

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.

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

Wednesday, the 18th day of March, 2026
(Thiruvalluvarandu 2057 Sri Visuvavasu Varudam Panguni Thingal 4th day)

Sessions Case No.301/2022
CNR No.TNTJ01 008953 2022

(PRC.No.12/2022 of District Munsif cum Judicial Magistrate, Papanasam)
(Kabisthalam Police Station Cr.No.200/2022)

Complainant	:	State represented by the Inspector of Police, Kabisthalam Police Station Cr.No.200/2022
Name and address of Accused	:	1) Rameshkumar (Ramesh), aged 49/2026, S/o.Sagathevan, Main Road, Pattukudi, Papanasam Taluk, Thanjavur District. 2) Rajalakshmi, aged 67/2026, W/o.Sagadevan, 4/184, Main road, Pattukudi, Papanasam Taluk, Thanjavur District.
1st charge Against the 1 st and 2 nd accused	:	Causing annoyance to other by using Obscene words – Punishable u/s 294(b) of IPC
2nd charge Against the 1 st accused	:	Committing murder – punishable u/s 302 of IPC
3rd Charge Against the 2 nd accused	:	Abetement of murder – Punishable u/s 302 r/w 109 of IPC
Plea of the Accused 1 and 2	:	Not Guilty
Finding of the Court	:	Not Guilty

Sentence or order of this Court	:	In the result, the 1st accused is not found guilty for the offences u/s 294(b), 302 of IPC, the 2nd accused is not found guilty for the offences u/s 294(b), 302 r/w 109 of IPC, and they are acquitted u/s 258(1) of BNSS. The bail bonds, if any executed by the accused persons, are ordered to be cancelled after the appeal time is over. After the appeal time is over or after the disposal of the appeal, the material objects MO1 to MO5, remanded in SCP No.36/2025 are ordered to be destroyed as those material objects are of no use.
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Details of Case summary:-

1.	Name of the Police Station and the Crime number of the offence	:	Kabisthalam P.S. Cr.No.200/2022
2.	Name of the accused	:	A1 – Rameshkumar (Ramesh) A2 - Rajalakshmi
3.	Father's / Husband's Name of the accused	:	A1 – S/o. Sagathevan A2 - W/o. Sagadevan
4.	Occupation of the accused	:	A1 - Driver A2 - Housewife
5.	Residence of the accused	:	A1 - 4/184, Main road, Pattukudi, Papanasam Taluk, Thanjavur District. A2 - 4/184, Main road, Pattukudi, Papanasam Taluk, Thanjavur District.
6.	Age of the accused	:	A1-49/2026 A2-67/2026

7.	Date of occurrence	:	20.04.2022		
8.	Date of complaint	:	20.04.2022		
9.	The period of remand of the accused	:	A1-22.04.2022 – 08.07.2022 A2- 22.04.2022 – 04.06.2022		
10.	The date of committal of the case	:	27.09.2022		
11.	The date of Questioning of the accused u/s 228 of CrI.P.C.	:	28.01.2023		
12.	Date of examination of accused u/s 351(1)(b) of BNS.	:	21.01.2026		
13.	Commencement of trial	:	03.02.2023		
14.	Close of trial	:	24.02.2026		
15.	Sentence or order	:	18.03.2026		
16. Criminal Miscellaneous Petitions filed by the accused					
	Petitions		CrI.M.P.No.	Date of Filing	Date & nature of Disposal
17			Nil		
Date of examination in chief and cross examination of a witness:-					
	Name of the witnesses		Date of Chief examination		Date of cross examination
PW1	Chandrasekaran		17.03.2023		11.07.2023 & 31.01.2025
PW2	Arjunan		17.03.2023		17.03.2023 & 14.01.2025
PW3	Pushpavalli		17.03.2023		17.03.2023 & 14.01.2025
PW4	Prabhu		17.03.2023		11.07.2023

PW5	Subramanian	25.04.2025	25.04.2025
PW6	Yogesh	25.04.2025	25.04.2025
PW7	Arivanatham	06.06.2025	06.06.2025
PW8	Sekar	06.06.2025	06.06.2025
PW9	Karthikeyan	20.06.2025	20.06.2025
PW10	Manikandan	20.06.2025	20.06.2025
PW11	Murugesan	08.07.2025	08.07.2025
PW12	Saravanabava	08.07.2025	08.07.2025
PW13	Yogenthiran	21.07.2025	21.07.2025
PW14	Soundarrajan	04.08.2025	04.08.2025
PW15	Kabilan	04.08.2025	--
PW16	Sarojini	21.08.2025	21.08.2025
PW17	Dr.Hemavathy	16.09.2025	16.09.2025
PW18	Murugesan	16.10.2025	16.10.2025
PW19	Anitha Gracy	09.01.2026 & 12.01.2026	12.01.2026

This Sessions Case came up before me for final hearing on 11.03.2026 in the presence of Mr.S.Sathiamoorthy, Learned Public Prosecutor appearing for the State and of Mr.N.Selvaraj, Learned Counsel appearing for the accused 1 and 2 and upon hearing the arguments of both sides and upon perusing the records and having stood over till this day for consideration, this court delivered the following,

JUDGMENT

(1) The Inspector of Kabisthalam Police Station laid a final report against the accused as follows:

On 20.04.2022 at about 18.15 Hours, the defacto complainant Chandrasekaran and his father Pichai, along with their brick kiln workers namely Arjunan and his wife Pushpavalli, were laying bricks to form a pathway near their brick kiln situated at Pattukudi, which is close to the agricultural farm of the accused. At that time, 2nd accused Rajalakshmi came there, noticed the same and allegedly instigated the 1st accused Ramesh by uttering abusive words and provoking him to go to the spot and assault Pichai. Acting upon such instigation, the 1st accused immediately proceeded to the place of occurrence armed with a sickle and on reaching the spot, he abused Pichai and the witnesses in filthy language. When the deceased questioned the abusive words used against him, the 1st accused attacked Pichai with sickle and inflicted cut injuries on the right elbow and the right cheek and subsequently, Pichai succumbed to the injuries on the spot. Therefore, the 1st accused committed the offences punishable under Sections 294(b) and 302 of IPC and the 2nd accused committed the offences punishable under Sections 294(b) and 109 of IPC.

(2) On receipt of Final Report, the Learned District Munsif cum Judicial Magistrate, Papanasam has taken up the case on file as PRC No.12/2022 for the offence u/s 294(b), 302, 109 of IPC. Thereafter, as contemplated u/s 207 of CrI.P.C., copies of documents were furnished to the accused persons. Thereafter, the Learned District Munsif cum Judicial Magistrate, Papanasam committed the case to this Sessions Court as the offence u/s 302 of IPC is exclusively triable by the Court of Sessions.

(3) On receipt of case records from the Committal Court, this Principal Sessions Court, Thanjavur has taken up the case on file as S.C.No.301/2022 and after making the appearance of the accused persons, after hearing the submissions of the accused 1 & 2 and the arguments of the Counsel on both sides and on perusal of the case records, charges were framed as against the 1st accused for the offences punishable u/s 294(b), 302 of IPC and framed charges against the 2nd accused for the offences punishable u/s 294(b), 302 r/w 109 of IPC. When the charges were explained to the accused 1 & 2, they pleaded not guilty and claimed to be tried.

(4) In order to prove the Charges framed against the accused, the prosecution examined 19 witnesses as PW1 to PW19 and marked 24 documents as Ex.P1 to Ex.P24, and 5 material objects as MO1 to MO5.

(5) The brief case of the prosecution from its oral and documentary evidence, is as follows:-

(5.1) On 20.04.2022 at about 18.15 Hours, PW1 Chandrasekaran, his father Pichai, PW2 Arjunan and PW3 Pushpavalli were laying bricks to form a pathway near their brick kiln situated at Pattukudi, the adjacent land owner i.e. the 2nd accused noticed the same and instigated the 1st accused to assault Pichai. In turn, the 1st accused immediately proceeded to the place of occurrence, abused the deceased Pichai and the witnesses PW2 and PW3 in filthy language and caused severe injuries to Pichai with sickle, resulted his death. Immediately, PW1 called his friend Vijay, and through his car, the victim Pichai was taken to Ayyampettai Government

Hospital. PW4 Prabhu and PW5 Subramanian were also cited as eye witnesses to the occurrence.

(5.2) On the same day itself, PW1 lodged Ex.P1 complaint in this regard before Kabisthalam Police Station. PW18 Murugesan, Sub Inspector of Police received the Ex.P1 complaint and registered the case in Cr.No.200/2022 for the offences u/s 294(b), 302, 109 of IPC vide Ex.P10 First Information Report. He sent the express FIR to the District Munsif cum Judicial Magistrate, Papanasam through PW13 Yogenthiran, Grade-I Police. Thereafter, he placed the case records for the investigation of the Inspector.

(5.3) PW19 Anitha Gracy, Inspector of Police of Kabisthalam Police Station, took the case for investigation and visited the occurrence place on 20.04.2022 at 9.30 PM in the presence of PW6 Yogesh and Sivaraj and prepared Ex.P2 Observation Mahazar and Ex.P11 Rough sketch. Further, she prepared Ex.P3 Ex.P20 Seizure Mahazar and seized MO2 bloodstained soil, MO3 bloodless soil in the presence of the same witnesses and the sent them to court under Ex.P21 Form 91.

(5.4) She enquired the witnesses, PW1 to PW5 and it came to light that the 2nd accused instigated the 1st accused to commit the murder of Pichai and therefore, PW19 altered the case from 294(b), 302 of IPC @ 294(b), 109, 302 of IPC vide Ex.P12 Alteration Report.

(5.5) Thereafter, on 21.04.2022 at 1.30 Hours, PW19 conducted the inquest on the body of the deceased Pichai at the mortuary of the Ayyampettai

Government Hospital and presence of the panchayathars and the witnesses PW7 Arivanantham, PW8 Sekar, PW1 Chandrasekar and Senthilkumar and prepared Ex.P13 Inquest Report. PW19 enquired the witness Vijay, who had taken the deceased to the Hospital after the occurrence, and recorded his statement. She enquired PW1 Chandrasekaran, PW7 Arivanantham, PW8 Sekar, Vadivel and Senthilkumar and recorded their respective statements. After completing the inquest, PW19 sent the body of the deceased for autopsy through Balamurugan, Head Constable as per Ex.P14 requisition letter. PW17 Dr. Hemavathi, conducted the autopsy on the body of the deceased and sent the inner organs for chemical analysis. PW15 Kabilan, Police Constable received the dresses of the deceased viz. MO4 Blue, Black and white colour bloodstained lungi under special report and PW19 sent the lungi to the court under Ex.P22 Form 91.

(5.6) On 20.04.2022, the son of the deceased Pichai, i.e. the first witness Chandrasekaran, was enquired and his statement was recorded. Further, on the same day, at about 3.00 PM, PW19 arrested the 2nd accused Rajalakshmi, who was standing near the Karuppur bus stand and on enquiry, the 2nd accused voluntarily gave her confession statement in the presence of the witnesses PW9 Karthikeyan and PW10 Manikandan. The signatures of PW9 and PW10 found in the confession statement were marked as Ex.P4 and Ex.P6 respectively, and the admissible portion of the confession statement was marked as Ex.P15. Pursuance to the confession statement, MO5 bloodstained lungi, belonged to the 1st accused, was seized in the presence of

the same witnesses under Ex.P5 Seizure mahazar. Thereafter, on the same day at 5.00 PM, PW19 sent the 2nd accused to court for remanding to judicial custody and also, sent the material objects to the court vide Ex.P16 Form 91. While so, on 22.04.2022, the 1st accused surrendered before the Judicial Magistrate No.I, Thanjavur and he was remanded to judicial custody. On 26.04.2022, PW19 took the 1st accused in police custody, brought him to the police station, and at 3.00 PM, he enquired the 1st accused in the presence of the witnesses PW11 Murugesan and PW12 Saravanabhava and recorded the confession statement voluntarily given by the 1st accused, but the 1st accused refused to sign in the confession statement. The admissible portion of the confession statement was marked as Ex.P17. As a result of which, MO1 sickle was seized under Ex.P18 Mahazar from the upper portion of the bathroom in the 1st accused's house. The signature of PW11 in confession statement was marked as Ex.P7. Thereafter, PW19 sent back the 1st accused to judicial custody on the same day itself.

(5.7) On 29.04.2022, PW19 gave Ex.P19 requisition letter before the District Munsif cum Judicial Magistrate to record the statements of the PW1 to PW3 under incamera proceedings. On 02.05.2022, PW1 to PW3 brought by PW16 Sarojini and their statements were recorded by the District Munsif cum Judicial Magistrate, Papanasam.

(5.8) PW19 sent the material objects MO1 to MO5 for chemical analysis through PW15 Constable Kabilan on 27.06.2022.

(5.9) He enquired the witnesses Yogenthiran, Soundarrajan, Balamurugan, Head Constable, Sarojini – Head Constable, Constable Kabilan and recorded their statements. Further, he enquired Dr.Hemavathi, Mr.Sethuraman – Asst. Director of Forensic Lab, Dr. Sivakumar, recorded their respective statements and received Ex.P8 Postmortem certificate with Final Opinion that the deceased appears to have died of hemorrhagic shock resulting from severe incised injuries, Ex.P9 Viscera Report, Ex.P23 Biological Report and Ex.P24 Serology Report. On completion of her investigation, PW19 filed the charge sheet u/s 294(b), 302 against the 1st accused and u/s 294(b), 109, 302 of IPC against the 2nd accused.

(6) After completion of the prosecution evidence, the accused persons were questioned u/s 351(1)(b) of BNS regarding the incriminating circumstances, evidences and materials found against them and the accused persons denied them as false. On the side of the accused persons, no oral evidence was let in and no documentary evidence was adduced.

(7) The Learned Public Prosecutor has submitted that in order to prove the case, the prosecution has examined the witnesses PW1 to PW19 and marked the documents Ex.P1 to Ex.P24 and material objects MO1 to MO5. He further submitted that the evidence of the witnesses, documents and material objects clearly proved the guilty of the accused for the alleged offences and hence, he argued for convicting the accused with maximum sentence.

(8) The Learned Counsel appearing for the accused 1 & 2 argued that the

entire case of the prosecution are all false and denied by the accused. The death of the deceased has nothing to do with the accused and the accused did not give any confession and no evidence was adduced for recovery based on that. The alleged documents in this case have been prepared only in the police station not in the occurrence place for the purpose of put up a false case against the accused. The prosecution has hiding the true circumstances and the relationship and the prosecution suppressed the original complaint.

(9) The Learned counsel further submitted that the complaint has been lodged with a delay of nearly two hours i.e., the alleged time of occurrence dated 20.04.2022 at 18.15 hours, but registration of FIR 20.04.2022 at 20.15 hours. To that effect, no explanation was given on the side of the prosecution. Further the FIR sent to the Jurisdictional Magistrate only on 21.04.2022 at 12.15 P.M. For which, the Investigation Officer was not given any explanation as to why it took such a long time for FIR to reach the hands of the Magistrate instead, he simply given an explanation that Judge was on leave. As per prosecution, the complaint was registered u/s 294(b) and 302 of IPC then the same was altered u/s 294(b), 302 and 109 of IPC. But the time of altered report not disclosed in the alteration report in Ex.P12.

(10) The Learned counsel further submitted that the prosecution has projected eye witnesses namely PW1 to PW3. But, PW2 and PW3 have not supported the evidence of PW1 to the effect that he was present at the place of occurrence. Further the evidence of PW1 creates suspicion with regard to his very

presence at the time of alleged assault and hence, he cannot be an eye witness in the alleged occurrence. The prosecution case rests primarily upon the testimony of PW1, the son of the deceased, who claims to be an eye witness and author of the complaint. But, the evidence of PW1 contains material contradictions, which create doubt in the prosecution case. Hence, the accused is entitled to the benefit of doubt. The statements of PW1 and PW2 did not corroborate by other witnesses. Since PW1 is the son of the deceased, he is an interested witness and therefore his evidence must be carefully examined. PW4 and PW5 witnesses deliberately suppressed their relationship to the Investigating Officer.

(11) The Learned counsel further contended that the alleged confession and recovery mahazar had been fabricated and prepared by the Investigating Office at Police station and the accused did not sign in the Ex.P5 seizure mahazar which creates serious doubt about the prosecution case. Further the complaint was written by one writer who was on the out side of the police station and the same was not disclosed to the Investigating Officer by PW1. There are several contractions with regard to receiving of complaint. PW1 failed to mention the presence of A2 and instigation of A1. Further the video taken on 20.04.2022 at about 18.17 PM, the deceased was walking with Aruval was not marked by the prosecution stating the reason that due to technology defect. The PW1 has admitted in the cross examination. It is respectfully submitted that the admission made by PW1 is substantive evidence and the Court can rely upon such admission even though the CCTV footage has been

exhibited. The said admission creates material doubt about the prosecution case. Hence, prayed to acquit the accused from the charges.

(12) In support of his arguments, he relied upon the following judgments:

1) Thulia Kali Vs The State of Tamil Nadu – AIR 1973 SC 501

(FIR in a criminal case is an extremely vital and valuable piece of evidence for the purpose of corroborating the oral evidence adduced at the trial. The importance of the above report can hardly be overestimated from the standpoint of the accused.

On account of delay, the report not only gets bereft of the advantage of spontaneity, danger creeps in of the introduction of coloured version, exaggerated account or concocted.

Importance of FIR consistency.)

2) State of Andhra Pradesh Vs M.Madhusudhan Rao – (2008) 15 SCC 582

(A delayed report not only gets bereft of the advantage of spontaneity, the danger of the introduction of coloured version, exaggerated account of the incident or a concocted story as a result of deliberations and consultations, also creeps in, casting a serious doubt on its veracity. Therefore, it is essential that the delay in lodging the report should be satisfactorily explained.

3) Mukesh Tiwari Vs State of U.P – AIR ONLINE 2021 ALL 374

(It is well-settled position of law that delay in lodging the FIR does not make prosecution case improbable when such delay is properly explained, but a deliberate delay in lodging the FIR may prove fatal.

The despatch time of the special report has not been proved by the prosecution.)

4) Ishwar Singh and Others Vs State of UP – AIR 1976 SC 2423

(The FIR which is stated to have been lodged at 9.05 AM on February 14, 1973 was sent out from the police station the next day, February 15; the time when it was despatched is not stated, but it appears from the record that the Magistrate received it on the morning of February 16. The court of the Magistrate was nearby, which makes it difficult to understand why the report was sent to him

about two days after its stated hour of receipt at the police station.

- 5) **Marundanal Augusti Vs State of kerala – 1980 SCC Cri. 985**
(Delay suggests possibility of FIR being anti-timed. Therefore prosecution story becomes unsafe to rely upon.)
- 6) **Paulraj and other Vs State – 2016(4) MLJ Page 501**
(Absolutely there is no explanation as to why it took such a long time for FIR to reach the hands of the learned Magistrate.)
- 7) **Kannaiya Vs State of Madhya Prades – 2026 SAR (Cri) 62**
(Both eye witnesses denied presence of each other at crime scene.
Each denies the presence of the other at the crime scene in their depositions)
- 8) **Lallu Manjhi and others Vs State of Jharkhand – AIR 2003 SC 854**
(The testimony of mannu PW9 as it can neither be called wholly reliable nor wholly unreliable. Mannu is a witness who could have been naturally present with his brother while ploughing the field. However, we find his testimony to have been substantially improved at the trial.)
- 9) **Mahendra Pratap Singh Vs State of U.P – 2009 11 SCC 334**
(Evidence inconsistent in FIR becomes unreliable.)
- 10) **Sharad Birdhichand Sarda Vs State of Maharashtra – (1984) 4 SCC 116**
(Suspicion cannot replace proof. Accused is entitled to have benefit of one which is favourable to him. Guilt of accused has not been proved beyond all reasonable doubt.)
- 11) **Kali Ram Vs State of Himachal Pradesh – (1973) 2 SCC 808**
(Benefit of doubt doctrine - The rule regarding the benefit of doubt also does not warrant acquittal of the accused by resort to surmises, conjunctions or fanciful considerations.)
- 12) **Easikkimuthu Vs State rep by The Inspector of Police – 2025 SAR (Cri) 1034**
It has also been submitted that the evidence of the interested witnesses should be subjected to careful scrutiny and accepted with caution, and hence, PW1 and

PW2's statements should not be relied on unless duly corroborated by other witnesses.

13) Mehraj Singh Vs State of U.P – 1994 SCC (5) 188

It appears to us that none of the alleged eye witnesses had actually seen the occurrence and they were introduced as eye witnesses after thoughtful deliberations and consultation.

14) Mahendra Pratap Singh Vs State of U.P. - 2009(11) SCC 334

Such improvements are designed to artificially establish motive/last seen circumstances.

15) Hon'ble High Court Judgment in Criminal Appeal Nos.434 & 457/2020 and 1174/2022 reported in K.Kumaresan Vs State dated 18.05.2023.

The recovery mahazar does not contain the signature of the accused to prove that they were recovered from the possession of the accused.

16) Hon'ble Madurai Bench of Madras High Court Judgement in CRL A(MD) Nos.5,70,340/2023 dated 15.05.2025 reported in Jeyamani Vs State.

The presence of the accused at the scene of occurrence in the absence of their signature in the recovery the namely athachi is not believable one.

17) Mohd. Abdul Hafeez Vs State of Andhra Pradesh

Recovery doubtful when confession procedure suspicious.

18) State of Rajasthan Vs Raja Ram – (2003) 8 SCC 180

Discovery must be credible and voluntary.

19) State of Andhra Pradesh Vs Punati Ramuly – 1993 Supp (3) SCC 302

Suppression of earliest report is fatal when it affects genesis.

20) T.T.Antony Vs State of Kerala – 2001(6) SCC 181

FIR must be the earliest information multiple / uncertain version weakened case.

21) Mahendra Pratap Singh Vs State of U.P

Material inconsistencies affected core prosecution story bereft.

22) Thilia Kali Vs State of Tamil Nadu – 1972(b) SCC 393

FIR is vital to test truthfulness of prosecution – Delay/omission may be fatal.

23) Ganesh Bhavan Patel Vs State of Maharashtra – AIR 1979 SC 135

Improvements of A2 and Instigation later is a clear improvement.

24) Ishwar Singh Vs State of U.P – AIR 1976 SC 2423

We do not therefore think that the case against the appellants has been proved beyond reasonable doubt. The appeals are accordingly allowed and the order of conviction and sentences passed on the appellants are set aside.

(13) After hearing the arguments advanced on both sides, this court has framed the following point arises for determination in the case:

- (i) Whether the prosecution has established that the death of Pichai was homicide and amounts to murder?*
- (ii) Whether the prosecution has proved the guilt of the accused persons beyond reasonable doubt for the alleged offences?*
- (iii) If it is proved, what is the appropriate quantum of punishment to be imposed on the accused?*

(14) At the outset, this Court is called upon to determine (i) whether the death of the victim was homicidal in nature, and (ii) whether the prosecution has succeeded in establishing the guilty of the accused beyond reasonable doubt. These twin questions, though interlinked, must be independently scrutinised on the touchstone of legal proof and evidentiary credibility. In the event of the prosecution succeeding in proving such guilt, this court would then be required to consider the appropriate quantum of punishment to be imposed on the accused.

Point No. 1:

(15) As per the case of the prosecution, on 20.04.2022 at about 18.15 Hours, PW1 Chandrasekaran, his father Pichai, PW2 Arjunan and PW3 Pushpavalli were laying bricks to form a pathway near their brick kiln situated at Pattukudi, the adjacent land owner i.e. the 2nd accused noticed the same and instigated the 1st accused to assault Pichai. In turn, the 1st accused immediately proceeded to the place of occurrence, abused the deceased Pichai and the witnesses PW2 and PW3 in filthy language and caused severe injuries to Pichai with sickle, resulted his death.

(16) Insofar as the nature of the death is concerned, the prosecution case is that the victim namely Pichai died on account of cut injuries. The post-mortem findings, as placed on record, unerringly indicate that the deceased sustained grievous incised injuries, consistent with the use of a sharp-edged weapon namely billhook. The medical officer – PW17, who performed the autopsy on the victim namely Pichai, opined that the deceased appears to have died of hemorrhagic shock resulting from severe incised injuries, and such injuries, by their very character and location, are not compatible with accidental or self-inflicted causes. Though the doctor, who initially declared the death, has not been examined, the evidence of the medical officer – PW17 and Ex.P8 – Post-Mortem Report sufficiently establish the cause of the death. The medical opinion thus lends assurance that the death was the result of violent external injuries inflicted by another. Therefore, this Court has no

hesitation in holding that the death of the victim was homicidal in nature. Accordingly, the Point No. 1 is answered.

Point No. 2:

(17) Having thus concluded that the death of Pichai was homicidal in nature, this Court now proceeds to examine whether the prosecution has succeeded in establishing the guilt of the accused beyond reasonable doubt. Now, looking at the oral evidence, the prosecution places reliance on PW1 to PW3 as material and eye witnesses. However, PW2 and PW3 have turned hostile and have not supported the prosecution version. 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 cross-examination by the prosecution so as to connect the accused with the alleged offence. These witnesses were presented as direct witnesses to the incident, but they did not support the prosecution case. The prosecution has not been able to elicit any substantive incriminating material from them, thereby rendering their evidence wholly unreliable.

(18) PW1 the son of the deceased Pichai, who alone attempts to sustain the prosecution case, initially deposed in the chief-examination as though he had witnessed the occurrence. Yet, in the cross-examination, he candidly admitted that he came to know of the incident only through telephonic communication from PW2

and PW3, and that he observed his father lying unconscious in a pool of blood. The portion of his cross – examination, where he admitted, reads thus:

நான் முதன்முதலாகப் பார்த்தது என் அப்பா கீழேகிடந்தபோதுதான் என்றால் சரிதான்.

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எனக்குப் புஷ்பவள்ளி போன் செய்தார். நான் அந்த இடத்திற்குப் போகும்போது அர்ஜுனன், புஷ்பவள்ளி, அவரது மகள் ஆகியோர் இருந்தார்கள். என் தந்தையை வெட்டிபோட்டுவிட்டதாக அர்ஜுனன், புஷ்பவள்ளி, அவரது மகள் ஆகியோர் என்னிடம் சொன்னார்களா என்றால் சொன்னார்கள். கீழே கிடந்த என் அப்பாவை நான் தூக்கும்போது என் சட்டையில் என் கையில் இரத்தம் பட்டது.

(19) This admission shows that he is not an eyewitness, but only speaking based on what he heard from others. It is well settled that a person cannot be found guilty based on such hearsay evidence, which is not based on direct knowledge. Therefore, the evidence of PW1 loses its value and cannot be safely relied upon.

(20) It is pertinent to note that during the cross-examination of PW1, he admitted that the video taken on 20.04.2022 at about 18:17 hours, showing the deceased walking with an Aruval, was not marked by the prosecution, the reason being a technological defect. His evidence reads as follows:

“என்னிடம் காட்டப்படும் வீடியோ பதிவில் நடந்துபோவது என்னுடைய அப்பா

அவர் காயத்துடன் நடந்து போகிறார். அவர் நடந்து போகும் இடம் பாலம். (எதிரி தரப்பு வழக்கறிஞர் தன்னிடம் உள்ள Tabletல் இருந்த அந்த வீடியோ பதிவை காண்பித்து கேட்கிறார்) அந்த வீடியோ பதிவில் தேதி 20.04.2022 நேரம் 18.17என காட்டுகிறது. என்னிடம் காட்டப்படும் வீடியோ பதிவில் என் அப்பா பாலம் அருகே நடந்து வருகிறார். அவரது கையில் அரிவாள் உள்ளது.”

This admission by PW1 constitutes substantive evidence, and the Court is entitled to rely on it, even though the CCTV footage has not been exhibited. The said admission raises a material doubt regarding the prosecution's case, as it highlights a gap in the chain of evidence and weakens the reliability of the evidence presented to establish the guilt of the accused beyond reasonable doubt.

(21) Further, the complaint in the present case was lodged with a delay of nearly two hours, the alleged incident having occurred on 20.04.2022 at 18:15 hours, whereas the FIR was registered only at 20:15 hours on the same day. No explanation has been provided by the prosecution for this delay. Moreover, the FIR was sent to the Jurisdictional Magistrate only on 21.04.2022 at 12:15 P.M., and the Investigating Officer was given no satisfactory reason for such delay, except a vague statement that the Judge was on leave. Such unexplained delays in lodging and transmitting the FIR further cast a material doubt on the credibility and reliability of the prosecution case. Taken together, the unexplained delay in registering the FIR and the unmarked CCTV video admission create substantial doubts regarding the chain of evidence. In the absence of consistent and corroborated evidence, the prosecution has failed to establish the guilt of the accused beyond reasonable doubt.

(22) Further, PW4, being the son-in-law of the deceased, and PW5, being the brother of PW4, did not disclose their familial relationship to the Investigating Officer. Since they are closely related to the deceased, their evidence cannot be fully relied upon and requires corroboration from independent witnesses. This reduces the weight and credibility of their testimony.

(23) Further, the prosecution has failed to examine the driver of the car in which the injured was allegedly taken to the hospital. This witness was an independent person who saw what happened immediately after the incident and could have supported the prosecution case. His non-examination remains unexplained and invites an adverse inference under the settled principles of evidence. Further, the prosecution has not produced or marked the blood-stained shirt of PW1 as evidence, nor has it identified or subjected the said vehicle to scrutiny. These are not just minor procedural mistakes, but serious gaps that weaken the prosecution's case and break the chain of events.

(24) PW4, the son-in-law of the deceased, deposed that the accused - A1 committed the murder under influence instigated by the accused -A2 his mother. Since he is an interested witness, his evidence needs strong support from other evidence, which is missing in this case. Therefore, his testimony is only a guess and cannot be used to prove guilt.

(25) The remaining witnesses examined by the prosecution are either official witnesses, including the police officials, doctors and other formal witnesses,

or witnesses, who did not open their mouth about how the murder had taken place. The official witnesses have deposed only about the procedural aspects such as registration of the case, preparation of observation mahazar & rough sketch and other reports, recovery, confession, conduct of inquest, post-mortem, and investigation. Their evidence is purely formal and procedural in nature and does not directly establish the occurrence or the involvement of the accused in the alleged crime.

(26) Thus, the record does not present a clear and convincing story, but only contains inconsistencies, gaps, and unsupported statements. The prosecution, which bears the solemn burden of proving its case beyond reasonable doubt, has failed to discharge that burden. The evidence on record does not travel from “may be true” to “must be true”, which is the indispensable distance required in criminal jurisprudence.

(27) In the course of the present analysis, the Court has followed 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 (1) Cr. App.Ho.26 of 1970 decided on August 27, 1973 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.

... ..
... ..

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.

... ..
... ..

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.

... ..
... ..

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.

... ..
... ..

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”.

(28) In view of the above, this Court finds that Pichai’s death was homicidal in nature. However, the prosecution has failed to prove beyond reasonable doubt that accused A1 and A2 committed the crime. The evidence on record is insufficient, and reasonable doubt persists.

(29) 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. When there is lack of proof and

doubt exists, the accused must be given the benefit of the doubt, which is an important protection in criminal law.

(30) In view of the foregoing discussion and upon an overall appreciation of the evidence on record, this Court finds that the prosecution has miserably failed to establish the guilt of the accused beyond reasonable doubt. The material witnesses having turned hostile, and there being no substantive or independent evidence to connect the accused with the commission of the offence, the very foundation of the prosecution case stands seriously shaken. Applying the aforementioned well-settled principles laid down by the Hon'ble Supreme Court, this Court is bound to extend the benefit of doubt to the accused. The prosecution having failed to establish a consistent and complete chain of circumstances pointing unerringly to the guilt of the accused, this Court has no hesitation in holding that the accused 1 and 2 are not guilty of the charges framed against them. The Point No. 2 is answered accordingly.

Point No. 3:

(31) In view of the finding in the Point No. 2, the necessity to adjudicate upon the Point No. 3, pertaining to the appropriate quantum of punishment to be imposed on the accused, does not arise.

(32) In the result, the 1st accused is not found guilty for the offences u/s 294(b), 302 of IPC, the 2nd accused is not found guilty for the offences u/s 294(b), 302 r/w 109 of IPC, and they are acquitted u/s 258(1) of BNSS. The bail bonds, if any

executed by the accused persons, are ordered to be cancelled after the appeal time is over.

(33) After the appeal time is over or after the disposal of the appeal, the material objects MO1 to MO5, remanded in SCP No.36/2025 are ordered to be destroyed as those material objects are of no use.

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 18th day of March, 2026.

**Principal Sessions Judge,
Thanjavur.**

Witnesses examined on the side of the Prosecution:

- | | | |
|------|------|----------------|
| (1) | PW1 | Chandrasekaran |
| (2) | PW2 | Arjunan |
| (3) | PW3 | Pushpavalli |
| (4) | PW4 | Prabhu |
| (5) | PW5 | Subramanian |
| (6) | PW6 | Yogesh |
| (7) | PW7 | Arivanantham |
| (8) | PW8 | Sekar |
| (9) | PW9 | Karthikeyan |
| (10) | PW10 | Manikandan |
| (11) | PW11 | Murugesan |
| (12) | PW12 | Saravanabava |

(13)	PW13	Yogendiran
(14)	PW14	Soundarajan
(15)	PW15	Kabilan
(16)	PW16	Sarojini
(17)	PW17	Dr. Hemavathy
(18)	PW18	Murugesan
(19)	PW19	Anitha Gracy, Investigating Officer.

Documents marked on the side of the Prosecution:-

Ex.P1	20.04.2022	Complaint.
Ex.P2	20.04.2022	Observation Mahazar.
Ex.P3	20.04.2022	Signature of PW6 in Ex.P20 Seizure Mahazar for MO2 – Bloodstained Soil and MO3 – Bloodless Soil.
Ex.P4	22.04.2022	Signature of PW9 in the confession statement of A2.
Ex.P5	22.04.2022	Seizure Mahazar for MO5 – Black and white checked Lungi.
Ex.P6	22.04.2022	Signature of PW10 in the confession statement of A2.
Ex.P7	26.04.2022	Signature of PW11 in the confession statement of A1.
Ex.P8	21.04.2022	Final Opinion and Postmortem certificate.
Ex.P9	12.05.2022	Viscera Report.
Ex.P10	20.04.2022	First Information Report.
Ex.P11	20.04.2022	Rough sketch.
Ex.P12	21.04.2022	Alteration Report.
Ex.P13	21.04.2022	Inquest Report.
Ex.P14	21.04.2022	Requisition letter.

Ex.P15	22.04.2022	Admitted portion of confession statement of A2.
Ex.P16	22.04.2022	Form 91 for MO5 – black and white checked Lungi.
Ex.P17	26.04.2022	Admitted portion of confession statement of A1.
Ex.P18	26.04.2022	Seizure Mahazar for MO1 – 40 cm length of Sickle.
Ex.P19	29.04.2022	Requisition letter for recording of statements under Section 164(5) of CrPC
Ex.P20	20.04.2022	Seizure Mahazar for MO2 and MO3.
Ex.P21	20.04.2022	Form 91 for MO2 – Bloodstained Soil and MO3 – Bloodless Soil
Ex.P22	21.04.2022	Form 91 for MO4 – Bloodstained blue, black and white checked Lungi.
Ex.P23	11.07.2022	Biological report
Ex.P24	10.01.2023	Serological report.

Material Object marked on the side of the Prosecution:-

(1)	MO1	Sickle
(2)	MO2	Bloodstained Soil
(3)	MO3	Bloodless Soil
(4)	MO4	Bloodstained Blue, Black and White Colour Lungi
(5)	MO5	Black and White Checked Lungi

Witness examined and Documents marked on the side of the Accused :- Nil.

PSJ

Draft /Fair Copy of Judgment in
SC No. 301/2022
PSJ Court, Thanjavur.
Date: 18.03.2026