

**IN THE COURT OF I-ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
TIRUVALLUR, TAMILNADU**

**Present: Tmt.S.TASNEEM, M.L.,**  
I-Additional District and Sessions Judge, Tiruvallur

Tuesday, Dated the 21<sup>st</sup> day of April, 2026

**Sessions Case No.61/2021**

(PRC No.20/2015 on the file of Judicial Magistrate-II, Poonamallee,  
Vellavedu Police Station in Crime No.403/2012 )

Name and address of the Accused

1. Isack @ Devan, S/o Mani
2. Suresh, S/o Kannappan
3. Rajesh, @ Rajeshkumar, S/o  
Manogharan

**(Split up in SC No.76/2021)**

4. Santhuru, S/o Moorthy
5. Murugan, S/o Selvam
6. Karthi @ Kulla Karthi, S/o Sathya @  
Sathiya Narayanan.

Prosecution conducted by Mr.C.Ravichandran, Learned Additional  
Public Prosecutor

Details of Charge Accused No.1, 2, 4  
U/sec. 120B, 147, 148, 341 r/w 149, 302  
Accused No. 5, 6 :  
U/sec. 120B, 147, 148, 341 r/w 149, 302 r/w  
149 r/w 120 B,

Plea of the Accused Not guilty

Date, time and place of occurrence That on 08.08.2012 at 8.00 AM. at Vellavedu  
to Kuthambakkam within the limit of

Vellavedu police station.

Date & time of reported to police 09.08.2012 at 11.30 AM  
 Date & Time FIR reached the court 11.08.2012 10.30 AM,  
 Findings of the Court Accused are not found guilty.

Result of the Court

**In the result, Accused No.1, 2, 4 are not found not guilty of the offences u/s 120B, 147, 148, 341 r/w 149, 302 and the Accused Nos. 5 and 6 are not found guilty of the offences u/s 120B, 147, 148, 341 r/s 149, 302 r/w 149 r/w 120 B. Accordingly, Accused No.1 , 2, 4 to 6 are acquitted under Section 235(1) of Cr.P.C. for the above said offences.**

**The property order in respect of M.O.1 to M.O.5 and other properties remanded in this case will be passed in the split up case in S.C.No.76/2021.**

Prosecution side Witnesses PW-1 to PW-11  
 Prosecution side Exhibits Ex.P1 to Ex.P24  
 Prosecution side Material Objects M.O.1. to M.O.5  
 Defence side witnesses Nil  
 Defence side Exhibits Nil  
 Final hearing on 01.04.2026  
 Judgment on 21.04.2026

This Sessions case coming on 01.04.2026 before me for final hearing in the presence of Mr.C.Ravichandran, Learned Additional Public Prosecutor on behalf of Prosecution and Tr.G.Prabakaran, learned counsel appearing for the accused, and upon hearing their arguments having stood over for consideration till this day, this court delivered the following:

### **JUDGMENT**

The Inspector of Police, Vellavedu police station filed the Final Report as against the Accused stating that one Thangasamy Nadar of Thoothukudi is the deceased in this case and he was running a provisional shop at Vellavedu. One Mani, father of the accused No.1 was attending his natural call near the house of deceased on 09.07.2012 at about 11.00 PM. Hence, deceased picked up quarrel with the said Mani and attacked Mani, for which Crime No.358/2012 u/s 294(B), 324, 506(II) IPC on the file of Vellaedu Polie station. This has caused Accused No.1 enmity with the said Thangasamy Nadar. The accused No.1 to 5 are cousin brothers. A2, A3 and A4, A5 are the close associates and family members of the deceased person. On 07.08.2012, Accused No.1 along with other accused criminal conspired to murder the said Thangasamy Nadar . Consequently, on 08.08.2012 at 8.00 PM, A1 to A3 and A4 came in two wheeler bearing Reg.No. TN20BM2569 and A5 and A6 came in two wheeler with the common intention of causing murder of the said Thangadurai Nadar and formed unlawful assembly near Kuthambakkam Road, Perumal's house and armed with iron pipe and when Thangasamy Nadar came in a two wheeler, all the accused waylaid him and A2 to A4 along with A1 attacked the said Thangasamy

Nadar by iron pipe over his head and threatened him with dire consequences. The said Thangasamy Nadar sustained injuries, admitted in SRM hospital and later died on 17.08.2012. Thus, the accused appears to have committed the offence u/s 120B , 148, 341 , 302 r/w 149 IPC.

2. The Judicial Magistrate No.II, Poonamallee took the final report on his file in PRC No. 20/2015 and complied with the provisions of Section 207 Cr.P.C. for the accused. After perusal of the records filed by the prosecution, since the offence against the accused u/s 302 IPC is exclusively triable by Court of Sessions, the Judicial Magistrate No.II, Poonamallee committed the case to the Principal Sessions Court, Tiruvallur which was taken on file as S.C.No.61/2021 and then this case was made over to this court.

3. Since NBW was pending as against Accused No.3, the case was split up in SC No.76/2021 and is pending. After appearance of the Accused No.1, 2, 4 to 6 , this court has satisfied that Section 207 Cr.P.C. has been complied with and after hearing both sides, this court framed charges under **120B, 147, 148, 341 r/s 149, 302 IPC as against Accused No.1, 2, and 4 and u/s 120B, 147, 148, 341 r/s 149, 302 r/w 149 r/w 120 B IPC as against the Accused No.5 and 6.** When charge was explained to the accused and questioned about the commission of offense, they pleaded not guilty and claimed to be tried.

4. On the side of prosecution, 11 witnesses were examined and Ex.P1 to Ex.P24 and M.O.1 to M.O.5 were marked. On the side of the accused, no witnesses were examined and no exhibits were marked.

**5. Brief case of the prosecution is as follows:-**

PW1 Manikandan is the son of the deceased Thangamani Nadar. On the date of occurrence, he heard that his father sustained injuries near Kuthambakkam Road, and when he went there found that his father was lying on the ground, when he reached the place, his mother also came, they admitted the injured in Ramachandra Hospital wherein he died after 9 days. Hence, he lodged the complaint, Ex.P1. Since there was quarrel between his father and one Mani, they murdered their father.

PW2 Rasikamani is the wife of the deceased and mother of PW1. She deposed that about 11 years ago, one day, her husband went in his two wheeler. Thereafter, she came to know that he was injured and lying near Kuthambakkam Road, when she went there she found her husband Thangasamy Nadar was lying with injuries, he was admitted in Porur Ramachandra Hospital, wherein he died after 10 days. There was previous enmity between her husband and case was registered against her husband for which he was signing before the police. Hence, on suspicion, they informed that the accused murdered her husband.

PW3 Duairaj, is the brother of the deceased Thangasamy Nadar. On the date of occurrence, he received information that his brother was found with injuries, when he rushed there, on the way PW1 and the deceased were in the auto. His brother sustained injuries and also injuries over his legs. He heard that the accused assaulted the deceased. The father of A1 and the deceased had good relationship.

PW4 Suresh is the hear-say witness. Since he did not support the case of prosecution, he was treated hostile.

PW5 Manickaraj and PW6 Anand are the attesting witness in the observation Mahazar and seizure mahazar. PW5 admitted his signature in the observation mahazar, which is marked as **Ex.P2** and PW6 admitted his signature in the Seizure Mahazar, which is marked as **Ex.P3**.

PW7 Dharman, PW8 Sathiya and PW9 Karthick are the attesting witnesses in the confession statements of the accused. However since he did not support the case of prosecution, they were treated hostile.

PW10 Dr. P. Sampathakumar deposed that one Dr. Srinivasalu Bodhi Reddy conducted autopsy on the body of the deceased on 18.08.2012. During the post-mortem found the following injuries

External injuries :

- (i) A horizontal oblique sutured surgical incised wound of length 22 – 23 cm on middle of the parietal region of the scalp passing towards the right parietal region of the scalp and ending at the right external ear
- (ii) A partly healed incised wound of 10 cm with diffuse surgical oedema as an extension of injury No.1 into medical aspect of right ear
- (iii) Multiple minute dark brown colour abrasions, parallel placed over the centre of right parietal one to 4 cms above the left ear over area of 6 x 3 cm
- (iv) Multiple healed abrasions over the back of left pinna, parallel placed over an area of 5 x 2.5 cm
- (v) A star shaped sutured laceration of 4.5 x 2cm seen over medial 1/3<sup>rd</sup> of left arm. On dissection partly healed, 0.25 cm deep, reddish in colour.

- (vi) A dark coloured vertical contusion of 27 x 8 x 5 x cm seen over lateral aspect of middle lower 1/3rd of left thigh.
- (vii) Four horizontally longitudinal abraded contusions, parallelly placed, dark black coloured surrounded by cellulitis extending from lateral aspect of right knee to middle 1/3rd of lateral side of leg. The dimensions of 1<sup>st</sup> injury are 5 x 2 cms, 2<sup>nd</sup> injury are 9 x 2 cms, 3<sup>rd</sup> injury are 5 x 2 cm, 4<sup>th</sup> injury are 6 x 4 cm. 1<sup>st</sup> injury is separated from 2<sup>nd</sup> injury by distance of 6 cms, 2<sup>nd</sup> injury is separated from 3<sup>rd</sup> injury by distance of 3 cms, 3<sup>rd</sup> injury is separated from 4<sup>th</sup> injury by distance of 1 cm.
- (viii) A dark coloured abraded contusion over medial aspect of right ankle
- (ix) A sutured tracheostomy wound with 4 sutures present in the lower part front of neck.

And opined that the deceased would appear to have died due to “head injury” and issued, **Ex.P4** postmortem report.

PW11 Thiru. Gangadharan is the Investigating Officer who filed Final Report. He deposed about the registration of FIR and investigation conducted by the Inspectors of Police, Duraipandian, Mohan and Sivapathasekaran. The First Information report in Crime No.403/2012 was registered by Inspector Duraipandian, which is marked as **Ex.P5**. He went to the place of occurrence and prepared, observation mahazar and, **Ex.P6**, rough sketch. He enquired the witnesses and recorded their statements. He seized the blood stained shirt, M.O.1. taken from the body of the deceased which was seized under **Ex.P7** seizure mahazar. On 17.08.2012,

since the deceased died in the hospital, **Ex.P8** section alteration report was filed u/s 147, 148, 341, 324, 302 r/w 120B IPC. And conducted Inquest and prepared, **Ex.P9** inquest report. On 16.08.2012 arrested the accused Suresh at 7.30 AM and seized two wheeler bearing Reg.No. TN20BM 2569 under **Ex.P10** seizure mahazar. The confession statement of accused Suresh was recorded in the presence of witnesses Dharman and Sathya, and the admissible portion in the confession of accused Suresh is **Ex.P11**, based on which seized an iron rod, measuring ½ feet M.O.2. under **Ex.P12** seizure mahazar. On 18.08.2012, arrested the accused Issac and Rajesh and recorded their confession statement in the presence of Ravichandran and Karthick. The admissible portion in the confession of Issac is **Ex.P13**, based on which iron pipe of 24 cm M.O.3. was sized under **Ex.P14** seizure and an unregistered two wheeler under **Ex.P15**, seizure mahazar. The admissible portion in the confession statement of Accused Rajesh is **Ex.P16**. based on his confession, seized Iron Kalai Pipe, **M.O.4** under **Ex.P17** seizure mahazar. Further, sent all the properties to Court under **Ex.P18** Form-91. Further, took police custody of accused Karthick on 17.09.2012 and recorded his confession statement in the presence of witnesses Rajini and Babu, and the admissible portion in the confession of Accused Karthick, which is marked as **Ex.P19**. On 07.11.2012, the Inspector of Police, Mohan, arrested the accused Murugan and recorded his confession in the presence of Venkatapathy and Ramachandran, the admissible portion in the confession of Accused Murugan is marked as **Ex.P20**. based on which, **M.O.5**. two feet wooden log was seized under **Ex.P21** seizure mahazar. Thereafter, the Inspector of Police Sivabathasekaran

obtained forensic reports, **Ex.P22 to Ex.P24** from the Forensic Officers, thereafter PW11 after completing the investigation filed the final report

With examination of PW11, the prosecution evidence was closed.

6. When the accused A1, A2 and A4 to A6 were examined u/s. 313 (1)(b) of Cr.P.C on the incriminating circumstances found against them in the evidence of the prosecution witnesses, they denied the same as false and stated that they have no evidence to examine on their side.

7. **The Arguments advanced by the learned Additional Public Prosecutor :**

The learned Additional Public Prosecutor would argue that through PW1 and PW2 the enmity between the deceased and the father of the accused No.1, and the motive behind the murder is clearly proved. The opinion of the doctor PW10 as to the cause of death is that only due to the severe head injuries of the deceased he died, which proved that the injuries were not due to any other external force, but only due to the assault made by the accused. PW10 has clearly spoken about the complaint lodged by defacto complainant who is the worker under him. Though all the witnesses turned hostile, a hostile witness entire testimony cannot be automatically disregarded and the court has to evaluate the parts that corroborate other evidences. Further, the part of the hostile witnesses statement that supports the prosecution's case has to be taken into account, especially when it aligns with other reliable evidence. The doctor has also given opinion that only due to injuries, over the stomach and vital parts has caused such fatal head injuries and there is no chance for any other reason. So, as per evidences of PW1, PW2 PW9 to 11, the prosecution has clearly

proved the occurrence and the commission of offence by the accused. So, the accused may be convicted.

8. **The Arguments advanced by the learned counsel for Defence in brief :**

The learned counsel for the defence would argue that there is no independent eye witnesses to say about the occurrence and all the witnesses are hearsay witness. All the confession statement witnesses have turned hostile. There is nothing to construe that the accused has committed the offence. Only due to petty quarrel between the father of the A1 and the deceased, a false complaint was lodged and evidence of PW1 to PW11 are not sufficient to connect the accused person to the alleged occurrence. There is no seizure of any material objects either from the accused or from the place of occurrence through the witnesses and the same was not proved. The respondent police who registered the case only on the suspicion complaint given by PW1, turned the prosecution case as against the accused. Even the observation mahazar and place of occurrence is not proved. So, the prosecution has miserably failed to prove the occurrence. Hence, the accused may be acquitted.

9. Now the point for consideration and determination is to see

**Whether the charges levelled and guilt of Accused has been proved by the prosecution beyond reasonable doubt?**

10. **POINT:**

The Investigating Officer has filed Final Report by stating that there was quarrel between the deceased and father of the Accused No.1 Mani, since the deceased had attended the natural call near the house of the accused, which was

questioned by the accused, he assaulted the father of accused, for which the deceased was arrested and criminal complaint was lodged. Due to such enmity, accused conspired and on 08.08.2012 at 8.00 PM near Kuthambakkam Road, they all waylaid the deceased and assaulted him with wooden log and iron pipes, due to which he sustained head injuries, admitted in hospital and later died on 17.08.2012. Based on the complaint given by PW1, who is the son of the deceased, FIR was registered u/s 302 IPC along with other offences.

11. In order to prove the prosecution case as against the accused person, totally 11 witnesses were examined and 23 exhibits were marked. 5 material objects were marked. Out of the prosecution side witnesses, P.W.1 is the defacto complainant and son of the deceased. PW2 is the wife of deceased, PW3 is the brother of the deceased. PW4 is a hear-say witness. PW5 and PW6 are the attesting witness in observation mahazar and seizure mahazar PW7 to PW9 are the attesting witnesses in the confession statements of the accused. PW10 is the Doctor who speak about the autopsy conducted on the body of dhe deceased and issuance of post-mortem certificate. PW11 is the Investigating Officer in this case.

12. The learned Additional Public Prosecutor argued that through oral and documentary evidences the prosecution has proved its case. Though defacto complainant and other witnesses did not speak about the involvement of the accused directly, the motive behind the assault made by the accused upon the deceased is clearly proved , which is proved through confession of the accused persons, wherein they have admitted the entire prosecution case. Merely since all the prosecution

witnesses turned hostile, the case of the prosecution cannot be turned down. The investigation shows that the accused persons were present in the place of occurrence as they were present. Hence, all the accused in this case are liable to be convicted, thus prayed to convict the accused.

13. Per contra, the learned counsel for the accused argued that the confession leading to recovery is not proved. Even the defacto complainant himself stated nothing about the assault made by the accused. Hence, the entire prosecution case fails, therefore prays for acquittal.

14. On perusal of evidence on the side of the prosecution, in this case, the defacto complainant is the son of the deceased who lodged the Ex.P1 complaint. As to the occurrence, he deposed that

“நடந்த சம்பவம் எனக்கு நேரிடையாக தெரியாது சம்பவத்தின்போது நான் சம்பவ இடத்தில் இல்லை. ஒரு நபர் என் தந்தை அடிபட்டது குறித்து தெரிவித்து, சம்பவம் பற்றி தெரிந்து கொண்டேன். அந்த நபர் பற்றி போலீஸ் விசாரணையில் தெரிவிக்கவில்லை ”.

Thus it is evident from the evidence of PW1, that he is only a hear-say witness and not the occurrence witness. PW2 is the wife of the deceased also admitted that she is not the direct witness to the occurrence. Though PW1 has stated that the occurrence was informed by one person, he was not identified and not examined in this case so as to speak about whom were present in the place of occurrence at the time of occurrence.

15. Further, PW2 could not say anything about the complaint as to who had waylaid and abducted him not even identified the accused persons at the time of her chief examination that they were the persons present in the place of occurrence. Further, PW2 admitted that the person who informed about the occurrence did not speak about the persons whom were present in the place of occurrence . Thus the evidence of PW1 and PW2 does not speak about the involvement of the accused persons in the alleged crime

PW3 and PW4 who are the independent witnesses in this case turned hostile and deposed nothing either about the occurrence or the presence of the accused in the place of occurrence or about the assault made by them upon the deceased.

16. Even though PW1, who is the defacto complainant in this case has not specifically where the deceased was attacked by the accused persons and how he came to know that whether the accused were present in the plce of occurrence. Even PW2 did not identify the persons who assaulted the deceased at the time of occurrence . The independent witnesses, PW3 and PW4 were completely hostile towards the occurrence. Therefore, when the defacto complainant or PW3 who is an occurrence witness does not speak about the occurrence corroborating the contents in his complaint, with no other witness available to depose anything about the occurrence, and also the observation mahazar witness also turned hostile, the prosecution has failed to produce any concrete evidence as to the occurrence.

17. As far as the identification of the accused is concerned, none of the prosecution witnesses have identified the accused persons including the defacto complainant. Though PW1 is the defacto complainant and son of the deceased, being the occurrence witness, he did not identify any one of the accused by ascribing their role. None of the witnesses have specifically identified any of the accused in the Court as to their presence in the place of occurrence at the time of occurrence. The witnesses omitted all the key details, presence of accused, quantum of damage caused, weapons used at the time of alleged occurrence, etc in police statements, which undermines their credibility under Section 162 Cr.P.C.

18. The Hon'ble Apex Court time and again reiterates that when a crime is allegedly committed by a group of accused, the prosecution must let in evidence as to identification of each and every accused so as to bring out the specific role and specific overtact as against them as to who were involved in which crime. In a recent judgment of the Hon'ble Apex Court reported in **2025 LiveLaw (SC) 566 (Tukesh Singh & Ors. versus State of Chhattisgarh)** wherein the Hon'ble Apex Court reiterates the importance of identification of each and every accused so as to prove the alleged overtact that

*“the failure of the eyewitnesses to identify the accused in the court as the accused they had seen committing the crime is fatal to the prosecution's case. There are material omissions brought on record in the cross-examination of the eyewitnesses. They are so relevant that the same*

***constitute contradictions in view of the explanation to Section 162 of the Code of Criminal Procedure, 1973.”***

Thus, in the absence of any evidence arising out of the prosecution witnesses, without identification of the accused persons particularly any one of the accused that they were present in the alleged place of occurrence and committed murder of the accused on 08.08.2012.

19. As far as the circumstantial evidence for concluding the guilt of the accused the Hon'ble Apex Court in its authority reported in **2020 (11) SCC 174** (*Basheera Begam Vs. Mohammed Ibrahim and others*) held as follows :

***“189. It is well settled, suspicion however strong cannot substitute proof beyond reasonable doubt. Enmity as a result of property related disputes may give rise to suspicion. However, conviction can never be based on suspicion unless the prosecution clearly proves circumstances conclusively and all circumstances proved should only point to the guilt of the accused. Possibility of any conclusion other than the conclusion of guilt of the accused would vitiate a conviction.”***

20. P.W.3 and PW4 who are the cited as occurrence, who are the main witnesses in this case upon whom the prosecution pinned much hope for its success turned hostile, while deposing before this Court and not even identified the accused persons whether they were present in the place of occurrence. Except, the previous quarrel between the father of A1 and the deceased there is no other averments available as against the accused persons. In these circumstances, there is no evidence available except that of the Investigating Officer, who conducted the

investigation and filed the charge sheet, and therefore the charge of allegation of murder is not proved as against the accused herein.

21. Since there is no direct or concrete circumstantial evidence including the defacto complainant and PW1 and PW2, occurrence witness available to prove the guilt of the accused in this case, the prosecution now rely on the alleged confession statement of the accused. In this case, as per the evidence of PW10, the confession statement of accused Suresh on 16.08.2012 recorded in the presence of witnesses who were examined as PW 7 and PW8, based on which seized M.O.3 under separate seizure mahazar. Subsequently, the Inspector of Police arrested the accused Issac and Rajesh on 18.08.2012 and recorded their confession in the presence of witnesses Ravichandran and Karthick. The said Karthick was examined as PW9. Subsequently, the Inspector arrested accused Murugan on 07.11.2012 and recorded the confession on Venkatapathy and Ramachandran. However, both these witnesses were not examined on the side of the prosecution. All these accused have stated given confession about the alleged occurrence and accordingly stated to have produced the above said properties under M.O.2 to M.O.5.

22. PW7 to PW9 are the attesting witnesses in the confession statements of the accused persons recorded on various date. Even though deposed about their signature in the confession, these witnesses neither speak about the occurrence or confession allegedly given by the accused persons. They have not stated whether it was given by the accused voluntarily. The learned counsel for the accused argued that an extra-judicial confession, besides being inadmissible, is also a very weak

piece of evidence and in a case when the defacto complainant himself turned hostile and speak nothing about the involvement or even presence of the accused persons during the alleged offence. Thus, it is not safe to form a valid basis for returning the finding of guilt against the accused persons herein in the absence of any corroborating evidence to PW7 to PW9. The attesting witnesses to the confession statements of the above said accused persons have all turned hostile.

23. The Hon'ble Apex Court holding that place of reliance on extra judicial confession in the absence of other corroborating material and evidence is unjustifiable in the authority reported in **2007 (12) SCC 230 (Aloke Nath Dutta Vs. State of West Bengal)** held that

***“87. Confession ordinarily is admissible in evidence. It is a relevant fact. It can be acted upon. Confession may under certain circumstances and subject to law laid down by the superior judiciary from time to time form the basis for conviction. It is, however, trite that for the said purpose the court has to satisfy itself in regard to: (i) voluntariness of the confession; (ii) truthfulness of the confession; (iii) corroboration.***

In the present case, admittedly the PW3 and PW4 who are the occurrence witnesses did not speak anything about the occurrence. But simply stated that even though the deceased was admitted in Porur Ramachandra Hospital from 08.08.2012 to 18.08.2012, he did not speak about whom attacked him. In these circumstances, the onus lies upon the prosecution to prove the complete chain of events which shall undoubtedly point towards the guilt of the accused who allegedly fled away from the

scene of crime after the occurrence. Furthermore, in this case, where the prosecution relies upon an extra-judicial confession, it has to be examined with a greater degree of care and caution. It is a settled principle of criminal jurisprudence that extra-judicial confession is a weak piece of evidence. Wherever upon due appreciation of the entire prosecution evidence, intends to base a conviction on an extra-judicial confession, it must ensure that the same inspires confidence and is corroborated by other prosecution evidence. However, the extra-judicial confession of the accused allegedly given by the accused persons suffer from material discrepancies and inherent improbabilities only with the piece of evidence of PW11, without any other corroborating evidence and does not appear to be cogent as per the prosecution version, it may be difficult for the court to base a conviction on such a confession.

24. In the absence of any corroborating evidence of the attesting witnesses, i.e. PW7 to PW8 as to whether accused had given the confession statement voluntarily, but simply admitted only their signatures in the confession of the above said accused persons. In such circumstances, the extra-judicial confession by accused persons which is not corroborated by another evidence, it cannot be construed that the confession was voluntary and was not the result of inducement, threat or promise as contemplated by [Section 24](#) of the Evidence Act, 1872. Nothing in the confession is brought out corroborating the evidence of PW6 to PW8. Therefore, the recovery allegedly made from the accused is not proved as per section 27 of the Evidence Act with corroborating evidence as to the recovery.

25. Though PW11 the Inspector of Police, who is the investigating Officer

who filed final report deposed about the investigation conducted by him and his filing charge sheet, since the accused persons were not identified by none of the prosecution independent and occurrence witnesses even by the defacto complainant himself, and also the evidence of PW1 to PW8 are not corroborating each other and also spoke anything about the occurrence and turned completely hostile. Thus, the prosecution has also failed to prove that the accused herein, A1 , A2, A4 to A6, caused murder of the deceased. In such circumstances, the evidences the investigating Officer alone is not sufficient to prove the case of prosecution in the above said circumstances.

26. So, on conjoint reading of the entire evidences and documents, this Court is not able to consider the case of prosecution as against the accused persons for the following reasons :

- (i). The contents in the complaint is not corroborated by the evidene of PW1, since the evidence of defacto complainant himself turned hostile
- (ii) there is no identification of any of the accused by PW3 and PW4 who are alleged to have been in the occurene
- (iv). The prosecution has failed to prove the confessions leading to recovery under section 27 of the Indian Evidence Act.
- (v) there is no evidence available for the place of occurrence and seizure of material objects.

27. So, while considering the facts and circumstances of the case, this Court finds that the prosecution has failed to prove the offences as against all the Accused A1 , A2, A4 to A6. So, the accused are found not guilty of the above said offence.

In the result, Accused No.1, 2, 4 are not found guilty of the offences u/s 120B, 147, 148, 341 r/s 149, 302 and the Accused Nos. 5 and 6 are not found guilty of the offences u/s 120B, 147, 148, 341 r/s 149, 302 r/w 149 r/w 120 B,. Accordingly, Accused No.1 , 2, 4 to 6 are acquitted under Section 235(1) of Cr.P.C. for the above said offences.

The bail bond executed by the Accused No.1, 2, 4 to 6 are ordered to be cancelled after lapse of appeal time or if any appeal is preferred, after disposal of appeal.

The property order in respect of M.O.1 to M.O.5 and other properties remanded in this case will be passed in the split up case in SC No. 76/2021.

Dictated by me to the Stenographer directly typed by her in computer, corrected and pronounced by me in the open court on the 21<sup>st</sup> day of April, 2026.

**I Additional District and Sessions Judge  
Tiruvallur**

**List of Witnesses examined on the side of the Prosecution:-**

1.

2.

	Name of the witnesses	Date of Chief Examination	Date of Cross examination
PW1	Manikandan	02.08.2023	23.01.2025
PW2	Rasikamani	02.08.2023	23.01.2025
PW3	Duairaj	02.08.2023	23.01.2025

PW4	Suresh	03.07.2025	03.07.2025
PW5	Manickaraj	03.07.2025	03.07.2025
PW6	Anand	03.07.2025	--
PW7	Dharman	29.07.2025	--
PW8	Sathiya	29.07.2025	--
PW9	Karthick	18.11.2025	18.11.2025
PW10	Dr. P. Sampathkumar	07.03.2026	07.03.2026
PW11	Thiru. Gangadharan (Investigating Officer)	12.03.2026	12.03.2026

**2. List of Exhibits marked on the side of the Prosecution:**

Ex.P1	09.08.2012	Complaint
Ex.P2	09.08.2012	PW5 signature marked in observation mahazar
Ex.P3	09.08.2012	PW6 signature marked in Seizure Mahazar
Ex.P4	18.08.2012	Postmortem report
Ex.P5	09.08.2012	FIR
Ex.P6	09.08.2012	Observation mahazar
Ex.P7	09.08.2012	Seizure mahazar
Ex.P8	17.08.2012	Section Alteration Report
Ex.P9	17.08.2012	Inquest report
Ex.P10	16.08.2012	Seizure mahazar
Ex.P11	16.08.2012	Admissible portion in the confession of accused
Ex.P12		Seizure mahazar (MO2)
Ex.P13	18.08.2012	Admissible portion in the confession of Accused Issac
Ex.P14	18.08.2012	Seizure Mahazar (M.O.3)
Ex.P15	18.08.2012	seizure mahazar (Two wheeler)

Ex.P16	18.08.2012	admissible portion in the confession statement of Accused Rajesh
Ex.P17	18.08.2012	Seizure Mahazar (M.O.4)
Ex.P18		Form-91
Ex.P19	17.09.2012	Admissible portion in the confession of Accused Karthick
Ex.P20	07.11.2012	Admissible portion in the confession of Accused Murugan
Ex.P21	07.11.2012	seizure mahazar (MO5)
Ex.P22	26.12.2012	Serology Report in T.No.8102/2012
Ex.P23	26.12.2012	Serology Report in T.No.9722/2012
Ex.P24	26.12.2012	Biology Report in T.No.8178/2012

3.

4.

### **3. Material Objects on the side of the Prosecution:**

- M.O.1 – blood stained Shirt of the deceased  
M.O.2 – Iron rod, measuring ½ feet  
M.O.3 – Iron pipe of 24 cm  
M.O.4 – Iron Kalai Pipe  
M.O.5 – wooden log measuring two feet

### **4 List of Witnesses and exhibits , on the side of defence : NIL**

### **5. CASE SUMMARY**

(As per Hon'ble High Court, Madras ROC No.814/2020/RG/F1 and P.Dis.No.36/2021 dt. 07.04.2021)

(i)	Date of filing of the Final Report in the Court	03.11.2015
(ii)	Date of committal of the case to the Court of Sessions	06.01.2021
(iii)	Date of questioning of Accused u/s 228 Cr.P.C.	06.01.2021
(iv)	Filing of Miscellaneous Petitions	NIL

	(except routine petitions like petitions u/s 317 Cr.P.C.)	
(v)	Date of Examination of Accused u/s 313(1) (b) CrPC.	01.04.2026.
(vi)	Details of Abscondance of Accused	NIL
(vii)	Grant of Stay by superior Courts and results thereof.	NIL

**I Additional District and Sessions Judge  
Tiruvallur**