

IN THE COURT OF II ADDITIONAL DISTRICT AND SESSIONS, THOOTHUKUDI

PRESENT : Tmt.M. Breetha, M.L.,

II Additional District and Sessions Judge,

Thoothukudi.

Tuesday, this the 28th day of July 2026

Sessions Case No. 187/2018

CNR No. TNTT01 – 003147 – 2018

Name of the Complainant : State of Tamil Nadu
Through Inspector of Police,
Thalamuthunagar Police Station,
Crime No. 2/2017

Name of the Accused : A1) Marimuthu (Age 40), **(Died)**
S/o. Murugan
5/1418, Kalaignar Nagar,
Thainagar, Thoothukudi

A2) Sureshkumar (Age 29),
S/o. Kuttaiyan @ Perumal,
Mathavanayar Colony,
Thirespuram, Thoothukudi

A3) Muneeshwaran (Age 29),
S/o. Chettiperumal,
Mathavanayar Colony,
Thirespuram, Thoothukudi

A4) Raja (Age 47)
S/o. Farook Sherif
Housing Board,
T.Saveriarpuram,
Thoothukudi

A5) Fathima (Age 59) **(Died)**
W/o. Murugan,
5/1418, Kalaignar Nagar,
Thai Nagar, Thoothukudi

Occurrence : 01.01.2017

Arrest : A2- 07.01.2017 A3 – 07.01.2017 & 28.04.2026

A1, A5 – 11.01.2017
A4 – 27.01.2017

Released on Bail : A2 – 21.07.2017, A3 – 13.04.2017
A4 – 12.04.2017

Date of filing of the final Report : 11.01.2018

Charges Framed : 06.07.2022

Questioning of U/s.313 Cr.P.C : 03.06.2026

Plea of the Accused : A1 pleaded not guilty for the offences u/s.148, 342, 294(b), 302 IPC & 20(b)(ii)(B) of NDPS Act
A2 pleaded not guilty for the offences u/s.148, 342, 302, 506(ii) IPC
A3, A4 pleaded not guilty for the offences u/s.148, 342, 302 IPC
A5 pleaded not guilty for the offences u/s.148, 342, 302, 20(b)(ii)(B) of NDPS Act

Finding of the Court : **In the result,**
(i) The 2nd accused is found not guilty under sections u/s.148, 342, 302, 506(ii) IPC and the 3rd and 4th accused are found not guilty under sections u/s.148, 342, 302 IPC and accused are acquitted Under Section 235(1) of Cr.P.C.
(ii) The material objects were produced by the prosecution and remanded in P.R. No.32/2025 M.O.1 to M.O.6 are ordered to be destroyed after the period of appeal or as per the order of the

appeal. All bonds shall stand cancelled after the expiry of appeal period or after the disposal of the appeal.

This case coming before me for final hearing on 20.07.2026, in the presence of Tr.D.Xavier Gnana Prakasam, Learned Additional Public Prosecutor for the State, and Thiru.S.Ayyadurai, Learned Advocate for accused No.2 & 4 and Thiru.A.Raja, Learned Advocate for accused No.3 and upon hearing arguments of both sides and perusing the materials available on record and having stood over till this date for consideration of this court and this court delivers the following ...

JUDGMENT

1) Gist of the final report filed by the prosecution:

(i) The Inspector of police, Thalamuthunagar Police Station has laid the final report stating that the 1st accused is the son of the 5th accused and they were doing illegal sale of Cannabis and that on the information given by the now deceased Sankar raja and the witness Ranjith Kumar to the police officials, the 1st accused was incarcerated and the same leads to hostility and out of the said hostility, on 01.01.2017 at about 04.00 PM, when Sankar Raja went in front of the house of the accused 1 and 5, the 5th accused instigated the other accused to murder Sankar Raja and that the accused 1 to 4 surrounded him and the 3rd accused pushed him down and the 4th accused held his hands and the 2nd accused held his legs and the 1st accused attacked him brutally with a wooden plank and then the accused 2, 3 and 4 struck him repeatedly with legs and caused his death.

(ii) Therefore, the 1st Accused has been charged with offenses punishable under sections 147, 148, 294(b), 342, 302, 149 r/w 302, 34 r/w 302 IPC & Section

8(C) r/w 20(b)(ii)(B) of NDPS Act. The 2nd Accused has been charged with offenses punishable under Sections 147, 148, 342, 302, 506(ii), 149 r/w 302, 34 r/w 302 IPC. The 3rd and 4th Accused have been charged with offenses punishable under Sections 147, 148, 342, 302, 149 r/w 302, 34 r/w 302 IPC. The 5th Accused has been charged with offenses punishable under Sections 147, 342, 149 r/w 302, 34 r/w 302, 114 r/w 302 IPC and section 8(C) r/w 20(b)(ii)(B) NDPS Act.

2) The final report was laid before Judicial Magistrate No.II, Thoothukudi and on being satisfied with the prima facie case against the accused to take cognizance of the offences charged, the same was taken on file as P.R.C. No. 6/2018. On the appearance of the accused, copies of the police records were furnished to the accused under section 207 of Cr.P.C and the case was committed by the learned Judicial Magistrate No. II, Thoothukudi to the Principal District and Sessions Judge, Thoothukudi as the case is exclusively triable by the court of sessions. The case was taken on file of the Principal District and Sessions Court, Thoothukudi as S.C. No.187/2018 and made over to the II Additional District & Sessions Court, Thoothukudi

3) On appearance of the accused, before this court and after being satisfied that copies were furnished to the accused under section 207 Cr.P.C, the case was proceeded with. On hearing both sides and on perusal of records, charges were framed Under Sections u/s.148, 342, 294(b), 302 IPC & 20(b)(ii)(B) of NDPS Act against the 1st accused, Under Sections 148, 342, 302, 506(ii) IPC against the 2nd accused, Under Sections u/s.148, 342, 302 IPC against the 3rd and 4th accused, Under Sections u/s.148, 342, 302, 20(b)(ii)(B) of NDPS Act against the 5th accused and read over and explained to the accused in Tamil. When the accused were questioned regarding the charges, they pleaded not guilty and claimed to be tried.

4) In the meantime, Death Certificate was filed on 23.02.2024 by the prosecution stating that the 5th accused died on 16.11.2023 and Death Certificate was filed on 22.04.2024 by the prosecution stating that the 1st accused died on 05.03.2024. Hence, the charges against the 1st and 5th accused have been ordered to be abated.

5) As the accused 2 to 4 have denied the charges leveled against them, prosecution was ordered to let in their side evidence and in order to substantiate the charges leveled against the accused 2 to 4, the prosecution has examined P.W.1 to P.W.19 and has produced Ex.P1 to Ex.P38 documents along with M.O.1 to M.O.6 material objects. No witness was examined and no documents were produced on the side of the defence.

6) **Brief facts of the case of the prosecution:**

The prosecution's case is that the first accused, the son of the fifth accused, was previously incarcerated for the illegal sale of cannabis following information provided by Ranjith Kumar and the deceased, Sankar Raja and this created hostility that culminated on January 1, 2017 and when Sankar Raja went in front of the residence of the first and fifth accused at approximately 4:00 PM, the fifth accused instigated the others to commit murder and that the accused one through four surrounded the victim; the third accused pushed him down, the fourth accused held his hands, and the second accused held his legs and that the first accused assaulted the victim with a wooden plank, while the other accused repeatedly struck him with legs, resulting in his death and hence the charges.

7) **Gist of deposition of prosecution witnesses:**

(i) PW1, Mr.Ranjith Kumar has deposed that the deceased is his wife's brother-in-law and he is a painter and he couldn't identify the accused persons and he didn't know the accused Muniyasamy @ Nandal and that on 01.01.2017, one Jesu informed him that Sankar Raja was being beaten in front of Fathima's house and he

went there and saw that Sankar Raja was beaten by Fathima, Marimuthu, Gemini, Nandal and Raja with a wooden plank and when he tried to restrain them, they intimidated him and Sankar Raja was bleeding and he took Sankar Raja in Mahesh's car and when he was treated as inpatient, he gave complaint statement to the police officials of Thalamuthu Nagar Police Station and it was attested by Karthick Raja. The Complaint statement was marked as Exhibit P1. The witness summon issued by the court was marked as Exhibit P2 and he gave statement before Judicial Magistrate court No.1, Thoothukudi and his statement recorded u/s 164 of Cr.P.C was marked as Ex.P3. The wooden pieces were marked as M.O.1.

(ii) PW2, Tr.Karthiyaraj, the father of the deceased Sankar Raja, who is cited as hearsay witnesses did not lent any support to the case of the prosecution and he was treated as hostile witness. Signature of PW2 in the complaint statement was marked as Ex.P4.

(iii) PW3 Tr. Kumar, PW4 Tr.Rajesh, PW5 Tr.Arunkumar and PW9, Tr.Jesu, who were cited as eye witnesses did not lent any support to the case of the prosecution and they were treated as hostile witnesses. The witness summon issue by the court to PW3 was marked as Exhibit P5 and his statement recorded u/s 164 of Cr.P.C was marked as Exhibit P6.

(iv) PW6, Thiru.Marimuthu, PW14, Thiru.Appadurai who were cited as confession and Seizure Mahazar witnesses didn't support the prosecution's case and were treated as hostile witnesses. The signature of PW6 in the confession statement said to be given by the 2nd accused was marked as Ex.P7. The signature of PW6 in the seizure Mahazar prepared on the basis of the said confession statement was marked as Ex.P8. The signature of PW14 in the confession statement said to be given by the 2nd accused was marked as Ex.P19. The signature of PW14 in the Seizure Mahazar prepared on the basis of the said confession statement was marked as Ex.P20.

(v) PW7, Tr. Mahesh, has deposed that, he is acquainted Sankararaja, the deceased in this case and that at the request of one person, he took Sankar Raja to hospital in his car and then he heard that he succumbed to his injuries.

(vi) PW8, Tr. Karthick, Village Assistant, Mappillaioorani Village has deposed that on 24.01.2017, while he was in duty, at the request of the Inspector of Police, he went to Thalamuthunagar Police Station along with Village Administrative Officer Tr.Velusamy, where the Inspector of Police interrogated the accused Marimuthu in their presence and he voluntarily gave a confession statement and that on the basis of the information furnished by him, they recovered 500 gram Cannabis packing with polythene cover through seizure mahazar and it was signed by him and VAO. The seizure mahazar was marked as Ex.P9. The admissible portion of 1st accused confession statement was marked as Ex.P10.

(vii) PW10, Thiru.Esakkiappan, Head Clerk of the Judicial Magistrate Court No.2, Thoothukudi has deposed that during the year 2017, he remanded the material objects produced through Form-91 in P.R.No.26/2017 respectively. He has further deposed that he received a requisition from the Inspector of Police, Thalamuthunagar Police Station, requesting the dispatch of the visceral organs of the deceased and Cannabis for chemical analysis and pursuant to the orders of the learned Judicial Magistrate Court No.II, Thoothukudi dated 01.12.2017, the said properties were forwarded to the Regional Forensic Science Laboratory (RFSL), Tirunelveli, through Grade-I Police Constable Tr.Daniel Rajasingh. The police requisition was marked as Ex.P11, and the corresponding court order was marked as Ex.P12 and that he received a subsequent police requisition to send the blood-stained material objects for chemical analysis on 31.01.2018 and under the orders of the Judicial Magistrate, the material objects were handed over to Grade-I Police Constable Tr.Daniel Rajasingh on 01.02.2018 for delivery to the laboratory. The police requisition was marked as

Ex.P13, and the corresponding court order was marked as Ex.P14 and that he received a subsequent police requisition to send the Cannabis for chemical analysis on 31.01.2018 and under the orders of the Judicial Magistrate, the material objects were handed over to Grade-I Police Constable Tr.Daniel Rajasingh on 01.02.2018 for delivery to the laboratory. The police requisition was marked as Ex.P15, and the corresponding court order was marked as Ex. P16.

(viii) PW11, Tr. Daniel Rajasingh, Grade-I Police Constable of Thalamuthunagar Police Station has deposed that as per the directions of the Inspector of Police, he reported before the Judicial Magistrate Court No.II, Thoothukudi and he handed over the requisition letter to send the blood samples and blood stained material objects for chemical analysis and pursuant to the orders of the learned Magistrate Court, he received and safely delivered the blood samples and blood-stained Material Objects and Cannabis with sealed cover to the Regional Forensic Science Laboratory.

(ix) PW12, Tmt. Nivetha, Grade-I Police Constable of Thalamuthunagar Police Station had deposed that on 06.01.2017, he received the Alteration Report registered under Thalamuthunagar Police Station Crime Number 2//2017 under Section 294(b), 307, 506 @ 302, 506(ii) IPC @ 8(c) r/w 20(b)(ii)(A) NDPS Act from police station and handed them over to the Judicial Magistrate Court No. II, Thoothukudi. The Passport issued to her was marked as Ex.P17.

(x) PW13, Doctor Tr. Mummoorthy, Assistant Professor, Thoothukudi Government Medical College Hospital has deposed that he conducted the post-mortem of the deceased Sankarraja on 06.01.2017 at about 12.30 p.m., and issued Ex.P18 Post Mortem certificate with final opinion as follows:

The following ante mortem injuries were noted in the body :

An abrasion of size 1 cm x 1 cm seen below the left knee.

On dissection of Scalp, Skull and Dura :-

Scalp contusion of size 18 cms x 10 cms seen in the left occipital region. A linear fracture of length 18 cms seen in the occipital region extending to the base of the skull. Subdural haematoma of weight about 50 gms seen over the brain. Sub arachnoid haemorrhage seen over the brain.

Other Findings :-

Peritoneal and Pleural cavities – normal. Pericardium-contained about 10 ml of straw coloured fluid. Heart-normal and chambers empty. Coronaries-patent. Larynx and Trachea-normal. Contusion seen in the muscles around the thyroid cartilage on both sides. Hyoid bone-intact. Liver, Lungs, Spleen and Kidneys-normal and cut section pale. Stomach-contained about 300 ml of black coloured partially digested food particles, nil specific smell, mucosa – pale. Small intestine – contained about 100 gms of black coloured digested food particles, nil specific smell, mucosa-pale, Bladder-empty. Brain-normal and cut section normal. External genitals-normal.

Note :- Blood preserved for biological analysis.

Final Opinion :

The deceased would appear to have died of shock and haemorrhage due to head injury. Death would have occurred 6 – 12 hrs prior to the autopsy.

He has deposed that the injuries on the deceased could have occurred when more than one person attacked him with wooden stick and knife. He has given the opinion stating that he could have died of shock and haemorrhage due to head injury 6 – 12 hrs prior to Postmortem examination. The Post mortem Certificate with Final Opinion was marked as Ex.P18.

(xi) PW15, Thiru.Selvakumar, Grade II Police Constable of Thalamuthunagar Police Station had deposed that he received the dead body of the deceased Sankarraja after Inquest on 06.01.2017 with the requisition letter to conduct postmortem and handed over the same to Thoothukudi Government Medical College

Hospital on 06.01.2017, for conducting postmortem and after completion of post mortem, he handed over the body of the deceased Sankarraja to his relatives for performing final rituals. The Passport issued to him was marked as Ex.P21.

(xii) PW16, Tr. Chelladurai has deposed that on 01.01.2017 at about 18.15 hrs., he received the complaint lodged by PW1, Ranjith Kumar and registered a case in Thalamuthunagar Police Station, Cr. No. 2/2017, U/s. 294(b), 307, 506(ii) of IPC and subsequently dispatched the First Information Report and the complaint statement to the concerned Judicial Magistrate. Death intimation was marked as Ex.P22. The registered First Information Report was marked as Ex.P23.

(xiii) PW17, Dr.Praveen, Medical Officer of Thoothukudi Government Medical College Hospital has deposed that, on 01.01.2017, at 5.00 p.m., while he was on duty, Sankarraja was brought for treatment in an unconscious state and his breath had smell of alcohol. He was given first aid and then admitted as inpatient for further treatment. The accident register was marked as Ex.P24.

(xiv) PW18, Doctor Tr.Malarvannan, Assistant Professor, Thoothukudi Government Medical College Hospital has deposed that on 06.01.2017, while he was on duty, Sankarraja, who was treated as inpatient died on at around 6.00 a.m. He confirmed his death and gave intimation to police station. The Death Intimation was already marked as Ex.P22.

(xv) PW19, Thiru.Muthu, Inspector of Police, Thalamuthunagar Police Station has deposed that on 01.01.2017, he took the case for investigation and at about 22.00 hrs., he inspected the scene of occurrence in the presence of witnesses Muniasekar and Parvathi and prepared Ex.P25, Observation Mahazar and Ex.P26, Rough Sketch and he had seized blood stained soil, unstained soil and broken wooden plank from scene of occurrence through Ex.P27 Seizure Mahazar in the

presence of the above said witnesses and that he examined the witnesses Ranjith Kumar, Karthigai Raja, Rajesh, Murugesan, Thangavel, Chelladurai and recorded their statement and that on 06.01.2017 at about 6.55 a.m., Sankarraja was died and he received the death intimation from Thoothukudi Medical College Hospital and that based on the Ex.P22 Death intimation, he altered the sections of law from 294(b), 307, 506(ii) IPC to 302, 506(ii) IPC and prepared Ex.P28, Section Alteration Report and he conducted inquest of the dead body Sankarraja in the presence of witnesses and panchayathars between 9.00 a.m. to 11.00 a.m., on 06.01.2017 and prepared Ex.P29 Inquest Report and that he forwarded the dead body along with requisition letter for conducting postmortem to find the cause of death and that he further examined the witnesses Ranjith Kumar, Karthigairaja, Rajesh and recorded their statement and that he examined the witnesses Kumar, Arunkumar, Jesu @ Jesuraja, Santhanamari, Women Grade I PC Nivetha, Constable Selvakumar and recorded their statements and on 07.01.2017, at about 15.00 hrs., he arrested the 2nd accused Gemini and 3rd accused Nandal, near Rajapalayam Beach and remanded the accused and material objects to Judicial custody and then he examined the witnesses, PW6, Tr.Marimuthu and PW14, Tr.Appadurai and that during interrogation, he voluntarily gave a confession statement and in pursuant to the information and the admissible portion of the confession statement furnished by him, another Knife used in the commission of the offense was seized under Ex.P30, Seizure Mahazar. The admissible portion of the 2nd accused confession statement was marked as Ex.P31. He has further deposed that he forwarded the accused along with the seized material objects to the learned Magistrate Court under Form 91.

He has further deposed that, on 24.01.2017, the accused Marimuthu and his mother Fathima was taken into police custody as per the order of the court and that during interrogation in the presence of the witnesses, he voluntarily gave a confession statement and then they seized 500 gram Cannabis packing with polythene cover

from them through Ex.P9 Seizure Mahazar. The admissible portion of the confession statement given by the 1st accused was marked as Ex.P10 and he altered the section of law from Section 302, 506(ii) of the Cr.P.C. to Section 302, 506(ii) IPC and Section 8(C) r/w 20(b)(ii)(A) of NDPS Act. This Alteration Report was marked as Ex.P32 and he remanded the material objects before court in P.R. No.26/2017. Form-91 was marked as Ex.P33(3 nos.). Blood-stained soil was marked as M.O.2, Unstained soil was marked as M.O.3, Wooden pieces-3 were marked as M.O.1, 50 gm Cannabis with sealed cover taken for chemical analysis was marked as M.O.4, Balance 450 gm Cannabis with sealed cover was marked as M.O.5, Knife with sealed cover sent for chemical analysis was marked as M.O.6 and that he examined the witness Tr. Esakkiappan regarding the submission of the material objects for chemical examination and then he examined the witnesses Ranjith Kumar, Karthigairaja, Rajeshkumar, Arunkumar, Jesu @ Jesuraja, Santhanamari, Mahesh, Constable Rajasingh and recorded their statements. He has further deposed that on 02.04.2017, he examined Scientific officer Tmt.Kalalakshmi and Tmt.Ananthi and obtained Ex.P34, Biology Report in T.No.63/2017/TIN/BIOL/63/2017 and Ex.P35, Biology Report in T.No.62/2017 TIN/BIOL/62/2017, Ex.P36, Serology Reports(2 Nos.) in MDU/SERR.TI/47/2017, dated 19.04.2017 and recorded their statements and deceased Sankarraja was admitted as inpatient and first treatment was provided by Dr.Praveen and Death intimation was furnished by Dr.Malarvannan and post-mortem was conducted by Dr.Mummoorthy and he had issued Ex.P18 post-mortem report and that he examined Dr.Praveen, Dr.Malarvannan, Dr.Mummoorthy, who conducted post-mortem of the deceased and recorded their statements and that on 10.07.2017, he had submitted a formal requisition to the Chief Judicial Magistrate requesting the recording of the statements of witnesses Ranjith Kumar, Arunkumar under Section 164 of the Cr.P.C, and their statement was recorded on 27.07.2017, The requisition letter for 164 Cr.P.C. Statement was marked as Ex.P37 and he altered

the section of law from Section 302, 506(ii) IPC and Section 8(C) r/w 20(b)(ii)(A) of NDPS Act to Section 147, 148, 294(b), 342, 506(ii), 302, 149 r/w 302, 34 IPC and Section 8(C) r/w 20(b)(ii)(A) NDPS Act. This Alteration Report was marked as Ex.P38 and then he concluded his investigation and filed final report against the accused 1 to 5 under Sections 147, 148, 294(b), 342, 506(ii), 302, 149 r/w 302, 34 IPC and Section 8(C) r/w 20(b)(ii)(A) NDPS Act.

8) On completion of the evidence of prosecution witnesses, when the accused 2 to 4 were questioned about the incriminating circumstances emerged from the evidence of the prosecution witnesses u/s. 313(1)(b) Cr.P.C. the accused denied the evidence as false and though they had stated that they have witness to be examined on his side, no witness was examined on their side.

9) The Additional Public Prosecutor argued that the testimony of Prosecution witnesses are trustworthy and reliable, supported by documentary evidences and material objects. The prosecutor asserts that the charges against the accused have been proven by the prosecution beyond a reasonable doubt and prays the court to convict the accused.

10) On the other hand, the counsel for the accused strongly argued against the prosecution's case. They claimed that the oral evidence of prosecution witnesses do not lent any support to their case and the defense counsel prays for the acquittal of the accused.

11) **Points for consideration:-**

Whether the prosecution has proved the charges leveled against the accused 2 to 4 beyond all reasonable doubts?

Solution:

12) The case of the prosecution is that the first accused, the son of the fifth accused, was previously incarcerated for the illegal sale of cannabis following information provided by Ranjith Kumar and the deceased, Sankar Raja and this created hostility that culminated on January 1, 2017 and when Sankar Raja went in front of the residence of the first and fifth accused at approximately 4:00 PM, the fifth accused instigated the others to commit murder and that the accused one to four surrounded the victim; the third accused pushed him down, the fourth accused held his hands, and the second accused held his legs and that the first accused assaulted the victim with a wooden plank, while the other accused repeatedly struck him with legs, resulting in his death.

13) In the present case, the entire prosecution edifice rests solely on the testimony of the star eyewitness, PW1 Mr. Ranjith Kumar. While PW1 in his examination-in-chief narrated the sequence of the assault, stating that the victim was beaten in front of Fathima's house with a wooden plank, he categorically and explicitly deposed before this Court that he could not identify the accused persons in the dock. He further stated that he did not know the accused Muniyasamy @ Nandal.

14) The remnant of credibility in PW1's chief examination was completely decimated during his cross-examination. In his cross-examination, PW1 candidly deposed that the police officials handed him his pre-recorded statement along with the court summons, and he merely delivered his chief examination in accordance with that document as tutored by the police. Crucially, he admitted in open court that he did not actually witness who assaulted Sankar Raja.

15) The oral evidence of PW1 is meticulously analysed by this court. It is a settled principle of criminal jurisprudence that if an eyewitness fails to identify the accused in the court of law, their testimony loses its incriminating value against those

specific individuals. The substantive piece of evidence is the identification of the accused by the witness in the witness box.

16) Although PW1 initially narrated the sequence of the assault in his examination-in-chief, he completely severed the legal connection between the crime and the accused by categorically declaring in open court that he could not identify the accused persons in the dock and did not know the accused Muniyasamy @ Nandal. Any remaining shred of his credibility was entirely demolished during his cross-examination, where he candidly confessed that the police officials had handed him his pre-recorded statement along with the court summons, that he merely delivered his chief examination as tutored by the police, and that he did not actually witness who assaulted Sankar Raja. In view of this explicit admission of police coaching and the total failure of dock identification, this Court is of the view that the testimony of PW1, Ranjith Kumar, is thoroughly untrustworthy, artificial, and wholly unreliable, rendering it completely unsafe to form the basis of a conviction without any corroboration.

17) The prosecution has examined PW3 Tr. Kumar, PW4 Rajesh, PW5 Arunkumar, and PW9 Tr. Jesu as eyewitnesses to the occurrence to corroborate the oral evidence of PW1. All these vital witnesses turned completely hostile. They chose not to support the prosecution's narrative in any manner, and nothing material could be extracted from them during cross-examination by the Learned Public Prosecutor. PW2 Tr. Karthiyaraj, the father of the deceased who was cited as a hearsay witness, similarly turned hostile and failed to back the prosecution's case.

18) Consequently, there is absolutely zero reliable oral evidence on record to prove that the five accused individuals present before this Court were the ones who surrounded or assaulted the deceased on the day of the incident.

19) The prosecution relies on the sole testimony of PW16 and PW19, the

Special Sub Inspector of Police, who registered FIR and Investigating officer. The Court must determine whether the testimony of PW16 and PW18 is sufficient to inspire confidence of the court for convicting the accused. PW16, the Special Sub Inspector of Police has spoken about the receipt of complaint, registering F.I.R and PW19, the Investigating officer has spoken about the preparation of Observation Mahazar and Rough Sketch of the crime scene, arrest of the accused, recording the confession statement of the accused, recovery of material object and examination of witnesses.

20) The foundation of the entire case rests upon the complaint statement given by PW1, which sets the criminal law in motion. PW1 has deposed in his cross examination that he merely signed a paper scribed by the police officials, without ever reading its contents or being aware of what was written therein. The relevant recitals are as follows:

"புகார் மனுவை போலீசார் எழுதி என்னிடம் கையெழுத்து வாங்கினார்கள் என்றால் சரிதான். நான் புகார்மனுவை படித்து பார்க்கவில்லை, கையெழுத்து போட சொன்னதும் கையெழுத்து போட்டேன் என்றால் சரிதான்"

"சங்கர்ராஜ் இறந்து போனதாக தகவல் கேட்டு தான் மருத்துவமனைக்குத்தான் நேரடியாக சென்றேன் என்றால் சரிதான். அங்கு வைத்து தான் போலீசார் என்னிடம் கையொப்பம் பெற்றுக்கொண்டார்கள் என்றால் சரிதான். நான் கையெழுத்து போட்டதாக சொல்லும் அ.சா.ஆ.1-ல் என்ன எழுதப்பட்டுள்ளது என்று தெரியுமா என்றால் தெரியாது"

21) Ex.P1, complaint statement can only possess legal sanctity if it reflects the voluntary, conscious, and first-hand knowledge of the informant. When the author of the complaint statement admits under oath that he was entirely blind to the contents of the document and blindly appended his signature at the instance of the

police, Ex.P1 ceases to be a valid legal complaint and is reduced to a fabricated piece of paper and the structural foundation of the entire prosecution case has completely crumbled due to the fundamental vitiation of Ex.P1, the primary Complaint Statement.

22) The investigating officer has linked the accused on the basis of the recovery of the material object on the basis of the confession statement given by the 2nd accused. The Confession and seizure mahazar witnesses have been examined as PW6, PW14. They didn't support the case of the prosecution and were treated as hostile witnesses. Therefore, this court is of the view that the isolated testimony of PW19 with regard to the arrest of the accused, recording of confession statement and recovery of material object is not sufficient to inspire the confidence of the court in the absence of corroborating evidences. No other evidences have been produced on the side of the prosecution to link the accused with the case of the prosecution.

23) Though PW19, the Inspector of Police has deposed about the receipt of complaint, registering F.I.R, preparation of Observation Mahazar and Rough Sketch of the crime scene, arrest of the accused, recording the confession statement of the accused, recovery of material object and examination of witnesses, while the testimony of PW1, the defacto complainant is found to be untrustworthy, artificial, and wholly unreliable; P.W.3, P.W.4, P.W.5 and PW.9, the eye witnesses; P.W.2, hearsay witness; PW.6 and PW14, the the Confession and Seizure mahazar witnesses have turned hostile and in the absence of satisfactory and sufficient corroborating evidences, this court is of the view that the sole testimony of PW19 is not sufficient to inspire confidence of the court for convicting the accused.

24) In view of the above findings, this court is of the view that the essential ingredients of u/s.148, 342, 302, 506(ii) IPC against the 2nd accused and u/s.148, 342,

302 IPC against the 3rd and 4th accused, remain unproved. For the above said reasons, benefit of doubt is accorded to accused and hence, this Court of the view that the prosecution has failed to prove charges against the accused 2 to 4 for the offence under sections u/s.148, 342, 302, 506(ii) IPC and hence, the accused is liable to be acquitted.

25) In the result,

- (i) The 2nd accused is found not guilty under sections u/s.148, 342, 302, 506(ii) IPC and the 3rd and 4th accused are found not guilty under sections u/s.148, 342, 302 IPC and accused are acquitted Under Section 235(1) of Cr.P.C.**
- (ii) The material objects were produced by the prosecution and remanded in P.R. No.32/2025 M.O.1 to M.O.6 are ordered to be destroyed after the period of appeal or as per the order of the appeal. All bonds shall stand cancelled after the expiry of appeal period or after the disposal of the appeal.**

Dictated to the Steno-typist, transcribed and typed by her corrected and pronounced by me in the open court this the 28th day of July 2026.

**II Additional District and Sessions Judge,
Thoothukudi.**

List of Prosecution Witnesses :-

- PW1 Tr. Ranjith Kumar (Defacto Complainant)
- PW2 Tr. Karthigeyaraj (Complaint Witness)
- PW3 Tr. Kumar (Eye Witness)
- PW4 Tr. Rajesh (Eye Witness)
- PW5 Tr. Arunkumar (Eye Witness)
- PW6 Tr. Marimuthu (Confession Witness)

PW7 Tr. Mahesh (Formal Witness)
 PW8 Tr. Karthick (Confession Witness)
 PW9 Tr. Jesu @ Jesuraja (Eye Witness)
 PW10 Tr. Esakkiappan (Formal Witness)
 PW11 Tr. Daniel Rajasingh (Formal Witness)
 PW12 Tmt. Nivetha (Formal Witness)
 PW13 Dr. Mummoorthy (Expert Witness)
 PW14 Tr. Appadurai (Confession Witness)
 PW15 Tr. Selvakumar (Formal Witness)
 PW16 Tr. Chelladurai (Sub Inspector of Police - Register of FIR)
 PW17 Dr. Praveen (Expert Witness)
 PW18 Dr. Malarvannan (Expert Witenss)
 PW19 Tr. Muthu (Inspector of Police – Investigating Officer)

List of Exhibits marked on the side of prosecution :-

Ex.P1 Complaint Statement (PW1)
 Ex.P2 The witness summon issued by the court to PW1 (PW1)
 Ex.P3 164 Cr.P.C Statement of PW1 recorded before court (PW1)
 Ex.P4 Signature of PW2 in the complaint statement (PW2)
 Ex.P5 The witness summon issue by the court to PW3 (PW3)
 Ex.P6 164 Cr.P.C Statement of PW3 recorded before court (PW3)
 Ex.P7 The signature of PW6 in the confession statement said to be given by the 2nd accused (PW6)
 Ex.P8 The signature of PW6 in the seizure Mahazar prepared on the basis of the said confession statement (PW6)
 Ex.P9 Seizure Mahazar (24.01.2017, 18.30 hrs.) (PW8)
 Ex.P10 The admissible portion of 1st accused confession statement (PW8)
 Ex.P11 Police requisition for chemical examination (PW10)

Ex.P12	The corresponding court order for chemical examination (PW10)
Ex.P13	Police requisition for blood stained materials chemical analysis (PW10)
Ex.P14	The corresponding court order for blood stained materials chemical analysis (PW10)
Ex.P15	Police requisition for Cannabis Chemical Analysis (PW10)
Ex.P16	The corresponding court order for Cannabis Chemical Analysis (PW10)
Ex.P17	Passport (Tmt. Nivetha – Gr.I PC) (PW12)
Ex.P18	Post Mortem certificate with final opinion (PW13)
Ex.P19	The signature of PW14 in the confession statement said to be given by the 2 nd accused (PW14)
Ex.P20	The signature of PW14 in the Seizure Mahazar prepared on the basis of the A2's confession statement (PW14)
Ex.P21	Passport (Tr.Selvakumar – Gr.II PC) (PW15)
Ex.P22	Death Intimation (PW16)
Ex.P23	First Information Report (PW16)
Ex.P24	Accident Register (PW17)
Ex.P25	Observation Mahazar (PW19)
Ex.P26	Rough Sketch (PW19)
Ex.P27	Seizure Mahazar (01.01.2017, 22.00 hrs.) (PW19)
Ex.P28	Alteration Report dated 06.01.2017 (PW19)
Ex.P29	Inquest Report (PW19)
Ex.P30	Seizure Mahazar (07.01.2017, 16.30 hrs) (PW19)
Ex.P31	The admissible portion of the 2 nd accused's confession statement (PW19)
Ex.P32	Alteration Report dated 30.01.2017 (PW19)
Ex.P33	Form 91 (3 Nos.) (PW19)
Ex.P34	Biology Report in T.No.63/2017/TIN/BIOL/63/2017 (PW19)
Ex.P35	Biology Report in T.No.62/2017 TIN/BIOL/62/2017 (PW19)
Ex.P36	Serology Reports (2 Nos.) in MDU/SERR.TI/47/2017 (PW19)

Ex.P37 Requisition letter for 164 Cr.P.C. Statement (PW19)

Ex.P38 Alteration Report dated 27.07.2017 (PW29)

List of Material Objects by prosecution :-

M.O.1 Wooden pieces-3 (PW1)

M.O.2 Blood-stained soil (PW19)

M.O.3 Unstained soil (PW19)

M.O.4 50 gm Cannabis with sealed cover taken for chemical analysis (PW19)

M.O.5 Balance 450 gm Cannabis with sealed cover (PW19)

M.O.6 Knife with sealed cover sent for chemical analysis (PW19)

List of Defence side Witness : NIL

List of Defence side Documents and Material Objects : NIL

II Additional District and Sessions Judge,
Thoothukudi.

- 1) Proceeding slip for the termination of the case issued to the police.
- 2) No witness were deferred for more than 3 hearings.

**II Additional District and
Sessions Court, Thoothukudi
Sessions Case No. 187/2018
Draft/Fair Judgment
Dt: 28.07.2026**

JUDGMENT ANNEXURE**S.C. No. 187/2018**

i)	The period of remand of the accused	: <u>Date of Remand :-</u> A2- 07.01.2017 A3 – 07.01.2017 & 28.04.2026 A4 – 27.01.2017 <u>Date of released on bail:-</u> A2 – 21.07.2017, A3 – 13.04.2017 A4 –12.04.2017
ii)	The date of filing of the complaint/final report in the Court	: Complaint date :- 01.01.2017 Final Report Date:- 11.01.2018
iii)	the date of committal of the case to the Court Sessions	: 06.04.2018
iv)	the date of questioning of the accused u/s 228, 240, 246 and 251 of the Code of Criminal Procedure 1973 as the case may be	: 06.07.2022
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	: 1) The Accused No.2 & 3 filed a petition U/s. 167(2) of Cr.P.C. seeking interim bail and the same was allowed as per order of the Judicial Magistrate No.II, Thoothukudi in CrI.M.P. No.2402/2017 on 10.04.2017 2) The Accused No.4 filed a petition U/s. 439 Cr.P.C. seeking interim bail and the same was allowed as per order of the Hon'ble Principal District Court, Thoothukudi in CrI.M.P. No.1025/2017 on 07.04.2017 3) The Accused No.3 filed a petition U/s. 483 B.N.S.S. seeking interim bail and the same was dismissed as per order of this Court, Thoothukudi in CrI.M.P. No.2823/2026 on 09.07.2026
vi)	Date of examination in Chief and	: <u>Chief</u> <u>Cross</u>

	Cross examination of a witness			
		P.W.1	11.06.2025	11.06.2025
		P.W.2	11.06.2025	--
		P.W.3	11.06.2025	--
		P.W.4	11.06.2025	--
		P.W.5	25.06.2025	--
		P.W.6	18.07.2025	--
		P.W.7	18.07.2025	--
		P.W.8	06.08.2025	--
		P.W.9	26.09.2025	--
		P.W.10	24.10.2025	24.10.2025
		P.W.11	24.10.2025	24.10.2025
		P.W.12	24.10.2025	--
		P.W.13	01.11.2025	01.11.2025
		P.W.14	01.11.2025	01.11.2025
		P.W.15	18.11.2025	18.11.2025
		P.W.16	18.11.2025	18.11.2025
		P.W.17	28.01.2026	28.01.2026
		P.W.18	05.02.2026	--
		P.W.19	06.03.2026	06.03.2026
vii)	Date of examination of the accused : u/s. 313 of the Cr.P.C. Code	03.06.2026		
viii)	details of abscondence of an accused and his appearance appearance/production, as the case may be; and	--		
ix)	Grant of stay by superior Courts and the results thereof.	—		

**II Additional District and Sessions Judge,
Thoothukudi.**