

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.

PRESENT: **Thiru. P. Velmurugan, B.A., B.L.,**
Principal Sessions Judge, Thanjavur.

Wednesday, the 29th day of April, 2026.
(Thiruvalluvarandu 2057 Sri Parabhava Varudam Chithirai Thingal 16th day)

Sessions Case No. 73/2020
CNR No. TNTJ01 – 007776 – 2020

(PRC No.7/2020 of the Court of Judicial Magistrate, Thiruvaiyaru)
(Cr. No.90/2019 on the file of Naducauvery Police Station)

Complainant : State represented by
Inspector of Police,
Naducauvery Police Station.
Crime No. 90/2019

Name and Address of the Accused : 1) Murugaraj, aged 46/2026,
S/o. Natesan,
Elupan Korai, Papanasam Taluk,
Thanjavur District.

2) Surenthiran, aged 34/2026,
S/o. Sankilimuthu,
South Kaliyamman Kovil Street,
Echangudi, Papanasam Taluk,
Thanjavur District.

3) Dhinesh, aged 33/2026,
S/o. Sinraj,
South Kaliyamman Kovil Street,
Manaloor, Papanasam Taluk,
Thanjavur District.

4) Vengadesan, aged 31/2026,
S/o. Jayaraman,
South Kaliyamman Kovil Street,
Manaloor, Papanasam Taluk,

- Thanjavur District.
- 5) Thangadhurai, aged 42/2026,
S/o. Rangunathan,
South Kaliyamman Kovil Street,
Ganapathi Agraharam,
Manaloor, Papanasam Taluk,
Thanjavur District.
 - 6) Thamilselvan, aged 35/2026,
S/o. Krishnamoorthi,
Puthumanai Colony, Main Road,
Eluppaikorai,
Ganapathi Agraharam,
Manaloor, Papanasam Taluk,
Thanjavur District.
 - 7) Bharathi, aged 39/2026,
S/o. Mathiyappan,
West Street, Madam,
Thiruvaiyaru Taluk,
Thanjavur District.
 - 8) Mohamathu Pilal @ Saravanan,
aged 44/2026,
S/o. Natesan,
Hazanbasha Kurukku Street,
Eezapallavaram, Chennai – 75.
 - 9) Kumar, aged 62/2026,
S/o. Kalimuthu,
Mariyamman Kovil Street,
Umayaval Arkadu,
Thiruvaiyaru Taluk,
Thanjavur District.
 - 10) Parthiban, aged 37/2026,
S/o. Kumar,
Mariyamman Kovil Street,
Umayaval Arkadu,
Thiruvaiyaru Taluk,
Thanjavur District.

- 11) Panneerselvam, aged 61/2026,
S/o. Thavuttan,
Eluppaikorai Main Road,
Ganapathi Agraharam,
Manaloor, Papanasam Taluk,
Thanjavur District.

Charges framed in this Case:

1st Charge

(Against 3rd & 5th accused)

: Kidnapping or Abducting in order to murder – an offence punishable under Section 364 of the Indian Penal Code, 1860.

2nd Charge

(Against 1, 3, 4, 5, 6, 7, 8, 11 accused)

: Rioting – an offence punishable under Section 147 of the Indian Penal Code, 1860.

(Against 2nd accused)

: Rioting with Deadly Weapon – an offence punishable under Section 148 of the Indian Penal Code, 1860.

3rd Charge

(Against 1st – 8th accused & 11th accused)

: Criminal Conspiracy – an offence punishable under Section 120B of the Indian Penal Code, 1860.

4th Charge

(Against 1, 2, 4, 6, 7, 8, 11th accused)

: Kidnapping or Abducting in order to murder – an offence punishable under Section 364 of the Indian Penal Code, 1860.

5th Charge

(Against 1st to 8th and 11th accused)

: Wrongful Confinement – an offence punishable under Section 342 of the

Indian Penal Code, 1860.

6th Charge

(Against 9 & 10th accused)

: Uttering obscene words in or near any public place – an offence punishable under Section 294(b) of the Indian Penal Code, 1860.

7th Charge

(Against 9th & 10th accused)

: Voluntarily Causing Hurt – an offence punishable under Section 323 of the Indian Penal Code, 1860.

8th Charge

(Against 1st to 6th, 8th & 11th accused)
Punishable u/s 302 r/w 120(B) of IPC

: Criminal conspiracy to commit murder – Punishable u/s 302 r/w 120(B) of IPC

(Against 9th and 10th accused)
Punishable u/s 302 r/w 109 of IPC

: Abetment of murder – 302 r/w 109 of IPC

(Against 7th accused)
Punishable u/s 302 r/w 120(B) r/w 149

: Criminal conspiracy and abetment to commit murder

Plea of the Accused

: Not Guilty

Finding of the Court

: Not Guilty

Sentence or order of this Court

: In the result, the 1st, 3rd, 4th, 5th, 6th, 8th, 11th accused are not found guilty for the offences punishable u/s 147, 120(B), 364, 342, 323, 302 r/w 120(B) of IPC, the 2nd accused is not found guilty for the offences punishable u/s 148, 120(B), 364, 342, 323, 302 r/w 120(B) of IPC, the 7th accused is not found guilty for the offences

punishable u/s 147, 120(B), 364, 342, 302 r/w 120(B) & 149 of IPC, and the 9th and 10th accused are not found guilty for the offences punishable u/s 294(b), 302 r/w 109 of IPC. The 1st to & 11th accused are acquitted under Section 258(1) of the Bharatiya Nyaya Suraksha Sanhita, 2023. The bail bond, if any, shall stand cancelled.

After the completion of the appeal period or upon the disposal of the appeal, if there be any, the case properties namely MO1, 3 to 10, 12 & 13 remanded in SCP No.4/2026 are ordered to be destroyed as that material objects are of no use. The car shown in MO2 photos, which was already handed over to its owner on interim custody, is ordered to be kept with him and the bond executed by him is ordered to be cancelled after the appeal time or upon the disposal of the appeal. MO14 Gold Stud, MO15 Silver Colour ring and MO16 Brass ring are ordered to be handed over to the mother / legal heir of the deceased Prasanth after the appeal time or

upon the disposal of the appeal.
MO2 Photos of the car and MO11
Photos of the deceased are
ordered to be kept with the case
bundle.

Brief Facts of the Case:–

- (1) Name of the Police Station and the Crime Number : Naducauvery Police Station;
Crime No. 90/2019
- (2) Name of the Accused : A1 – Murugaraj
A2 – Surenthiran
A3 – Dhinesh
A4 – Vengadesan
A5 – Thangadhurai
A6 – Thamilselvan
A7 – Bharathi
A8 – Mohamathu Pilal @ Saravanan,
A9 – Kumar
A10 – Parthiban
A11 – Panneerselvam
- (3) Name of the Accused's Father : A1 – S/o. Natesan
A2 – S/o. Sankilimuthu
A3 – S/o. Sinraj
A4 – S/o. Jayaraman
A5 – S/o. Rangunathan
A6 – S/o. Krishnamoorthi
A7 – S/o. Mathiyappan
A8 – S/o. Natesan
A9 – S/o. Kalimuthu
A10 – S/o. Kumar
A11 – S/o. Thavuttan
- (4) Occupation of the Accused : A1 – Cooly
A2 – Agriculturist
A3 – Electrician
A4 – Cook

- A5 – Agriculturist
- A6 – Agriculturist
- A7 – Driver
- A8 – Electrician
- A9 – Agriculturist
- A10 –Cooly
- A11 –Conductor

(5) Residence of the Accused

- : A1 – Elupan Korai, Papanasam Taluk, Thanjavur District.
- A2 – South Kaliyamman Kovil Street, Echanguudi, Papanasam Taluk, Thanjavur District.
- A3 – South Kaliyamman Kovil Street, Manaloor, Papanasam Taluk, Thanjavur District.
- A4 – South Kaliyamman Kovil Street, Manaloor, Papanasam Taluk, Thanjavur District.
- A5 – South Kaliyamman Kovil Street, Ganapathi Agraharam, Manaloor, Papanasam Taluk, Thanjavur District.
- A6 – Puthumanai Colony, Main Road, Eluppaikorai, Ganapathi Agraharam, Manaloor, Papanasam Taluk, Thanjavur District.
- A7 – West Street, Madam, Thiruvaiyaru Taluk, Thanjavur District.
- A8 – Hazanbasha Kurukku Street, Eezapallavaram, Chennai – 75.
- A9 – Mariyamman Kovil Street, Umayaval Arkadu, Thiruvaiyaru Taluk, Thanjavur District.
- A10 – Mariyamman Kovil Street,

Umayaval Arkadu,
Thiruvaiyaru Taluk,
Thanjavur District.

A11 – Eluppaikorai Main Road,
Ganapathi Agraharam,
Manaloor, Papanasam Taluk,
Thanjavur District.

- (6) Age of the Accused : A1 – 46/2026
A2 – 34/2026
A3 – 33/2026
A4 – 31/2026
A5 – 42/2026
A6 – 35/2026
A7 – 39/2026
A8 – 44/2026,
A9 – 62/2026,
A10 – 37/2026
A11 – 61/2026
- (7) Date of Occurrence : 12.06.2019
- (8) Date of Complaint : 12.06.2019
- (9) Period of Remand of the Accused : A1 – 15.06.2019 to 31.08.2019
A2 – 15.06.2019 to 30.08.2019
A3 – 15.06.2019 to 30.08.2019
A4 – 15.06.2019 to 31.08.2019
A5 – 04.10.2019 to 14.11.2019
A6 – 10.10.2019 to 14.11.2019
A7 – 15.06.2019 to 21.08.2019
A8 – 04.10.2019 to 14.11.2019
A9 – 15.06.2019 to 21.08.2019
15.03.2022 to 18.03.2022
A10 – 15.06.2019 to 21.08.2019
15.03.2022 to 18.03.2022
A11 – 04.10.2019 to 14.11.2019
- (10) Date of Committal of the Case : 05.10.2020

- (11) Date of Questioning the Accused : 16.02.2021
under Section 228 of CrPC
- (12) Date of Examination of the Accused : 15.04.2026
under Section 313(1)(b) of CrPC
- (13) Commencement of Trial : 01.11.2022
- (14) Close of Trial : 15.04.2026
- (15) Sentence or Order : 29.04.2026

(16) Criminal Miscellaneous Petitions filed by the accused:–

Petitions	CrI. M. P. No.	Date of Filing	Date & Nature of Disposal
348 of BNSS	2007/2026	24.02.2026	24.02.2026- Allowed
Surrender petition	76/2022	15.03.2022	15.03.2022 – Allowed
Advance petition	77/2022	15.03.2022	15.03.2022 – Allowed
Warrant recall petition	78/2022	15.03.2022	15.03.2022 – Dismissed
Surrender petition	345/2022	06.09.2022	06.09.2022 – Allowed
Advance petition	346/2022	06.09.2022	06.09.2022 – Allowed
Warrant recall petition	347/2022	06.09.2022	06.09.2022 – Allowed
Relaxation petition	431/2022	11.10.2022	06.06.2023 – Dismissed

Dates of Examination in Chief and Cross–Examination of witnesses:–

	Name of the Witnesses	Date of Chief Examination	Date of Cross Examination
PW1	Shanmugavel, Village Administrative Officer	01.11.2022	03.01.2023
PW2	Johnson, Assistant of Village	07.02.2023	07.02.2023

Administrative Officer

PW3	Rajendran, S/o. Govindhasamy	07.02.2023	07.02.2023
PW4	Prabhu	28.02.2023	28.02.2023
PW5	Rangabhashyam	28.02.2023	28.02.2023
PW6	Murugaiyan	28.02.2023	28.02.2023
PW7	Periyar Selvan	20.06.2023	20.06.2023
PW8	Malarkkodi	20.06.2023	20.06.2023
PW9	Prabhakaran	20.06.2023	20.06.2023
PW10	Balaji	18.07.2023	18.07.2023
PW11	Mathiyazhagan	12.09.2023	12.09.2023
PW12	Rajendran, S/o. Natesan	01.12.2023	01.12.2023
PW13	Chandrasahsan	01.12.2023	01.12.2023
PW14	Samy Ayya	09.01.2024	09.01.2024
PW15	Selvam	09.01.2024	09.01.2024
PW16	Ayyappan	04.04.2024	04.04.2024
PW17	Rameshkumar	31.01.2025	31.01.2025
PW18	Sahana, Village Administrative Officer	14.02.2025	14.02.2025
PW19	Muruganandam	28.03.2025	28.03.2025
PW20	Mathiyazhagan	28.03.2025	28.03.2025
PW21	Sandhiya	15.07.2025	15.07.2025
PW22	Ramachandran, Assistant Director	21.07.2025	21.07.2025
PW23	Sivakumar, Scientific Officer	14.08.2025	14.08.2025
PW24	Dr. Tamilmani, Professor	16.09.2025	16.09.2025
PW25	Kalai Kannaki, Additional Superintendent of Police, Finger Print Section	23.09.2025	23.09.2025
PW26	Gopinath, Head Constable	23.09.2025	23.09.2025

PW27	Karthik, Police Constable, Sniffer Dog Unit	23.10.2025	–
PW28	Jaysankar, Retired Special Sub–Inspector	26.11.2025	26.11.2025
PW29	Saravanan, Special Sub–Inspector	12.01.2026	12.01.2026
PW30	Balamurugan, Sub–Inspector	30.01.2026	30.01.2026
PW31	Rajendran, Retired Sub–Inspector	02.02.2026	02.02.2026
PW32	Senthilkumar, Inspector of Police	01.04.2026	01.04.2026

This Sessions Case was originally taken on file before this Principal Sessions Court and made over to the II Additional District and Sessions Court, Thanjavur. Thereafter, as per the Order of this Court in D. No. 8555/25/SC dated 29.10.2025, the entire case records were transferred to this Principal Sessions Court. This case was taken up before this Court for final hearing on 21.04.2026 in the presence of Mr. S. Sathiamoorthy, Learned Public Prosecutor appearing for the Complainant and of Mr.A.Anbuganapathi, Learned Advocate appearing for the accused 1 to 6 and 8 to 11; Mr.K.Jayachandran, Learned Advocate appearing for the 7th Accused, and upon hearing of both sides and perusing available material records and having stood over for consideration till date, this Court passed the following ...

J U D G M E N T

(1) The Inspector of Naducauvery Police Station laid a final report against the accused alleging that:

The daughter of 1st accused,, namely Sandhiya and the deceased Prasanth were in love with each other and on 08.06.2019, at about 04.30 a.m., they eloped to

Kangyampettai, where they stayed at the house of one Manikandan, a relative of the victim Prasanth. While searching them, A1 and relatives viz. A2, A3, A4, A5 & A8, armed with billhook, wandered and threatened that if Sandhiya was not handed over, they would destroy Prasanth's family. Having frightened of the said threatening, on 11.06.2019, at about 10.00 p.m., the victim Prasanth intended to take Sandhiya from Kangeyampettai towards Thiruppur. However, on 12.06.2019, at about 00.30 Hours, at Thiruchirappalli Central Bus Stand, Prasanth and Sandhiya were caught by A3 & A5, who forcibly took them in a hired car. On the same day, at about 02.30 a.m., when they reached near the Thanjavur New Bus Stand, the other accused persons, namely A1, A2, A4, A6, A7, A8 & A11 already assembled there. They criminally conspired to leave Sandhiya at the house of A9 & A10 and to take Prasanth to Vettaru river area at Panaveli to murder him. Thereafter, A1, A2, A3, A4, A5, A6, A8 & A11 transported both Sandhiya and Prasanth in a silver-coloured Tata Indica car bearing Registration No. TN 82 C 4871, owned by A7, to the house of A9 & A10 situated at Umaiyaaval Arkadu. At the said place, A9 & A10 abused Prasanth in filthy language and further, the accused A1, A2, A3, A4, A5, A6, A8, A9, A10 & A11 beat and kicked Prasanth. On the instigation of A9 & A10, other accused A1, A2, A3, A4, A6 & A7 took Prasanth again in the said car to the northern bank of Panaveli Vettaru. There A6 & A7 stood for watching of any movement of people, while A1, A2, A3 & A4 took Prasanth near the river. A2 held him, A3 unbuttoned the shirt of Prasanth and tied his hands behind his back with the said shirt, and A2 gagged his mouth with a towel. Thereafter, A1, A2, A3 & A4 assaulted him with their hands. At that time, A1

instigated the others to kill Prasanth. Pursuant thereto, A2 assaulted Prasanth on the backside of his head with an iron pipe (transformer handle). When Prasanth fell down, A1 also assaulted him on the backside of his head with the same iron pipe, causing his death. Subsequently, A2, A3 & A4 dragged the dead body of Prasanth and threw it into a thorny bush, as per the instruction of A1. Thereby,

(i) the acts of the **accused Nos. 1 & 2** constitute the offences punishable under Sections 147, 148, 364, 342, 323, 302 of the Indian Penal Code, 1860, read with Sections 120B, 109 of the Indian Penal Code, 1860;

(ii) the acts of the **accused Nos. 3, 4 & 6** constitute the offences punishable under Sections 147, 148, 364, 342, 323, 302 of the Indian Penal Code, 1860, read with Sections 120B, 149 of the Indian Penal Code, 1860;

(iii) the acts of the **accused No. 5, 8 & 11** constitute the offences punishable under Sections 147, 148, 364, 342, 323, 302 of the Indian Penal Code, 1860, read with Section 120B of the Indian Penal Code, 1860;

(iv) the acts of the **accused No. 7** constitute the offences punishable under Sections 147, 148, 364, 342, 302 of the Indian Penal Code, 1860, read with Sections 120B, 149 of the Indian Penal Code, 1860; and

(v) the acts of the **accused Nos. 9 & 10** constitute the offences punishable under Sections 147, 148, 294(b), 323, 302 of the Indian Penal Code, 1860, read with Section 109 of the Indian Penal Code, 1860.

(2) Upon receipt of the Final Report, the Learned Judicial Magistrate, Thiruvaiyaru, took cognizance of the case and numbered it as PRC No. 7/2020 for the offences punishable under Sections 147, 148, 149, 294(b), 364, 342, 232, 302 of the Indian Penal Code, 1860, read with Sections 120B, 109 of the Indian Penal Code, 1860, (hereinafter referred to as “IPC”) and after furnishing copies of the relevant documents to the accused as mandated under Section 207 of Code of Criminal Procedure, 1973, (hereinafter referred to as “CrPC”) committed the case to the Court of Sessions, as the offence punishable under Sections 302 of the IPC is exclusively triable by the Sessions Court.

(3) Upon receipt of case records from the Committal Court, this Principal Sessions Court, Thanjavur, has numbered it as SC No. 73/2020 and made over to the II Additional District and Sessions Court, Thanjavur. In the II Additional District and Sessions Court, Thanjavur, after making the appearance of the accused, charges were framed as follows:

(i) Against the accused A1, A3, A4, A5, A6, A8, A11 – for the offences punishable u/s 147, 120(B), 364, 342, 323, 302 r/w 120(B) of IPC

(ii) Against the 2nd accused – for the offences punishable u/s 148, 120(B), 364, 342, 323, 302 r/w 120(B) of IPC

(iii) Against the 7th accused – for the offences punishable u/s 147, 120(B), 364, 342, 302 r/w 120(B) & 149 of IPC.

(iv) Against the accused A9 & A10 – for the offences punishable u/s 294(b),

302 r/w 109 of IPC.

(4) The charges were read over and explained to the accused, to which, they pleaded not guilty and sought to be tried. In order to prove the charges framed against the accused, the prosecution examined PW1 to PW32 and marked Ex.P1 to Ex.P34, along with MO1 to MO16. During the course of the trial, the case was transferred from the II Additional District and Sessions Court, Thanjavur, to this Principal Sessions Court, Thanjavur, as per the Order of this in D. No. 8555/25/SC dated 29.10.2025.

(5) The Brief Factual Matrix of the Prosecution, as emerging from the oral and documentary evidence on record, is as follows:–

(5.1) The victim Prasanth and PW21 Sandhiya, who is the daughter of 1st accused, were in love affairs with each other and in order to escape from the accused persons, they tried to go to Thiruppur. However, on 12.06.2019, at about 00.30 Hours, at Tiruchirappalli Central Bus Stand, they were caught by A3 & A5 and forcibly taken in a hired car. On the same day, at about 02.30 a.m., when they reached near the Thanjavur New Bus Stand, the other accused persons, namely A1, A2, A4, A6, A7, A8 & A11 already assembled there. They criminally conspired to leave Sandhiya at the house of A9 & A10 and to take Prasanth to Vettaru river area at Panaveli to murder him. Thereafter, A1, A2, A3, A4, A5, A6, A8 & A11 transported both PW21 Sandhiya and Prasanth in a silver-coloured Tata Indica car bearing Registration No. TN 82 C 4871, owned by A7, to the house of A9 & A10 situated at

Umaiyaaval Arkadu. At the said place, A9 & A10 abused Prasanth in filthy language and assaulted him. Thereafter, on the instigation of A9 & A10, the accused A1, A2, A3, A4, A6 & A7 took Prasanth again in the said car to the northern bank of Panaveli Vettaru. There A6 & A7 stood for watching of any movement of people, while A1, A2, A3 & A4 took Prasanth near the river. A2 held him, A3 unbuttoned of his shirt and tied his hands behind his back, and A2 gagged his mouth with MO3 towel. Thereafter, A1, A2, A3 & A4 assaulted him with their hands. At that time, A1 instigated the others to kill Prasanth. Pursuant thereto, A2 assaulted Prasanth on the backside of his head with MO1 an iron pipe (transformer handle). When Prasanth fell down, A1 also assaulted him on the backside of his head with the same MO1 iron pipe. Therefore, Prasanth succumbed to the injuries. Subsequently, A2, A3 & A4 dragged the dead body of Prasanth and threw it into a thorny bush.

(5.2) On 12.06.2019, at about 06.00 a.m., **PW2 – Johnson**, the Village Assistant of Thenperambur Village informed **PW1 – Shanmugavel**, Village Administrative Officer of Thenperambur Village over the phone that a dead body of an unidentified person was lying in the Vettaru river. PW1 went to the spot, verified the same and informed to Naducauvery Police Station, the Revenue Inspector and the Tahsildar. **PW3 Rajendran, S/o. Govindhasamy, PW4 Prabhu, PW5 Rangapasyam and PW6 Murugaiyan** are hearsay witnesses and they went to the scene of occurrence and saw the dead body.

(5.3) On 12.06.2010, at about 6.45 a.m., based on the information given by PW1, the Village Administrative Officer, the police personnel arrived at the scene

of occurrence. On the same day, at about 11.00 a.m., at the request of the Inspector of Naducauvery Police Station made over phone, PW25 Tmt. Kalaikannaki, Deputy Superintendent of Police (Finger Print), visited the scene and lifted fingerprints from the body. Further, on the request of the Inspector of Naducauvery Police Station made over phone, at about 11.30 a.m. on the same day, PW26 Gobinath, Grade I Police Constable of the Armed Reserve, went to the scene of occurrence and took photographs of the dead body. The photographs taken by PW26 were marked as M.O.11. Further, on the same day, at about 1.00 p.m., at the request from DCRB, PW27 Karthik, who was working in the Sniffer Dog Squad, visited the place of occurrence along with the sniffer dog named "Rajarajan." Based on the information obtained from the special unit in the District Police Office and the Inspector of Police, Thiruvaiyaru Police Circle, on 12.06.2010, PW22 Mr.Ramachandran, Assistant Director of the Regional Forensic Laboratory, visited the scene of occurrence and suggested that the material objects, namely blood-stained soil, bloodless soil, and other blood-stained articles, be sent to the Forensic Laboratory for analysis. Through him, M.O.3 black and white towel, M.O.4 green shirt, M.O.5 black baniyan, M.O.6 Viking innerwear, M.O.7 black jeans pant, M.O.8 wrist band bearing the words "Thala Ajith", M.O.9 red holy thread, and M.O.10 black holy thread were forwarded. Thereafter, the dead body was taken by ambulance to Thanjavur Medical College Hospital. Subsequently, PW1 went to the Naducauvery Police Station and lodged Ex.P1 – Report before the Sub Inspector of Police, Naducauvery.

(5.4) On 12.06.2019, upon receiving Ex.P1 report, PW30 Balamurugan,

Sub-Inspector registered Ex.P18 – First Information Report in Crime No. 90/2019 for the offence punishable under Section 302 of the IPC. Then, on the same day, PW30 forwarded the original Ex.P1 Report and Ex.P18 First Information Report to the Court of Judicial Magistrate, Thiruvaiyaru, and the copies thereof to the superior officials. On 12.06.2019 at about 12.00 p.m. PW28 Jaysankar, then Head Constable of the said Police Station, handed over the express First Information Report to the Court.

(5.5) On 12.06.2019, Mr.Jagadhesan, then Inspector of Naducauvery Police Station took up the case for investigation. Since the Investigating Officer Jagadhesan, demised on 18.11.2025 during his service, the witness **PW32 – Mr.Senthilkumar, Inspector of Police**, who had worked with him and had familiarity with his signature, deposited in lieu of the Investigating Officer.

(5.6) Mr.Jagadheesan, the Investigating Officer, on 12.06.2019 at about 01.30 p.m., proceeded to the place of occurrence situated on the southern bank of the Vettaru river, opposite Keezha Mariyamman Temple Street, Panaveli Village. In the presence of Subramaniyan and **PW7 – Periyar Selvan**, he inspected the scene of occurrence and prepared **Ex.P18 – Observation Mahazar** and **Ex.P19 – Rough Sketch**. (Though the FIR has already been marked as Ex.P18, the observation mahazar was mistakenly marked as Ex.P18 again)

(5.7) Thereafter, on the same day, he examined PW1 to PW7, PW22, PW26, PW27, Selvam and recorded their statements respectively. From the scene

of occurrence, he seized sample quantities of **MO12 – Bloodstained Sand** and **MO13 – Non–Bloodstained Sand** under **Ex.P20 – Seizure Mahazar** in the presence of the witnesses PW7 Periyar Selvan and Subramaniyan.

(5.8) On hearing about the death of the victim Prasanth through their relatives, PW8 Malarkodi, mother of the deceased, PW9 Prabhakaran, brother of the deceased, PW10 Balaji, cousin of the deceased and PW11 Mathiyazhagan, uncle of the deceased, went to Thanjavur Medical College Hospital on 13.06.2019 and saw the dead body of the deceased Prasanth. On 13.06.2019, at about 7.30 a.m. Mr.Jagadheesan conducted inquest over the dead body of the deceased Prasanth at the mortuary of the Thanjavur Medical College Hospital in the presence of panchayatdars and witnesses, and prepared **Ex.P21 – Inquest Report**. Thereafter, he examined **PW8 to PW11 and** other hearsay witnesses viz. Brindha, Manikandan, Mohanraj, Malarvizhi, Kalaivannan and Prema, and recorded their statements individually. On 14.06.2019, at about 05.00 a.m., Mr.Jagadeesan arrested A1 – Murugaraj, A2 – Surendran, A3 – Dinesh and A4 – Vengadesh at Kandiyur Bus Stand in the presence of **PW12 – Rajendran** and **PW13 – Chandrahasan**. Upon interrogation in the presence of the said witnesses, the accused A1, A2, A3 & A4 voluntarily gave their respective confession statements in the presence of the above witnesses. The admissible portions of the confession statements of A1 to A4 were marked as Ex.P22 to Ex.P25 respectively. The **signatures of PW12 in the confession statements of A1 to A3** were marked as **Ex.P2 to Ex.P4** respectively. The **signatures of PW13 in the confession statements of A1 to A3** were marked as **Ex.P8 to Ex.P10**

respectively.

(5.9) Subsequently, on the same day, the section of law was altered from Section 302 of IPC to Sections 147, 148, 294(b), 302 of the IPC read with 120B, 109, 32 of IPC under **Ex.P26 – Alteration Report**. Pursuant thereto, in the presence of the said witnesses, A2 took the police and witnesses to a sugarcane field situated on the northern side of the road near Ayyanar Kovil Colony, Eechampatti, on the Thiruvaiyaru – Kumbakonam Road, and produced **MO1 – Bloodstained Iron Pipe (Transformer Handle)**, measuring about 62 cm in length, with the iron portion measuring 54 cm and the handle portion measuring 8 cm, the width of the handle being 7 cm and the pipe width being 3½ cm and the same was seized under **Ex.P27 – Seizure Mahazar** in the presence witnesses PW12 and PW13. The signatures of PW12 Rajendran in the seizure mahazars were marked as **Ex.P6 and Ex.P7**. The signatures of PW13 Chandrahasan in the seizure mahazars were marked as **Ex.P12 and Ex.P13**.

(5.10) On the same day at about 10.30 hours, the Investigating Officer Mr.Jagadheesan arrested the accused A7 Bharathi at Thiruvaiyaru Theradi Bus Stop. Upon interrogation in the presence of the same witnesses, the said accused voluntarily gave a confession statement stating that he would identify and produce the car used in the commission of the offence. **The admissible portion of the said confession is marked as Ex.P28, in which, the signatures of PW12 and PW13 were marked as Ex.P5 and Ex.P11**. Pursuant thereto, the accused led the police and witnesses to the house of one Pitchai Pillai at Thiruvaiyaru, where he produced a

silver-coloured Tata Indica car bearing Registration No. TN-82-C-4871, which was seized under a Mahazar. **Photographs of the said car are marked as M.O.2, and the seizure Mahazar is marked as Ex.P29.** On the same day at about 14.00 hours, the Investigating Officer arrested Accused A9 Kumar and A10 Parthiban at Thiruppanthuruthi Bus Stop. Thereafter, the accused A9 & A10 were remanded to judicial custody along with the seized material objects. The Investigating Officer further examined witnesses PW12, PW13 and the hearsay witnesses **PW14 Samiyayya, PW15 Selvam, PW21 Sandhiya, PW16 Ayyappan**, Suyamprakasham, Amutha, Muruganandam, Suresh and Rajendran, and recorded their statements. He also re-examined the witnesses PW8 Malarkodi, PW9 Prabhakaran and Brinda, and recorded their further statements.

(5.11) On 15.06.2019, he examined the hearsay witnesses **PW17 Rameshkumar**, Ambedkumar, Kaliyamoorthy, Silambarasan and Palanichandran, and recorded their statements. Thereafter, accused A5 Thangadurai, A8 Saravanan and A11 Panneerselvam, who had surrendered before the Court, were taken into police custody for two days. On the same day, in the presence of PW18 Sahana and Nagaraj, the Investigating Officer examined the said accused, and each of them voluntarily gave confession statements, which were recorded in the presence of the above said witnesses. Thereafter, the said accused were remanded to judicial custody. Subsequently, the accused A6 Tamilselvan, who had surrendered before the Court on 16.10.2019, was taken into police custody for two days, and on 17.10.2019, in the presence of witnesses **PW19 Muruganandam and PW20 Mathiyazhagan**, he

voluntarily gave his confession statement.

(5.12) On 30.10.2019, the Investigating Officer, Mr.Jagadheesan, examined Ravichandran, Project Director, and recorded his statement. On 04.11.2019, he examined PW23 Dr.Sivakumar, Scientific Officer, Dr.K.S. Sivasangari, Scientific Officer, PW29 Head Constable Saravanan, PW28 Head Constable Jaysankar, PW30 Sub-Inspector of Police Balamurugan and recorded their respective statements. Further he examined PW24 Dr.TamilMani, Assistant Professor, who conducted the autopsy on the body of the deceased, recorded his statement and obtained the **Ex.P16 Post-mortem**, in which, the doctor gave a final opinion that the deceased would appear to have died of cranio facial injuries due to injuries over vital structures of brain. The Viscera report was marked as Ex.P17.

(5.13) On 14.06.2019 the Inspector of Police, Mr.Jagadheesan, sent the seized iron pipe M.O.1 to the Court under Form-91, which is marked as Ex.P30. On 13.06.2019 at 5.00 p.m, the clothes recovered from the body of the deceased, along with a gold ear stud M.O.14, a silver ring M.O.15 and a brass ring M.O.30, were placed through special report by PW29 Saravanan before Mr.Jagadheesan, Inspector of Thiruvaiyaru police station and he forwarded the same to the Court under Ex.P31 Form-91. On 12.02.2019 at 12.30 p.m. Mr.Jagadhessan seized the blood-stained earth and unstained earth through Ex.P32 seizure mahazar from the scene were likewise sent under Form-91, marked as Ex.P32. On 14.06.2019 at about 12.00 P.M Mr.Jagadheesan seized car and the same was also sent to the Court under Form-91, marked as Ex.P33.

(5.14) Further, based on the confession statement of accused Tamilselvan that the accused Dinesh, Thangadurai, Prasanth and Sandhiya had travelled in a white Tata Indica car bearing Registration No. TN-45-BK-5495 on 12.06.2019, the Investigating Officer obtained CCTV footage from the Toll Plaza Project Director, Ravichandran, by issuing a requisition. On 29.10.2019, the said official furnished the CCTV footage and report. However, the same was not marked as evidence owing to objection regarding non-compliance with Section 65-B of the Indian Evidence Act.

(5.15) Thereafter, the Investigation Officer Mr.Jagadheesan sent the material objects MO1 Iron Pipe, MO7 Black colour jeans, MO6 Viking innerwear, MO5 Black colour baniyan, MO4 green colour shirt, MO3 Block and white towel, MO8 Wrist Band with the letter 'Thala Ajith', MO9 red colour holy thread, MO10 black colour holy thread, MO14 Gold Stud, MO15 Silver colour ring and MO16 Brass ring, MO12 bloodstained soil and MO13 bloodless soil for chemical analysis and he obtained the Ex.P34 Forensic Lab report.

(5.16) On 04.11.2019, the Investigating Officer Jagadheesan examined the Scientific Officers PW23 Thiru.Sivakumar and Tmt.Sivasankari, and recorded their statements. The Investigating Officer Jagadheesan received the Ex.P14 Biological Report and Ex.P15 Serology Report.

(5.17) Prior to the occurrence, on 08.06.2019, the mother of PW21 Sandhiya lodged a complaint before Ayyampettai Police Station that Prasanth kidnapped her daughter Sandhiya, who was 17 years minor girl. PW31 Rajendran,

then Sub-Inspector of Ayyampettai Police Station received the same and issued complaint receipt No.185/2019. The Investigating Officer Mr.Jagadheesan enquired PW31 Rajendran and recorded his statement. Upon completion of the investigation, the Investigating Officer filed the final report against the accused A1 to A11 for offences u/s 302, 147, 148, 294(b), 120(b), 109, 149, 304, 323 and 342 IPC.

(6) Upon the closure of the prosecution evidence, the accused A1 to A11 were questioned under Section 313(1)(b) of CrPC with respect to the incriminating circumstances appearing against them in the evidence on record. They denied all such circumstances as false. Neither oral nor documentary evidence was adduced on the side of the accused persons.

(7) Upon a comprehensive consideration of the materials placed on records and the testimony of the prosecution witnesses, the following point arise for determination:

1. Whether the prosecution has established that the death of Prasanth was homicide and amounts to murder?
2. Whether the prosecution has proved the guilt of the accused persons beyond reasonable doubt for the alleged offences?
3. If it is proved, what is the appropriate quantum of punishment to be imposed on the accused?

Point No1:-

(8) The Learned Public Prosecutor has argued that even though some of the

witnesses had turned hostile and did not support the case of the prosecution, the charges have been proved by examining remaining witness, whose evidence would inspire the confidence of this Court. The prosecution, therefore, prayed this Court to come to a conclusion that charges were proved against the accused persons beyond reasonable doubt and also prayed to convict them by awarding maximum punishment.

(9) The Learned Defence Counsel argued that most of the witnesses inquired by the investigating officer had turned hostile and were not supported the case of the prosecution. It is further argued that the witness, who supported the case of the prosecution during the trial, are not sufficient to prove the guilt of the accused, and therefore, this Court cannot believe the evidence of those witnesses, and also argued that the prosecution has miserably failed to establish the guilty against the accused and prayed the Court to acquit the accused from the aforesaid charge.

(10) This Court has carefully considered the arguments advanced on both sides and perused the records.

(11) According to the case of the prosecution, PW1 Shanmugavel, who was the Village Administrative Officer of Thenperambur Village lodged the Ex.P1 report/complaint. After receiving the “ **message over phone** ”, the police personnel came to the place of occurrence and after completing the procedures, they took the dead body to Thanjavur Medical College Hospital, on which, PW24 Dr.Tamilmani had conducted autopsy and noticed the external and internal injuries on the head,

face, ear, neck and shoulder of the deceased. PW24 Dr.Tamilmani issued postmortem certificate with final opinion that the deceased would **appear to have died of cranial facial injuries due to injuries over vital structures of brain.** Hence, this Court is of the considered view that the prosecution has established beyond all reasonable doubt that the death of Prasanth was homicidal in nature and amounts to murder. Thus, the Point No.1 is answered accordingly.

Point No.2:

(12) According to the prosecution, the victim Prasanth and PW21 Sandhiya had love affairs with each other, and on 12.06.2019, they intended to go to Thiruppur, they were caught by A3 & A5 at Tiruchirappalli Central Bus Stand, and thereafter, the accused persons criminally conspired to kill Prasanth, they left PW21 Sandhiya in the house of the accused A9 & A10 and they took Prasanth to Vettaru river area at Panaveli, and murdered him and throw the dead body into a thorny bush. Thereafter, on 12.06.2019, the villagers informed PW2 Johnson, Village Assistant that a male dead body was found near the river and subsequently, he informed PW1 Shanmugavel, Village Administrative Officer. Therefore, there is no direct eye witnesses in this case on the side of the prosecution to prove the guilt of the accused and therefore, the case of the prosecution entirely rests on circumstantial evidence. It is a settled principle of criminal jurisprudence that in a case based on circumstantial evidence, each circumstance relied upon by the prosecution must be proved beyond reasonable doubt and all such circumstances must form a complete chain pointing unerringly towards the guilt of the accused.

(13) As per the case of the prosecution, the motive of the murder is the love affairs between the victim and PW21, who is the daughter of the 1st accused. PW8 Malarkodi, the mother of the victim and PW9 Prabhakaran, the brother of the victim deposed that Prasanth and Sandhiya had love affairs with each other and PW21 left out her house and thereafter, the victim Prasanth and PW21 were in the relative's house of Prasanth at Kangeyampettai and during that time, since the 1st accused and others searched them, they hid themselves in a sugarcane field and thereafter, on 10.06.2019, Prasanth and PW21 Sandhiya left from Kangayampettai to go to Thiruppur. Both PW8 and PW9 deposed that they went to Thiruppur in some other bus, and when they were in Thiruppur, they heard about the death of Prasanth. PW10 Balaji, who is the relative of Prasanth, deposed in his chief examination that he heard that Prasanth took his lover to his relative house at Kangeyampettai and the family members of that girl wandered with weapons. On the side of the prosecution, the above witnesses only stated about the love affairs of the Prasanth. However, the PW21 Sandhiya, who is the daughter of the 1st accused, deposed in her chief examination that she did not know the deceased Prasanth and she did not know about the case and therefore, she was declared as hostile witness on the side of the prosecution. At this stage, this Court holds that the evidence of hostile witnesses cannot be rejected completely, it can be accepted to the extent that it supports the prosecution case. Though the Learned Public Prosecutor cross-examined PW21, no piece of evidence could be brought from PW21 in favour of the prosecution. Therefore, the prosecution has miserably failed to prove the motive of the murder by

the accused persons.

(14) The prosecution projected a story that the accused A1 to A11 have entered into a criminal conspiracy on 12.06.2019. But, no witnesses have spoken about the meeting of accused persons for planning to commit the murder of the said Prasanth. In the absence of any relevant evidence, it cannot be believed that the theory of criminal conspiracy has been proved by the prosecution beyond all reasonable doubts.

(15) Admittedly, there is no direct eye witness in this case. In the absence of direct evidence, it is the duty of the prosecution to establish the charges by proving the case through circumstantial evidence. It is well settled principles that in cases resting solely on circumstantial evidence, the circumstances relied upon by the prosecution must satisfy certain well-established principles in order to sustain a conviction. In **Sharad Birdhichand Sarda v. State of Maharashtra**, (1984) 4 SCC 116, the Hon'ble Supreme Court has enunciated the following five golden principles, which constitute the "*panchsheel*" of proof in cases based on circumstantial evidence:

- 1) *The circumstances from which the conclusion of guilt is to be drawn must be fully established.*
- 2) *The facts so established should be consistent only with the hypothesis of the guilt of the accused.*
- 3) *The circumstances should be of a conclusive nature and tendency.*
- 4) *They should exclude every possible hypothesis except the one to*

be proved.

5) There must be a complete chain of evidence that leaves no reasonable ground for a conclusion consistent with the innocence of the accused.

(16) Further this court relied upon the decisions of Supreme court reported in **State of U.P. v. Satish, (2005) 3 SCC 114 – wherein it is held that**

“ The prosecution must establish that the accused and the deceased were last seen together and that the time gap between the two events is so small that the possibility of any other person committing the offence is ruled out.”

(17) On a combined reading of the above judgments, it is clear that the burden squarely lies upon the prosecution to prove the “last seen” circumstance by clear, cogent, and reliable evidence. It is well settled that a prosecution witness must specifically depose to having seen the accused and the deceased together immediately prior to the occurrence, indicating the date, time, and place of such togetherness, as well as the time gap, and thereafter having seen the accused alone. The prosecution must further establish that the accused were in the exclusive company of the deceased and that there was no possibility of intervention by any third party during the intervening period. On a careful consideration of the entire evidence on record, it is seen that there is no eyewitness who has spoken about having seen the deceased in the company of any of the accused immediately prior to the occurrence on

12.06.2019 at about 00.30 a.m. or immediately thereafter at about 4.00 a.m. On the contrary, the witnesses have only stated that they saw the dead body of the deceased, Prasanth, at the scene of occurrence. Hence, this Court is of the considered view that the prosecution has miserably failed to establish the “last seen” theory.

(18) The Hon’ble Supreme Court as well as the Hon’ble High Court repeatedly held that whatever the statement given before the police by the accused cannot be taken into consideration u/s 27 of the Indian Evidence Act regarding the disclosure statement as well as the recovery of the weapon. In this regard, this court borne in mind regarding the principles laid down in **Pulukuri Kottaya vs King-Emperor on 19 December, 1946**, wherein it is held as follows:

9. [Section 27](#), which is not artistically worded, provides an exception to the prohibition imposed by the preceding section, and enables certain statements made by a person in police custody to be proved. The condition necessary to bring the section into operation is that the discovery of a fact in consequence of information received from a person accused of any offence in the custody of a Police officer must be deposed to, and thereupon so much of the information as relates distinctly to the fact thereby discovered may be proved. The section seems to be based on the view that if a fact is actually discovered in consequence of information given, some guarantee is afforded thereby that the information was true, and accordingly can be safely allowed to be given in evidence; but clearly the extent of the information admissible must depend on the exact nature of the fact discovered to which such information is required to relate. Normally the section is brought into operation when a person in police custody produces from some place of concealment some object, such as a dead body, a weapon, or ornaments, said to be connected with the crime of which the informant is accused. Mr.

Megaw, for the Crown, has argued that in such a case the fact discovered" is the physical object produced, and that any information which relates distinctly to that object can be proved. Upon this view information given by a person that the body produced is that of a person murdered by him, that the weapon produced is the one used by him in the commission of a murder, or that the ornaments produced were stolen in a dacoity would all be admissible. If this be the effect of [Section 27](#), little substance would remain in the ban imposed by the two preceding sections on confessions made to the police, or by persons in police custody. That ban was presumably inspired by the fear of the legislature that a person under police influence might be induced to confess by the exercise of undue pressure. But if all that is required to lift the ban be the inclusion in the confession of information relating to an object subsequently produced, it seems reasonable to suppose that the persuasive powers of the police will prove equal to the occasion, and that in practice the ban will lose its effect. On normal principles of construction their Lordships think that the proviso to [Section 26](#), added by [Section 27](#), should not be held to nullify the substance of the section. In their Lordships' view it is fallacious to treat the fact discovered" within the section as equivalent to the object produced; the fact discovered embraces the place from which the object is produced and the knowledge of the accused as to this, and the information given must relate distinctly to this fact. Information as to past user, or the past history, of the object produced is not related to its discovery in the setting in which it is discovered. Information supplied by a person in custody that "I will produce a knife concealed in the roof of my house" does not lead to the discovery of a knife; knives were discovered many years ago. It leads to the discovery of the fact that a knife is concealed in the house of the informant to his knowledge; and if the knife is proved to have been used in the commission of the offence, the fact discovered is very relevant. But if to the statement the words be added "with which I stabbed A," these words are inadmissible since they do not relate to the discovery of the knife in the house of the informant.

(19) According to the prosecution, the confession statement of the accused A1 to A4 & A7 were recorded by the Investigating Officer in the presence of the witnesses PW12 and PW13 and MO1 iron pipe and the car shown in MO2 photos, were seized in pursuant to the confession statement, in the presence of the same witnesses. But, both of the above witnesses turned hostile and though they were cross examined by the Learned Public Prosecutor, no evidence was elucidated from them in support of the case of the prosecution.

(20) When the accused Thangadurai, Saravanan, and Panneerselvam were taken into police custody, they were allegedly enquired in the presence of PW18 Sahana, Village Administrative Officer, and one Nagaraj, and the confession statements said to have been voluntarily given by them were recorded in the presence of the said witnesses. However, PW18, in her evidence, has deposed that the accused persons merely stated that they would show the house of Malarkodi, but she did not accompany them to the said place. The other witness, Nagaraj, has not been examined on the side of the prosecution.

(21) Further, admittedly, no recovery of any material object was made pursuant to the alleged disclosure statements of the accused Thangadurai, Saravanan, and Panneerselvam. As per **Section 25 of the Indian Evidence Act, 1872**, “**no confession made to a police officer shall be proved as against a person accused of any offence.**” However, **Section 27 of the said Act** carves out a limited exception, which provides that “**so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be**

proved.”

(22) In the present case, since no discovery or recovery has been effected on the basis of the alleged disclosure statements, the exception under Section 27 is not attracted, and therefore, the alleged confession statements remain inadmissible under Section 25 of the Act. Hence, the evidence of PW18 is not sufficient to prove the alleged confession statements said to have been given by the accused Thangadurai, Saravanan, and Panneerselvam. Further, according to the prosecution, the confession statement allegedly given voluntarily by the accused Tamilselvan was recorded in the presence of PW19 Muruganandham and PW20 Mathiyazhagan. However, both the said witnesses turned hostile and did not support the case of the prosecution.

(23) In view of the foregoing discussion, this Court finds that the prosecution has failed to prove the alleged confession and disclosure statements in the manner known to law. In the absence of any recovery pursuant to the alleged statements, the bar under Section 25 of the Indian Evidence Act squarely applies, and the exception under Section 27 is not attracted. The non-examination of material witness Nagaraj and the hostile attitude of PW19 and PW20 further weaken the prosecution case. Hence, the alleged confession statements cannot be relied upon, and this circumstance does not support the case of the prosecution.

(24) It is well settled that though the evidence of a hostile witness is not to be rejected in toto, the portion of evidence supporting the prosecution alone can be relied upon if it is otherwise credible. However, in the case at hand, nothing useful

has been elicited from the hostile witnesses during their cross-examinations by the prosecution so as to connect the accused persons with the alleged offence. The remaining witness examined by the prosecution were the hearsay witnesses and official witnesses. Their evidence does not directly establish the occurrence or the involvement of the accused persons in the alleged crime.

(25) In the course of the present analysis, it is apposite to bear in mind the dictum in **Kali Ram v State of Himachal Pradesh**, wherein the Hon'ble Supreme Court held that:

One of the cardinal principles which has always to be kept in view in our system of administration of justice for criminal cases is that a person arraigned as an accused is presumed to be innocent unless that presumption is rebutted by the prosecution by production of evidence as may show him to be guilty of the offence with which he is charged. The burden of proving the guilt of the accused is upon the prosecution and unless it relieves itself of that burden, the courts cannot record a finding of the guilt of the accused. There are certain cases in which statutory presumptions arise regarding the guilt of the accused, but the burden even in those cases is upon the prosecution to prove the existence of facts which have to be present before the presumption can be drawn. Once those facts are shown by the prosecution to exist, the court can raise the statutory presumption and it would, in such an event, be for the accused to rebut the presumption. The onus even in such cases upon the accused is not as heavy as is normally upon the prosecution to prove the guilt of the accused. If some material is brought on the record consistent with the innocence of the accused which may reasonably be true, even though it is not positively proved to be true, the accused would be entitled to acquittal. Leaving aside the cases of statutory presumptions, the onus is upon the prosecution to prove the different ingredients of the offence and unless it discharges that onus, the prosecution cannot succeed.

... ..

Another golden thread which runs through the web of the administration of justice in criminal cases is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted. This principle has a special relevance in cases wherein the guilt of the accused is sought to be established by circumstantial evidence. Rule has accordingly been laid down that unless the evidence adduced in the case is consistent only with the hypothesis of the guilt of the accused and is inconsistent with that of his innocence, the court should refrain from recording a finding of guilt of the accused. It is also an accepted rule that in case the court entertains reasonable doubt regarding the, guilt of the accused, the accused must have the benefit of that doubt. Of course, the doubt regarding the guilt of the accused should be reasonable: it is not the doubt of a mind which is either so vacillating that it is incapable of reaching a firm conclusion or so timid that it is hesitant and afraid to take things to their natural consequences. The rule regarding the benefit of doubt also does not warrant acquittal of the accused by resort to surmises, conjectures or fanciful considerations. As mentioned by us recently in the case of State of Punjab v. Jagir Singh, (') a criminal trial is not like a fairy tale wherein one is free to give flight to one's imagination and phantasy. It concerns itself with the question as to whether the accused arraigned at the trial is guilty of the offence with which he is charged. Crime is an event in real life and is the product of interplay of different human emotions. In arriving at the conclusion about the guilt of the accused charged with the commission of a crime, the court has to judge, the evidence by the yardstick of probabilities, its intrinsic worth and the animus of witnesses. Every case in the final analysis would have to depend upon its own facts. Although the benefit of every reasonable doubt should be given to the accused, the courts should not at the same time reject evidence which is ex facie trustworthy, on grounds which are fanciful or in the nature of conjectures.

It needs all the same to be re-emphasised that if a reasonable doubt arises regarding the guilt of the accused, the benefit of that cannot be withheld from the accused. The courts would not be justified in withholding that benefit because the acquittal might have an impact upon the law and order situation or create adverse reaction in society or amongst those members of the society who believe the accused to be guilty. The guilt of the accused has to be adjudged not by the fact that a vast number of

people believe him to be guilty but whether his guilt has been established by the evidence brought on record. Indeed, the courts have hardly any other yardstick or material to adjudge the guilt of the person arraigned as accused. Reference is sometimes made to the clash of public interest and that of the individual accused. The conflict in this respect, in our opinion, is more apparent than real. As observed on page 3 of the book entitled "The Accused" by J.A. Coutts 1966 Edition, "When once it is realised, however, that the public interest is limited to the conviction, not of the guilty, but of those proved guilty, so that the function of the prosecutor is limited to securing the conviction only of those who can legitimately be proved guilty, the clash of interest is seen to operate only within a very narrow limit, namely, where the evidence is such that the guilt of the accused should be established. In the case of an accused who is innocent, or whose guilt cannot be proved. the public interest and the interest of the accused alike require an acquittal."

It is no doubt true that wrongful acquittals are undesirable and shake the confidence of the people in the judicial system, much worse, however, is the wrongful conviction of an innocent person. The consequences of the conviction of an innocent person are far more serious and its reverberations cannot but be felt in a civilized society. Suppose an innocent person is convicted of the offence of murder and is hanged, nothing further can undo the mischief for the wrong resulting from the unmerited conviction is irretrievable. To take another instance, if an innocent person is sent to jail and undergoes the sentence, the scars left by the miscarriage of justice cannot be erased by any subsequent act of expiation. Not many persons undergoing the pangs of wrongful conviction are fortunate like Dreyfus to have an Emile Zola to champion their cause and succeed in getting the verdict of guilt annulled. All this highlights the importance of ensuring, as far as possible, that there should be no wrongful conviction of an innocent person. Some risk of the conviction of the innocent, of course, is always there in any system of the administration of criminal justice. Such a risk can be minimised but not ruled out altogether. It may in this connection be apposite to refer to the following observations of Sir Carleton Allen quoted on page 157 of "The Proof of Guilt" by Glanville Williams, Second Edition:

"I dare say some sentimentalists would assent to the proposition that it is better that a thousand, or even a million, guilty persons should escape

than that one innocent person should suffer; but no responsible and practical person would accept such a view. For it is obvious that if our ratio is extended indefinitely, there comes a point when the whole system of justice has broken down and society is in a state of chaos.”

The fact that there has to be clear evidence of the guilt of the accused and that in the absence of that it is not possible to record a finding of his guilt was stressed by this Court in the case of Shivaji Sahabrao Bobade & Anr. (supra) as is clear from the following observations:

“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 distinction between ‘may be’ and ‘must be’ is long and divides vague conjectures from sure considerations”.

(26) It is a cardinal principle of criminal jurisprudence that mere suspicion, however strong it may be, cannot take the place of legal proof. In the absence of any reliable ocular testimony or independent corroborative evidence connecting the accused with the commission of the offence, the Court cannot sustain a conviction merely on conjectures or surmises.

(27) In the case at hand, the prosecution has failed to establish a complete chain of circumstances. The alleged motive has not been satisfactorily proved. The recoveries said to have been made at the instance of the accused persons are not proved by reliable independent witnesses. The last seen theory also remains doubtful and unsupported by the convincing evidence. The medical and forensic evidence, though indicating homicidal death, do not by themselves connect the accused with the commission of the offence.

(28) In view of the foregoing discussion and upon an overall appreciation of

the evidence on record, this Court finds that the prosecution having failed to establish a consistent and complete chain of circumstances pointing unerringly to the guilt of the accused persons and the prosecution has miserably failed to establish the guilt of the accused beyond reasonable doubt. Hence, this court hold that the accused A1 to A11 are entitled to get the benefit of the doubt they are not guilty of the charges framed against them. Thus, the point No.2 is answered accordingly.

Point No.3:

(29) In view of the findings made in Point Nos.1 and 2, the prosecution has miserably failed to prove its case beyond all reasonable doubts and this court grants the benefit of doubts to the accused A1 to A11 and holds that they are not guilty for the alleged offences. Hence, the accused A1 to A11 are acquitted from the charges framed against them and the question of imposing punishment on them does not arise. Thus, the point No.3 is answered accordingly.

(30) In the result, the 1st, 3rd, 4th, 5th, 6th, 8th, 11th accused are not found guilty for the offences punishable u/s 147, 120(B), 364, 342, 323, 302 r/w 120(B) of IPC, the 2nd accused is not found guilty for the offences punishable u/s 148, 120(B), 364, 342, 323, 302 r/w 120(B) of IPC, the 7th accused is not found guilty for the offences punishable u/s 147, 120(B), 364, 342, 302 r/w 120(B) & 149 of IPC, and the 9th and 10th accused are not found guilty for the offences punishable u/s 294(b), 302 r/w 109 of IPC. The 1st to & 11th accused are acquitted under Section 258(1) of the Bharatiya Nyaya Suraksha Sanhita, 2023. The bail bond, if any, shall stand cancelled.

(31) After the completion of the appeal period or upon the disposal of the appeal, if there be any, the case properties namely MO1, 3 to 10, 12 & 13 remanded in SCP No.4/2026 are ordered to be destroyed as that material objects are of no use. The car shown in MO2 photos, which was already handed over to its owner on interim custody, is ordered to be kept with him and the bond executed by him is ordered to be cancelled after the appeal time or upon the disposal of the appeal. MO14 Gold Stud, MO15 Silver Colour ring and MO16 Brass ring are ordered to be handed over to the mother / legal heir of the deceased Prasanth after the appeal time or upon the disposal of the appeal. MO2 Photos of the car and MO11 Photos of the deceased are ordered to be kept with the case bundle.

This Judgment is dictated to the Stenographer Grade – I of this Court, typed by her in computer directly, corrected and pronounced by me in the open Court, on this 29th day of April, 2026.

**Principal Sessions Judge,
Thanjavur.**

Witnesses examined on the side of the Prosecution:

- | | | |
|-----|-----|--|
| (1) | PW1 | Shanmugavel, Village Administrative Officer |
| (2) | PW2 | Johnson, Assistant of Village Administrative Officer |
| (3) | PW3 | Rajendran |
| (4) | PW4 | Prabhu |
| (5) | PW5 | Rangabhashyam |

- (6) PW6 Murugaiyan
- (7) PW7 Periyar Selvan, Advocate
- (8) PW8 Malarkodi
- (9) PW9 Prabhakaran
- (10) PW10 Balaji
- (11) PW11 Mathiyazhagan
- (12) PW12 Rajendran, S/o. Natesan
- (13) PW13 Chandrahasan
- (14) PW14 Samy Ayya
- (15) PW15 Selvam
- (16) PW16 Ayyappan
- (17) PW17 Rameshkumar
- (18) PW18 Sahana, Village Administrative Officer
- (19) PW19 Muruganandam
- (20) PW20 Mathiyazhagan
- (21) PW21 Sandhiya
- (22) PW22 Dr. Ramachandran, Assistant Director
- (23) PW23 Dr. Sivakumar, Scientific Officer
- (24) PW24 Dr. Tamilmani, Professor
- (25) PW25 Tmt. Kalai Kannaki, Additional Superintendent of Police
- (26) PW26 Gopinath, Head Constable

- (27) PW27 Karthik, Police Constable
- (28) PW28 Jaysankar, Retired Special Sub–Inspector
- (29) PW29 Saravanan, Special Sub–Inspector
- (30) PW30 Balamurugan, Sub–Inspector
- (31) PW31 Rajendran, Retired Sub–Inspector
- (32) PW32 Senthilkumar, Inspector

Documents marked on the side of the Prosecution:

- Ex.P1 12.06.2019 Report
- Ex.P2 14.06.2019 Signature of PW12 in the confession statement of A1
- Ex.P3 14.06.2019 Signature of PW12 in the confession statement of A2
- Ex.P4 14.06.2019 Signature of PW12 in the confession statement of A3
- Ex.P5 14.06.2019 Signature of PW12 in the confession statement of A7
- Ex.P6 14.06.2019 Signature of PW12 in the seizure mahazar for MO1
- Ex.P7 14.06.2019 Signature of PW12 in the seizure mahazar for car
- Ex.P8 14.06.2019 Signature of PW13 in the confession statement of A1
- Ex.P9 14.06.2019 Signature of PW13 in the confession statement of A2
- Ex.P10 14.06.2019 Signature of PW13 in the confession statement of A3
- Ex.P11 14.06.2019 Signature of PW13 in the confession statement of A7
- Ex.P12 14.06.2019 Signature of PW13 in the seizure mahazar for MO1
- Ex.P13 14.06.2019 Signature of PW13 in the seizure mahazar for car
- Ex.P14 14.08.2019 Biological report

- Ex.P15 23.10.2019 Serology Report
- Ex.P16 11.07.2019 Postmortem Certificate
- Ex.P17 25.06.2019 Viscera Report
- Ex.P18 12.06.2019 First Information Report
- Ex.P18 12.06.2019 Observation Mahazar
- Ex.P19 12.06.2019 Rough sketch
- Ex.P20 12.06.2019 Seizure Mahazar for MO12 & 13
- Ex.P21 13.06.2019 Inquest Report
- Ex.P22 14.06.2019 Admitted portion of confession statement of A1
- Ex.P23 14.06.2019 Admitted portion of confession statement of A2
- Ex.P24 14.06.2019 Admitted portion of confession statement of A3
- Ex.P25 14.06.2019 Admitted portion of confession statement of A4
- Ex.P26 14.06.2019 Alteration Report
- Ex.P27 14.06.2019 Seizure Mahazar for MO1
- Ex.P28 14.06.2019 Admitted portion of confession statement of A7
- Ex.P29 14.06.2019 Seizure for car shown in MO2 photos
- Ex.P30 14.06.2019 Form 91 (MO1)
- Ex.P31 13.06.2019 Form 91 (MO3 to MO10, MO14 to MO16)
- Ex.P32 12.06.2019 Form 91 (MO12 & MO13)
- Ex.P33 14.06.2019 Form 91 (Car)
- Ex.P34 23.10.2019 Forensic Lab Report

Material Object marked on the side of the Prosecution:–

- MO1 Iron Pipe (Transformer handle)
- MO2 Photos showing the TATA Indica Car bearing Reg.No.TN 82 C 4871
- MO3 Black and white colour towel
- MO4 Green colour shirt
- MO5 Black colour baniyan
- MO6 Viking Innerwear
- MO7 Black colour jeans pant
- MO8 Wrist band with the letters as ‘Thala Ajith’
- MO9 Red colour holy thread
- MO10 Black colour holy thread
- MO11 Photos of the deceased in the scene of occurrence (21 Nos.)
- MO12 Bloodstained soil
- MO13 Bloodless soil
- MO14 Gold Stud
- MO15 Silver colour ring
- MO16 Brass Ring

Witness examined and Documents marked on the side of the Accused: Nil**PSJ**

Draft / Fair order of Judgment in
Sessions Case No. 73/2020
Prl. Sessions Court, Thanjavur.
Date: 29.04.2026