile phone. When questioned about it, she stated that it was purchased and given to her by her uncle's son Sekar (alias Chandrasekar). He further stated that Maheshwari used to frequently speak over that mobile phone.

9.e) On another occasion, when he saw Maheshwari talking on the mobile phone for a long time and asked her whom she was speaking to, she replied that she

was speaking to her uncle's son. When he took the phone and checked, he saw a number starting with 98 and ending with 4853. When he questioned her about that number, she stated that it belonged to her uncle's son Sekar (alias Chandrasekar). He further stated that only after this issue arose did he come to know that the said Sekar (alias Chandrasekar) was not actually Maheshwari's uncle's son, and he informed the Inspector about this fact. He stated that the Inspector examined him accordingly.

10) P.W.5 Andamuthu, in his testimony, has stated that he is residing in Kurichikottai and is engaged in laying flooring tiles in houses. On 03.02.2015, at about 8:30 a.m., as he had work at Ramasamy Nagar in Udumalpet, he went to the Udumalpet bus stand to take workers along with him. While he was waiting near the State Bank ATM on Palani Road, he saw his sister's son Balaji and the 1st accused in this case, Sekar (alias Chandrasekar), riding a two-wheeler from west to east. He further stated that the vehicle was a CD 100 Bajaj motorcycle of cement color. Thinking that they were going somewhere, he did not speak to them. He also stated that on 05.02.2016, at about 7:30 a.m., while he was having tea at Thoppikaarar tea shop in Kurichikottai, two persons were reading a newspaper there. After reading, they informed him that it was reported in the newspaper that his sister's son Balaji had been murdered. Thereafter, along with the villagers and his uncle Panchalingam, he went to Dharapuram Government Hospital, received the body of the deceased Balaji, and completed the funeral rites. He further stated that on 06.02.2015, he remained in the garden attending to the people who came to express condolences regarding the death. On 07.02.2015, at about 4:00 to 5:00 p.m., while he was at his

uncle Panchalingam's garden, he received information that the police had apprehended the accused. Subsequently, many people together went to the Alangiyam Police Station. The police called them and showed two of the three accused persons standing there. The third accused, Maheshwari (who is the daughter-in-law of his uncle Panchalingam), was not present at the police station at that time. Thereafter, the police sent them away. He further stated that on 08.02.2015, in the evening, when he again went to the Alangiyam Police Station, the police examined him. He narrated the events that had taken place, and the police recorded his statement on a laptop.

11) P.W.6 Gunasekaran, in his testimony, has stated that he is residing in the Public Works Department staff quarters at Madathukulam and is working as an Irrigation Assistant in the Public Works Department. On 07.02.2015, at about 10:00 a.m., the Inspector of Alangiyam Police Station called him and asked him, along with one Ibrahim, to come near the 55th sluice (madagu) at canal mile 25/1 on the Thungavi side. Accordingly, he and Ibrahim went to the said place at about 10:45 a.m. He further stated that at about 11:00 a.m., the Inspector and some police personnel came there, and the police brought the 1st accused (who was standing first in the dock before the Court). At that time, the Inspector told him that the 1st accused had murdered a person and thrown the body into the water. Thereafter, they went from that place into the garden of one Venkatasala Gounder. At a particular spot there, all of them saw bloodstains. The accused then explained to the police that the deceased was brought to that place and murdered there. After that, he was sent away.

On the next day morning, he was called to the Alangiyam Police Station and was examined by the police.

12) P.W.7 Maheshwaran, in his testimony, has stated that he is residing in Thungavi and is running a grocery shop. On 03.02.2015, at about 9:45 p.m., while he was attending to his business in his shop, the accused Chandrasekar and Karthi came there and purchased bananas, groundnut candy, spicy mixture (karasev), and a nose-rope (rope). He further stated that on 05.02.2015, he saw in the newspaper a report that a person had been assaulted and died in a canal. Thereafter, on 07.02.2016, at about 2:00 p.m., while he was in his shop, the Inspector came along with a police constable and Chandrasekar (who had purchased items from his shop on 03.02.2015). The Inspector pointed to Chandrasekar and asked him whether he had purchased a rope from his shop, to which he replied that he had. They then left the place. He further stated that on 08.02.2015, the Inspector called him to come to the Alangiyam Police Station. Accordingly, he went to the police station at about 10:00 a.m., where the Inspector examined him.

13) P.W.8 Venkatachalam, in his testimony, has stated that he is residing in Thungavi village and is engaged in agriculture. On 07.02.2015, at about 10:00 a.m., while he was in his garden, the police called him over the phone and asked him to come near the 55th sluice. Accordingly, he went there at about 10:00 a.m. He further stated that Lascar Gunasekaran and one Ibrahim also came there. At about 10:45 to 11:00 a.m., the Inspector, along with two police personnel and Chandrasekar, arrived at the spot. The police asked Chandrasekar to show the place where the murder had

taken place. Chandrasekar identified the place, which was within the boundary of his (Venkatachalam's) garden. They then took them towards the canal, where also Chandrasekar pointed out a place with bloodstains. Thereafter, the Inspector asked him to come to the Alangiyam Police Station the next day. Accordingly, he went to the police station at about 10:00 a.m. the next day, where the Inspector examined him.

14.a) P.W.9 Senthilnathan, in his testimony, has stated that he is residing in the O.M.C. Line area in Udumalpet and is working as a photographer. About 8 years ago, the marriage of one Balaji (alias Balasubramaniam) took place at the Prasanna Vinayagar Temple in Udumalpet, and he had videographed the marriage. Thereafter, the wedding reception was held at the Nadar Marriage Hall in Udumalpet. Following this, Balaji (alias Balasubramaniam) became somewhat acquainted with him as a friend. He further stated that on 03.02.2015, between about 9:00 p.m. and 10:00 p.m., while he was traveling from Udumalpet to Dharapuram on his TVS Sport motorcycle for his personal work, he stopped at a place called Thungavi to urinate. After finishing, when he looked, he saw Balaji (alias Balasubramaniam) along with the 1st accused Sekar (alias Chandrasekar), who was riding a Bajaj CT 100 motorcycle, and Balaji was seated behind him. He also stated that the 2nd accused Karthi, who was present before the Court, was also seated on the same bike behind them, and thus all three were traveling together on a single motorcycle ahead of him. He considered calling out to them, but they appeared to be going to consume alcohol. He further stated that earlier he had seen all three of them consuming alcohol at the TASMACH

bar in Udumalpet, and therefore he assumed that they were going to drink on that day as well, and he continued with his work without approaching them.

14.b) Further, P.W.9, in his evidence, has deposed that on the next morning, i.e., on 05.02.2015, he read a news report in the *Daily Thanthi* newspaper stating that one Balaji @ Balasubramaniam had been murdered. He further deposed that on 07.02.2015, he voluntarily appeared before the Inspector of Police, Alangiyam Police Station, and informed him of the incident witnessed by him. He stated that he came to know that Accused No.1, Sekar @ Chandrasekar, and Accused No.2, Karthi, had jointly murdered Balaji @ Balasubramaniam, and that he informed the Investigating Officer that he had seen all the three persons together. He further deposed that, during the course of the investigation, it came to light that Accused No.3, Maheswari, who is the wife of the deceased Balaji @ Balasubramaniam and was present before the Court, had been in a love relationship with Accused No.1, Sekar @ Chandrasekar, even prior to her marriage with Balaji @ Balasubramaniam. He also stated that, even after the marriage of Balaji @ Balasubramaniam and Accused No.3, Maheswari, Accused No.1, Sekar @ Chandrasekar, and Accused No.3, Maheswari, continued their love affair. He further deposed that Balaji @ Balasubramaniam was an innocent person who was unaware of these developments, that he was deceived and murdered, and that he was examined by the police in connection with the investigation.

15a.) P.W.10 Karthikeyan, in his testimony, has stated that he is residing in Pushpathur in Palani Taluk and is presently working as a document writer in Keeranur. He further stated that earlier, while he was working as a Village

Administrative Officer in Maivadi village under Madathukulam Taluk, he was also holding additional charge as the Village Administrative Officer of Thungavi village. During that time, on 07.02.2015, the Inspector of Dharapuram Circle Police called him over the phone and asked him, along with Thandal (village assistant) Subramanian, to come near the 55th sluice of the Amaravathi main canal. Accordingly, on the same day, at about 10:30 a.m., when he and Subramanian went to the said place near the 55th sluice of the Amaravathi main canal, the Inspector informed them that a murder had taken place at that spot and that they should act as witnesses. He also stated that at that place, the accused persons Sekar (alias Chandrasekar), Karthik (alias Anand Babu), and Maheshwari were present.

15.b) Further, P.W.10, in his testimony, has stated that the Inspector, after examining the accused persons Sekar (alias Chandrasekar), Karthik (alias Anand Babu), and Maheshwari prepared an observation mahazar. He stated that both he and the village assistant (Thandal) Subramanian signed the said observation mahazar, and that the signature found as the first witness in the mahazar is his own signature. He further deposed that he identified in Court the 3rd accused Maheshwari as the same Maheshwari involved in the offence; he also identified the 2nd accused Karthik (alias Anand Babu) as the person involved in the crime; and likewise, he identified the 1st accused Sekar (alias Chandrasekar) as the person involved in the offence. He finally stated that thereafter, the Inspector took the three accused persons along with him.

16.a) P.W.11 Veerakumar, in his testimony, has stated that he is presently residing in Kurichikottai and is working as a fitter. On 07.02.2015, at about 7:00 a.m.,

he went towards the east of Kaniyur to inquire about JCB work. Near Thungavi four-road junction, the police were conducting vehicle checking. At that time, he and one Udhayakumar were travelling on a two-wheeler, and the police stopped them. He further stated that the police also attempted to stop another two-wheeler that was coming behind them, but it did not stop, went a little distance ahead, and then lost balance and fell down. The vehicle was a CD 100 motorcycle bearing registration No. TN 41 B 6145. He stated that he could identify the vehicle if shown and that he could identify the said vehicle involved in this case. He further stated that when the 1st accused was arrested at Thungavi four-road junction, both he and Udhayakumar were present as witnesses. While they were on their way to Kaniyur on their two-wheeler, the police intercepted them and asked for their driving license. While they were speaking with the police, the vehicle bearing No. TN 41 B 6145 did not stop and went a short distance ahead, where it stopped. Two persons were on the vehicle; they abandoned the vehicle and attempted to run away. There were four police personnel present, who chased and apprehended them. He stated that on that day, the police apprehended Accused Nos. 1 and 2. The police obtained a confession statement from the 1st accused, in which he admitted that he, along with Maheshwari, had murdered one Balaji. The police recorded this confession, and the second signature found in the confession statement is his signature. He further stated that from Thungavi four-road junction, they were taken slightly towards the east to the place where the first sluice opens, where the accused showed the place of occurrence. The police recovered bloodstained earth and sample earth from that place. Thereafter, from a bathroom in

front of a north-facing house, the accused produced and handed over a nose-rope and an aruval (sickle).

16.b) Further, P.W.11, in his testimony, has stated that thereafter they went to Nallampalli, and from near the house of Chandrasekar, the accused produced a bag, a tiffin box, and two shirts, which were seized under a mahazar, and he signed the same. He further stated that they then went to Dharapuram, where his statement was recorded on a laptop, and after taking a printout, he signed it. He identified the vehicle shown to him in the color photograph as the same vehicle, and also stated that the vehicle parked in the court (premises) is the same one. He further deposed that the second signature found in the seizure mahazar shown to him is his signature, and likewise, the second witness signature in another seizure mahazar is also his. He stated that a black-colored bag (Liberty brand), a tiffin box with lid, a full-sleeve blue shirt, and a half-sleeve shirt were seized in his presence. He further stated that in another seizure mahazar shown to him, the second witness signature is his, and under that mahazar, an aruval (sickle) with a wooden handle and a white rope with knots tied at both ends were seized. He also stated that in yet another seizure mahazar, the second witness signature is his, and under that mahazar, a small quantity of bloodstained earth and a small quantity of non-bloodstained earth were seized. He finally stated that the 1st accused had told him that if taken along, he would produce the aruval, nose-rope, tiffin box, bag, and the bloodstained shirt of the deceased, and accordingly, those items were produced and seized.

17) P.W.12 Ramasamy, in his testimony, has stated that he was working as a Village Assistant in Alangiyam village, Tiruppur District, and has now retired. In the year 2015, while he was serving as a Village Assistant, he and the Village Administrative Officer Vanitha were present in their office on the said day. On 10.02.2015, at about 10:00 a.m., the Inspector of Dharapuram came in person and informed them that some suspicious persons were near the river bridge and that a murder had taken place. He then took them to the river bridge area. There was some water flowing in the river, and the time was around 12:00 to 1:00 p.m. He further stated that the Inspector examined Karthik (alias Anand Babu), whom he identified in Court as the 2nd accused. He stated that Karthik (alias Anand Babu) took them to the place of occurrence and pointed it out. According to the statement given during the inquiry, near the canal on a mud road, the accused had mixed poison in liquor with bananas and made Balasubramaniam consume it, and then assaulted him on the head with an iron rod. Thereafter, Anand Babu and Chandrasekar attacked him with an aruval (sickle). They then threw the dead body into the canal. He further stated that they went to a place called Paraiyur to the east, where the accused produced a bloodstained shirt of Balasubramaniam and an iron rod from behind a house. The police examined him in connection with this and obtained his signature. He stated that the second signature in the confession statement shown to him is his signature. He also stated that he could identify the shirt and the iron rod if shown. He further stated that the second signature in the seizure mahazar shown to him is his signature, and that the shirt and the iron rod shown to him are the same items. He finally stated

that in the confession statement, it is recorded that the accused produced the bloodstained shirt and the iron rod from the place where they had been kept.

18.a) P.W.13 Vanitha, in her testimony, has stated that she is presently working as a Village Administrative Officer at Madakasampatti village in Mohanur Taluk, Namakkal District. She further stated that in the year 2015, she was working as the Village Administrative Officer of Alangiyam village in Dharapuram Taluk, Tiruppur District. On 10.02.2015, at about 10:00 a.m., while she and her Village Assistant Ramasamy were on duty in their office, the Inspector of Dharapuram Circle Police came there and informed them that he had received information that a person involved in a murder case (Alangiyam Crime No. 64/2015) would be coming near the Alangiyam river bridge. Accordingly, the Inspector took her and her assistant to the river bridge area. After some time, a person came there in a suspicious manner. When he was questioned, he disclosed his name as Karthik (alias Anand Babu). He further stated that along with Sekar (alias Chandrasekar), the son of his aunt Muthulakshmi, and Maheshwari, the wife of Balaji (alias Balasubramaniam), they had already planned the murder. According to his voluntary confession, on 03.02.2015, they took Balaji (alias Balasubramaniam) from Kurichikottai to the Amaravathi canal near the 55th sluice at Thungavi, near Paraiyur. There, they made him consume liquor mixed with poison, including pesticide (Kurunai medicine) and Sulphas tablets mixed in bananas. When Balaji started vomiting, Sekar (alias Chandrasekar – the 1st accused) took an aruval (sickle) from his bike and hacked Balaji on the back of his head. He was also beaten with an iron rod that had been hidden in the bike. Thereafter, they

took a nose-rope used for tying calves, which was kept in the tank cover of the vehicle, and strangled Balaji from both sides. When he became unconscious and stopped breathing, they threw his body into the nearby Amaravathi canal. They then covered the bloodstains on the ground with soil and disposed of the Sulphas tablets and pesticide in the river. She stated that the said person gave this confession voluntarily.

18.b) Further, P.W.13, in her testimony, has stated that the above confession statement was given by Karthik (alias Anand Babu) in her presence as well as in the presence of the Inspector. She stated that both she and the Village Assistant Ramasamy signed the said confession statement, and that the first signature found in the confession statement is her own. She further stated that thereafter, Karthik (alias Anand Babu) took her, the Village Assistant, the Inspector, and two police personnel to his house. There, he produced before them the iron rod used for committing the murder and the bloodstained half-sleeve shirt worn by him. She stated that the iron rod now shown to her in Court is the same one that was produced by the 1st accused before the police at that time. She also stated that when the said iron rod and half-sleeve shirt were seized, the police obtained her signature and that of Ramasamy, and that the first signature found in the said seizure mahazar is her signature. She finally stated that the police examined her in connection with this case.

19.a) P.W.14 R.Muruganandam, in his testimony, has stated that he is presently residing at Kurichikottai in Udumalpet and is working as a motor fitter. He stated that he knows Accused Nos. 1 to 3. He further stated that Balaji and Maheshwari were

residing as husband and wife in a farmhouse at Kurichikottai. On 03.02.2015, Balaji went to work as a meat cutter at a Suguna chicken shop. However, he did not return home that evening. On the next day, Balaji's parents, his wife, and the villagers made inquiries as he was missing. On 05.02.2015, a news report appeared in the *Daily Thanthi* newspaper stating that Balaji had been hacked to death by unknown persons. He further stated that after two days, people were talking that Balaji's wife Maheshwari, along with Chandrasekar and Karthi, had taken Balaji to Paraiyur near Thungavi, made him consume alcohol on the canal bund, and murdered him.

19.b) Further, P.W.14, in his testimony, has stated that on 12.02.2015, while he and Subramani were on the Kurichikottai road, the Dharapuram Inspector, along with a woman Sub-Inspector and two women police constables, came there and inquired about the location of Maheshwari's house. He stated that he took the police to Maheshwari's house. The police then inquired with Balaji's parents, who informed them that Maheshwari had gone to Nallampalli near Pollachi. Thereafter, the police took him and Subramani to Nallampalli. At Nallampalli, the police took them to the house of Maheshwari's father, Karuppasamy. He further stated that the woman Sub-Inspector examined Maheshwari, and during the inquiry, Maheshwari stated that even before her marriage with Balaji, she had been in a relationship with Chandrasekar, and that she was unhappy living with Balaji. She further confessed that she, along with Chandrasekar and Karthi, had taken Balaji to the canal bund near Paraiyur in Thungavi and, as per their prior plan, all three of them jointly murdered Balaji and threw his body into the canal. He stated that this confession was recorded by the Sub-

Inspector using a laptop, and after taking a printout, signatures were obtained from him, Maheshwari, and Subramani. He further stated that the white-colored mobile phone used by Maheshwari was seized by the Inspector in his presence and in the presence of Subramani, after preparing a seizure mahazar, and their signatures were obtained in the mahazar. He stated that the first signature in the seizure mahazar shown to him is his signature. He also stated that the police took him, Subramani, and Maheshwari to the Alangiyam Police Station, where he was examined, and he narrated the events that had taken place.

20) Further, P.W.15 Dr. Yogalakshmi, in her testimony, has stated that she is currently working at Star Hospital in Hyderabad. She further stated that in the year 2015, while she was working as an Assistant Doctor at the Dharapuram Government Hospital, she conducted the post-mortem examination on the body of Balaji (alias Balasubramaniam) on 05.02.2015 at about 3:10 p.m., based on a requisition received from the Dharapuram Police Station. During the post-mortem examination, she found cut injuries on the occipital region (back of the head), mid-scalp, and on the left and right sides of the head. She also noted ligature marks on both the left and right sides of the neck, indicating strangulation. She further observed fractures in the skull bones, extensive damage to the skull, and internal hemorrhage in the brain. She issued the post-mortem certificate accordingly. She stated that the cause of death was due to asphyxia (suffocation) and hemorrhage in the vital organ, namely the brain. She also issued the final opinion to that effect. She finally stated that the police examined her and recorded her statement in connection with this case.

21.a) P.W.16 Muruganandam, in his testimony, has stated that he is residing in Kurichikottai and is engaged in agriculture. On 03.02.2015, in the morning, Balaji (alias Balasubramaniam) went to work at the Suguna poultry farm in Vayalur. However, on that day, Balaji did not return home in the night. On the following day, even after searching in nearby places, they were unable to find him. He further stated that on 05.02.2015, a news report appeared in the *Daily Thanthi* newspaper stating that a young man had been murdered. On seeing that news, he felt that the deceased person resembled Balaji (alias Balasubramaniam). He also stated that the body of Balaji (alias Balasubramaniam) had been brought to the Dharapuram Government Hospital by the police. Thereafter, he, along with Balaji's parents and other nearby persons, went to the Dharapuram Government Hospital and identified the deceased as Balaji (alias Balasubramaniam).

21.b) Further, P.W.16, in his testimony, has stated that there were cut injuries on the body of Balaji (alias Balasubramaniam) and also injuries indicating that his neck had been tightened with a rope. The post-mortem examination of Balaji's body was conducted on 05.02.2015 at the Dharapuram Government Hospital. He further stated that on 07.02.2015, the Inspector of Dharapuram Police Station informed them that one of the accused had been apprehended and asked Balaji's father to come to the police station. Accordingly, they went to the Alangiyam Police Station, which was under the control of the Dharapuram Inspector at that time. When they reached the Alangiyam Police Station, the police had apprehended the accused Sekar (alias Chandrasekar) and showed him to them. The police informed them that all three

accused had committed the murder of Balaji (alias Balasubramaniam). He further stated that the police told them that since Maheshwari (the accused) could not live with Sekar (alias Chandrasekar) as long as Balaji was alive, all three accused had jointly murdered Balaji (alias Balasubramaniam).

21.c) Further, P.W.16, in his testimony, has stated that on 03.02.2015, Balaji (alias Balasubramaniam), who had gone to work, was taken by the accused Sekar (alias Chandrasekar) to the house of the accused Karthik at Paraiyur. He stated that Sekar (alias Chandrasekar) and Karthik are brothers. He further stated that the accused Sekar (alias Chandrasekar) and Karthik made Balaji consume alcohol and gave him bananas mixed with pesticide (Kurunai medicine) and Sulphas tablets. Balaji (alias Balasubramaniam) started vomiting. Thereafter, Sekar (alias Chandrasekar) took a hidden aruval (sickle), went behind Balaji, and inflicted a deep cut injury on his head. Karthik then struck Balaji on the head with an iron rod that had been concealed in the vehicle. Since Balaji did not die immediately, both Sekar (alias Chandrasekar) and Karthik took a nose-rope and strangled him by tightening it around his neck. After that, they threw Balaji into the canal water. He stated that these details were informed to them by the police. He further stated that Maheshwari, the accused, is the wife of the deceased Balaji (alias Balasubramaniam), and that even before the marriage, she had a relationship with Sekar (alias Chandrasekar). Even after her marriage with Balaji, Sekar used to frequently visit their house. Maheshwari used to introduce Sekar as her uncle's son. He also stated that the deceased Balaji, Maheshwari, and himself belong to the Padayachi Gounder community, whereas the

accused Sekar (alias Chandrasekar) belongs to the Kongu Vellalar community, which came to be known later. He finally stated that the police examined him and recorded his statement in connection with this case.

22.a) P.W.17 Subramani, in his testimony, has stated that he is presently residing in Pallapalayam. He stated that he knew the deceased Balaji (alias Balasubramaniam), and that he was also acquainted with the 3rd accused Maheshwari even prior to the murder of Balaji. After the news appeared in the newspaper, he came to know the accused Sekar (alias Chandrasekar) and Karthik. He further stated that on 03.02.2015, at about 7:30 to 8:00 a.m., Balaji (alias Balasubramaniam) went to work at the Suguna poultry farm in Vayalur. However, he did not return home that night, and the villagers stated that they had searched for him. On 05.02.2015, a news report appeared in the *Daily Thanthi* newspaper, along with a photograph, stating that a person's body with cut injuries was found lying in canal water. He came to know of this news while reading the newspaper at a tea shop in Kurichikottai. On seeing the photograph, he realized that the person shown in the newspaper was Balaji (alias Balasubramaniam). He further stated that he came to know that the body of the deceased Balaji had been taken to Dharapuram Government Hospital for post-mortem examination. He saw the body only after the post-mortem was completed and it was brought back to Kurichikottai. He also stated that he heard that the 3rd accused Maheshwari, who is the wife of Balaji, had got Balaji murdered with the help of the accused Sekar (alias Chandrasekar) and Karthik.

22.b) Further, P.W.17, in his testimony, has stated that on 12.02.2015, at about 7:00 a.m., while he and Muruganandam (who works along with him) were having tea at a tea shop in Kurichikottai, the Inspector of Alangiyam Police Station along with other police personnel came there. They took him and Muruganandam to Nallampalli, to the house of the father of the accused Maheshwari. Maheshwari was present there, and among the police personnel, there were also women police officers. He further stated that in the presence of the woman police officers, the Inspector examined Maheshwari while he and Muruganandam were present. At that time, Maheshwari gave a confession statement to the police in their presence.

22.c) Further, P.W.17, in his testimony, has stated that in the said confession statement, the accused Maheshwari admitted that she had murdered Balaji (alias Balasubramaniam) with the help of the accused Sekar (alias Chandrasekar) and Karthik. She also stated in the confession that she had an illicit relationship with Sekar (alias Chandrasekar), and that as long as her husband Balaji (alias Balasubramaniam) was alive, he would be an obstacle to their relationship. Therefore, she had Balaji murdered through Accused Nos. 1 and 2. He further stated that both he and the witness Muruganandam signed the said confession statement, and that the second witness signature in that document is his signature. Based on the said confession, the police seized a white-colored mobile phone under a seizure mahazar at that place. He and Muruganandam signed that mahazar as witnesses, and the second signature in that mahazar is his. He also stated that the police took

Maheshwari along with them in a police vehicle to the Alangiyam Police Station, and that the police examined him and recorded his statement.

23.a) P.W.18 Jeevamani, in her testimony, has stated that she is currently working as a Head Constable at the Dharapuram All Women Police Station. On 12.02.2015, at about 6:00 a.m., while she was on station duty at the Dharapuram All Women Police Station, the Inspector of Dharapuram Circle Police called her in connection with Alangiyam Police Station Crime No. 64/2015, to trace and secure the accused Maheshwari, wife of Balaji. Accordingly, along with the All Women Police Station Sub-Inspector Mrs. Sivasankari and Woman Police Constable No.1795 Gayathri, she proceeded with the Inspector to search for the accused Maheshwari. They also took along the witnesses Muruganandam and Subramani. They went to Nallampalli in Pollachi Taluk, where the witnesses identified the house of the accused Maheshwari. Thereafter, in the presence of the witnesses, the police apprehended Maheshwari.

23.b) Further, P.W.18, in her testimony, has stated that thereafter, in the presence of witnesses, the accused Maheshwari voluntarily gave a confession statement admitting that she, along with Sekar (alias Chandrasekar) and Karthik (alias Anand Babu), had conspired and murdered her husband Balaji (alias Balasubramaniam). She further stated that the Inspector recorded this confession at Maheshwari's house in the presence of the police and the witnesses. Following this, the Inspector seized a Nokia mobile phone from Maheshwari's house and prepared a seizure mahazar. Thereafter, as per the instructions of the Inspector, they took

Maheshwari in a police vehicle to the Alangiyam Police Station in connection with this case. Subsequently, on the direction of the Inspector, Maheshwari was produced before the Court under proper escort. She finally stated that the Inspector examined her in connection with this case.

24) P.W.19 Peranandam, in his testimony, has stated that he is currently working as an Associate Professor in the Department of Forensic Medicine at the Government Medical College Hospital, Thoothukudi. He further stated that while he was working as a Senior Assistant Professor in the Department of Forensic Medicine at the Coimbatore Government Medical College Hospital, on 13.02.2015, in connection with Alangiyam Police Station Crime No. 64/2015, the hyoid bone (laryngeal bone) taken from the body of the deceased Balaji (alias Balasubramaniam) was received from Dharapuram Government Hospital for expert opinion. Upon examination of the hyoid bone, he found that there were no fractures or injuries on it, and he issued a report to that effect. He further stated that the skin tissue from the neck region taken from the body was subjected to histopathological examination, and the report revealed the presence of hemorrhagic infiltration (blood congestion) in the inner layers of the skin. He stated that he issued the hyoid bone certificate accordingly. He also stated that the Inspector of Madathukulam Circle Police examined him and recorded his statement in connection with this case.

25.a) P.W.20 Sivasankari, in her testimony, has stated that she is currently working as an Inspector of Police at Kethi Police Station in Nilgiris District. She further stated that on 12.02.2015, while she was working as a Sub-Inspector at the

Dharapuram All Women Police Station, as per the instructions of higher officials, she was called by the Dharapuram Circle Inspector in connection with Alangiyam Police Station Crime No. 64/2015 under Section 302 IPC, to trace and secure the accused Maheshwari, wife of Balaji. Accordingly, along with Woman Police Constables Jeevamani and Gayathri, she proceeded with the Inspector to search for the accused Maheshwari. They first went to the house of the deceased Balaji (alias Balasubramaniam) at Kurichikottai at about 7:00 to 7:30 a.m. on that day, but Maheshwari was not present there. Thereafter, they took along the witnesses Muruganandam and Subramani and proceeded to the house of Maheshwari's parents at Nallampalli village in Pollachi Taluk, reaching there at about 9:00 a.m.

25.b) Further, P.W.20, in her testimony, has stated that they went to the house of the accused Maheshwari at Nallampalli village, where the Inspector arrested her in the presence of witnesses and in their presence. She further stated that the Inspector recorded the confession statement given by the accused Maheshwari in the presence of the witnesses and themselves between 9:30 a.m. and 11:30 a.m. She also stated that Maheshwari produced a Nokia mobile phone, stating that it had been purchased for her by the 1st accused Sekar (alias Chandrasekar) and that she had been using it. The Inspector seized the said mobile phone under a mahazar in the presence of the witnesses and themselves. Thereafter, they took Maheshwari to the Alangiyam Police Station. As per the directions of the Inspector, Maheshwari was produced before the Judicial Magistrate Court at Dharapuram under proper escort. She finally stated that the Inspector examined her and recorded her statement in connection with this case.

26.a) P.W.21 Udhayakumar, in his testimony, has stated that he is currently residing at Kurichikottai in Udumalpet Taluk and is working as a JCB operator. He further stated that he knows the accused persons. On 07.02.2015, at about 6:30 a.m., while he and P.W.11 Veerakumar were proceeding from Kurichikottai to Dharapuram on a two-wheeler for work, the police were conducting vehicle checks at Thungavi. Ahead of them, a Bajaj CD100 motorcycle bearing Registration No. TN 41 P 6145 was moving, and a person named Sekar was riding it. On seeing the police, Sekar attempted to turn the vehicle, during which it fell down. He abandoned the fallen motorcycle at the spot and attempted to flee, but the police apprehended the 1st accused there itself. He further stated that the police examined the 1st accused at that place in his presence and in the presence of P.W.11 Veerakumar.

26.b) Further, P.W.21, in his testimony, has stated that during the interrogation of the 1st accused, he stated that he, along with the 2nd accused Karthik and the 3rd accused Maheshwari, had murdered Balaji (alias Balasubramaniam). He further stated that the 1st accused had come in the vehicle shown in the color photograph produced before him. The police recorded the confession statement given by the 1st accused on a computer, and a printout was taken at a computer center in Thungavi. The 1st accused signed the printout, and both he and P.W.11 Veerakumar signed it as witnesses. He identified that the first signature in the said confession statement is his. He also stated that the police seized the Bajaj CD100 motorcycle bearing Registration No. TN 41 P 6145 under a seizure mahazar in his presence and in the presence of

P.W.11 Veerakumar. Both of them signed the seizure mahazar as witnesses, and he identified that the first signature in the said mahazar is his.

26.c) Further, P.W.21, in his testimony, has stated that thereafter, the 1st accused took the police to the place of occurrence. He and P.W.11 Veerakumar also accompanied them at the request of the police. The 1st accused led them to the canal embankment and from there towards the east-west side, to a coconut grove adjoining a small branch canal, and near a young coconut tree. At that place, the 1st accused stated that the accused persons had murdered Balaji (alias Balasubramaniam). He further stated that from that spot, the police seized bloodstained soil and unstained soil under a seizure mahazar. He and P.W.11 Veerakumar signed the said mahazar as witnesses, and he identified that the first signature in that mahazar is his.

26.d) Further, P.W.21, in his testimony, has stated that based on the statement of the 1st accused, the police took them along with the 1st accused to the house of the 2nd accused, Karthik, at Paraiyur. The 1st accused identified a billhook (aruval) with a wooden handle and a long white rope, which had been used to commit the murder of Balaji, as being kept in the bathroom of the 2nd accused's house. The police seized these items under a seizure mahazar in their presence. He and P.W.11 Veerakumar signed the mahazar as witnesses, and he identified that the first signature in that mahazar is his. He further stated that thereafter, based on the information given by the 1st accused, the police took the 1st accused, himself, and P.W.11 to the house of the 1st accused at Nallampalli. From the bushes in front of the house, the police seized a black-colored bag, a tiffin box, a blue full-sleeve shirt, and a half-sleeve shirt in his

presence and in the presence of P.W.11 Veerakumar. Both of them signed the seizure mahazar as witnesses, and he identified that the first signature in that mahazar is his. He further stated that thereafter, the police took the 1st accused and themselves to the Alangiyam Police Station, and that the police examined him and recorded his statement in connection with this case.

27) P.W.22 Dr.C.Narmadha, in her testimony, has stated that she is currently working as an Assistant Professor at the Coimbatore Government Medical College Hospital. She further stated that on 18.02.2015, in connection with Alangiyam Police Station Crime No. 64/2015, during the post-mortem examination of the body of Balaji (alias Balasubramaniam), aged 32, a portion of the skin from the neck region was collected and sent to her for examination. She stated that on 18.03.2015, she conducted a histopathological (tissue) examination of the sample, and upon analysis, she found that there was congestion of blood in the blood vessels present in the tissues beneath the surface layer of the neck skin. After completing the examination, she sent her report to the Forensic Science Department. She also stated that the report shown to her in court is the same report that she had issued.

28) P.W.23 Vijayakumar (Sub-Inspector), in his testimony, has stated that he is currently working as a Sub-Inspector at Kumaralingam Police Station. He further stated that on 04.02.2015, while he was serving as a Sub-Inspector at Alangiyam Police Station, Dharapuram, at about 11:00 a.m., the Village Administrative Officer of Sellampalayam Village, Dharapuram Taluk, namely Mrs. Chandrakala, appeared before the police station and submitted a written complaint. Based on the said

complaint, at about 2:00 p.m., he registered a case in Alangiyam Police Station Crime No. 64/2015 under Sections 302 and 201 IPC. He then forwarded the original First Information Report (FIR), along with the complaint, to the Judicial Magistrate, Dharapuram, and sent copies to the concerned higher police. He also stated that a copy of the FIR was sent to the Inspector of Police, Dharapuram Circle, for investigation. He further stated that the Inspector of Police examined him and recorded his statement in connection with this case.

29) P.W.24 Rajan, in his testimony, has stated that he is currently working as a Head Constable in the National Highway Patrol Vehicle at Vellakovil Police Station. He further stated that on 05.02.2015, while he was serving as a Grade I Police Constable at Alangiyam Police Station, in connection with Crime No. 64/2015 under Sections 302 read with 201 IPC, he took the body of the deceased Balaji (alias Balasubramaniam) to the Dharapuram Government Hospital for post-mortem examination after obtaining the necessary requisition at about 8:00 a.m. At about 10:00 a.m., when the Inspector of Police, Dharapuram, conducted the inquest over the body, he assisted him. After the inquest was completed, he submitted the requisition letter for post-mortem to the Medical Officer at the Dharapuram Government Hospital and remained present during the post-mortem examination. After completion of the post-mortem, he collected the belongings found on the body and handed over the body to the deceased's father, Panchalingam, son of Thirumoorthy, for performing the last rites according to their customs, and obtained acknowledgment for the same. He further stated that on the same day, at about 8:30 p.m., after completing his duty,

he submitted his report along with records to the Inspector of Police, Dharapuram, and that the Inspector examined him in connection with this case.

30) P.W.25 Santhanam, in his testimony, has stated that he is currently working as a Head Constable at the Tiruppur District Cyber Crime Police Station. He further stated that on 06.02.2015, as per the instructions of the Special Branch Inspector, and based on a requisition letter given by the Dharapuram Circle Inspector, he received a request to obtain the call detail records (CDRs) for the mobile numbers 8012386908 and 9865974853, for the period from 01.01.2015 to 06.02.2015, in connection with Alangiyam Police Station Crime No. 64/2015. Accordingly, he sent an email to Aircel Company requesting the details of the above-mentioned numbers. After receiving the required details from Aircel, he forwarded the same to the Dharapuram Circle Inspector via email. He also stated that, based on the Inspector's request, he examined the incoming and outgoing call details of the said numbers and informed the Inspector accordingly. He further stated that he explained all these developments to the Dharapuram Circle Inspector, who examined him and recorded his statement in connection with this case.

31.a) P.W.26 Venkateswaran, in his testimony, has stated that he is currently working as a Scientific Officer at the Regional Forensic Science Laboratory, Coimbatore. He further stated that on 22.06.2015, while he was working as a Junior Scientific Officer at the same laboratory, he received a letter dated 25.02.2015 (Letter No. 400) from the Judicial Magistrate, Dharapuram. Along with the said letter, he received, under proper seal, the following eight material objects related to Alangiyam

Police Station Crime No. 64/2015: Item 1 – A billhook (aruval) made of rusted metal, approximately 44.5 cm in length Item 2 – A white-colored rope with knots Item 3 – A small quantity of soil with brownish stains Item 4 – A small quantity of plain soil Item 5 – A blue shirt with white stripes, stained with dark brown patches Item 6 – A white half-sleeve shirt with grey design, stained with dark brown patches Item 7 – A light grey half-sleeve shirt stained with dark brown patches Item 8 – A rusted metal rod approximately 55.5 cm in length He stated that after receiving the above items, he conducted an examination to detect the presence of blood stains on them.

31.b) Further, P.W.26, in his testimony, has stated that during the examination for detection of blood, it was found that the stains present on Items 3, 5, 6, and 7 were blood stains. No blood stains were detected on the other items, namely Items 1, 2, 4, and 8. He further stated that he prepared the results of his examination in the form of a Biology Report and forwarded the same to the Judicial Magistrate, Dharapuram, under a report dated 27.04.2015. He also stated that the report shown to him is the same report that he had sent. He additionally stated that, for the purpose of determining the origin and blood group of the detected blood, he submitted a requisition requesting that the Serology Report be sent directly to the Court by the Director, Forensic Science Department, Chennai. He further stated that a copy of the said report was also sent to him from the Forensic Science Laboratory, Chennai, and as per that report, the blood stains found on Items 3, 5, 6, and 7 were confirmed to be human blood. However, the exact blood group could not be determined, as stated in the report.

32) P.W.27 Afzal Ahmed, in his testimony, has stated that he is currently working as a Sub-Inspector in the Anti-Terror Special Wing. He further stated that at the time of the occurrence in this case, he was serving as a Sub-Inspector at Kaniyur Police Station. He stated that on 27.03.2015, while he was on duty at Kaniyur Police Station, as per the instructions of the Superintendent of Police, Tiruppur District, and since the place of occurrence in Alangiyam Police Station Crime No. 64/2015 fell within the jurisdiction of Kaniyur Police Station, he received the case file and registered a case as Kaniyur Police Station Crime No. 107/2015 under Sections 120B, 364, 302 read with 201 IPC. He further stated that he forwarded the original First Information Report to the Judicial Magistrate, Udumalpet, and sent a copy to the Inspector of Police, Madathukulam, for investigation. He also assisted the Inspector during the course of investigation. He finally stated that the Inspector examined him and recorded his statement in connection with this case.

33.a) P.W.28 Somasundaram (Inspector of Police), in his testimony, has stated that he is currently serving as an Additional Superintendent of Police in Salem District. He further stated that on 04.02.2015, while he was working as the Inspector of Police, Dharapuram Circle, he took up the investigation in Alangiyam Police Station Crime No. 64/2015 under Sections 302 read with 201 IPC. On the same day, at about 3:00 p.m., he visited the place of occurrence and, in the presence of witnesses Sathishkumar and Prabhu, inspected the scene and prepared the Observation Mahazar and a rough sketch of the place. He further stated that he examined the witnesses Chandrakala, Devaraj, Velusamy Gounder, Appachi, Prabhu,

Sathishkumar, and Senthilkumar, and recorded their statements. Thereafter, he sent the body of the deceased in this case to the Dharapuram Government Hospital mortuary. He also stated that on 05.02.2015, at the Dharapuram Government Hospital, he conducted the inquest over the body of the deceased Balasubramaniam.

33.b) Further, **P.W.28** (Inspector of Police), in his testimony, has stated that after conducting the inquest, he sent the body for post-mortem examination through Police Constable Rajan (No. 1505). He further stated that he examined the witnesses Panchalingam, Susila Maheshwari, Ramasamy, Eswaran, and Police Constable Rajan, and recorded their statements. He also stated that, during the post-mortem, he gave a requisition for examination of the internal organs of the body, as well as the hyoid bone, blood samples, and neck skin. He further stated that on 07.02.2015, at about 7:00 a.m., while he was conducting vehicle checks near Thungavi Four-Road Junction on the Udumalpet–Dharapuram Road, he stopped and examined the 1st accused, who was coming from west to east on a Bajaj CT 100 motorcycle bearing Registration No. TN 41 P 6145, on suspicion. During interrogation, the 1st accused admitted his involvement in the case. He further stated that, in the presence of witnesses Udhayakumar and Veerakumar, the 1st accused gave a confession statement stating that he, along with the other accused, had murdered Balasubramaniam.

33.c) Further, **P.W.28** (Inspector of Police), in his testimony, has stated that he recorded the said confession statement in the presence of the above witnesses. In the confession, the 1st accused stated that he would identify the place where the deceased

was cut with a billhook, the place where the body was thrown into the canal, and the place where the billhook and nose-rope used for the murder had been concealed, if taken there. He further stated that on the same day at about 9:45 a.m., he seized the two-wheeler bearing Registration No. TN 41 P 6145, which had been used by the 1st accused, under a seizure mahazar in the presence of the witnesses. He also stated that at about 10:45 a.m. on the same day, he prepared an Observation Mahazar and a rough sketch after the 1st accused identified the place of occurrence and the canal where the body was thrown. He further stated that at about 11:45 a.m., he seized bloodstained soil and unstained soil from the scene of occurrence under a mahazar in the presence of the witnesses. He also stated that at about 12:45 p.m., based on the identification made by the 1st accused, he seized a billhook (aruval) with a wooden handle measuring 44.5 cm in length and a nose-rope with knots at both ends from the bathroom of the house of the 2nd accused Karthik, under a mahazar in the presence of the witnesses.

33.d) P.W.28, the Inspector of Police, further deposed in his evidence that: Thereafter, on the same day at about 2:15 p.m., from the thorny bush located behind the garden of the 1st accused, Sekar, he seized under a mahazar and in the presence of witnesses, a black-colored bag used by the deceased Balasubramanian, a tiffin box, a blue full-sleeve shirt stained with blood, and a half-sleeve shirt. Subsequently, on 08.02.2015, he examined and recorded the statements of witnesses Muruganantham, Andimuthu, Senthilnathan, Gunasekaran, Ibrahim, Jayakumar, Maheshwaran, Nataraj, P.K. Venkatasalam, Karthikeyan, and Subramani. He also recorded further

statements from Panchalingam and Susila. On 10.02.2015, he forwarded the material objects seized in the case to the court. On the same day, he altered the sections of law in the case from Sections 302 read with 201 IPC to Sections 120B, 302, 109, and 201 IPC, and submitted an alteration report to the court.

33.e) P.W.28, the Inspector of Police, further deposed in his evidence that: On 10.02.2015 at about 11:00 a.m., he apprehended the 2nd accused, Karthik alias Anand Babu, near the Alangiyam river bridge, as he was moving in a suspicious manner. Upon inquiry, he came to know that the said accused was involved in this case. Thereafter, when the accused was examined in the presence of witnesses Vanitha (Village Administrative Officer, Alangiyam) and Ramasamy (Village Assistant), he voluntarily gave a confession statement. The said confession statement was recorded in the presence of the witnesses. In that confession, the accused stated that he would identify the place where the murder was committed, as well as the place where he had concealed the iron rod used for committing the murder and the blood-stained clothes worn by him at the time of the occurrence.

33.f) P.W.28, the Inspector of Police, further deposed in his evidence that: On 10.02.2015 at about 3:00 p.m., from a bush located behind the house of the said accused, he recovered an iron rod and a half-sleeve shirt stained with blood. The said material objects were seized under a seizure mahazar in the presence of witnesses. Thereafter, he examined and recorded the statements of witnesses Vanitha and Ramasamy. At about 4:30 p.m., he brought the accused to the police station and sent him to the court under proper escort. The seized materials were forwarded to the

court through Form 91. Further, on 12.02.2015 at about 9:00 a.m., the 3rd accused, Maheshwari, was arrested at her residence in Nallampalli village by Woman Sub-Inspector Sivashankari. During her examination, the confession statement given by her was recorded in the presence of witnesses Muruganantham and Subramani.

33.g) P.W.28, the Inspector of Police, further deposed in his evidence that: On 12.02.2015 at about 11:45 a.m., based on the confession given by the said accused, he seized a Nokia mobile phone without SIM card, which was produced by the accused. A seizure mahazar was prepared for the same in the presence of witnesses. Thereafter, he recorded the statements/confessions given by witnesses Muruganantham and Subramani. The accused was then taken to the police station and was sent to the court through Woman Sub-Inspector Sivashankari. The seized materials were also forwarded to the court through Form 91. On 13.02.2015, he sent a requisition letter to the Regional Forensic Science Laboratory for examination of the body parts collected from the deceased. He further stated that the material objects seized in the case—such as blood samples, blood-stained soil, an iron rod, a blood-stained blue full-sleeve shirt, the half-sleeve shirts of the 1st and 2nd accused, a blood-stained iron rod, and a long rope were sent to the forensic laboratory through court for scientific analysis.

33.h) P.W.28, the Inspector of Police, further deposed in his evidence that: On 13.02.2015, he examined and recorded the statements of witnesses Woman Sub-Inspector Sivashankari, Women Constables Juvamathi and Gayathri, and Special Branch Constable Santhanam. On 19.02.2015, he sent the internal organs of the deceased—such as the intestines, larynx, and neck skin—to the Regional Forensic

Science Laboratory for examination. Since the occurrence of the case falls within the jurisdiction of Kaniyur Police Station, he handed over the case records to the Inspector of Kaniyur Police Station for further investigation, as per the orders of the Superintendent of Police. He further stated that he obtained the call detail records relating to the mobile phone conversations between Accused Nos. 1 and 3 through Special Branch Constable Santhanam of Tiruppur District, and filed the same in this case. He also stated that on 07.02.2015, during vehicle check, when the 1st accused came on a two-wheeler, he attempted to escape and fell down, as a result of which he sustained abrasions on both hands. The accused was taken to Dharapuram Government Hospital and provided medical treatment.

34.a) P.W.29, Parthiban (Inspector of Madathukulam Range), deposed in his evidence that: He is presently working as Assistant Commissioner of Police in the Special Intelligence Wing at Coimbatore. On 27.03.2015, when he was working as Inspector of Madathukulam Range, Assistant Sub-Inspector Absal Ahamed of Kaniyur Police Station was on duty. Pursuant to the orders of the Superintendent of Police, Tiruppur District, in proceedings RC No. 0410816/2015 dated 25.03.2015, the case in Crime No. 64/2015 was transferred from Alangiyam Police Station to Kaniyur Police Station. Accordingly, the case was re-registered as Crime No. 107/2015 under Sections 302, 201 IPC and Sections 120B, 302 r/w 109 and 201 IPC by the Assistant Sub-Inspector, and the First Information Report copy was placed before him for investigation. He took up the investigation, visited the scene of occurrence, and examined witnesses. Since the witnesses reiterated the same statements that had

already been given before the Inspector of Dharapuram Police, he did not record separate statements again. He further stated that since the case records were already before the Judicial Magistrate Court at Dharapuram and the place of occurrence falls within the jurisdiction of Kaniyur Police Station, the investigation was transferred to Kaniyur Police Station. He also stated that he sent a requisition letter to the Judicial Magistrate Court at Dharapuram requesting that the case records be forwarded to Judicial Magistrate Court No. 2, Udumalpet.

34.b) P.W.29, Parthiban (Inspector of Madathukulam Range), deposed in his evidence that: On 22.04.2015, he examined and recorded the statement of Dr. Yogalakshmi of Dharapuram Government Hospital, who conducted the postmortem examination on the body of the deceased Balasubramanian alias Balaji, and obtained the postmortem report. On the same day, he came to know that Dr. Peranantham of Coimbatore Government Medical College Hospital had examined the larynx of the deceased, and he examined the said doctor, recorded his statement, and obtained a certificate. On 21.05.2015, he prepared an alteration report changing the sections of law in the case to Sections 302, 201, 120B, 302, 302 r/w 109, 201, 120B, 364, 364 r/w 109 IPC, and thereby altered the sections accordingly. On the same day, he examined Dr. Narmatha of Coimbatore Medical College Hospital, who had examined the neck skin of the deceased, recorded her statement, and obtained her certificate. On the same day, he also examined Assistant Sub-Inspectors Vijayakumar and Absal Ahamed of Alangiyam Police Station and recorded their statements separately.

Thereafter, on the same day, he completed the investigation and filed the final report under Sections 120B, 364, 364 r/w 109, 302, 302 r/w 109, and 201 IPC.

35) After the witnesses for the prosecution have been examined, the accused were questioned under Section 313(1)(b) of Cr.P.C, to enable them to offer their explanations personally regarding the incriminating evidence tendered by the prosecution witnesses as against them. The accused denied their evidence as false evidence and false case. Further, reported they have witnesses to be examined on their side and thus, the defence side evidence was closed.

36) The point for consideration :-

Whether the prosecution has proved the charges leveled against the accused beyond reasonable doubts?

37) In the present case, the Investigating Officer laid the charge sheet against the accused, stating that, prior to the marriage, the 3rd accused, Maheswari, had a love affair with the 1st accused, Chandrasekar. While so, before the alleged occurrence, the marriage between the 3rd accused and the deceased was solemnized in the year 2014. Even after the marriage, the 3rd accused continued her love affair with the 1st accused. In the meantime, before the Pongal festival in the year 2015, all the accused hatched a conspiracy to murder the deceased, and therefore, the accused committed the offence under Section 120(B) of IPC. While so, the deceased contacted the 1st accused on 01.02.2015 and asked for a loan to purchase a cell phone. By using the propitious circumstances, the 1st accused lured the deceased, Balaji, to the Udumalpet Bus Stand on the pretext of helping him purchase a cell

phone on 03.02.2015 at about 08.00 a.m. Subsequently, as per the conspiracy, with the intention of murdering Balaji, the 1st accused kidnapped the deceased in the vehicle bearing Registration No.TN-41-P-6145 to the place of occurrence, namely, Thungavi Amaravathi Main Channel (Vaikal), Sluice No.55. Therefore, the 1st accused committed the offence under Section 364 of IPC, and the 2nd and 3rd accused committed the offence under Section 364 read with Section 109 of IPC. Thus, in order to commit the murder, on 04.02.2015 at about 01.30 a.m., the accused administered poisonous substances such as kurunai marundhu, sulphas marundhu, along with banana and alcohol to the deceased. Subsequently, when the deceased was in an inebriated condition, the 1st accused assaulted the deceased on his head with an aruval, while stating, "எங்க காதலுக்கு இடைஞ்சலாக இருக்கிறாய், இத்தோடு செத்து தொலைடா", and thereafter, the 2nd accused assaulted the deceased on his head with a rod. Thereafter, both the 1st and 2nd accused strangled the deceased with a rope, which had already been purchased by the 1st accused. Therefore, the 1st and 2nd accused committed the offence under Section 302 of IPC, and the 3rd accused committed the offence under Section 302 r/w. 109 of IPC. Thereafter, in order to screen the above said offences, the 1st and 2nd accused threw the body of the deceased into the Thungavi Amaravathi Main Canal, Sluice No.55, on 04.02.2015 at about 01.30 a.m. Hence, the 1st and 2nd accused allegedly committed the offence under Section 201 of IPC.

38) After perusing the charge sheet laid by the Investigating Officer and after hearing both sides, the III Additional District Judge, Dharapuram, framed charges

against the A1 and A2 for the offence under Sections 120(b), 364, 302, 201 of IPC and frame charges against the A3 for the offence under Sections 120(b), 364 r/w. 109, 302 r/w. 109 of IPC.

39) In order to prove the said charges, the prosecution examined PW1 to PW29 and marked Ex.P1 to Ex.P42, besides marking Prosecution Material Objects P.M.O.1 to P.M.O.12.

40.a) The learned Additional Public Prosecutor argued that, earlier, before the marriage between A3 and the deceased Balaji, A1 and A3 had a love affair. In the meantime, the marriage between A3 and the deceased Balaji was solemnized in the year 2014. Even after the marriage, A3 continued the above-said love affair with A1. The mothers of A1 and A2 are siblings; therefore, A1 and A2 are cousin brothers. Subsequently, A1 to A3 hatched a conspiracy to murder the deceased Balaji, who was an obstacle to the relationship between A1 and A3. Before the Pongal festival, A1 was introduced to the deceased by A3 as her cousin brother, at Kurichikottai, where A3 and the deceased were residing. It is the further case of the prosecution that A1 entrusted a cell phone to A3 to facilitate communication with her. In the meantime, the deceased requested A1 to lend him money to purchase a cell phone. Such a propitious circumstance was utilized by A1 and A2, and A1 kidnapped the deceased from the Udumalpet Bus Stand to the house of A2 at Paraiyur on his motorcycle bearing Registration No. TN-41-P-6145, on 03.02.2015 at about 08.00 a.m., under the pretext of lending money to the deceased for purchasing a cell phone. Thereafter, on the same day, at about 09.00 p.m., with the intention of murdering the deceased

Balaji, A1 and A2 accompanied the deceased towards the Amaravathi Main Canal, Thungavi, near Sluice No. 55, and administered a banana laced with poisonous substances and alcohol to the deceased Balaji. Thereafter, on 04.02.2015 at about 01.30 a.m., A1 assaulted the deceased on the head with an *aruval*, and A2 assaulted him with an iron rod, which they had already brought with them, in furtherance of the conspiracy.

40.b) Thereafter, in order to screen the above-said murder, the body of the deceased was thrown away by the accused. Subsequently, the body of the deceased was found floating in the Sellampalayam Amaravathi Canal, No.17, on 04.02.2015, which was seen by the Sellampalayam V.A.O., Chandrakala (PW1), at about 10.30 a.m. With the help of PW2 Prabu and one Satheesh, she fished out the body from the canal and informed the Alangiam Police Station about the occurrence regarding the suspicious death of an unknown person by way of a written complaint, Ex.P1, on the same day at 2.00 p.m. Thereafter, PW23 Vijayakumar, Sub-Inspector of Police attached to the Alangiam Police Station, registered the First Information Report, Ex.P27, in Crime No.64 of 2015 under Sections 302 read with 201 IPC. Thereafter, the Investigating Officer attached to the Alangiam Police Station, PW28 Somasundaram, proceeded to the place of occurrence where the unknown body was found floating, and prepared the Observation Mahazar, Ex.P2, and Rough Sketch in the presence of PW2 Prabu and one Satheesh. Thereafter, he shifted the body of the deceased to the Dharapuram Government Hospital and made arrangements for publication regarding the floating of the body in the daily newspaper *Dhinanthanthi*.

On seeing the news published in *Dhinathanthi* on 05.02.2015, the deceased's father, PW4 Panchalingam, along with his relative and his wife, visited the Dharapuram Government Hospital, identified the deceased as his son Balaji, and informed the Alangiam Police Station. Thereafter, PW28, Inspector of Police, Alangiam Police Station, conducted the inquest, Ex.P31, in the presence of the Panchayatars at the Dharapuram Government Hospital. Thereafter, he handed over the body to Grade I Constable Rajan, attached to the Alangiam Police Station, for performing the autopsy on the body. The post-mortem was conducted by PW15, Dr. Yogalakshmi, attached to the Dharapuram Government Hospital, who issued the Post-mortem Certificate, Ex.P16, and the Final Opinion, Ex.P17, while on examination by the Investigating Officer, PW28.

40.c) Thereafter, the Investigating Officer examined and recorded the statements of PW4 Panchalingam, the deceased's mother Susila, A3 Maheswari, Ramasamy, Eswaran, and PW24 Rajan, Grade I Constable, and sent a requisition letter to the Forensic Department for examination of the internal organs of the deceased. Thereafter, on 07.02.2015, at about 07.00 a.m., PW28, the Investigating Officer, conducted a vehicle check at the Udumalai–Dharapuram Road near Thungavi Nal Road. While conducting the vehicle check, A1 was coming from west to east direction, riding a Bajaj CT 100 two-wheeler bearing Registration No. TN-41-P-6145, in a suspicious manner. Under such circumstances, PW28 intercepted the said vehicle and interrogated A1, who voluntarily confessed to the murder of Balaji committed by him, in the presence of PW11 Veerakumar and PW21 Udhayakumar,

and the same was recorded by PW28. Thereafter, pursuant to the confession of A1, the vehicle bearing Registration No. TN-41-P-6145 (M.O.1) was seized by the Investigating Officer, PW28, under the Seizure Mahazar, Ex.P32, in the presence of the above-said witnesses at about 09.45 a.m. Thereafter, A1 identified the place of occurrence to the Investigating Officer in the presence of the above-said witnesses, where A1 and A2 had murdered the deceased Balaji.

40.d) Thereafter, PW28, the Investigating Officer, prepared the Mahazar, Ex.P3, and Rough Sketch, Ex.P33, in the presence of Pw10 Karthikeyan, V.A.O., Maiyavadi Village, and Subramanian, Village Assistant, at about 10.30 a.m. Thereafter, in the presence of PW11 Veerakumar and PW21 Udhayakumar, at about 11.45 a.m., PW28 seized the blood-stained earth, M.O.8, and the unstained earth, M.O.9, under the Seizure Mahazar, Ex.P34. Thereafter, as per the confession of A1, PW28, accompanied by A1 and the above-said witnesses, proceeded to Paraiyur and recovered the aruval, M.O.6, and the rope, M.O.7, under the Seizure Mahazar, Ex.P35, at the instance of A1, at about 12.45 p.m. Thereafter, PW28, the Investigating Officer, proceeded to Nallampalli, accompanied by A1 and the above-said witnesses, and recovered a black-coloured Liberty bag, M.O.2, a tiffin box, M.O.3, a full-sleeved blue-coloured shirt, M.O.4, belonging to the deceased, and a half-sleeved shirt, M.O.5, belonging to A1, in the presence of the above-said witnesses, under the Seizure Mahazar, Ex.P36. Thereafter, he arrested A1 and remanded him to judicial custody. The above-said admissible portion of the confession was marked as Ex.P9 during the trial. Thereafter, on the same day, PW28 examined PW16

Muruganandham, PW5 Andamuthu, PW6 Gunasekaran, PW9 Senthilnathan, Ibrahim, Jeyakumar, Subramanian, PW7 Maheswaran, Nataraj, PW8 Venkatachalam, and PW10 Karthikeyan, and recorded their respective statements. Further, the additional statements of Panchalingam and Susila were also recorded on the same day. Thereafter, on 10.02.2015, PW28 sent the case properties through Form 91, and altered the case by filing the Section Alteration Report, Ex.P37, altering the offence from Sections 302 read with 201 IPC to Sections 120-B, 302, 109, and 201 IPC.

40.e) Thus, on the same day, the Investigating Officer arrested A2 at the Alangiam River Bridge at about 11.00 a.m., in the presence of PW13 Vanitha and PW12 Ramasamy (Village Assistant). In the presence of the above-said witnesses, A2 voluntarily confessed to the alleged occurrence, and the same was recorded by the Investigating Officer. Pursuant to the confession, the Investigating Officer recovered the iron rod, M.O.11, and the blood-stained half-sleeved shirt, M.O.10, belonging to A2, which he had allegedly worn while committing the offence, from the house of A2 at Paraiyur, under the Seizure Mahazar, Ex.P38. The admissible portion of the confession was marked as Ex.P11 during the trial. Thereafter, the Investigating Officer examined the above-said Vanitha and Ramasamy and recorded their statements. Thereafter, he sent A2 to judicial custody along with Form 91. Thereafter, on 12.02.2015, PW28, the Investigating Officer, with the assistance of PW20 Sivasankari, Sub-Inspector of Police, arrested A3 Maheswari at Nallampalli, wherein A3 voluntarily gave a confession in the presence of PW14 Muruganandham and PW17 Subramani, and the same was recorded by the Investigating Officer. Pursuant

to the confession of A3, PW28 recovered the cell phone, M.O.12, under the Seizure Mahazar, Ex.P39. The admissible portion of the confession was marked as Ex.P14 during the trial. Thereafter, A3 was sent to judicial custody on the same day through the above-said Sub-Inspector of Police, Sivasankari. Thereafter, on 13.02.2015, PW28 sent a requisition letter to the Forensic Department for examination of the internal organs of the deceased and for analysis of the case properties. Thereafter, he examined PW20 Sivasankari, Sub-Inspector of Police, PW18 Jeevamani, Woman Constable, Gayathri, Special Cell Police, and PW25 Santhanam, with respect to the call details between A1 and A3, and recorded their respective statements. He also obtained the call details statement, Ex.P40. Thereafter, as per the instructions of the Superintendent of Police, he handed over the case records to PW29 Parthiban, Inspector of Police, Kaniyur, for further investigation.

40.f) PW29 Parthiban, Inspector of Police, Kaniyur, who took up the investigation, as per the FIR, Ex.P29, registered by PW27 Afsal Muhammad, Sub-Inspector of Police attached to the Kaniyur Police Station, in Crime No.107 of 2015 under Sections 120-B, 364, and 302 read with 109 IPC, intimated the Judicial Magistrate, Dharapuram, about the transfer of the case and requested that all the records be sent to the Judicial Magistrate No.II, Udumalpet, for jurisdictional purposes. Thereafter, on 22.04.2015, he examined PW15 Dr. Yogalakshmi and Prof. Dr. Peranandham, attached to the Medical College Hospital, Coimbatore, and prepared the Section Alteration Report, Ex.P42, altering the offences from Sections 302, 302 read with 120-B, 302 read with 109, and 201 IPC to Sections 120-B, 364,

364 read with 109, 302, 302 read with 109, and 201 IPC. Thereafter, he examined PW23 Vijayakumar, Sub-Inspector of Police attached to the Alangiam Police Station, and PW27 Afsal Muhammad, Sub-Inspector of Police attached to the Kaniyur Police Station. Thereafter, after completing the investigation, he laid the charge sheet against A1 to A3 before the Judicial Magistrate No.II, Udumalpet. In order to prove the above-said prosecution case, on the side of the prosecution, PW1 to PW29 were examined, Ex.P1 to Ex.P42 were marked, and M.O.1 to M.O.12 were produced and marked. Out of them, PW4 Panchalingam, the father of the deceased, identified the body of the deceased. In order to prove the motive for the case, the call details statement of A1 and A3, Ex.P40, was obtained through PW25, the Nodal Officer attached to the Special Cell, and was produced before this Court during the trial. The prosecution further relied upon the evidence that the deceased was accompanied by A1 on 03.02.2015 at about 08.00 a.m. at the Udumalpet Bus Stand, and the same was seen by PW5 Andamuthu, who supported the prosecution case. Furthermore, PW9 Senthilnathan deposed before this Court that the deceased was accompanied by A1 and A2, and that they were riding a two-wheeler bearing Registration No. TN-41-P-6145 on 03.02.2015 at about 09.00 p.m., and the same was seen by him. Therefore, according to the prosecution, the last seen theory was proved. Further, the tiffin box, black-coloured Liberty bag, and full-sleeved shirt belonging to the deceased Balaji, which he had taken while going to work, were recovered at the instance of A1 pursuant to his confession. Even though there was no eyewitness to the occurrence in the case on hand, the prosecution contended that the circumstantial evidence proved

the culpability of the accused, and that the chain of circumstances, without any missing link, had been proved by the prosecution. Therefore, it was prayed that this Court may impose capital punishment on all the accused.

41.a) It is argued by the learned counsel for the accused that the motive of the case herein is that A1 and A3 had a love affair prior to the marriage between A3 and the deceased Balaji, and that even after the marriage, A3 continued to have an affair with A1. Therefore, due to the obstacle to the relationship between A1 and A3, all the accused hatched a conspiracy to do away with the husband of A3, namely Balaji. However, in the case on hand, none of the witnesses produced by the prosecution, except the cell phone call details between A1 and A3, support the said motive. The above said call details have been marked in this case as Ex.P.40, which reveal only the contact details between the two cell phone numbers. However, the prosecution has not proved that the said cell phone numbers pertain to A1 and A3. Further, it is the case of the prosecution that A1 was arrested by the Investigating Officer, PW28, on 07.02.2015, during a vehicle check at the Udumalpet–Dharapuram Road near Nal Road, in the presence of PW11 Veerakumar and PW21 Udhayakumar. A2 was arrested by the Investigating Officer, PW28, on 10.02.2015, at the Alangiam River Bridge, in the presence of prosecution witnesses PW12 Ramasamy and PW13 Vanitha. A3 was arrested by PW28 on 12.02.2015, in the presence of PW14 Muruganandham and PW17 Subramanian.

41.b) But, in the case on hand, PW9 Senthilnathan, who is none other than the maternal cousin brother of the deceased, deposed that A1 was arrested and was in police custody before the postmortem, i.e., on 05.02.2015, and that A2 was arrested on the next day. Further, PW10 Karthikeyan, VAO, Maiyavadi Village, deposed that on 07.02.2015, PW28 requested him to be present at the Amaravathi Main Canal Sluice No.55. As per the request, he was present along with the Village Assistant, Subramanian, at the place of occurrence at about 10.30 a.m. At that time, A1 to A3 were produced by the Investigating Officer for the purpose of investigation, and thereafter, PW28 prepared the mahazar and rough sketch in their presence. Besides, PW16 Muruganandham deposed that he accompanied the parents of the deceased along with the relatives of the deceased to the Dharapuram Government Hospital to identify the deceased on 05.02.2015. After identifying the body of the deceased, he went to the Alangiam Police Station along with the above said parents and relatives of the deceased at about 11.00 a.m. At that time, A1 and A2 were in police custody at the said police station. Therefore, the arrest of A1 and A2 was not effected by the Investigating Officer, PW28, in the manner stated by the prosecution. Further, the recovery of the Material Objects, the preparation of the mahazars, and the recording of the confession statements of A1 to A3 were not carried out as alleged by the prosecution, but were falsely fabricated by the prosecution. Further, the prosecution has relied only on circumstantial evidence, and there are no eyewitnesses in this case.

41.c) In order to prove the last seen theory, the prosecution has relied upon PW5 Andamuthu and PW9 Senthilnathan, who are none other than the maternal uncle

and cousin brother of the deceased. It is alleged by the prosecution that PW5 Andamuthu saw the deceased along with A1 at about 08.00 a.m. on 03.02.2015 at the Udumalpet Bus Stand, and that PW9 Senthilnathan saw the deceased along with A1 and A2 while they were riding on a two-wheeler on 03.02.2015 at about 09.00 p.m. near Amaravathi Main Canal Sluice No.55. However, the above said witnesses are close relatives of the deceased. They deposed in the cross-examination that they had intimated the police and the father of the deceased on 05.02.2015 itself about the deceased having accompanied A1. However, according to the prosecution case, it was only after the arrest of A1 on 07.02.2015 that the involvement of A1 to A3 in the murder case came to light. Therefore, the above said witnesses are implanted witnesses projected by the prosecution. Further, as per the prosecution case, A1 and A2 administered a banana laced with poisonous substances to the deceased at the time of occurrence. However, the postmortem certificate and the forensic report revealed that no poisonous substance was found in the internal organs of the deceased. Therefore, the prosecution has not proved the culpability of the accused beyond reasonable doubt.

42.a) On considering the both side submissions, and perusal of available materials, it is learnt that, there is no eye witnesses to the occurrence in this case herein, the prosecution has relied only circumstances evidence. At this juncture, this Court has taken note of the decision of the Hon'ble High Court reported in **2026 LiveLaw (SC) 179**, wherein it was held as follows in **para 13**:

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Neelu @ Nilesh Koshti

Vs

The State of Madhya Pradesh

13) The entire case of the prosecution rests on circumstantial evidence, as there is neither any eyewitness nor any judicially admissible confession. It is a trite law that when the conviction is solely based on circumstantial evidence, there should be no breakage in the chain of circumstances, leading to the culpability of the accused, within all human probability. In Sharad Birdhichand Sarda vs. State of Maharashtra', this Court outlined five essential principles which must be satisfied before an accused can be convicted on the basis of circumstantial evidence. The relevant portion of the aforesaid decision is reproduced herein below:

"153. A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.

It may be noted here that this Court indicated that the circumstances concerned "must or should" and not "may be established. There is not only a grammatical but a legal distinction between "may be proved" and "must be or should be proved" as was held by this Court in Shivaji Sahabrao Bobade v. State of Maharashtra [(1973) 2 SCC 793 1973 SCC (Cri) 1033 1973 CrL LJ 1783] where the observations were made: [SCC para 19, p. 807 SCC (Cri) p. 1047)

"Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions."

- (2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty,**
- (3) the circumstances should be of a conclusive nature and tendency**
- (4) they should exclude every possible hypothesis except the one to be proved, and**
- (5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.**

42.b) The prosecution has relied on the following circumstances to prove the culpability of the accused:

1) The body of the deceased, Balaji, was found floating on 04.02.2015 at 10.30 a.m. at Amaravathi Main Canal Sluice No.17, near one Velusamy's farm, which was seen by PW1 Sellampalayam VAO Chandrakala, who lodged a complaint in respect of the unnatural death of an unknown person at 02.00 p.m. before the Alangiam Police Station. On the basis of the complaint, Ex.P1, the Sub-Inspector of Police attached to the Alangiam Police Station registered the FIR, Ex.P27. The body of the deceased Balaji was identified by his father, PW4 Panchalingam, on 05.02.2015.

2) On 07.02.2015, at 07.00 a.m., PW28, the Investigating Officer, conducted a vehicle check at the Udumalpet–Dharapuram Main Road near Nal Road. At that time, A1 came from the west to east direction riding a two-wheeler bearing Registration No.TN-40-P-6145. When PW28 intercepted the said vehicle, A1 voluntarily

confessed about the occurrence, and confessed that he, along with A2, kidnapped the deceased Balaji from the Udumalpet Bus Stand on 03.02.2015 at 08.00 a.m., and thereafter took him to the house of A2 at Paraiyur. Thereafter, A1 and A2 accompanied the deceased to Amaravathi Main Canal Sluice No.55 at about 09.00 p.m. After administering a banana laced with poisonous substances to the deceased, they assaulted him with an aruval and an iron rod, and thereafter strangled him with a rope. The above said confession of A1 was made in the presence of PW11 Veerakumar and PW21 Udhayakumar. Pursuant to the said confession, the vehicle, aruval, rope, which were used by the accused while committing the offence, the tiffin box, black-coloured bag, and full-sleeved shirt belonging to the deceased, which had been missing from his house, were recovered. In this regard, the prosecution has relied upon the evidence of PW11 Veerakumar and PW21 Udhayakumar.

3) A2 was arrested by PW28, the Investigating Officer, on 10.02.2015 at 11.00 a.m. at the Alangiam River Bridge. Pursuant to the voluntary confession of A2, in the presence of PW12 Ramasamy and PW13 Vanitha, PW28, the Investigating Officer, recovered the iron rod from the house of A2 under a seizure mahazar. In this regard, the prosecution has relied upon the evidence of PW12 and PW13.

4) It is the case of the prosecution that A1 purchased the white rope, which was allegedly used by A1 and A2 to strangle the deceased at the time of occurrence, from the grocery shop of PW7 Maheswaran. In this regard, the prosecution has relied upon the evidence of PW7 Maheswaran.

5) The motive for the case is that, prior to the marriage between A3 and the deceased Balaji, A3 had a love affair with A1, and thereafter A3 continued the affair with A1 even after the marriage. Hence, A1 to A3 hatched a conspiracy to eliminate the deceased, who was an obstacle to their relationship. In this regard, the prosecution has relied upon the cell phone call details between A1 and A3, marked as Ex.P40, which were obtained from the Nodal Officer, PW25 Santhanam.

6) In order to prove the last seen theory, the prosecution states that the deceased was in the company of A1 on 03.02.2015 at about 08.00 a.m. at the Udumalpet Bus Stand, and the same was seen by PW5 Andamuthu. Further, the deceased was in the company of A1 and A2 on the same day at about 09.00 p.m. near Amaravathi Main Canal Sluice No.55, and the same was seen by PW9 Senthilnathan. In this regard, the prosecution has relied upon the evidence of PW5 and PW9.

7) A3 was arrested by PW28, the Investigating Officer, with the assistance of SI Sivasankari, PW20, and Grade-I Constable PW18 Jeevamani, at Nallampalayam on 12.02.2015 at about 11.45 a.m., in the presence of PW14 Muruganandham and PW17 Subramanian. Pursuant to her voluntary confession, Cell Phone M.O.12 was recovered from A3. In this regard, the prosecution has relied upon the evidence of PW14 and PW17.

8) In order to prove the unnatural death of Balaji, the prosecution has relied upon the evidence of the postmortem doctor, PW15 Dr. Yogalakshmi, PW19 Dr. Peranandham, and PW22 Dr. Narmadha.

Discussion:-

42.c) The prosecution, in order to prove the missing of the deceased Balaji on 03.02.2015, has relied upon the evidence of PW4 Panchalingam, who is none other than the father of the deceased Balaji. He deposed that on 03.02.2015, the deceased Balaji went to his job at Suguna Company at 08.00 a.m. Thereafter, he did not return to his house. He further deposed that he inquired about the deceased in and around his locality, but did not lodge any complaint. Thereafter, on 05.02.2015, on seeing the *Dhinathanthi* newspaper, it was reported that an unknown body was floating in the Amaravathi Canal, and that the same had been fished out from the canal and kept at the Dharapuram Government Hospital. On seeing such news, he, along with his relatives, went to the Government Hospital, Dharapuram, at 07.00 a.m. on the same day and identified the body as that of his son. Thereafter, he went to the Alangiam Police Station and intimated the above said facts. In this regard, this Court has raised a doubt that, naturally, if the son of any person had been missing for the past two days, the father would have lodged a complaint before the police station. However, in the case on hand, PW4, being the father of the deceased, did not lodge any complaint. In this regard, this Court feels that such conduct is unnatural.

42.d) Further, it was deposed by the Pw4 in the chief examination that,

“2015-ம் ஆண்டு பொங்கலுக்கு இரண்டு மாதங்களுக்கு முன்பு சேகர் என்கிற சந்திரசேகர் எங்கள் தோட்டத்திற்கு வந்து, எனது மருமகள் மகேஸ்வரி அவரை எங்களிடம் அவருடைய சித்தப்பா மகன் என்று அறிமுகம் செய்தது குறித்தும், அதுபோல் இன்னொருமுறை வந்திருந்தபோதும், சித்தப்பா மகன்தானே என்று நாங்கள் பேசாமல் இருந்தது குறித்தும், இன்னொரு முறை ஊருக்குப் போய்விட்டு வரும்போது ஒரு வெள்ளை நிற செல்போன் ஒன்றை மகேஸ்வரி கொண்டு வந்தபோது, அதுகுறித்து கேட்டபோது, அது தனது சித்தப்பா மகன் சேகர் என்கிற சந்திரசேகர் வாங்கிக்கொடுத்ததாக சொன்னது குறித்தும், அடிக்கடி மேற்படி செல்போன் மூலம் மகேஸ்வரி பேசி வந்தது குறித்தும், நான் ஆய்வாளரிடம் சொன்னேன்”

From the evidence, PW4 deposed that, prior to the occurrence, A1 had visited his house. At that time, A3 introduced A1 as her paternal uncle's son. In this regard, this Court is of the view that, if A3 had really introduced A1, the family of the deceased would have inquired about the relationship between A1 and A3 with the relatives of A3. However, in the case on hand, PW4 and his family did not make any inquiry regarding the relationship between A1 and A3 with the family of A3. Such conduct appears to be unnatural. Therefore, the evidence of PW4 does not inspire the confidence of this Court.

42.e) It is the case of the prosecution that, on 07.02.2015, at about 07.00 a.m., PW28 conducted a vehicle check on the Udumalpet–Dharapuram Road near Nal Road. At that time, A1 came from the west to east direction, riding a two-wheeler bearing Registration No. TN-40-P-6145 (M.O.1). When PW28 intercepted the above said vehicle, A1 attempted to escape from the place in a suspicious manner. On interrogation by PW28, A1 voluntarily confessed to the offence committed by him

along with A2 against Balaji, in the presence of PW11 Veerakumar and PW21 Udhayakumar. Pursuant to the confession, the vehicle, aruval, white rope, which were used by A1 at the time of committing the offence, besides the tiffin box, black Liberty bag, and full-sleeved shirt belonging to the deceased, were recovered, and A1 also identified the place of occurrence in the presence of the above said witnesses. Furthermore, the above said material objects were seized by the Investigating Officer, PW28, under the seizure mahazars, Ex.P32, Ex.P34, Ex.P35, and Ex.P36. The above said PW11 Veerakumar is none other than the nephew of the deceased, as the father of the deceased and the mother of PW11 are siblings. Further, it is the case of the prosecution that A2 was arrested by PW28, the Investigating Officer, at the Alangiam River Bridge on 10.02.2015 at 11.45 a.m., in the presence of PW12 Ramasamy and PW13 Vanitha. At that time, A2 voluntarily confessed to the offences committed by him, and the Investigating Officer recorded the confession in the presence of the above said witnesses. Pursuant to the confession, the material objects, namely the iron rod (M.O.11), which was alleged to have been used by the accused while committing the offence, and the half-sleeved shirt (M.O.10), which was alleged to have been worn by A2 while committing the offence, were recovered. The above said material objects were seized under the seizure mahazar, Ex.P38.

42.f) Pw11 Veerakumar deposed in the cross examination that,

".....என் அம்மா பெயர் பாக்கியம், பாக்கியத்தின் அண்ணன் பஞ்சலிங்கம் என்றால் ஆமாம், பஞ்சலிங்கத்தின் மகன் தான் இறந்துபோன பாலசுப்பிரமணியன், அவர்

எனக்கு தாய்மாமா மகன் என்றால் சரிதான், உதயகுமார் ஒருவகையில் என் உறவினர் என்றால் ஆமாம்....."

".....என் மாமா மகன் பாலசுப்பிரமணியன் எப்போது இறந்தார், எப்படி இறந்தார் என்று எனக்குத் தெரியுமா என்றால் தெரியாது, அங்கு அடக்கம் செய்தார்கள், எங்கு அடக்கம் செய்தார்கள் என்று தெரியாது, நான் போகவில்லை, நால் ரோடு எங்கு போகிறது எந்த ஊருக்குச் செல்கிறது என்று சொல்லமுடியுமா என்றால் முடியாது....."

".....1, 2 எதிரிகள் என்ன நிற சட்டை அணிந்திருந்தார்கள் என்றால் நினைவில்லை, நாங்கள் சென்ற ஐந்து நிமிடத்தில் எதிரிகள் பைக்கில் வந்தார்கள்....."

".....எதிரிகள் சொல்ல சொல்ல போலிஸ் எதில் எழுதினார்கள் என்றால் பேப்பரில் பேனாவால் எழுதினார்கள்....."

".....எத்தனை பக்கம் எழுதினார்கள் என்றால் ஒரு பக்கம் எழுதினார்கள், புளூ கலர் பேனாவால் எழுதினார்கள், கையால் எழுதியதாக சொல்லும் ஒப்புதல் வாக்குமூலம் நீதிமன்றத்தில் என்னிடம் காட்டப்படவில்லை என்றால் ஆமாம், எங்களை அழைத்துக்கொண்டு சம்பவ இடத்தை யார் அடையாளம் காட்டினார்கள் என்றால் 1, 2 எதிரிகள் காட்டினார்கள்....."

42.g) Pw21 Udhayakumar deposed during the cross examination

.....எனது தாயார் முன்பு எங்கள் ஊரில் துணைத்தலைவராக இருந்தார் என்றால் சரிதான், பொதுவாக குறிச்சிக்கோட்டை கிராமத்தில் உள்ள மக்களுக்கு நல்லது கெட்டதுகளுக்கு நான் கலந்துகொள்வேன் என்றால் சரிதான், இறந்துபோன பாலாஜி எனக்கு உறவினர், மாமா உறவுமுறை வேண்டும், சாட்சிகள் முருகானந்தம், ஆண்டமுத்து, வீரகுமார், செந்தில்நாதன், சுப்பிரமணியம் ஆகியோர்கள் எனது உறவினர்கள் என்றால் சரிதான்.....

.....07.02.2015 அன்று நான் அலங்கியம் காவல்நிலையத்திற்கு 4 மணிமுதல் 4.30 மணியளவில் சென்றேன், நான் மேற்படி காவல்நிலையத்தில் இரண்டு மணிநேரம்

இருந்தேன், நான் அங்கு கையொப்பம் போடுவதற்கு காலதாமதம் ஆகிவிட்டது, நான் காவல்நிலையத்தில் வைத்து கையொப்பம் போட்டுவிட்டு நேரடியாக என் ஊருக்கு வந்துவிட்டேன் என்றால் சரிதான்.....

42.h) The Pw16 Muruganandham, deposed in the cross examination that as follows:

.....05.02.2015 அன்று தாராபுரம் அரசு மருத்துவமனைக்கு நாங்கள் எத்தனை நபர்கள் எத்தனை வாகனங்களில் சென்றோம் என்றால் நாங்கள் காரில் சென்றோம், மற்ற நபர்கள் இருசக்கர வாகனத்திலும் காரிலும் வந்தார்கள், சுமார் எத்தனை நபர்கள் சென்றோம் என்றால் 50 நபர்கள் சென்றோம், மறுபடியும் நாங்கள் அலங்கியம் காவல்நிலையத்திற்கு சென்றபோது பஞ்சாயத்து தலைவர் கோபாலகிருஷ்ணன், உதயகுமார்(அ.சா.21), வீரகுமார்(அ.சா.11) ஆகியோர்களும் வந்தார்கள் என்றால் சரிதான், எல்லோரும் ஒரே நேரத்தில்தான் அலங்கியம் காவல்நிலையத்திற்கு சென்றோம் என்றால் சரிதான், எத்தனை மணிக்கு சென்றோம் என்றால் 11 மணிக்கு சென்றோம், காவல்நிலையத்திற்கு சென்றபோது காவல்நிலையத்தில் எதிரிகள் இருந்தார்களா? என்றால் எதிரிகள் சேகர் என்கிற சந்திரசேகர், மற்றும் கார்த்திக் ஆகியோர்கள் இருந்தார்கள், எத்தனை மணிவரை காவல்நிலையத்தில் இருந்தோம் என்றால் மதியம் 03.00 மணிவரை இருந்தோம், பின்பு வீடு திரும்பிவிட்டோம்.....

42.i) The Pw10 Karthikeyan VAO Maiyavadi deposed in the chief examination is as follows:

தாராபுரம் வட்ட காவல் ஆய்வாளர் 07.02.2015-ம் தேதி எனக்கு போன் செய்து என்னையும் தண்டல்காரர் சுப்பிரமணியத்தையும் அமராவதி பிரதான வாய்க்கால் 55 வது மடை கிட்டே வரச்சொன்னார், அன்றே காலை சுமார் 10.30 மணிக்கு அமராவதி பிரதான வாய்க்கால் 55-வது மடைக்கு கிட்டே நானும் என் தண்டல்காரர் சுப்பிரமணியமும் போனோம், அப்போது அந்தக் காவல் ஆய்வாளர், அந்த இடத்தில் ஒரு கொலை நடந்திருக்கிறது என்றும், நீங்கள் சாட்சியாக இருக்க வேண்டும் என்றும் சொன்னார், அப்போது குற்றவாளிகள் சேகர் என்ற சந்திரசேகர், கார்த்திக் என்ற ஆனந்தபாபு மற்றும் மகேஸ்வரி ஆகியோர்களும் அந்த இடத்தில் இருந்தார்கள், அப்போது காவல் ஆய்வாளர்

குற்றவாளிகள் சேகர் என்கிற சந்திரசேகர் கார்த்திக் என்கிற ஆனந்தபாபு ஆகியோரை விசாரித்துவிட்டு பார்வைமகசர் தயார்செய்தார், அந்தப் பார்வை மகசரில் நானும் தண்டல்காரர் சுப்பிரமணியமும் கையொப்பம் போட்டோம். என்னிடம் நீதிமன்றத்தில் காட்டப்படும் பார்வை மகசர் தான் அந்தப் பார்வை மகசர் ஆகும். அந்தப் பார்வை மகசர்தான் அ.சா.ஆ-3 ஆகும், இந்த அ.சா.அ-3 பார்வை மகசரில் இருக்கும் 1-வது சாட்சிக் கையொப்பம் நான் போட்ட கையொப்பம்தான், நீதிமன்றத்தில் 3-வதாக நிற்கும் மகேஸ்வரியை சாட்சி அடையாளம் காட்டி அவர்தான் மகேஸ்வரி என்றும், நீதிமன்றத்தில் 2-வதாக நிற்கும் கார்த்திக்கை அடையாளம் காட்டி அவர்தான் கார்த்திக் என்ற ஆனந்தபாபு என்றும், நீதிமன்றத்தில் 1-வதாக நிற்கும் எதிரி சேகர் என்கிற சந்திரசேகரை சாட்சி அடையாளம் காட்டி அவர்தான் குற்றவாளி சேகர் என்கிற சந்திரசேகர் என்றும் சாட்சி கூறுகிறார். காவல் ஆய்வாளர் எதிரிகள் மூவரையும் கூட்டிச்சென்றுவிட்டார்.....

42.j) From the evidence of PW16 Muruganandham, who alleged that he accompanied the father of the deceased, PW4 Panchalingam, to the Dharapuram Government Hospital on 05.02.2015, it is crystal clearly proved that A1 and A2 were arrested by the Alangiam Police on 05.02.2015 itself.

42.k) It is deposed by PW11 Veerakumar, during the cross-examination, that the father of the deceased and his mother are siblings. Therefore, the deceased was the nephew of the above said witness. He further deposed that he did not participate in the last rites of the deceased on 05.02.2015. However, PW16 Muruganandham deposed that the confession witnesses to A1, namely PW11 Veerakumar and PW21 Udhayakumar, attended the funeral of the deceased. They accompanied the father of the deceased to the Dharapuram Government Hospital, and thereafter they visited the Alangiam Police Station. At that time, A1 and A2 were in the custody of the

Alangiam Police Station. Further, PW11 Veerakumar deposed that on 07.02.2015 at 07.00 a.m., A1 and A2 came from the west to east direction on the Udumalpet–Dharapuram Road near Nal Road, and PW28, the Investigating Officer, conducted a vehicle check and intercepted both A1 and A2. However, according to the prosecution case, A2 was arrested by PW28 at the Alangiam River Bridge on 10.02.2015. Further, PW10 Karthikeyan deposed that on 07.02.2015 at 10.30 a.m., he went to Amaravathi Main Canal Sluice No.55 along with Subramaniam. At that time, PW28 visited the place of occurrence along with A1 to A3 and prepared the mahazar, Ex.P3, and the rough sketch, Ex.P33. Therefore, from the evidence of the prosecution witnesses, namely PW11, PW21, PW10, and PW16, it is crystal clearly proved that A1 and A2 were not arrested in the manner alleged by the prosecution. The evidence of the above said witnesses is inconsistent with each other. The above said witnesses do not inspire the confidence of this Court to rely upon their evidence. At this juncture, this Court could not rely upon them.

42.1) Further, it is the case of the prosecution that A3 was arrested by Pw28, the Investigating Officer, on 12.02.2015 at Nallampalli, at the house of A3, in the presence of Pw14 Muruganandham and Pw17 Subramaniam, wherein, pursuant to the voluntary confession of A3, M.O.12 cell phone was recovered under the seizure mahazar Ex.P39. Thus, Pw28 arrested A3 with the assistance of Pw20 Sivasankari, Sub-Inspector of Police, and Pw18 Jeevamani, Grade I Police Constable. Further, it is the case of the prosecution that the above said Pw14 and Pw17 guided the police to

the house of A3 at the time of the arrest of A3. Further, it is the case of the prosecution that Pw28, along with Pw20 and Pw18, first went to Kurichikottai, the in-laws' house of A3, and thereafter proceeded to Nallampalli, the parental house of A3. However, Pw18 Jeevamani, in the course of cross-examination, deposed as follows:

“.....12.02.2015 அன்று காலை 06.00 மணிக்கு கிளம்பினோம், நாங்கள் காவல் நிலையத்திலிருந்து கிளம்பும்போதே சாட்சிகள் முருகானந்தம், சுப்பிரமணியம் எங்களுடன் வந்தார்கள், முருகானந்தம், சுப்பிரமணியம் ஆகியோர்கள் உடுமலைப்பேட்டை தாலுகா பகுதிக்குள் வசிப்பவர்கள் என்றால் சரிதான், தாராபுரத்திலிருந்து எந்த வழியாக எதிரி மகேஸ்வரி வீட்டிற்கு சென்றோம் என்றால் உடுமலைப்பேட்டை வழியாக சென்றோம். உடுமலைப்பேட்டை சாட்சிகளின் வீட்டிற்கு வந்து அதன் பிற்பாடு எதிரி மகேஸ்வரி வீட்டிற்கு நாங்கள் செல்லவில்லை என்றால் சரிதான், தாராபுரத்திலிருந்து நல்லாம்பள்ளி சுமார் 45 லிருந்து 50 கிமீ தூரத்தில் உள்ளது என்றால் சரிதான், தாராபுரத்திலிருந்து காலை 04.00 மணிக்கு நேரடியாக நல்லாம்பள்ளிக்கு சென்றுவிட்டோம் என்றால் சரிதான், நாங்கள் காவல் ஆய்வாளரின் போலிஸ் வாகனத்தில் தாராபுரத்திலிருந்து நல்லாம்பள்ளி சென்றோம் என்றால் சரிதான், ஒரு வாகனத்தில் தான் சென்றோம் என்றால் சரிதான்.....”

".....உடுமலைப்பேட்டையிலிருந்து சாட்சி முருகானந்தம் மற்றும் இறந்துபோன பாலாஜி ஆகியோரின் வீட்டிற்கு சென்றுவிட்டு நல்லாம்பள்ளியில் உள்ள எதிரி மகேஸ்வரியின் வீட்டிற்கு சென்றோம் என்றால் சரியல்ல.....”

".....நல்லாம்பள்ளி செல்வதற்கு முருகானந்தம், சுப்பிரமணி ஆகியோர்களில் யார் எங்களுக்கு வழிசொன்னார்கள் என்றால் இருவரும் சொன்னார்கள்.....”

42.m) The Pw20 Sivasankar deposed during the cross examination as follows:

.....குறிச்சிக்கோட்டையிலிருந்து நல்லாம்பள்ளியில் உள்ள எதிரி மகேஸ்வரியின் பெற்றோர் வீட்டை முருகானந்தம், சுப்பிரமணி அடையாளம் காண்பித்தார்கள்....."

42.n) The Pw14 Muruganandham deposed during the cross examination as follows:

“.....மகேஸ்வரி வீடு எனக்கு தெரியாத நிலையில் எப்படி மகேஸ்வரி வீட்டிற்கு போனோம் என்றால் விசாரித்து தெரிந்துகொண்டு போனோம், போலிசார்தான் மகேஸ்வரியின் வீட்டை விசாரித்துக்கொண்டு அழைத்துச்சென்றார்கள் என்றால் சரிதான்....."

42.o) The Pw17 Subramani deposed during the cross examination as follows:

“.....3-ம் எதிரியின் பெற்றோர் வீடு அமைந்துள்ள நல்லாம்பாளையத்திற்கு நான் முன்பு சென்றதில்லை, அவர்களது வீடு எனக்கு அடையாளம் தெரியாது, என்னுடன் வந்த முருகானந்தம் என் மாமனார் ஆவார், முருகானந்தத்திற்கும் நல்லாம்பாளையத்தில் உள்ள 3-ம் எதிரி மகேஸ்வரியின் பெற்றோர் வீடு தெரியாது என்றால் சரிதான், 12.02.2015-ம் தேதியன்று நான்தான் 3-வது மகேஸ்வரியின் வீட்டை போலிசாருக்கு அடையாளம் காட்டியதாக சொல்லியிருந்தால் அது தவறு....."

Therefore, from the evidence of Pw18, Pw20, Pw14, and Pw17, there is an inconsistency regarding the arrest of A3 on 12.02.2015. Further, Pw10 Karthikeyan has already deposed that, on 07.02.2015 itself, A1 to A3 were present along with Pw28, the Investigating Officer, at the place of occurrence. Therefore, from the evidence of the above said witnesses, the arrest of A3 could not have been effected by Pw28 in the manner alleged by the prosecution.

42.p) It is the case of the prosecution that, prior to the occurrence, A1 purchased the white-coloured rope (M.O.7) from the grocery shop of Pw7 Maheswaran on 03.02.2015, at about 09.45 p.m. Thereafter, A1 and A2 allegedly used the above said rope to strangle the deceased at the place of occurrence. Pw7 Maheswaran deposed in his chief examination itself as follows:

“.....கடந்த 03.02.2015 அன்று இரவு 09.45 மணியளவில் நான் எனது கடைமில் வியாபாரத்தில் இருந்தபோது எதிரி சந்திரசேகர், கார்த்தி ஆகிய இருவரும் வந்து வாழைப்பழம், கடலைமிட்டாய், காராச்சேவு, முக்கணாங்கயிறு ஆகியன வாங்கினார்கள்..... ”

42.q) From the evidence of Pw7, it is seen that A1 and A2 purchased M.O.7, the white rope, from the grocery shop of Pw7 on 03.02.2015 at about 09.45 p.m. However, it is the case of the prosecution that A1 alone had purchased M.O.7, the rope, from the shop of Pw7. Thus, the evidence of Pw7 is inconsistent with the prosecution case. Therefore, this Court feels that it is not safe to rely upon the evidence of Pw7 Maheswaran.

42.r) It is the motive alleged by the prosecution that A1 and A3 were in a love affair prior to the marriage between A3 and the deceased Balaji, and that A3 continued the said love affair with A1 even after her marriage. At this juncture, it is the case of the prosecution that the deceased Balaji became an obstacle to their relationship, and hence A1 to A3 decided to do away with the husband of A3, namely Balaji. In this regard, the prosecution has not produced any iota of evidence to prove the alleged illicit affair between A1 and A3, except the cell phone call details marked

as Ex.P40. On perusal of Ex.P40, it reveals only the call details between the cell phone numbers, viz., 8012386908 (Aircel) and 98659748539 (Aircel). However, the above said SIM cards relating to the said phone numbers have not been recovered by the Investigating Officer. Further, the prosecution has not explained whether the above said phone numbers stood in the name of A1 or A3. There are no details to show that the said phone numbers stood in the names of A1 and A3. Pw28, the Investigating Officer, deposed in the cross-examination as follows:

“.....நான் கைப்பற்றியதாக சொல்லும் செல்போனுக்கு IMEI நம்பர் இல்லை என்றால் சரியல்ல, 3-வது எதிரியிடமிருந்து கைப்பற்றியதாக சொல்லப்படும் செல்போனை 3-வது எதிரிதான் பயன்படுத்தினார் என்று எந்த சாட்சியும் சொல்லவில்லை என்றால் சரிதான்.....”

“.....1-வது எதிரி பயன்படுத்தியதாக சொல்லப்படும் செல்போனை நான் கைப்பற்றவில்லை என்றால் சரிதான், 1-வது எதிரி பயன்படுத்தியதாக சொல்லப்படும் அலைபேசி எண். 1-வது எதிரி பெயரில் உள்ளது என்பதைக் காட்டுவதற்கு ஆவணங்கள் எதுவும் நான் தாக்கல்செய்யவில்லை என்றால் சரிதான்.....”

42.s) The Pw29 I.O. Parthiban deposed during the cross examination as follows:

.....3-வது எதிரியிடமிருந்து ஒரு மொபைல் போன் கைப்பற்றியதாக இந்த வழக்கில் சொல்லப்பட்டுள்ளது, மேற்படி மொபைல் 3-வது எதிரி பெயரில் தான் வாங்கப்பட்டது என்பது சம்பந்தமாக நான் விசாரணை மேற்கொள்ளவில்லை என்றால் சரிதான், மேற்படி கைப்பற்றப்பட்டதாக சொல்லப்படும் மொபைலில் சிம்கார்டு இல்லை என்றால் சரிதான்.....

.....ஆனால் அந்த அலைபேசி எண்கள் யார் பெயரில் வாங்கப்பட்டது என்பது சம்பந்தமாக நான் விசாரிக்கவில்லை, எந்தெந்த எதிரிகள் எந்த அலைபேசி எண்களை

பயன்படுத்தி வந்தார்கள், எந்த சாட்சியும் நான் விசாரித்த வாக்குமூலத்தில் சொல்லவில்லை, நான் வழக்கிற்காக பொய் சொல்லவில்லை.....

42.t) From the evidence of the above said Pw28 and Pw29, the prosecution has failed to prove that the alleged cell phone numbers stood in the names of A1 and A3. Therefore, the motive in the case has not been proved by the prosecution beyond reasonable doubt.

42.u) Further, in order to prove the last seen theory, the prosecution has relied upon the evidence of Pw5 Andamuthu, who alleged that he saw the deceased along with A1 on 03.02.2015 at about 08.00 a.m. at the Udumalpet Bus Stand. Further, Pw9 Senthilnathan allegedly saw the deceased along with A1 and A2 on 03.02.2015 at about 09.00 p.m. near Amaravathi Main Canal Sluice No.55. It is projected by the prosecution that the above said Pw9 was the photographer at the marriage of A3 and the deceased Balaji. On perusal of the evidence of Pw9, he deposed during the cross-examination as follows:

".....என் தாயாரும் இறந்து போன பாலாஜி என்ற பாலசுப்பிரமணியத்தின் தாயாரும் உடன்பிறந்தவர்கள் என்று சொன்னால் ஆமாம், போலிசார் என்னை விசாரித்தபோது என் தொழில் பெயிண்டர் என்பதையும் இறந்துபோன பாலாஜி என்ற பாலசுப்பிரமணியன் என் பெரியம்மா மகன் என்பதை சொன்னேனா என்று கேட்டால் நான் அதை சொல்லவில்லை, இறந்துபோன பாலாஜி என்ற பாலசுப்பிரமணியம் எனக்கு அண்ணன் வேண்டும் எனக்கு குடிப்பழக்கம் உண்டு, பாலாஜி என்ற பாலசுப்பிரமணியத்திற்கும் குடிப்பழக்கம் உண்டு என்றால் சரிதான்....."

".....நான் இறந்து போன பாலாஜி என்ற பாலசுப்பிரமணியம் என் பெரியம்மா மகன் என்பதை மறைத்து வீடியோ எடுக்கப்போனபோது அவரை பழக்கம் என்று முதல்விசாரணையில் பொய்சாட்சியம் அளித்துள்ளேன் என்று சொன்னால் ஆமாம்....."

".....தராபுரத்தில் பாலாஜி என்ற பாலசுப்பிரமணியத்தின் பிரேதப்பரிசோதனை நடந்தபோது நான் உள்பட என் குடும்பத்தார் அனைவரும் அங்கிருந்தோம் என்று சொன்னால் ஆமாம், அந்த பாலாஜி என்ற பாலசுப்பிரமணியத்தின் பிரேதப் பரிசோதனைக்கு 2 நாட்களுக்கு முன்பே அவர் காணாமல் போய்விட்டார், அவரை எல்லோரும் தேடினோம் என்று சொன்னால் ஆமாம், பாலாஜி என்ற பாலசுப்பிரமணியத்தின் பிரேதப்பரிசோதனையின்போது போலிசார் அங்குதான் இருந்தார்கள் என்று சொன்னால் அது எனக்குத் தெரியாது....."

".....பாலாஜி என்ற பாலசுப்பிரமணியத்தின் பிரேதப்பரிசோதனை நடந்தபோது நான் 03.02.2015-ம் தேதி இரவு 1-ம் எதிரி சேகர் என்கிற சந்திரசேகர் மற்றும் 2-ம் எதிரி கார்த்திக்கோடு பாலாஜி என்ற பாலசுப்பிரமணியத்தைப் பார்த்தேன் என்பதை அங்கிருந்த என் பெரியப்பாவான பாலாஜி என்ற பாலசுப்பிரமணியத்தின் அப்பாவிடமோ அல்லது அங்கிருந்தவர்களிடமோ போலிசாரிடமோ சொன்னேனா என்று கேட்டால், போலிசாரிடம் சொன்னேன், நான் அவ்வாறு போலிசாரிடம் சொன்னது என் குடும்பத்தாருக்கு தெரியும் என்று சொன்னால் ஆமாம், நான் போலிசாரிடம் கடைசியாக பாலாஜி என்ற பாலசுப்பிரமணியத்தை 1-ம் எதிரி சேகர் என்கிற சந்திரசேகரன் மற்றும் 2-ம் எதிரி கார்த்திக்கோடு பார்த்தேன் என்று சொன்னபிறகு தான் மறுநாள் போலிசார் 1-ம் எதிரி சேகர் என்கிற சந்திரசேகரை கைதுசெய்தார்கள் என்று சொன்னால் இல்லை, அதற்கு முன்பே போலிசார் 1-ம் எதிரி சேகர் என்கிற சந்திரசேகரை கைது செய்து விட்டார்கள், போலிசார் 1-ம் எதிரி சேகர் என்கிற சந்திரசேகரை கைது செய்த அன்றே 2-ம் எதிரி கார்த்திக்கையும் கைதுசெய்துவிட்டார்கள் என்று சொன்னால் இல்லை அதற்கு மறுநாள் தான் 2-ம் எதிரி கார்த்திக்கை கைதுசெய்தனர், நான் அலங்கியம் காவல்நிலையத்திற்கு மொத்தம் இரண்டுமுறை போனேன் என்றும் பாலாஜி என்கிற பாலசுப்பிரமணியத்தின் பிரேதப்பரிசோதனை நடந்த அன்று மதியம் போலிசார் எங்கள் எல்லோரையும் காவல்நிலையத்திற்கு வரச்சொல்லி விசாரித்தார்கள், அதற்கு

மறுநாளும் போலிசார் என்னை காவல்நிலையத்திற்கு வரச்சொல்லி விசாரித்தார்கள் என்று சொன்னால் ஆமாம்....."

42.v) From the evidence of Pw9, it is seen that the postmortem was conducted on the body of the deceased Balaji on 05.02.2015. On the day before, A1 was arrested by the Alangiam Police, and thereafter A2 was arrested by the Alangiam Police on 06.02.2015. Pw9 is the cousin brother of the deceased. Naturally, if he had really seen the deceased along with A1 on 03.02.2015 at about 09.00 p.m. near Amaravathi Main Canal, Sluice No.55, he would have informed the family of the deceased that the deceased was last seen in the company of A1 and A2 on the very day the deceased went missing, i.e., 03.02.2015. However, in the case on hand, Pw9 did not inform the family of the deceased about the alleged last seen circumstance on the day of the missing of the deceased.

42.w) Further on perusal of evidence of the Pw5 Andamuthu, deposed in the cross examination as follows:

“.....05.02.2015-ம் தேதி டீக்கடையில் வைத்து மேற்கண்டவாறு செய்தித்தாள் மூலம் தகவல் தெரிந்தவுடன் நான் எனது மாமா தோட்டத்திற்கு காலை 07.45 மணிக்கு சென்றேன், அங்கு எனது மாமா பஞ்சலிங்கம் அவரது மனைவி இன்னும் உறவினர்கள் நிறையபேர் இருந்தார்கள், அதன் பிறகு பேருந்து ஒன்றைப் பிடித்து தாராபுரம் அரசு மருத்துவமனைக்கு சென்றோம், அரசு மருத்துவமனைக்கு நாங்கள் வரும்போது அரசு மருத்துவமனையில் போலிசார் இருந்தார்கள்....."

".....03.02.2015-ம் தேதி காலையில், பாலாஜி 1-வது எதிரியுடன் இருசக்கர வாகனத்தில் சென்ற விவரத்தை 05.02.2015-ம் தேதி போலிசாரிடம் சொன்னீர்களா என்றால் அப்போது சொல்லவில்லை, ஆனால் எனது மாமா பஞ்சலிங்கத்திடம்

சொன்னேன், போலிசார் என்னிடம் 3-ம் தேதி பார்த்தீர்களா என்று அரசு மருத்துவமனையில் வைத்து கேட்கவில்லை..... "

42.x) From the evidence of Pw5 Andamuthu, it is crystal clearly proved that Pw5 Andamuthu informed the family of the deceased about the deceased accompanying A1 on 03.02.2015, on the date of the postmortem itself, i.e., 05.02.2015. In this regard, the prosecution has not explained the reason for not recording the statement of Pw5 Andamuthu on the date of the postmortem itself, namely 05.02.2015. Therefore, the above said evidence of Pw5 and Pw9 has not inspired the confidence of this Court to rely upon them.

42.y) It is the case of the prosecution that, before assaulting the deceased, A1 and A2 administered a banana laced with poisonous substances to the deceased Balaji. However, the Postmortem Certificate (Ex.P16), the Final Opinion (Ex.P17), and the Pathology Report (Ex.P21) do not reveal the presence of any poisonous substance in the internal organs or body of the deceased. Therefore, the prosecution has not proved the above said fact beyond reasonable doubt.

43) After evaluating the entire prosecution evidence and records, this Court finds that there is no clinching evidence to prove the guilt of the accused through circumstantial evidence, and the prosecution has failed to prove the chain of circumstances without any break. There is no concrete material to convict any of the accused. The prosecution has miserably failed to prove the charges against the accused beyond reasonable doubt. In view of the numerous inconsistencies and

infirmities in the prosecution case, it is highly unsafe to draw any inference regarding the guilt of the accused. Accordingly, the accused are entitled to the benefit of doubt.

44) i) In the result, the A1 and A2 are found not guilty under Sections 120(b), 364, 302, 201 of Indian Penal Code, A3 is found not guilty under sections 120(b), 364 r/w. 109, 302 r/w. 109 of Indian Penal Code, and is hereby acquitted under Section 235(1) of Code of Criminal Procedure.

ii) In this case, P.M.O.1 to P.M.O.12 have been registered as P.R.No.1 of 2023 on the file of this Court. The P.M.O.1, namely the Bajaj CT 100 two-wheeler bearing Registration No. TN-41-P-6145, which is in the custody of the Kaniyur Police Station, is ordered to be handed over to its rightful owner of the vehicle after appeal time is over. If no person comes forward to file an appropriate petition before this Court for the return of the above P.M.O.1, namely the two-wheeler, the said P.M.O.1 may be ordered to be confiscated to the Government, P.M.O.2 to P.M.O.12 are ordered to be destroyed in accordance with law after appeal time is over.

Dictated by me to the Steno typist, directly typed by her in the computer, corrected and pronounced by me in open court on the 23rd day of July 2026.

IVth Additional District
and Sessions Judge,
Udumalpet.

Prosecution side witnesses :-

Prosecution Witness No.	Name of Witness	Description
PW1	Tmt. Chandrakala	Complainant
PW2	Tr. Prabu	Hearsay, Observation mahazar and rough sketch witness
PW3	Tr. Senthilkumar	Hearsay witness
PW4	Tr. Panchalingam	Inquest witness
PW5	Tr. Andamuthu	Hearsay witness
PW6	Tr. Gunasekaran	Hearsay witness
PW7	Tr. Maheswaran	Seller(Shopkeeper)Witness
PW8	Tr. Venkatachalam	-
PW9	Tr. Senthilnathan	-
PW10	Tr. Karthikeyan	Observation mahazar and rough sketch witness
PW11	Tr. Veerakumar	Confession and seizure mahazer witness
PW12	Tr. Ramasamy	Confession statement witness
PW13	Tmt. Vanitha	Seizure mahazar witness
PW14	Tr. R.Muruganandham	Confession and seizure mahazer witness
PW15	Dr. Yogalakshmi	Expert witness(Doctor)
PW16	Tr. S. Muruganandham	-
PW17	Tr. Subramani	-
PW18	Tr.Jeevamani	Police
PW19	Tr. Peranandham	Expert witness (doctor)
PW20	Tmt. Sivasankari	Sub inspector of police
PW21	Tr. Udhayakumar	Confession and seizure mahazer witness
PW22	Dr. C. Narmadha	Expert witness (doctor)
PW23	Tr. K. Vijayakumar	Sub Inspector of police
PW24	Tr. Rajan	Constable (Gr.I)
PW25	Tr. Santhanam	Constable(Gr.I)
PW26	Tr. Venkateswaran	Expert witness (Forensic department)

PW27	Tr. Absal Ahamadhu	Sub inspector of police
PW28	Tr.Somasundaram	Investigation Officer
PW29	Tr. Parthiban	Investigation officer

Prosecution side Exhibits :-

Exhibit No.	Dated	Description of the Exhibit	Proved by/ Attested by
Ex.P1	04.02.2015	Complaint	PW.1
Ex.P2	04.02.2015	Observation Mahazar	PW.2
Ex.P3	07.02.2015	Observation Mahazar	PW.10
Ex.P4	07.02.2015	2 nd Signature of PW11 in Confession statement (1st accused)	PW11
Ex.P5	07.02.2015	2 nd Signature of PW11 in Seizure mahazar (Bajaj CT 100 two wheeler bearing reg.no. N-41-P-6145)	PW11
Ex.P6	07.02.2015	2 nd Signature of PW11 in Seizure mahazar(Black colour bag, tiffin box, blue colour full sleeve shirt)	PW11
Ex.P7	07.02.2015	2 nd Signature in Seizure mahazar(Aruval, rope)	PW11
Ex.P8	07.02.2015	2 nd Signature of PW11 in Seizure mahazar(blood stained soil, unstained soil)	PW11
Ex.P9	10.02.2015	Admissible portion of A1 confession statement	PW11
Ex.P9a	10.02.2015	2 nd signature in confession statement (2 nd accused)	PW12
Ex.P10	10.02.2015	2 nd Signature in Seizure mahazar(half sleeve shirt, Iron rod)	PW12
Ex.P11	10.02.2015	Admissible portion of confession statement (2nd accused)	PW12
Ex.P12	10.02.2015	1 st Signature in Confession statement (2nd accused)	PW13
Ex.P13	10.02.2015	1 st Signature in Seizure mahazar(half sleeve shirt, iron rod)	PW13
Ex.P14	12.02.2015	Admissible portion of Confession statement	PW14

		(3 rd accused)	
Ex.P15	12.02.2015	1 st Signature in Seizure mahazar (Nokia cell phone)	PW14
Ex.P16	05.02.2015	Postmortem certificate	PW15
Ex.P17	05.02.2015	Final Opinion	PW15
Ex.P18	12.02.2015	2 nd Signature in confession statement (3 rd accused)	PW17
Ex.P19	12.02.2015	2 nd Signature in Seizure Mahazar(Nokia cell phone)	PW18
Ex.P20	13.03.2015	Hyoid Bone Certificate	PW19
Ex.P21	18.03.2015	Pathology Report	PW19
Ex.P22	07.02.2015	1 st Signature in confession statement (1 st accused)	PW21
Ex.P23	07.02.2015	1 st Signature in seizure mahazar(Bajaj two wheeler)	PW21
Ex.P24	07.02.2015	1 st Signature in seizure mahazar(Blood stained soil, unstained soil)	PW21
Ex.P25	07.02.2015	1 st Signature in seizure mahazar(Aruval, rope)	PW21
Ex.P26	07.02.2015	1 st Signature in seizure mahazar(Black colour bag, tiffin box, blue colour sleeve shirt)	PW21
Ex.P27	04.02.2015	First Information Report in Cr.No.64/2015)	PW23
Ex.P28	27.04.2015	Biological Report of Forensic department	PW26
Ex.P29	27.03.2015	First Information report in Cr.No.107/2015	PW27
Ex.P30	04.02.2015	Rough sketch (04.02.2015)	PW28
Ex.P31	05.02.2015	Inquest report	PW28
Ex.P32	07.02.2015	Seizure Mahazar(Bajaj CT 100 two wheeler bearing reg.no. N-41-P-6145)	PW28
Ex.P33	07.02.2015	Rough sketch (07.02.2015)	PW28
Ex.P34	07.02.2015	Seizure mahazar (blood stained soil, unstained soil)	PW28
Ex.P35	07.02.2015	Seizure mahazar (Aruval, white colour rope)	PW28
Ex.P36	07.02.2015	Seizure mahazar(Black colour bag, tiffin box, blue colour full sleeve shirt)	PW28

Ex.P37	10.02.2015	Section alteration report(10.02.2015)	PW28
Ex.P38	10.02.2015	Seizure mahazar(Half sleeve shirt, iron rod)	PW28
Ex.P39	12.02.2015	Seizure mahazar (Nokia cell phone)	PW28
Ex.P40	-	Cellphone call details	PW28
Ex.P41	07.02.2015	Accident register(Government Hospital, Dharapuram)	PW28
Ex.P42	21.05.2015	Section alteration report(21.05.2015)	PW29

Prosecution side material objects : -

Material Object No.	Dated	Description of the Material Object	Proved / Attested by
M.O.1	--	Bajaj CT 100 two wheeler bearing reg.no. TN-41-P-6145-photo	PW11
M.O.2	--	Black colour bag	PW11
M.O.3	--	Tiffin box with cover	PW11
M.O.4	--	Blue colour Full sleeve shirt	PW11
M.O.5	--	Half sleeve shirt with blood stains	PW11
M.O.6	--	Aruval with wooden hand	PW11
M.O.7	--	White rope	PW11
M.O.8	--	Blood stained earth	PW11
M.O.9	--	Unstained earth	PW11
M.O.10	--	Half sleeve shirt with blood stains	PW12
M.O.11	--	Iron rod	PW12
M.O.12	--	White colour Nokia Cell phone	PW14

Defence side witnesses, exhibits & material object :- Nil.

IVth Additional District and
Sessions Judge,
Udumalpet.

**Draft/ Fair Judgment
in
SC.No.126 of 2016
Dated : 23.07.2026.**