

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.**

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

Monday, the 16<sup>th</sup> day of March, 2026  
(Thiruvalluvarandu 2057 Sri Visuvavasu Varudam Pankuni Thingal 2<sup>nd</sup> day)

**Sessions Case No.344/2024**  
**CNR No.TNTJ01 014337 2024**

(PRC.No.71/2015 of Judicial Magistrate No.I, Thanjavur)  
(Thanjavur South Police Station Cr.No.600/1998)

Complainant	:	State represented by the Inspector of Police, Thanjavur South Police Station Cr.No.600/1998
Name and address of Accused	:	Bhuvaneshwaran, aged 67/2026, S/o.Krishnasamy, No.357C, ThillaiNagar, Pudupattinam, Thanjavur.
<b>1st charge</b> Against the Accused	:	Rioting with dangerous weapons – Punishable u/s 148 of IPC
<b>2<sup>nd</sup> charge</b> Against the Accused	:	Abetment of murder – Punishable u/s 302 r/w 109 & 114 of IPC
<b>3<sup>rd</sup> Charge</b> Against the Accused	:	Abetment of attempt to murder – Punishable u/s 307 r/w 109 & 114 of IPC
<b>4<sup>th</sup> Charge</b> Against the accused	:	Abetment of causing grievous injury – Punishable u/s 326 r/w 109 & 114 of IPC
Plea of the Accused	:	Not Guilty
Finding of the Court	:	Not Guilty
Sentence or order of this Court	:	In the result, the accused (8 <sup>th</sup> accused in the charge sheet) is not found guilty

		for the offences u/s 148, 302 r/w 109 & 114, 307 r/w 109 & 114 and 326 r/w 109 & 114 of IPC and he is acquitted u/s 258(1) of BNSS. The bail bonds, if any executed by the accused, is ordered to be cancelled after the appeal time is over.  Since the order regarding the material objects was already passed in the mother case in SC No.58/2007, no property order is passed in this case.
<b>Details of Case summary:-</b>		
1.	Name of the Police Station and the Crime number of the offence	: Thanjavur South P.S. Cr.No.600/1998
2.	Name of the accused	: Bhuvaneshwaran
3.	Father's / Husband's Name of the accused	: S/o.Krishnasamy
4.	Occupation of the accused	: Driver
5.	Residence of the accused	: No.357C, ThillaiNagar, Pudupattinam, Thanjavur.
6.	Age of the accused	: 67/2026
7.	Date of occurrence	: 03.11.1998
8.	Date of complaint	: 04.11.1998
9.	The period of remand of the accused	: 20.11.2024 (Surrender)– 20.11.2024
10.	The date of committal of the case	: 25.11.2024
11.	The date of Questioning of the accused u/s 228 of CrI.P.C.	: 09.07.2025

12.	Date of examination of accused u/s 351(1)(b) of BNS.	:	16.02.2026
13.	Commencement of trial	:	07.08.2025
14.	Close of trial	:	18.02.2026
15.	Sentence or order	:	16.03.2026

#### 16. Criminal Miscellaneous Petitions filed by the accused

	Petitions		Crl.M.P.No	Date of Filing	Date & nature of Disposal
17			Nil		

	Name of the witnesses	Date of Chief examination	Date of cross examination
PW1	Baskar	29.05.2007	29.05.2007
PW2	Sadasivam	29.05.2007	29.05.2007
PW3	Santhiyagu	29.05.2007	29.05.2007
PW4	Kumar	29.05.2007	29.05.2007
PW5	Sivalingam	29.05.2007	29.05.2007
PW6	Jeyabal	29.05.2007	29.05.2007
PW7	Murugan	29.05.2007	29.05.2007
PW8	Kalimuthu	29.05.2007	29.05.2007
PW9	Dr.vijayalakshmi	30.05.2007	30.05.2007
PW10	Alagar	30.05.2007	30.05.2007
PW11	Ramachandran, Head clerk	30.05.2007	30.05.2007
PW12	Parthiban	30.05.2007	30.05.2007
PW13	Dharmaraj	30.05.2007	30.05.2007
PW14	Thirunavukkarasu	30.05.2007	30.05.2007
PW15	Ganesan	30.05.2007	30.05.2007
PW16	Dr.Thangaraj	04.06.2007	04.06.2007
PW17	Dr.Gandhi	04.06.2007	04.06.2007

PW18	Rajamanickam, Inspector of Police	04.06.2007	04.06.2007
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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 Mrs.Devi V.Kannukkiniyal, Learned Counsel appearing for the accused 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 Thanjavur South Police Station laid a final reported against the accused and others as follows:

The accused persons A1 to A9 are associates and bad elements. About 6 years prior to the present occurrence, one Sekar, the close relative of Somu, the deceased in this case, was murdered by one Durai and his men. The 1st deceased Somu suspected A1 Selvam and his friend A7 Siva that they have supported the said Durai. From that on wards, A1 to A9 and deceased Somu have developed enmity not only on the above ground, but also due to their profession as they were selling Arrack. Apart from that, the 1st deceased Somu had also abetted one Premkumar to assault A1 Selvam with Aruval some time prior to the occurrence. Fruther, A1 Selvam helped one Soni @ Chinnathambi in kidnapping the sister of Somu. In such a circumstance, the 1<sup>st</sup> deceased Somu directed his followers to murder A1 Selvam, in which, he escaped. Thereafter, 1st deceased Somu picked up A1 Selvam, undressed, assaulted

and drove him. Further, A1 Selvam also suspected that the 1st deceased Somu had arranged one Boomi to kill him. When the matter stood thus, on 03.11.1998 at about 08.45P.M. in a hotel namely Thangam Hotel situated at Maries Corner in Nanjikottai Road, Thanjavur, A1 to A9 formed themselves in to an unlawful assembly, arming with sickle with sword with the common object of committing murder of Somu and to cause either murder or injury to those persons, who came to rescue him. In furtherance of such common object, A2 and A3 entered into the Hotel Thangam under pretext of taking food, and then, A2 assaulted the deceased Somu, who was taking food. When the deceased warded off the attack with hands, the assault hit at both the hands and A3 assaulted with intent to commit murder with aruval over the head of the 1st deceased Somu and so, he ran outside from the hotel. At that time A1, A4 to A6, who came from the southern direction in the hotel with the object to commit murder of the deceased Somu, pushed the deceased down and A1 directed all the accused persons to cut him. Therefore, A1 to A6 repeatedly and indiscriminately assaulted the deceased with sickle and sword all over the body. As a result, Somu succumbed to injuries instantaneously.

In the course of the same transaction, when the 1st deceased was running away from the Hotel Thangam, the witness Shanmugam came to rescue him. At that time, A3 Anandan violently assaulted him with sickle over his face near the mouth and attempted to murder him by causing grievous cut to him. In the course of the same transaction on the same day, when the deceased Saravanan and witness Baskar came to prevent Somu, A5 assaulted Saravanan with sickle over his head and neck.

As a result of which, Saravanan died on his way to Thanjavur Medical College Hospital.

Further, in the same transaction, when the witness Alagar was also attacked by A4 Chinnaiyan with sickle and sustained grievous hurt. In the same transaction, when the witnesses Santhiyaku, Kumar, and Sivalingam came to prevent the accused from running from the scene of occurrence, A1 threatened them by showing knife and fled away from the place of occurrence. A7 and A8 who were also waiting at the scene of occurrence with the Ambassador Car facilitated A1 to A6 to escape from the place of occurrence and A8 drove the Car and therefore, A7 and A8 abetted and facilitated to commit murder and grievous hurt. A9 also abetted A1 to A6 in commission of murder and other offences by lending the Car. Hence, A1 to A9 committed the offence punishable under section 147 and 148 IPC, A1 to A3, A5, A6 committed the offence punishable under section 302 (1 count) IPC, A4 committed the offence punishable under section 302 (2 count), A3 committed the offence punishable under section 307 of IPC, A1, A2, A4, A5, A6 committed the offence punishable under section 307 r/w 149 of IPC, A2 committed the offence punishable under section 326 of IPC, A1, A3, A4, A5 & A6 committed the offence punishable under section 326 r/w 149 of IPC, A7, A8 committed the offence punishable under section 302, 307, 326 r/w 109 and 114 of IPC, A1 to A6 committed the offence punishable under section 506(ii) of IPC, A9 committed the offence punishable under section 302, 307, 326 r/w 109 of IPC,

2. On receipt of Final Report, the Learned Judicial Magistrate No.I, Thanjavur has taken up the case on file as PRC No.12/2001 for the offences u/s 147, 148, 302, 307, 307 r/w 148, 326, 326 r/w 148, , 326 r/w 109 & 114, 506(ii) of IPC and during the long pendency of NBW against the accused persons / A5 & A8, the case against them was split up in PRC No.44/2016 and the 1<sup>st</sup> accused Selvam was reported as dead and therefore, the charge against him was ordered to be abated. In so far as the other accused / A2, A3, A4, A6, A7 & A9 are concerned, as contemplated u/s 207 of Cr.P.C., copies were furnished to the other accused persons and thereafter, the Learned Judicial Magistrate No.I, Thanjavur committed the case in PRC No.12/2001 to this Sessions Court as if the offences u/s 302, 307 are exclusively triable by the Court of Sessions and it was taken on file in SC No.58/2007 and after full trial, it was ended in acquittal on 11.06.2007.

3. Thereafter, NBW against this 8<sup>th</sup> accused was pending for a long time and therefore, the case against him was split up in PRC No.71/2015 on the file of the Judicial Magistrate No.I, Thanjavur and the case against the 5<sup>th</sup> accused Murugan in PRC No.44/2016 was committed to the Court of Sessions under due procedure and taken on file in SC No.34/2016 and it was also ended in acquittal on 26.06.2018.

4. Thereafter, the 8<sup>th</sup> accused in the charge sheet (hereinafter referred to as accused) surrendered before the committal court and thereafter, as contemplated u/s 207 of Cr.P.C., copies were furnished to the accused herein, the Learned Judicial

Magistrate No.I, Thanjavur committed the case in PRC No.71/2015 to this Sessions Court as if the offences u/s 302, 307 are exclusively triable by the Court of Sessions.

5. On receipt of case records from the Committal Court in respect of the accused herein, this Principal Sessions Court, Thanjavur has taken up the case on file as S.C.No.344/2024 and made over it to the I Additional District and Sessions Court, (PCR) Thanjavur. After making the appearance of the accused, the Learned I Additional District and Sessions Judge, Thanjavur has framed charges against the accused for the offences u/s 148, 302 r/w 109 & 114, 307 r/w 109 & 114 and 326 r/w 109 & 114 of IPC. When the charges were explained to the accused, he pleaded not guilty and claimed to be tried.

6. At this stage, the case has been transferred from the court of I Additional District and Sessions Judge, (PCR), Thanjavur to this Court as per order passed by this Court as per the order in D.No.8753/2025 dated 05.11.2025.

7. When, the case was pending for trial, the Learned counsel appearing for the accused filed a memo stating that he will adopt and accept the oral evidence recorded in S.C.No.58/2007 and the same was recorded on 04.02.2026. The Learned Public Prosecutor has also no objection to adopt and accept the oral evidence recorded in the mother case. Hence, the evidence, exhibits and material objects recorded in the mother case in S.C.No.58/2007 is treated as evidence, exhibits and material objects in this case as PW1 to PW18, Ex.P1 to Ex.P19 and MO1 to MO10 respectively.

**8. The brief case of the prosecution from its oral and documentary evidence, is as follows:-**

**8.1)** On 03.11.1998 at about 8.45 PM, on account of previous enmity, A1 to A9 formed an unlawful assembly armed with deadly weapons, A1 to A6 repeatedly assaulted Somu with sickles and swords causing his instantaneous death, and during the course of which, one Saravanan, who intervened, was attacked by A5 and later died on the way to the hospital. In the same occurrence, one Shanmugam, who also attempted to rescue Somu, was grievously injured with intent to murder by A3 and also PW10 Alagar was also sustained grievous injuries by A4. The accused A7 & A8 / the accused herein waited nearby with an Ambassador car helping A1 to A6 to escape, while A9 facilitated the offence by providing the car. PW1 Baskar, PW2 Sadhasivam, PW3 Sandhiyagu, PW4 Kumar, PW5 Sivalingam , PW6 Jayabal are eye witnesses to the occurrence.

**8.2)** The injured persons Shanmugam, PW10 Alagar and Saravanan were taken to Thanjavur Medical College Hospital, wherein, PW16 Dr. Thangaraj, initially examined Saravanan and declared his death, He further given initial treatment to Shanmugam and Azhagar, admitted them as inpatients.

**8.3)** PW12 Parthiban, then Head Constable of Thanjavur South Police Station, received the message from the hospital and recorded the same. The Sub Inspector of Police namely Ramanathan went to the hospital, recorded Ex.P1 complaint given by PW1 Baskar, who is the brother of the deceased Somu, and the

said Sub Inspector registered the case under Ex.P16 First Information Report. PW13 Dharmaraj, then Head Constable of Thanjavur South Police Station, who handed over the Express FIR to the Jurisdictional Magistrate at 2.00 PM on 04.11.1998.

**8.4)** Thereafter, the Inspector of Police Ravichandran visited the place of occurrence, prepared Ex.P2 observation mahazar and Ex.P17 rough sketch and seized the MO1 bloodstained soil and MO2 bloodless soil in the presence of witnesses PW7 Murugan and Vetrivel under Ex.P3 Seizure mahazar. On the same day at 6.00 PM, Inspector Ravichandran conducted inquest on the body of the deceased Somu and Saravanan in the presence of panchayathars and prepared Ex.P18 and Ex.P19 inquest reports respectively and he enquired witnesses Baskar, Azhagar, Shanmugam, Sadhasivam, Rathanammal and recorded their respective statements. Thereafter, he sent the bodies of Somu and Saravanan to postmortem through PW14 Thirunavukkarasu, Grade-I PC and PW15 Ganesan, Police Constable respectively. On the same day, he enquired the witnesses Arulmary, Saravanan, Selvaraj, Lakshmanan, Manikandan, Murugan and Sakthivel. Thereafter, on 05.11.1998, he enquired the witnesses Parthiban, Saravanan, Thirunavukkarasu, Ganesan and Ramanathan and on 06.11.1998, he enquired the witnesses Vadivelu, Azhagirisamy, Selvam, Rajendran, Kamatchisundaram, Vellaisamy, Mithinbatsha and recorded their respective statements. On 07.11.1998, he enquired PW1 Baskar and recorded his further statement.

**8.5)** Thereafter, on 6.11.1998, the said Inspector of Police Ravichandran arrested the accused Selvam, Chinnaiyan and Murugan on the backside of Thanjavur New Bus Stand, recorded their respective confession statements, voluntarily given by them in the presence of the witnesses PW8 Kalimuthu and Muniyandi. As per confession statement of Selvam, he seized a weapon recovered from Seethanagar railway bridge in the presence of the same witnesses. As per confession statement of Murugan, he seized sickles from Ponrajapalayam and as per confession statement of Chinnaiyan, MO3 sickle recovered from the back side of his house at Seppanavar nadukulam under Ex.P21 Seizure Mahazar. He further recovered the MO4 Ambassador car bearing Registration No.TMS 2021 from the 9<sup>th</sup> accused Srinivasan under Ex.P22 seizure mahazar in the presence of same witnesses. Ex.P20 is Admissible portion of Chinnaiyan. The signatures of PW8 Kalimuthu found in the confession statement and recovery mahazar for sickle and car were marked as Ex.P4, Ex.P5 & Ex.P6 respectively.

**8.6)** On 27.11.1998, the Inspector of Police Ravichandran enquired PW17 Dr.Gandhi, who conducted the autopsy on the bodies of deceased Somu and Saravanan, recorded his statement and received Ex.P14 and Ex.P15 postmortem certificates for Somu and Saravanan respectively, with the same opinion that both of them would appear to have died of shock, hemorrhage and injuries on the vital organs. He recovered the dresses of on the deceased persons, i.e. MO5 to MO10 and took steps to send the material objects to Forensic Lab through court by PW11

Ramachandran, then Head Clerk of Judicial Magistrate Court No.I, Thanjavur and received the Ex.P9 chemical report. On 28.11.1998, he enquired the photographer and received Ex.P23 series photos. Thereafter, Inspector of Police, Ravichandran was transferred and he handed over the case to his succeeding Inspector of Police.

**8.7)** Thereafter, PW18 Rajamanickam, Inspector of Police, took the case for investigation. On 04.04.1999, A6 Baskar surrendered before the JM Court, Keeranur and A3 Anandh was arrested in another case in Ariyamangalam PS Cr.No.375/1999 and thereafter, he was remanded in this case through PT warrant. On 04.05.1999, PW18 enquired PW9 Dr. Vijayalakshmi, X-ray Doctor, who had taken X-ray for injured person Azhagar, who sustained grievous injury and PW18 received Ex.P7 ledger entry for x-ray and also received Ex.P8 Medico legal opinion. Further, PW18 enquired PW16 Dr.Thanjagaraj and received Ex.P10 Accident Register for Saravanan, Ex.P11 Accident Register for Shanmugam, Ex.P12 Wound Certificate of Shanmugam and Ex.P13 Accident Register for Alagar. Thereafter, PW18 was transferred and therefore, he handed over the case records to his succeeding investigating officer.

**8.8)** Thereafter, Inspector of Police namely Durairaj took up the case for investigation and he enquired the witnesses Sadhasivam, Shanmugam, Santhiyagu, Kumar, Sivalinga, Jayabal, Pudumai, Sub-Inspector of Papanasam, X-ray Doctor, Nagalakshmi and recorded their statements. After, completion of investigation, he filed final report against the accused persons in this case.

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

10. On perusal of the materials and records and the evidence of the prosecution side witnesses, the following point arises for determination of the case: -

1. Whether the prosecution has established that the death of Somu and Saravanan were homicide and amount to murder?
2. Whether the prosecution has proved the guilt of the accused beyond reasonable doubt for the alleged offences?

**Point No.1: -**

11. Heard both sides and perused the records.

12. The learned Public Prosecutor contended that though the independent witnesses turned hostile, the evidence of PW7, PW9 to PW18 supported the case of the prosecution and further, the exhibits and other material objects corroborates their testimony and this is a case of brutal double murder committed in a preplanned manner and therefore, the accused deserves to be convicted with the maximum punishment under law.

13. Per contra, the Learned Counsel appearing for the accused has submitted that the split up cases against the co-accused in SC No.58/2007 and S.C.No.34/2016

ended in acquittal and further, the eye witnesses and the attesting witness of confession statement turned hostile and also, there is no piece of evidence given by the remaining prosecution witnesses regarding the commission of offence by this accused and hence, he argued for acquittal of the accused.

**14.** On perusal of the records, final report has been filed against nine accused persons. Among them, the 1<sup>st</sup> accused reported as dead and the charges against him was ordered to be abated. The cases against the co-accused persons SC No.58/2007 and S.C.No.34/2016 ended in acquittal.

**15.** On perusal of the records, the de-facto complainant PW1 stated in his evidence that when he heard about the death of his brother Somu and Saravanan, he went to the hospital and saw the bodies of them. Further, PW16 Dr.Thangaraj deposed that on 03.11.1998, when he was in duty in Thanjavur Medical College Hospital, one Saravanan was brought to the hospital, and after noted down his injuries and on examination, PW16 declared his death. PW17 Dr.Gandhi deposed about the autopsy conducted on the bodies of deceased persons Somu and Saravanan, noted down the injuries found on their bodies and issued the postmortem certificates Ex.P14 and Ex.P15 with the same opinion that both of them would appear to have died of shock, hemorrhage and injuries on the vital organs. Hence, this Court is of the considered view that the prosecution has established beyond all reasonable doubt that the death of Somu and Saravanan were homicidal in nature and amounts to murder. Thus, the Point No.1 is answered accordingly.

**Point No.2:**

16. At this juncture, this court has to decide as to whether the accused herein aided in the commission of murder of the above said deceased persons.

17. PW1 Baskar, though admitted in his chief examination that he lodged Ex.P1 complaint, he deposed that he heard about the death of his brother Somu and Saravanan, but he do not the know the accused persons. So, his evidence did not support the case of the prosecution.

18. Further, on the side of the prosecution, PW2 Sadhasivam, PW3 Sandhiyagu, PW4 Kumar, PW5 Sivalingam, PW6 Jayabal were cited as eye witnesses, but their evidence did not support the case of the prosecution and they turned hostile. Even PW10 Azhagar, who is said to have sustained grievous injury in the occurrence, did not support the case of the prosecution and turned hostile. In this context, this court relied upon the decision of Hon'ble Supreme court of India reported in “ **Koli Lakhmanbhai Chanabhai v. State of Gujarat, (1999) 8 SCC 624**”, wherein it has been held as follows:

*“The evidence of a hostile witness can be relied upon, to the extent it supports the prosecution version and is corroborated by other evidence.”*

19. In view of the above decision and the settled legal principles laid down by the Hon'ble Supreme Court, this Court finds that the evidence of hostile witnesses

may be considered to the extent it supports the prosecution, but in the present case, though the Learned Public Prosecutor cross-examined them, nothing could be elucidated from their mouth to support the case of the prosecution. Hence, this Court holds that the prosecution has not proved the occurrence through credible eyewitness evidence beyond reasonable doubt.

**20.** PW7 Murugan deposed that the investigating officer visited the occurrence place and seized the soil in his presence. The medical officers PW9, PW16 deposed about the injuries sustained by the injured persons and PW17 deposed about the injuries on the body of the deceased persons and cause of death. PW11 Head Clerk of the Jurisdictional Magistrate Court deposed in respect of the sending the material objects to the Forensic Science Lab and receipt of report. PW12 and PW13 deposed regarding the receipt of message from the hospital and submission of express FIR before the Jurisdictional Magistrate. PW14 and PW15 deposed regarding the handing over of the bodies of the deceased person for postmortem. PW18 is the investigating officer. Considering the entire evidence, there is no evidence against the accused to prove that he committed the offences u/s 148, 302 r/w 109 & 114, 307 r/w 109 & 114 and 326 r/w 109 & 114 of IPC.

**21.** Further, on perusal of case records, it is revealed that on 11.06.2007, the mother case in S.C.No.58/2007 was ended in acquittal against the accused persons / A2, A3, A4, A6, A7 & A9. Further, on 26.06.2018, another split up case in

S.C.No.34/2016 was ended in acquittal against the 5<sup>th</sup> accused. Further, the evidence adduced by the witnesses was inseparable and indivisible in parent case No.58/2007.

22. In this context, this Court relied upon the judgment delivered in **Chinnappa @ Mahendran vs. the State rep. By the Inspector of Police, Orathanadu Police Station, Thanjavur District reported in 2015 (1) MWN (Cr.) 259**, wherein the Hon'ble High Court held as follows:

“16. By a catena of decisions it is well settled that **where the evidence against all the accused is inseparable and indivisible and if some of the accused persons were acquitted, the remaining accused cannot be treated differently on the very same evidence** (See MOHD. MOIN UDDIN V. STATE OF MAHARASHTRA, (1971 SCC (CRI.) 617)).

17. In C.B.I. V. AKILESH SINGH (AIR 2005 SC 268), the Hon'ble Apex Court upheld the quashing of the case against main accused under 482 Cr.P.C, who is alleged to have hatched the conspiracy and who had the motive to kill the deceased, the case against the other accused were discharged from the case on the ground that no purpose would be served in further proceedings with the case against them.

18. Similar view has been taken in MOHAMMED ILIAS V. STATE OF KARNATAKA (2001 (4) CRIMES 417).

19. Close on the heels, is the decision of my most esteemed Brother Hon'ble Justice K.N.Basha in TAMILENDI V. STATE (2008 (2) CTC 153) **where there are more than one accused, trial against one absconding accused was split up and the remaining accused were tried, it was established that the prosecution has failed to prove the charge including the murder charge under Section 302 I.P.C, they were acquitted, in such circumstances, my learned Brother held that in such circumstances no useful purpose would be served by directing the remaining accused to undergo the ordeal of trial.**”

23. The principle laid down in the above decision is squarely applicable to the facts and circumstances of the present case. In the case on hand also, the evidence given by the prosecution witnesses are inseparable and indivisible and therefore, by adhering to the above principles enunciated by the above precedent, the accused cannot be treated differently on the very same evidence and hence, this Court records the very same finding.

24. In view of the foregoing discussion, appreciation of oral and documentary evidence, and the settled principles of law, this Court finds that the prosecution has miserably failed to establish its case beyond

reasonable doubt and the accused is entitled to the benefit of doubt. Thus, this point is answered accordingly.

**25.** In the result, the accused (8<sup>th</sup> accused in the charge sheet) is not found guilty for the offences u/s 148, 302 r/w 109 & 114, 307 r/w 109 & 114 and 326 r/w 109 & 114 of IPC and he is acquitted u/s 258(1) of BNSS. The bail bonds, if any executed by the accused, is ordered to be cancelled after the appeal time is over.

**26.** Since the order regarding the material objects was already passed in the judgment in mother case in SC No.58/2007 dated 11.06.2007, no property order is passed in this case.

Dictated to the Stenographer Grade-I of this Court, directly typed by her in Computer, corrected and pronounced by me in open court this the 16<sup>th</sup> day of March, 2026.

**Principal Sessions Judge,  
Thanjavur.**

**Witnesses examined on the side of the Prosecution in Mother case**

**S.C.No.58/2007:- (Since both sides have no objection, the oral evidence recorded in mother case shall be treated as evidence in this case as well)**

1. P.W1 Baskar
2. P.W2 Sadhasivam
3. P.W3 Santhiyagu
4. P.W4 Kumar
5. P.W5 Sivalingam
6. P.W6 Jeyabal

7. P.W7 Murugan
8. P.W8 Kalimuthu
9. P.W9 Dr.Vijayalakshmi
10. P.W10 Alagar
11. P.W11 Ramachandran, Head clerk
12. P.W12 Parthiban
13. P.W13 Dharmaraj
14. P.W14 Thirunavukkarasu
15. P.W15 Ganesan
16. P.W16 Dr.Thangaraj
17. P.W17 Dr.Gandhi
18. P.W18 Rajamanickam, Inspector of Police

**Documents marked on the side of the Prosecution:-**

- |        |            |  |
|--------|------------|--|
| Ex.P1  | 04.11.1998 | Complaint  |
| Ex.P2  | 04.11.1998 | Observation Mahazar                                    |
| Ex.P3  | 04.11.1998 | Mahazar for recovery of MO1 and MO2                    |
| Ex.P4  | 16.11.1998 | Signature of PW8 in confession statement of Chinnaiyan |
| Ex.P5  | 16.11.1998 | Signature of PW8 in Ex.P21 Mahazar                     |
| Ex.P6  | 16.11.1998 | Signature of PW8 in Ex.P22 Mahazar                     |
| Ex.P7  | ...        | Xerox copy of X-Ray register                           |
| Ex.P8  | 04.11.1998 | Medico legal opinion                                   |
| Ex.P9  | ...        | Chemical report  |
| Ex.P10 | 03.11.1998 | Accident register of Saravanan                         |
| Ex.P11 | 03.11.1998 | Accident register of Shanmugam                         |
| Ex.P12 | 03.11.1998 | Wound Certificate of Shanmugam                         |
| Ex.P13 | 03.11.1998 | Accident Register of Alagar                            |
| Ex.P14 | 04.11.1998 | Postmortem Certificate of Somu                         |
| Ex.P15 | 04.11.1998 | Postmortem Certificate of Saravanan                    |
| Ex.P16 | 04.11.1998 | First Information Report                               |
| Ex.P17 | 04.11.1998 | Rough Sketch   |
| Ex.P18 | 04.11.1998 | Inquest report of deceased Somu                        |

- Ex.P19 04.11.1998 Inquest report of deceased Saravanan  
Ex.P20 04.11.1998 Admissible portion of confession statement of Chinnaiyan  
Ex.P21 16.11.1998 Mahazar for recovery of sickle  
Ex.P22 16.11.1998 Mahazar for recovery of car  
Ex.P23 16.11.1998 photos (series)

**Material Object marked on the side of the Prosecution:-**

- MO1 Bloodstained soil  
MO2 Bloodless soil  
MO3 Sickle  
MO4 Ambassador car bearing no. TMS 2021  
MO5 Half hand shirt  
MO6 Banian  
MO7 Lungi (blue colour)  
MO8 Shirt  
MO9 Lungi (Brown colour)  
MO10 Jatti

**Witness examined on the side of the Accused :-** None.

**Documents marked on the side of the Accused:-** Nil

PSJ

Draft /Fair Copy of Judgment in

S.C.No. 344/2024

PSJ Court, Thanjavur.

D.O.J :16.03.2026