

**IN THE COURT OF THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTC),
TENKASI.**

**Present: Thiru. S. Manojkumar, M.A., M.L.,
Additional District and Sessions Judge, Tenkasi**

Thursday, the 12th Day of March 2026

Cr.M.P. No. 235/2026

in

S.C. No.745/2017

(CNR No:TNTS01-000409-2026)

1.Samydurai
2.Ayyappan
3.Ramar
4.Muthuraj @ Raj
5.Subbiah Pandian @ Murugiah PandianPetitioners/Accused
/Vs/

State: The Inspector of Police,
Achanpudur P.S.,
Achanpudur P.S.Cr.No. 222/2015Respondent/Complainant

This petition came before this Court on 10.03.2026 in the presence of Tr.R.Appavurethinam, Advocate for the Petitioners/Accused and Thiru.S.Velusamy, Additional Public Prosecutor for the Respondent/Complainant and upon hearing both sides and upon perusing the records, this court delivered the following

ORDER

This petition has been filed on the side of petitioners/accused persons u/s 243 of Cr.P.C. to summon the petition mentioned witnesses 1)L.W.33 Vijayalakshmi, Scientific Officer, Forensic Lab, Chennai 2) L.W.34 – Manimaran, Scientific Officer, Anthropology Division, FSL, Chennai 3) L.W.36 -Thilaga (DNA Expert) FSL, Chennai along with the petition mentioned documents 1) Complete DNA profiling report on samples from PM No.1097/15 and PM No. 1088/15 2) DNA report correlating the samples(Head/Body) with the alleged son of the deceased 3) Laboratory bench notes, electropherograms and DNA worksheets 4) Anthorpology Report (Original)-Anthro 169 and 170/2015 5) Chemical Report Chem/450/2015 6)chain of custody records for all samples sent from

the postmortem 7) Requisition forms, forwarding notes and acknowledgment receipts of forensic samples for defence side enquiry.

2) Briefly stated averments in the Petition are as follows:

In this case the Prosecution has completed its evidence and during the course of trial, certain material documents relating to the identity of the alleged deceased and scientific findings have not been produced by the Prosecution though they are essential for a fair adjudication of the case. The case of the Prosecution is completely depending on scientific evidence to establish the identity of the accused, matching of the head and body allegedly recovered on same date and different place, cause of death, DNA similarity between the collected biological samples and the individual claimed to be the deceased's son. The crucial scientific reports required to prove identity have not been placed before the Court, particularly the DNA profiling report pertaining to PM NO. 1087/15 and 1088/155 has not been filed, though DNA evidence is the only conclusive method to establish the identity of the remains in the present case where superimposition has failed, the skull is incomplete and reconstruction was impossible, Anthropological identity could not be determined, the head and the body were recovered from different places, even close relatives including the wife had initially stated that the recovered head was not that of the alleged deceased. The case of defence is that the head and body do not belong to the same person, since the superimposition test failed. The Forensic Anthropology Report submitted by L.W.34 clearly states that the identity could not be established due to missing of facial bones. The Chemical Report merely states that burnt pieces may contain traces of inflammable substances but does not establish homicide. The DNA expert has not been examined and the DNA report has not been filed. Without DNA evidence, identity cannot be legally established in this case. Hence, the petition mentioned witnesses and documents are essential for the defence to prove its case and for the Court to arrive at the truth. Hence, the petition may be allowed.

3) Briefly stated averments in the Counter are as follows:

The petition is not maintainable either in law or on facts. When the petition mentioned witnesses were cross examined on the side of accused persons, they have not examined about the petition mentioned documents and this petition has been filed to drag on the proceedings of the case and the reasons stated in the petition are groundless. Hence, the petition may be dismissed.

4) Now the point for consideration is whether the petition is to be allowed or not?

5) The learned counsel for the petitioners/accused persons has argued that in this case the Prosecution has completed its evidence and during the course of trial certain material documents relating to the identity of the alleged deceased and scientific findings have not been produced by the Prosecution though they are essential for a fair adjudication of the case and the case of the Prosecution is completely depending on scientific evidence to establish the identity of the accused, matching of the head and body allegedly recovered on same date and different place, cause of death, DNA similarity between the collected biological samples and the individual claimed to be the deceased's son and the crucial scientific reports required to prove identity have not been placed before the Court, particularly the DNA profiling report pertaining to PM NO. 1087/15 and 1088/155 has not been filed, though DNA evidence is the only conclusive method to establish the identity of the remains in the present case where superimposition has failed, the skull is incomplete and reconstruction was impossible, Anthropological identity could not be determined, the head and the body were recovered from different places, even close relatives including the wife had initially stated that the recovered head was not that of the alleged deceased. The learned counsel has further argued that the case of defence is that the head and body do not belong to the same person, since the superimposition test failed. The Forensic Anthropology Report submitted by L.W.34 clearly states that the identity could not be established due to missing of facial bones. The Chemical Report merely states that burnt pieces may contain traces of inflammable substances but does not establish homicide. The DNA expert has not been examined and the DNA report has not been filed.

Without DNA evidence, identity cannot be legally established in this case. Hence, the petition mentioned witnesses and documents are essential for the defence to prove its case and for the Court to arrive at the truth. Hence, the petition may be allowed.

6) Whereas the learned Additional Public Prosecutor has argued that when the petition mentioned witnesses need not be examined since they are official witnesses and the defence counsel did not object marking of the reports through the investigating officer. Further, the petition has been filed to drag on the proceedings of the case and the reasons stated in the petition are groundless. Hence, the petition may be dismissed.

7) This petition has been filed on the side of petitioners/accused persons u/s 243 of Cr.P.C. to summon the petition mentioned witnesses 1) L.W.33 Vijayalakshmi, Scientific Officer, Forensic Lab, Chennai 2) L.W.34 – Manimaran, Scientific Officer, Anthropology Division, FSL, Chennai 3) L.W.36 -Thilaga (DNA Expert) FSL, Chennai along with the petition mentioned relevant scientific documents.

8) On perusal of case records, it is seen that in this case the petitioners/accused persons are facing the trial for the offence u/s 147, 148, 364, 302, 201 IPC registered by the respondent police in Achanpudur P.S. Cr.No. 222/2015 for the murder of the husband of defacto complainant namely Rajagopal @ Sandiar. The case is pending for defence side enquiry. At this juncture, this petition has been filed on the side of petitioners/accused to summon the petition mentioned scientific experts and the scientific reports. On perusal of case records, it is alleged on the side of Prosecution that a head and trunk portion of a body was found in different places in Tirunelveli and after investigation and due identification made by the defacto complainant and her sons, it was found that it was the body of the husband of defacto complainant. The main contention of the defence is that the head and trunk portion do not belong to the same person, since superimposition failed and the Anthropological reports, Chemical Report, DNA Report did not support the case of Prosecution and hence the authors of the said scientific reports have to be examined to prove the defence. On perusal of records, it is seen that Chemical Report issued by L.W.32 Tmt. Vijayalakshmi has been marked through P.W.36 as Ex.P37 and DNA Report,

Anthropology Report were marked as Ex.P52, Ex.P53 through the investigating officer . Hence, it is not necessary to summon the said documents. At the same time, considering the facts of the case and in the interest of Justice, it is necessary to summon the petition mentioned witnesses and examine them regarding the manner in which the test was conducted by them and regarding the veracity of reports issued by them. Accordingly, this Court is inclined to allow the petition.

In the result, this petition is allowed and issue summons to the petition mentioned witnesses on payment of process fee.

Pronounced in the open court, on this, the 12th Day of March 2026.

Additional District and Sessions Judge,
Tenkasi

Copy to:

- 1) The Counsel for the petitioner/ Accused
- 2) The Additional Public Prosecutor, Tenkasi
- 3) The Inspector of Police, Achanpudur P.S.

