

I ADDITIONAL DISTRICT & SESSIONS COURT, THOOTHUKUDI

Present:- Thiru. M.Thandavan, B.L.,I Additional District & Sessions Judge,
ThoothukudiFriday, the 5th day of June 2026**S.C.No.74/2020****(CNR No. TNTT01 – 003182 - 2020)**

Name of the Committing Court and .. Judicial Magistrate Court, Sathankulam.
Case Number. PRC.No. 25/2019

Name of the Police Station and .. Meignanapuram Police Station,
Crime Number. Cr.No. 9/2019

State/Name of the Complainant .. Inspector of Police,
Meignanapuram Police Station

Name of the accused .. 1) Rajakumar @ Raja (Age 29)
S/o. Jeckson Kovilpandi,
Church street,
Meignanapuram.
2) Harris Rawlinson (Age 33)(Died)
S/o. Devaraj,
Kirubai compound,
Dasan street,
Nazareth.

Charges framed against the accused :-

1st Charge .. Committing murder
(Accused 1 and 2) (Punishable u/s. 302 I.P.C.)

Plea of the accused :1st Charge

.. Not guilty

Finding of the Judge :

.. In the result, the 1st accused is hereby found guilty for the offences punishable u/s. 302 IPC and the 1st accused is hereby convicted u/s.235(2) Cr.P.C. for the offence punishable u/s.302 IPC and the 1st accused is hereby sentenced to undergo the life imprisonment for the offence punishable u/s.302 IPC and fined Rs.10,000/- in default the 1st accused shall undergo simple imprisonment for 3 months.1st accused absent. Issue NBW against 1st accused.

The charges against the 2nd accused is abated.

The bail bond executed by the accused shall stand cancelled after the lapse of appeal period or after the appeal if any.

The material objects remanded in this case in P.R. No.4/2025, M.O.1 to M.O.7 are useless, it is hereby ordered to destroy the same after the appeal period or after the appeal if any.

This case came up before this Court on 27.04.2026 for final hearing in the presence of the Additional Public Prosecutor for the State, and Thiru.A.P.Suresh, Advocate for the accused 1 and 2 and upon hearing both sides and upon perusing the case records and having stood over till this date for the consideration of this Court, this Court delivers the following:-

JUDGMENT

The case of the prosecution is that the witness Kasthooribai got separated from her husband and living with her children Jeevina, Ameena and the deceased Wilvin Rejish the distant relative (brother) at Meignanapuram, Therku Manadu. The deceased purchased a TATA ACE vehicle with Finance and doing his profession by letting the vehicle for hire. The 1st accused as a lorry driver was well acquainted to the deceased. Some times the 1st accused used to bring the children of the witness Kasthooribai from the School to the house. There was previous enmity between the deceased and the 1st accused professionally. But both of them used to have liquor together. Therefore the deceased used to visit the house of the 1st accused. While so, the wife of the accused namely Annal Steffy told the 1st accused that the deceased used to cause trouble to her over cellphone. Therefore the 1st accused warned the deceased not to contact his wife. In spite of the same, the deceased caused trouble to the wife of the 1st accused over phone. Since the 1st accused got enmity with the deceased already professionally, the 1st accused decided to murder the said Wilvin

Rejish and sought for the help of the 2nd accused to murder him. On 27.01.2019 about 10.00 p.m., the accused 1 and 2 with an intention to murder the said Wilvin Rejish called him over phone to have liquor and asked the said Wilvin Rejish to come to Van stand in Bazaar, Meignanapuram and the 1st accused came there along with the 2nd accused by a two wheeler bearing Reg. No.TN 92 B 9454 belonging to the 1st accused about 10.30 p.m. Subsequently the said Wilvin Rejish also came there. On the same day, about 11.30 p.m., the deceased told the 1st accused that the deceased already consumed liquor. The witness Kasthooribai called the deceased over phone and the deceased told the witness that he was talking to the 1st accused in Therku Manadu bus stop. Therefore the 1st accused took the above cell phone from the deceased and removed the battery and SIM card from the phone and handed it over to the 2nd accused. On taking advantage of the absence of 3rd parties in that place, the 1st accused assaulted the said Wilvin Rejish with the wheel spanner on saying as, "எனது பொண்டாட்டி கிட்ட பேசாதே என்று உன்கிட்ட எத்தனை தடவை சொல்லியிருக்கேன், அப்படி இருந்தும் நீ எனது பொண்டாட்டிக்கு போன் போட்டு தொந்தரவு பன்ற நீயெல்லாம் திருந்தவேமாட்டே, உன்னைக் கொண்ணாத்தான் சரியா வரும்" and assaulted on his front head and the said Wilvin Rejish was running in Tiruchendur – Meignanapuram road and fell in a vacant space belonging to Kaliyugavaratha Sastha temple near a palm tree and the accused 1

and 2 came there and the 1st accused handed over the above spanner to the 2nd accused and the 2nd accused assaulted the said Wilvin Rejish on his face, forehead, near both eyebrows and cheek. The 1st accused received the spanner from the 2nd accused and assaulted the said Wilvin Rejish on his front head and on the right side head on the top, the left side head on the back, left ring finger on saying as, "என் பொண்டாட்டி கூட எதுக்குல பேசுற, இத்தோடு சாவுல ". When the witnesses 1, 2, 4 to 8 shouted, the accused persons ran away by the above two wheeler. The said Wilvin Rejish died on 28.01.2019 about 11.15 a.m in the hospital. Therefore the accused persons have charge sheeted u/s.302, 302 r/w 34 IPC.

2. After the appearance of the accused in Judicial Magistrate Court, Sathankulam, they were given free copies of prosecution side documents u/s 207 of Cr.P.C.

3. Then this case was found to be one to be heard by the Sessions Court it was committed to the Principal District Sessions Court, Thoothukudi u/s 209A Cr.P.C. and then transferred to this Court.

4. After the appearance of the accused in this Court, sufficient opportunities were given to themselves and prosecution upon considering the documents and as there is prima facie case against the accused, the charge framed u/s. 302 IPC against the accused 1 and 2 and the charge is read over and explained to the accused and the

accused 1 and 2 denied the charge. Hence ordered for trial of witnesses by the prosecution.

5. On the side of the prosecution, PW.1 to PW27 were examined and Ex.P1 to Ex.P35 have been marked and M.O.1 to M.O.7 have been marked.

6. Case of the prosecution in brief as per the prosecution witnesses and Documents :

a) The PW1 has deposed that the deceased Wilvin Rejish is the distant relative in brother relationship to the PW1. The PW1 knows the accused persons. The said Wilvin Rejish was residing in the house of the PW1. On 27.01.2019 about 11.20 p.m., the said Wilvin Rejish did not come to house. When the PW1 contacted the said Wilvin Rejish over phone and the said Wilvin Rejish told the PW1 that he was talking to the 1st accused and he would come to house after 5 minutes. When the PW1 called him over phone after 5 minutes, his phone was switched off. Therefore the PW1 and her daughter the PW2 went away searching for the said Wilvin Rejish. A bike was in the Therku Manadu bus stop in starting mode. When the PW1 and PW2 was searching for the said Winvil Rejish, the 1st accused was standing near Therku Manadu Check post with an iron rod. The 1st accused told as, **வில்வின் ரெஜிஸ் அக்கா வருகிறார். வண்டியை எடு**". at the sight of the person in the two wheeler and the 1st accused went away by the above two wheeler. Both of them assaulted and laid the brother of the PW1 near the check post. The PW1 lifted her

brother and he was not conscious. But the said Wilvin Rejish was blabbering. Since no one to help, the PW1 informed to 108 ambulance. The police came there and took the said Wilvin Rejish to GH, Tiruchendur and was shifted to GH, Thoothukudi wherein the said Wilvin Rejish on 28.01.2019 and the same was informed to the PW1 by the police. The PW1 and PW2 went to police station. The police recorded the complaint dictated by the PW1. The said complaint has been marked as the Ex.P1 wherein the PW2 has attested. There were injuries on the forehead, left ring finger, on the side of right eye, back of the head and both knees to the said Wilvin Rejish. The iron rod possessed by the 1st accused has been marked as M.O.1.

b) The PW2 has deposed evidence in corroboration with the evidence of the PW1.

c) The PW3 to PW8, PW11 to PW13 have turned hostile. The signatures of the PW12 and PW13 in the observation mahazar and seizure mahazar have been marked as the Ex.P2 to Ex.P5.

d) The PW9 has deposed that on 28.01.2019 about 4.00 p.m., the PW9 received a phone call from the Meignanapuram P.S. and he was informed that his son was murdered and the body was sent to the GH, Thoothukudi from GH, Tiruchendur. The PW9 and others were in the hospital during postmortem. The PW9 does not know whether the accused persons murdered the said Wilvin Rejish.

e) The PW10 has deposed evidence in corroboration with the evidence of the PW9.

f) The PW14 has deposed that when the PW14 was working as the VAO, Eluvaramukki on 29.01.2019 about 2.00 p.m., the PW14 and her assistant Boologapandi went to the Thoppu vilakku as instructed by the police and the police arrested the 1st accused and when enquired, the 1st accused gave a voluntary confession recorded by the police in the presence of them. The relevant portion of the confession has been marked as the Ex.P6 on the basis of which the police seized the two wheeler bearing Reg. No. TN 92 B 9454 presented by the 1st accused under the Ex.P7 seizure mahazar. Both the accused came by the above two wheeler together. The 2nd accused gave a voluntary confession in the presence of the above witnesses recorded by the police and the relevant portion of the same has been marked as the Ex.P8 on the basis of which the 2nd accused took them to a dilapidated building at Pillaivilai and presented the spanner of lorry wheels seized by the police under the Ex.P9 seizure mahazar.

g) The PW15 has deposed that on 28.02.2019 when the PW15 was working as Scientific officer in the Regional Forensic Lab, the PW24 brought the case properties namely the soil with blood, soil without blood, a pair of chappals, lungi, jatti, shirt and spanner along with the letter of JM, Sathankulam for chemical examination in Cr.No.9/2019 of Meignanapuram P.S. When examined there was blood in the case

properties except the item No.2. The above case properties were sent to the Regional Forensic Lab, Madurai wherefrom the Ex.P10 serological report was received that the blood in the above case properties belongs to 'A' group. The biological report has been marked as the Ex.P11. The report as to the sample blood has been marked as the Ex.P12. The serological report relating to the sample blood that the same belongs to 'A' group has been marked as the Ex.P13.

h) The PW16 has deposed that on 15.02.2019 when the PW16 was working as the Scientific Officer, Regional Forensic Lab, Tirunelveli, the internal organs of the deceased along with the solution were brought to the Lab by the PW23 in a sealed cover in Cr.No.9/2019 of Meignanapuram P.S. On examination it was found that there was 736 mg Ethyl alcohol in the stomach, 213 mg Ethyl alcohol in small intestine, 529 mg Ethyl alcohol in the Liver and Kidney, 56 mg alcohol in 100ml blood of the said Wilvin Rejish. The toxic report to that effect has been marked as the Ex.P14.

i) The PW17 has deposed that on 28.01.2019 when the PW17 was working as the Assistant Civil Surgeon in GH, Tiruchendur about 12.45 a.m., the said Wilvin Rejish was brought to the hospital by 108 ambulance for treatment. The PW17 has deposed that the deceased told the PW17 that he was assaulted by unknown persons on 27.01.2019 about 11.45 p.m., near check post, Manadu. There were several lacerated injuries on the left and center portion of the face, right forehead, on the top

of the head, back of the head and left side of the head of the deceased. There was lacerated injury on the left ring finger. There was bleeding from nose. Therefore the PW17 gave first aid to the deceased and referred him to the GH, Thoothukudi. The AR copy issued by the PW17 has been marked as the Ex.P15.

j) The PW18 has deposed that on 28.01.2019 about 2.05 a.m., when the PW18 was working as the doctor in GH, Thoothukudi, the said Wilvin Rejish was referred to the GH, Thoothukudi from GH, Tiruchendur and he was in critical condition and was admitted in casualty. But he died about 11.15 a.m. There were several blood injuries on his head and face. The said Wilvin Rejish was unconscious. There was bleeding in the ear, nose and throat. He was under respiratory stress. Artificial respiration was given to him. The documents for the treatment for Wilvin Rejish has been marked as the Ex.P16. The death intimation of him has been marked as the Ex.P17.

k) The PW19 has deposed that on 13.02.2019 when the PW19 was working as the Head clerk in JM, Sathankulam, the PW19 received the case properties in Cr.No.9/2019 under the altered section 302 IPC of Meignanapuram P.S., under the Form 91 and assigned P.R.No.23/2019 and sent the same to the Regional Forensic Lab, Tirunelveli along with the requisition letter of the Inspector through the PW24. The letter by the JM to the Lab has been marked as the Ex.P18.

1) The PW20 has deposed that on 29.01.2019 about 11.30 a.m., when the PW20 was working as the Professor in Government Medical College in Medico Legal Department, the PW23 brought the body of the said Wilvin Rejish along with the requisition letter of the Inspector. The PW20 commenced the postmortem about 11.40 a.m. The body was well nourished. The nails in the finger and toe appeared in blue colour. Dried blood stains seen over both ears, nostrils. The following anti-mortem injuries were found in the body.

1. Subconjunctual haemorrhage noted in both eyes. Contusion around both eyeballs noted.
2. 4cm long horizontally curved sutured wound seen over middle of forehead, 2cm above bridge of nose. On removal, it was skull bone deep lacerated wound margins contused.
3. 6cm long oblique suture wound seen over left side forehead. It is 1cm above left eyebrow and 1cm outer to left eyelid. On removal, it was skull bone deep lacerated wound margins contused.
4. 3cm sutured wound seen over right eyebrow area and right upper eyelid. On removal, it was bone deep lacerated wound. Margins contused.
5. 3cm sutured wound seen over left frontal region. On removal, it was stellate shaped. Skull bone deep lacerated wound. Margins contused.

6. 4cm long sutured wound seen over right cheek. On removal, it was bone deep lacerated wound. Underlying mandible bone found fractured with surrounding bruise noted.
7. 3 cm long sutured wound seen over left cheek. On removal, it was muscle deep lacerated wound. Margins contused.
8. 5cm long sutured wound seen over right parietal region. On removal, it was scalp deep lacerated wound. Margins contused.
9. Lacerated wound of size 6 x3cm x scalp deep seen over upper part of middle of back of head. Margins contused.
10. Lacerated wound of size 1.5 x 0.5 cm x scalp deep seen over left side of back of head. Margins contused.
11. Horizontal lacerated wound of size 6 x1cm x scalp deep seen over lower part of back of head 1 cm above external occipital protuberance.
12. Lacerated wound of size 4x2cmx bone deep seen over middle of left ring finger. Underlying middle phalanx found fractured with surrounding bruise noted. Margins contused.
13. Graze abrasion of size 4x3cm seen over right cheek 1cm front of right ear lobe.

m) The PW20 has deposed that there was contusion of scalp over an area of 6 x 5 cms on left frontal region and 5 x 4 cms on the right frontal region, 25 x 5 cms on both parietal and 8 x 6 cms over occipital region. There was diastatic fracture on side coronal suture. Facial bones namely both orbits and nasal bone found fractured

with surrounding bruise noted. Extra dural haematoma of weight about 50 gms seen over frontal region. Diffuse sub-dural and sub-arachnoid haemorrhage seen over entire aspects of both lobes of cerebrum and cerebellum moreover right frontal and right temporal lobes. Comminuted fracture of base of skull over an area of 4 x 3 cms over middle of anterior cranial fossa.

n) Therefore the PW20 has issued the Ex.P19 Final report and Ex.P20 postmortem report that the said Wilvin Rejish would have died due to his head injuries and the injuries in the brain.

o) The PW21 has deposed that on 28.01.2019 when the PW21 was working as the Gr.I police in Meignanapuram P.S. about 7.45 a.m., the PW21 took the copy of FIR in Cr.No.9/2019 u/s. 307 IPC and handed it over to the Inspector in the place of occurrence in Therku Manadu. On the same day, about 1.00 p.m., the PW21 went to the GH, Thoothukudi and took photographs of the deceased and handed it over to the Inspector.

p) The PW22 has deposed that on 28.01.2019 about 16.30 hours when the PW22 was working as the Gr.II police in Meignanapuram P.S., the PW22 took the FIR in Cr.No.9/2019 u/s. 307 IPC and the alteration report as express tabal and handed it over to JM, Sathankulam about 18.00 hours and received the acknowledgement.

q) The PW23 has deposed that on 29.01.2019 about 10.10. a.m., when the PW23 was working as the Gr. I police in Meignanapuram P.S., the PW23 took the body of the Wilvin Rejish and handed it over in the Government Medical College, Thoothukudi along with the requisition letter of the Inspector. The PW23 accompanied the doctor during postmortem and handed over the body to the relatives after postmortem. The PW23 received the blood stained lungi with black, brown, white and light brown colours, a jatti in merun colour, a half hand shirt in Kocky colour and handed it over to the station writer. The above dresses have been marked as the M.O.2 to M.O.4.

r) The PW24 has deposed that on 30.01.2019 about 9.30 hours when the PW24 was working as the Gr. II police in Meignanapuram P.S., the PW24 received the inquest report and handed it over to the above JM. On 27.07.2019 the PW24 received the M.O.1 to M.O.4 properties namely the said spanner and the above dresses and soil with and without blood, a pair of cheppals and handed them over to the Regional Forensic Lab, Tirunelveli. The above soil with and without blood have been marked as the M.O.5 and M.O.6. The above pair of cheppals has been marked as M.O.7.

s) The PW25 has deposed that on 28.01.2019 about 1.30 a.m., when the PW25 was working as Sub-Inspector in Meignanapuram P.S., the PW25 received the injury intimation of Wilvin Rejish from Tiruchendur GH and went to the above GH. The said Wilvin Rejish was referred to the GH, Thoothukudi. Hence the PW25 went to

GH, Thoothukudi and the said Wilvin Rejish was unconscious. Therefore the PW25 recorded the Ex.P1 complaint statement from the PW1 and returned to station about 6.30 a.m. and registered the Ex.P21 FIR in Cr.No.9/2019 u/s. 307 IPC and sent the same to the above JM through the PW21. The PW25 sent the copies to the concerned higher officials and the Inspector.

t) The PW26 has deposed that on 10.06.2019 when the PW26 was working as the Nodal Officer in Bharathi Airtel Ltd., the Investigating officer sent the Ex.P22 letter requiring the CDR and the application of the customers relating to the mobile numbers 77083 12438, 9384382124 and 9042539500. Hence the PW26 sent the above particulars along with the certificate u/s.65B. The bundle of above particulars and the above certificate have been marked as the Ex.P23 and Ex.P24.

u) The PW27 namely the Investigating officer has deposed that on 28.01.2019 when the PW27 was working as the Inspector, Thattarmadam P.S. holding the additional charge, Meignanapuram P.S., the PW27 took the Ex.P21 FIR for investigation and proceeded to the place of occurrence about 8.00 a.m., and prepared the Ex.P25 and Ex.P26 namely the observation mahazar and rough sketch in the presence of the PW12 and PW13. The PW27 seized the above soil with and without blood and the above pair of cheppals in the presence of the same witnesses under the Ex.P27 seizure mahazar. The PW27 examined the PW1 in the place of occurrence and recorded his statement. On the same day, about 11.55 a.m., the PW27 received

the death intimation of the said Wilvin Rejish and proceeded to GH and received the death intimation and altered the case u/s.302 IPC from 307 IPC and prepared the Ex.P28 alteration report. The PW27 sent the same to the Court as express tabal through the PW22. The PW27 again examined the PW1 and recorded her further statement. On 29.01.2019 the PW27 came to GH, Thoothukudi and prepared the Ex.P29 inquest report after conducting the inquest between 8.00 a.m. and 10.00 a.m. in the presence of Panchayatars. The PW27 examined the PW4 and PW5 and recorded their statements and again examined the PW1 and recorded her further statement. After postmortem, the PW27 examined the PW2 and PW6 to PW10 and recorded their statements. Subsequently the PW27 sent the body along with the requisition letter for postmortem through the PW23 about 10.15 a.m. The PW23 accompanied the doctor during postmortem and received the M.O.2 to M.O.4 namely the above lungi, jatti and shirt and handed them over to the PW27. The PW23 received the internal organs and the blood sample of the deceased during postmortem and handed them over to the PW27. The PW27 sent the case properties under the Forms 91 namely the Ex.P30 series (4 in Nos.). The PW27 presented the Ex.P31 letter to the Court for sending the case properties to the Regional Forensic Lab, Tirunelveli for chemical examination. The letter from the Court to the Lab has been marked as the Ex.P32 and the PW27 sent the case properties and the internal organs of the deceased to the Lab for chemical examination through the PW23. On

29.01.2019 about 14.00 hours the PW27 arrested the accused persons near Thoppur branch road bus stop in the presence of PW14 and her assistant Boologapandi and when enquired the 1st accused gave a voluntary confession in the presence of the above witnesses recorded by the PW27 about 14.15 hours. The relevant portion of the above has already been marked as the Ex.P6. On the basis of which the 1st accused presented the two wheeler seized by the PW27 under the Ex.P7 seizure mahazar in the presence of the same witnesses. The photographs of the vehicle have been marked as the Ex.P33 series (3 in Nos.). When the PW27 enquired, the 2nd accused gave a voluntary confession in the presence of the same witnesses about 17.00 hours and the PW27 recorded the same in the presence of the same witnesses. On the basis of the confession, the 2nd accused took them to a dilapidated building on the north of Pillaivilai village and the 2nd accused presented the wheel spanner seized by the PW27 under the Ex.P9 seizure mahazar. The PW27 took the accused persons and the case properties to the station and subjected the accused persons to the judicial custody. The above spanner has already been marked as M.O.1. The PW27 sent the vehicle and the spanner under Form 91 to the Court along with the Ex.P34 letter. On 30.01.2019, the PW27 examined the PW21, PW22 and PW25 and recorded their statements. On 30.01.2019 the PW27 examined the PW14 and his assistant and recorded their statements. On 02.02.2019, the PW27 sent the case properties and the internal organs along with the requisition letter to the Lab through the PW23. On

28.02.2019, the PW27 examined one Annal Steffy the wife of the 1st accused, the PW19 and PW24 and recorded their statements. On 08.03.2019, the PW27 examined the PW15 and recorded his statement after receiving the Ex.P10 serological report. Subsequently the PW27 examined the PW16 Scientific officer who conducted the chemical examination on the internal organs and recorded his statement after receiving the Ex.P14 toxic report. The PW27 examined the PW17 doctor and recorded his statement after receiving the Ex.P15 AR copy. The PW27 examined the PW18 doctor who issued the Ex.P17 death intimation. On 28.03.2019, the PW27 examined the PW20 who conducted the postmortem and recorded his statement after receiving the Ex.P20 and Ex.P19 namely the postmortem certificate and the final report. On 08.06.2019, the PW27 collected the mobile numbers of the 1st accused, his wife and the deceased and sent the same to the Nodal officer along with the requisition letter. On 17.07.2019, the PW27 received the Ex.P26 CDR particulars. Since the PW27 was transferred, his successor namely Sivashankaran continued the investigation. Since all the witnesses gave statements to the above Inspector as stated to the PW27, the above Inspector did not record further statements. Subsequently the said Inspector obtained the opinion from Assistant Director of Prosecution and prepared the Ex.P35 alteration report and laid the charge sheet u/s.302 r/w 34 IPC.

7) When questioned the accused u/s. 313(1)(b) of Cr.P.C., the accused denied the evidence and said that they had defense witnesses.

8) The point for consideration in this case is Whether the offence punishable u/s. 302 IPC against the accused have been proved beyond reasonable doubt.

9) Findings for the point for consideration :-

The case of the prosecution is that the PW1 got separated from her husband and living with her children namely the PW2 and Ameena and the deceased Wilvin Rejish the distant relative (brother) at Meignanapuram, Therku Manadu. The deceased purchased a TATA ACE vehicle with Finance and doing his profession by letting the vehicle for hire. The 1st accused as a lorry driver was well acquainted to the deceased. Some times the 1st accused used to bring the children of the PW1 from the School to the house. There was previous enmity between the deceased and the 1st accused professionally. But both of them used to have liquor together. Therefore the deceased used to visit the house of the 1st accused. While so, the wife of the 1st accused namely PW11 told the 1st accused that the deceased used to cause trouble to her over cellphone. Therefore the 1st accused warned the deceased not to contact his wife. In spite of the same, the deceased caused trouble to the wife of the 1st accused over phone. Since the 1st accused got enmity with the deceased already professionally, the 1st accused decided to murder the said Wilvin Rejish and sought for the help of the 2nd accused to murder him. On 27.01.2019 about 10.00 p.m., the accused 1 and 2 with an intention to murder the said Wilvin Rejish called him over phone to have liquor and asked the said Wilvin Rejish to come to Van stand in

Bazaar, Meignanapuram and the 1st accused came there along with the 2nd accused by a two wheeler bearing Reg. No.TN 92 B 9454 belonging to the 1st accused about 10.30 p.m. Subsequently the said Wilvin Rejish also came there. On the same day, about 11.30 p.m., the deceased told the 1st accused that the deceased already consumed liquor. The PW1 called the deceased over phone and the deceased told the witness that he was talking to the 1st accused in Therku Manadu bus stop. Therefore the 1st accused took the above cell phone from the deceased and removed the battery and SIM card from the phone and handed it over to the 2nd accused. On taking advantage of the absence of 3rd parties in that place, the 1st accused assaulted the said Wilvin Rejish with the M.O.1 wheel spanner on saying as, "எனது பொண்டாட்டி கிட்ட பேசாதே என்று உன்கிட்ட எத்தனை தடவை சொல்லியிருக்கேன், அப்படி இருந்தும் நீ எனது பொண்டாட்டிக்கு போன் போட்டு தொந்தரவு பன்ற நீயெல்லாம் திருந்தவேமாட்டே, உன்னைக் கொண்ணாத்தான் சரியா வரும்" and assaulted on his front head and the said Wilvin Rejish was running in Tiruchendur – Meignanapuram road and fell in a vacant space belonging to Kaliyugavaratha Sastha temple near a palm tree and the accused 1 and 2 came there and the 1st accused handed over the M.O.1 to the 2nd accused and the 2nd accused assaulted the said Wilvin Rejish on his face, forehead, near both eyebrows and cheek. The 1st accused received the spanner from the 2nd accused and assaulted the said

Wilvin Rejish on his front head and on the right side head on the top, the left side head on the back, left ring finger on saying as, "என் பொண்டாட்டி கூட எதுக்குல பேசற, இத்தோடு சாவல ". When the witnesses PW1, PW2, PW4 to PW8 shouted, the accused persons ran away by the above two wheeler. The said Wilvin Rejish died on 28.01.2019 about 11.15 a.m in the hospital. Therefore the accused persons have been charge sheeted u/s.302, 302 r/w 34 IPC.

10) Therefore, as per the case of the prosecution, the 1st accused got enmity over the deceased due to the professional competition and the harassment made by the deceased to the PW11 the wife of the 1st accused. Apparently there is no eyewitness to the occurrence. As per the evidence of the PW1 herself, the PW1 has seen the accused persons only after the occurrence. The PW2 namely the daughter of the PW1 has deposed evidence that the PW1 and PW2 have seen the 1st accused assaulting the said Wilvin Rejish. Apparently the PW2 accompanied the PW1 about 11.30 p.m., while searching for the said Wilvin Rejish. The PW1 has deposed even in her chief examination as, "நானும் என் இளைய மகளும் தேடிச் செல்லும்போது மேற்படி மாநாட்டு சோதனைச் சாவடி அருகில் 1ம் எதிரி அங்கு இருந்தார். அவர் கையில் கம்பி இருந்தது. அப்போது 1ம் எதிரி வில்வின் ரெஜிஸ் அக்கா வருகிறார். வண்டியை எடு என்று இருசக்கர வாகனத்தில் இருந்த பையனிடம் சொன்னார். 1ம் எதிரி கம்பியுடன் மேற்படி

இருசக்கர வாகனத்தில் ஏறிச் சென்று விட்டார். தெற்கு மாநாடு சோதனைச்சாவடி அருகில் என் தம்பியை அடித்து போட்டு விட்டிருந்தார்கள்." Such an evidence adduced by the PW1 herself reveals that the PW1 did not see the accused persons assaulting the said Wilvin Rejish. Even as per the evidence of the PW1, the PW2 also accompanied the PW1 while searching for Wilvin Rejish.

11) The PW1 did not depose evidence during chief examination that the PW1 saw the accused persons assaulting the said Wilvin Rejish. But during the cross examination, it was elicited by the accused themselves that the PW1 saw the 1st accused assaulting the said Wilvin Rejish with rod. The PW1 during cross examination has deposed as, "நான் சம்பவத்தை நேரில் பார்க்கவில்லை என்றால் 1 ம் எதிரி கம்பியால் தாக்குவதைப் பார்த்தேன்." Such evidence of the PW1 can not be brushed aside just because such evidence has been elicited during cross examination. It has to be looked into whether there is evidence connecting the accused and the occurrence. But it need not be looked into whether the evidence is either in the chief examination or cross examination. Notwithstanding that the evidence connecting the accused and the occurrence either in the chief examination or in the cross examination, such evidence has to be taken into consideration. The PW1 and PW2 have given statement before the police u/s.161 Cr.P.C. that they say

the accused persons assaulting the said Wilvin Rejish. The statement given under Sec.161 Cr.P.C. is only a previous statement which can be treated as the corroborative piece of evidence. The evidence of the PW1 and PW2 before the Court is the substantive piece of evidence. Therefore the evidence of the PW1 and PW2 must be corroborated by their previous statements. The previous statements of the PW1 and PW2 before the police corroborate the evidence of the PW1 and PW2.

12) Therefore the evidence of the PW1 and PW2 has to be believed. As per the evidence of the PW1 and PW2, the occurrence is said to have taken place about 11.30p.m. The PW17 doctor has issued the Ex.P15 AR copy for the deceased wherein it has been stated that the said Wilvin Rejish was assaulted by unknown persons about 11.45 p.m on 27.01.2019. As per the evidence of the PW17 doctor, it was informed to the doctor by the driver of the ambulance as to the occurrence. It is not the case of the prosecution that the driver of the ambulance saw the occurrence. Hence it is quite obvious on the part of the driver of the ambulance to say that the deceased was assaulted by unknown persons. Hence there can be no suspicion regarding the recitals as to the occurrence in the Ex.P15 AR copy.

13) Hence the recitals in the medical record also corroborate the evidence of the PW1 and PW2. The PW1 is certain that the 1st accused was with the iron rod in the chief examination and she saw the 1st accused assaulting the said Wilvin Rejish. Hence it is certain that the 1st accused assaulted the said Wilvin Rejish with the M.O.1

spanner. The PW2 is also certain that she saw the 1st accused assaulting the said Wilvin Rejish. None of the PW1 and PW2 has spoken about the alleged assault by the 2nd accused against the said Wilvin Rejish. The case of the prosecution is certain that the 1st accused assaulted the said Wilvin Rejish with the M.O.1 spanner and the 2nd accused on receiving the same from the 1st accused and assaulted the said Wilvin Rejish. But absolutely no oral evidence as to the assault by the 2nd accused against the said Wilvin Rejish. Notwithstanding that the PW4 to PW8 have turned hostile without supporting the prosecution case, the evidence of the PW1 and PW2 is certainly establishing the case of the prosecution against the 1st accused. Therefore it is held that the offence punishable u/s.302 IPC against the 1st accused is proved and the offence punishable u/s.302 IPC against the 2nd accused is not proved and thus the point for consideration is hereby answered.

14) Since the 1st accused did not appear before this Court. Question of sentence can not be asked to him.

15) Considering the submissions by the 1st accused and the learned Additional Public Prosecutor, this Court after balancing the mitigating and aggravating circumstances of this case in the light of forgoing discussions, has come to a just conclusion that there are only aggravating circumstances and not mitigating

circumstances in this case and therefore this court holds that no leniency could be shown to the 1st accused in awarding the sentenced by considering the brutality of the offence and the manner in which the deceased was done to death.

In the result, the 1st accused is hereby found guilty for the offences punishable u/s. 302 IPC and the 1st accused is hereby convicted u/s.235(2) Cr.P.C. for the offence punishable u/s.302 IPC and the 1st accused is hereby sentenced to undergo the life imprisonment for the offence punishable u/s.302 IPC and fined Rs.10,000/- in default the 1st accused shall undergo simple imprisonment for 3 months. 1st accused absent. Issue NBW against 1st accused.

The charges against the 2nd accused abated.

The bail bond executed by the accused shall stand cancelled after the lapse of appeal period or after the appeal if any.

The material objects remanded in this case in P.R. No.4/2025, M.O.1 to M.O.7 are useless, it is hereby ordered to destroy the same after the appeal period or after the appeal if any.

Dictated by me to the Steno-Typist, directly typed by her in Computer and Corrected by me and Pronounced in open court on this 5th day of June 2026.

**I Additional District & Sessions Judge,
Thoothukudi.**

Prosecution side Witnesses:-

PW1 Tr. Mahendran
PW2 Tr. Sudalai
PW3 Tr. Paramasivan
PW4 Tr. Gopalakrishnan
PW5 Tr. Nattar
PW6 Tr. Murugan
PW7 Tr. Rajappa
PW8 Tmt. Shanmugakani
PW9 Tmt. Jeyabharathi
PW10 Tmt. Pechiammal
PW11 Tmt. Santhi
PW12 Tr. Sankarapandian
PW13 Tmt. Kanagavalli
PW14 Tr. Shanmugaraj
PW15 Tr. Karuppasamy
PW16 Tr. Shanmugaraj
PW17 Tr. Arumugasamy
PW18 Tr. Thangavel
PW19 Tr. Athilingam
PW20 Tr. Ulagaiah
PW21 Tr. Alagu Krishnan
PW22 Tr. Pachaiperumal
PW23 Tr. Jeyamurugan
PW24 Tr. Elayaraja
PW25 Tr. Premkumar
PW26 Tmt. Helan Ponmani

PW27 Tr. Nagarajan
 PW28 Tr. Mathan
 PW29 Tr. Udhayakumar
 PW30 Tr. Kalvi Arasan
 PW31 Tr. Sankaralingam
 PW32 Tr. Antony Prakash
 PW33 Tr. Pandiarajan
 PW34 Tr. Manimozhi
 PW35 Tr. Sambathkumar
 PW36 Tr. Manivannan (Inspector of Police)

Prosecution side Documents:-

Ex.P1	28.01.2019	Complaint statement
Ex.P2	28.01.2019	The signature of the PW12 in the Observation mahazar
Ex.P3	28.01.2019	The signature of the PW12 in the Seizure mahazar
Ex.P4	28.01.2019	The signature of the PW13 in the observation mahazar
Ex.P5	28.01.2019	The signature of the PW13 in the Seizure mahazar
Ex.P6	29.01.2019	Relevant portion of the confession of the 1st accused
Ex.P7	29.01.2019	Seizure mahazar (bike)
Ex.P8	29.01.2019	Relevant portion of the confession of the 2nd accused
Ex.P9	29.01.2019	Seizure mahazar (wheel spanner)
Ex.P10		Serological report
Ex.P11	06.03.2019	Biological report
Ex.P12	22.02.2019	Report as to the sample blood
Ex.P13	03.05.2019	Serological report relating to the sample blood

Ex.P14	08.03.2019	Toxic report
Ex.P15	28.01.2019	AR copy of the deceased
Ex.P16	25.07.2019	Treatment particulars of the deceased
Ex.P17	28.01.2019	Death intimation
Ex.P18	27.02.2019	Letter by the JM to the Lab
Ex.P19	25.03.2019	Final opinion
Ex.P20	30.01.2019	Postmortem certificate
Ex.P21	28.01.2019	FIR
Ex.P22	05.07.2019	Letter from the Inspector
Ex.P23	--	Airtel CDR
Ex.P24	--	65B certificate
Ex.P25	28.01.2019	Observation mahazar
Ex.P26	28.01.2019	Rough sketch
Ex.P27	28.01.2019	Seizure mahazar
Ex.P28	28.01.2019	Alteration report
Ex.P29	29.01.2019	Inquest report
Ex.P30	--	Form 91
Ex.P31	30.01.2019	Requisition letter for chemical examination of the internal organs
Ex.P32	12.02.2019	Letter to Forensic Lab
Ex.P33	--	Photographs of the two wheeler
Ex.P34	25.02.2019	Requisition letter
Ex.P35	17.07.2019	Alteration report

List of witnesses and documents on the side of defence:- Nil

Material Objects on the side of Prosecution :-

M.O.1	Iron wheel spanner
M.O.2	Lungi

M.O.3	Jatti
M.O.4	Shirt
M.O.5	Soil with blood
M.O.6	Soil without blood
M.O.7	Cheppals

**I Additional District & Sessions Judge,
Thoothukudi.**

**I Additional District & Sessions Court,
Thoothukudi.
S.C. No.74/2020
Judgment
Date : 05.06.2026.**