

Principal Sessions Court, Tirunelveli.
Case – Summary
S.C. No.495/2022

i.	The period of remand of the accused	Date of Remand : 03.07.2022 Date of Release : 11.10.2022 Date of Remand : 25.01.2025 (NBW) Date of release : 27.03.2025 Custody for accused : 101 + 62 = 163 days
ii.	The date of filing of the complaint / final report in the Court;	01.07.2022 /12.09.2022
iii.	The date of committal of the case to the Court of Session;	21.09.2022
iv.	The date of questioning of the accused under Sections 228, 240, 246 and 251 of the code of Criminal Procedure, 1973, as the case may be;	11.11.2022
v.	Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts; except routine petitions like petitions under Section 317 of the Code;	---

vi.	Date of examination in-chief and cross-examination of a witness;	P.W. 1 – 26.07.2023 P.W. 2 – 26.07.2023 P.W. 3 – 26.07.2023 P.W.4 - 26.07.2023 P.W.5 – 26.07.2023 P.W.6 – 10.09.2024 P.W.7 – 10.09.2024 P.W.8 – 10.09.2024 P.W.9 – 23.10.2024 P.W.10 – 23.10.2024 P.W.11 – 23.10.2024 P.W.12 – 23.10.2024 P.W.13 – 12.11.2024 P.W.14 – Chief examined on 21.11.2024 and cross examined through V.C. on 16.12.2025 P.W.15 – 05.03.2025 P.W.16 – 05.03.2025 P.W.17 – 05.03.2025 P.W.18 – 09.04.2025 P.W.19 – 15.04.2025 P.W.20 – 21.06.2025 P.W.21 – 08.09.2025
vii.	Date of examination of the accused under Section 313 of the Code;	04.02.2026

viii.	---	
	Details of abscondence of an accused and his appearance/production, as the case may be; and	---
x.	Grant of stay by superior Courts and the results thereof.	---

**IN THE COURT OF PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI**

**PRESENT: THIRU.N.VENKATAVARADAN, B.L.,
Principal Sessions Judge,
Tirunelveli.**

Dated, this the 30th day of June 2026

**S.C.No. 495 of 2022
(CNR No.TNTL 0101 3282 2022)**

***(P.R.C.No.328/2022 on the file of Judicial Magistrate No.III, Tirunelveli,
Thalaiyuthu Police Station Crime No.164 of 2022.)***

Name of the Complainant : State through
The Inspector of Police,
Thalaiyuthu Police station.
Cr.No. 164 of 2022.

Name of the Accused : Mari Mathan (Age 26/26),
S/o. Vijaya Pandian,
Bus Stand Street, Kothali, Kayathar,
Tuticorin District.

Charges framed against : 302 and 392 IPC.
the accused.

Plea of the Accused for : Guilty.
charge

Finding of the Court : The accused is found guilty for the charges
U/s.302 & 392 IPC

Sentence or Order : In the result, it is held that, the
Prosecution has proved the charge against the
accused U/s.302 and 392 IPC beyond
reasonable doubt and hence, the accused is
found guilty for the charges U/s.302 and 392
IPC and the accused is convicted for the

offence punishable under Section 302 and 392 IPC and the accused questioned about the proposed sentence under 235(2) Cr.P.C and the accused sought lineancy in the sentencing, narrating the family circumstances, the same were considered by this court. Upon considering the seriousness of the charges proved against the accused and U/s 302 IPC the accused is sentenced to undergo **Life** imprisonment and to pay a fine of **Rs.10,000/-** in default to pay the fine, the accused to undergo Simple Imprisonment for further period of **Three Months** and U/s 392 IPC the accused is sentenced to undergo imprisonment **Three years** and to pay a fine of **Rs.10,000/-** in default to pay the fine, the accused to undergo Simple Imprisonment for further period of **Three Months**. The period of Judicial Custody already undergone by the accused from 03.07.2022 to 11.10.2022 and 25.01.2025 to 27.03.2025 i.e., 163 days is ordered to be set off U/s.428 of Cr.P.C. Both the sentences are ordered to be run concurrently. The bail bond executed if any by the accused shall automatically be canceled after the appeal time is over or after the

disposal of appeal if any filed. Bail bond executed by the accused U/s.437(A) of Cr.P.C. will be in force till the expiry of appeal time or till the disposal of appeal if any filed.

The material objects M.O.1 to M.O.3 and M.O.5 to M.O.9 remanded in P.R.No.102/2023 before this Court, are ordered to be destroyed after the appeal time is over or after the disposal of the appeal, if there be any appeal is filed. The property seized in this case which are the Blue colour TVS XL 100 Heavy Duty Motor cycle bearing Reg.No.TN 72 BQ 1518 marked as M.O.4 and the unmarked amount of Rs.1,500/- remanded in P.R.No.102/2023 by this court were already handed over to the owner of property namely Pushbam, W/o.Mayandi for interim safe custody by the concerned Judicial Magistrate Court No.3, Tirunelveli in Cr.M.P.No.10101/2022 dated 20.07.2022. Hence the owner of the property, shall retain the same permanently after the appeal time is over or expiry of appeal and the bail bonds executed by her will automatically be canceled after the appeal time is over or till the disposal of appeal if any filed.

This case is coming on 08.06.2026 for final hearing before me in the presence of Thiru.K.Subramanian, learned Public Prosecutor for State and Thiru.R.Anbalagan, Learned Counsel appeared for the Accused and upon hearing the arguments on both sides and perusal of all other material records and having stood over till this day for consideration, this court delivers the following...

JUDGMENT

The Inspector of Police, Thalaisyuthu P.S., has laid the final report in Cr.No.164/2022 against the accused stating that, the accused and the deceased were working in the meat stall of one Maharajan at Welcome Mahal near Thatchanallur, and after that the deceased alone was working in the above meat stall and individually doing goat vending business. In that transaction an amount of Rs.8,000/- is due from the above Maharajan, on 26.06.2022 at about 11.00 a.m. and the deceased had told his wife as the deceased has to go and collect the above due amount from Maharajan and the deceased had took a plastic wire basket and a nylon rope for tying goat if any goat has to be purchased and the deceased has gone from his house in TN 72 BQ 1518 Blue color TVS XL 100 Heavy duty motor cycle to the meat stall of Maharajan and collected Rs.8,000/- and received Rs.500/- extra and returned from the meat stall with a goat skin to be handed over to

one Palani. When the deceased has come near the Thatchanallur bye pass road, he met the accused and on 26.06.2022 at about 03.10 p.m. and the deceased along with accused gone to TASMAL liquor shop and there the accused has took the bunch of above money from his shirt pocket and spent Rs.300/- for consuming liquor and kept the rest of the entire money in his shirt pocket. Watching the same the accused has decided to commit robbery and the accused gave the entire two quarter bottles of liquor to the deceased for drinking, and on 26.06.2022 at about 03.30 p.m. that the accused has brought the deceased in a drunken mood to the pathway situated in S.No.476/1, on the western side of Sankar Nagar Housing Board colony place II in the above said two wheeler by saying he will arrange for the purchase of goats in cheap rate, and when the deceased was in drunken mood fallen down there from the motory cycle, and the accused with such intention and knowledge to commit the murder of the deceased and to committ robbery of the money from the possession of the deceased, the accused has took a black colour stone from there and beaten with force twice on the forehead of the deceased and inflicted heavy injuries to the deceased. The deceased died on the spot and the accused has committed the robbery of Rs.8,000/- from the deceased and the TN 72 BQ 1518 Blue color TVS XL 100 Heavy duty motor cycle of the deceased and leaving

from there in the above said motor cycle and as such the accused has committed the offence under Sections 302 and 392 IPC.

2. On receipt of the Final Report along with the relevant records relied on by the prosecution, the learned Judicial Magistrate No.III, Tirunelveli has taken the case on file in P.R.C.No.328/2022 and posted the case for appearance. On appearance of the accused before the Judicial Magistrate Court, the accused were furnished with the copies of the relevant documents under section 207 of the Code of Criminal Procedure. The learned Judicial Magistrate, having found that the offence under sections 302 and 392 IPC offences are exclusively triable by the Court of Sessions, had committed the case under section 209 of Code of Criminal Procedure to the Principal Sessions Court, Tirunelveli. The same was taken on file as S.C.No.495/2022.

3. On the appearance of the accused before this Court and after hearing the submissions of the accused and upon hearing the submissions of the Learned Public prosecutor and the learned counsel for the accused person and upon consideration of the records of the case along with the documents submitted therewith, this court found that there are sufficient grounds to proceed against the accused person, framed the following charges against the accused for the offences for the following sections

முதலாவது குற்றச்சாட்டு :-

இந்நீதிமன்ற அதிகார எல்லைக்குட்பட்டதும் தாழையூத்து காவல் நிலைய எல்லைக்குட்பட்டதுமான சங்கர்நகர் ஹவுசிங் போர்டு காலனி Phase - II மேற்கு பக்கம் 26.06.2022 ம் தேதி சுமார் 15.30 மணிக்கு இறந்துபோன மாயாண்டி வைத்திருந்த பணம் ரூ.8,000/- மற்றும் TN 72 BQ 1518 என்ற பதிவு எண் கொண்ட புளு கலர் TVS XL 100 Heavy Duty பைக் ஆகியவற்றை கொள்ளையடித்ததால் எதிரியாகிய உம்மீது இ.த.ச. 392 பிரிவின் கீழ் இந்நீதிமன்றத்தால் விசாரிக்கத்தக்கதும் தண்டிக்கப்படக் கூடியதுமான ஒரு குற்றத்தை செய்துள்ளதாக இந்நீதிமன்றத்தால் உம்மீது குற்றச்சாட்டு வனையப்பட்டுள்ளது.

இரண்டாவது குற்றச்சாட்டு:-

மேற்படி அதே நாள், அதே நேரம், அதே இடத்தில் மேற்சொன்ன சம்பவத்தின் தொடர்ச்சியாக எதிரியாகிய நீவிர் இறந்துபோன மாயாண்டியிடம் இருந்து பணம் ரூ.8,000/- மற்றும் TN 72 BQ 1518 என்ற பதிவு எண் கொண்ட புளு கலர் TVS XL 100 Heavy Duty பைக் ஆகியவற்றை கொள்ளையடிக்கும் நோக்கத்துடன் இவ்வழக்கில் இறந்துபோன மாயாண்டியின் தலையில் கல்லால் அடித்து கொலை செய்ததால் எதிரியாகிய உம்மீது இ.த.ச. 302 பிரிவின் கீழ் இந்நீதிமன்றத்தால் விசாரிக்கத்தக்கதும் தண்டிக்கப்படக் கூடியதுமான ஒரு குற்றத்தை செய்துள்ளதாக இந்நீதிமன்றத்தால் உம்மீது குற்றச்சாட்டு வனையப்பட்டுள்ளது.

The said charges were read over and explained to the accused in Tamil and

when the accused was questioned about the same, he denied the charges and pleaded not guilty and also claimed to be tried.

4. In order to prove the guilt for the charges leveled against the accused, the prosecution examined P.W.1 to P.W.21 and Ex.P1 to Ex.P37 and M.O.1 to M.O.9 were marked. On the side of Accused no witnesses were examined and documents were marked.

5. The case of the prosecution as per the evidence of witnesses on the side of prosecution is as follows:-

5.1) P.W.3 is the the wife of the deceased. On 26.06.2022 at about 11.00 p.m. the decasaed had gone from the home by his two wheeler TN 72 BQ 1518 Blue color TVS XL 100 and also said he has to clloect Rs.8,000/- from his owner Maharajan P.W.6 and will buy goat. But he has not returned home. Hence on 27.06.2022 P.W.3 along with P.W.5 went to Thatchanallur police station and gave complaint. On 01.07.2022 based on the information received from the police as one decomposed body found in the Chidambram Nagar housing board, P.W.3 along with P.W.5 went there and identified that the body is her huband Mayandi. On 27.02.2022 P.W.3, P.W4 and P.W.5 went to the Thalaiyuthu police station, watched the CCTV camera footages and identified the accused person who is driving the two wheeler in which decased was sitting in the backseat. On 01.07.2022 based

on the information received from police that, there is a decomposed body found in Naranammalpuram Housing board colony, P.W.1 V.A.O and P.W.2 Village Assistant had been gone there and enquired about the body and lodged complaint Ex.P.1 before the Thalaiyuthu Police station.

5.2) On 01.07.2022 at about 03.00 p.m., P.W.19 the then Sub Inspector of Police upon receipt of a complaint by the P.W.1, has registered Ex.P.23 FIR in Thalaiyuthu Police station in Cr.No.164/2022 under Section 174 Cr.P.C. for suspicious death and sent the FIR to Judicial Magistrate court No.3, Tirunelveli through P.W.15 Marikumar through Ex.P.13 Passport. and copies to the higher officials.

5.3) P.W.20, the then Inspector of Police, Thalaiyuthu Police station took the Ex.P.23 FIR for investigation and went to the scene of occurrence at about 04.00 p.m. on 01.07.2022 and prepared Ex.P.6 Observation mahazer and Ex.P.24 rough sketch in the presence of one Velu and P.W.8 Poolpandi. Thereafter, he collected blue and Rose colour plastic wire basket (M.O.2), yellow colour nylon rope (M.O.3), blood stained sand (M.O.6) and sand without blood stain (M.O.7) from the scene of occurrence under Ex.P.7 seizure mahazer in the presence of same observation mahazer witnesses. The blood stained light rose and blue striped white full-sleeved shirt (M.O.1). Thereafter, he examined the

witnesses Sentilmurugan, Dhanushkodi, Pushpam, Palani and sub inspector of police Karthikeyan and recorded their statements and prepared the Ex.P.25 Inquest report and sent through P.W.15 Marikumar to the Judicial Magistrate court through Ex.P.15 Passport and thereafter she has made arrangement to send the body for Postmortem to Tirunelveli Medical College hospital through P.W.16 Tr.Babu by giving a request letter Ex.P.11 and passport Ex.P.16. Upon receipt of the request of the Investigating officer through P.W.16 Tr.Babu, the PW.14 doctor conducted postmortem on the body of the deceased and given a Ex.P.12 Postmortem certificate. After the postmortem P.W.16 Tr.Babu had handed over, white, brown colored Lungi with blood stains (M.O.8) and brown colored under wear with blood stains (M.O.9) collected from the body of the deceased to the Investigation officer. Handed over the body to the relatives.

5.4) On 02.07.2022 at about 04.30 p.m. when P.W.20 and other police party were in vehicle check, accused came by TN 72 BQ 1518 Blue color TVS XL 100 two wheeler after seeing the police as he tried to escape, the police party surrounded him and arrested. Upon enquiry, the accused had voluntarily, without any inducement, given a confession statement which in the presence of P.W.7 Esakkimuthu (VAO) and one Kannaiah, also seized the TN 72 BQ 1518 Blue color TVS XL 100 two wheeler

(M.O.4) and three 500 rupees note through Ex.P3 seizure mahazer, the photograph of three 500 rupees note is Ex.P.4. The Signature of P.W.7 in confession statement of accused is marked as Ex.P.2. The portion leading to recovery in the confession statement is marked as Ex.P.26.

5.5) From the confession statement of accused, he found that on 26.06.2022 at about 01.00 p.m., the accused took the deceased to the Shankar Nagar Housing Board Phase 2 and hit him by using the stone and committed murder of the deceased, also robbed Rs.8,000/- and TN 72 BQ 1518 Blue color TVS XL 100 two wheeler. Therefore P.W.20 immediately altered the offence from 174 Cr.P.C. to 302, 392 IPC and sent the Ex.P.27 alteration report through P.W.15 Marikumar to the Judicial Magistrate court through Ex.P.14 Passport. On the basis of the confession statement, the investigation officer seized blood stained black stone (M.O.5) which was taken and produced by the accused from the occurrence place in the presence of the same Village Administrative officers under Ex.P.5 seizure mahazer. In the presence of P.W.9 Punnaivanam, Technical Assistant and P.W.10 Joberty Sam Durai, CCTV Technician, collected the CCTV footages from TASMACH in which P.W.11 working as a salesman, house of P.W.12 Balasubbu's house and Jeyandra Swamigal Vidyala School in which P.W.13 working, through DVDs and pen drives Ex.P.8 and Ex.P.9 and

P.W.10 Jobert Sam Durai gave certificate Ex.P.10 for the same. Thereafter, he examined the witnesses Punnaivanam and Jobert Sam Durai and recorded their statements and prepared Ex.P.28 Form 91 remanded all the material objects to the Judicial Magistrate court. Since, P.W.20 was transferred to other police station, he handed over all the case records to P.W.21.

5.6) P.W.21, the then inspector of police took the case records for investigation and thereafter he has made arrangement to send the Skull and Thigh bone for chemical analysis to chennai and Super imposition test and DNA Test to Madurai through P.W.17 Esakkumuthu by giving requisition letters Ex.P.29 & Ex.P.30 and passport of Ex.P.19 and Judicial Magistrate issued letters Ex.P.20 & Ex.P.21. From P.W.18 Vanasundar received copy of FIR, registered based on the complaint given by the wife of the deceased in Cr.No.204/2022 (man missing) Ex.P.22 Thatchanallur police station. Thereafter P.W.21 examined the doctor, P.W.15 Marikumar, P.W.16 Babu, P.W.17 Esakkimuthu, P.W.18 Vanasundar, P.W.11 Ramesh, P.W.12 Balasubbu, P.W.13 Subramanian, scientific experts, CCTV Technicians and recorded their statement. Also the Ex.P.31 Viscera report Ex.P.32 Chemical examination report, Ex.P.33 serological report and Ex.P.36 Super imposition report received by the Judicial Magistrate court. PW.21 has also

collected blood samples of wife Pushpam and daughter Vanmathi of the deceased Mayandi swab and the request was given to the Judicial Magistrate under Ex.P.34 for sending the same to the DNA Test and Judicial Magistrate issued the order Ex.P.35. The DNA Test report is Ex.P.37. After completing the investigation P.W.21 laid a final report for the offence under Section 302, 392 IPC against the accused. Prosecution evidence closed with P.W.21.

6. After completing the examination of Prosecution witnesses, when the Accused was questioned u/s.313 (1)(b) of Cr.P.C., with regard to the incriminating evidence, the accused has denied the same and though initially opted to have defence evidence, subsequently not examined any witness on his side. Accordingly on the side of accused no oral or documentary evidences adduced.

7. The point for determination is:-

Whether the prosecution has proved the charges leveled against the Accused beyond reasonable doubt?

POINT:-

8. The accused has been charged for the alleged offences of commission of robbery as well as murder on 26.06.2022 at about 03.30 p.m. within the limits of Thalaiyuthu Police station and as per the

prosecution case the accused herein murdered the deceased Mayandi and snatched the sum of Rs.8,000/- from him and took away his bike bearing Registration No. TN 72 BQ 1518 TVS XL 100 blue colour and also caused injury by hitting on the forehead of the deceased Mayandi through stone and accused murdered in order to rob the said money. Thereby committed these two offences.

9. The prosecution in order to prove the charges against the accused examined as many as P.W.1 to P.W.21. Among these witnesses P.W.1 and P.W.2 are the witnesses namely Village Administrative Officer and Village Assistant of Naranammalpuram Part 1, who have first identified the body of the deceased on 01.07.2022, they have deposed that P.W.1 got information through a phone that a dead body is lying in his village and he came to the place where the body was lying and enquired the persons around the said body and he went to the police station at about 03.00 p.m. and gave complaint. He also deposed that he was accompanied by Village Assistant and the complaint is marked as Ex.P1. While he was cross examined by the defense counsel, the regular process of making entry in the register before leaving his office was admitted by him. But at the same time he also deposed that at the emergency time he was leaving the office without making entry. He also admitted that the person phoned him about

the existence of the dead body and he has not enquired about his identity and has not noticed his name. He further admitted that his identity can be verified and his statement was not obtained. Therefore, this cross examination would expose some omission in enquiry about the person who have first seen the dead body. Further, the court can also take notice of the facts that at most of the time individual public hesitate to disclose their identity when they come to know about the commission of the serious offence and just give an information to the police without disclosing their identity. Whether this omission has to be taken seriously or not has to be considered while analysing the entire evidence in this case. The identification of the body in the place and time said by the P.W.1 is also corroborated by the evidences of P.W.2. P.W.2 evidence is also conceded of the finding of the body in a place and time as stated by P.W.1.

10. Further, P.W.3 is the wife of the deceased who was said to have been called by the police to the scene where the dead body was found by P.W.1. She also identified the dead body with reference to the shirt he was wearing and the bag and the rope used for tying the goats which he used to carry at the time of purchasing of goats were referred to identify that the body found belongs to her husband. Further, it can also be very well noticed that P.W.1 and P.W.2 has clearly deposed that the body was found

in a half decomposed stage and the identity could not be easily made. Further, the prosecution also examined the Doctor who has conducted the postmortem as P.W.14. He has also clearly deposed that the body was found in a decomposed stage and the hairs were in a falling stage even by the touch of the same and both eyes were eaten by (maggot) worms. Soft tissues around mouth were eaten by maggots. Right hand finger parts were found missing. Left hand wrist also found missing. It was found to have been partly eaten by carnivorous animals. Therefore, from this evidence and also from the evidence of the P.W.20 who has conducted the enquiries also stated about the decomposed stage of the body and therefore it is a difficulty in identifying the said body. At this stage, it is clear that this evidences can be used regarding the identity of the dead body belonging to husband of P.W.3 has to be analysed with reference to the further evidence. The evidence of P.W.3 is that she identified the body with reference to the shirt he was wearing and the presence of a rope using of tying goats and bag which were taken by her husband. She also deposed that her husband went from home on 26.06.2022 at about 11.00 a.m. in his TVS XL by stating that he is going to get sum of Rs.8,000/- from Maharajan and also told his wife that he will buy goats and return.

11. Further P.W.4 was also examined to confirm the fact that the

deceased Mayandi was proceeding with the accused herein and he reported that he has left the skins of goats on the front of his house and asked to take it and thereby he had seen him on 26.06.2022 along with the accused herein. This evidence was also cross examined by the accused and the veracity of this witness is also challenged. In the same way P.W.5 who is stated to be a relative of deceased Mayandi was also examined to identify the deceased along with the accused herein, who were proceeding jointly in the bike owned by Mayandi namely TVS XL and when he enquired as to where he is going he reported that he was proceeding to buy some goats. Thereafter, he came to know that he was missing through his aunt namely P.W.3 and after coming to know of the presence of dead body at Chidambaram Nagar Housing Board Colony he accompanied by his aunt namely P.W.3 and along with other persons went to the scene of occurrence and identified the dead body with reference to the shirt, bag, rope, etc., by his aunt namely P.W.3 and also he accompanied his aunt to the police station to confirm the CCTV footages wherein the deceased was accompanied by the accused herein.

12. P.W.6 is a person who is said to have been the regular supplier of goats to the deceased and as deposed by P.W.3 he has also confirmed the fact that the deceased came to meet him to receive the sum of Rs.8,000/-

which is due to him and was paid by him on 26.06.2022 at about 11.00 a.m. and he further confirmed that on the next day Mayandi's wife enquired about the whereabouts of Mayandi and she searched with the family members of Mayandi for his whereabouts and thereafter Mayandi's wife gave the complaint before the Thatchanallur Police Station and further came to know that the dead body of Mayandi was found at Chidambaram Nagar, Talaiyuthu. He further confirmed that the accused was once working with him and therefore he knows him. Therefore, this witness have deposed about the fact that the deceased went to receive money from him a sum of Rs.8,000/- and accordingly he received that amount and thereafter on 01.07.2022 his dead body was identified by P.W.3 along with her relatives.

13. Further, the prosecution also examined P.W7 who is the Village Administrative Officer of Kattarangulam, when he was working at Talaiyuthu as V.A.O. and he was called by the Inspector of police near Terkumalai Colony bus stop and one person was caught with reference to the murder of Mayanadi and therefore himself and Talaiyaro were asked to be witnesses while examining him. He further deposed that in his presence a confession statement was obtained and the signature in the confession statement is marked as Ex.P.2 and the confession is said to have obtained

from the accused herein. Further, he also deposed about the seizure of money of Rs.1,500/- and the vehicle from the said accused. The athatchi for seizure is marked as Ex.P.3. The photo copy of the money seized is marked as Ex.P4 and further the athatchi for seizure of the blood stained stone is marked as Ex.P.5. He further admitted through the cross examination that he received call from the police when he was in his office, he did not know who has written the contents of these documents. He left from the Terkumalai Colony bus stop at about 05.00 p.m. He further states that he has reported the entire incident to his superior orally, he does not know the procedure that he has to report these things to the superior in writing. Therefore the creditability of this witness is also questioned by the accused.

14. Further, the prosecution examined P.W.8 Poolpandi, who deposed that he came to know the place where the dead body of Mayandi was found on 01.07.2022 at about 04.00 p.m. and while he was going for a work, the Inspector standing there called upon him and asked him to be witness for preparing the sketch in that place. He also states that he is seizing a bag, a rope and also a sand. The Mahazer and the athatchi are marked as Ex.P.6 and Ex.P7 which were signed by him. The blood stained sand is marked M.O.6 and the sand which is not blood stained is marked as M.O.7. Therefore, he has deposed about the seizure of blood stained sand and non

blood stained sand from the scene of occurrence and also about the seizure and observation mahazer prepared in his presence. He was also cross examined about the creditability of the seizure of date, time and place. He admitted that, he was not aware of the survey number of the place is 476/1 as recorded by the police. Whereas the location is identified with reference to the name of the place with reference to the owner of the nearby house and a water tank, etc., in a rough sketch and the observation mahazer. The prosecution examined these witnesses to prove the proper procedure adopted to record the place in which the dead body was found, the persons who has first identified and the observation mahazer prepared and the seizure of the properties from the scene of occurrence through witnesses.

15. Further, the prosecution also examined P.W.9 and P.W.10 who deposed about the collection of CCTV footages from the areas wherein the deceased and the accused have jointly proceeded on the last seen theory by the witnesses. Further, PW.10 also deposed that he has taken out the CCTV footages which are marked as Ex.P.8 and Ex.P.9 series and the certificate is marked as Ex.P.10. It can be seen from the videos that, the accused was proceedings in one video along with the deceased Mayandi, but in another video accused alone is returning in the said vehicle. Therefore, these evidences were relied by the prosecution in order to substantiate the

involvements of the accused in killing the deceased by using the stone as per the confession made through his confession statement. The prosecution also fixed the criminal liability against the accused herein immediately after recording of the confession statement on the very next day of identification of the dead body, as the accused herein was intercepted in the presence of the P.W.7, a report was also prepared by the police implicating the accused herein. Further, they have taken these evidence to fix the criminal case and the principles of last seen theory of the deceased along with the accused herein.

16. Further, P.W.11 to P.W.13 were also examined that the accused was consuming alcohol along with the deceased Mayandi in a wine shop and thereafter proceeding with him in a bike and these sequence of footages were deposed by these witnesses. The footages recorded in Ex.P.8 has also confirmed the fact that the deceased initially consumes alcohol accompanied by the accused in a liquor shop and he was taken by the accused in the bike of the deceased and in one video both were proceeding in the said bike and in the subsequent video the accused alone returns back. It shows the facts were relied by the prosecution to confirm the murder caused by the accused herein as deposed by him in the confession statement. No doubt, the confession statement is not an admissible

evidence except to refer the facts which leads to the inventory by a new fact. In this case the material object used for the causing of death of the deceased herein is said to have been produced by the accused and was also seized in the presence of P.W.7.

17. Further, P.W.14 the who conducted Postmortem, certified that the death is due to causing injury through blunt object, due to shock and due the blunt force impact to head. He has also noted the cause of death of the deceased as follow.

1) Laceration of size 3 x 3cm x Bone deep noted over left frontal region. Underlying frontal bone found fractured.

2) Laceration of size 4 x 2cm x Bone deep over left cheek. 1cm below left eye. Underlying left zygomatic bone found fractured.

3) Laceration of size 4 x 1cm x Bone deep over right frontal region.

On opening Head: Marked scalp contusion noted over right side of frontal region. Depressed communitied fracture of right ad left side of frontal bone noted. Linear crack fracture seen extending from frontal bone up anterior cranial fossa over both sides noted.

Therefore, it can be relied to the extent that the seizure of the object through confession statement which is relatable to the cause of the deceased by causing injury through the stone, in proof of the commission

of the offences in this case. Further, the prosecution also examined P.W.14 that the request were made to collect the DNA samples of the deceased as well as request made for taking skull for super imposition. He has also deposed about the same and the request were sent through the court for examination through the Sub-inspector of Police in this regard P.W.15 to P.W.21 who are police officials namely IOs, who are P.W.19 to P.W.21 and other police constables who have taken back the reports with a direction from the Magistrate and these proceedings were marked as Ex.P.13 to Ex.P.23. Further, they have also deposed about the request letters Ex.P.29 to Ex.P.35 requests made for getting reports from the Forensic laboratory, the super imposition report of course have not turn out to be fruitful in confirming the identity of the deceased with the photos received from the family of the deceased. But at the same time DNA report obtained with reference to the DNA taken from the wife of the deceased as well as the daughter of the deceased along with the deceased were compared and the certificate is given with it details that 99.9% the deceased is the father of that girl and that girl is the daughter of the wife of the deceased. The relationship are matched and the identity is also fixed through the PWs from the person from whom the said DNA collection were taken. These DNA reports were marked through IOs have consistently P.W.19 has

registered the FIR, after finding out the dead body altered the sections and thereafter the case was taken for investigation by P.W.20 who has specified about the preparation of observation mahazer and the rough sketch marked as Ex.P24 and the recovery of M.O.2 and M.O.3 from the scene of occurrence through seizure mahazer Ex.P.7. He has made a inquest and gave the report in Ex.P.25.

18. Further, he has deposed that in order to find out clue he had laid a trap and while making vehicle check up found the accused with the vehicle owned by the deceased and was intercepted and confession statement was obtained and he identified blood stained stone, used for the commission of the offence and that admissible portion is marked as Ex.P.26. Therefore, he came to know that this offence was committed by the accused with an intention to snatch money owned by the deceased when he was in a drunken mood and also he took away the bike after killing and therefore the changed the section in 302 and 392 IPC and the seizure of money as well as vehicle through Ex.P.3. Further, seizure of the blood stained stone through Ex.P.5. Blood stained stone is marked as M.O.5 and he deposed further about the examination of CCTV footages and taking out the same through technical persons and getting the 65B certificate from him. Therefore, he clearly depose that the evidence of the medical experts confirms the cause

of death as well as the identity of the deceased through the Forensic report which matched 99.9% with that of the daughter and wife of the deceased. But the samples have been sent through the Magistrate for examination by the Forensic experts. Though the accused counsel raised doubts about the proper proof of the identity of the person when the body was found in a decomposed stage. The prosecution argued that the identity is confirmed through DNA test and therefore, that the confirmation of the other evidence namely of connecting the accused with deceased on the date of occurrence and also as interception by the police on 02.07.2022 itself with the vehicle would go to substantiate his involvement in the commission of offence of murdered for gain by using the circumstance favourable to him as the deceased was in an inebriated stage and therefore the prosecution contended that the commission of the offence is proved beyond reasonable doubts.

19. In these circumstances the accused counsel argued that, when the proof of commission of murder is made only through circumstantial evidence law which compels proof that there are no other chances are possible and the chain has to be made complete through the circumstantial evidence. In this regard he also relied upon the judgment of the “*Honourable Supreme Court of India, in Criminal Appeal No.879/2019, Chandrabhan Sudam Sanap -vs- The State of Maharashtra.*” No doubts

lower proceeding the by the Honourable Supreme Court of India holds that in the case of proof of commission of offence through the circumstantial evidence the chain of events shall be given pointing out the commission of the offence by the particular person shall make it that, there is no chance except by this person and the chain is being complete through the evidences. In this case the last seen theory is complete and the confession statement leading to recovery also confirms his presence along with deceased on the date he went missing specifically after 3 days the body was found and on the fourth day the accused was arrested in a trap laid by the police along with the vehicle owned by the deceased. In these circumstances though it is admitted by the police that that the registration certificate of the said vehicle is not seized, the evidence in this case are sufficient enough that the deceased owned the vehicle and was proceeding in the vehicle and the accused herein accompanied him on that vehicle and he returned back after killing the deceased in the said vehicle. Therefore this omission cannot be taken seriously to disbelieve the entire prosecution version.

20. Whereas these evidences are consistent enough that the police have taken sincere efforts to find out the identity of the body by adopting the procedure through the process of the courts and also by identify the

involvement of the accused by examining CCTV footages and by intercepting the accused and by getting confession statement, etc., There is nothing to believe that there is any other chances for the interception of another persons or the absence of involvement of the accused herein to be believed through evidence like alibi. Absolutely, the accused made a passive defense in the entire trial proceedings and though by law he has right to put silence no specified defense was taken about his non involvement in the commission of the offence. No doubt, the defense have raised doubts about the prosecution version about the impermeability of the version of the prosecution by referring the narration of evidence given in the alleged confession statement that he went to Sankarankovil thereby Tirunelveli and Tiruchendur, etc., and returned on 07.07.2022 are all have not proved by any other materials. Though, those facts were narrated in proof of commission of the offence by the accused herein, the clues about his involvements are alone which relevant the same way the CCTV footages of the last date of presence of the deceased are which recorded and they were substantiated by the prosecution. The accused has not taken any plea of alibi or any other evidence by his absence of involvement of this crucial days. Whereas these prosecution evidences by strong circumstantial evidence pointed out the involvement of the accused alone for the causes

alleged by the prosecution version that he has committed this offence and therefore, this court comes to the conclusion from these evidences that the accused herein has committed the offence of murder as well as the robbery of Rs.8,000/- and the vehicle owned by the deceased on 26.06.2022 at about 03.30 p.m. Therefore this court comes to the conclusion that the prosecution proved the charges of commission of offence under sections 302 and 379 IPC by the accuses herein and therefore the accused is found guilty under these sections and therefore he is liable to the punish as per law. In order to fix the proper sentence the accused was questioned about the sentence which can be likely to be imposed.

21. This Court has questioned the accused under Section 235(2) Cr.P.C about the proposed sentence to be imposed against him for the offence punishable U/s. 302 and 392 of IPC as follows,

1 வது கேள்வி :- எதிரியாகிய நீர், இவ்வழக்கில் இ.த.ச. பிரிவுகள் 302 மற்றும் 392 ன் படி குற்றவாளி என்று தீர்மானிக்கப்பட்டுள்ளதால், மேற்படி குற்றப் பிரிவின் படி உமக்கு வழங்கப்படவிருக்கும் தண்டனை குறித்து ஏதேனும் கூற வேண்டுமா?

எதிரியின் பதில் : குறைந்த தண்டனை வழங்குமாறு கோருகிறேன்.

2 வது கேள்வி :- உமது அம்மா, அப்பா உள்ளனரா?

எதிரியின் பதில் : உள்ளனர்.

3 வது கேள்வி :- உமக்கு திருமணம் நடந்துவிட்டதா, குழந்தைகள் உள்ளனரா?

எதிரியின் பதில் : இல்லை.

4 வது கேள்வி :- உமக்கு உடன்பிறந்தவர்கள் உள்ளனரா?

எதிரியின் பதில் : ஒரு தம்பி இருக்கிறார்.

5 வது கேள்வி :- எதிரியாகிய நீர் என்ன தொழில் செய்து வருகிறீர்?

எதிரியின் பதில் : கொத்தனார்.

In the result, it is held that, the Prosecution has proved the charge against the accused U/s.302 and 392 IPC beyond reasonable doubt and hence, the accused is found guilty for the charges U/s.302 and 392 IPC and the accused is convicted for the offence punishable under Section 302 and 392 IPC and the accused questioned about the proposed sentence under 235(2) Cr.P.C and the accused sought lineancy in the sentencing, narrating the family circumstances, the same were considered by this court. Upon considering the seriousness of the charges proved against the accused and U/s 302 IPC the accused is sentenced to undergo **Life** imprisonment and to pay a fine of **Rs.10,000/-** in default to pay the fine, the accused to undergo Simple Imprisonment for further period of **Three Months** and U/s 392 IPC the accused is sentenced to undergo imprisonment **Three years**

and to pay a fine of **Rs.10,000/-** in default to pay the fine, the accused to undergo Simple Imprisonment for further period of **Three Months**. The period of Judicial Custody already undergone by the accused from 03.07.2022 to 11.10.2022 and 25.01.2025 to 27.03.2025 i.e., 163 days is ordered to be set off U/s.428 of Cr.P.C. Both the sentences are ordered to be run concurrently. The bail bond executed if any by the accused shall automatically be canceled after the appeal time is over or after the disposal of appeal if any filed. Bail bond executed by the accused U/s.437(A) of Cr.P.C. will be in force till the expiry of appeal time or till the disposal of appeal if any filed.

The material objects M.O.1 to M.O.3 and M.O.5 to M.O.9 remanded in P.R.No.102/2023 before this Court, are ordered to be destroyed after the appeal time is over or after the disposal of the appeal, if there be any appeal is filed. The property seized in this case which are the Blue colour TVS XL 100 Heavy Duty Motor cycle bearing Reg.No.TN 72 BQ 1518 marked as M.O.4 and the unmarked amount of Rs.1,500/- remanded in P.R.No.102/2023 by this court were already handed over to the owner of property namely Pushbam, W/o.Mayandi for interim safe custody by the concerned Judicial Magistrate Court No.3, Tirunelveli in Cr.M.P.No.10101/2022 dated 20.07.2022. Hence the owner of the property,

shall retain the same permanently after the appeal time is over or expiry of appeal and the bail bonds executed by her will automatically be canceled after the appeal time is over or till the disposal of appeal if any filed.

This Judgment dictated by me to the stenographer and transcribed and typed by him in computer and corrected and pronounced by me, in the open court on this the 30th day of June 2026.

**PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI.**

List of witnesses on the side of Prosecution:

1.	P.W.1	Thiru. Senthilmurugan
2.	P.W.2	Thiru. Dhanushkodi
3.	P.W.3	Tmt. Pushpam
4.	P.W.4	Thiru. Palani
5.	P.W.5	Thiru. Chelladurai
6.	P.W.6	Thiru. Maharajan
7.	P.W.7	Thiru. Esakkimuthu
8.	P.W.8	Thiru. Poolpandi
9.	P.W.9	Thiru. Punnaivanam
10.	P.W.10	Thiru. Jobert Sam Durai
11.	P.W.11	Thiru. Ramesh

12.	P.W.12	Thiru. Balasubbu
13.	P.W.13	Thiru. Subramanian
14.	P.W.14	Doctor. Prasanna
15.	P.W.15	Thiru. Marikumar
16.	P.W.16	Thiru. Babu
17.	P.W.17	Thiru. Esakkimuthu
18.	P.W.18	Thiru. Vanasundar
19.	P.W.19	Thiru. Karthikeyan
20.	P.W.20	Thiru. Pathmanabapillai
21.	P.W.21	Thiru. Chandrasekaran

List of documents marked on the side of Prosecution:

Ex.P.1	01.07.2022	:	Complaint.
Ex.P.2	02.07.2022	:	Signature of P.W.7 in confession statement of accused.
Ex.P.3	02.07.2022 Time 18.15 hrs	:	Seizure Mahazar.
Ex.P.4	12.07.2022	:	Photo copy of seized amount of Rs.1500/- from accused.
Ex.P.5	02.07.2022 Time 19.15 hrs	:	Seizure Mahazar.

Ex.P.6	01.07.2022	:	Observation Mahazar.
Ex.P.7	01.7.2022 Time 17.00 hrs	:	Seizure Mahazar.
Ex.P.8	05.07.2022	:	Occurance places C.C.T.V. Footage C.D. collected by police.
Ex.P.9 (series)	05.07.2022	:	Occurance places C.C.T.V. Footage collected by authorized person (Data 1, Data 2, Data 3) 3 number of C.D and 3 number of pendrive.
Ex.P.10	18.07.2022	:	65(B) Indian Evidence Act Certificate from authorized technical person for collected the CCTV Footage.
Ex.P.11	02.07.2022	:	Post Mortem requisition.
Ex.P.12	02.07.2022	:	Post Mortem Certificate.
Ex.P.13	02.07.2022 Time 10.30 hrs	:	Passport of Marikumar for Express FIR handed over to court.
Ex.P.14	02.07.2022 Time 18.45 hrs	:	Passport of Marikumar for handed over the Alteration report to court.
Ex.P.15	03.07.2022 Time 11 hrs	:	Passport of Marikumar for handed over the Post Mortem Certificate to court.
Ex.P.16	02.07.2022 Time 12.35 hrs	:	Passport of Babu for Post Mortem duty.
Ex.P.17	26.07.2022 Time 10 hrs	:	Passport of Babu to receive court letter duty.
Ex.P.18	12.07.2022	:	Court letter for Viscera Examination of deceased person.
Ex.P.19	02.08.2022 Time 9.00 hrs	:	Passport of Esakkimuthu for handed over the property Chemical examination.

Ex.P.20	29.07.2022	:	Court letter for DNA Examination of deceased person.
Ex.P.21	29.07.2022	:	Court letter for Super imposition test of deceased person.
Ex.P.22	27.06.2022	:	Thatchanallur P.S., Cr.No.204/2022 (man missing) F.I.R. copy.
Ex.P.23	01.07.2022	:	First Information Report.
Ex.P.24	01.07.2022	:	Rough Sketch.
Ex.P.25	03.07.2022	:	Inquest report.
Ex.P.26	02.07.2022	:	Admissible portion of confession statement of accused.
Ex.P.27	02.07.2022	:	Section Alteration report.
Ex.P.28 (Series)	01.07.2022, 02.07.2022, 03.07.2022 and 20.07.2022	:	Form 91 (6 Nos).
Ex.P.29	25.07.2022	:	I.O.requisition for super imposition examination of deceased person.
Ex.P.30	25.07.2022	:	I.O. requisition for DNA examination of deceased person.
Ex.P.31	18.07.2022	:	Viscera report.
Ex.P.32	08.08.2022	:	Chemical examination report.
Ex.P.33	24.11.2022	:	Serology report.
Ex.P.34	28.07.2023	:	I.O. requisition for DNA comparision with deceased daughter and wife.
Ex.P.35	01.08.2023	:	Court letter for DNA comparision with deceased daughter and wife.
Ex.P.36	17.10.2023	:	Super imposition report.
Ex.P.37	30.08.2023	:	DNA report.

Prosecution side Material Objects:

M.O.1	A bloodstained, light rose and blue striped white full-sleeved shirt.
M.O.2	A blue and Rose colour plastic wire basket.
M.O.3	A yellow colour nyloe rope.
M.O.4	Blue colour TVS XL 100 Heavy Duty Motor cycle bearing Reg.No.TN 72 BQ 1518 (As per order in Judicial Magistrate Court No.3, Tirunelveli in Cr.M.P.No.10101/2022 dated 20.07.2022 the above said vehicle was already handed over to its owner namely Pushbam, W/o.Mayandi for interim custody).
M.O.5	3.5 Kg Black stone with Blood stain.
M.O.6	Blood stained sand
M.O.7	Sand without Blood stains
M.O.8	A white, brown colored Lungi with blood stains.
M.O.9	A brown colored under wear with blood stains.

List of witnesses and Documents on the side of Defence: Nil**Defence side Material Objects:** Nil**PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI.**

Principal Sessions Court,

Tirunelveli

S.C.No.495/2022

Dated: 30.06.2026

DRAFT / FAIR Judgment