

**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

Wednesday, Dated the 11th day of March, 2026

Sessions Case No.87/2024
(CNR No. TNTR010032852024)

(PRC No.4/2022 on the file of District Munsif cum Judicial Magistrate, Pallipattu,
R.K.pet Police Station in Crime No. 656/2021)

Name and address of the Accused	Tamilmani, S/o Murugesan, Age : 43/2021 RJ Kandigai Village, R.K.Pet Taluk, Tiruvallur District.
Prosecution conducted by	Mr.C.Ravichandran, Learned Additional Public Prosecutor
Details of Charge	U/sec. 302 IPC
Plea of the Accused	Not guilty
Date, time and place of occurrence	27.12.2021 at about 9.30 Hrs. Near the Tailoring shop of deceased at Ayyaneri Village, R.K.Pet Taluk
Date & time of reported to police	27.12.2021 at 1.15 PM.
Date & Time FIR reached the court	28.12.2021 at 6.45 PM.
Findings of the Court	Accused is not found guilty.
Result of the Court	In the result, Accused is found not guilty of

the offence u/s 302 IPC. Accordingly, Accused is acquitted under Section 235(1) of Cr.P.C. for the above said offences. The bail bond executed by the Accused is ordered to be cancelled after lapse of appeal time or if any appeal is preferred, after disposal of appeal.

The properties remanded in this case, P.M.O.1 and P.M.O.2. and a knife seized are ordered to be destroyed and the property of two wheeler bearing Reg.No. TN20 BD4342 produced in this case is ordered to be returned to its owner permanently after the expiry of appeal time, or if appeal is preferred, as per the orders in the appeal.

Prosecution side Witnesses	PW-1 to PW-10
Prosecution side Exhibits	Ex.P1 to Ex.P20
Prosecution side Material Objects	P.M.O.1. and P.M.O.2
Defence side witnesses	Nil
Defence side Exhibits	Nil
Final hearing on	23.02.2026
Judgment on	11.03.2026

This Sessions case coming on 23.02.2026 before me for final hearing in the presence of Mr.C.Ravichandran, Learned Additional Public Prosecutor on behalf of

Prosecution and M/s P. Paranthaman, P. Venkatesan, Legal Aid Defence 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, R.K.Pet police station filed the Final Report as against the Accused stating that the deceased Mangala is the wife of the Accused. Since the deceased Mangala was allegedly having illicit intimacy with another person, suspecting his wife, the accused herein had frequently quarrel with the deceased Mangala. Due to the continuous quarrel between them, they were separated and living separately. The deceased Mangala was doing tailoring having rented tailoring shop at Ayyaneri Village in the shop of one Shanmugam. The accused and the deceased Mangala had two sons whom are living with the accused. Due to the frequent quarrel the accused had with deceased Mangala, with the intention of causing murder upon his wife, on 27.12.2021 at about 9.30 AM, he went to the tailoring shop of the deceased Mangala and picked up quarrel and demanded for divorce. Since the deceased Mangala refused for the divorce, enraged over the same, the accused took the knife and stabbed her over her hands, chest and stomach. During the course, since the deceased Mangala tried to escape from the accused and rushed into the shop of one Vignesh, the accused chased her and again stabbed over her stomach, and escaped from the place. The deceased Mangala sustained grievous injuries, taken to hospital through Ambulance and on the way to hospital, she succumbed to injuries, thereby the Accused committed the offence u/s 302 IPC.

2. The District Munsif cum Judicial Magistrate , Pallipattu took the final report on his file in P.R.C.No.4/2022 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 is exclusively triable by Court of Sessions, the District Munsif cum Judicial Magistrate, Pallipattu committed the case to the Principal Sessions Court, Tiruvallur on 26.03.2024 , which was taken on file as S.C.No.87/2024 and then this case was made over to this court.

3. After appearance of the accused, this court has satisfied that Section 207 Cr.P.C. has been complied with and after hearing both sides, this court framed charge u/sec 302 of IPC. When charge was explained to the accused and questioned about the commission of offense, he pleaded not guilty and claimed to be tried.

4. On the side of prosecution, 10 witnesses were examined and Ex.P1 to Ex.P20 and P.M.O.1 and P.M.O.2. 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:

On 27.12.2021 when the Sub Inspector of Police, Sadhasivam was on duty in the R.K.Pet Police station, he received **Ex.P11** complaint given by Munusamy , and registered **Ex.P12**, the First Information Report . Thereafter, he placed the records to PW10 Sakthivel, Inspector of Police, who had taken up the case for investigation and went to the place of occurrence which is the tailoring shop of the deceased Mangala

belongs to PW7 situated at Ayyaneri Village at about 2.30 PM and prepared, **Ex.P13** Observation Mahazar in the presence of witness, PW4 Rudravel and another witness, Venkatesan and **Ex.P14** Rough sketch. He seized **M.O.1** blood stained mat and **M.O.2.** ordinary mat from the place of occurrence, under **Ex.P15** seizure mahazar. Thereafter, he enquired the occurrence witnesses Vignesh, Saravanan, Ayyappan and Mohana and recorded their statements. Thereafter, he went to Sholingur Government Hospital and received **Ex.P16** the Accident register issued for the deceased Mangala. Further, he went to Walajah Government hospital and conducted the inquest on the body of the deceased Mangala in the presence of witnesses, Karthi, Narasimhan, Sekar, Srinivasan and Arunkumar between 4.00 PM to 6.00 PM and prepared, **Ex.P17** Inquest Report. He sent the body of the deceased for conducting autopsy through HC 1985 Chinnadurai. Thereafter, on the next day, i.e. 28.12.2021, at 6.40 AM near Ammyarkkuppam Bus stand, arrested the accused and recorded his confession statement voluntarily given by him between 7.00 AM and 8.00 AM in the presence of witnesses Annamalai and Mohan. The admissible portion in the confession statement is **Ex.P18**. Based on his confession, he seized the two wheeler bearing Reg.No.TN-20-BD-4342 of the accused produced by him under **Ex.P19** seizure mahazar. Further, the accused produced the knife near Veeranathur village in a thorny bush which was seized by PW10 under **Ex.P20**, seizure mahazar. Thereafter, he sent the case properties under Form-91 to the Court. He enquired all the witnesses, Dr. Chitra, Dr. Balaji and Dr. Krishna Thangasudar and also the Forensic Lab Scientific officers, Mrs. Muthulakshmi and Bhavani and further enquired, PC

Murugan, HC Chinnadurai and Sub Inspector of Police, Sadhasivam who registered the First Information Report and recorded their statements u/s 161 Cr.P.C. Thereafter, he handed over the case records to the Inspector, Venkatesan, who conducted further investigation and after obtaining the Opinion of the Deputy Director of Prosecution filed the Final Report.

PW9 Dr. Chitra is the Doctor at Walajah Government Hospital who conducted autopsy on the body of the deceased on 28.12.2021, which was identified by the Head Constable Chinnadurai. On dissection of the body observed the following external injuries.

- (1) Chest – elliptical shaped stab injury present over right chest measuring about 7 cm x 2 cm x 8 cm (cavity deep)
- (2) Right Abdomen – elliptical shaped stab injury measuring about 3 cm x 1.5 cm x 5 cm directed downward (cavity deep)
- (3) Iliac fossa - stab injury measuring about 7 cm x 1.5 cm (cavity deep)
- (4) Fore arm – stab injury, 9 cm x 2 cm, tissue deep
- (5) Cubital fossa – tissue deep 2 cm x 1 cm stab injury with cut in the artery

Internal injuries

On the liver there was a cut injury about 7 x 5 cm , and over right kidney a cut injury of 3 x 2 cm , apart from that there was no other internal injuries. Viscera sent for toxology report and the toxology report received on finding no alcohol or poison found, hence opined that deceased would have died of injuries over vital organs due

to stabbing in hypovolemic shock and issued **Ex.P10** Postmortem report.

PW4 Rudravel is the Village Administrative Officer of the Ayyaneri village at the time of occurrence and he is one of the attested witness to the Observation Mahazar and seizure mahzar. His signatures are marked as **Ex.P2** and **Ex.P3**.

PW1 is the father of the deceased . PW2 is the minor son of the deceased . PW3 Vignesh is the occurrence witness. PW5 Karthi (a) Karthikeyan , PW6 Narasimman are the relatives of the deceased. All these witnesses have not stated anything about the case of prosecution and turned hostile

PW7 Annamalai and PW8 Krishnan are the attesting witnesses to the confession statement of accused and seizure mahazars, which are marked as Ex.P4 to Ex.P6 and Ex.P7 to Ex.P9 respectively. Both these witnesses have not stated anything about the case of prosecution and turned hostile.

With examination of PW10, the prosecution evidence was closed.

6. When the accused was examined u/s. 313 (1)(b) of Cr.P.C on the incriminating circumstances found against him in the evidence of the prosecution witnesses, he denied the same as false and stated that he has 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 though PW1 to 3 and PW5 to PW8 are all turned hostile, they are all interested witnesses and related to the accused. However, the confession Statement witness, clearly deposed about the confession given by the accused admitting that he had committed murder upon his

wife. The opinion of the doctor PW9 as to the cause of death is that only due to the stab injuries of the deceased she 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 father of the deceased. Though all the relatives of the accused who are the occurrence witnesses turned hostile, a hostile witness's entire testimony cannot be automatically disregarded and the court has to evaluate the parts that corroborate other evidences. Further, the part of the hostile witness's 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 stab 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 PW4, PW9 and PW10, 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 including the father of the deceased, and all the other witnesses, i.e. PW1 to PW3 and PW5 to PW8 and the observation mahazar witness, and also confession statement witnesses have turned hostile. There is nothing to construe that the accused has committed the offence. The evidence of PW1 to PW10 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. 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 charge 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 the accused person is the husband of the deceased Mangala. Since the deceased was having illicit intimacy with another person and also separately living in a tailoring shop at Ayyaneri Village, the accused has grudge over the deceased and was enraged to cause her death. Consequentially, on 27.12.2021 at about 9.30 AM, when the deceased was in her tailoring shop, situated at Ayyaneri Village in the shop of one Shanmugam, the accused came to the shop and had quarreled with the deceased since the deceased refused to consent for divorce, enraged over the deceased the accused stabbed her with knife invariably and since she tried to escape and ran over into the shop of another person, the accused chased her and stabbed her again over her stomach and chest, deceased fell down, sustained grievous injuries, taken to the hospital and on the way she died. Based on the complaint given by PW1, the father of the deceased

FIR was registered u/s 302 IPC.

11. In order to prove the case, totally 10 witnesses were examined and 20 exhibits were marked. There was no oral and documentary evidence on the side of the accused. Out of the 10 witnesses, PW1 is the father of the deceased. PW2 is the son of the deceased and the accused. PW3 is the occurrence witness. PW4 is the Village Administrative Officer who is the attesting witness to the Observation Mahazar and seizure mahazars. PW5 and PW6 are the occurrence witnesses. PW7 and PW8 are the attesting witnesses in the confession statement of the accused and also seizure mahazar. PW9 is the doctor who conducted autopsy and issued post-mortem certificate and final opinion as to cause of death. PW10 is the Investigating Officer.

12. The case of the prosecution is, on the date of occurrence, i.e. on 27.12.2021 at about 9.30 AM, when the deceased was in her tailoring shop situated at E.V.R. Street, Ambedkar Street junction, Manali there was heated arguments between the deceased and the accused who are husband and wife in the presence of people therein including PW2 her son and PW5 and PW6 and in the due course of time, the accused stabbed her with knife causing grievous injuries and also when she tried to escape and rushed into the nearby shop of one Vignesh, the accused chased her and again stabbed over her stomach. The prosecution stated that the occurrence took place in the presence of PW2 her son and PW3 who is the neighbouring shop owner in whose shop the deceased tried to take shelter. However, the occurrence witnesses have turned hostile. PW1 and PW2 who are the defacto complainant and

the minor son of the deceased have not corroborated anything as to the contents in his complaint. PW1, the defacto complainant who is none other than the father of the deceased and father-in-law of the accused. When a witness, especially a relative of the victim, turns hostile, their statements contradict the prosecution's case, it significantly damages the credibility of the prosecution's evidence.

13. The prosecution state that the motive of the accused to assault the deceased was since the deceased used to have illegal intimacy with one Dhanasekaran (a) Parthiban and since the accused wanted to have divorce , he approached her on the date of occurrence, since the deceased had refused for divorce, which enraged the accused and when the deceased was in her tailoring shop, the accused went there and stabbed her to death. To substantiate this motive, the prosecution has let in the evidence of PW3, who is the occurrence witness,. However, PW3 deposed nothing about the occurrence or specific overt act as against the accused either about the quarrel or about the assault made by the accused over the deceased even in his shop when the deceased allegedly took shelter therein initially after the first assault allegedly made by the accused. Hence, the prosecution has treated his evidence as hostile.

14. Likewise, PW2, PW5, PW6 who are rushed to the spot after the occurrence have also deposed nothing about the alleged occurrence. So, all the witnesses including the occurrence witness are also treated hostile.

15. As per Section 3 of the Indian Evidence Act, 1872, a fact can be said to

have been proved when, after considering the matters before it, the court either believes it to exist or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists. The court undertakes this exercise of examining whether the facts alleged including the particular criminal acts attributed to the accused are proved or not. Further, it is also to be noted that the law does not contemplate stitching the pieces of evidence in a watertight manner, for the standard of proof in a criminal case is not proof beyond all doubts but only beyond reasonable doubt.

16. In this case, all the alleged occurrence witnesses , i.e. PW1 to PW3 and PW5 to PW6 who are all the father, son and also occurrence witnesses have all turned hostile. Thus, the question now before this Court is that whether PW1, who is none other than the father of the deceased would turn hostile when the occurrence is stated to have occurred and immediately he rushed to the spot. There arise a doubt that when the defacto complainant and PW1 and PW2, themselves turned hostile, who are the father and son, there is a reasonable doubt over the case of the prosecution as all the other occurrence witnesses have also turned hostile. The charge as against the accused is murder. Hence, if the allegations against the accused is held proved beyond reasonable doubt, certainly he must be convicted.

17. The accused has not contested the case of the Prosecution that the deceased died on account of grievous injuries caused over his head as narrated by PW9 Doctor who has conducted autopsy. His plea is that of ignorance of the death

and also alibi, he was not present in the place of occurrence. As such, it may be unnecessary to go into detail as regards the nature of injuries sustained by the deceased which has been already described in the evidence of PW9 in the postmortem report, except for corroboration of the evidence of the eye witnesses.

18. Though the First Information Report is not a piece of substantive evidence, especially, when the defacto Complainant, i.e., PW-1 did not support completely the contents of the FIR, yet, it cannot be totally ignored and is to be treated as a relevant circumstance if the same is proved by other prosecution witness. In this case the Sub Inspector of Police, Sadhasivam is not examined on the side of the prosecution. PW-10, the Investigating Officer who had conducted the investigation. The learned Additional Public Prosecutor argued that merely since PW 1 turned hostile, the contents are proved by the evidence of PW10, who received it and registered the same. Hence, it cannot be said that the FIR would lose all its relevancy as held by our Hon'ble Apex Court in its authority reported in **(2012) 11 SCC 181** (*Bable v. State of Chhattisgarh*) wherein it is held that

“The FIR was registered and duly formed part of the records of the police station which were maintained in the normal course of its business and investigation. Thus, in any case, it is a settled proposition of law that the FIR by itself is not a substantive piece of evidence but it certainly is a relevant circumstance of the evidence produced by the

investigating agency. Merely because PW 1 had turned hostile, it cannot be said that the FIR would lose all its relevancy and cannot be looked into for any purpose”

In this case, PW10 is the Investigating Officer and also the police officer and not the officer who received the complaint. On perusal of the evidence of PW10, it is seen that he registered the FIR based on the complaint given by PW1, the defacto complaint, which is marked as Ex.P11 complaint. PW1 has admitted his signature in the complaint, but declined to corroborate the contents therein in his evidence. Likewise the evidences of other occurrence witnesses, PW2, PW3 , PW5 , PW6 are also not available to corroborate the contents in the FIR. Therefore, as far as the contents in the complaint , there is no direct evidence or hearsay evidence. Though PW4 the Observation Mahazar witness, stated about the place of occurrence, there is nothing to prove the availability or the presence of the accused on 27.12.2021 at about 9.30 AM in the tailor shop of the deceased. Therefore, as to the fact of presence of the accused at the time of occurrence, there is no direct or circumstantial evidence available.

19. As far as the complaint given by PW1, he has admitted only the signature therein which is marked as Ex.P1 on the side of the prosecution. Even the Sub Inspector of Police who received the complaint and registered the FIR is not examined and there is no evidence through PW10 is made out as to the alleged occurrence. He speaks only about the registering the complaint and subsequently

arrest of the accused. Except the above witness, no other independent witness like neighbours of PW1 or deceased is cited as witness to this case. Thus, there is no evidence as to the alleged assault of the accused upon the deceased is elicited from any of the prosecution side evidence, so as to construe that it was only the accused inflicted injuries upon the deceased, as a result, she died. Therefore, this Court considers that merely because the accused does not come forward to prove his non-presence in the scene of crime in the alleged date and time to substantiate the defence of the accused, it should go against him, inasmuch as the onus is always on the prosecution to prove the charge and not the other way round. In these circumstances, there is no circumstance arise to rely upon to strengthen the credibility of the alleged eyewitnesses PW1, PW2, PW3, PW5 and PW6, which ultimately weaken the prosecution case.

20. It is true that the absence of proving the motive or the presence of the accused by the prosecution witnesses cannot be a ground to reject the prosecution case. It is also true that if motive is proved that would supply a link in the chain of circumstantial evidence, but the absence thereof cannot be a ground to reject the prosecution case. To speak about the motive, PW1 who is the father and PW2, the son of the deceased and the accused also does not speak about such motive of the accused as against his own father. The absence of motive in a case depending on circumstantial evidence is a factor that weighs in favour of the accused.

21. As far as the circumstances for the motive 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.”

22. P.W.3, who is the occurrence and eye witness, who is the main witness upon whom the prosecution pinned much hope for its success turned hostile, while deposing before this Court. However, he deposed otherwise as a hear-say witness. His deposition proves that he is not the eye-witness, he has specifically stated that

“அப்போது சத்தம் கேட்டது பக்கத்து கடையிலிருந்து ஒரு அம்மா காயத்துடன் சத்தம் போட்டு ஓடி வந்தார், நான் பயந்து கொண்டு வெளியே சென்று விட்டேன் மற்றவர்கள் சொல்லித்தான் எனக்கு தெரியும், அவரை யாரோ குத்தி விட்டார்கள் என்று கூறினார்கள். அடுத்த நாள் காலையில்தான் இறந்தவிவரம் தெரியும், எப்படி இறந்தார் என்ற விவரம் தெரியாது.”

Therefore, the evidence of PW3 is not helpful to the prosecution. The other witnesses , PW1, PW2 and PW5 and PW6 who are also cited as witnesses who speak about the occurrence, have failed to support the prosecution case. There is no evidence oral available as to the presence of the accused at the time of alleged occurrence.

The learned counsel for the accused relied on the authority of the Hon'ble Apex Court reported in 2025 INSC 657 (*Renuka Prasad Vs. State represented by Assistant Superintendent of Police*), wherein the Hon'ble Apex Court held that

“when all of these witnesses turned hostile, the motive, conspiracy preparation made before, and what transpired after the crime, as projected by the prosecution remained a mere scripted story as discernible from the section 161 Statements ; not established in the trial”

In these circumstances, there is no evidence available except that of the doctor who conducted autopsy and the Investigating Officer, PW10 to charge the allegation of murder as against the accused.

23. Since there is no direct or concrete circumstantial evidence 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 Investigating Officer, he arrested the accused on 28.12.2021, at 6.40 AM near Ammayarkkuppam Bus stand, and recorded his confession statement between 7.00 AM and 8.00 AM in the presence of witnesses Annamalai and Mohan. One of the attesting witness Annamalai has been examined as PW7 and Mohan is examined as PW8. On perusal of evidence of PW7 and PW8, they stated nothing about the confession of the accused. Therefore, with respect to the alleged confession of the accused also the prosecution has failed to bring sufficient evidence.

24. 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 all the alleged eye-witnesses are turned hostile and there is no direct evidence for the occurrence. Thus, it is a case based upon confession of the accused. 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 of circumstantial evidence, 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 recorded by PW7 and PW8 suffer from material discrepancies and inherent improbabilities only with the piece of evidence of PW7 and PW8, without any other corrobo-

rating 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.

25. Even PW10 in his evidence stated that whether accused had given the confession statement voluntarily, but simply stated that he recorded the confession of the accused. In such circumstances, the extra-judicial confession by accused which is not corroborated by another other 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 PW7 and PW8. Further, there is no recovery or discovery leading to the alleged confession. On perusal of records, the accused allegedly produced the knife in this case, which has also not been marked and not identified by any of the witnesses.

26. Since the material object recovered from the accused is not proved, it is not admissible and the prosecution failed to discover and recover the material objects independently to strengthen the prosecution case, which is inadmissible as per the dictum of the Hon'ble Apex court reported in **2024 INSC 974** (*George Vs. State of TamilNadu*), wherein it is held that

“15. Insofar as the other circumstance with regard to seizure of knife as could be found from the evidence of Inspector of Police, the testimony of PW-18 would show that the recovery was made from an open place accessible to one and all. As such, we are of the considered opinion that

only on the basis of the circumstance of such a recovery, the conviction could not have been based

27. Admittedly the deceased died out of injuries over her stomach. However, there is no evidence available to pinpoint the accused to the occurrence even whether he was present or fled away from the occurrence after the alleged occurrence in the shop of the deceased. The prosecution failed to let in any concrete evidence to show that the accused was present at the time of occurrence in the house of deceased or whether he fled away from the occurrence so as to constitute the circumstantial evidence to prove the guilt of the accused. Moreover, as discussed above, since the confession of the accused also does not inspire confidence of the Court without corroborating the evidence of PW7 and PW8, mere recording of confession does not amount to admission of the accused.

28. In the absence of any clinching evidence to constitute the charge of murder as against the accused, this Court relies upon the authority of the Hon'ble Apex Court in Crl. Appeal No.631/2017 (State of Rajasthan Vs. Hanuman), wherein it is held that

“Law is well settled by a catena of decisions of this Court that in an appeal against acquittal, interference can only be made if the only possible view based on the evidence points to the guilt of the accused and rules out his innocence. In the present case, we are duly satisfied that the prosecution failed to lead clinching evidence to bring home the charges. The only possible view is the one taken by the High Court, , i.e. the innocence of the accused ”

Therefore, in the absence of any specific identification of the accused by any of the witness during the alleged occurrence and the alleged confession of the accused also cannot be trusted of the Evidence Act, this Court is not able to consider that the prosecution has proved the case as against the accused that he has committed offence beyond reasonable doubts. Thus, the prosecution has failed to prove the charge as against accused u/s 302 IPC and so, the accused is found not guilty of the above said offences.

In the result, Accused is found not guilty of the offence u/s 302 IPC. Accordingly, Accused is acquitted under Section 235(1) of Cr.P.C. for the above said offences. The bail bond executed by the Accused is ordered to be cancelled after lapse of appeal time or if any appeal is preferred, after disposal of appeal.

The properties remanded in this case, P.M.O.1 and P.M.O.2. and a knife seized are ordered to be destroyed and the property of two wheeler bearing Reg.No. TN20 BD4342 produced in this case is ordered to be returned to its owner permanently after the expiry of appeal time, or if appeal is preferred, as per the orders in the appeal.

Dictated by me to the Steno-Typist directly, typed by her, corrected and pronounced by me in the open Court on this, the 11th day of March, 2026

**I ADDITIONAL SESSIONS JUDGE,
TIRUVALLUR**

ANNEXURE:**1. List of Witnesses examined on the side of the Prosecution:-**

	Name of the witnesses	Date of Chief Examination	Date of Cross examination
PW1	Thiru. Munusamy	01.09.2025	01.09.2025
PW2	Thiru. Saravanan (minor)	01.09.2025	01.09.2025
PW3	Thiru.Vignesh	01.09.2025	01.09.2025
PW4	Thiru. Rudravel	01.09.2025	01.09.2025
PW5	Thiru. Karthi (a) Karthikeyan	01.09.2025	01.09.2025
PW6	Thiru. Narasimhan	01.09.2025	01.09.2025
PW7	Thiru. Annamalai	30.10.2025	30.10.2025
PW8	Thiru. Mohan	30.10.2025	30.10.2025
PW9	Dr. Chithra	18.11.2025	18.11.2025
PW10	Thiru. Sakthivel (Investigating Officer)	20.02.2026.	20.02.2026.

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

Ex.P1	27.12.2021	Signature of PW1 Munusamy in the Complaint
Ex.P2	27.12.2021	Signature of PW4 Rudravel in the Observation Mahazar
Ex.P3	27.12.2021	Signature of PW4 Rudravel in the Seizure Mahazar
Ex.P4	28.12.2021	Signature of PW7, Annamalai in the Confession Statement of Accused
Ex.P5	28.12.2021	Signature of PW7, Annamalai in the Seizure Mahazar
Ex.P6	28.12.2021	Signature of PW7, Annamalai in the Seizure Mahazar
Ex.P7	28.12.2021	Signature of PW8, Mohan in the Confession Statement of Accused

Ex.P8	28.12.2021	Signature of PW8, Mohan in the Seizure Mahazar
Ex.P9	28.12.2021	Signature of PW8, Mohan in the Seizure Mahazar
Ex.P10	28.12.2021	Postmortem Report
Ex.P11	27.12.2021	Complaint given by PW1 Munusamy
Ex.P12	27.12.2021	First Information Report
Ex.P13	27.12.2021	Observation Mahazar
Ex.P14	27.12.2021	Rough Sketch
Ex.P15	27.12.2021	Seizure Mahazar
Ex.P16	27.12.2021	Accident Register issued at Sholingur Government Hospital for deceased Mangala
Ex.P17	28.12.2021	Inquest Report
Ex.P18	28.12.2021	Admissible portion in the confession Statement of the accused Tamilmani
Ex.P19	28.12.2021	Seizure Mahazar (Two wheeler)
Ex.P20	28.12.2021	Seizure Mahazar (knife)

3. Material Objects on the side of the Prosecution: NIL

4. List of Witnesses, Exhibits and Material Objects on the side of the 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)	Period of Remand of the Accused	Date of Remand : 28.12.2021 Date of Release : 21.03.2022.
(ii)	Date of filing of the Final Report in the Court	23.09.2022

(iii)	Date of committal of the case to the Court of Sessions	26.03.2024.
(iv)	Date of questioning of Accused u/s 228 Cr.P.C.	15.11.2024
(v)	Filing of Miscellaneous Petitions (except routine petitions like petitions u/s 317 Cr.P.C.)	NIL
(vi)	Date of Examination of Accused u/s 313(1) (b) CrPC.	23.02.2026.
(vii)	Details of Abscondance of Accused	NIL
(viii)	Grant of Stay by superior Courts and results thereof.	NIL

**I ADDITIONAL SESSIONS JUDGE,
TIRUVALLUR**

Judgment in

S.C.No 87/2024

D.D : 11/03/2026

I Addl. Sessions Court

Thiruvallur

S.C. No.87/2024

Date : 11/03/2026

Accused is present. Judgment pronounced in the Open Court.

In the result, Accused is found not guilty of the offence u/s 302 IPC. Accordingly, Accused is acquitted under Section 235(1) of Cr.P.C. for the above said offences. The bail bond executed by the Accused is ordered to be cancelled after lapse of appeal time or if any appeal is

preferred, after disposal of appeal.

The properties remanded in this case, P.M.O.1 and P.M.O.2. and a knife seized are ordered to be destroyed and the property of two wheeler bearing Reg.No. TN20 BD4342 produced in this case is ordered to be returned to its owner permanently after the expiry of appeal time, or if appeal is preferred, as per the orders in the appeal.

**I ADDITIONAL SESSIONS JUDGE
TIRUVALLUR**