



2025:KER:18936

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

&

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

THURSDAY, THE 6TH DAY OF MARCH 2025 / 15TH PHALGUNA, 1946

CRL.A NO. 1811 OF 2023

CRIME NO.630/2018 OF Anthikad Police Station, Thrissur
AGAINST THE ORDER/JUDGMENT DATED IN SC NO.235 OF 2019
OF THE ADDITIONAL DISTRICT COURT, THRISSUR

REVIEW PETITIONERS/APPELLANTS:

RATHEESH, AGED 37 YEARS, S/O KOCHUMON,
MUTTISSERY HOUSE, PARAKKAD VILLAGE,
KAYAL ROAD DESOM, SHANTHI NAGAR, PIN - 680012

BY ADV K.V.SABU

RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

ADV. SRI. ALEX M THOBRA, SENIOR PUBLIC PROSECUTOR

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON
24.02.2025, THE COURT ON 06.03.2025 DELIVERED THE
FOLLOWING:



JUDGMENT

Jobin Sebastian, J.

The sole accused in S.C. No.235/2019 on the file of Additional Sessions Court-I, Thrissur, has preferred this appeal challenging the judgment of conviction and order of sentence passed against him for offences punishable under Sections 452 and 302 of the Indian Penal Code.

2. The facts of the case, in brief, are as follows:

The accused and the deceased Kalesh were friends. The accused harbored a suspicion that his wife was having an illicit relationship with Kalesh. Driven by this animosity, on 24.09.2018 in the night, the accused attacked his wife Jyothi with a sword at their residence, but she managed to escape by fleeing the scene. Later on the same day night, at 11.15 p.m., the accused searching for his wife, trespassed into the house of CW1, where Kalesh was residing. When CW1, the brother of Kalesh questioned the same, the accused attempted to hack Kalesh with a sword. However, Kalesh evaded the said attack and tried to escape by running along the road after exiting the house. However, the accused chased Kalesh and hacked on the back of his head with the sword. Due to the said blow, when Kalesh fell down, the accused incessantly hacked at his head and neck and murdered him. Moreover, the accused threatened the



local people who came to the crime scene by brandishing the sword. Hence the accused is alleged to have committed the offences punishable under Sections 452 and 302 IPC.

3. On completion of the investigation, the final report was submitted before the Judicial First Class Magistrate Court-II, Thrissur. As the case was one triable exclusively by the Court of Session, the learned Magistrate after complying with all the necessary formalities committed the case to the Court of Session, Thrissur. After taking cognizance, the learned Sessions Judge made over the case for trial and disposal to Additional Sessions Court-I, Thrissur. The learned Additional Sessions Judge heard both sides under Section 227 Cr.P.C. and as the case was not a fit one to discharge the accused, a written charge was framed against the accused for offences punishable under Sections 452 and 302 IPC. When the charge was read over and explained to the accused in Malayalam, he pleaded not guilty and claimed to be tried.

4. In order to bring home the guilt of the accused, the prosecution has altogether examined 15 witnesses as PW1 to PW15. Exts.P1 to P25(a) were exhibited and marked, and MO1 to MO4 were produced and identified. A contradiction in the 161 statement of a prosecution witness, brought out by the defence, was marked as Ext.D1.



After completion of prosecution evidence, when the accused was questioned under Section 313 of the Cr.P.C., he denied all the incriminating materials brought out against him in evidence. On finding that the accused could not be acquitted under Section 232 of the Cr.P.C., he was called upon to enter his defence. From the side of the accused no evidence, whatsoever, was produced.

5. After trial, the accused was found guilty of the offences punishable under Sections 452 and 302 IPC and convicted. The accused was sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.3,00,000/- (Rupees three lakhs only) for offence punishable under Section 302 of the IPC. In default of payment of fine, the accused was sentenced to undergo rigorous imprisonment for five years. For offence punishable under Section 452 IPC, the accused was sentenced to undergo rigorous imprisonment for four years and to pay a fine of Rs.50,000/- with a default clause to undergo rigorous imprisonment for one year. Aggrieved by the finding of guilt, conviction, and sentence passed by the trial court, the accused has come up with this appeal.

6. The FIR in this case was lodged based on the statement given by the brother of the deceased (PW1) to the SHO, Circle Inspector, Anthikad Police Station. When the brother of the deceased was examined



as PW1, he vividly recounted the incident that led to his brother's death. According to PW1, during the period of occurrence in this case, he along with his wife, mother, and two children were residing in their family house at Parakkad Santhi Nagar Colony. His brother Kalesh, the deceased in this case, was also residing with him. His brother was a bachelor. On 24.09.2018, at about 11 p.m., the accused came to his house searching for the accused's wife, claiming that she is missing. The accused got entry into the house when PW1 opened the door in response to the accused's knock on the door. After entering the house, the accused barged into the room of Kalesh. The accused then brandished a sword and asked Kalesh whether the accused's wife is there. Then Kalesh evaded the attack and escaped by running through the road after exiting from the house. However, the accused chased Kalesh and hacked at his head and neck incessantly. According to PW1, he witnessed the incident in the background of the street light as well as in the light that emanated from a nearby workshop. Moreover, there was also sufficient light from the nearby houses. After the incident, on hearing the sound of a police jeep, the accused fled from the scene. According to PW1, he as well as those who gathered at the scene could not restrain the accused as he brandished the sword towards them. Apart from PW1, his friends named



Babu, Subin, and Subash (PW2) also witnessed the incident. PW1 further testified that the accused was doubtful about the chastity of his wife and two years prior to the incident in this case, the accused entered into a quarrel with his brother Kalesh by saying the name of Jyothi, the accused's wife. Thereafter, the said issue was settled. According to PW1, it may be due to the said feud, the accused attacked Kalesh. PW1 identified the sword allegedly used by the accused to hack his brother and the same is marked as MO1. According to PW1, his brother was wearing a dhoti at the time of the commission of offence. The said dhoti was identified by PW1 and marked as MO2. PW1 further deposed that the accused was wearing a trouser and shirt at the time of the commission of the offence. The said trousers and shirt were also identified by PW1 and were marked as MO3 and MO4 respectively. According to PW1, Ext.P1 is the statement given by him to the police.

7. An independent witness cited by the prosecution to prove the occurrence was examined as PW2. PW2 deposed that he is residing at Santhi Nagar Colony. Both the accused and the deceased in this case were his friends and neighbours. His house is situated on the opposite side of the deceased's house. On 24.09.2018, between 11.00 p.m. and 11.15 p.m., while he was sitting in his house, he heard the accused making a



commotion and searching for the accused's wife in the nearby houses. The accused also came to his house in search of his wife. Thereafter, the accused went to the house of Kalesh. After a short while, he saw Kalesh running away after exiting his house through the road and the accused following him with a sword. On seeing the same, PW2 also followed the accused. Apart from him one Sabu, Subin and the brother of the deceased followed the accused. Then the accused hacked at the back of the head and neck of Kalesh with the sword. Though PW2 along with the others approached near the accused, he threatened them by brandishing the sword. Scared by the same, none of them approached the accused. He witnessed the incident under the street light, and the lights turned on in the nearby workshop as well as in the nearby houses. After a short while, on hearing the sound of a police jeep, the accused fled from the spot. PW2 further testified that the accused doubted that his wife was having an illicit relationship with Kalesh and that is why the accused attacked Kalesh. PW2 identified MO1 as the sword used by the accused to hack the deceased.

8. When another independent witness was examined as PW3, he deposed that he is a carpenter and also a social worker. Both the accused and the deceased in this case are familiar to him and they were his



friends. On 24.09.2018, at around 11.00 p.m., a resident of Santhi Nagar Colony informed him over the phone about the incident in this case. Then he immediately informed the matter to the police over the phone. According to PW3, thereafter, he went to the scene of the occurrence on his bike. When he reached there, he saw the accused standing there, holding a sword. Immediately, a police vehicle came and the accused fled from the spot. Then Kalesh, the deceased in this case was found lying on the road. As called by the police, an ambulance came and PW3 along with the others took Kalesh to the District Hospital in the said ambulance. After examining Kalesh, the doctor reported that Kalesh is no more. He witnessed the inquest and is a signatory in the inquest report(Ext.P2) prepared in this case. After the incident, the police came with the accused in a jeep and he saw the accused taking a sword from an uninhibited property situated on the northern side of the property of one Manesh and handing over the same to the police. The police recovered the said sword after describing it in a mahazar and he is also a signatory in the said mahazar. Ext.P3 is the said mahazar.

9. The wife of the accused was examined as PW4. According to PW4, during the period of occurrence in this case she along with her husband, two children, and her husband's parents were residing together



in a house at Santhi Nagar Colony. On 24.09.2018, the accused picked up a quarrel with her, and during the said quarrel she fell down to the floor and sustained injuries. Anyhow, PW4 denied the suggestion put by the Public Prosecutor that the accused hacked her with a sword. According to PW4, after the quarrel, she went out of the house along with her elder child and hid inside a firewood shed. The accused used to quarrel with her frequently as he doubted her fidelity.

10. When the doctor, who conducted the postmortem examination on the body of the deceased was examined as PW9, he deposed as follows:-

On 25.09.2018, while he was working as an Assistant Professor at Medical College Hospital, Thrissur, he conducted the autopsy of the deceased in this case and issued a postmortem certificate. Ext.P13 is the postmortem certificate so issued. According to PW9, 31 antemortem injuries were noted by him in the postmortem examination. Referring to Ext.P13 postmortem certificate, PW9 opined that the death was due to the multiple incised wounds sustained to the neck and head. When PW9 was confronted with MO1 sword, he deposed that the incised wounds noted in the postmortem examination could have been produced by a weapon like MO1. A conjoint reading of the evidence of PW9 and the postmortem



certificate issued by him reveals that the death of Kalesh was certainly and undoubtedly homicidal in nature.

11. A Civil Police Officer attached to Anthikkad police station was examined as PW10. According to PW10, on 25.09.2018, at 4.00 a.m., as directed by the Inspector of Police, Anthikkad, he recorded the FIS given by PW1 and Ext. P1 is the FIS so recorded by him.

12. The Circle Inspector of Police, Anthikkad who registered the case and conducted the investigation was examined as PW15. According to PW15 on 25.09.2018, on the strength of the Ext. P1 FIS, he registered the present case, and Ext.P17 is the FIR registered. Thereafter, he reached the General Hospital, Thrissur, and conducted inquest. Ext.P2 is the inquest report prepared by him. Thereafter at 12.40 p.m., he visited the crime scene and prepared Ext. P8 scene mahazar in the presence of independent witnesses. The scientific officer, who accompanied him had collected some items from the crime scene and handed over the same to him. According to PW15, those items were taken into custody as per Ext.P11 seizure mahazar. Thereafter, he effected the arrest of the accused at 6.00 p.m., at a place called Pazhamkol at Marady. The trousers and shirt, worn by the accused at the time of his arrest were also taken into custody after describing in Ext.P19 mahazar. On interrogation, the accused



gave a confession statement, and on the strength of the disclosure statement given by the accused and as led by the accused PW15 reached at an uninhibited property situated on the backside of the house of one Mahesh. Thereafter, the accused took a sword from the said property and handed over the same to PW15. According to PW15, the said weapon was recovered as per Ext.P3 mahazar. The sword so recovered was identified by PW15 as MO1. According to PW15, the thondi articles recovered in this case were produced before the court after describing in a property list. PW15 identified the property list by which MO1 sword was produced before the court and the said property list was marked as Ext.P21. PW15 also identified MO2, the dhoti worn by the deceased at the time of the commission of offence. According to PW15, Ext.P23 is the forwarding note prepared by him and produced before the Court for sending the thondi articles in this case for scientific examination. The FSL report received after the examination of the thondi article in this case was marked as Ext.P24. According to PW15 as part of the investigation, he interrogated the witnesses and recorded their statements. It was PW15, who completed the entire investigation in this case and laid the final report before the court.

13. To prove the charge levelled against the accused, the



prosecution predominantly relies on the compelling ocular testimony of PW1 and PW2. As noted, PW1 is none other than the brother of the deceased and PW2 is a common neighbour of the deceased and the accused. The evidence tendered by PW1 has been assailed by the counsel for the appellant mainly on the ground that, as a close relative of the deceased, PW1 is inherently an interested witness, rendering his testimony suspect and unreliable. However, while considering the appellant's contention in the above regard, it should not be forgotten that there is no rigid or inflexible rule that the evidence of a related witness shall be viewed with suspicion under all circumstances. Nevertheless, while acting on the evidence of a relative witness, the court must act with discerning circumspection and utmost prudence. Therefore, we are of the strong view that the contention of the learned counsel for the appellant that the evidence of PW1 is liable to be discarded at the threshold, solely on the ground that he is the brother of the deceased, cannot be accepted.

14. In **State of Andhra Pradesh v. S. Rayappa and others** [(2006) 4 SCC 512], the Supreme Court observed as under:

"Testimony of a witness otherwise inspiring confidence cannot be discarded on the ground that he being a relation of the deceased is an interested witness. A close relative who is a very natural witness cannot be termed as an interested witness. The term interested postulates that the person concerned must have some direct interest in seeing the



accused person being convicted somehow or the other either because of animosity or some other reasons. On the contrary, it has now almost become a fashion that the public is reluctant to appear and depose before the court especially in criminal cases because of varied reasons. Criminal cases are kept dragging on for years to come and the witnesses are harassed a lot. They have been threatened, intimidated and at the top of all they are subjected to lengthy cross-examination. In such a situation the only natural witness available to the prosecution would be the relative witness. The relative witness is not necessarily an interested witness. On the other hand, being a close relation to the deceased they will try to prosecute the real culprit by stating the truth. There is no reason as to why a close relative will implicate and depose falsely against somebody and screen the real culprit to escape unpunished. The only requirement is that the testimony of the relative witness should be examined cautiously."

15. In **Kartik Malhar v. State of Bihar** [(1996) 1 SCC 614], it was observed that a close relative who is a natural witness cannot be regarded as an interested witness. The term "interested" postulates that the witness must have some interest in having the accused somehow or the other convicted for some animosity or for some other reasons.

16. Keeping in mind the above-mentioned principles enumerated by a series of judicial pronouncements, while analyzing the evidence of PW1, it is crucial to note that, he testified about an incident in which his brother had tragically lost his life allegedly at the hands of the accused. There is nothing to indicate that PW1 had any previous score to settle against the accused. Even the accused did not have a case that PW1 had any animosity or grudge towards the accused that would motivate him to falsely implicate the accused in a murder case like this. Therefore, it



defies common sense to categorize PW1 as an interested witness and to doubt his testimony solely on the basis of his relationship with the deceased. As observed in **Rayappa's** case (supra) it could not be believed that PW1 would falsely implicate innocent individuals, thereby shielding the true perpetrators who took the life of his brother and allowing them to escape unpunished.

17. While evaluating the testimony of PW1, the initial consideration is whether the presence of PW1 at the crime scene at the time of offence is plausible and reasonably probable. The evidence of PW1 that he and his deceased brother Kalesh were residing in their family house at Parakkad Santhi Nagar Colony at the time of occurrence remains unchallenged. The incident in this case allegedly occurred at 11.15 p.m. According to PW1, at around 11.00 p.m., the accused knocked at the door of their house and when he opened the door, the accused barged into the room of Kalesh, asking whether the accused's wife was there. According to PW1, thereafter the accused brandished the sword towards Kalesh, who evaded the attack and managed to escape by running along the road after exiting the house. However, the evidence of PW1 shows that the accused who was not ready to spare the deceased, followed him with a sword and hacked him incessantly. Of course, the incident occurred on the late night



of 24.09.2018. Given that the incident occurred late at night, PW1's presence at his house at that time is quite natural. As PW1 is a natural witness his evidence cannot be disregarded merely because he is the brother of the deceased.

18. Moreover, this is not a case in which the prosecution relies solely on the testimony of PW1 to prove the occurrence. On the contrary, the evidence of PW2, a neighbour of both the deceased and the accused will prove the occurrence convincingly. On examination before the court, PW2 categorically deposed that on 24.09.2018 between 11.00 p.m. and 11.15 p.m., while he was sitting in his house, he found the accused searching for his wife in the neighbouring houses, creating a commotion. PW2 further stated that the accused also came to his house in search of his wife. Thereafter, the accused went to PW1's house where Kalesh, the deceased in this case was residing. After a short while, PW2 saw Kalesh, running out of his house along the road. Then the accused followed Kalesh with a sword and hacked at the head and the backside of the neck of Kalesh with the sword. We find no reason to disbelieve the evidence of PW2. The evidence of PW2 vouches the fact that PW1, the brother of the deceased, was also at the crime scene at the time of the occurrence. The fact that PW2 is residing near the place of occurrence remains undisputed



in this case. PW2 being a resident near to the crime scene, his evidence that he witnessed the incident need not be doubted as he is also a natural witness. Moreover, the evidence of PW1 and PW2, the occurrence witnesses is mutually corroborative. Notably the accused is not having a case that PW2 has any sort of animosity or grudge that would motivate him to falsely implicate the accused in a case of this nature. Therefore, we find no reason to disbelieve the evidence of PW2 particularly since he has no axe to grind against the accused. Though PW2 was subjected to roving cross-examination by the learned counsel for the accused, he withstood the same successfully. His evidence is free from contradictions and improvements of even a minor nature. Therefore, he can be treated as a wholly reliable witness and his evidence is of sterling quality.

19. The evidence of PW3, another independent witness also will lend some support to the case of the prosecution although he did not witness the entire incident in this case. The evidence of PW3 shows that he is also a resident at Santhi Nagar Colony where the accused and deceased resided. According to him, on the alleged date of the incident at around 11 p.m., he received a phone call from a fellow resident informing him about the incident in this case. According to PW3 on getting the said information he immediately informed the matter to the police over phone



and rushed to the crime scene on his bike. PW3 further deposed that when he reached the scene of the crime, he saw the accused standing there holding a sword. PW3 further deposed that immediately then, Police came, and on hearing the sound of the police vehicle the accused fled from the scene. The testimony of PW3 that the accused was found standing at the crime scene immediately after the incident with the sword speaks volumes about his involvement in the commission of the offence.

20. Another material relied upon by the prosecution to prove the complicity of the accused in the commission of the offence is the recovery of MO1 sword, the weapon of offence, allegedly effected on the strength of the disclosure statement given by the accused. When PW15, the investigating officer, was examined, he deposed that after arresting the accused and on interrogation, the accused made a confession statement, and in the said statement, the accused disclosed that "എന്നെ കൂട്ടിക്കൊണ്ടു പോയാൽ ആയുധം വലിച്ചെറിഞ്ഞ സമയവും ആയുധവും കാണിച്ചു തരാം." According to PW15, on the strength of the said disclosure statement and as led by the accused he reached at an uninhibited property situated on the backside of the house of one Mahesh, and the accused took and produced a sword from inside the compound wall of the said property and the sword so produced and handed over to him by the accused was taken into custody by



describing in Ext.P3 recovery mahazar. At this juncture, it is apposite to note that the relevant portion of the statement that led to the recovery of MO1 sword, which finds a place in Ext.P3 recovery mahazar after excluding the inculpatory portion reads as follows:

“ഞാൻ ഓടിപ്പോകുന്ന വഴി, ചാലാടി പഴങ്കോൽ ഭാഗത്തേക്ക് പോകുന്ന വഴിയിലെ ഒഴിഞ്ഞ പറമ്പിലേക്ക് ഇട്ടിട്ടുണ്ട്. എന്നെ കൂട്ടിക്കൊണ്ടു പോയാൽ ആയുധം വലിച്ചെറിഞ്ഞ സ്ഥലവും ആയുധവും കാണിച്ചുതരാം.”

21. It is apparent that the exact statement given by the accused recorded in Ext.P3 mahazar, which led to the alleged recovery, was not deposited by the investigating officer before the court. If the evidence of PW15, the investigating officer is believed, the weapon was recovered from the property situated on the backside of the house of one Mahesh. In the cross-examination, PW15, the investigating officer admitted that though in Ext.P3 recovery mahazar, it is stated that the accused made a statement that the weapon was thrown to a vacant land on the side of the way which leads to Chaladi Pazhamkol padam, MO1 sword was actually seized from the property of Mahesh as led by the accused. Therefore, it is not prudent to conclude that the recovery was effected on the strength of the disclosure statement given by the accused. It is trite that what the prosecution can prove is the information given by the accused which



distinctively leads to recovery of a fact alone. The said information gets conformity by the subsequent recovery of a fact. In the case at hand, the exact information given by the accused which led to the alleged recovery is not deposed by the investigating officer, and hence the said disclosure statement stands not proved. Therefore, we are of the view that the recovery of MO1 sword will not come within the ambit of Section 27 of the Indian Evidence Act and the recovery evidence adduced by the prosecution cannot be used against the accused.

22. The prosecution alleged that the motive behind the commission of the offence was the accused's suspicion that the deceased had an illicit relationship with his wife prompting him to attack the deceased. PW1 and PW2 testified before the Court that the accused harbored doubts about his wife's fidelity suspecting that she had an illicit relationship with the deceased. Both the said witnesses further deposed that it may be due to the said animosity the accused attacked the deceased. The evidence of PW1 and PW2 regarding the motive for the commission of offence remains unchallenged in the cross-examination. Therefore, we have no hesitation in holding that the prosecution succeeded in proving the motive for the commission of the offence. However, we are cognizant that this is a case built upon direct ocular



evidence, rendering proof of motive relatively less significant. Nonetheless, the proven motive lends support to the prosecution's case.

23. Before analysing the scientific evidence adduced in the case, it is to be noted that when the brother of the deceased, who was an eye witness to the occurrence was examined as PW1, he categorically deposed that the accused was wearing a trouser and a shirt at the time of the commission of the offence. During the trial, PW1 identified the said trousers and shirt before the court and marked as MO3 and MO4 respectively. The evidence of PW15, the Investigating Officer shows that he effected the arrest of the accused on 25.09.2018, and the trousers and shirt worn by the accused at the time of the arrest were taken into custody after describing in Ext. P19 Mahazar. PW15 identified MO3 and MO4 as the said trousers and shirt. The FSL Report received after examination of the thondi articles sent for chemical examination is marked in evidence as Ext. P24 through PW15. In Ext.P24 report, it is specifically mentioned that the trousers (MO3) and the shirt (MO4) which are shown as item No. 10 and 9 respectively in the said report were subjected to chemical examination, and on examination, human blood was detected in both the said items. In Ext. P24 report, it is further mentioned that on grouping, the blood contained in Item No. 9 shirt and Item No.10 trousers



were found to be of Group 'B' which is determined to be the blood group of the deceased. Therefore, the above discussed scientific evidence also will lend some support to the case of the prosecution.

24. The upshot of the above discussion is that the evidence of PW1 and PW2 regarding the incident is convincing and reliable. Their evidence is mutually corroborative and remains unshaken despite rigorous cross-examination by the defence counsel. Though PW1 is a close relative, it is established from the evidence that his presence at the crime scene is natural. Ordinarily, it is unlikely that a relative of the deceased would falsely implicate an innocent person in a murder case, thereby sparing the actual perpetrator. Similarly, PW2 who is residing near the place of occurrence provided a vivid account of the matters that transpired in this case. He meticulously testified about the overt acts committed by the accused. His presence at the crime scene is not challenged from the side of the defence. Moreover, PW2's evidence confirms the presence of PW1, at the time of the commission of offence. The evidence of PW3 that on knowing about the incident, when he went to the scene, he saw the accused standing at the place of occurrence holding a sword in his hand also will help the prosecution to a large extent in proving that the accused is the perpetrator of this offence. Pertinently, even the defence is not



having a case that any of the eyewitnesses have any ill will towards the accused, which would motivate them to falsely implicate him in this case. Therefore, we find that there is nothing to doubt the credibility of PW1 to PW3, the eyewitnesses in this case. Consequently, their evidence can be safely relied upon. Although this is a case resting on direct ocular evidence, where proof of motive holds little significance, the fact that the prosecution has successfully proved the motive behind the alleged offence lends a link in establishing the guilt of the accused.

25. A perusal of the postmortem examination report reveals that the deceased sustained fatal injuries on his neck and head which ultimately led to his death due to its severity. The accused who inflicted such a grievous injury using a dangerous weapon could not be heard to say that he was not conceiving an intention to murder the deceased in this case. The part of the body where the injury inflicted, the nature of the injury inflicted, the number of injuries inflicted, and the nature of the weapon used are self-speaking regarding the intention of the accused. The act of the accused will not come under any of the exceptions provided under Section 300 of the IPC rather the same will constitute an offence of murder which is punishable under Section 302 of the IPC.



26. Therefore, we have no hesitation in holding that the prosecution had succeeded in proving the commission of offences punishable under Sections 452 and 302 of the IPC by the accused. The sentences imposed in this case for the said offences are also commensurate with the nature and gravity of the offence committed.

Resultantly, we confirm the finding, conviction, and sentence passed by the learned Sessions Judge in S.C. No.235/2019 on the file of the Additional Sessions Court-I, Thrissur for the offences punishable under Sections 452 and 302 IPC, and hence, the appeal stands dismissed.

Sd/-

P.B. SURESH KUMAR
JUDGE

Sd/-

JOBIN SEBASTIAN
JUDGE



APPENDIX OF CRL.A 1811/2023

PETITIONER ANNEXURES

Annexure A1	A COPY OF THE DEATH CERTIFICATE OF THE PETITIONER'S FATHER DT.2.6.2023
Annexure A2	A COPY OF THE CERTIFICATE ISSUED FROM GURUKULAM VAIDIKA SANGAM DT.6.3.2024