

TNTT010015322021



IN THE COURT OF II ADDITIONAL DISTRICT AND SESSIONS, THOOTHUKUDI

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

II Additional District and Sessions Judge,
Thoothukudi.

Wednesday, this the 12th day of August 2026

Sessions Case No. 70/2021

CNR No. TNTT01 – 001532 – 2021

Name of the Complainant : State of Tamil Nadu
Through Inspector of Police,
Alwarthirunagari Police Station,
Crime No. 77/2019

Name of the Accused : A1) Arulraj (Age 24/2019),
S/o. Maria Siluvai
1/111, Vaikkalkarai Street,
Navalakshmipuram
A2) Anthony Raj (Age 23/2019),
S/o. Santhiyappan,
91, South Street,
Navalakshmipuram
A3) Mariya Siluvai @ Siluvai (Age 54/19), (Died)
S/o. Nickolas,
1/112, Vaikkalkarai Street,
Navalakshmipuram
A4) Gnanasekar (Age 22/2019),
S/o. Maria Siluvai,
1/111, Vaikkalkarai Street,
Navalakshmipuram
A5) Gunasingh (Age 19/2019),
S/o. Siluvai @ Maria Siluvai,
1/112, Vaikkalkarai Street,
Navalakshmipuram
A6) Santhiyappan (Age 43/2019),
S/o. Anthony Muthu,
91, South Street, Navalakshmipuram

Occurrence : 29.04.2019

Arrest : A1, A4 – 30.04.2019
A2, A3, A5, A6 – 02.05.2019

Released on Bail : A1 – 27.11..2019, A2 – 25.7.2019
A3 to A6 –05.07.2019

Date of filing of the final Report : 10.01.2020

Charges Framed : 15.12.2021

Questioning of U/s.313 Cr.P.C : 25.06.2026

Plea of the Accused : A1, A2 pleaded not guilty for the offences u/s.148, 341, 302, 506(ii) IPC
A4, A5 pleaded not guilty for the offences u/s.147, 341, 302 r/w 149, 506(ii) IPC
A6 pleaded not guilty for the offences u/s.147, 294(b), 341, 302 r/w 149 IPC

Finding of the Court : **In the result,**
(i) The 1st and 2nd accused are found guilty under sections 148, 341, 302, 506(ii) of IPC and the 4th and 5th accused are found guilty under sections 147, 341, 302 r/w 149, 506(ii) of IPC and the 6th accused is found guilty under section 147, 341, 294(b), 302 r/w 149, 506(ii) of IPC are liable to be convicted under Section 235(2) of Cr.P.C.
(ii) The 1st accused is convicted under Section **302 of IPC** and sentenced to undergo **Life Imprisonment** and to pay a fine of **Rs.5,000/-** and in default to undergo Simple Imprisonment for a

period of ***one year and is*** convicted under Section ***148 of IPC*** and sentenced to undergo ***Rigorous Imprisonment for 3 years*** and is convicted under Section ***341 of IPC*** and sentenced to undergo ***Simple Imprisonment for 1 month*** and is convicted under Section ***506(ii) of IPC*** and sentenced to undergo ***Rigorous Imprisonment for Seven years*** and to pay a fine of ***Rs.2,500/-*** and in default to undergo Simple Imprisonment for a period of ***three months***.

(iii) The 2nd accused is convicted under Section ***302 of IPC*** and sentenced to undergo ***Life Imprisonment*** and to pay a fine of ***Rs.5,000/-*** and in default to undergo Simple Imprisonment for a period of ***one year and is*** convicted under Section ***148 of IPC*** and sentenced to undergo ***Rigorous Imprisonment for 3 years*** and is convicted under Section ***341 of IPC*** and sentenced to undergo ***Simple Imprisonment for 1 month*** and is convicted under Section ***506(ii) of IPC*** and sentenced to undergo ***Rigorous Imprisonment for Seven years*** and to pay a fine of ***Rs.2,500/-*** and in default to undergo Simple Imprisonment for a period of ***three months***.

(iv) The 4th accused is convicted under Section ***302 r/w 149 of IPC*** and sentenced to undergo ***Life Imprisonment*** and to pay a fine of

Rs.5,000/- and in default to undergo Simple Imprisonment for a period of *one year and is* convicted under Section *147 of IPC* and sentenced to undergo *Rigorous Imprisonment for 2 years* and is convicted under Section *341 of IPC* and sentenced to undergo *Simple Imprisonment for 1 month* and is convicted under Section *506(ii) of IPC* and sentenced to undergo *Rigorous Imprisonment for Seven years* and to pay a fine of *Rs.2,500/-* and in default to undergo Simple Imprisonment for a period of *three months*.

(v) The 5th accused is convicted under Section *302 r/w 149 of IPC* and sentenced to undergo *Life Imprisonment* and to pay a fine of *Rs.5,000/-* and in default to undergo Simple Imprisonment for a period of *one year and is* convicted under Section *147 of IPC* and sentenced to undergo *Rigorous Imprisonment for 2 years* and is convicted under Section *341 of IPC* and sentenced to undergo *Simple Imprisonment for 1 month* and is convicted under Section *506(ii) of IPC* and sentenced to undergo *Rigorous Imprisonment for Seven years* and to pay a fine of *Rs.2,500/-* and in default to undergo Simple Imprisonment for a period of *three months*.

(vi) The 6th accused is convicted under Section **302 r/w 149 of IPC** and sentenced to undergo **Life Imprisonment** and to pay a fine of **Rs.5,000/-** and in default to undergo Simple Imprisonment for a period of **one year and is** convicted under Section **147 of IPC** and sentenced to undergo **Rigorous Imprisonment for 2 years** and is convicted under Section **341 of IPC** and sentenced to undergo **Simple Imprisonment for 1 month** and is convicted under Section **506(ii) of IPC** and sentenced to undergo **Rigorous Imprisonment for Seven years** and to pay a fine of **Rs.2,500/-** and in default to undergo Simple Imprisonment for a period of **three months** and is convicted under Section **294 (b) of IPC** and sentenced to undergo **Simple Imprisonment for Three months**

(vii) The sentences are ordered to run concurrently. The period of Imprisonment already undergone by the accused during remand shall be set off under Section 428 of Cr.P.C. Total fine amount 1st accused Rs.7,500/- and 2nd accused Rs. 7,500/-, 4th accused Rs.7,500/-, 5th accused Rs.7,500/-, and 6th accused Rs.7,500/-.

(vii) The material objects were produced by the prosecution and remanded in P.R. No.155/2019

before (JM, Srivaikundam) and said property was transferred to JM2, Srivaikundam and renumbered as P.R. No.192/2023. The said properties were damaged due to flood. Hence, no material objects were marked and hence, no property order is required. All bonds shall stand cancelled after the expiry of appeal period or after the disposal of the appeal.

(viii) As the Marimuthu is murdered in this case, his dependents are entitled to get compensation under section 357(A) Cr.P.C. Accordingly, a copy of this judgment is ordered to be forwarded to District Legal Services Authority, Thoothukudi to determine the quantum of compensation and payable to them.

This case coming before me for final hearing on 31.07.2026, in the presence of Inspector of Police, Alwarthirunagari Police State for the State, and Thiru.R.Raja Sudalai, Learned Advocate for all the accused 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, Alwarthirunagari Police Station, submitted the final report stating that the deceased, Marimuthu, had faced financial losses in agriculture. Consequently, he went to work at the brick kiln of Duraiappa @ Thevarpiran. Marimuthu took Yesuraja, the brother of the first accused, along with

him for work. After a week, a dispute arose between them regarding salaries, which escalated into an altercation and resulted in hostility between the two families. On 02.05.2018, Marimuthu, his brother Rajadurai, and Pitchai allegedly attacked Yesuraja and his brother Anthony Raja with a machete and a knife. Consequently, a criminal case was registered at the Alwarthirunagari Police Station under Crime No. 70/2018 for offenses punishable under Sections 452, 294(b), 324, 323, 307, and 506(ii) of the Indian Penal Code (IPC). Outraged by this incident, on the same day, i.e., on 02.05.2018, the first and fourth accused, along with two of their relatives, damaged the houses of Marimuthu and Rajadurai and stole their belongings. Hence, a criminal case was registered at the Alwarthirunagari Police Station under Crime No. 71/2018 under Section 3 of TNPPDL Act.

(ii) One week prior to the primary incident, while the witnesses Muthulakshmi, Jaya, and Pitchai were walking toward Pitchai's house, all six accused intimidated them. The accused stated that Marimuthu had humiliated them, a reputed family by attacking them, and threatened that if Marimuthu did not mend his ways, they would eliminate him. Subsequently, on 29.04.2019 at around 07:30 p.m., while Marimuthu and the witness Muthulakshmi were returning from Pitchai's house alongside the witness Jaya, they reached the vicinity of Baskar's house at Navalakshmiyapuram Middle Street. At that moment, the first, second, and sixth accused wrongfully restrained them with the first and second accused armed with machetes. The sixth accused abused Marimuthu in filthy language and incited the others to kill him. The first and second accused then attacked Marimuthu with machetes. When Marimuthu attempted to escape, the third to sixth accused wrongfully restrained him and pushed him to the ground. Marimuthu succumbed to his injuries on the spot. When the eyewitnesses Muthulakshmi and Jaya, along with Pitchai, Rajadurai, and Sudha who rushed to the spot upon hearing the commotion, raised an alarm, the first to sixth accused criminally intimidated them.

(iii) Therefore, the 1st and 2nd Accused has been charged with offenses punishable under sections 147, 148, 341, 302, 506(ii) and 302 r/w 149 IPC. The 3rd to 5th Accused have been charged with offenses punishable under Sections 147, 341, 352, 302, 506(ii) and 302 r/w 149 IPC. 6th Accused has been charged with offenses punishable under Sections 147, 341, 294(b), 352, 302, 506(ii) IPC and 302 r/w 114, 302 r/w 149 IPC.

2) The final report was laid before Judicial Magistrate, Srivaikundam 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. 2/2020. 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, Srivaikundam 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.70/2021 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, 341, 302, 506(ii) IPC against the 1st and 2nd accused, under sections u/s.147, 341, 302 r/w 149, 506(ii) IPC against the 3rd to 5th accused, under sections u/s.147, 294(b), 341, 302 r/w 149 IPC against the 6th 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 30.01.2024 by the prosecution stating that the 3rd accused died on 18.12.2023. Hence, the charges

against the 3rd accused has been ordered to be abated.

5) As the accused has 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, the prosecution has examined P.W.1 to P.W.21 and has produced Ex.P1 to Ex.P23 documents. 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 deceased, Marimuthu, had faced financial losses in agriculture and he went to work at the brick kiln of Duraiappa @ Thevarpiran. Marimuthu took Yesuraja, the brother of the first accused, along with him for work and after a week, a dispute arose between them regarding salaries, which escalated into an altercation and resulted in hostility between the two families. On 02.05.2018, Marimuthu, his brother Rajadurai, and Pitchai allegedly attacked Yesuraja and his brother Anthony Raja with a machete and a knife and outraged by this incident, on the same day, the first and fourth accused, along with two of their relatives, damaged the houses of Marimuthu and Rajadurai and stole their belongings and that one week prior to the primary incident, while the witnesses Muthulakshmi, Jaya, and Pitchai were walking toward Pitchai's house, all six accused intimidated them and that on 29.04.2019 at around 07:30 p.m., while Marimuthu and the witness Muthulakshmi were returning from Pitchai's house alongside the witness Jaya, they reached the vicinity of Baskar's house at Navalakshmiyapuram Middle Street, the first, second, and sixth accused wrongfully restrained them with the first and second accused armed with machetes and the sixth accused abused Marimuthu in filthy language and incited the others to kill him and the first and second accused then attacked Marimuthu with machetes and when Marimuthu attempted to escape, the third to sixth accused wrongfully restrained him and pushed him to the ground and caused the death of Marimuthu and they further criminally intimidated the

eyewitnesses Muthulakshmi and Jaya, along with Pitchai, Rajadurai, and Sudha and hence the charges.

7) Gist of deposition of prosecution witnesses:

(i) PW1, Tmt.Muthulakshmi is the wife of the deceased and she has deposed that her husband Marimuthu had faced financial losses in agriculture and therefore, he went to work at the brick kiln of Duraiappa and her husband Marimuthu took Yesuraja and Anthony Raja along with him for work and a dispute arose between them regarding Rs.50/-, which escalated into an altercation and that Yesuraja, Anthony Raja, Gnanasekar and Gunasekar attacked Marimuthu and therefore, her husband Marimuthu attacked Yesuraja with machete and as a revenge, they had damaged her house and her brother-in-law's house and stole 10 sovereigns of golden jewels and cases were registered against both the parties and are pending before Srivaikuntam Court and that after a week, Santhiyappar came to her house and stated that Marimuthu had humiliated them, a reputed family by attacking them, and threatened that if Marimuthu did not mend his ways, they would eliminate him and that on 29.04.2019 at around 06.00 p.m., she and her husband Marimuthu went to her father-in-law's house and at around 07:30 p.m., while she, Marimuthu and her mother-in-law Jaya were returning and reached the vicinity of Baskar's house at Navalakshmiyapuram Middle Street, the accused Arulraj and Anthonyraj armed with machete restrained her husband and the accused Santhiyappar and other accused were standing nearby and that the accused Santhiyappar abused her husband Marimuthu in filthy language and incited the others to kill him and that the accused Arulraj and Anthonyraj attacked Marimuthu with machetes and when Marimuthu attempted to escape, the accused Gnanasekar, Gunasekar, Santhiyappar and Mariyaselvam pushed him to the ground and Marimuthu succumbed to his injuries on the spot and when she, her father-in-law, mother-in-law, Gnanaselvi, Lingeswaran, Saravanan raised an alarm, the first to sixth accused criminally intimidated them and that she along with

her father-in-law and brother-in-law went to Alwarthirunagari police station and lodged Ex.P1 complaint

(ii) PW2, Thiru.Pitchai is the father of the deceased and he has deposed that his son Marimuthu had faced financial losses in agriculture and therefore, he went to work at the brick kiln of Duraiappa and his son Marimuthu took Yesuraja and Anthony Raja along with him for work and a dispute arose between them regarding Rs.50/-, which escalated into an altercation and that Yesuraja, Anthony Raja, Gnanasekar and Gunasekar attacked Marimuthu and therefore, his son Marimuthu attacked Yesuraja with machete and after a week, Santhiyappar came to his house and stated to him and his wife that Marimuthu had humiliated them, a reputed family by attacking them, and threatened that if Marimuthu did not mend his ways, they would eliminate him and that 6 years back, his son Marimuthu and his daughter-in-law came to his house and stayed there till 07.00 p.m., and at around 07:30 p.m., while his son Marimuthu, his daughter-in-law and his wife Jaya were returning and reached the vicinity of Baskar's house at Navalakshmiyapuram Middle Street, the accused Arulraj and Anthonyraj armed with machete and the other accused restrained his son and the accused Santhiyappar and other accused were standing nearby and that the accused Santhiyappar abused his son Marimuthu in filthy language and incited the other accused to kill him and that the accused Arulraj and Anthonyraj attacked Marimuthu with machetes and when Marimuthu attempted to escape, the accused Gnanasekar, Gunasekar, Santhiyappar and Mariyaselvam pushed him to the ground and Marimuthu succumbed to his injuries on the spot and when he, his daughter-in-law, wife and Lingeswaran raised an alarm, the first to sixth accused criminally intimidated them and that he along with his daughter-in-law and son Rajadurai went to Alwarthirunagari police station and lodged Ex.P1 complaint and he attested the same as witness. His signature in the complaint was marked as Ex.P2.

(iii) PW3, Tmt.Jaya is the mother of the deceased and she has deposed that

her son Marimuthu had faced financial losses in agriculture and therefore, he went to work at the brick kiln of Duraiappa and his son Marimuthu took Yesuraja and Anthony Raja along with him for work and a dispute arose between them regarding Rs.50/-, which escalated into an altercation and that Yesuraja, Anthony Raja, Gnanasekar and Gunasekar attacked Marimuthu and therefore, his son Marimuthu attacked Yesuraja with machete and as a revenge, they had damaged her house and younger son's house and stole 10 sovereigns of golden jewels and cases were registered against both the parties and are pending before Srivaikuntam Court and after a week, Santhiyappar came to his house and stated to her and her husband that Marimuthu had humiliated them, a reputed family by attacking them, and threatened that if Marimuthu did not mend his ways, they would eliminate him and that 6 years back, her son Marimuthu and her daughter-in-law came to her house and stayed there till 07.00 p.m., and at around 07:30 p.m., while she, her son Marimuthu and her daughter-in-law were returning and reached the vicinity of Baskar's house at Navalakshmiyapuram Middle Street, the accused who were present in court (A1, A2, A4 and A6) and other accused armed with machete and restrained her son and that the accused abused her son Marimuthu in filthy language and incited the other accused to kill him and that the accused Arulraj and Anthonyraj attacked Marimuthu with machetes and when Marimuthu attempted to escape, the accused Gnanasekar, Gunasekar, Santhiyappar and Mariyaselvam pushed him to the ground and Marimuthu succumbed to his injuries on the spot and when she, her daughter-in-law, her husband, Lingeswaran, Saravanan and Gnanaselvi raised an alarm, the first to sixth accused criminally intimidated them and that at around 08.00 p.m., her daughter-in-law, younger son Rajadurai and her husband went to Alwarthirunagari police station and lodged Ex.P1 complaint.

(iv) PW4, Thiru.Rajadurai is the brother of the deceased and he has deposed that his brother Marimuthu had faced financial losses in agriculture and therefore, he

went to work at the brick kiln of Duraiappa and his brother Marimuthu took Yesuraja and Anthony Raja along with him for work and a dispute arose between them regarding Rs.50/-, which escalated into an altercation and that Yesuraja, Anthony Raja, Gnanasekar and Gunasekar attacked Marimuthu and therefore, his brother Marimuthu attacked Yesuraja with machete and as a revenge, they had damaged his house and his brother's house and stole 10 sovereigns of golden jewels and cases were registered against both the parties and are pending before Srivaikuntam Court and after a week, Santhiyappar, Gnanasekar, Arulraj, Gunasingh, Mariyasiluvai went to his parent's house and stated that Marimuthu had humiliated them, a reputed family by attacking them, and threatened that if Marimuthu did not mend his ways, they would eliminate him and that on 29.04.2019, his brother Marimuthu and his sister-in-law had visited his parent's house at around 06.00 p.m., and stayed there for about an hour and at around 07:30 p.m., while his brother Marimuthu, his sister-in-law and mother Jaya were returning and reached the vicinity of Baskar's house at Navalakshmiyapuram Middle Street, the accused who were present in court (A1, A2, A4 and A6) and other accused armed with machete had restrained his brother and that the accused Santhiyappar had abused his brother Marimuthu in filthy language and incited the other accused to kill him and that the accused Arulraj and Anthonyraj had attacked his brother Marimuthu with machetes and that he and his wife rushed to the spot on hearing the alarm raised by Gnanaselvi, Lingesh and Saravanan and when his brother Marimuthu attempted to escape, the accused Gnanasekar, Gunasekar, Santhiyappar and Mariyaselvam pushed him to the ground and Marimuthu succumbed to his injuries on the spot and that the said place looked like a battle field and the children who were playing there fled away from the spot out of panic and that at around 09.00 p.m., he, his sister-in-law and father went to Alwarthirunagari police station and lodged Ex.P1 complaint.

(v) PW5, Tmt.Sudha is the wife of PW4 Rajadurai and she has deposed in

consonance with the oral evidence of PW4.

(vi) PW6, Tmt.Gnanaselvi and PW8, Thiru.Lingeswaran, who were cited as eye witnesses didn't support the prosecution's case and were treated as hostile witnesses.

(vii) PW7, Thiru.Saravanan has deposed that he heard that Marimuthu was hacked to death by the accused persons.

(viii) PW9, Thiru.Baskar has deposed that 6 years back, Marimuthu was hacked to death in front of his house and that the police officials inspected the spot and prepared Ex.P3, Observation Mahazar and he and Sakthivel signed the same as witnesses and then the police officials seized blood stained soil and unstained soil through Ex.P4, Seizure Mahazar.

(ix) PW10, Thiru. Marimuthu has deposed that on 30.04.2019, while he and Arumuga Nadar were having tea near bus stop situated in Thenthiruperaai Bazaar, the accused Arulraj and Gnanasekar, who were standing there tried to slip away on seeing the police officials and that the police officials arrested them and that during interrogation, they voluntarily gave a confession statement and the same was recorded in a laptop and that based on the information furnished by them, the police officials recovered 2 machetes from a hidden spot of acacia tree situated at Canal Embankment steps as identified by the accused through Ex.P5, Seizure Mahazar. The admissible portion of the confession statement given by the accused was marked as Ex.P6.

(x) PW11, Thiru.Thevarpiran @ Duraiappan has deposed that the deceased Marimuthu was working in his brick kiln and he used to bring workers and he heard that there was dispute in money transactions and he further heard that Marimuthu was

hacked to death on 29.04.2019.

(xi) PW12, Dr.Tmt.sathya has deposed that she received the dead body of Marimuthu on 30.04.2019 at about 10.30 a.m., along with Ex.P7, Requisition letter to conduct postmortem from Police constable 480 Sankar and that she conducted postmortem and issued Ex.P8 postmortem certificate as follows:

The following ante mortem injuries are noted in the body :

i) An oblique cut wound of size 11 cm x 4 cm x vertebra deep seen behind the right ear, extending from right mart-rid to 10 cm above from the collar bone. On exploration of wound the underlying major blood vessels, nerves and muscles found cut.

ii) A cut injury of size 2 cm x 1 cm x bone deep seen over the chin normal. Heart – normal and chambers empty. Larynx and Trachea-normal. Hyoid – intact. Stomach contained about 100 gms of partially digested food particles. Nil specific smell, Mucosa – pale. Small intestine – empty. Mucosa – pale. Lungs, liver, spleen and kidneys – normal and cut section – pale. Bladder empty. Skull opened. Brain – Normal and cut Section – Normal. External genitals – Normal. Post Mortem concluded at 1.50 p.m.

Final Opinion :

The deceased would appear to have died of shock and haemorrhage due to the cut injury over the right side of neck (Injury No11) Death would have occurred 12 – 24 hours prior to the autopsy.

(xii) PW13, Mr.Sankar, Grade I Police Constable, Alwarthirunagari Police Station has deposed that he received the dead body of the deceased Marimuthu after Inquest on 30.04.2019 with the requisition letter to conduct postmortem and handed over the body to the Medical officer at Srivaikuntam Government 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 and that he received the dress taken from the dead body to the Station House Officer.

(xiii) PW14, Thiru. Subanatham, Head Constable of Alwarthirunagari Police Station had deposed that on 29.04.2019 at about 23.00 hrs., he received the First Information Report registered under Alwarthirunagari Police Station Crime Number 77/2019 under Sections 147, 148, 294(b), 341, 302, 506(2) IPC from police station and handed them over to the Judicial Magistrate Court, Srivaikuntam at 23.15 hrs. The Passport issued to him was marked as Ex.P9.

(xiv) PW15, Tr. Harikrishnan, Grade I Police Constable, Alwarthirunagari Police Station has deposed that on 02.05.2018 at about 18.00 hrs., he received the medical intimation from Srivaikuntam Government Hospital at 19.00 hrs., and received complaint statement from Yesuraja, who was admitted as inpatient between 19.30 to 20.30 hrs., and registered a case in Alwarthirunagari Police Station, Cr. No.70/2018 at 21.00 hrs., u/s. 452, 294(b), 324, 323, 307, 506(ii) of IPC and subsequently dispatched the First Information Report and the complaint statement to Judicial Magistrate, Srivaikuntam. The registered First Information Report was marked as Ex.P10.

(xv) PW16, Mrs.Manju, Grade I Police Constable, Alwarthirunagari Police Station has deposed that she assisted the Inspector of Police in the investigation on 29.04.2019 and 30.04.2019 by typing the Inquest Report, Seizure Mahazar, 161(3) statement of the witnesses, confession statement of the accused and Seizure Mahazar in laptop.

(xvi) PW17, Mr.Murugan, Junior Electrical Engineer, Alwarthirunagari Electricity Distribution Centre has deposed that at the request of Inspector of Police, Alwarthirunagari Police Station, he issued Ex.P11 certificate stating that there was no interruption in power supply in Navalakshimipuram on 29.04.2019 at around 07.30 p.m.

(xvii) PW18, Tr. Sivalingaperumal, Sub Inspector of Police, Alwarthirunagari Police Station has deposed that on 29.04.2019 at about 09.15 p.m., he received the complaint lodged by PW1, Muthulakshmi and registered a case in Alwarthirunagari Police Station, Cr. No. 77/2019, u/s. 147, 148, 294(b), 341, 302, 506(ii) of IPC and subsequently dispatched the First Information Report and the complaint to the concerned Judicial Magistrate No.1, Srivaikuntam through Head Constable 304 Subanantham and he gave intimation to the Inspector of Police, All Woman Police Station, Srivaikuntam who held the incharge of Alwarthirunagari Police Station and handed over a copy to her at the scene of occurrence. The registered First Information Report was marked as Ex.P12.

(xviii) PW19, Tmt.Gnanaprakasi, Inspector of Police, All Woman Police Station, Srivaikuntam who held the incharge of Alwarthirunagari Police Station has deposed that on 29.04.2019, she took the case for investigation and at about 22.30 hrs., she inspected the scene of occurrence in the presence of witnesses Baskar and Sakthivel and prepared Ex.P3, Observation Mahazar and Ex.P13, Rough Sketch and she had seized blood stained soil, unstained soil from scene of occurrence through Ex.P4 Seizure Mahazar in the presence of the above said witnesses and that he examined the witnesses Baskar and Sakthivel and recorded their statement and that she prepared Form-91 to send the above said material objects to court and she conducted inquest of the dead body Marimuthu in the presence of witnesses Muthulakshmi and Pitchai and panchayathars on 30.04.2019 between 00.30 a.m. to 02.00 p.m., and prepared Ex.P14 Inquest Report and that she forwarded the dead body along with requisition letter for conducting postmortem to find the cause of death and that she further examined the witnesses Muthulakshmi, Pitcahi, Jaya, Rajadurai, Sudha and recorded their statement and that she examined Head Constable 304 Subanantham, Grade I PC 480 Sankar, Sub Inspector of Police Sivalingaperumal who registered FIR and that she seized the clothes taken from the dead body of the

deceased under Form-91. The Form 91(2 Nos.) was marked as Ex.P15 and as Alwarthirunagari Circle Inspector had returned to duty, she handed over the records for further investigation.

(xix) PW20, Tmt.Padmakumari, Inspector of Police, Alwarthirunagari Police Station has deposed that she took the further investigation of the case and that she inspected the place of occurrence and examined the witnesses and as they deposed in consonance with their earlier statement, no separate statement was recorded and that during interrogation of the accused persons in the presence of the witnesses Tr.Arumuga Nadar, PW10 Marimuthu, the accused Arulraj, Gnanasekar voluntarily gave a confession statement and that based on the information furnished by the accused Arulraj, machete (வெட்டருவாள்) and another machete (கோழிவால் அருவாள்) used by the accused Arulraj was recovered in the presence of the said witnesses through Ex.P5, Seizure Mahazar and the seized material objects were forwarded to the court under Form 91 marked as Ex.P16.

She has further deposed that, on 01.05.2019, she examined the witnesses Saravanan, Lingeswaran, Gnanaselvi, Anandharaj and recorded their statement and that she examined the witness PW17 Murugan, Junior Electrical Engineer and obtained Ex.P11 certificate stating that there was no interruption in power supply in Navalakshimipuram and on 02.05.2019, she arrested the accused Anthonyraj, Mariasiluvai, Gunasingh, Santhiyappan, who were hiding behind the Cherman's Temple and remanded them to Judicial custody and then she examined the witnesses Devarpiran @ Duraiyappa, Grade I PC Harikrishnan, Head Constable Rajendran and recorded their statement.

She has further deposed that, she examined Dr.Sathya who conducted post-mortem and issued Ex.P8 Post-mortem certificate and recorded her statement and she sent the viscera of the deceased and material objects to Tirunelveli Regional Forensic

Laboratory for chemical analysis through Head constable Vallinayagam. The Requisitions and Court Orders were marked as Ex.P17 and Ex.P18 and that on 17.07.2019, she examined the witness Pathalamuthu, Headclerk of Judicial Magistrate Court, Srivaikundam, Grade I Constable Tmt.Manju, Constable Vallinayagam, Scientific Officers Tmt.Muthulakshmi, Tirunelveli Regional Forensic Laboratory and obtained Ex.P19, Biological Report in TIN/BIOL/400/2019, dated 03.07.2019, Ex.P20, Serology Report in MDU/SER.T1/188/2019, dated 29.07.2019 and recorded their statements and she issued the Passport to Tr.Vallinayagam, Constable for delivering the material objects for chemical analysis and the same was marked as Ex.P21. She concluded her testimony by stating that following her subsequent official transfer, she handed over the entire case records and files to Tr.Jeankumar, Inspector of police for further investigation.

(xx) PW21, Jeankumar, Inspector of Police, Alwarthirunagari Police Station has deposed that on 26.09.2019, he took up the case for further investigation and inspected the scene of occurrence and that upon inspection, he found the site to be in absolute consonance with the Observation Mahazar and Rough Sketch previously prepared by his predecessor and therefore, no separate Observation Mahazar or Rough Sketch was prepared and that he examined the witnesses who had already been questioned by his predecessor and since their subsequent statements were found to be completely in line with the earlier statements recorded by his predecessor, no separate statements were recorded. He deposed that he inspected the FIR registered in Alwarthirunagari Police Station Cr.No. 70/2018 and Cr. No. 71/2018. Certified Copy of FIR in Cr.No.71/2018 was marked as Ex.P22. He has further deposed that on 29.11.2019, he altered the sections of law from 147, 148, 294(b), 341, 302, 506(ii) IPC to 114, 147, 148, 149, 294(b), 341, 352, 302, 506(ii) IPC and prepared Ex.P23, Section Alteration Report and he concluded the investigation and filed the charge sheet against the Accused persons under Sections 114, 147, 148, 149, 294(b), 341, 352, 302, 506(ii) of the Indian Penal Code.

8) On completion of the evidence of prosecution witnesses, when the accused 1, 2 and 4 to 6 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 their 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, refuting the claim of prosecution, learned counsel for the defence would contend that PW1 to PW5 have been fabricated as eye witnesses and that the oral evidence of witnesses are contradictory in respect of lodging of Ex.P1 complaint and the same has not been proved through witnesses and that the oral evidence of PW1 to PW5, the so called occurrence witnesses are self contradictory and against rules of prudence and that the arrest of the accused is shrouded with suspicious circumstances and that the confession statement of the accused and recovery of objects are not proved by the prosecution and that the 2nd accused Anthony Rajan is not the accused stated by the prosecution witnesses and that the Investigation officer has not investigated the case properly and collected the evidence and the learned counsel for defence prays for acquittal of the accused.

11) **Points for consideration:-**

Whether the prosecution has proved the charges leveled against the accused 1, 2 and 4 to 6 beyond all reasonable doubts?

Solution:

12) The motive for the incident stated by the prosecution is that the

deceased, Marimuthu had dispute with Yesuraja, the brother of the first accused while working at the brick kiln of Duraiappa @ Thevarpiran regarding salaries, which escalated into an altercation and resulted in hostility between the two families and that on 02.05.2018, Marimuthu, his brother Rajadurai, and Pitchai allegedly attacked Yesuraja and his brother Anthony Raja with a machete and a knife and consequently, a criminal case was registered at the Alwarthirunagari Police Station under Crime No. 70/2018 for offenses punishable under Sections 452, 294(b), 324, 323, 307, and 506(ii) of the Indian Penal Code (IPC) and outraged by this incident, on the same day, i.e., on 02.05.2018, the first and fourth accused, along with two of their relatives, damaged the houses of Marimuthu and Rajadurai and stole their belongings and a criminal case was registered at the Alwarthirunagari Police Station under Crime No. 71/2018 under Section 3 of TNPPDL Act and that one week prior to the primary incident, while the witnesses Muthulakshmi, Jaya, and Pitchai were walking toward Pitchai's house, all six accused intimidated them. The accused stated that Marimuthu had humiliated them, a reputed family by attacking them, and threatened that if Marimuthu did not mend his ways, they would eliminate him.

13) The wife of the deceased has been examined as PW1. She has deposed that her husband Marimuthu had faced financial losses in agriculture and therefore, he went to work at the brick kiln of Duraiappa and her husband Marimuthu took Yesuraja and Anthony Raja along with him for work and a dispute arose between them regarding Rs.50/-, which escalated into an altercation and that Yesuraja, Anthony Raja, Gnanasekar and Gunasingh attacked Marimuthu and therefore, her husband Marimuthu attacked Yesuraja with machete and as a revenge, they had damaged her house and brother-in-law's house and stole 10 sovereigns of golden jewels and cases were registered against both the parties and are pending before Srivaikuntam Court and that after a week, Santhiyappar came to her house and stated that Marimuthu had humiliated them, a reputed family by attacking them, and

threatened that if Marimuthu did not mend his ways, they would eliminate him.

14) PW2, the father of the deceased; PW3, the mother of the deceased; PW4, the younger brother of the deceased and; PW5, the wife of PW4 have also categorically deposed in consonance with the oral evidence of PW1 regarding the previous hostility existed between the accused persons and the family of the deceased.

15) PW11, Thiru.Thevarpiran @ Duraiappan has deposed that the deceased Marimuthu was working in his brick kiln and he used to bring workers and he heard that there was dispute in money transactions. PW15, Tr. Harikrishnan, Grade I Police Constable, Alwarthirunagari Police Station has deposed that on 02.05.2018 at about 18.00 hrs., he received the medical intimation from Srivaikuntam Government Hospital at 19.00 hrs., and received complaint statement from Yesuraja, who was admitted as inpatient between 19.30 to 20.30 hrs., and registered a case in Alwarthirunagari Police Station, Cr. No.70/2018 at 21.00 hrs., u/s. 452, 294(b), 324, 323, 307, 506(ii) of IPC and subsequently dispatched the First Information Report and the complaint statement to Judicial Magistrate, Srivaikuntam. The registered First Information Report was marked as Ex.P10. The FIR registered in Alwarthirunagari Police Station, Cr. No.71/2018 was marked as Ex.P22.

16) The oral evidence of PW1, PW2, PW3, PW4 and PW5 regarding the dispute existed between the accused persons and the deceased Marimuthu has not been disputed by the counsel for the defence. The counsel for the accused vehemently argued that the deceased Marimuthu had many disputes and there are many enemies for him and false case has been plotted against the accused persons.

17) Dwelling into the above said arguments putforth by the counsel for the accused, this court is of the view that there might be many disputes for the deceased,

but, it cannot be denied that the accused and the deceased persons had dispute with regard to the attack made by Marimuthu, his brother Rajadurai, and Pitchai against Yesuraja and his brother Anthony Raja with a machete and a knife and the rival revenge taken by the first and fourth accused, along with two of their relatives by damaging the houses of Marimuthu and Rajadurai and the criminal intimidation made by the 6th accused prior to the incident. There was long nursed feeling of hatred and the simmering enmity between the deceased and the accused, which cannot be ignored.

18) Upon a meticulous evaluation of the evidence on record, this Court is of the view that existence of a deep-seated, long-nursed feeling of hatred and simmering enmity between the accused persons and the deceased is transparently brought out through the categorical and mutually corroborative oral testimonies of PW1 to PW5. PW1 has granularly deposed that the hostility originated from a trivial dispute over a salary sum of Rs.50/- at a brick kiln, which rapidly snowballed into cross-assaults, the destruction and looting of the deceased's residence, and the consequent registration of cross-cases, including Crime No. 70/2018 under Sections 452, 294(b), 324, 323, 307, and 506(ii) of the IPC and Crime No. 71/2018 under section 3 of TNPPDL Act, as duly proved by PW15 Grade I Police Constable via Ex.P10 and by PW21 via Ex.P22. Crucially, the defense counsel has not disputed the oral evidence concerning this specific, historical animosity between the two families. While the defense vehemently argued that the deceased harboured multiple disputes with various other individuals and that a false case had been foisted upon the accused, such a generalized and speculative contention cannot dilute the specific, heavily documented, and immediate hostile relationship existing between the parties herein.

19) The evidence clearly demonstrates that the accused felt deeply humiliated by the prior physical assault on their family reputation and had actively

manifested this resentment through explicit criminal intimidation and life threats a week prior to the occurrence. Therefore, rejecting the untenable contentions of the defense, this Court holds that the prosecution has successfully and conclusively established the motive for the commission of the offence and the prosecution has fully discharged its burden in proving a powerful, proximate, and subsisting motive to eliminate the deceased.

20) Now, it is necessary to find out whether the prosecution has proved the primary incident. The case of the prosecution is that on 29.04.2019 at around 07:30 p.m., while Marimuthu and the witness Muthulakshmi were returning from Pitchai's house alongside the witness Jaya, they reached the vicinity of Baskar's house at Navalakshmiyapuram Middle Street, the first, second, and sixth accused wrongfully restrained them with the first and second accused armed with machetes and the sixth accused abused Marimuthu in filthy language and incited the others to kill him and the first and second accused then attacked Marimuthu with machetes and when Marimuthu attempted to escape, the third to sixth accused wrongfully restrained him and pushed him to the ground and caused the death of Marimuthu and they further criminally intimidated the eyewitnesses Muthulakshmi and Jaya, along with Pitchai, Rajadurai, and Sudha.

21) Now, it is necessary to find out the accused persons A1 to A6, in furtherance of their common object, unlawfully formed an assembly at the aforesaid time and place, and whether A1, A2, and A6 wrongfully restrained the deceased, while being armed with deadly weapons and A6 intentionally insulted the deceased by abusing him in filthy language and actively abetted the crime by inciting the other accused persons to kill Marimuthu and A1 and A2 executed the fatal assault on Marimuthu by intentionally attacking him with machetes to cause his death and A3, A4, A5, and A6 actively participated in the commission of the offence by wrongfully restraining the

fleeing deceased, pushing him to the ground, and facilitating his murder on the spot and all the accused persons committed the offence of criminal intimidation by threatening the eyewitnesses Muthulakshmi, Jaya, Pitchai, Rajadurai, and Sudha with injury to their person to prevent them from raising an alarm or seeking help.

22) The prosecution has primarily relied upon the ocular testimony of PW1 Muthulakshmi, the wife of the deceased and an eyewitness to the occurrence. PW1 has categorically deposed that on 29.04.2019, at approximately 06:00 p.m., she and her husband, Marimuthu, visited her father-in-law's residence. While they, along with her mother-in-law, Jaya, were returning at around 07:30 p.m. and reached the vicinity of Baskar's house at Navalakshmiyapuram Middle Street, they were intercepted by the accused persons. PW1 explicitly stated that the accused Arulraj and Anthonyraj, armed with machetes, wrongfully restrained her husband, while the accused Santhiyappar and others stood nearby. She further deposed that Santhiyappar abused Marimuthu in filthy language and incited the others to kill him, whereupon Arulraj and Anthonyraj unleashed a brutal assault on Marimuthu with machetes. When the deceased attempted to flee, the accused Gnanasekar, Gunasingh, Santhiyappar, and Mariyaselvam pinned him down and pushed him to the ground, resulting in Marimuthu succumbing to his injuries on the spot. When PW1, along with her father-in-law, mother-in-law, Gnanaselvi, Lingeswaran, and Saravanan raised an alarm, all six accused persons criminally intimidated them. Following the incident, PW1, accompanied by her father-in-law and brother-in-law, proceeded to the Alwarthirunagari Police Station and lodged the written complaint, marked as Ex.P1.

23) The mother of the deceased who had accompanied the deceased and PW1 on the fatal day has testified as an eyewitness as PW3. She has deposed that six years prior to her examination, her son Marimuthu and her daughter-in-law (PW1) visited her house and stayed until 07:00 p.m. At around 07:30 p.m., while she, the

deceased, and PW1 were returning and had reached the vicinity of Baskar's house at Navalakshmiyapuram Middle Street, they were intercepted by the accused persons. PW3 identified the accused present in court, namely A1, A2, A4, and A6 alongside the other co-accused, who were armed with machetes and wrongfully restrained her son. She further stated that the accused abused Marimuthu in filthy language and incited the others to kill him, whereupon the accused Arulraj and Anthonyraj launched a brutal assault on him with machetes. When the deceased desperately attempted to escape, the accused Gnanasekar, Gunasingh, Santhiyappar, and Mariyaselvam pinned him down and pushed him to the ground, causing Marimuthu to succumb to his injuries on the spot. PW3 explicitly noted that when she, PW1, her husband, Lingeswaran, Saravanan, and Gnanaselvi raised an alarm, all six accused criminally intimidated them. Following the assault, at approximately 08:00 p.m., PW1, accompanied by PW3's husband and younger son Rajadurai, proceeded to the Alwarthirunagari Police Station to lodge the Ex.P1 complaint.

24) The prosecution has further examined PW2, the father of the deceased, who rushed to the spot upon hearing the commotion and witnessed the later part of the transaction. PW2 has deposed that six years prior to his examination, his son Marimuthu and daughter-in-law (PW1) had visited his house and stayed until 07:00 p.m. While his son, daughter-in-law, and wife (PW3) were returning at around 07:30 p.m. and had reached the vicinity of Baskar's house at Navalakshmiyapuram Middle Street, they were intercepted by the accused persons. PW2 testified that the accused Arulraj and Anthonyraj, armed with machetes, along with the other co-accused, wrongfully restrained his son, while Santhiyappar and others stood nearby. He further stated that Santhiyappar abused Marimuthu in filthy language and incited the other accused to kill him, whereupon Arulraj and Anthonyraj attacked Marimuthu with machetes. When the deceased attempted to flee, the accused Gnanasekar, Gunasingh, Santhiyappar, and Mariyaselvam pinned him down and pushed him to the ground,

resulting in Marimuthu succumbing to his fatal injuries on the spot. PW2 explicitly noted that when he, his wife, his daughter-in-law, and another witness Lingeswaran raised an alarm, all six accused criminally intimidated them. Following the incident, he accompanied PW1 and his younger son Rajadurai to the Alwarthirunagari Police Station, where PW1 lodged the Ex.P1 complaint, which PW2 attested as a witness.

25) The prosecution has further adduced the evidence of PW4 Rajadurai, the younger brother of the deceased, and PW5 Sudha, the wife of PW4, who both rushed to the scene of occurrence upon hearing the commotion. PW4 has deposed that on 29.04.2019, his brother Marimuthu and sister-in-law (PW1) visited his parents' house at around 06:00 p.m. and stayed for an hour. While the deceased, PW1, and their mother (PW3) were returning at around 07:30 p.m., they were intercepted near Baskar's house at Navalakshmiyapuram Middle Street. PW4 identified the accused present in court, namely A1, A2, A4, and A6 alongside other co-accused, who were armed with machetes and wrongfully restrained his brother. He testified that the accused Santhiyappar hurled filthy abuses and incited the others to kill Marimuthu, prompting Arulraj and Anthonyraj to attack him with machetes. Upon hearing the alarms raised by nearby witnesses Gnanaselvi, Lingesh, and Saravanan, PW4 and his wife (PW5) rushed to the spot. When the deceased attempted to flee, the accused Gnanasekar, Gunasingh, Santhiyappar, and Mariyaselvam pinned him down and pushed him to the ground, where Marimuthu succumbed to his injuries on the spot. PW4 vividly described that the scene resembled a battlefield, causing children playing nearby to flee in panic. Subsequently, at around 09:00 p.m., PW4 accompanied PW1 and his father (PW2) to the Alwarthirunagari Police Station to lodge the Ex.P1 complaint. PW5 has categorically deposed in perfect consonance with the oral evidence of PW4, thereby fully reinforcing the prosecution's narrative regarding the physical transaction of the crime.

26) Now, it is necessary to find out whether the oral evidence of the above said witnesses are reliable and prove the case of the prosecution. A joint and harmonious reading of the ocular accounts rendered by the eyewitnesses, namely PW1 (wife), PW3 (mother), PW2 (father), PW4 (brother), and PW5 (sister-in-law), establishes a seamless narrative that completely validates the prosecution's case. While PW1 and PW3 were natural accompanying eyewitnesses who walked alongside the deceased from the outset, PW2, PW4, and PW5 are immediate res gestae witnesses who rushed to the scene from their nearby residence upon hearing the distressed alarms raised by the family and neighbors.

27) All five witnesses have testified with absolute consistency and precision regarding the specific, individual roles played by each of the accused persons during the fatal transaction. They have uniformly deposed that on 29.04.2019 at approximately 07:30 p.m. near Baskar's house at Navalakshmiyapuram Middle Street, the accused persons intercepted and wrongfully restrained the deceased. The witnesses have explicitly spoken in one voice that the accused Santhiyappar hurled filthy abuses and actively abetted the crime by inciting the others to kill Marimuthu, whereupon the accused Arulraj and Anthonyraj unleashed a brutal assault using deadly machetes. Furthermore, all witnesses have consistently detailed that when the deceased desperately attempted to escape, the accused Gnanasekar, Gunasingh, Santhiyappar, and Mariyaselvam collectively pinned him down and pushed him to the ground, ensuring his instantaneous death on the spot.

28) A sustained endeavor was made by the counsel for the accused during the cross examination to establish that the incident was not witnessed by them, but they have categorically deposed in their cross examination regarding the place of occurrence, weapon used by the accused and injuries sustained by the deceased without any discrepancy.

29) The terrifying nature of the assault is further corroborated by PW4's vivid description of the scene resembling a panic-stricken battlefield where playing children fled in terror. Though the defense has argued that these witnesses are close relatives and therefore "interested witnesses," it is a settled position of law that the testimony of a relative cannot be discarded in limine if it is otherwise credible, cogent, and natural. In the present case, the ocular evidence is remarkably uniform on material particulars, free from any deep contradictions, and completely corroborated by the immediate lodging of the Ex.P1 complaint.

30) The defense counsel has vehemently argued that PW19, the First Investigating Officer, during her cross-examination, admitted to examining PW1 at the scene of occurrence, recording her statement, and obtaining PW2's signature there. Based on this isolated admission, the defense contends that an earlier complaint statement was deliberately suppressed and that the marked Ex.P1 complaint is a subsequent, fabricated document.

31) The oral and documentary evidences are meticulously considered on the above said aspect putforth by the counsel for the accused. It is the uniform, unshaken, and consistent case of all the material eyewitnesses, PW1, PW2, PW3, PW4 and PW5 and as well as the specific assertion of the Investigating Officer, that the police officials did not arrive at the crime scene until after the written complaint (Ex.P1) was formally lodged by PW1 at the Alwarthirunagari Police Station. The ocular witnesses have uniformly stated that they proceeded directly to the police station shortly after the 07:30 p.m. assault to submit Ex.P1. The isolated statement extracted from PW19 during a rigorous cross-examination appears to be a clear case of an inadvertent slip, an error in phrasing, or an administrative confusion by the officer, rather than a systemic conspiracy to suppress evidence.

32) It is a well-settled legal proposition that a stray or straying admission

made by an Investigating Officer in cross-examination cannot override or invalidate the cogent, mutually corroborative, and robust ocular testimonies of credible eyewitnesses. The defense has completely failed to confront or discredit PW1 to PW5 on this specific point during their respective cross-examinations. The physical existence of Ex.P1, backed by PW2's attesting signature Ex.P2, stands legally unimpeached by the eyewitnesses.

33) This Court finds that the defense's theory of a "suppressed earlier complaint" is entirely speculative and unsustainable in law. The single, contradictory admission of PW19 in her cross-examination cannot dismantle the seamless and unified narrative of five eyewitnesses who categorically proved that the complaint was registered prior to the police's arrival at the scene. An investigative lapse or an ambiguous answer by a police officer cannot be leveraged to play into the hands of a defective inquiry or neutralize robust ocular proof. Therefore, this Court holds that Ex.P1 is the authentic, first recorded information of the crime, and the defense's contention is accordingly rejected.

34) The defense counsel has argued that the prosecution's case should be disbelieved because there are discrepancies or contradictions in the testimonies of the eyewitnesses regarding the exact direction in which the accused persons fled after committing the murder.

35) In evaluating this contention, it is imperative to look at the terrifying nature of the scene described by the witnesses. The fatal assault took place at approximately 07:30 p.m. in the middle of a street. As detailed by PW4 and PW5, the vicinity transformed into an intense, panic-stricken environment resembling a "battlefield," where even playing children ran away in sheer terror. During such a sudden, chaotic, and highly traumatic event, where five family members were witnessing their loved one being brutally hacked with machetes, it is entirely natural

for witnesses to focus primary attention on the victim, the assault, and their own immediate safety, rather than meticulously tracking the precise exit compass points of the fleeing assailants.

36) It is repeatedly affirmed by the Hon'ble Supreme Court of India, that minor variances or discrepancies concerning peripheral post-incident details, such as the exact route, direction of flight, or the precise manner of escape do not erode the substratum of the prosecution's case when the core ocular evidence is robust, reliable, and consistent. Human memories are not video recorders. Slight discrepancies regarding the direction of flight are considered minor omissions or trivial variances caused by the lapse of time, panic, and varying vantage points of the witnesses at the scene. Such variations, in fact, rule out the possibility of a tutored or rigidly manufactured narrative among the witnesses. Crucially, all five eyewitnesses (PW1 to PW5) have remained absolute, unshakeable, and completely unified on the material facts: the identity of the accused, the weapons used, the specific roles played, and the spot of occurrence.

37) In view of the above findings, this Court is of the view that the alleged contradictions regarding the direction in which the accused fled are completely immaterial and trivial in nature. They do not damage the core credibility of the eyewitnesses or create any reasonable doubt regarding the execution of the crime. The defense cannot leverage post-incident panic reactions to invalidate a seamless chain of ocular evidence that proves the brutal murder. Accordingly, the contention raised by the defense is rejected as untenable.

38) The defense counsel has highlighted a discrepancy in the inquest report, pointing out that under the column for the "reason for death," it erroneously details a prior attack made by the deceased Marimuthu on Yesuraja and the "2nd accused Anthony Raja." The defense argues that since the second accused was not involved in

that prior dispute and that the previous attack was actually directed at Yesuraja's brother, who is not an accused in the present case, the inclusion of the 2nd accused Anthony Raja s/o, Santhiyappan is deeply flawed and unreliable.

39) The settled position of law is that an inquest report prepared under Section 174 of the CrPC is not a substantive piece of evidence. Its statutory purpose is strictly limited to capturing the apparent cause of death by describing the physical state of the body, wounds, and fractures found on the deceased. It is neither intended to be an encyclopaedia of the entire case nor a repository of the precise historical genealogy of past cross-cases.

40) The substantive evidence to prove the criminal transaction and its underlying motive comprises the direct oral testimonies of the witnesses evaluated in open court. In the present case, the ocular witnesses PW1 to PW5 have clearly and consistently deposed to the involvement of the 2nd accused Anthony Raja s/o, Santhiyaopan, the prior 2018 dispute, Crime No. 70/2018 involved the deceased attacking Yesuraja and his brother Anthony Raja, S/o, Mariya Siluvai. The accidental substitution of the words "2nd accused Anthony Raja" in place of Yesuraja's brother in the inquest report could only infer investigational oversight or clerical misdescription by the preparing officer.

41) It is an established legal principle that a minor, peripheral irregularity or a factual error in an inquest report cannot be leveraged to impeach or dismantle the concurrent, uncontradicted, and robust ocular evidence of multiple eyewitnesses. The oversight does not change the core medical determination that Marimuthu's death was homicidal, nor does it dilute the fact that a profound, bitter, and active enmity existed between the two families. Accordingly, the discrepancy is held to be non-fatal to the prosecution, and the defense's argument is rejected.

42) The defense counsel has contended that the oral evidence of PW3 would prove that a sniffer dog was dispatched to the scene of occurrence and it would implies that the actual assailants were unidentified at the early stage of the investigation. In evaluating this argument, the fundamental purpose of deploying a tracker dog squad during initial criminal investigation must be analyzed. It is a frequent and standard operating procedure for investigative agencies to summon sniffer dogs to the scene of a violent crime. The routine deployment of a dog squad is carried out to locate hidden physical evidence, track the possible exit route of fleeing culprits, or recover discarded weapons, irrespective of whether the suspects are named or unnamed in the initial statements. Therefore, merely bringing a sniffer dog to the crime scene cannot be judicially construed as proof that the culprits were unknown or that the eyewitnesses failed to identify them.

43) This Court finds that the deployment of a sniffer dog at the scene of occurrence does not mean that the accused persons were unidentified. A routine investigative measure cannot override or dismantle direct, consistent, and sworn eyewitness testimonies. Accordingly, the contention raised by the defense is rejected as legally unsustainable.

44) The defense counsel has argued that the prosecution's case is unreliable due to contradictions in the testimonies of the witnesses regarding the exact time at which the deceased Marimuthu's body was removed from the scene of occurrence. In evaluating this argument, it is necessary to consider the extreme mental state of the witnesses at the relevant time, which has been spoken by PW3. The relevant recitals are as follows:

"எனது மகன் மாரிமுத்துவின் சடலத்தை அதிகாலை 2.00 மணிக்குத் தான் போலீசார் ஆம்புலன்சில் சம்பவ இடத்திலிருந்து எடுத்தார்கள் என்றால் ஒரு பிள்ளையை பறி கொடுத்து அழுது கொண்டிருந்த எனக்கு அது எவ்வாறு நினைவிருக்கும்"

45) The incident was a sudden, deeply traumatic, and violent street murder where five immediate family members witnessed their loved one being brutally hacked to death with machetes. Following such a shocking crime, the primary focus of the traumatized family members PW1 to PW5 would naturally be consumed by overwhelming grief, panic, and seeking immediate legal or police assistance, rather than meticulously clocking routine logistical details such as the precise hour the police ambulance shifted the body to the mortuary.

46) In view of the above said reason, this Court is of the view that the alleged contradictions regarding the time the body was shifted from the crime scene are trivial and legally insignificant. Such post-incident logistical variations do not touch upon the core substratum of the crime or affect the unassailable credibility of the direct eyewitness accounts. A brutal murder established by robust ocular proof cannot be dismantled by minor, natural differences in time estimation made by traumatized relatives. Accordingly, the defense's contention is rejected as untenable.

47) The next factor relied upon by the prosecution is the recovery of weapon. As per the version of the prosecution, the 1st accused Arulraj and 4th accused Gnanasekar were arrested and that during interrogation, the above said accused Arulraj and Gnanasekar voluntarily gave a statement in the presence of witnesses and the same was recorded in the presence of the witnesses Arumugam and Marimuthu and that on the basis of the information furnished by them, the machetes were recovered through Ex.P5, Seizure mahazar. The admissible portion of the confession statement given by the accused 1 and 4 were marked as Ex.P6.

48) The defense counsel has argued that the prosecution has failed to prove the confession statements and the subsequent recovery of weapons, rendering the seizure invalid under Section 27 of the Indian Evidence Act, 1872. The core of the defense's argument is that the disclosure statements and seizures are fabricated,

casting doubt on the entire recovery process. To evaluate this contention, the Court must scrutinize the testimony of PW10 Marimuthu, an independent witness to the arrest, confession, and subsequent recovery.

49) PW10, Thiru. Marimuthu has deposed that on 30.04.2019, while he and Arumuga Nadar were having tea near bus stop situated in Thenthiruperai Bazaar, the accused Arulraj and Gnanasekar, who were standing there tried to slip away on seeing the police officials and that the police officials arrested them and that during interrogation, they voluntarily gave a confession statement and the same was recorded in a laptop and that based on the information furnished by them, the police officials recovered 2 machetes from a hidden spot of acacia tree situated at Canal Embankment steps as identified by the accused through Ex.P5, Seizure Mahazar.

50) PW10's independent testimony stands unshaken. The defense has failed to show any material animosity between PW10 and the accused individuals that would motivate him to falsely depose against them or plant deadly weapons.

51) Even assuming that the seizure of the weapons was effected without meticulously following the procedures and thus doubtful, in the view of the oral evidence of PW12, the doctor who conducted postmortem and Ex.P8, Postmortem certificate, the medical evidence, which clearly showed that the deceased died because of the injuries caused by sharp weapon, which was seen by the direct eye witnesses PW1 to PW5. The doctor (PW 12) who conducted the postmortem of the deceased opined that the injuries may be caused by machetes. Her medical opinion remained unshaken, which supports the prosecution case and evidence of PW1 to PW5. In said circumstances, this court is of the considered opinion, that the points raised by the counsel for the accused disputing the oral evidence of PW10, is not sustainable.

52) This Court finds that the prosecution has successfully and legally proved the voluntary confession statements and the subsequent recovery of the murder weapons. The individual roles of A1 and A4 in concealing and then leading the police to the hidden machetes stand fully verified by the independent, credible testimony of PW10, supported by the contemporaneous execution of Ex.P5 and Ex.P6. There is no illegality or infirmity in the recovery process. Accordingly, the defense's argument that the confession and recovery were not proved is rejected as completely unsustainable in law.

53) The defense's final assault on the prosecution's case rests on the argument that PW1 to PW5 are close relatives of the deceased, Marimuthu, and must therefore be branded as "interested witnesses" whose testimonies are unsafe to rely upon. Regarding the said contention, this court is of the view that it is a well-entrenched principle of law that relationship is not a ground to discard a witness's testimony in limine. A related witness cannot be automatically equated with an "interested witness." An interested witness is one who wants to see the accused convicted due to some deep-seated, independent animosity or ulterior motive. In the case of immediate family members witnessing a brutal murder outside or near their residence, they are the most natural and probable witnesses present at the scene.

54) Upon close scrutiny of the oral evidence of PW1 to PW5, it would demonstrate that PW1 and PW3 were natural accompanying witnesses walking alongside Marimuthu, giving them an uninterrupted vantage point of the entire assault from inception to completion. PW2, PW4, and PW5 are immediate *res gestae* witnesses under Section 6 of the Indian Evidence Act. They rushed out seamlessly upon hearing the distressed alarms raised at the scene.

55) All five witnesses have deposed in perfect tandem, giving an

unshakeable, uniform narrative regarding the date, time, venue, weapons used, and the individual, specific roles played by each accused. They have cleanly bifurcated the overt acts: the verbal abuse and incitement by Santhiyappar, the brutal machete hacking by Arulraj (A1) and Anthonyraj (A2), and the physical pinning down of the fleeing deceased by Gnanasekar (A4), Gunasingh, Santhiyappar, and Mariyaselvam.

56) Minor discrepancies argued by the defense, such as slight variances in the direction the accused fled, minor temporal differences regarding when the body was shifted, or a peripheral clerical error in the motive section of the non-substantive inquest report are completely natural. These minor variations serve to eliminate any suspicion of a rigidly coached or manufactured prosecution narrative. The core substratum of the eyewitness testimonies remains completely unimpeached. Therefore, this Court places implicit reliance on the testimony of PW1 to PW5.

57) The prosecution has established an unbroken, legally unassailable chain of facts that conclusively proves the guilt of the accused persons. The chain originates from a deep-seated, long-nursed family enmity triggered by a Rs.50/- wage dispute at a brick kiln, which had previously led to violent cross-assaults and the formal registration of Crime Nos. 70/2018 (Ex.P10) and 71/2018 (Ex.P22). This active animosity directly culminated in the fatal incident on 29.04.2019 at 07:30 p.m. near Baskar's house, where the first, second, and sixth accused wrongfully restrained them with the first and second accused armed with machetes and the sixth accused abused Marimuthu in filthy language and incited the others to kill him and the first and second accused then attacked Marimuthu with machetes and when Marimuthu attempted to escape, the third to sixth accused wrongfully restrained him and pushed him to the ground and caused the death of Marimuthu and they further criminally intimidated the eyewitnesses Muthulakshmi and Jaya, along with Pitchai, Rajadurai, and Sudha and that the family took swift legal recourse by rushing directly to the

Alwarthirunagari Police Station to lodge the written complaint (Ex.P1) attested by PW2 (Ex.P2), completely ruling out any possibility of tutoring or concoction. This direct ocular framework is perfectly capped by the subsequent arrest of A1 and A4 on 30.04.2019, where, as verified by independent witness PW10, their voluntary disclosure statements (Ex.P6) led directly to the discovery and recovery of the two hidden offending machetes at the Canal Embankment steps under Seizure Mahazar (Ex.P5). This seamless integration of a powerful motive, consistent eyewitness testimonies, an immediate FIR, and the subsequent recovery of hidden weapons leaves no room for any hypothesis other than the definitive guilt of the accused.

58) In the light of the findings recorded herein above, this Court holds that the prosecution has successfully established the charges against all the accused persons beyond any shadow of reasonable doubt. Consequently, the defense contentions stand rejected, and the accused are held guilty and convicted as under:

Accused No. 1 (Arulraj) and Accused No. 2 (Anthonyraj):

Convicted under Section 148 of the Indian Penal Code for being members of an unlawful assembly armed with deadly weapons.

Convicted under Section 341 of the IPC for the wrongful restraint of the deceased, Marimuthu.

Convicted under Section 302 of the IPC for the substantive offense of committing the murder of Marimuthu by launching a fatal assault with deadly machetes.

Convicted under Section 506(ii) of the IPC for criminally intimidating the eye-witnesses PW1 to PW5 at the scene of occurrence.

Accused No. 4 (Gnanasekar), Accused No. 5 (Gunasingh) :

Convicted under Section 147 of the IPC for rioting as members of an unlawful assembly.

Convicted under Section 341 of the IPC for actively blocking and wrongfully restraining the deceased.

Convicted under Section 302 read with Section 149 of the IPC; this Court having found that they shared a common object to eliminate the deceased, actively facilitated the murder by pinning Marimuthu to the ground when he attempted to flee, and the Accused No. 6 intentionally abetted the offense by hurling filthy abuses and inciting the executioners to launch the fatal strike.

Convicted under Section 506(ii) of the IPC for criminally intimidating the eyewitnesses to prevent them from raising an alarm.

Accused No. 6 (Santhiyappan):

Convicted under Section 147 of the IPC for rioting as members of an unlawful assembly.

Convicted under Section 341 of the IPC for actively blocking and wrongfully restraining the deceased.

Convicted under Section 294(b) of the IPC for abusing the deceased in filthy language.

Convicted under Section 302 read with Section 149 of the IPC; this Court having found that they shared a common object to eliminate the deceased, actively facilitated the murder by pinning Marimuthu to the ground when he attempted to flee, and the Accused No. 6 intentionally abetted the offense by hurling filthy abuses and inciting the executioners to launch the fatal strike.

Convicted under Section 506(ii) of the IPC for criminally intimidating the eyewitnesses to prevent them from raising an alarm.

59) For the reasons stated in the findings therein, it is held that the charges against the 1st and 2nd accused for the offence under sections 148, 341, 302, 506(ii) of IPC and the charges against the 4th and 5th accused for the offences under sections

147, 341, 302 r/w 149, 506(ii) of IPC and the charge against the 6th accused for the offence under section 147, 341, 294(b), 302 r/w 149, 506(ii) of IPC are clearly proved by the prosecution beyond any reasonable doubt and the 1st and 2nd accused are found guilty under sections 148, 341, 302, 506(ii) of IPC and the 4th and 5th accused are found guilty under sections 147, 341, 302 r/w 149, 506(ii) of IPC and the 6th accused is found guilty under section 147, 341, 294(b), 302 r/w 149, 506(ii) of IPC.

60) In the result, the 1st and 2nd accused are held guilty under sections 148, 341, 302, 506(ii) of IPC and the 4th and 5th accused are held guilty under sections 147, 341, 302 r/w 149, 506(ii) of IPC and the 6th accused is found guilty under section 147, 341, 294(b), 302 r/w 149, 506(ii) of IPC and are liable to be convicted under Section 235(2) of Cr.P.C. The gist of the Judgment is informed to the accused 1, 2 4 to 6 and the operative portion is explained and read over to the accused in Tamil. When the accused was questioned regarding the sentence to be awarded,

1st accused stated as -

“குறைந்த பட்ச தண்டனை விதிக்க வேண்டுகிறேன்”

2nd accused stated as -

“குறைந்த பட்ச தண்டனை விதிக்க வேண்டுகிறேன்”

4th accused stated as -

“குறைந்த பட்ச தண்டனை விதிக்க வேண்டுகிறேன்”

5th accused stated as -

“குறைந்த பட்ச தண்டனை விதிக்க வேண்டுகிறேன்”

6th accused stated as -

“குறைந்த பட்ச தண்டனை விதிக்க வேண்டுகிறேன்”

61) On considering nature of the case and the plea of accused, this court is of the view that when minimum punishment of imprisonment for life is prescribed for the offence u/s. 302 of IPC, no leniency could be shown in punishment.

In the result,

- (i) The 1st and 2nd accused are found guilty under sections 148, 341, 302, 506(ii) of IPC and the 4th and 5th accused are found guilty under sections 147, 341, 302 r/w 149, 506(ii) of IPC and the 6th accused is found guilty under section 147, 341, 294(b), 302 r/w 149, 506(ii) of IPC are liable to be convicted under Section 235(2) of Cr.P.C.
- (ii) The 1st accused is convicted under Section **302 of IPC** and sentenced to undergo **Life Imprisonment** and to pay a fine of **Rs.5,000/-** and in default to undergo Simple Imprisonment for a period of **one year and is** convicted under Section **148 of IPC** and sentenced to undergo **Rigorous Imprisonment for 3 years** and is convicted under Section **341 of IPC** and sentenced to undergo **Simple Imprisonment for 1 month** and is convicted under Section **506(ii) of IPC** and sentenced to undergo **Rigorous Imprisonment for Seven years** and to pay a fine of **Rs.2,500/-** and in default to undergo Simple Imprisonment for a period of **three months**.
- (iii) The 2nd accused is convicted under Section **302 of IPC** and sentenced to undergo **Life Imprisonment** and to pay a fine of **Rs.5,000/-** and in default to undergo Simple Imprisonment for a period of **one year and is** convicted under Section **148 of IPC** and sentenced to undergo **Rigorous Imprisonment for 3 years** and is convicted under Section **341 of IPC** and sentenced to undergo **Simple Imprisonment for 1 month** and is convicted under Section **506(ii) of IPC** and sentenced to undergo **Rigorous Imprisonment for Seven years** and to pay a fine of **Rs.2,500/-** and in default to undergo **Simple Imprisonment** for a period of **three months**.
- (iv) The 4th accused is convicted under Section **302 r/w 149 of IPC** and sentenced to undergo **Life Imprisonment** and to pay a fine of **Rs.5,000/-** and in default to undergo Simple Imprisonment for a period of **one year and is** convicted under Section **147 of IPC** and sentenced to undergo **Rigorous Imprisonment for 2**

years and is convicted under Section **341 of IPC** and sentenced to undergo **Simple Imprisonment for 1 month** and is convicted under Section **506(ii) of IPC** and sentenced to undergo **Rigorous Imprisonment for Seven years** and to pay a fine of **Rs.2,500/-** and in default to undergo Simple Imprisonment for a period of **three months**.

- (v) The 5th accused is convicted under Section **302 r/w 149 of IPC** and sentenced to undergo **Life Imprisonment** and to pay a fine of **Rs.5,000/-** and in default to undergo Simple Imprisonment for a period of **one year** and is convicted under Section **147 of IPC** and sentenced to undergo **Rigorous Imprisonment for 2 years** and convicted under Section **341 of IPC** and sentenced to undergo **Simple Imprisonment for 1 month** and is convicted under Section **506(ii) of IPC** and sentenced to undergo **Rigorous Imprisonment for Seven years** and to pay a fine of **Rs.2,500/-** and in default to undergo Simple Imprisonment for a period of **three months**.
- (vi) The 6th accused is convicted under Section **302 r/w 149 of IPC** and sentenced to undergo **Life Imprisonment** and to pay a fine of **Rs.5,000/-** and in default to undergo Simple Imprisonment for a period of **one year** and is convicted under Section **147 of IPC** and sentenced to undergo **Rigorous Imprisonment for 2 years** and is convicted under Section **341 of IPC** and sentenced to undergo **Simple Imprisonment for 1 month** and is convicted under Section **506(ii) of IPC** and sentenced to undergo **Rigorous Imprisonment for Seven years** and to pay a fine of **Rs.2,500/-** and in default to undergo Simple Imprisonment for a period of **three months** and is convicted under Section **294(b) of IPC** and sentenced to undergo **Simple Imprisonment for Three months**
- (vii) The sentences are ordered to run concurrently. The period of Imprisonment already undergone by the accused during remand shall be set off under Section 428 of Cr.P.C. Total fine amount 1st accused Rs.7,500/- and 2nd accused

Rs.7,500/-, 4th accused Rs.7,500/-, 5th accused Rs. Rs.7,500/-, and 6th accused Rs. 7,500/-.

- (vii) The material objects were produced by the prosecution and remanded in P.R. No.155/2019 before (JM, Srivaikundam) and said property was transferred to JM2, Srivaikundam and renumbered as P.R. No.192/2023. The said properties were damages due to flood. Hence, no material objects were marked and hence, no property order is required. All bonds shall stand cancelled after the expiry of appeal period or after the disposal of the appeal.
- (viii) As the Marimuthu is murdered in this case, his dependents are entitled to get compensation under section 357(A) Cr.P.C. Accordingly, a copy of this judgment is ordered to be forwarded to District Legal Services Authority, Thoothukudi to determine the quantum of compensation and payable to them.

Dictated to the Steno-typist, transcribed and typed by her corrected and pronounced by me in the open court this the 12th day of August 2026.

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

List of Prosecution Witnesses :-

- PW1 Tmt. Muthulakshmi (Defacto Complainant)
- PW2 Tr. Pitchai (Complaint Witness)
- PW3 Tmt. Jeya (Eye Witness)
- PW4 Tr. Rajadurai (Eye Witness)
- PW5 Tmt. Sudha (Eye Witness)
- PW6 Tmt.Gnanaselvi (Eye Witness)
- PW7 Thiru.Saravanan (Witness)
- PW8 Thiru.Lingeswaran (Eye Witness)

PW9 Tr. Baskar (Observation Mahazar Witness)
 PW10 Tr. Marimuthu (Confession Witness)
 PW11 Tr. Thevarpiran @ Duraiappan (Formal Witness)
 PW12 Dr. Tmt. Sathya (Expert Witness)
 PW13 Tr. Sankar, Grade I PC (Official Witness)
 PW14 Tr. Subanantham, Head Constable (Official Witness)
 PW15 Tr. Harikrishnan, Grade I PC (Official Witness)
 PW16 Tmt. Manju, Grade I PC (Official Witness)
 PW17 Tr. Murugan, Junior Electrical Engineer (Expert Witness)
 PW18 Tr. Sivalingaperumal (Sub Inspector of Police – Register of FIR)
 PW19 Tmt.Gnanaprakashi (Inspector of Police – Investigating Officer)
 PW20 Tmt.Padmakumari (Inspector of Police – Investigating Officer)
 PW21 Tr. Jeankumar (Inspector of Police – Investigating Officer)

List of Exhibits marked on the side of prosecution :-

Ex.P1 Complaint (PW1)
 Ex.P2 Signature of PW2 in the complaint (PW2)
 Ex.P3 Observation Mahazar (PW9)
 Ex.P4 Seizure Mahazar (29.04.2019, 23.30 hrs) (PW9)
 Ex.P5 Seizure Mahazar (30.04.2019, 19.30 hrs) (PW10)
 Ex.P6 The signature of PW10 in the confession statement said to be given by the 1st accused (PW10)
 Ex.P7 Police requisition for chemical examination (PW12)
 Ex.P8 Post Mortem Certificate (PW12)
 Ex.P9 Passport (Tr.Subanantham) (PW14)
 Ex.P10 Certified Copy of First Information Report in Cr.No.70/2018 (PW15)
 Ex.P11 Certificate stating that there was no interruption in power supply in occurrence place (PW17)

Ex.P12	First Information Report (PW18)
Ex.P13	Rough Sketch (PW19)
Ex.P14	Inquest Report (PW19)
Ex.P15	Form 91 (2 Nos.) (29.04.2019-23.30 hrs, 30.04.2019-14.00 hrs) (PW19)
Ex.P16	Form 91 (30.04.2019, 19.30 hrs) (PW20)
Ex.P17	Police requisition for Chemical Analysis (PW20)
Ex.P18	The corresponding court order for Chemical Analysis (PW20)
Ex.P19	Biology Report in TIN/BIOL/400/2019, dated 03.07.2019 (PW20)
Ex.P20	Serology Report in MDU/SER.T1/188/2019, dated 29.07.2019 (PW20)
Ex.P21	Passport (Tr.Vallinayagam – HC) (PW20)
Ex.P22	Certified copy of FIR in Cr. No. 71/2018 (PW21)
Ex.P23	Alteration Report (PW21)

List of Material Objects by prosecution :- NIL

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. 70/2021
Draft/Fair Judgment
Dt: 12.08.2026**

JUDGMENT ANNEXURE**S.C. No. 70/2021**

i)	The period of remand of the accused	<u>Date of Remand :-</u> A1, A4 – 30.04.2019 A2, A3, A5, A6 – 02.05.2019 <u>Date of released on bail:-</u> A1 – 27.11.2019, A2 – 25.7.2019 A3 to A6 –05.07.2019
ii)	The date of filing of the complaint/final report in the Court	Complaint date :- 29.04.2019 Final Report Date:- 10.01.2020
iii)	the date of committal of the case to the Court Sessions	08.02.2021
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	15.12.2021
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.3 to 6 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.2770/2019 on 02.07.2019 2) The Accused No.2 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.3134/2019 on 22.07.2019 3) The Accused No.1 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, Srivaikundam in CrI.M.P. No.5838/2019 on 18.11.2019																																																																		
vi)	Date of examination in Chief and : Cross examination of a witness	<table> <tr> <th colspan="2"><u>Chief</u></th><th><u>Cross</u></th></tr> <tr> <td>P.W.1</td><td>17.11.2025</td><td>06.12.2025 12.02.2026</td></tr> <tr> <td>P.W.2</td><td>17.11.2025</td><td>06.12.2025 12.02.2026 23.02.2026</td></tr> <tr> <td>P.W.3</td><td>17.11.2025</td><td>06.12.2025 12.02.2026</td></tr> <tr> <td>P.W.4</td><td>17.11.2025</td><td>06.12.2025 12.02.2026</td></tr> <tr> <td>P.W.5</td><td>17.11.2025</td><td>06.12.2025 23.02.2026</td></tr> <tr> <td>P.W.6</td><td>06.01.2026</td><td>--</td></tr> <tr> <td>P.W.7</td><td>21.01.2026</td><td>--</td></tr> <tr> <td>P.W.8</td><td>21.01.2026</td><td>--</td></tr> <tr> <td>P.W.9</td><td>21.01.2026</td><td>--</td></tr> <tr> <td>P.W.10</td><td>21.01.2026</td><td>23.02.2026</td></tr> <tr> <td>P.W.11</td><td>03.02.2026</td><td>03.02.2026</td></tr> <tr> <td>P.W.12</td><td>26.02.2026</td><td>--</td></tr> <tr> <td>P.W.13</td><td>26.02.2026</td><td>--</td></tr> <tr> <td>P.W.14</td><td>09.03.2026</td><td>09.03.2026</td></tr> <tr> <td>P.W.15</td><td>09.03.2026</td><td>09.03.2026</td></tr> <tr> <td>P.W.16</td><td>09.03.2026</td><td>09.03.2026</td></tr> <tr> <td>P.W.17</td><td>16.03.2026</td><td>16.03.2026</td></tr> <tr> <td>P.W.18</td><td>23.03.2026</td><td>23.03.2026</td></tr> <tr> <td>P.W.19</td><td>10.04.2026</td><td>10.04.2026</td></tr> <tr> <td>P.W.20</td><td>03.06.2026</td><td>03.06.2026 12.06.2026</td></tr> <tr> <td>P.W.21</td><td>18.06.2026</td><td>18.06.2026</td></tr> </table>	<u>Chief</u>		<u>Cross</u>	P.W.1	17.11.2025	06.12.2025 12.02.2026	P.W.2	17.11.2025	06.12.2025 12.02.2026 23.02.2026	P.W.3	17.11.2025	06.12.2025 12.02.2026	P.W.4	17.11.2025	06.12.2025 12.02.2026	P.W.5	17.11.2025	06.12.2025 23.02.2026	P.W.6	06.01.2026	--	P.W.7	21.01.2026	--	P.W.8	21.01.2026	--	P.W.9	21.01.2026	--	P.W.10	21.01.2026	23.02.2026	P.W.11	03.02.2026	03.02.2026	P.W.12	26.02.2026	--	P.W.13	26.02.2026	--	P.W.14	09.03.2026	09.03.2026	P.W.15	09.03.2026	09.03.2026	P.W.16	09.03.2026	09.03.2026	P.W.17	16.03.2026	16.03.2026	P.W.18	23.03.2026	23.03.2026	P.W.19	10.04.2026	10.04.2026	P.W.20	03.06.2026	03.06.2026 12.06.2026	P.W.21	18.06.2026	18.06.2026
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vii)	Date of examination of the accused u/s. 313 of the Cr.P.C. Code	:	25.06.2026
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.**