



INDEX OF JUDGMENT IN SC No. 490/2025

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IN THE COURT OF THE SESSIONS DIVISION, PALAKKAD**Present:- Sri.Kenneth George, Additional Sessions Judge No. IV**Monday the 20th day of July, 2026(29th day of Ashadha, 1948 S.E.)**Sessions Case No. 490/2025.**

Name of the Complainant	:	State, Rep. by the Sub Inspector of Police, Nemmara Police Station, Palakkad. Crime No.64/2025.
Name of the Accused	:	Chenthamara, Aged 61 Years, S/o.Chamunni, Boyan Colony House, Thiruthampadam, Pothundi.
Charge	:	U/ss. 126 (2) and 103 (1) of Bharatiy Nyaya Sanhita, 2023.
Plea of the accused	:	Not guilty.
Finding of the judge	:	Guilty.
Sentence or Order	:	1. <i>The accused (convict) is sentenced to DEATH and to pay a fine of ₹10,00,000/- (Rupees ten lakhs only), in two counts, in respect of deceased Sudhakaran and deceased Lakshmi, for the offence punishable under Section 103 (1) of the Bharatiya Nyaya Sanhita, 2023. Thus, the total fine imposed amounts to ₹20,00,000/- (Rupees</i>

twenty lakhs only). In default of payment of fine, the convict shall undergo rigorous imprisonment for a period of three years on each count.

- 2. It is directed, under Section 393 (5) of the Bharatiya Nagarik Suraksha Sanhita, 2023, that the accused be hanged by the neck till he is dead. The execution of the sentence of death shall, however, be carried out only upon confirmation by the Hon'ble High Court of Kerala. In compliance with Section 407(1) of the BNSS, the proceedings are hereby submitted to the Hon'ble High Court for such confirmation.*
- 3. The accused is sentenced to simple imprisonment for one month and to pay fine of ₹5,000/- (Five thousand only), of the offence punishable under Section 126 (2) Bharatiya Nyaya Sanhita 2023 and in default of payment of fine to undergo simple imprisonment for 10 days.*
- 4. The term of imprisonment awarded*

for the offence punishable under Section 126 (2) of the Bharatiya Nyaya Sanhita, 2023, shall run concurrently with the sentence of life imprisonment imposed in S.C. No. 17 of 2020, in terms of Section 467(2) of the Bharatiya Nyaya Suraksha Sanhita, 2023.

5. *If the fine amount is paid or realised the entire amount shall be released to PW21 Akhila, CW43 Athulya, PW16 Surendran and CW53 Sunitha as the legal representative of the deceased as compensation under Section 395 (1) (b) of BNSS. The compensation is to be apportioned in the ratio 60:20:10:10 among four of them.*

Crime No. of offence and Name Police Station. : 64/2025 of Nemmara Police Station, Palakkad.

Prosecution conducted by : Adv. M.J.Vijaykumar.
Addl. Public Prosecutor.

Accused defended by : Adv. Jacob Mathew

This case was committed by the Judicial First Class Magistrate -I, Alathur in C.P. No. 17/2025, dated 10-06-2025.

Description of the Accused

Sl. No	Name	Father's name	Occupation	Residence	Age
	Chenthamara	Chamunni	Driver	Boyan Colony House, Thiruthampadam, Pothundi.	61

Date of

	Occurrence	:	27-01-2025.
	Complaint	:	25-03-2025.
	Apprehension	:	29-01-2025
	Release on bail	:	Till today Judicial custody.
	Commitment	:	10-06-2025.
	Commencement of trial	:	21-10-2025.
	Close of trial	:	30-06-2026
	Sentence or Order	:	20-07-2026

Explanation for delay:- No delay.

This case records received by transfer from the Principal Sessions Court, Palakkad on 16.06.2025. Charge framed on 21.10.2025. Evidence commenced on 23.02.2026. Evidence closed and posted for hearing to 30.06.2026 on the date heard both sides and judgment pronounced on 13-07-2026 and sentence heard on 15-07-2026 and 16-07-2026 and sentence pronounced on 20-07-2026.

JUDGMENT

The prosecution unfolds a sombre narrative: a septuagenarian mother and her middle-aged son, whose lives were cut short in an abrupt and violent end, casting a pall over what began as an ordinary morning. What

emerges from the prosecution's case is not merely a tale of death, but of alleged revenge, brutality, and irreversible loss. The Court is thus called upon to scrutinize, with utmost care, the motive, the evidence, and the consequences that flow from this tragic occurrence. The presented prosecution story alleges successive acts of violence within a single family. It is stated that the accused first murdered the wife of a middle-aged son. The present case, however, arises out of the subsequent incident in which the said son and his septuagenarian mother were murdered, thereby leaving two daughters without parental care.

2. The case arises from a final report filed by the Deputy Superintendent of Police, Alathur, under Section 193(3) of the Bharatiya Nagarik Suraksha Sanhitha, 2023, in Crime No. 64 of 2025 of Nenmara Police Station, alleging commission of offences punishable under Sections 126(2) and 103 (1) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as BNS).

PROSECUTION CASE:-

3. The accused, a resident of Nenmara village, entertained deep-seated enmity against his neighbours under the belief that they were responsible for the disruption of his marital relationship and the consequent separation from his wife and daughter. Nurturing such animosity, on 31.08.2019 he murdered one of his neighbours, namely Sajitha, w/o deceased Sudhakaran. In respect of the said incident, Nenmara Police registered Crime No. 351 of 2019 for the offence of murder. Upon completion of investigation, a final report was laid, and cognizance was taken by the jurisdictional Court for offences punishable under Sections 201, 449 and 302 of the Indian Penal Code, which was numbered as S.C. No. 17 of 2020.

3 (a). During the pendency of the said case, while the accused was in judicial custody, he was enlarged on bail subject to stringent conditions as per order in C.M.P. No. 1410 of 2022 dated 24.05.2022, including a prohibition from entering the territorial jurisdiction of Nenmara Police Station. Subsequently, by order in C.M.P. No. 4179 of 2023 dated 04.10.2023, the said condition was modified, restricting the prohibition of entry to the limits of Nenmara Grama Panchayat. However, in violation of the bail conditions so imposed, the accused took residence at M.M. Lodge, Nenmara and housed in building bearing Door No. 11/126 of Nenmara Grama Panchayat, standing in the name of his wife, situated at Boyan Colony.

3 (b). His unlawful presence in the neighbourhood created apprehension and fear among the local residents. On 29.12.2024, neighbours including Lakshmi (one of the deceased), PW21 Akhila, daughter of Sudhakaran (other deceased), along with other members of the locality, lodged a complaint before Nenmara Police highlighting the threat to their lives arising from the residence of the accused in violation of the bail order. Based on the said complaint, the accused was summoned to the police station and warned on the same day with a direction to withdraw from his residence. However, the accused continued his stay therein, issuing threats to the neighbours including PW7, and making arrangements to retaliate against them by securing deadly weapons. He was further found to have undertaken preparatory visits in the vicinity of the dwelling house of Sudhakaran.

3 (c). Later, between 09.58 a.m. and 10.08 a.m. on 27.01.2025, while Sudhakaran was riding his motorcycle bearing Registration No. KL-70 H-9960 from his dwelling house, and proceeding along the public road in front of his residence the accused wrongfully restrained him. With intent to commit murder, the accused hacked Sudhakaran with a chopper on different

parts of his body, causing multiple injuries which resulted in his instantaneous death. At that juncture, Lakshmi Amma, having arrived at the place of occurrence, was also attacked by the accused. With the same deadly weapon, the accused inflicted multiple hack injuries upon her, leading to her death.

3 (d). The acts of the accused, being deliberate, premeditated, and executed with deadly weapon, amount to offences punishable under Section 126(2) and Section 103 (1) of the BNS 2023, attracting liability for murder and allied offence.

4. The ghastly murder of elderly mother and her bereaved son came to public eye when PW8 Sivarajan, a close neighbour, allegedly saw the accused carrying a chopper and its handle in his hand and entering into his dwelling house by around 10.05 a.m. of 27.01.2025. At about 10.15 a.m. one Parameswaran(not a witness), informed the factum of murder to PW79 Rajesh R, the then Sub-Inspector of Police, Nenmmara Police Station, who rushed to the place of occurrence at about 10.25 a.m. The prosecution was set in motion based on Ext.P1 First Information Statement furnished by PW1 Subramaniyan, the defacto complainant, brother- in-law of deceased Sudhakaran. PW79 recorded the Ext.P1 FIS and registered Ext.P64 FIR for offenses punishable under Sections 126 (2) and 103 (1) of BNS, 2023. Whereas PW81 Muralidharan, the then DYSP of Police, Alathur had reached the place of occurrence by around 10.45 a.m. At about 12.30 p.m., the Superintendent of Police, Palakkad, had also arrived at the place of occurrence and gave oral directions to PW81 to investigate the case. A special investigation team was constituted, as per Exhibit P65 order, with PW81 as team leader.

4 (b). PW80, Mahendrasimhan, the then ISHO Nenmara and PW79 conducted inquest of the deceased Sudhakaran and Lakshmi and entrusted

Exhibit P3 and Exhibit P5 inquest reports to PW81. With the assistance of the Department Photographer, Fingerprint Expert, and Scientific Expert, PW81 prepared Exhibit P4, the scene mahazar in respect of the place of occurrence relating to Lakshmi Amma; Exhibit P7, the scene mahazar in respect of the place of occurrence relating to Sudhakaran; and Exhibit P8, the scene mahazar in respect of the house of the accused bearing Door No. XI/126 of Nenmara Grama Panchayat. These shall hereinafter be referred to as Places of Occurrence 1, 2, and 3 respectively.

4 (c). PW58 conducted post mortem examination of dead bodies of Lakshmi and Sudhakaran and issued Exhibit P40 and Ext.P41 autopsy reports. At 00.45 a.m, of 29.01.2025, the accused was arrested after preparing Exhibit P22, arrest memo, Exhibit P9 (a) to (c) inspection memo, arrest card and grounds of arrest. PW53, Dr. Ginesh Mon Chandy collected nail clippings, chest hair, body swab, blood sample etc. of the accused and entrusted it to PW81, who seized the same after preparing Exhibit P25 seizure mahazar. The accused was produced before the Judicial magistrate court Alathur with Exhibit C1 remand application, and he was accordingly remanded in judicial custody.

4 (d). PW66 Village Officer Vallanghi prepared Exhibit P4 (a), Ext.P7 (a), Ext.P8 (a) and Ext.P13 (a) scene plans. The items collected from the places of occurrence, at the time of post mortems, examination of accused etc., were examined at Regional Forensic Lab, Thrissur by PW69 and PW70 who filed Exhibit P51 and Exhibit P52 DNA reports. PW81 completed the investigation and filed the final report alleging commission of the aforesaid offences before the Judicial First Class Magistrate Court, Alathur. (Hereinafter referred as committal court). The accused remained in judicial custody.

Cognizance of Offences, Committal & Trial

5. After taking cognizance of the aforesaid offences, the committal Court received the final report on file as CP No. 17/2025. On production of the accused from custody he was served with the copies of the final report and other relevant records under Section 230 of Bharatiya Nagarik Suraksha Sanhita (In short BNSS 2023). Thereafter the learned magistrate committed the case under Section 230 of BNSS 2023 to the Court of Session, Palakkad. The judicial custody of the accused was ordered to be continued during the pendency of the proceedings and until the conclusion of the trial.

6. On receipt of the records from the Committal Court, the Court of Session, Palakkad registered the case in the above number and made it over to this court for disposal. Pursuant to the production warrant, the accused was produced before this Court. He was defended by learned Counsel of his choice.

7. The learned Addl.Public Prosecutor opened the prosecution case by describing the charge to be brought against the accused and evidence proposes to be adduced. Upon consideration of the records of the case and the documents submitted therewith, and after hearing the submissions of the learned counsel for the accused and learned Additional Public Prosecutor in this behalf, the charge was framed on 21/10/2025 for the offences punishable under Sections 126(2), and 103 (1) of BNS 2023 in two counts. The charge was read over and explained to the accused in vernacular language to which he pleaded not guilty and claimed to be tried.

8. The prosecution evidence consists of oral testimonies of PW1 to PW81. The prosecution relied and marked Ext.P1 to Ext.P91 and Ext.C1 documents and MO1 to MO28 (a) to (e) material objects. The Additional Public Prosecutor gave up CW2, CW4, CW6 to CW8, CW10 to CW15,

CW23, CW25, CW27, CW30, CW32, CW35, CW37, CW38, CW43, CW44, CW47, CW48, CW52, CW53, CW55, CW56, CW58, CW59, CW61 to CW66, CW70, CW72, CW74, CW76, CW79, CW85, CW86, CW89, CW90, CW93, CW95, CW101, CW107, CW110 & CW111. CW45 Shahul Hameed is reported no more.

9. After the closure of prosecution evidence the accused was examined under Section 351 (1) (b) of BNSS, 2023 as to the incriminating circumstances existing against him. The accused denied the allegations and pleaded to be innocent and claimed falsely implicated.

10. After the examination of the accused, both sides were heard under Section 255 of BNSS, 2023. Since it is not a case in which there is “no evidence” against the accused warranting his acquittal, he was called upon to enter on his defence and to adduce any evidence he might have in support of his defence. The defence evidence consisted of Ext D1 to D12 statements and documents.

11. Heard both sides u/s. 257 of BNSS 2023. The following points arise for determination during trial:-

1. *Are the deaths of Sudhakaran and Lakshmi culpable homicide amounting to murder?*
2. *Is the prosecution able to prove that the accused committed murder of Sudhakaran?*
3. *Is the prosecution able to prove the accused committed murder of Lakshmi?*
4. *Whether the prosecution is able to prove that the accused wrongfully restrained Sudhakaran?*
5. *Whether the accused committed the offences with which he is charged?*

6. *Whether the accused is guilty and liable to be convicted, or entitled to acquittal?*

7. *In the event of conviction what is the proper sentence to be imposed ?*

Substratum of Witnesses, Documents and Material Objects

12. Before embarking upon a point-wise appreciation, it is necessary to present a synoptic overview of the evidence adduced in this case. The principle has judicial recognition in *Ali @ Aali v. State of Kerala, 2015 KHC 720*, wherein the Hon'ble Court emphasized the utility of a concise evidentiary survey prior to detailed evaluation.

13. PW1 defacto complainant, apart from proving the FI statement, is also an attesting witness to Exhibit P4 Scene mahazar in respect of place of occurrence-1 and identified MO 1 to 7 material objects collected from that place. PW3 to PW5 are witnesses to Exhibit P3 and P5 inquest reports. PW3 Vijesh identified MO8 to MO10 dresses of deceased Sudhakaran and Chain of deceased Lakshmi. PW5 Haridas was the advocate clerk, who helped in enlarging accused in Sajitha's murder case and through whom prosecution marked MO 11 poison bottle. PW6 Manu, a resident of Pothundi, deposed that he had seen the accused immediately withdrawing from his dwelling house in the aftermath of the murder. He further stated that he had a direct interaction with the accused at that juncture. These witnesses also identified MO No. 12 and 13 dresses of the accused.

14. PW7 Pushpa, the immediate neighbour of the accused, deposed that on the date of occurrence, prior to the commission of the murder, she had seen the accused carrying MO.14 and MO.15 weapons. PW8 Sivarajan, a resident

of Boyan Colony, testified that immediately after the commission of the murder he had seen the accused entering his dwelling house, while carrying MO.14 and MO.15 weapons, PW9 Parameswaran, the uncle of the accused, deposed that at about 08.00 a.m. on 27.01.2025 he had seen the accused carrying MO.14 chopper. PW10 Manikandan, a colleague of the accused during their employment as security personnel in Matha Quarry, Kozhikode, confirmed his acquaintance and association with the accused in that capacity

15. In the evening of 26.01.2025, the accused approached PW11 Nisarudin, who was running a tea shop at Pothundi, and disclosed his design to commit murder. PW12 Shahjahan and PW13 Gogul were the attestors to Exhibits P7 and P8 scene mahazars relating to places of occurrence 2 and 3, and through PW13 the prosecution marked MO.16 chopper. While PW14 Ganeshan, who had employed the accused as a security guard in Vinayaka Security Services at Kollamkode, testified to that engagement.

16. PW15 Chamunni had stood as surety for the accused in the Sajitha murder case. PW16 Surendran, the brother of deceased Sudhakaran, lodged Exhibit P6 petition before the police .Whereas PW21 Akhila, the daughter of the deceased, lodged Exhibit P14 petition and through her marked MO17 and MO18 mobile phone and purse of deceased Sudhakaran and MO19 stud. PW17 Radhakrishna, the brother of the accused, PW19 Rema, his wife, and PW18 Ponnukutty, their neighbour, were examined to prove the presence of the accused just prior to the murder. However, they did not support the prosecution case. PW20 Praveen, another neighbour, arrived at the place of occurrence along with PW6 and also acted as an attestor to Exhibit P13 running mahazar, which related to the travel of the accused after the murder.

17. PW22 Chenthamarakshan and PW23 Nirmal, the past and present owners of Elevanchery Agro-Equips, testified that the accused had purchased MO.14 chopper from their establishment. PW24 Sreedharan, proprietor of Ayyappa Metals, stated that the accused purchased MO.16 chopper from his shop. PW25 Kumaran was examined as a witness to Exhibit P17 observation mahazar, which pertains to the travel of the accused for the purchase of weapon. PW26 Gracy is the wife of the deceased Sudhakaran. PW27 Pratheesh, an ambulance driver, deposed that he had brought the body of Lakshmi to CHC Nenmara.

18. PW28 was the manager of UBS Villas, Vadakkanchery, where the accused had been employed as a Tipper Lorry driver. PW29 Somasundran, the manager of Matha Industries, testified that the accused had earlier worked there as a security guard. PW30 Vilasini is the wife of the accused. PW31 Vesa is another signatory to the Exhibit P6 mass petition. PW32 Sasikala, Clerk of Advocate Kochunni, Alathur, deposed that she was present in court when the accused was produced before the Magistrate and that the accused confessed his guilt before the learned Magistrate.

19. PW33 C.P.O Babu is an attester to Exhibit P18 seizure mahazar pertaining to recovery of MO-14 to MO-16, chopper and wooden handle of another chopper respectively. PW34 CPO Manoj Kumar was posted for scene guard duty. He is also attester to Exhibit P19 seizure mahazar pertaining to Collection of evidence from scene of occurrence. PW35 C.P.O Shijith is an attester to Exhibit P20 seizure mahazar pertaining to recovery of MO20 mobile phone of the accused.

20. PW36 released the body of deceased Sudhakaran after completion

of post-mortem, upon obtaining Exhibit P2 receipt. PW37 Grade ASI is an attester to Exhibit P21 seizure mahazar pertaining to MO 21 to MO24 dresses of deceased Lakshmi. PW63 Sreejith and PW64 Sunil Kumar are other attesting witnesses to Exhibit P20 and Exhibit P21 seizure mahazars. PW38 is an attester to Exhibit P23 seizure mahazar pertaining to recovery of MO12, MO13 and MO25 wearing apparels of the accused. PW39 Sajeesh, CPO, deposed that at about 10.00 p.m. on 28.01.2025 he found the accused on a ridge in a paddy field near his dwelling house. He took the accused into custody and thereafter brought him to the house of the accused.

21. PW 40 Vineetha, PW 41 Anoop and PW 42 Anitha are police officials who collected samples from PW53 and PW58 doctors and entrusted to the investigative officer who seized the same after preparing Exhibit P24 and Exhibit P25 seizure mahazars. PW43 Salesh and PW44 Sivadasan are Civil Police Officers who produced Exhibit P6 and Exhibit P14 petitions before the Investigating Officer, who seized the same after preparing Exhibit P27 seizure mahazars.

22. PW45. C. P. O. Devadas collected 12 sealed covers from Alathur Magistrate Court on 31.01.2025 and produced before R. F. S. L. Thrissur by obtaining P28 receipt. PW46 Scientific officer examined the scene of occurrence, collected samples and material objects and submitted Exhibit P30 and Exhibit P31 reports. PW47, fingerprint expert examined weapons, scooter and helmet and obtained two chance prints. PW48 Rajeshkumar, Tester Inspector verified N1 and N2 chance prints and submitted Exhibit P32 report. PW 49 Senior CPO Shakila released the body of Lakshmi to her close relationship on obtaining P2A receipt .

23. PW50 Ijas Ahammed, Assistant Police Photographer, collected Exhibit P33A series of photographs relating to the places of occurrence, the inquest, and the arrival of the accused at the scenes. He also produced the accompanying CD together with certification under Section 63(4) C of the BSA. PW51 Jose, CPO, accompanied by Police Dog No.392 Harley, conducted a search operation in an attempt to trace the accused. PW52 Suresh, a drone pilot, carried out aerial surveys of Pothundi and nearby places on 27.01.2025 and 28.01.2025, but was unable to locate the accused.

24. PW53 Dr. Gineshmon Chandi, at about 01.30 a.m. on 29.01.2025, collected blood samples, scalp hair, chest hair and other materials from the accused, and issued Exhibit P34 certificate of collection. The witness also identified Exhibit P26A series the materials collected. PW54 Nandhini is a closer neighbour of PW7, who saw the accused just prior to commission of crime in his dwelling house. PW-55, CPO-Selvarajan is a witness to Exhibit P35 seizure mahazar whereby Exhibit P36 and 36 (a) lodge ledger and relevant page were seized by the Investigating Officer.

25. PW56 collected 30 sealed samples from Alathur Magistrate Court on 01.02.2025 and 8 sealed packets on 06.02.2025 and produced before RFSL-Thrissur by obtaining Exhibit P37 and Exhibit P38 receipts. PW57 is a witness to Exhibit P39 seizure mahazar , whereby the CDR , CAF & cell ID of accused , Victim and witnesses were taken in custody by the Investigating Officer.

26. On 28-01-25. PW58, Dr. Jerry Joseph conducted post mortem examination of deceased Lakshmi and Sudharan and issued Exhibit P40 and P41 post mortem reports. The samples collected were produced before the

Investigating Officer with Exhibit P42A and Exhibit P42B forwarding notes. PW60. Dr. Ranjith Joseph examined Lakshmi and confirmed death.

27. PW61 Pratheeshkumar, a freelance photographer took photos of the inquest of Lakshmi and produced with 63(4)C certification. which are marked as Exhibit P44 series. PW62 Vasudevan was the Kerala Nodal Officer of Bharati Airtel, who produced CDR ,CAF. and ID proof of the mobile number of the deceased Sudhakaran and 8086208491, which were marked as Exhibit P45 series. PW65, Binu George, then Motor Vehicle Inspector Chittur issued Exhibit P48 registration particulars of two wheeler bearing registration number KL-70H-9960. PW66 Manikandan the then Village Officer Vallangi prepared Exhibit P4A, P7A, P8A. P13A and P13B scene plans and also issued Exhibit P4 and P7 possession certificates. PW67 was the Village Officer, Alathur. before whom, an alleged confession was recorded.

28. PW68 Sivadas was the then Judicial First Class Magistrate-Chitur, who was ordered by CJM-Palakkad to record statements of the witnesses and confession of the accused U/s.183 of BNSS,2023 on the basis of Exhibit P49 series proceedings. PW69 and PW70 are two scientific officers of DNA and Biological Division of RFSL-Thrissur, who issued Exhibit P51 and Exhibit P52 reports.

29. PW71 Devadasan prepared Exhibit P16A and Exhibit P17A scene plans on the basis of Exhibit P16 and Exhibit P17 observation mahazar. PW72 Hakeem , secretary Nenmara Panchayat issued Exhibit P53 ownership certificate of the dwelling house of the accused. PW73 is the cyber expert who prepared Exhibit P54, Electronic Evidence Report. PW74 was the alternative nodal officer of Reliance Jio-Info Co. who produced CDR, CAF

etc of the mobile numbers 6238532386 & 6282720480 which were respectively marked as Exhibit P55 series.

30. PW75 was the Secretary of Elevencherry Grama Panchayat, who issued of Exts. P56 and P57 ownership certificates of building bearing Door No. 10 / 114 and licensee details . PW76 is alternative nodal officer of BSNL, and CDR, CAF along with 63(4)C certificate are marked as Exhibit P58 series. PW77, Dilip Kumar, was the Investigating Officer in Crime 351 / 2019 of the same station pertaining to murder of Sajitha w/o Sudhakaran.

31. PW78 Gireesh was cited as an eye-witness to the occurrence. However, in his deposition he denied having witnessed the incident. PW79 Rajesh, then Sub Inspector Nanmara, registered Exhibit P64 FIR. PW80, then Station Housing Officer, prepared Exhibit P3 inquest of Sudhakaran. PW81 completed the investigation and filed the final report. The documents, Exhibits P9 (a) to P9 (c), P65 to P89 were marked through this witness.

32. Exhibits D1 to D4 and D6 to D9 consist of the contradictory portions of statements recorded under Section 181 BNSS, 2023 of the prosecution witnesses. D5 consist of the contradictory portion of statement recorded under Section 183 BNSS, 2023. Exhibit D10 is the wound certificate of the accused. Exhibits D11 and D12 are the General Diary entries, which were proved through PW80 and PW81.

Submission for the Prosecution

33. On the basis of ocular, scientific, and digital evidence, the learned Additional Public Prosecutor submitted that the prosecution has succeeded in proving the incident, the motive, the preparation, and the guilt of the accused beyond reasonable doubt. The specific arguments advanced under the points

for discussion will be addressed in the course of the analytical appreciation of evidence.

Submission for the Accused

34. The learned counsel for the accused, apart from advancing oral arguments, filed detailed written notes and contended that the prosecution has failed to prove the charge on the yardstick of reasonable doubt. The specific arguments raised under the points for discussion will be considered in the course of the analytical appreciation of evidence

Analysis

35 . **Points 1 to 4:-** In order to establish the occurrence, the prosecution cited an eyewitness and examined him as PW78. However, PW 78 turned hostile to the prosecution. Consequently, the prosecution has mainly relied upon circumstantial evidence to substantiate its case. Before analysing the evidence on these aspects, it is appropriate to consider the principles laid down by judicial pronouncements regarding the nature, scope, and requirement of proof in cases resting on circumstantial evidence.

CIRCUMSTANTIAL EVIDENCE

36. The position of law regarding the nature of evidence required in such a case is now well settled. Prosecution will have to prove all the circumstances without any omission. Those circumstances put together must form a complete chain without any missing link. All the circumstances should lead only to one hypothesis namely the guilt of the accused. No circumstance should suggest his innocence. In short the circumstances put together should unerringly speak only to the guilt of the accused and not in any way to his

innocence (See *Mancheri Rajan vs. State* (MANU/KE/0444/1986).

37. The golden principles to bear in mind while arriving hypothesis of guilt on the basis of circumstantial evidence are that:

The first rule is that the facts alleged as the basis of any legal inference from circumstantial evidence must be clearly proved beyond any reasonable doubt. If conviction rests solely on circumstantial evidence, it must create a network from which there is no escape for the accused. The facts evolving out of such circumstantial evidence must be such as not to admit of any inference except that of guilt of the accused. (See *Raghav Prapanna Tripathi and Others v. State of U.P.*, AIR 1963 SC 74).

The second principle is that all the links in the chain of evidence must be proved beyond reasonable doubt and they must exclude the evidence of guilt of any other person than the accused. That is, when in a criminal case there is conflict between presumption of innocence and any other presumption, the former must prevail. {See: *State of U.P. v. Ravindra Prakash Mittal*, 1992 Cri. LJ 3693 (SC) - (Para 20)}.

The third principle is that in order to justify the inference of guilt, the inculpatory facts must be incompatible with the innocence of the accused and is incapable of explanation upon any other reasonable hypothesis except his guilt.... i.e. inconsistent with the innocence of the accused and consistent with his guilt (See *Musheer Khan @ Badusha Khan and others v State of Madhya Pradesh AIR 2010 SC 762 , and Padala Veera Reddy Vs State of A.P.; AIR 1990 SC 79, “Hanumant Govind Nargundkar Vs.*

State of Madhya Pradesh”; AIR 1952 SC 343, See also Sharad Birdhichand Sarda Vs. State of Maharashtra”; AIR 1984 SC 1622, Aftab Ahmed Ansari Vs State; AIR 2010 SC 773) , Vijay Kumar Arora Vs State: (2010) 2 SCC 353) , ‘Sanatan Naskar and Anr. V. State of West Bengal’ (2010) 8 SCC 249, ‘Prakash vs. State of Rajasthan’ 2013(2) KLT Suppl. 18 (SC) and, Bhagat Ram v. State of Punjab (AIR 1954 SC 621) and C. Chenga Reddy and Ors. v. State of A.P. (1996) 10 SCC 193.)

38. With these principles in mind, the materials on record are to be analysed. The identification of the dead bodies and the homicidal nature of the deaths of both victims are facts not in serious dispute. These aspects stand amply proved by the prosecution evidence, particularly through PW3, PW6 to PW9, PW12, PW17, PW19, PW20, and PW54, who are immediate neighbours of the deceased, as well as PW1, PW16, PW21 and others who are closer relations of the deceased.

39. Regarding the apparent cause of death, the prosecution has relied on the inquest report prepared during the investigation Exts.P3 is the inquest report in respect of deceased Sudhakaran prepared by PW 80 and attested by PW2. Exts.P5 is the inquest report in respect of deceased Lekshmi prepared by PW79 and attested by PW4. Proceedings u/s.194 BNSS 2023 have a limited purpose to report apparent cause of death , namely whether it is suicidal, homicidal, accidental or some machinery etc. The question regarding the details as to how the deceased was assaulted or who assaulted him or under what circumstances he was assaulted are foreign to the ambit and scope of the proceedings under section 194. Neither in practice nor in law was it necessary for the police to mention those details in the inquest report. (See *Amor Singh vs Belwinder Singh* 2003 KHC 858, *Yogesh Singh vs Mahabeer*

Singh 2016 KHC 6714, 'Tehseen Poonawalla Vs. Union of India', 2018 (10) SCC 498 and Amar Singh V. Balwinder Singh" (2003 KHC 858).

40. Moreover, to prove the deaths of the deceased Sudhakaran and Lekshmi, the prosecution relies on evidence of PW58, the Doctor who conducted the postmortem examination and issued the Ext.P40 & 41 autopsy reports. The evidence of PW58 reveals that at 09.30 A.M. on 28/01/2025 he conducted postmortem examination of the body of deceased Lekshmi with following 15 ante-mortem injuries:-

1) Incised wound 14cm x 1.5cm, bone deep obliquely placed on left side of face and forehead. Its upper inner front end on the left side of forehead, 2.5cm above eyebrow and 4cm outer to midline. The wound was directed backwards, inwards and towards midline of the body. The wound was cutting the pinna completely. underneath zygomatic and frontal bone showed cut fracture for a length of 6 cm.

2) Curved Incised bevelled wound 9 x 1.5 cm x 1cm deep obliquely placed on the back of head, across midline. Its lower end on the right side of back of head, 6cm above the root of neck and 3cm outer to midline. Underneath occipital bone showed cut fracture for a length of 4cm. Duramater was intact. Thin subdural and subarachnoid haemorrhage seen on both parieto-occipital region (more on the right side) and base of the brain. Brain was oedematous. CSF was blood stained. The wound was directed inwards, downwards and towards the front.

3) Incised wound 4.5cm x 1.5 cm, bone deep obliquely, placed on lower part of left pinna and face, its inner front end was placed 5cm above left angle of mandible and 6cm outer to outer canthus of the left eye.

4) Incised wound 8cm x 1.5cm and muscle deep, obliquely placed on the right side of back of neck. Its upper outer end was placed 7cm below the right ear lobule with a tailing of 1cm. Underneath muscles, subcutaneous tissues were seen cut. The wound was directed inwards, downwards and towards the front of the body. On approximation of margins, the length of the wound measured 8.2cm.

5) Incised wound 14 x 1.5 x 1- 4 cm deep, oblique on left side of neck and upper part of left side of chest. The wound had a curving at its upper end with its convexity facing upwards and right side. The wound also showed a tailing of 5.5cm which extends to the right side of the chest. The lower end of the wound was placed 5.5cm below the root of neck. Underneath muscles, blood vessels, nerves were seen cut.

6) Curved incised wound 6.5 x 2 x 3-5cm deep, with convexity facing outwards, obliquely placed on top of left shoulder. The upper outer end of wound was placed 6cm outer to root of midline of the neck.

7) Curved incised wound 4cm long x 1.5 x 3-5cm deep, obliquely placed on left side of the back of the chest, lower inner end. 12cm outer to midline and 13cm below top of shoulder

8) Curved Incised wound 12cm long x 2cm breadth x 2.5-3cm deep obliquely placed on left side of back of trunk, lower inner end 2cm outer to midline and 14cm above top of hip bone. The wound had a tailing of 8cm at its lower inner end. Underneath ribs 6 -11cm showed cut fracture

9) Superficial Incised curved wound, 2cm x 0.3cm long on outer aspect of right side of trunk, 18cm below armpit.

10) Curved incised wound 4cm x 1.5cm x bone deep, convexity facing

upwards on outer aspect of right arm, 6cm above elbow. Underneath humerus bone showed cut fracture

11) Abraded contusion 1 x 1cm on back of right elbow.

12) Abraded contusion 11 x 1cm, obliquely placed on back of right forearm, 7cm below elbow.

13) Incised wound 15cm x 1cm x bone deep vertically oblique on back of right hand and forearm, upper outer end 21cm below elbow joint. Underneath wrist joint and middle metacarpal bone showed cut fracture.

14) Incised wound 8cm long x 1 x bone deep, oblique on the outer aspect of the left arm, 7cm above elbow. Underneath the humerus bone showed cut fracture.

15) Abraded contusion 3 x 2cm on right side of front of chest, 6cm below collar bone and 4cm outer to midline. All injuries were fresh in nature.

According to PW58 Doctor, the death was due to Cut injuries sustained to head and neck. PW58 answered in the affirmative that cut injuries and incised wounds noticed in Ext.P40 are possible with the MO 14 chopper.

41. PW58 continued to depose that at 11.45 A.M. on 28/01/2025 he conducted postmortem examination of the body of deceased Sudhakaran with following 12 ante-mortem injuries :-

- 1. Curved Incised wound 5cm x 1cm x 2.5cm deep obliquely placed on the right side of neck. Its upper outer end is 6cm outer to midline and 4.5cm below right angle of mandible. The wound was directed downwards, inwards and towards midline of the body.*

2. *Curved Incised wound 2cm x 0.5 x 0.5cm obliquely, placed on right side of back of head, lower outer end 9cm above root of neck and 4cm behind right ear lobule.*
3. *Curved Incised wound 9 x 1.5-2.5cm x bone deep obliquely placed on back of head, across midline. Its lower end on the right side of the back of head, 6cm above root of neck and 3cm outer to midline. Underneath occipital bone showed cut fracture for a length of 4cm. Duramater was intact. Thin subdural and subarachnoid haemorrhage seen on both parieto-occipital region and base of brain. Brain was oedematous. CSF was blood stained. The wound was directed inwards, downwards and towards front.*
4. *Curved Incised wound 9cm x 2.5cm and 2-6cm deep, obliquely placed on left side of neck. Its upper back end was placed just below the left ear lobule with a tailing of 1cm. Underneath muscles, subcutaneous tissue, blood vessels and nerves were seen cut. The wound was directed inwards, downwards and towards the midline of the body. On approximation of margins, the length of the wound measured 9.2cm.*
5. *Incised wound 1.5 x 1 cm on outer and lower border of left pinna, chopping off its lower tip.*
6. *Contusion 6 x 4 x 1.5cm on the back of the lower half of the right elbow.*
7. *Abraded contusion 3 x 2cm on outer and upper back aspect of right elbow.*
8. *Curved Incised wound 9cm long x 2-2.5cm breadth x bone deep*

obliquely placed on back and outer aspect of the right forearm, 9cm above wrist. Underneath both bones of right forearm showed cut fracture.

9. *Abraded contusion 3 x 2cm on outer aspect of right side of chest, 19cm below the armpit.*

10. *Curved incised wound 8cm x 1.5cm x 2-3cm deep, convexity facing upwards and outwards on the back of the right leg, 5cm below knee.*

11. *Multiple small abrasions over an area 6 x 4cm on left side of forehead, 3cm outer to midline and just above eyebrow.*

12. *Curved incised wound 8cm x 1.5cm x bone deep, on back of left thigh, 3cm above the knee. Underneath femur bone showed cut fracture.*

All injuries were fresh in nature.

42. According to PW58 Doctor, the death was due to cut injuries sustained to head and neck. PW58 answered in the affirmative that cut injuries and incised wounds noticed in Ext.P41 are possible with MO14 machete.

43. Thus, the prosecution has succeeded in establishing that the deaths of Sudhakaran and Lekshmi on 27.01.2025 were the direct consequence of the bodily injuries sustained by them from a sharp-edged weapon. The next point for consideration is whether the accused was responsible for inflicting such injuries, as contended by the prosecution, and if so, what offence is thereby made out. In this context, the Court must examine whether the chain of

circumstances and the evidentiary materials adduced are sufficient to conclusively fix the culpability of the accused. It is equally necessary to determine whether the nature of the injuries and the attendant circumstances attract the ingredients of culpable homicide amounting to murder or any lesser offence under the BNS.

44. Though prosecution cited PW-78 as an occurrence witness, he tended evidence denying, witnessing the occurrence. There is no supportive statement recorded under Section 183 of BNSS 2023. Even his 181 Statement is seen incomplete. Scope of his evidence is dealt while answering contentions of accused.

45. The circumstances relied upon by the prosecution to establish the involvement of the accused in the killing of the aforesaid deceased are discussed in **alphabetical order**. For the sake of systematic appreciation, each circumstance is examined distinctly, with reference to the evidence adduced. The cumulative effect of these circumstances will thereafter be evaluated to ascertain whether they unerringly point to the guilt of the accused.

(A). Blood stained dresses belonging to the accused.

46. The fact that MO 12 and MO 13, being the shirt and lungi of the accused worn at the time of commission of the crime, stands established. PW9, who is none other than the uncle of the accused, has deposed that while cleaning the drain near the dwelling house of the accused at about 08.00 a.m. on 27.01.2025, he saw the accused carrying MO 14 chopper fitted with MO 15 handle. The witness further stated that the accused was then wearing MO 12 shirt and MO 13 lungi. This testimony, coming from a close relative,

assumes significance as it directly connects the accused with the incriminating material objects.

47. PW6 is a resident of Pothundi Tirthanpadam Boyan colony. The witness stated that on hearing the hue and cry raised by PW8, he arrived at the place of occurrence. He deposed that he saw the accused escaping from his dwelling house towards Kada canal. The witness further affirmed that at the time when he saw the accused, the latter was wearing MO-12 and MO-13 articles of clothing. PW39, who was then serving as a CPO attached to the Alathur DYSP Office, deposed that he was engaged in the process of unearthing the accused Chenthamara, subsequent to the incident of murder. The witness deposed that at about 10.00 p.m. on 28.01.2025, the accused was traced out in the ridge, of Kada canal adjacent to an iron barbed fence. At that time, the accused was wearing MO 12 and 13 dresses. The factum of tracing out of the accused was immediately intimated to PW81. Within 5 minutes, PW81 reached near the building house of the accused. DYSP asked the accused to change the dresses and asked PW 39 to safeguard the dresses till the scientific officer arrives. So the evidence on record clearly proves that MO 12 and 13 are the dresses worn by the accused.

48. PW46 was the Scientific Officer attached to Palakkad District Crime Branch. On 29.01.2025, he arrived in the dwelling house of the accused, inspected MO 12 & 13 and entrusted MO 12 and 13 to PW 81 who seized the items after preparing Exhibit P23 seizure mahazar. PW38 is a witness to Exhibit P23 seizure mahazar. PW53 was the assistant surgeon attached to CHC-Nanmara. At about 01.30 a.m. on 29.01.2025, he collected Scalp hair, chest hair, body swab, nail clippings, and blood samples of the accused. It was preserved in the hospital and entrusted to the police officer on

05.02.2025 with Exhibit P34 certificate of collection of materials. The collected materials through the witness are marked MO No. 26 (series). PW58, Dr. Jerry Joseph, who conducted post mortem examination of bodies of both deceased collected nail clippings, scalp hair, blood stained gauze, blood in EDTA bottle, sternal bone marrow and handed out to the Investigation officer for examination at FSL. These items are marked as MO 27 (series) and MO 28 (series). PW40 & PW41 collected items from PW58 and PW53 and entrusted them to PW81 who received the items after preparing Exhibit P24 and Exhibit P25 seizure mahazars. PW-42 is a witness to Exhibit P25 seizure mahazar. PW81 produced these items before the court. It was PW45 & PW56 collected the items from Alathur Magistrate Court and entrusted the same to the Forensic Scientific Lab, Thrissur.

49. PW69 was the scientific officer in the DNA Division of RFSL Thrissur. She examined 50 sealed packets and issued Exhibit P51 DNA Certificate. The relevant findings in Exhibit P51 are extracted for reference.

The result of examination.

No 4 .

"The blood stains in Item No. 1, 7, 8, 20, 25 and 26 is a mixture of blood belonging to both the deceased persons Sudhakaran and Lakshmi to whom the blood samples in Item Nos. 32 and 37 belong respectively". Item No. 25 is MO 12-Shirt of the accused and Item No. 26 is MO 13-Dhoti of the accused. The Item Nos. 32 and 37 are the blood samples of deceased Sudhakaran and Lakshmi kept in sealed EDTA vial .

50. Thus, it stands established that there were bloodstains on the clothing of the accused, and forensic examination confirmed that they were a

mixture of blood belonging to both the deceased persons. This scientific evidence provides a direct nexus between the accused and the crime, corroborating the ocular testimony of the prosecution witnesses.

(B). Recovery of Blood stained. MO 14 chopper/machete and MO 15 wooden handle from the dwelling house of the accused on the same day of the occurrence wherein the only inmate at the time of commission of offence was the accused.

51. PW 30 Vilasini is the wife of the accused. Her evidence shows that the marriage with the accused was in the year 1995 and a daughter named Anju is born in the wedlock. According to her, land was purchased in Boyan colony in her name and a house was constructed by availing bank loan. During September 2018, the accused strangled and attempted to kill her, whereby she took refuge in the dwelling house of Maimuna. Thereafter, she and her daughter left the company of the accused.

52. PW21, the daughter of deceased Sudhakaran, has deposed that during 2019 the accused trespassed into her house and murdered her mother Sajitha. The accused, who was in jail thereafter, was released on bail in December 2024 and commenced residing adjacent to her dwelling house in Boyan Colony. PW72, the Secretary of Nenmara Grama Panchayath, issued Exhibit P53 ownership certificate on the basis of the Building Tax Assessment Register, certifying that the building bearing Door No. 11/126 stood assessed in the name of Vilassini, wife of Chandamara (accused). The evidence of PW7, a neighbour, further reveals that the accused, after being enlarged on bail, started residing in the dwelling house opposite to her residence.

53. According to the prosecution, the provocation for the attack was that the accused had been abandoned by his wife and daughter. The evidence of PW8, another neighbour, reveals that the accused, after quarrelling with his wife, was residing in the dwelling house at Boyan Colony. PW17, who is none other than the brother of the accused, also deposed that after being released on bail, the accused was residing in the said dwelling house at Boyan Colony. Thus, the evidence on record clearly shows that at the time of commission of the crime, the accused, unaccompanied by his wife and child, was residing alone in the building bearing Door No. 11/126.

54. PW79 was the Inspector of Police, Nenmara Police Station. At 10.15 a.m. on 27.01.2025, one Parameswaran informed that two persons were lying at Boyan colony with cut wounds. He rushed to the place of occurrence. He searched for the accused by opening the dwelling house. On examination, he found the presence of a chopper and its wooden handle.

55. PW13 is a witness to Exhibit P8 scene mahazar pertaining to the house of the accused. (place of occurrence, number 3). The witness deposed that as requested by the police officers, he entered into the house of the accused and saw the presence of MO 14 and 15 in the bedroom. PW33 was the Senior CPO of Nenmara Police Station. The evidence of this witness reveals that on 27.01.2025, accompanied by Scientific Officer and DYSP, he entered inside the house of the accused. In the second bedroom, in front of a steel almirah on the floor, he saw MO 14 and 15 Chopper and handle. He is a witness to Exhibit P18 seizure mahazar.

56. Evidence of PW-46 Scientific officer revealed that on 27.01.2025, he entered the house and saw MO 14 and 15 in the second bedroom below the

almarah. On examination, MO 14 contained blood stains and hair-like material. PW69 examined MO 14 and 15 and issued Exhibit P51 DNA certificate. The relevant findings in Exhibit P51 are extracted for reference.

The result of examination.

No 4 .

"The blood stains in Item No. 1, 7, 8, 20, 25 and 26 is a mixture of blood belonging to both the deceased persons Sudhakaran and Lakshmi to whom, the blood samples in Item Nos. 32 and 37 belong respectively".

Item number 1 is the MO 14 chopper, Item No. 8 is hair like material collected from MOs 14 and 15. Item number 20 is MO 22 dhoti of deceased Lakshmi. The Item Nos. 32 and 37 are the blood samples of deceased Sudhakaran and Lakshmi kept in sealed EDTA vial .

No 5.

"Item No. 2 contains the cells and stains belonging to the person Chenthamara (accused), to whom the sample blood in Item No. 48 belongs and both the deceased persons Sudhakaran and Lakshmi, to whom the blood samples in Item No. 32 and 37 belong respectively".

Item No. 2 is MO 15, the wooden handle. Item No. 48 is the blood sample of the accused Chenthamara, preserved in an EDTA vial. From MO 15, both cells and stains of the accused Chenthamara were collected. Item No. 7, being blood collected in cotton gauze, and Item No. 8, hair mixed with blood collected from MO 14, were duly sealed on the date of occurrence itself. Significantly, the accused was taken into custody only on 28.01.2025. This circumstance rules out any possibility of fabrication after the arrest of the

accused. The contemporaneous sealing of the incriminating materials lends authenticity to the prosecution case and strengthens the evidentiary chain.

57. The recovery of MO 14 and MO 15 from Place of Occurrence No. 3 immediately after the commission of the crime, where the sole occupant was the accused, constitutes the second circumstance projected by the prosecution to establish his exclusive involvement in the commission of the offence.

(C). Preparations.

(a) Purchase of MO 14 & 16 choppers.

58. PW22 is running an agricultural equipment shop near Perinottukavu temple named Elevenchery Agro-Equipment shop . According to PW22, the police party on 05.02.2025 produced the accused in his shop. Around 10 to 15 days before such production , the accused had arrived at his shop and purchased MO 14 chopper by paying an amount of ₹550. At the request of the accused, a worker named Mohanan drilled a hole in the handle. The witness identified the accused in the dock. PW23 is the son of PW22 and present licensee of the shop. According to him, after 2015 there is renovation of the shop , and license is issued in his name. The witness admitted attestation of Exhibit P16 observation mahazar. According to him, the weapons sold in the shop are engraved with letters E. M. I .& E. A. E . EAE is the old number which is engraved in MO 40. In re-examination, it is clarified that the stock consisted of old and new equipments. Prosecution examined PW75, Secretary of Elevencherry Grama Panchayat to prove Exhibit P56 ownership certificate and Exhibit P57 licence in the name of PW23, K. C. Nirmal

59. PW24 is running a shop named Ayyappa Metals at Vallavukund. According to him, the accused had arrived in his shop one month back of the commission of murder and purchased MO 16 chopper. The accused paid value of ₹600 for which PW24 repaid ₹20. There was a conversation between the accused and PW24. PW24 identified the accused in the dock. PW25, a witness to Exhibit P17 observation mahazar, who admitted its attestation. According to him, the accused was produced in the shop of PW24 on 05.02.2025. PW71, the Village Officer of Elevencherry, prepared Exhibit P16A and 17A scene plans on the basis of two observation mahazars. The evidence of the witnesses discussed above clearly establishes that the accused purchased MO 14 and MO 16 choppers immediately prior to the commission of the crime, thereby constituting the third circumstance relied upon by the prosecution.

(D) Conduct of the accused

(a) Conduct prior to commission of the offence:-

60. PW5 was the advocate's clerk attached to the office of advocate Shanmukhanandan, who helped in enlarging the accused on bail in connection with the murder case of Sajitha. The evidence of PW5 reveals that on 03.01.2025 the accused called him and stated that Sudhakaran and his brother were creating trouble. On 04.01.2025, the accused again contacted him and informed that he had made arrangements for purchasing a chopper at Elevenchery, further adding that those who approached him would be done away with.

61. PW7 Pushpa, an immediate neighbour of both the accused and the deceased, has deposed that at about 06.30 a.m. on 27.01.2025 the accused

threatened her, pointing his left hand, while in possession of MO 14. She further stated that she again saw the accused around 09.30 a.m. while proceeding for prayer, and at that time also he was carrying MO 14 chopper. This testimony reinforces the consistent possession of the weapon by the accused during the relevant period and constitutes a significant circumstance in the chain of evidence projected by the prosecution.

62. PW9, the uncle of the accused has deposed that by around 08.00 a.m. on 27.01.2025, he was cleaning the drainage adjacent to the dwelling house of the accused. The accused was seen coming from a paddy field after collecting charcoal. At that time MO 14 was found in the possession of the accused. The accused thereafter uttered the words "എന്റെ സെറ്റപ്പ് കണ്ടോ. ബൈക്കിൽ ആരെങ്കിലും വരുമ്പോൾ വെട്ടാനാണ് കൊടുവാൾ. ഒരാളെ കൊന്നാലും 50 പേരെ കൊന്നാലും. ഒരേ ശിക്ഷ തന്നെയാണ്" ("Have you seen my setup? The chopper is meant for cutting down any person coming on a bike. Whether one person is killed or fifty persons are killed, the punishment remains the same.").

63. PW54 Nandini, another neighbour of both the accused and the deceased, has deposed that between 09.30 and 09.45 a.m. on 27.01.2025, PW7 came to her house and disclosed that she had seen the accused in front of her residence carrying a chopper. PW7 also stated that the accused had threatened her earlier that morning. After assisting PW7 in dressing, PW54 left her, and at that time she herself witnessed the accused standing in the courtyard of his house. This evidence also corroborates the testimony of PW7, apart from strengthening the chain of circumstances relied upon by the prosecution.

64. The conduct of the accused, immediately prior to the commission of the offence, while in possession of MO 14 chopper, constitutes a circumstance strongly indicative of preparation and is relied upon by the prosecution to establish his involvement.

(b) Conduct subsequent to commission of the offence.

65. PW8 is another neighbour of both the accused and the deceased. His evidence reveals that by around 10.05 a.m. on 27.01.2025 after taking meals, he came out. At that time, he saw the accused carrying MO 14 and 15 in his hand and entering his house. While proceeding he saw MO1 and near it the body of deceased Sudhakaran. Thereafter he saw the body of deceased Lakshmi. He cried aloud with the words “ചെന്താമര അല്പാതെ മറ്റാരും ചെയ്യാത്തീല്ല്” (Except Chandamara, nobody else will commit it).

66. The evidence of PW6, another resident of Potundi Boyan colony reveals that in between 09.30 and 10.00 a.m. on 27.01.2025, he heard loud cry of PW8 Sivarajan. He rushed to the place of occurrence and saw the accused crossing the barbed fence, escaping towards Kadakkanal. There was discussion between PW6 and the accused. PW6 questioned accused the reason for commission of murder, for which the accused replied, കുറച്ച് കാലമായി, അതും ഇതും പറഞ്ഞ് എന്നെ ട്രോഹിക്കുന്നു, ഒരാളെ ഞാൻ മുൻപ് തീർത്തു. ഇപ്പോൾ 2 എണ്ണത്തിനെയും ഞാൻ തീർത്തു. (“For some time now, I am being harassed in various ways. I had earlier finished off one person. Now, I have finished off two.”).

67. The evidence of these witnesses, apart from proving the confession of the accused, also establishes his immediate withdrawal to his house soon after the commission of the crime, carrying MO 14 and MO 15 in his hands,

and thereafter his escape from the said house. Such conduct of the accused, contemporaneous with the occurrence, is a circumstance relevant under Section 6 of the Bharatiya Sakshya Adhiniyam, 2023, and forms an integral link in the chain of circumstances relied upon by the prosecution.

(E) Disclosure of Preparatory Intent to Murder

68. PW10 was the colleague of the accused. During 2024, PW10 was working as a security officer in Matha Quarry at Kozhikode. The accused informed him that he was on bail after committing a murder in 2019. The accused has wife and child. His daughter is an engineer. He committed murder as the lady spoiled his family life. During December 2024, the accused terminated his service as security in the quarry. At that time, the accused informed him that he has a plan to commit murder of two more persons.

69. PW11 is hailing from Boyan colony and running a tea shop adjacent to Pothundi Shiva Temple. According to him, on the evening of 26.01.2025, the accused had arrived in his shop for taking tea. Thereafter, the accused stated ഇനി നമ്മൾ കാണുന്നില്ല. പണി കൊടുക്കാൻണ്ട്. (We will not meet again. I have a design). The evidence of these witnesses establishes not only the admission of the accused regarding his past homicidal conduct but also his expressed plan to commit further murders. Such disclosure, made voluntarily to PW10, constitutes an extra-judicial confession and reveals the preparatory intent of the accused.

(F) Entry in Nenmara grama panchayat in violation of bail condition.

70. PW16 is the brother of deceased Sudhakaran. According to him, the accused, who was in jail in connection with the murder of Sajitha, got bail

and started residing in his dwelling house at Boyan colony. Anticipating an attack around 20 persons filed Exhibit P6 mass petition before the police and he is Signatory No. 30. PW21. Akila, daughter of deceased Sudhakaran deposed that accused was enlarged on bail during december 2024. He started to reside adjacent to their dwelling house. Anticipating attack on her & sister (CW42 Athulya) and deceased Sudhakar, she preferred Exhibit P14 petition before the police on 29.12.2024. PW-31 is another signatory to Exhibit P6 mass petition. It was PW43 who entrusted Exhibit P6 and Exhibit P14 petitions to PW81 who seized the same after preparing Exhibit P27 seizure mahassar. PW44 is an attesor to Exhibit P27.

71. Exhibit P69 is the certified copy of order in CMP 1410 / 2022 in SC 17/2020, dated 24.05.2022. The condition number 3 is that the accused shall not enter the police station limits of Nenmara until further orders .Exhibit P69A is the certified copy of Order in CMP 4179 / 2023 dated 04.10.2023. The condition number 3 was modified to the effect that the accused shall not enter the limits of Nenmara Panchayat till the conclusion of the trial. The Ext. P91, judgment in SC 17/2020 shows that the case is disposed only on 18/10/2025. Exhibit P36 is the register of M. M. Lodge Vallangi Nenmara . Exhibit P36(a) is the relevant entry. PW55 was the grade CPO attached to Padagiri Police Station. He is an attesor to Exhibit P35 seizure mahazar, whereby Exhibit P36 register is taken in custody. The register was entrusted to PW81 by present proprietor Shahul Hamid, who is reported to be no more. Exhibit P36A shows that the accused stayed in the lodge from 07.01.2025 to 08.01.2025. Exhibit P36A also contains the aadar of the accused. PW55 clarified that MM Lodge falls within Nenmara panchayat at Vallangi.

72. PW15 was one of the sureties of the accused, who deposed on the

basis of release order the accused was released from Palakkad District Jail. At the request of the accused, he arranged accommodation in a lodge on the back side of the house of Dr. Vidyadharan. Evidence of PW16 another resident of Boyan colony reveals that the accused, after getting enlarged on bail, was residing in his house at Boyan colony. PW17, brother of the accused, though he turned hostile to the prosecution, also deposed that after getting bail, the accused was residing in the Boyan colony house. Evidence of PW21 Akhila who preferred Exhibit P14 petition clearly reveals that, after getting enlarged on bail, the accused was residing in his house at Boyan colony. That is the quite obvious reason Exhibit P6's mass petition was preferred against the accused by PW7 and 34 others.

73. So there is ample evidence forthcoming to prove that the accused, in violation of the modified bail order, entered the limits of Nenmara Grama Panchayat. The accused has offered no explanation for such residence in contravention of the prohibition imposed upon him. This circumstance, therefore, stands in support of the prosecution case, as it demonstrates deliberate disregard of judicial directions and lends weight to the chain of incriminating conduct.

(F) Motive behind commission of murder

74. According to PW1, defacto complainant, accused, committed murder of Sajitha, wife of Sudhakaran, during 2019, under the belief that his wife and child of the accused got separated due to intervention of deceased Sajitha. According to PW7 Pushpa, the wife and daughter of the accused left the accused. The accused was under the belief that it was due to intervention of the neighbors, they left him. PW8 also deposed that the accused committed

multiple murders under the belief that it was due to intervention of neighbors, his wife and child left him. The evidence of PW10, Mandikandan also shows that provocation for the attack is the failure of the family life of the accused.

75. Evidence of PW16 Surendran reveals that when the accused was released on bail, PW21 and her sister shifted residence to Kunisseri due to the threat of the accused. Evidence of PW21 Akhila, daughter of deceased Sudhakaran, established that she, her sister (CW43) and father Sudhakaran, expected an attack from the accused. Consequently, Exhibit P14 petition was preferred to the police.

76. Evidence of PW30 wife of the accused shows that she married the accused in 1995 and they started residing at Boyan Colony purchasing a land and constructing a building. PW30 was working as ADS of Thozhilurappu (Employment Guarantee Scheme). Initially there were 80 workers under her, which included deceased Sajitha. The accused demanded termination of the employment of Pushpa, Vasantha, Lakshmi, Sajitha etc., which was declined by PW 30. Consequently, the accused started harassing her both physically and mentally. During September 2018, the accused attempted to murder her and she took refuge in the house of Maimuna. Thereafter, she did not rejoin the company of the accused. Evidence of PW5. Advocate clerk reveals that the accused desired to join the company of his wife and child. An attempt for rejoin was made through the intervention of Panchayath President Preman. However, the Wife and child informed that they are not ready to join the company of the accused.

77. The evidence of these witnesses proves the frustration of the accused arising from the separation from the company of his wife and child,

coupled with his strong belief that such separation was the outcome of the intervention of neighbours. Thus, the prosecution has succeeded in establishing motive for the crime, which constitutes another incriminating circumstance in the chain of evidence.

(G) Recoveries.

(a) MO20 mobile phone of the accused without sim card.

78. The evidence of PW80, the then Station House Officer of Nenmara Police Station, established that he was also in the squad to trace out the accused. At about 08.15 p.m., on 27.01.2025 a mobile phone was recovered from the ridge in the paddy field adjacent to the place of occurrence. It was found out by members of the public and entrusted to him. On verification, it was found that the mobile phone was without a SIM card. Though searched in the nearby premises, the SIM could not be traced. The witness identified MO 20 mobile phone in court. On the same day itself, PW80 entrusted MO20 to PW81 Investigating Officer, who seized the same after preparing Exhibit P20 seizure mahazar. PW35 is an attestor to Exhibit P20 seizure mahazar.

79. PW73 is the cyber expert attached to the Office of Alathur DYSP. The witness deposed that he is MCA qualified, having Training in cyber forensic and digital forensic. Exhibit P54 is the Electronic evidence report submitted by PW73. He verified the MO20 mobile phone. On removing the back cover and the battery, he found a sticker containing 15-digit IMEI number 352841273094665. On verification through District Cyber Cell Palakkad, it is found that the SIM card used is the Mobile number 9645131791, which is registered in the name of the accused herein. PW76 is the BSNL nodal officer who produced Exhibit P58(b)- Customer application

Form (CAF in short) of the mobile number 9645131791 registered in the name of accused Chenthamara. The recovery of MO20 from the place where the accused escaped is another circumstance projected by the prosecution.

(b) MO 11 poison bottle from the dwelling house of the accused.

80. The evidence of PW5 advocate clerk reveals that he and Chenthamara used to meet frequently. On one day, he and Chenthamara met at Ramu lodge, Nenmara. The accused expressed his desire to join the company of his wife and child. The President of Nenmara Panchayat Preman was requested to intervene in the issue. Thereafter on another day he met the accused who disclosed that wife and child are not ready to join his company. Consequently, the accused requested his help to purchase poison named 'Karate'. The accused informed PW5 that poison is not for committing suicide, but for agricultural operations. The accused gave him an amount of ₹150 and PW5 helped him in purchasing poison by spending ₹125. PW5 identified MO 11 as the 'Karate' bottle.

81. To corroborate evidence of PW5, prosecution relies on Exhibit P54 Electronic Evidence Report prepared by PW73. Exhibit P54 contains common tower locations of the accused and PW5, commencing from 29.12.2024 to 04.01.2025. PW 81 Investigating Officer deposed that on 27.01.2025 itself he entered the dwelling house of the accused and seized MO No. 11 by preparing Exhibit P8 scene mahazar. The accused has no case that the poison in question was used for any purpose. The prosecution has thus further succeeded in proving that the accused had made preparations for committing illegal acts with such dangerous material, whether for suicidal or homicidal purposes. This circumstance, therefore, stands against the accused

and forms an integral part of the chain of incriminating evidence relied upon by the prosecution.

(c) Fibre substance recovered from the iron barred fence on the rear side of the house of accused.

82. Exhibit P13 is the running mahazar pertaining to the area through which the accused escaped. PW20 is an attester to Exhibit P13. Exhibit P13A is the scene plan of the same. PW38 is a witness to Exhibit P23 mahazar pertaining to collection of fiber-like substances from the barbed fence on the rear side of the dwelling house of the accused. The fiber-like material is collected therein by scientific officer and entrusted to PW-81. PW70, the scientific officer attached to the biological division in RFSL-Thrissur, examined these items (Item No 28) and issued Exhibit P52 report.

Result of examination.

No. 1:-

"Item No. 28 contains fiber similar to those in Item No. 26".

83. Thus Item No. 28 was found to contain fibres similar to those detected in Item No. 26, which is the dhoti of the accused. This scientific evidence supports the prosecution case that the accused, after commission of the offence, escaped from the premises by crossing the iron barred fence, thereby leaving traces of fibre material. Such evidence is relevant under Sec. 6 of BSA, 2023, as it constitutes a fact explaining or supporting the inference of the accused's conduct and movement immediately after the commission of the crime. It also forms part of the chain of circumstances relied upon by the prosecution

(H) Mobile phone tower locations.

(a) Accused

84. PW76 is the alternative nodal officer of BSNL-Kerala. Exhibit P58 A to C series are the CDR, CAF & 63(4) C certificate of the mobile number 9645131791 registered in the name of the accused. Exhibit P58(c) series are the call details record (CDR in short) of the accused for the period 01.12.2024 to 28.01.2025. The last charged call was on 26.01.2025 at 14.04.31 hours .It is an outgoing call to PW17, his brother. The tower location is shown as Pothundidam. Thereafter, there is an incoming SMS at 16.45.42 hours with tower location as Chathamangalam. Thereafter there is no charged call from the mobile number of the accused. The CDR of the accused reveals that it is connected to towers at Pothundi Dam, Nenmara and Chathamangalam.

85. Evidence of PW74, alternative nodal officer of Reliance Jio-info. com, reveals that the capture of a mobile phone is from the nearest network tower. According to PW76, in rural areas, the coverage radius comes to 3 to 4.5 km. The coverage is affected by physical obstruction, climate etc. So the prosecution is able to prove by electronic evidence that the physical presence of the accused within Nenmara just prior to commission of the offence.

(b) Witnesses

86. Exhibit P59(b), P59(c) , P59(d) and P59(e) are the CDRs of PW5, PW9, PW8 and PW6 marked through PW76, alternative nodal officer of BSNL. According to PW81, these documents are produced to prove presence of these witnesses adjacent to place of occurrence, at the time of commission of offense . A perusal of the CDR, along with tower location, supports the prosecution case regarding their presence just prior to and subsequent to the

occurrence.

(c) Victim

87. Exhibit P59(g) is the CDR of the deceased Sudhakaran of the mobile number 9497776577. The last charged one is an incoming call at 09.56.18, having a duration of 32 seconds from the mobile number 9072779785 and tower location is Chattamangalam. Exhibit P59(g) is also proved through PW76.

(I) Supporting Medical Evidence

88. PW58, who conducted the autopsy of deceased Lakshmi and Sudhakar and issued Exhibit P40 and Exhibit P41 post-mortem certificates, deposed that the injuries noted therein are possible with MO 14 machete. Nothing was elicited in cross-examination to discredit the testimony of PW58. The nature of the injuries, as described by the witness, clearly establishes that MO 14 could have produced such injuries. PW58 further deposed that injury No. 8 noted in Exhibit P41 is suggestive of a defensive wound. This medical evidence corroborates the prosecution case regarding the use of MO 14 and is relevant under Sec.39 of BSA, 2023, as it constitutes expert opinion on matters relating to cause and nature of injuries. The indication of a defensive wound further strengthens the inference of homicidal assault.

(J) Naming of accused in Exhibit P64 FIR as sole accused.

89. At about 10.05 a.m. on 27.01.2025, PW8 disclosed that the accused was the sole author of committing multiple murders. Exhibit P1 First Information Statement tendered by PW1 furnishes adequate reasons for the commission of murder by the accused. Ever since the registration of Exhibit

P64 FIR, and throughout the course of investigation, the evidence collected consistently pointed only to the accused as the sole author of the crime and excluded the involvement of any other person.

(K) Previous conviction.

90. The prosecution has also relied on the previous conviction as a circumstance against the accused. Exhibit P91 is the judgment in S.C. No. 17/2020 of this Court. As per Section 37 of BSA, 2023, a judgment, order, or decree is irrelevant unless the existence of such judgment is itself a fact in issue or a relevant fact. In the present case, the prior conviction is relied upon to demonstrate the antecedent conduct of the accused and his propensity towards homicidal acts. However, this circumstance cannot be treated as forming part of the chain of evidence supporting the prosecution case. The prior conviction may only be considered to the limited extent permissible under law, and cannot be used as substantive evidence of guilt in the present trial.

(L) Extra judicial confession.

91. PW6 Manu happened to see the accused withdrawing from his dwelling house soon after commission of murder. The accused disclosed to PW6 the reason for commission of murder. PW32 is the advocate clerk, who was present in the court when the accused was produced before Magistrate Court. According to her, the accused confessed the commission of double murder. However, the accused did not make any confession when examined in Chittoor Magistrate Court. According to learned additional Public Prosecutor, this conduct of the accused is a relevant factor under second proviso to section 22 of BSA 2023 under the caption "or because it

was made in answer to questions which he need not have answered"

92. In this respect, the dictum laid down by the Hon'ble Supreme Court in *State of Punjab v. Harjagdev Singh* (AIR 2009 SC 2693) is very useful. The Court therein reiterated the principle that

7. Confessions may be divided into two classes i.e. judicial and extra judicial. Judicial confessions are those which are made before a Magistrate or a court in the course of judicial proceedings. Extra judicial confessions are those which are made by the party elsewhere than before a Magistrate or court. Extra judicial confessions are generally those that are made by a party to or before a private individual which includes even a judicial officer in his private capacity. It also includes a Magistrate who is not especially empowered to record confessions under S.164 of the Code of Criminal Procedure, 1973 (for short the 'Code') or a Magistrate so empowered but receiving the confession at a stage when S.164 of the Code does not apply. As to extra judicial confessions, two questions arise: (i) were they made voluntarily? and (ii) are they true? As the section enacts, a confession made by an accused person is irrelevant in criminal proceedings, if the making of the confession appears to the court to have been caused by any inducement, threat or promise, (1) having reference to the charge against the accused person, (2) proceedings from a person in authority, and (3) sufficient, in the opinion of the court to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him. It

follows that a confession would be voluntary if it is made by the accused in a fit state of mind, and if it is not caused by any inducement, threat or promise which has reference to the charge against him, proceeding from a person in authority. It would not be involuntary, if the inducement, (a) does not have reference to the charge against the accused person or (b) it does not proceed from a person in authority; or (c) it is not sufficient, in the opinion of the court to give the accused person grounds which would appear to him reasonable for supposing that, by making it he would gain any advantage or avoid any evil of temporal nature in reference to the proceedings against him. Whether or not the confession was voluntary would depend upon the facts and circumstances of each case, judged in the light of S.24 of the Indian Evidence Act, 1872 (in short 'Evidence Act'). The law is clear that a confession cannot be used against an accused person unless the court is satisfied that it was voluntary and at that stage the question whether it is true or false does not arise. If the facts and circumstances surrounding the making of a confession appear to cast a doubt on the veracity or voluntariness of the confession, the court may refuse to act upon the confession, even if it is admissible in evidence. One important question, in regard to which the court has to be satisfied with is, whether when the accused made the confession, he was a free man or his movements were controlled by the police either by themselves or through some other agency employed by them for the purpose of securing such a confession. The question whether a confession is voluntary or not is always a question of fact

92 (a). As regards the confession allegedly made before the Judicial First Class Magistrate at the time of production of the accused with the remand report, it is true that such a statement, if any, would amount only to an extrajudicial confession, since it was not recorded in the manner prescribed under Section 164 of the CrPC (corresponding to Section 183 of the BNSS, 2023). However, absolutely no contemporaneous document has been produced to prove that such a confession was made, nor has the concerned Judicial Magistrate been examined to substantiate the alleged statement. In these circumstances, the confession said to have been made before the Magistrate, sought to be proved through the testimony of an advocate's clerk who claims to have overheard the accused, cannot be treated as reliable evidence.

92 (b). As far as the confession made before PW6 is concerned, it was made immediately after the incident and formed part of the same transaction while the accused was withdrawing from his house, leaving no scope for coercion, threat, or undue influence in its making. Relevant portion is already extracted in Para 66. The proximity of time and place to the occurrence, the spontaneity of the statement, and the absence of any external pressure clearly indicate that the confession was voluntary. Being voluntary, contemporaneous, and connected with the transaction itself, the statement made by the accused to PW6 carries a high degree of reliability and evidentiary value, and therefore can be safely accepted as a truthful disclosure. Hence this extra-judicial confession, when read together with the chain of circumstances discussed above, are also relied upon by the prosecution to establish the guilt of the accused beyond reasonable doubt.

CONTENTIONS BY THE ACCUSED:

93. Apart from advancing oral arguments, the learned counsel for the accused has filed written notes of argument extending to 119 pages. Strictly speaking, this cannot be regarded as the “notes of argument” contemplated under Section 352 of the BNSS, 2023, since it does not set forth the contentions concisely. Nevertheless, the principal grounds urged therein stand considered and answered in chronological sequence.

94. (A) **Delay in registration of FIR.** In this case Exhibit P64, FIR is registered at 02.38 pm of 27.01.2025. and received in court at 03.30 p.m. on the same day. According to the prosecution, the murder was between 09.58 a.m. and 10.08 a.m. of 27.01.2025. The statement of PW1 was recorded at 01.35 pm on the same day. The gap between time of occurrence and recording statement of PW1 is roughly three and a half hours. So there is no delay in registration of Exhibit P64 FIR.

95. According to PW79, Sub-Inspector of Police, at 10.15 a.m., one Parameswaran Called in the station and informed that പോത്തുണ്ടി ബോയിൻ കോളനിയിൽ 2 പേർ ചെട്ടേറ്റ് കിടക്കുന്നതായി ഫോണിൽ വിവരം ലഭിച്ചു. (Information is received in the station that two persons after sustaining chop injuries are lying in Pothundi Boyan colony) . Exhibit D11 GD entry also shows that such an information is entered in the GD and thereafter, PW79 deputed SCPO 6250 Manoj Kumar and KHG280 Suresh at 10.20 a.m. for scene guarding duty. As the message received in the police station is a cryptic message, the prosecution cannot register an FIR on the basis of this telephonic message. In. **Surajith Sarkar v. State of West Bengal 2012 KHC 4708**, the Hon'ble Supreme Court held that “Cryptic telephonic information given to police is not sufficient to register FIR’.

96. PW1 is the brother-in-law of the deceased Sudhakaran, who is not residing at the place of occurrence, but arrived at the place of occurrence at 10.30 a.m. after getting informed of the incident. According to PW1, he after seeing the body of deceased Sudhakaran at the place of occurrence, reached Nenmara CHC and was informed that the death of Lakshmi was confirmed and the body was shifted to Palakkad. He thereafter proceeded to the Palakkad District Hospital, where he viewed the dead body of deceased Lakshmi, and thereafter went to the Nenmara Police Station and lodged Exhibit P1 First Information Statement. According to learned counsel for the accused, as per Exhibit P1 FI Statement, PW1 stated that he got information that Body of Lakshmi was brought to CHC-Nemara and confirmed the death. Thereafter, the body was shifted to Palakkad District Hospital. In cross-examination, PW1 deposed that he gave a statement to learned Magistrate to the effect that he did not move thereafter. ഞാൻ അവിടെ തന്നെ നിൽക്ക (I stood there itself). From the statement of PW1, it is evident that he did not go to CHC Nenmara or District Hospital, Palakkad. The question for consideration is whether non reporting to police forthwith by PW1 amounted to delay. It is to be noticed that PW1 reached place of occurrence at 10.30. By that time, the body of the deceased Lakshmi was shifted to CHC-Nemara. Thereafter, confirming the death, the body was shifted to District Hospital-Palakkad. After ascertaining the aforesaid facts, PW1 lodged Exhibit P1 FI Statement. Hence, there is no delay either in the submission of Exhibit P1 FIS or in the consequent registration of the FIR. Moreover, no prejudice is occasioned to the accused on account of any alleged delay.

97. The learned Addl. Prosecutor relied on the decision in *Ompal v. State of UP*, **2025 Live Law SC 1037** wherein Hon'ble Supreme Court held

that delay of 1 day in registration of FIR is not fatal to the prosecution. The learned Addl. Prosecutor also relayed on the decision in *Lakshmi Chan v. State of Haryana*, **2025 KHC Online 5237**, wherein delay of four and a half hours after the incident in registration of FIR, found not fatal to the prosecution. Prompt registration of the FIR is necessary primarily to obviate fabrication or distortion of facts. In the present case, no such circumstances exist to attribute delay. Even assuming a delay of one or two years, it would not materially affect the prosecution case, since the evidence relied upon is borne out by unimpeachable documents and oral testimonies of natural witnesses.

98. (B) PW6 is a planted witness. PW6 saw the accused immediately after the occurrence followed by conversation with the accused. The evidence of PW20 Praveen shows that he is residing 300 metres away from the dwelling house of the accused. Whereas PW6 is residing 400 metres away from his dwelling house. The version in Exhibit P5 inquest report prepared by PW80 shows that PW6 came to the place of occurrence on the basis of hearsay information. First of all, evidence of PW6 is limited to exiting the accused from his dwelling house. Whereas PW8 in candid terms deposed that he saw the accused entering his dwelling house soon after the incident, carrying weapon which was blood stained. The statement recorded under Section 194 BNSS has no legal effect, which I have discussed in point number 1.

99. According to learned prosecutor, the Google mapping will give the exact location of a person if he is connected to an electronic device. Both parties have not adduced any judicial precedent in this matter, supporting or denying the argument. Hon'ble Supreme Court, in *Dharam Deo*

Yadav v. State of UP, **2014 KHC 4245**, stressed the need for proving a case by scientific evidence rather than to rely upon parole evidence only. Portion of para 28 of the judgment is extracted for reference.

"In this age of science, we have to build legal foundations that are sound in science as well as in law. Practices and principles that served in the past, now people think, must give way to innovative and creative methods, if we want to save our criminal justice system. Emerging new types of crimes and their level of sophistication, the traditional methods and tools have become outdated, hence the necessity to strengthen the forensic science for crime detection. Oral evidence depends on several facts, like power of observation, humiliation, external influence, forgetfulness etc., whereas forensic evidence is free from those infirmities. Judiciary should also be equipped to understand and deal with such scientific materials. Constant interaction of Judges with scientists, engineers would promote and widen their knowledge to deal with such scientific evidence and to effectively deal with criminal cases based on scientific evidence. We are not advocating that, in all cases, the scientific evidence is the sure test, but only emphasizing the necessity of promoting scientific evidence also to detect and prove crimes over and above the other evidence"

100. To prove the presence of PW6 and PW20 at the place of occurrence, prosecution relies on Exhibit P54 electronic evidence submitted by PW73. The mobile number of PW6 is 9947089151 and mobile number of PW20 is 9645811234. From 09.55 a.m. of 27.01.2025 to 10.30 a.m., both PW6 and PW20 are under common tower location, namely Pothundi Dam,

Nenmara. The Google Maps attached to Ext P54 report shows that latitude of place of occurrence is 10.555948 and longitude of place of occurrence is 76.625031. The latitude of PW6 at 09.55 a.m. is 10.54984 and longitude is 76.61878. The latitude of PW20 at 9.56 a.m is 10.54984 and longitude is 76.61878. The difference in latitude and longitude is “point one” only. Though in the argument notes it is contended that the distance is 1.1 km or 16 minutes a bare perusal of the map shows that it is the distance between tower location and place of occurrence.

101. Exhibit P54 Electronic Evidence report clearly proved that both PW6 and PW20 are very near to place of occurrence. PW80 in evidence deposed that he collected details from PW6 who left even before completing the inquest of the deceased, Lakshmi. The evidence of PW81 shows that PW80 was put under suspension forthwith. The irresponsible statement in the Inquest report may be one of the reasons for proceeding against PW80 departmentally. Incidentally it was PW6 brought the deceased Lekshmi to Nenmara CHC as is evident from the wound certificate prepared by PW60. Thus, there is no reason to disbelieve the testimony of PW6.

102.(C) Failure to prove correct time of occurrence. According to the prosecution, the accused committed murder in between 09.58 and 10.08 a.m. of 27.01.2025. Exhibit P59 (f-1) is the CDR of PW26 Gracie, wife of the deceased Sudhakaran. The last charged call between deceased and PW26 is 09.56 a.m. of 27.01.2025. Exhibit P59 (g-1) is the CDR of deceased Sudhakar. There is an incoming call of PW26 at 09.56 a.m. on 27.01.2025. Exhibit P59(d)(1) is the CDR of CW38 Rajeshwari. Exhibit P59(d)(1) shows that at 10.10 a.m. on 27.01.2025 there is an outgoing call to police emergency number "100". Exhibit P59 series are proved through PW76 Nodal officer. So

there is scientific evidence forthcoming regarding time of occurrence in this case. That apart, PW8, in candid terms deposed that he saw the accused entering his house, carrying blood stained weapons after 5 minutes of 10 a.m. of 27.01.2025. These evidence clearly establishes the time of occurrence. Moreover, proof of the exact time of the act of murder is not a statutory requirement. What is material is the reliability of the evidence regarding the factum of death and the cause of death. Once these aspects stand established through unimpeachable records, the prosecution case remains unaffected.

102. **(D) Irregularity in collecting samples.** According to PW53, at about 01.30 a.m. on 29.01.2025, he had arrived in Nenmara Police Station and collected blood samples, scalp hair, chest hair, body swab and nail clippings of the accused. The sampling and sealing were done in the hospital. Exhibit P90 shows that PW53 examined the accused at 10.55 p.m. on 28.01.2025. According to PW80, as per GD entry number 25, the accused after medical examination is kept in the lockup at 23.52 hours. The question for consideration is whether PW53 is justified in sampling and sealing at the hospital. It has come in evidence that the distance between CHC and Nenmara Police Station is 50 meters only. The evidence of PW80 shows that more than 105 police officers were posted on account of law and order situation. Exhibit D11 series further shows that, in spite of heavy police security, GSCPO 5528 Krishnadas, sustained injury in the mob attack, for which FIR No. 68/2025 is registered. Consequently at 02.10 a.m. on 29.01.2025 the accused was shifted to Alathur police station. PW53 is completely justified in sealing and sampling at the CHC Nenmara.

103. In **Kattavali Alias Devakar v. State of Tamil Nadu, 2025 KHSC Online 6600**, the Hon'ble Supreme Court directed investigation

agencies to produce collected sample analysis for DNA profiling within 48 hours of collection before the chemical lab. The direction issued is dated 15.07.2025. In this case, the incident is on 27.01.2025. The final report was received before the Judicial First Class Magistrate, Alathur on 25.03.2025. Hence, no blame can be put on prosecution for non-compliance of the direction. Further the sample was taken from the hospital on 5/02/25 and produced before the chemical lab on 6/02/25

104. (E) **PW7 and PW54 seeing the accused in his dwelling house is remote**. According to PW7, the accused threatened her at 06.30 a.m. of 27.01.2025. Whereas at 09.30 a.m. she saw the accused in possession of MO 14 and 15. According to PW54, at 09.30, PW6 had arrived her seeking assistance in wearing saree. At that time she saw the accused. Exhibit P8 is the scene mahazar of the house of the accused. Exhibit P8A is the scene plan prepared by PW66 Village Officer. A perusal of Exhibit P8 and Exhibit P8A show that PW7, is residing in the house bearing Door No. 11 / 129. This house is on the opposite side of the dwelling house of the accused. PW7 also deposed that the accused and deceased are his closer residents. Evidence of PW54 shows that her house is next to the house of PW7 on the same side. The contention advanced is that her dwelling house is in a corner and slopey. Further her view is obstructed by bushes. PW54 specifically deposed that even though there is a small deviation and slope, the bushes were cleared and she had no difficulty in seeing the accused. The evidence of PW7 reveals that "പ്രതിയുടെ വീട് റോഡ് നിരപ്പിൽ നിന്നും 4 അടി കരിങ്കൽ കെട്ടി. അതിന് മുകളിൽ ആണ് " (The house of accused is 4 feet above the road level by putting rubble steps). It is not clear what is the difficulty of PW7 and PW54 in seeing the accused. The evidence of PW1 further shows that the house of the accused

is enclosed with iron barbed fence only. If that be so, virtually there is no difficulty of PW7 and PW54 seeing the accused from their respective houses. It has come in evidence that PW7 switched off the phone as she was attending church mass. The prosecution cannot be blamed for non-collection of CDR of PW7.

105. (F). **Non revealing material information to others by PW6 to PW8 and PW54.**

Evidence of PW6 shows that he was the Secretary of Nenmara Branch of D.Y.F.I. On the date of the incident itself, Area Secretary Rehman and MLA K Babu visited the place of occurrence. He did not disclose the information to them. It is to be noticed that the accused was arrested only on 29.01.2025. The statement of PW6 was recorded on 31.01.2025. According to PW7, the factum of seeing accused with weapons not disclosed to mother, as she would get tensed. As there were no closer neighbours available and she was in a rush to reach the church, she did not inform others. In fact PW7 has valid explanation. PW8 clearly deposed that he informed the media who arrived on the date of incident that he saw the accused going to his house carrying weapon. PW54 in cross examination deposed that she did not divulge the information even to her husband. It is to be noticed that the statement of PW54 is also recorded on 31.01.2025. So non revealing information to others by these witnesses is not sufficient to reject their evidence. PW54 is not strenuously cross examined regarding seeing her the accused before commission of murder

106. The conduct of witnesses in communicating their knowledge of such a brutal murder within their neighbourhood, particularly when there

exists a threat to life, cannot be generalised. Hence, mere failure to disclose the incident to others cannot, by itself, constitute a ground to reject their testimony. What is material is the intrinsic credibility of their evidence, which remains unimpaired

107. (G) **Delay in recording statements of witnesses U/s. 181 BNSS.** PW81 deposed that the statements of PW6, PW7 and PW51 were recorded on 31.01.2025. Whereas the statements of PW8 was recorded on 01.02.2025, that of PW20 on 04.02.2025, PW21 on 03.02.2025 and PW11 on 07.02.2025. There is no delay in recording statements of these witnesses and hence this objection is also not sustainable.

108 (F) **Chain of custody.**

Since this contention is raised at different pages of the argument notes, for the purpose of brevity and easy reference, this contention is considered together. PW46 was the Scientific Officer of District Crime Branch Bureau, Palakkad .On 27.01.2025 he inspected the places of occurrence and collected seven samples, sealed , labelled and affixed with specimen seal “A N P”. MO 14 and 15 the chopper and the handle were wrapped in brown paper only. On 29.01.2025, he inspected the dwelling house of the accused from where he collected MO No. 13 and 25 personal apparel of the accused . MO 12, 13 and 25 are produced in court on 01.02.2025 with Exhibit P76- 151A form . Whereas MO 14 and 15 ‘Choper and its handle’ were produced in court on 29.01.2025 with Exhibit P79-151A form .Evidence of PW45 reveals that he produced the 12 sealed covers at RFSL Thrissur on 31.01.2025 and obtained Exhibit P28 receipt. The evidence of PW56 reveals that 30 sealed packets were produced in RFSL Thrissur on 01.02.2025 by obtaining Exhibit P37 lab

receipt. It has come in evidence that PW58 doctor identified MO 14 and 15 on 28.01.2025.

109. PW53. Dr. Gineshmon Chandy collected scalp hair, chest hair, blood samples etc. of the accused at 1.30 a.m. of 29/01/25 at Nenmara police station and preserved at CHC Nenmara. Thereafter it was handed over to PW41 on 05.02.2025. Exhibit P25 is the seizure mahazar attested by PW42, whereby the samples are seized by the Investigating Officer. At the time of post mortem examination, PW58 Dr. Jerry Joseph collected nail clippings, scalp hair, blood samples etc. of both deceased. Exhibit P42(a) and P42(b) are the forwarding notes dated 28.01.2025. Thereafter, PW58 entrusted the collected articles to PW41 who produced the same before the Investigating Officer who seized the same after preparing Exhibit P24 seizure mahazar. PW56 produced the 8 sealed packets at RFSL Thrissur on 06.02.2025 as is evidenced from Exhibit P37 receipt. The evidence of PW69, Scientific Officer of DNA Division of RFSL-Thrissur, supports that these samples reached Lab on 31.01.2025, 01.02.2025 and 06.02.2025 respectively. So the prosecution is able to prove chain of proper custody and that the samples from the time of collection till examination by analysts reached in tamper proof condition.

110.(G) Lack of modern scientific technologies in DNA evaluation.

At the very outset, it may be noticed that the accused has not disputed Exhibit P51 and Exhibit P52 reports prepared by PW69 and PW70. Both witnesses are also not seen cross-examined regarding their findings. The accused also admits that the conclusion arrived is by following standard operating procedure. The contention in the argument is that "more accurate

software could have been utilized in DNA evaluation". According to learned counsel, if three DNA mixes are recognized as complex DNA, it is possible to bifurcate among who is major contributor and who is minor contributor. PW69 deposed that she has not reported as to who is the major contributor and who is the minor contributor. At the same time, if multiple people contribute DNA, there is no possibility of overlapping. The assessment as to who is the major contributor or minor contributor is of no consequence, as prosecution is only bound to prove involvement of the accused.

111. PW69 was questioned regarding usage of more advanced software like STR mix or True Allele. She denied usage of such genotyping software. Her evidence clearly shows that the examination is conducted by following standard operating procedure. Even if such sophisticated software is available, PW69 could not follow the same unless it is included in the standard operating procedure, (SOP in short). Yet another aspect is that PW69 followed Gel diffusion tests to determine origin of blood instead of hexagon OBT test. To which also the witness answered that what is followed in the lab is the standard operating procedure. The hair samples were not examined using mitochondrial DNA, but STR nuclear DNA profiling only. PW69 deposed that mitochondrial DNA examination facility is not available in her lab. Regarding evidence of PW69, that item Nos. 25, 26 and 28 were forwarded in unsealed condition to biological division cannot be read as received in the lab in unsealed condition. It is an intra department transfer to the Biological division after opening sealed packets items 25, 26 and 28.

112. (H) **Authority of PW73 in preparing Exhibit P54 electronic evidence report.**

According to PW81 investigating officer , Exhibit P54 report was prepared for the limited purpose of proving the presence of witnesses near the place of occurrence , and not for proving any other fact in issue or relevant facts. It has come in evidence that PW73 is working in the same office of PW81 as Cyber Expert. PW73 also deposed that Exhibit P54 report was prepared on the oral direction of PW81. The evidence of PW73 reveals that he is qualified in MCA and got training in cyber forensic and digital forensic. The defence objects Exhibit P54 report for want of certification under section 63 (4)(C) of BSA 2023 and 181 of BNSS 2023. Admittedly, 63(4)C certification is required if information contained in an electronic record is produced in court in any physical form. Exhibit P54 is not any such electronic information stored in any record. Exhibit P54 was relied on by the prosecution to ascertain the time of murder as between 09.56 a.m. to 10.10 a.m of 27-01-2025. This is not on the basis of the statements of witnesses U/s.181, but by perusing CDR which contains necessary 63(4)C certification and proved through authorized nodel offices. A perusal of page 62 of the argument notes shows that the defence is also set up by relying on the Exhibit P54 report.

113. (I) **Absence of injuries on the accused and its effect on DNA evidence.**

According to defence, the accused was examined at 11.52 p.m. of 29.01.2025 and was issued Exhibit P90 Medical Examination Certificate, disclosing no injury whatsoever. Exhibit P90 is admitted in evidence in tune with Section 330 of BNSS 2023. Whereas Exhibit P51, DNA report reveals that MO 15 wooden handle contains "cells and stains" belonging to accused Chenthamara. First of all the DNA is extracted not solely from blood samples. Here in this case from MO 15 both cells and stains of the accused were

detected. Secondly, the preliminary examination at 11.52 p.m. at the request of prosecution is regarding any grievance of the accused against victims, police officials or mob . If only the accused has a case that he was attacked by offending parties, further detailed investigation follows. According to PW58 doctor, out of 15 injuries sustained to deceased Sudhakar, 3 of them suggestive of defensive wounds. Whereas none of the injuries sustained to deceased Lakshmi are of defensive wounds. So it is evident that from these "passive wounds" that there was no element of objection from the sides of victims. The time gap of execution of these double murder is less than 12 minutes. The tiger-like attack made the victims defenseless. The detailed microscopic examination of the body of the accused requires only if he has any grievance against victims, mob or police officials. Non-detection of injuries in Exhibit P90 is of no consequence.

114 (J) **Other major contentions in the argument notes**

For brevity and convenience, the other major contentions in the argument notes are considered together. According to PW9, MO 14 and MO 15 are identified first time before the court, after seeing them at place of occurrence. There was no prior identification conducted by learned Magistrate. Reliance placed to decision in *State of Assam v. Moinul Haque*, **2026 KHC 6311**. In this case, MO 14 and 15 were recovered on 27-1-25 and identified by PW58 doctor on 28.01.2025 and produced in sealed condition in court on 29.01.2025. The prosecution mainly relies upon the scientific data collected from the weapon, rather than mere ocular identification by the witnesses. Moreover, it stands proved beyond reasonable doubt that the said weapon was used in the commission of the offence, as corroborated by unimpeachable scientific evidence.

115. The second serious strife is that PW78 Girish, an eye witness happened to see deceased Lakshmi at 11.00 a.m. on 27-01-25 putting total doubt to the time frame projected by prosecution. According to PW78 he was engaged in pasturing goat in the nearby field. PW79, the Sub Inspector of Police reached the place of occurrence at 10.25 a.m. and saw lifting of body of Lakshmi in the ambulance. According to PW27 ambulance driver, the body reached Nenmara CHC at 10.35 a.m. Against these versions. PW78 would depose that he saw body of deceased Lekshmi at 11.00 a.m. PW78 would further depose that the distance between the place of grazing of goat and body of Lakshmi was 1 meter. However, he had no occasion to see or witness the incident till 11.00 a.m. As I already noticed, the tiger-like time pace in which double murder was executed with pre-planned design make it very difficult to get direct evidence from eyewitnesses.

116. The third serious disputation is the existence of valid marriage between deceased Sudhakaran and PW26 Gracy. Reliance is placed on Exhibit D6, previous statement of PW26 denying valid legal marriage. According to defence, the family members were inimical with Sudhakaran due to his alliance with PW26. This fact is totally denied by PW26 who would say that she meets Sudhakaran whenever he arrives in Potundi. This factum is further corroborated from the version of PW21 Akhila. Whether valid subsisting marriage existed with PW26 is outside the scope of present inquiry.

117. The fourth contention is that MO 14 contains the inscription. "EMI". Whereas due to change in the ownership with PW23 the inscription is changed to EAE (Elevenchery Agro equipments). In re-examination itself, PW23 clarified that the stock included both old and new equipment.

118. The fifth submission is that many signatories to Exhibit P6 and Exhibit P14 mass petitions have no real grievance against the accused. As PW7 is an illiterate lady, who usually put thumb impression, putting signature in mass petitions is remote. PW31 deposed that there was no occasion of the accused threatening her. She had no occasion of witnessing threat by accused. At least PW31 deposed that signature contained in Exhibit P6 belongs to her. She joined in mass petition under the belief that the accused is the author of committing murder of Sajitha. Evidence discussed shows that accused violating bail conditions entered Nenmara panchayat.

119. The sixth contention is that the learned Magistrate did not correctly follow the procedure regarding recording of the confession of the accused. Evidence of PW68, the Judicial First Class Magistrate Chittur, shows that the accused was produced before him on 15.02.2025, pursuant to order of Chief Judicial Magistrate, Palakkad for recording the confession but the accused refused to give a statement. According to the learned Additional Public Prosecutor, the recording of confession in the present case has become a mockery in view of 18 days of reflection time , with first production before the court. Whatever it may be, no confession was recorded by learned Magistrate in this case and prosecution is not relying upon any such judicial confession

120. The seventh argument is based upon G.D. entries, particularly Exhibit D11 series. It would have been more fruitful to both sides if the entire GD entry of relevant dates are marked in toto instead of specified entries. Of course, it was admitted in evidence when the case was posted for hearing. According to defence , Exhibit D11(b) would reveal that at 06.00 p.m. on 27.01.2025, the Dog Squad , Drawn Team , fingerprint Bureau and Forensic

Lab staff left the place of occurrence. The witness, namely PW80, clearly deposed that it was due to darkness the dog squad and drone alone stopped their service. Exhibit D11(d) series show that From KAP, 75 police officials were posted and reported at station at 08.30 a.m. of 28/01/25. From AR Camp, a batch of 30 police officials reached at station at 09.15 a.m at 11.53 p.m. The KAP Branch was withdrawn. The witnesses clarified that these GD entries are made by the person in charge of GD using the pen name and password of the offices. It is evident that accused was traced only on 28.01.2025. The entire police establishment withdrawing on the same day of posting is a remote possibility. The entries in GD will never reflect what is actually going on in the place of occurrence.

121. The eighth submission is that "no logo book or register" was maintained to show persons who visited the scene of occurrence. Normally no such visiting register will be entertained in any SOP. The quite obvious reason is that nobody shall be allowed to enter the place of occurrence unless the site is examined by forensic expert. The 9th contention that there was no segregation of primary and secondary scenes of crime also found unacceptable. The prosecution separately marked three places of occurrence. The 10th contention is that MO 12 and 13 dresses of the accused were not packed or sealed at the time of seizure. The accused was taken in custody. and produce in his house after 10.00 p.m. of 28.01.2025. Whereas PW46, scientific officer examined these items the next day. It is evident that at the time of seizure, it was in wet untidy condition. So at the time of seizure, the dresses become dry. It was sealed and labelled on 29.01.2025 itself.

122. The 11th contention is non-production of sketch and notes prepared by PW46, Anand.P.P. It is to be noticed that these documents are for his

personal reference. He has submitted Exhibit P31 report to PW81.

123. The 12th objection is non enquiry regarding "N2" of chance fingerprint. N1 was identified as that of the deceased Sudhakaran. Whereas, N2 obtained from the rear side of the vehicle was unidentified. The role of PW48 was to compare the chance prints detected from place of occurrence with standard specimens and to see whether it conforms with a person under suspicion. Admittedly, the prosecution has not adduced positive evidence of fingerprint in this case.

124. The 13th contention is that no mahazar was prepared by the Dog squad as required in standard operating procedure. The dog, with approximate height of 45 centimeters, had moved beneath the iron barbed fence from where the fibre-like substance was recovered. Here in this case, the prosecution has not brought out any positive evidence collected through sniffer dog identification.

125. The 14th contention is suppression of Drone video evidence. It has come in evidence of PW52 service of drone was availed to unearth the presence of the accused, but failed. The prosecution is not relaying any evidence collected through Drone video.

126. The 15th contention is that PW79 entered place of occurrence number 3, namely house of the accused, without a search warrant or without preparing a search list or search memo. It is true that PW17 who rushed to place of occurrence, searched for the accused in place of occurrence number 3, but did not recover anything. The learned prosecutor relied on the decision in **Dr. Nagreshkumar Garg v. State of Haryana and others . 2026 Live Law (SC) 186.** wherein Hon'ble Supreme Court held that "Evidence collected

through illegal search's will not get vitiated. Materials collected in illegal search remain admissible in evidence subject to test of relevancy and genuineness".

127. The 16th contention is that by the time PW1 reached the place of occurrence, body of Lakshmi was recovered. Consequently Exhibit P4 scene mahazar and Exhibit P4A plan prepared therein fails. The accused has no dispute regarding preparation of places of occurrence number 2 and 3: A perusal of Exhibit P4 shows that the place of occurrence is identified by presence of human blood.

128. The 17th contention is that Exhibit P16& P17 observation mahazars and P16A and P17A plans prepaid thereon are hit by Section 181 of BNSS and Section 23 of BSA 2023. These observation mahazars are accounts of a person who saw the place through which accused moved and best form of hearsay evidence.

129. The 18th contention is that Exhibit P53 ownership certificate prepared by PW72 is hit by Section 181 of BNSS 2023. The contention is found prima facie inadmissible. PW72 in candid terms deposed that Exhibit P53 is prepared on the basis of Relevant assessment register maintained in his office. The document is proved by examining its author and hence the objection regarding its admissibility also not sustainable.

130. The 19th contention is that no videography was taken and produced in court at the time recovery MO 14 and 15. Admittedly both these items are seized not on the basis of any information furnished by the accused, but prior to his arrest. So prosecution has no obligation to take videography of recovery of MO 14 and 15. No statutory rules formulated by the State

Government in this regard in accordance with Section 2(a) of BNSS 2023, as relied on in support of the said contention.

131. The 20th contention raised is that there was failure to investigate the ownership of MO-25 VKC footwear. Though the said article was recovered from the place of occurrence, it bears no nexus with the crime, and hence its ownership is immaterial. Its production before the Court, however, establishes that the prosecution has not suppressed any material from judicial scrutiny. In **Jason v. State of Kerala, 2013 (4) KHC 501** a division bench of Hon'ble Kerala High Court held that flaws in the investigation and conduct of prosecution cases before the sessions court are not grounds for holding that the accused is not guilty, when the guilt has been proved with other acceptable evidence.

132. (K) **Contradictions and omissions.**

Exhibit D1 to D4 and D6 to D9 are the contradictions of the statements of the witnesses recorded U/s.181 BNSS,2023. Through PW81, the defence also brought out some omissions. Exhibit D6 is already adverted to. Many of the contradictions noticed are only slight deviations from the original version, elicited through virulent and hairsplitting cross-examination. No material omission has been brought out in the testimony of these witnesses. In this context, the learned Prosecutor has submitted that the principle of separating the “grain from the chaff” is to be applied. The prosecutor has relied on the decisions in **Edakkandi Dineshan @ P. Dineshan v. State of Kerala, 2025 KHC Online 7016** and **Jose v. State of Kerala, 2024 KHC Online 69** in support of his submission that that minor omission, error or contradiction is not sufficient to reject otherwise reliable prosecution evidence.

133. Regarding the appreciation of the evidence of witnesses, the Hon'ble Supreme Court in its Full Bench decision in *Shamim vs. State (GNCT of Delhi)* (2018 (4) KLJ (NOC) 3, MANU/SC/1016/2018) held that

While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole inspires confidence. Once that impression is formed, it is undoubtedly necessary for the court to scrutinise the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief. Minor discrepancies on trivial matters not touching the core of the case, hypertechnical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error without going to the root of the matter would not ordinarily permit rejection of the evidence as a whole. Minor omissions in the police statements are never considered to be fatal. The statements given by the witnesses before the police are meant to be brief statements and could not take place of evidence in the court. Small/Trivial omissions would not justify a finding by court that the witnesses concerned are liars. The prosecution evidence may suffer from inconsistencies here and discrepancies there, but that is a shortcoming from which no criminal case is free. The main thing to be seen is whether those inconsistencies go to the root of the matter or pertain to

insignificant aspects thereof. In the former case, the defence may be justified in seeking advantage of incongruities obtaining in the evidence. In the latter, however, no such benefit may be available to it.

134. The evidence tendered by the prosecution witnesses, duly supported by other materials, has been thoroughly scrutinized in light of the deficiencies, drawbacks, and infirmities pointed out in the evidence as a whole, as well as the plea of false implication raised by the defence. This comprehensive evaluation has been undertaken to ascertain whether the testimony and materials withstand the overall tenor of the case and whether the earlier assessment of the evidence is sufficiently shaken to render it unworthy of belief. Upon such scrutiny, however, no circumstance has emerged to discredit the veracity of the witnesses or to undermine the credibility of the prosecution case, which continues to stand firm and unimpaired.

135. The contentions advanced by the accused and the challenge posed to the prosecution's evidence have been duly examined in detail and found to be wholly untenable. The defence has not succeeded in dislodging the core narrative of the prosecution or in creating any reasonable doubt with respect to the material facts in issue. On the contrary, the evidence adduced by the prosecution, both oral and documentary, stands corroborated on all material particulars, is consistent in its essential features, and withstands rigorous scrutiny. The chain of circumstances and the direct testimony reinforce each other, leaving no scope for doubt as to the reliability of the prosecution case. In these circumstances, the objections raised by the accused are devoid of merit, lacking in substance, and accordingly stand rejected.

136. The point now to be considered is what offence the accused committed in his acts.

Culpable Homicide and Murder

137. Under the BNS, the killing of a person can involve several offences, primarily culpable homicide (Section 100), murder (Section 101), and related provisions such as punishment (Sections 103 and 105) and negligent acts causing death (Section 106). The classification depends on the intent, knowledge, and circumstances of the act.

138. Two such offences arising from the killing of a person, namely culpable homicide and, in the graver category, the more heinous offence of murder, were considered by the Hon'ble Supreme Court in *Rajwant and Another v. State of Kerala (AIR 1966 SC 1874)*. It was categorically held that

What distinguishes these two offences is the presence of a special mens rea, which consists of four mental attitudes, and the presence of any one of which elevates the lesser offence into the greater. These four mental attitudes are stated in Section 300 of the I.P.C. as distinguishing murder from culpable homicide. Unless the offence can be said to involve at least one such mental attitude, it cannot be murder.

The Hon'ble Supreme Court further held that the first clause declares that culpable homicide is murder if the act by which death is caused is done with the intention of causing death. An intention to kill a person brings the matter so clearly within the general principle of *mens rea* as to cause no difficulty. Once the intention to kill is proved, the offence is murder unless one of the statutory exceptions applies, in which case the

offence is reduced to culpable homicide not amounting to murder.

139. Relevant portions of Sections 100 and 101 of BNS 2023 are extracted for reference.

Section 100:

Culpable homicide: *Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.*

Section 101:

Murder-- *Except in the cases hereinafter excepted, culpable homicide is murder, (a) if the act by which the death is caused is done with the **intention** of causing death, or*

(b) If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or -

(c) If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death.

140. As far as clause (a) of Section 101, BNS 2023, the intention to cause murder is concerned, being a state of mind, it cannot be proved by direct evidence; rather, it may be established through *res gestae*, by acts or events previous or subsequent to the incident or occurrence, or on admission. The intention of a person cannot be proved by direct evidence but is to be

deduced from the facts and circumstances of the case, and there are various relevant circumstances from which such intention can be gathered, including the nature of the weapon used, the place where the injuries were inflicted, the nature of the injuries caused, and the opportunity available to the accused (**See Anbazhagan Vs. the State represented by the Inspector of Police MANU/SC/0782/2023**).

141. The accused has not set up any case that would attract the exceptions enumerated under Section 101 of the BNS, 2023, and it is well settled that the burden of proving such exceptions lies upon the accused, as mandated by Section 108 of the BSA, 2023. In any event, the evidence on record does not disclose the circumstances warranting the application of any such exception, and hence the plea sought to be raised in that regard is unsustainable.

142. From the evidence on record, it is clearly established that both the deceased suffered multiple cut injuries and fractures, with almost all severe injuries inflicted on vital parts such as the head, neck, shoulder, hands, trunk, and legs. The helpless state of the unarmed victims, the intensity of the violence employed, and the motive in committing the deaths clearly prove beyond doubt that the acts by which the deaths were caused were done with the *intention* of causing death. The violation of entry into a prohibited area without justification, the continued stay even after police warnings to withdraw, the preparatory steps of collecting and carrying deadly weapons, the reconnaissance visit near the house of the deceased, and the sharing of the plan of killing further reinforce the conclusion that the accused acted with deliberate intention.

143. The brutal nature of the killing and the manner in which they were

executed conclusively establish that the case falls within clause (a) of Section 101, BNS 2023, and the prosecution has succeeded in proving that the deaths of Sudhakaran and Lekshmi constitute culpable homicide amounting to murder.

144. The chain of circumstances, the consistency of the witness testimony, and the corroboration by medical and documentary evidence leave no scope for doubt as to the culpability of the accused. The deliberate preparation, the calculated execution, and the absence of any mitigating circumstance further reinforce the conclusion that the offence committed is murder in its gravest form. The prosecution has, therefore, discharged its burden of proof beyond reasonable doubt, and the defence has failed to establish any circumstance that would reduce the gravity of the offence or attract the statutory exceptions. As such, the points under consideration are required to be answered only in favour of the prosecution. Accordingly, these points are conclusively determined in favour of the prosecution.

Wrongful Restraint

145. **Point No. 4:-** Another offence alleged against the accused is that he wrongfully restrained Sudhakaran in order to murder him. The relevant portion of Section 126(1) of the BNS, 2023, is extracted for reference:

Wrongful restraint.--(1) *Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.*

146. It is true that nobody directly witnessed the accused wrongfully restraining the deceased Sudhakaran. However, the evidence clearly

establishes that Sudhakaran was attacked while proceeding on his two-wheeler along a lawful route in which he had a right to move, and his movement was abruptly halted due to the sudden onslaught by the accused. This interruption of his lawful passage, coupled with the violent assault that followed, satisfies the ingredients of wrongful restraint as contemplated under Section 126(1) of the BNS, 2023. The prosecution has thus succeeded in proving the charge of wrongful restraint beyond reasonable doubt, and the point is accordingly answered in favour of the prosecution.

FINDINGS

147. **Point Nos. 5 & 6:-** In view of the findings on Points 1 to 4, the accused is found guilty of the commission of offences punishable under Section 103 (1) of the BNS, 2023, in two counts, in respect of the murders of deceased Sudhakaran and Lekshmi. He is also found guilty of the offence of wrongful restraint of Sudhakaran punishable under Section 126(2) of the BNS, 2023. Accordingly, he stands convicted for the said offences. The points are, therefore, answered in favour of the prosecution.

Dictated to Confidential Assistant, typed by him, corrected and pronounced by me in open court on the 13th day of July, 2026.

-sd/
Additional Sessions Judge-IV.
Palakkad.

SENTENCE AND ORDER

148. **Point No. 7:** Considering the nature of offences committed by the convict, it is not a fit case to invoke the benevolent provisions of the Probation of Offenders Act. Hence, the convict was personally heard on the question of sentence u/s. 258 (2) BNSS, 2023.

The Response of the Convict

149. At the outset, the convict expressed unwillingness to make any statement. Since there exists an obligation to elicit from the accused all information which may ultimately bear upon the question of sentence, as laid down by the Hon'ble Supreme Court in **Muniappan v. State of T.N. (1981 (3) SCC 11)**, further details were obtained from him. Upon being informed that the punishment contemplated includes the death penalty, he replied that "I may be hanged to death".

150. In the case in hand, being one involving a potential death sentence, reports had been called for from the concerned authorities with respect to the aggravating and mitigating circumstances.

Report of the District Probation Officer:

151. After conducting an in-house interview with the convict, the Probation Officer reported that the convict is leading a life of aloofness from

other inmates in jail. He is not maintaining any healthy co-operation with co-prisoners. He has shown no remorse for the commission of murder, but is attempting to justify his action. The report further notes that there is likelihood of the accused repeating the offence, and that if circumstances permit, he may annihilate others. It is stated that, fearing him, many of the neighbours have left the locality. The Officer concludes that there is no scope for any reformation.

Report of the Superintendent of Prison

152. The report of the Jail Superintendent, District Jail, Palakkad, discloses that the convict has been lodged therein from 23.02.2026 onwards. It is further recorded that there has been no instance of indiscipline or violation of the directions issued by the jail authorities.

Psychological Evaluation Report by Medical Board:

153. The medical board consisted of both clinical psychologist and psychiatrist after examination of the convicted, reported that on mental status examination, he was found conscious, co-operative, rapport established, and euthymic mood. No psychotic symptoms elicited. No gross cognitive impairment. He is aware of the ongoing legal process he is involved in. At present he does not have features of mental illness.

Further Response of the Convict

154. As to the adverse reports against him pertaining to his previous conviction and sentence in Exhibit P91 judgment in SC 17/20, the convict explained that he has preferred an appeal against the said judgment. He added that except for a short period of 1.25 years, he has been in jail since 2019 onwards. He studied up to the 8th standard and discontinued his studies owing to an incident of manhandling by his own teacher. He further stated that none of his family members used to visit him, and that he has no interaction with his wife and child. As regards his inclination towards co-prisoners, he replied that thieves and persons accused of cheating cases are co-prisoners, and consequently he did not maintain any relationship with them. The accused further added: “അവന്മാർ എനിക്ക് നേരിട്ട് വന്നാൽ അവന്മാരുടെ ജീവൻ പോകും” (If they come against me, they will be done away with).

155. Regarding the report of the District Probation Officer that there is a likelihood of repetition of the offence, the convict responded: “ഞാൻ ഗാന്ധിജിയുടെ രീതി അല്പ. ഒരു കരണത്തിന് അടിച്ചാൽ മറ്റു കരണത്തിന് അടിച്ചിരിക്കും” (I am not a follower of Gandhiji. If struck on one cheek, I would retaliate with a blow on the other). As to the report that there is no

chance of reformation, the convict replied: “അവനവൻ വന്നാലേ അറിയൂ. ഞാനായിട്ട് പോകത്തില്ല. വന്നാൽ ഞാൻ വിടത്തില്ല” (One will realise from personal experience. I will not initiate any issues. But if anybody comes against me, I will not spare him). With respect to the report of the Medical Board regarding his mental health, he affirmed that he is not suffering from any mental illness.

Mitigation Investigation Report

156. In view of the Office Memorandum issued by the Hon’ble High Court of Kerala, bearing No. HCKL/6498/2026-D1-3-HC Kerala dated 07.07.2026, communicating the decision of the Apex Court in *Aman Singh and Another v. State of Bihar*, **2026 (3) KHC 364** (arising out of SLP No. 24574/2026 dated 27.04.2026), apart from the reports already collected, a Mitigation Investigation Report prepared by a dedicated legal team, after conducting multiple in-person interviews with the convict, was also called for.

157. The Chief Legal Aid Defense Counsel and the Deputy Legal Aid Defense Counsel, Palakkad, conducted multiple in-house interviews with the convict at the District Jail Palakkad, and in their report dated 16.07.2026, both aggravating and mitigating circumstances were delineated.

AGGRAVATING CIRCUMSTANCES:

1. *The accused, when provoked by the colloquial abusive language, or when his sense of parental ownership, bravery, or superiority is challenged, exhibits a lack of anger management. He acts without a second thought as to the consequences of his conduct, though he accepts the outcome after the commission of the offence.*
2. *When the media puts provoking questions to show his philosophies and braveness, he gets agitated and reciprocates his superiority towards others.*

MITIGATING CIRCUMSTANCES:

1. *He becomes emotional when questions were asked about his daughter and wife. He also regrets the present situation of his daughter and wife. He began to weep for some time, thinking his presence, and act has brought disgrace to her matrimonial family including his family.*
2. *When asked about the minor daughter of the victim's family, he regrets the act has resulted in the parental loss to the two daughters and their present financial situation. He also promised that if he gets to a better financial situation in jail, he will financially aid the minor daughter as a father-like figure. Even if she is not ready to accept the offer, he feels*

that it is his duty to rebound the same.

3. *During the second interaction on 15.07.2026, he co-operated more than the first interaction, showing more conversation and answering questions about his life and circumstances. We feel that he needs more psychological reviews and sessions regularly and he needs to calm down his present media attention.*
4. *He wishes to meet his wife and daughter in regular intervals, and their absence created a vacuum in his life.*
5. *During our interaction, we feel that he is not a menace to the general public, but if provoked, he cannot control his acts.*
6. *He is not having any misbehaviour or lack of discipline during his jail tenure. He attended all necessary programs conducted by jail welfare authorities.*

DOCTRINE OF RAREST OF RARE

158. With the above materials, heard both sides on the question of sentence. The learned Prosecutor submits that the case in hand qualifies, the criterion of rarest of rare cases. Per contra, the learned counsel appearing for the accused submits that multiple murder alone is not sufficient to qualify

the concept of "rarest of rare case".

159. There exists a common misconception, even among legal luminaries, that the doctrine of 'rarest of rare cases' refers to offences unheard of in the past. A country like the United Kingdom has already abolished the death penalty and would award imprisonment for life without parole. Whereas awarding of the death penalty is prevalent even in developed country like the United States. Various criteria for classifications of "rarest of rare case" are settled by Hon'ble Apex Court in the catena of decisions which will be discussed hereinafter.

160. Sub Section (5) of S.367 of the Code of Criminal Procedure 1898 as it stood before the amendment Act 26/1955 enjoined upon the Court in awarding imprisonment for life to give reason why death penalty was not ordered. That is to say, the death penalty was normal rule and imprisonment for life was an exception. The Code of 1973, which came into force from 01.04.1974 makes imprisonment for life a rule and death sentence an exception, in the matter of awarding punishment for murder. As per section 354(3) of Cr.P.C, if an offence is punishable with death and if death sentence is awarded, special reason for such sentence is to be stated by the Court(See also Ambaram vs State of M.P. AIR 1976 SC 2196). The same rigor continues after legislation of Section 393(3) of BNSS 2023, which came into

force with effect from 01.07.2024.

161. The guidelines laid down in **Bachan Singh v. State of Punjab** MANU/SC/0055/1982 : AIR 1980 SC 898, may be culled out as under:

(i) The extreme penalty of death need not be inflicted except in gravest cases of extreme culpability. (ii) Before opting for the death penalty, the circumstances of the offender also require to be taken into consideration along with the circumstances of the crime. (iii) Life imprisonment is the rule and death sentence is an exception. In other words, death sentence must be imposed only when life imprisonment appears to be an altogether inadequate punishment having regard to the relevant circumstances of the crime, and provided, the option to impose sentence of imprisonment for life cannot be conscientiously exercised having regard to the nature and circumstances of the crime and all the relevant circumstances. (iv) A balance sheet of aggravating and mitigating circumstances has to be drawn up and in doing so, the mitigating circumstances have to be accorded full weightage and just balance has to be struck between the aggravating and the mitigating circumstances before the option is exercised. (v) "Rarest of the rare case" comes when a convict would be a menace and threat to the harmonious and peaceful co-existence of the society. (The underlines are supplied by me).

The crime may be heinous or brutal but may not be in the category of "rarest of the rare case". There must be no reason to believe that the accused cannot be reformed or rehabilitated and that he is likely to continue criminal acts of violence as would constitute a continuing threat to the society. The accused may be a menace to the society and would continue to be so, threatening its peaceful and harmonious co-existence. The manner in which the crime is committed must be such that it may result in intense and extreme indignation of the community and shock the collective conscience of the society. (vi)

Where an accused does not act on any spur-of-the-moment provocation and indulges himself in a deliberately planned crime and meticulously executes it, the death sentence may be the most appropriate punishment for such a ghastly crime. The death sentence may be warranted where the victims are innocent children and helpless women. Thus, in case the crime is committed in a most cruel and inhuman manner which is an extremely brutal, grotesque, diabolical, revolting and dastardly manner, where his act affects the entire moral fiber of the society. (vii) Thus, it is evident that for awarding the death sentence, there must be existence of aggravating circumstances and the consequential absence of mitigating circumstances. As to whether a death sentence should be awarded, would depend upon the factual scenario of the case in hand.

162. In **Machhi Singh Vs. State of Punjab**, *AIR 1983 (SC) 957*

Full Bench of the Hon'ble Apex Court following decision in Bachan Singh's case issued additional guidelines, interalia, on the question of imposing death sentence. They are: (a) Is there something uncommon about the crime which renders sentence of life inadequate and calls for a death sentence. (b) Are the circumstances of the crime such that there is no alternative, but to impose death sentence even after according maximum weightage to the mitigating circumstances which speak in favour of the offender.

163. In **Ramnaresh vs State of Chhattisgarh**, *AIR 2012 SC 1357* it was held by the Hon'ble Supreme Court that the Court considers the cumulative effect of aggravating and mitigating circumstances. To balance the two is the primary duty of the Court. It will be appropriate for the Court to come to a final conclusion upon balancing the exercise that would help to administer the criminal justice system better and provide an effective and meaningful reasoning by the Court as contemplated under S.354(3) Cr.P.C. The category of aggravating circumstances, interalia, are (1) When the victim is innocent, helpless or a person relies upon the trust of relationship and social norms, like a child, helpless woman, a daughter or a niece staying with a father/uncle and is inflicted with the crime by such a trusted person. (2) When murder is committed for a motive which evidences total depravity and

meanness. (3) When there is a cold blooded murder without provocation. (4) The crime is committed so brutally that it pricks or shocks not only the judicial conscience but even the conscience of the society. The category of Mitigating circumstances, interalia, are: (1) The manner and circumstances in and under which the offence was committed, for example, extreme mental or emotional disturbance or extreme provocation in contradistinction to all these situations in normal course. (2) The age of the accused is a relevant consideration but not a determinative factor by itself.

164. In Haru Ghosh vs State of West Bengal, 2009 (15) SCC 551 it has been held:

Thereafter, however, there are several cases in which this Court considered the question of the rarest of rare case, each time weighing the factual situation obtained in the matter. There can be no dispute that there cannot be a straight jacket formula depending on the numbers of murders committed or the manner in which the murder was committed or the fact that the appellant/accused was already undergoing the sentence of rigorous imprisonment for life. The findings of the rarest of rare case would have to be judged in the light of the circumstances brought about and proved by the prosecution. The test of rarest of rare case was laid down by this Court for the first time in the case of Bachan Singh v. State of

Punjab reported in 1980 (2) SCC 684. Thereafter the same was reiterated in Machhi Singh and Others v. State of Punjab reported in 1983 (3) SCC 470. The test laid down adopted the following five considerations: -

*(1) When the murder is committed in an extremely brutal, grotesque, diabolical, revolting or dastardly manner so as to arouse intense and extreme indignation of the community. (2) When the murder is committed for a motive which evidences total depravity and meanness; e.g. murder by hired assassin for money or reward; or cold-blooded murder for gains of a persons vis-a-vis whom the murderer is in dominating position or in a position of trust; or murder is committed in the course of betrayal of the motherland. (3) When murder of a member of a Scheduled Caste or minority community etc. is committed not for personal reasons but in circumstances which arouse social wrath; or in cases of 'bride burning' or 'dowry deaths' or when murder is committed in order to remarry for the sake of extracting dowry once again or to marry another woman on account of infatuation (4) When the crime is enormous in proportion. **For instance, when multiple murders, say of all or almost all the members of a family** or a large number of persons of a particular caste, community or locality are committed. (5) When the victim of murder is an innocent child, or a helpless woman or old or infirm person".*

165. In **Mofil Khan and Another v. State Of Jharkhand, 2015**

(1) SCC 67 a full bench of Hon'ble Supreme Court held as "The crime test, criminal test and the "rarest of the rare" test are certain tests evolved by this Court. The tests basically examine whether the society abhors such crimes and whether such crimes shock the conscience of the society and attract intense and extreme indignation of the community. The cases exhibiting pre-meditation and meticulous execution of the plan to murder by levelling a calculated attack on the victim to annihilate him, have been held to be fit cases for imposing death penalty. Where innocent minor children, unarmed persons, helpless women and old and infirm persons have been killed in a brutal manner by persons in dominating position, and where after ghastly murder displaying depraved mentality, the accused have shown no remorse, death penalty has been imposed. Where it is established that the accused is a hardened criminal and has committed murder in a diabolic manner and where it is felt that reformation and rehabilitation of such a person is impossible and if let free, he would be a menace to the society, this Court has not hesitated to confirm death sentence. Many a time, in cases of brutal murder, exhibiting depravity and callousness, this Court has acknowledged the need to send a deterrent message to those who may embark on such crimes in future. In some cases involving brutal murders, society's cry

for justice has been taken note of by this Court, amongst other relevant fact others. While deciding whether the death penalty should be awarded or not, this Court has in each case realizing the irreversible nature of the sentence, pondered over the issue many times over. This Court has always kept in mind the caution sounded by the Constitution Bench in Bachan Singh case (supra) that Judges should never be blood thirsty but wherever necessary in the interest of society identify the rarest of rare case and exercise the tougher option of death penalty”.

166. The next decision regarding the rarest of rare case is **Rajendra Pralhadrao Wasnik Vs. State of Maharashtra, AIR 2019 SC Page 1.** There, also, three Bench decision of Hon’ble Supreme Court reiterated the principles enunciated in ***Bachan Singh’s case***(supra) and held *the law that capital punishment should be awarded in the ‘rarest of rare cases’ and held that there must be clear evidence to indicate that the convict is incapable of reform and rehabilitation. The decision further states that a balance sheet of aggravating and mitigating circumstances has to be drawn up and in doing so, the mitigating circumstances have to be accorded full weightage and a just balance has to be struck between the aggravating and the mitigating circumstances before the option is exercised.*

167. In **Ajitsingh Harnamsingh Gujral v. State of**

Maharashtra, AIR 2011 SC 3690 : 2011 (14) SCC 401 it is held

“ It is only the legislature which can abolish the death penalty and not the courts. As long as the death penalty exists in the statute book it has to be imposed in some cases, otherwise it will tantamount to repeal of the death penalty by the judiciary. It is not for the judiciary to repeal or amend the law, as that is in the domain of the legislature- vide Common Cause v. Union of India 2008(5) SCC 511 (vide paragraphs 25 to 27). The very fact that it has been held that death penalty should be given only in the rarest of the rare cases means that in some cases it should be given and not that it should never be given. As to when it has to be given, the broad guidelines in this connection have been laid down in Macchi Singh's case (supra) which has been followed in several decisions referred to above. This Court has also held that honour killing vide Bhagwan Dass v. State (NCT) of Delhi AIR 2011 SC 1863, fake encounter by the police vide Prakash Kadam v. R.V. Gupta AIR 2011 SC 1945 and dowry death vide Satya Narayan Tiwari v. State of U.P. 2010 (13) SCC 689 comes within the category of 'rarest of rare cases'. Hired killing would also ordinarily come within this category. The court will have to take it into consideration. I. Manner of Commission of Murder:- -When the murder is committed in an extremely brutal, grotesque, diabolical, revolting or dastardly manner so as to arouse intense and extreme indignation of the

community. For instance. (ii) when the victim is subjected to inhuman acts of torture or cruelty in order to bring about his or her death. II. Motive for commission of murder:- When the murder is committed for a motive which evinces total depravity and meanness. For instance when (a) a hired assassin commits murder for the sake of money or reward (b) a cold - blooded murder is committed with a deliberate design. III. Magnitude of Crime When the crime is enormous in proportion:- ***For instance when multiple murders say of all or almost all the members of a family or a large number of persons of a particular caste, community, or locality, are committed.*** IV. Personality of victim of murder:- When the victim of murder is (a) an innocent child who could not have or has not provided even an excuse, much less a provocation, for murder (b) a helpless woman or a person rendered helpless by old age or infirmity.

RESIDUAL DOUBT

168. The learned counsel for the accused submitted that the case involves circumstantial evidence only. So the doctrine of "residual doubt" as a mitigating circumstance can be extended to the accused. The learned counsel relied on the decision in Ashok Debbarma v. State of Tripura, (2014 KHSC 4147) and submitted that the Courts in India recognized the concept of "residual doubt". The learned counsel also relied on decision in Ravishankar

alias Baba Vishwakarma v. State of Madhya Pradesh (2019 KHC 7000), and submitted that Hon'ble Supreme Court followed the principle of residual doubt and refused to confirm the death sentence. In *Manoj Prathap Singh v. State of Rajasthan*, **2022 KHC Online 6639**, full bench of Hon'ble Supreme Court held that the concept of residual doubt propounded by US Juristes is not even recognized in the United States itself and refused to follow the concept of residual doubt and confirmed death penalty.

169. The learned counsel also relied on the decision in *Rajendra Pralhadrao Wasnik v. State of Maharashtra*, **2018 KHC 6991** and submitted that **recidivism** by itself is not a ground for awarding death sentence. The decision shows that the distinction should be made between the accused committing a second offence while undergoing earlier conviction and accused undergoing trial while committing a second offence. In the present case, Exhibit P81 judgment is subsequent to the commission of the offences in this case.

MITIGATION INQUIRY:

170. In *Santa Singh v. The State of Punjab*, **AIR 1976 SC 2386** **1976 KHSC 426** Apex Court held that " *Full and adequate material relating to various factors would have to be brought before the court in order to*

*enable the court to pass an appropriate sentence. The hearing contemplated by S.235(2) CrPC is not confined merely to hearing oral submissions, but is also intended to give an opportunity to the prosecution and the accused to place before the court facts and material relating to various factors bearing on the question of sentence and if they are contested by either side, then to produce evidence for the purpose of establishing the same". See also **Dagdu and others v. State of Maharashtra**, AIR 1977 SC 1579 , 1977 3 SCC 68 and **State of Punjab v. Gurdev Singh and Ors**, AIR 2009 SC 275 , 2003 7 SCC 258.*

SENTENCE SHALL BE APPROPRIATE AND PROPORTIONAL:

171. In *Jamal v. State of UP* , 2010 (12) SCC 532 the Hon'ble Supreme Court held that *while awarding sentence, the court will have to consider " the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the accused, the nature of weapons used and all other attending circumstances which are relevant"* See also *State of MP versus Mehtab*, 2015 5 SCC 197. Misplaced sympathy may result in gross injustice to the victims.

GUIDELINES POST CONFIRMATION OF DEATH SENTENCE:

172. In **Sanita Devi v. State of Bihar and Another**, 2024

INSC 448, Apex Court directed Secretaries of State Government and Union territories procedure to be adopted post confirmation of death sentence. The sessions judges shall issue notice to the convict and also ensure that judgments of the trial court and appellate courts are made available to the accused.

CRIMINAL NOT, BUT CRIME TEST:

173. The judgments discussed supra declared the law that it is not the crime, but chance of reformation of criminal is a criteria to be adopted while determining the case within the category of rarest of rare cases. Placing reliance to decisions in *Bhagawani v. State of Madhya Pradesh*, **2022 KHC 6048**, **Manoj v. State of Chhattisgarh**, **AIR 2020 SC 3863**, and *Manoj v. State of Madhya Pradesh*, **2023 2 SCC 353** it is held that the death penalty can be awarded if chances of reformation are negative or nil. On this point, the learned Prosecutor has relied on the decision in *Purushottam Dashnoth Borante v. State of Maharashtra*, **2015 (6) SCC 652** and submitted that finding the accused a potential danger to the society, Hon'ble Supreme Court confirmed the death penalty. Reliance is also placed on the decision in *Shahajath Ali v. State of Uttarakhand*, **2026 KHC Online 6412** and it was submitted that the case at hand manifests extreme moral depravity and exceptional brutality, so grave in nature that it shocks the collective

conscience of society.

BALANCING SHEET OF AGGRAVATING AND MITIGATING CIRCUMSTANCES:

174. The learned Prosecutor has further relied on the following aggravating circumstances to award extreme penalty of death:

1. The cold blooded murder in broad daylight was conducted in a barbaric manner with pre-meditation and calculated attack on the victims with intent to annihilate them.
2. The victims are an aged mother, helpless wife, and unarmed husband.
3. The accused is a middle-aged man in his 60s, with no mental or physical disabilities.
4. There is no chance of any reformation, or reformation is rather impossible.
5. The accused has no feeling of remorse or repentance. In fact, he is trying to justify his multiple murders.
6. The accused is a potential danger to the life of PW21 Akhila and CW43 Athulya. After annihilating both, there is likelihood of doing

away PW7 and PW8. PW7 and others left Nenmara, fearing attack by the accused.

7. The victims, two daughters, now left to the mercy of others.
8. The tiger-like pace, in which twin murders were executed within less than seven minutes, shocks the consciousness of the society.
9. The convict is leading a life of aloofness and trying to justify his deeds.
10. Apart from committing three murders, the accused had assaulted his own teacher and attempted to murder his own wife.
11. No enmity or provocation from the side of victims.
12. Multiple murders committed in violation of bail order. There was an apparent violation of the bail order of this Court. The Executive became a mere spectator to the onslaught by the accused.

175. The learned counsel for the accused pleaded following mitigating circumstances in favour of the accused:

1. Every saint has a past. Every sinner has a future. The accused may be allowed to reform in future.
2. The Prosecution proceeded under the prejudiced assumption that

“ചത്തത് കീച്ചകൻ എങ്കിൽ കൊന്നത് ഭീമൻ (if the slain is Keechakan, the slayer must be Bhima). The phrase is used metaphorically to suggest a prejudiced assumption that if a certain type of crime or act has occurred, it must have been committed by a particular person, without examining evidence.

3. The accused is suffering from mental torture due to aloofness from society and the family.
4. The accused is hailing from poor strata of the society, with minimal schooling of eighth class.
5. Long languishing in jail from 2019 onwards is adequate punishment.
6. Frustrated in life, he consumed poison from MO11, which was found to be empty.
7. The accused was the sole bread winner prior to involvement in the earlier case.

ANALYSIS OF THE DOCTRINE OF THE RAREST OF RARE

176. Here, ample opportunity was given, both sides herein did not adduce any further materials in support of their contention regarding rarest of rare case. The Court, therefore, proceeds to determine the issue on

the basis of the evidence already on record. It is further observed that no additional mitigating or aggravating circumstances have been brought forth to alter the settled position.

177. As regards the prior character of the convict, involving the murder of Sajitha, the manhandling of his own teacher, and the alleged attempt of murder of his wife, such instances of bad character are not relevant in the present case. Since the defence has not specifically adduced evidence to establish his good character, these adverse traits cannot be considered, in view of Section 47 of BSA (corresponding to Section 54 of the Evidence Act).

178. In this respect, the Hon'ble Supreme Court, in ***Rajendra Pralhadrao Wasnik's case*** (supra)¹, clarified the law and held that *the past adverse conduct of the convict ought not to be taken into consideration for the purposes of determining the quantum of sentence, except in specified circumstances*.

179. In the present case, the convict committed the twin murders of members of a family, leaving behind the two daughters (of one of the deceased) to the mercy of nature. The double murder was perpetrated in total disregard of the bail condition imposed in the earlier case relating to the murder of their mother, wherein the accused was specifically restrained from

1. (2018 KHC 6991)

entering the territorial jurisdiction of Nenmmara Panchayath. Such deliberate defiance of a lawful restriction on his movement, which does not amount to a violation of his fundamental right under Article 19 of the Constitution of India, and that too after prior warning by the police based on the apprehensions of frightened neighbours, including one of the deceased and the helpless daughter, constitutes a serious aggravating circumstance.

180. In the instant case, the years of meticulous planning undertaken by the convict to commit murder, his sharing of such culpable intent with a co-worker, and the preparation for its execution by procuring dangerous weapons, culminated in the merciless hacking of a helpless mother and her son. His arrogant and spontaneous replies to queries during the sentencing stage further reveal a hardened disposition and a propensity to repeat such offences. The evidence unmistakably suggests that the apprehensions expressed by the prosecution and corroborated by witnesses that after annihilating PW21 and her sister, the accused may at any cost proceed against PW7 and PW8, are well-founded. The sequence of events, the deliberate premeditation, and the callous disregard for human life together constitute grave aggravating circumstances, warranting the most serious consideration under the doctrine of the rarest of rare.

181. The record unmistakably demonstrates that the accused is a

menace to society. There is no trace of remorse discernible in his conduct. On the contrary, he continues to defend his own cause with defiance. Though the prospect of reformation is ordinarily considered a matter of future conduct, the materials available in this case clearly establish that the chance of reformation is virtually nil. The accused, being a middle-aged person without any mental or physical disabilities, exhibits a hardened criminal disposition, unrepentant in attitude and unrestrained in action. His continued justification of his deeds, coupled with the absence of any mitigating circumstance, reinforces the conclusion that he poses a grave and continuing threat to the social order .

182. In the present case, the initial report of the Probation Officer, based on interviews with the convict, formed the opinion that there is no likelihood of reformation and, on the contrary, every likelihood of repetition of the offence. However, a subsequent mitigation investigation report submitted by the Chief L.A.D.C. and Deputy L.A.D.C. took a contrary view, opining that the accused is not a menace to society and that there exists a real possibility of reformation. The divergence between these two assessments requires meticulous judicial scrutiny, for the determination of whether the convict's conduct and disposition fall within the framework of aggravating circumstances or whether the mitigating factors warrant consideration under

the doctrine of the rarest of rare.

183. In this context, the question to be considered is whether the response of the convict before the L.A.D.C. was genuine or not. Three reports, namely those of the District Probation Officer, the Superintendent of the District Jail, Palakkad, and the Medical Board, were obtained prior to conviction but kept confidential until the finding of guilt. By contrast, the L.A.D.C. was appointed to obtain a mitigation investigation report subsequent to the conviction. On 13.07.2026, this Court examined the accused with reference to the adverse reports, whereupon he specifically stated his intention to repeat the offence and his lack of inclination towards reformation. His examination forms part of the record. Even though the accused was subjected to an in-person interview on 14.07.2026 by the L.A.D.C. at the District Jail, his conduct remained unchanged, thereby reinforcing the earlier adverse assessments.

184. Regarding the sentence, the matter was heard by this Court on 15.07.2026. The prosecution canvassed that the case falls within the ambit of the 'rarest of rare,' warranting the imposition of the death penalty. On the same day, a second interview was conducted with the accused at the District Jail, Palakkad, subsequent to the hearing on sentence. At that stage, the accused sought to project a case of reformation and rehabilitation. However,

the subsequent representation of remorse and rehabilitation is to be brushed aside as mere crocodile tears, intended only to evade the rigour of stringent punishment. The belated plea of reformation, inconsistent with his prior admissions and conduct, cannot outweigh the aggravating circumstances firmly established on record.

185. The offer made by the convict before L.A.D.C. to provide financial support to the daughters of one of the deceased out of his earnings during the jail term is wholly lacking in genuineness. His attempt to portray himself as benevolent stands in stark contrast to the barbarous murders he committed, which left those very daughters destitute and vulnerable. The accused continues to justify his heinous acts by blaming his neighbours, including the family of the deceased, for allegedly separating his wife and daughter from him. In this backdrop, the belated gesture of offering a pittance to the helpless daughters of the deceased cannot be accepted as a mitigating circumstance. It is nothing more than a hollow and self-serving attempt to cloak his brutality with a semblance of compassion, and must rightly be brushed aside as insincere and manipulative.

186. Regarding the plea of consumption of poison by the accused and the alleged attempt to eliminate his life, no evidence is forthcoming. It is true that MO11 was found empty at the time of seizure.

However, there is no proof of consumption by the accused himself. In the absence of any evidence as to the manner of its utilisation, such a plea cannot be treated as a mitigating circumstance in his favour. Moreover, the testimony of PW5 establishes that the purchase of poison was effected one month prior to the commission of the murders, and that it was procured on the representation of the accused that it would be utilised for agricultural purposes. The circumstances, therefore, do not support the theory of suicidal intent, but rather reinforce the premeditated nature of the offence.

187. Learned counsel for the convict, relying on the decision in *Saranya v. State*, **2025 KHC 291**, submitted that no penalty can be imposed if the accused is suffering from any mental illness. Reliance also placed Section 115 of the Mental Health Act. It is, however, to be noticed that the convict himself has not set up a case of mental illness. On the contrary, he was clinically examined by the Medical Board, which categorically reported that he is not suffering from any mental disorder. This finding was further confirmed by the accused himself during examination. Hence, the plea of mental illness as a mitigating circumstance is wholly unfounded. .

188. Ordinarily, it would not be advisable to award capital punishment in a case of circumstantial evidence. But there is no hard and fast rule that death sentence should not be awarded in a case of circumstantial

evidence. If the court is inclined to award the death penalty then there must be some exceptional circumstances warranting the imposition of the extreme penalty (*Rajendra Pralhadrao Wasnik's case* (supra))². Here, the materials on record, leads to an exceptional situation where the plea of residual doubt and the principles of irreversibility also cannot be applied. Consequently, this aspect also cannot be treated as a mitigating circumstance.

189. In the present social context, there has been a drastic change in the family system in India, particularly in Kerala, with the prevailing trend of nuclear families. This has rendered aged members more vulnerable, as they are physically weak and often left without adequate protection. Brutal murders of such helpless persons not only shock the collective conscience of society but also generate a sense of lawlessness and insecurity. In these circumstances, the Court is duty-bound to consider the necessity of conveying a deterrent message to those who may contemplate embarking upon similar crimes in future, by duly noting society's cry for justice along with other relevant factors.

190. Upon a comprehensive evaluation of the facts and circumstances, this Court is of the considered view that the present matter falls squarely within the category of "*rarest of rare cases*." The balance

2. (AIR 2019 SC 1)

between aggravating and mitigating circumstances tilts decisively in favour of the former. The aggravating factors stand in the superlative, leaving no scope for leniency. As regards the convict, the mitigating circumstances are conspicuously absent and remain in the realm of *nil*.

191. In the present case, the accused swooped down upon the victims in a barbaric manner. The nonchalant audacity of the assailant, who walked away after extinguishing innocent lives, calls for deterrent chastisement. This Court is satisfied that it is a fit case where nothing short of capital punishment for the offence under Section 103 of the BNS, 2023, would meet the ends of justice. The cold-blooded, savage, and barbaric murders of the victims, who had done nothing against the convict, together with the aggravating circumstances noted above, constitute special reasons under Section 393(3) of the Bharatiya Nagarik Suraksha Sanhita, warranting the extreme penalty.

SENTENCE IN MULTIPLE OFFENCES

192. Since the convict stands convicted of multiple offences in the same trial, the sentencing is governed by Section 25 of the BNSS, 2023. This provision empowers the Court to impose separate punishments for each offence, including capital punishment, and to determine whether such

sentences shall run concurrently or consecutively. In the present case, the convict is liable to be sentenced on two counts of murder, each relating to a distinct deceased, and further for the offence of wrongful restraint in respect of one of the deceased. As regards the murders, the Court finds that the case falls within the “*rarest of rare*” category, warranting the alternate punishment of death penalty for both offences. Being a sentence of death, however, it can only be directed to run concurrently.

SENTENCE FOR THE OFFENCE OF WRONGFUL RESTRAINT:

193. As per Section 126 of the Bharatiya Nyaya Sanhita, 2023, the offence of wrongful restraint is punishable with simple imprisonment for a term which may extend to one month, or with fine which may extend to ₹5,000, or with both. In the present case, considering the circumstances and gravity of the act, the convict is held liable for the maximum sentence prescribed under this provision.

AWARD OF SENTENCE IN CASE OF PRIOR CONVICTION

194. It is noted that the convict is already undergoing imprisonment for life in S.C. No. 17 of 2020, as per Exhibit P81 Judgment dated 18-10-2025. Section 467 of the BNSS, 2023, governs the imposition of sentence upon an offender already undergoing sentence for another offence.

Sub-section (2) thereof stipulates that when a person already undergoing a sentence of imprisonment for life is sentenced, upon subsequent conviction, to imprisonment for a term or to imprisonment for life, the subsequent sentence shall run concurrently with the previous sentence. In the present case, therefore, the sentence for the offence of wrongful restraint is to be run concurrently with the sentence of life imprisonment already imposed in S.C. No. 17 of 2020.

COMPENSATION TO VICTIMS AND THEIR REHABILITATION

195. The tragic outcome has shattered the very fabric of the household of the deceased, leaving the two young daughters bereaved and emotionally scarred. These ill-fated children, already reeling from the untimely demise of their mother, have now lost their surviving family ties, their father and grandmother. The death of their grandmother is not only a grievous loss to the grandchildren, but also a profound bereavement to her surviving children, who have been deprived of her presence and guidance. In such circumstances, the responsibility of this Court does not conclude with the imposition of an appropriate sentence upon the offender.

196. Compensation, though incapable of restoring what has been irretrievably lost, stands as a symbolic substitute for their suffering. It serves

as a measure of solace and a means of rehabilitation. Fortunately, the legal framework provides institutional mechanisms to support such vulnerable individuals, ensuring that they are not left adrift but are afforded both financial relief and rehabilitative care.

197. Section 395 of the BNSS, 2023 empowers the Court to award compensation to victims. Section 396 further provides for recommendations regarding victim compensation. In pursuance of this provision, the State Government, in coordination with the Central Government, has formulated a scheme under which either the District Legal Services Authority or the State Legal Services Authority, as the case may be, shall determine the quantum of compensation to be awarded.

198. Accordingly, the daughters of the deceased, being the direct victims of the tragic occurrence, are entitled to such compensation and rehabilitative measures as envisaged under the statutory framework. PW21 Akhila and her sister CW43 Athulya are the two daughters of deceased Sundakaran and Sajitha. Deceased Lakshmi is survived by PW16 Surendran and CW53 Sunitha. The Court is, however, completely in the dark regarding the financial capacity of the accused to pay any compensation. The records disclose that property was purchased in the name of his wife, PW30 Vilasini, and that the dwelling house also stands registered in her name. In these

circumstances, any direction for payment of compensation out of fine imposed upon the accused would not serve its intended purpose.

199. Therefore, this Court is of the considered view that it is appropriate to issue a direction to the District Legal Services Authority to provide reasonable compensation and adequate rehabilitation to the victims of the offence. Such intervention is necessary to ensure that the hapless daughters of deceased Sundakaran and Sajitha, as well as the surviving children of deceased Lakshmi, are afforded meaningful relief and institutional support.

200. Even though Exhibit P81, judgment was passed on 18-10-2025 recommending compensation, there is nothing on record to show that any compensation was paid to any of the victims. It has emerged from the evidence that despite timely attempt by neighbours, one of the deceased, and PW21 to alert the authorities regarding the illegal presence of the accused, which posed a grave threat to their lives, no effective or swift action was taken, save for a mere warning to the accused to withdraw from his house. Undoubtedly, there was a lapse in affording proper protection to the victims' family, which has now been rendered destitute.

201. In these circumstances, the responsibility of the State does not end with the prosecution and sentencing of the offender. To ensure a measure of stability and steady income, it is incumbent upon the Government to extend rehabilitative support. This obligation includes providing suitable employment to the daughter of deceased Sudhakaran (PW21 Akhila), thereby enabling her to sustain herself and to care for her sister.

WITNESS PROTECTION AND INSTITUTIONAL SAFEGUARDS

202. Before parting with this judgment, it is imperative to address the grave issue of threats posed to victims, their families, and witnesses in serious crimes. Despite repeated directions and guidelines issued by the Hon'ble Supreme Court mandating the formulation of a Witness Protection Scheme, such a scheme was indeed notified in 2018 only. Under its framework, a witness is at liberty to seek protection before the competent authority. The head of the police is required to place before such authority a *Threat Analysis Report*, upon which detailed protective measures are to be determined.

203. Notwithstanding this framework, Section 398 of the BNSS, 2023 further obligates every State Government to prepare and notify a witness protection scheme to ensure the safety of witnesses. Yet, as this case demonstrates, lapses continue to occur. The record reveals that the convict was enlarged on bail during the pendency of the earlier murder case concerning the mother of the daughters referred to . Though stringent conditions were imposed, including restrictions on his entry into the locality to safeguard the family members of the deceased and the neighbourhood witnesses, the authorities failed to ensure effective protection. The tragic consequence was the loss of lives that could have been prevented.

204. This Court therefore emphasizes that witness protection cannot remain a mere formality. It must be actively enforced, with accountability mechanisms and periodic review. The State Government must strengthen its witness protection scheme, ensuring that victims, their families, and witnesses are afforded real and meaningful security. Effective protection is indispensable to the administration of justice, for without it, the integrity of trials and the safety of those who come forward in aid of justice stand compromised.

CONCLUSION

In the result,

- 1. *The accused (convict) is sentenced to DEATH and to pay a fine of ₹10,00,000/- (Rupees ten lakhs only), in two counts, in respect of deceased Sudhakaran and deceased Lakshmi, for the offence punishable under Section 103 (1) of the Bharatiya Nyaya Sanhita, 2023. Thus, the total fine imposed amounts to ₹20,00,000/- (Rupees twenty lakhs only). In default of payment of fine, the convict shall undergo rigorous imprisonment for a period of three years on each count.***
- 2. *It is directed, under Section 393 (5) of the Bharatiya Nagarik Suraksha Sanhita, 2023, that the accused be hanged by the neck till he is dead. The execution of the sentence of death shall, however, be carried out only upon confirmation by the Hon'ble High Court of Kerala. In compliance with Section 407(1) of the BNSS, the proceedings are hereby submitted to the Hon'ble High Court for such confirmation.***
- 3. *The accused is sentenced to simple imprisonment for one month and to pay fine of ₹5,000/- (Five thousand only), of the offence***

punishable under Section 126 (2) Bharatiya Nyaya Sanhita 2023 and in default of payment of fine to undergo simple imprisonment for 10 days.

- 4. The term of imprisonment awarded for the offence punishable under Section 126 (2) of the Bharatiya Nyaya Sanhita, 2023, shall run concurrently with the sentence of life imprisonment imposed in S.C. No. 17 of 2020, in terms of Section 467(2) of the Bharatiya Nyaya Suraksha Sanhita, 2023.*
- 5. If the fine amount is paid or realised the entire amount shall be released to PW21 Akhila, CW43 Athulya, PW16 Surendran and CW53 Sunitha as the legal representative of the deceased as compensation under Section 395 (1) (b) of BNSS. The compensation is to be apportioned in the ratio 60:20:10:10 among four of them.*
- 6. The substantive sentences shall run concurrently. However, it is made clear that any remission or commutation granted by the competent authority in one does not ipso facto result in remission of the sentence awarded to the prisoner for the other.*
- 7. MO1 scooter and MO2 helmet are ordered to be released to PW16 Surendran. MO1 scooter lying in court premises, is exposed to heavy weather and liable for repairs. Hence, MO1 scooter shall be released*

forthwith, subject to the condition that a photograph of the same is taken prior to release. Such photograph shall be taken by the State, through the SHO Nenmara Police station, and kept on record. MO6 spectacle, MO10 chain, MO17 phone, MO18 purse and MO19 gold stud are ordered to be released to PW21 Akhila. MO3 to MO5, MO7 to MO9, MO11 to MO13, MO21 to MO24, dresses and bottle being valueless shall be destroyed. MO14 to MO16 choppers and wooden handle are ordered to be confiscated and disposed of as per law. MO26 to MO28 samples collected for DNA also being valueless are ordered to be destroyed. Except MO1 scooter, all other material objects are directed to be disposed of after the expiry of the statutory period of appeal. In the event of any appeal being filed, such disposal shall be effected only after the final disposal of the appeal.

8. In the event that the appropriate Government issues an order for the release of the convict on parole, adequate and effective measures shall be undertaken to ensure the safety and protection of the person and property of the surviving relatives of the deceased Sajitha, Sudhakaran and Lekshmi as well as their neighbours, including prosecution witnesses PW7 to PW9 & PW54.

9. The District Legal Services Authority, Palakkad, is recommended to

provide rehabilitation measures in the form of compensation to PW21 Akhila, CW43 Athulya, PW16 Surendran and CW53 Sunitha under Section Section 396 BNSS with the liberty to recover the same from the convict, if he has the means. A copy of this judgment shall be sent to the District Legal Services Authority, Palakkad.

- 10. The Court places on record its appreciation to the learned counsel on both sides for their valuable assistance in ensuring the timely disposal of the trial by furnishing the required data. The Court further acknowledges the efforts of both Legal Aid Defence Counsel, the District Probation Officer, the Medical Board, and the Superintendent of jail for timely submission of their respective reports.*
- 11. The Court also records its appreciation of PW81 and the investigating team for completing the investigation within the short span of 56 days.*
- 12. A copy of this judgment shall be forwarded to the Home Secretary through proper channel for consideration of rehabilitation measures in respect of PW-21, Akhila.*

Dictated to Confidential Assistant, typed by him, corrected and pronounced by me in open court on the 20th day of July, 2026.

-sd/

Additional Sessions Judge-IV.
Palakkad.

APPENDIX**Prosecution Witnesses Examined:-**

Prosecution Witness No.	Name of Witness	Date of Examination	Description and Role of Witness
PW1	Subramanian, S/o.Kuttappan.	23-02-2026	Defacto complainant
PW2	Robin, S/o.Devassia	24-02-2026	Attesting witness in Inquest of Sudhakaran
PW3	Vijeesh, S/o. Murukan.	25-02-2026	Attesting witness in scene mahazer.
PW4	Sunil Antony @ Thankachan, S/o.Antony.	25-02-2026	Attesting witness in Inquest of Lakshmi
PW5	Haridas, S/o.Rajan.	27-02-2026	Helped to take bail in first Crime, purchased poison and given to accused.
PW6	Manu, S/o.Manikkan	28-02-2026	Attesting witness in Inquest of Sudhakaran and Lakshmi.
PW7	Pushpa. W/o.Ramaswami	28-02-2026	Weapon identified and attestor in mass petition.
PW8	Sivarajan, S/o.Ponnuswami	02-03-2026	Resident of Boyan Colony seen the accused with weapon after the committing of murder
PW9	Parameswaran @ Paraman, S/o.Kuppandi	02-03-2026	Seen the accused with weapon at Cada Canal side before committing the murder.
PW10	Manikandan, S/o.Pazhani	03-03-2026	Colleague of accused while working at Kozhikode.
PW11	Nizarudheen,	03-03-2026	Running a tea shop at

	S/o.Noormuhammed.		Potthundi. Accused disclosed his design to commit murder.
PW12	Shajahan, S/o.Badarudheen	04-03-2026	Attesting witness in scene mahazer II.
PW13	Gokul.R, S/o.Rajan	04-03-2026	Attesting witness in scene mahazer III and identified weapons.
PW14	Ganeshan, S/o.Rama Swami Naidu	05-03-2026	Job arranged to accused at Kozhikkode.
PW15	Chamunny, S/o.Chamiyar	05-03-2026	Surety for 1 st Crime.
PW16	Surendran, S/o.Appayi	09-03-2026	Brother of deceased, and RC Owner of Activa Scooter.
PW17	Radhakrishnan, S/o.Chamunni.	09-03-2026	Brother of accused.
PW18	Ponnukutty. @ Ponnu, W/o.Thankappan.	09-03-2026	Resident in Pothundi.
PW19	Rema, W/o.Radhakrishnan	09-03-2026	Sister-in-law of accused.
PW20	Praveen, S/o.Chandrasekharan	11-03-2026	Attesting witness in Running Mahazer.
PW21	Akhila.	12-03-2026	Daughter of deceased Sudhakaran.
PW22	Chenthamarakshan.K.C S/o.Chinnappan	13-03-2026	Accused purchased chopper from his shop named Agro Equipments, Elavancherry
PW23	Nirmal.K.C., S/o. Chenthamarakshan.K.C	13-03-2026	Attesting witness in Observtion Mahazer.I.
PW24	Sreedharan, S/o.Rama Tharakan.	16-03-2026	Proprietor of Ayyappa Mettals. Accused purchased 2 nd chopper from his shop.
PW25	Kumaran.M., S/o.Mani	16-03-2026	Attesting witness in Observtion Mahazer.II.

PW26	Gracey, W/o. Late Novel	17-03-2026	2 nd wife of deceased Sudhakaran.
PW27	Pratheesh, S/o.Sundaran	18-03-2026	Ambulance Driver.
PW28	Ramesh, S/o.V.Gopalan.	19-03-2026	Manager of UBS Villas, Vadakkancherry. Accused employed as Driver from 22-06-2022 to 15-09-2022.
PW29	Somasundaran.N.K. S/o.N.K.Narayann	19-03-2026	Manager of Matha Industries. Accused worked there as a Security from 11-10-2023 to 04-12-2024.
PW30	Vilasini, W/o. Chenthamara.	19-03-2026	Wife of accused Chenthamara.
PW31	Vesa, W/o.Rajan	21-03-2026	One of the signatories in mass petition.
PW32	Sasikala, W/o.Sasi.	21-03-2026	Clerk of Advocate Kochunni. She was present there when the accused confessed before JFCM Court, Alathur.
PW33	Babu, SCPO 5508	23-03-2026	Seizure witness for recovery of weapons.
PW34	Manoj Kumar,CPO 6250	25-03-2026	Posted for Scene guard duty and also an attestor to P19 Seizure Mahazer.
PW35	Shijith, SCPO – 6548.	25-03-2026	Seizure witness for sim less mobile phone of Accused.
PW36	Dinoop, CPO - 5963	26-03-2026	Released the body of Sudhakaran after postmortem by executing kaichit.
PW37	Suguna, GASI	26-03-2026	An attestor to Seizure Mahazer, dresses of Lakshmi.
PW38	Praveen, CPO - 7353	27-03-2026	Seizure witness of apparels

			of accused.
PW39	Sajeesh, CPO - 7139	27-03-2026	Took the accused in custody and brought him to the house of accused.
PW40	Vineetha, GASI, DySP Office, Alathur.	28-03-2026	Seizure witness for postmortem samples of Sudhakaran and Lakshmi.
PW41	Anoop, CPO 6546	28-03-2026	Collected postmortem samples from doctors.
PW42	Anitha, CPO 6857	28-03-2026	Seizure witness for DNA profile of accused and both deceased. Visra handover to Eranamkulam Regional Lab.
PW43	Salesh, GSCPO 5398	30-03-2026	Mass Petitions handed over to Investigating Officer.
PW44	Sivadasan, CPO 6614	30-03-2026	Mass Petitions handed over to Investigating Officer.
PW45	Devadas. CPO 6393	30-03-2026	Collected 12 sealed covers from JFCM, Alathur and produced before RFSL, Thrissur.
PW46	Anand.P.P., Scientific Officer, DCB, Palakkad.	31-03-2026	Scientific Officer, examined scenes of occurrence.
PW47	Ravikumar.C.K. Finger Print Expert, Palakkad.	31-03-2026	Examined weapons, Scooter and Helmet.
PW48	Rajeshkumar.R., Tester Inspector, DFPB, Palakkad.	31-03-2026	Verified N1 and N2 chance Prints.
PW49	Shakeela.F. SCPO 5569	01-04-2026	Released the body of

			Lakshmi to her close relatives.
PW50	Ijas Ahammed, CPO 7067, Assistant Department Photographer	01-04-2026	Taken photos of Inquest, Evidence Collection and scenes of crime on 27-01-2025.
PW51	Jose.J, HDR 1285 K9 Dog squad, Palakkad	01-04-2026	Department Dog handler
PW52	Suresh.A.K. CPO 6985	01-04-2026	Drone Pilot.
PW53	Dr.Ginesh Mon Chandi, Assistant Surgeon, CHC, Nenmara	06-04-2026	MOs collected for DNA profiling of accused.
PW54	Nandhini. W/o.Rajeev.	06-04-2026	Neighbour of accused
PW55	Selvarajan.C., GSCPO	06-04-2026	Seizure witness for Lodge Register.
PW56	Suresh CPO 6626. Nenmara Police Station	06-04-2026	Property Escort from JFCM Alathur to RFSL, Thrissur.
PW57	Sivaprakash, GSCPO-6409, Kuzhalmannam Police Station	06-04-2026	Seizure Mahazer for CDR, CAF, ID Proof and Cell ID.
PW58	Dr.Jerry Joseph.K., Forensic Surgeon, District Hospital, Palakkad.	07-04-2026	Conducted postmortem examination of deceased Lakshmi and Sudhakaran.
PW59	Rajesh.V. GASI, Kuzhalmannam Police Station.	07-04-2026	Seizure Mahazer witness for DVD, photos and certification.
PW60	Dr.Ranjith Joseph, Medical Officer, CHC, Nenmara.	08-04-2026	Examined Lakshmi and confirmed death.
PW61	Pratheesh Kumar, S/o.Arumughan.	08-04-2026	Freelance Photographer, took photos of inquest of Lakshmi.

PW62	Vasudevan.K. Circle Nodal Officer, Bharathi Airtel Limited.	13-04-2026	Nodal Officer – Airtel.
PW63	Sreejith, SCPO-5996, Nenmara Police Station	13-04-2026	GD charge duty on 27-01-2025.
PW64	Sunilkumar, GSCPO 6446, Nenmara Police Station.	07-04-2026	Seizure Mahazer witness for dresses of deceased Lakshmi, photos and DVD collected and handed over to IO.
PW65	Binu George, MVI, Insepctor, SRTTO, Chittur	16-04-2026	Issued registration particulars of Activa Scooter.
PW66	Manikandan.C., Village Officer, Vallangi Village.	16-04-2026	Prepared Scene Plans and issued Ownership Certificates.
PW67	Sheeja.R., Village Officer, Alathur Village.	16-04-2026	Presence at the time of confession of accused.
PW68	Sivadas.S., Judicial First Class Magistrate, Chittur	16-04-2026	Judicial Magistrate. Recorded 183 statements of witnesses.
PW69	Priya Mary Chacko, Scientific Officer, Biology Regional Forensic Laboratory, Thrissur.	17-04-2026	Issued RFSL Report.
PW70	Thoiba Kottekkattu, Scientific Officer, Biology Regional Forensic Laboratory, Thrissur.	17-04-2026	Issued RFSL Report.
PW71	Devadasan.C., Village Officer, Elavancherry Village.	17-04-2026	Prepared scene plans of Agro Equipis.
PW72	Hakkeem, Secretary,	16-04-2026	Ownership Certificate of

	Nenmra Grama Panchayath		the house of accused.
PW73	Vinu.CPO- 7020, DHO, Palakkad.	17-04-2026	Cyber Expert.
PW74	Rinson Johnson, Alternate State Nodal Officer, Reliance JIO	17-04-2026	Nodal Officer -JIO.
PW75	Vijil.V.Mohan, Panchyath Secretary,	18-04-2026	Ownership Certificate of building No.10/114 and licence details.
PW76	P.K.Sajeev.P.K., Alternative Nodal Officer LEA, Kerala Circle, Kochi	18-04-2026	Alternative Nodal Officer - BSNL.
PW77	Deepa Kumar, ISHO, Vandoor Police Station, Malappuram.	25-04-2026	Investigating Officer in Crime No.351/2019 of Nenmara Police Station.
PW78	Gireesh, S/o.Guruvayoorappan.	25-04-2026	Alleged eye witness.
PW79	Rajesh.R., Sub Inspector Nenmara Police Station	25-04-2026	Recorded FIS, registered FIR and conducted Inquest of Lakshmi.
PW80	Mahendra Simhan, Inspector of Nenmara Police Station	06-05-2026	Conducted Inquest of Sudhakaran.
PW81	Muraleedharan.N., DySP, Alathur.	12-05-2026 25-05-2026	Completed Investigation and Final Report submitted before Court.

Prosecution Exhibits:-

Exhibit No.	Description of the Exhibits	Proved by	Date of admission.
P1	: FIS	PW1 - Subramanyan.	23-02-2026
P2	: Body release Kaicheet (Sudhakaran)	PW1 - Subramanyan.	23-02-2026
P2 (a)	: Body release Kaicheet (Lakshmi)	PW1 - Subramanyan.	23-02-2026
P3	: Inquest of Sudhakaran.	PW2 – Robby.D.	24-02-2026
P4	: Scene Mahzer (ലക്ഷ്മി കിടന്നിരുന്ന സ്ഥലം)	PW3 – Vijeesh.	25-02-2026
P4 (a)	Scene Plan.	PW 66 – Manikandan Village Officer	16-04-2026
P4 (b)	: Covering Letter.		
P4 (c)	: Possession Certificate.		
P5	: Inquest of Lakshmi.	PW4 – Sanil Antony.	25-02-2026
P6	: Mass petition.	PW7 – Pushpa.	28-02-2026
P7	: Scene Mahazer. (Dead body of Sudhakaran.)	PW12 – Shajahan.	04-03-2026
P7 (a)	: Scene Plan	PW 66 – Manikandan Village Officer	16-04-2026
P7(b)	: Covering Letter.		
P7(c)	: Possession Certificate.		
P8	: Scene Mahazer. (House of Accused.)	PW13 – Gokul.	04-03-2026
P8 (a)	: Scene Plan.	PW 66 – Manikandan Village Officer	16-04-2026
P8 (b)	: Covering Letter.		
P9	: Arrest Intimation.	PW17 - Radhakrishnan	09-03-2026
P9(a)	Inspection Memo.	PW81 Muraleedharan DYSP, Alathur.	12-05-2026
P9(b)	: Arrest Card		
P9 (c)	: Ground of arrest.		
P10	: 181 Statement Denied portion.	PW17 - Radhakrishnan	09-03-2026
P11	: 181 Statement denied portion.	PW18 – Ponnukutty.	09-03-2026
P11(a)	: 181 Statement denied portion.		
P12	: 181 Statement denied portion.	PW19 – Rema.	09-03-2026
P12(a)	: 181 Statement denied portion.		
P13	: Running Mahazer. (Travel of Accused)	PW20 –	11-03-2026

		Praveen.	
P13 (a) P13 (b)	: Scene Plan. : Covering Letter.	PW 66 – Manikandan Village Officer	16-04-2026
P14	: Petition filed before SHO by Akhila	PW21 - Akhila	12-03-2026
P15	: Kaychit (Akhila). (Purse, Mobile of Sudhakaran and Stud of Lakshmi	PW21 – Akhila.	12-03-2026
P16	: Observation Mahazer. (Travel of Chenthamara, for purchase of Chopper)	PW23 : Nirmal.	13-03-2026
P16 (a) P16(b)	Scene Plan (Agro Equips, Elavanchrri. Covering Letter	PW71 Devadasan.	17-04-2026
P17	: Observation Mahazer. (Travel of Chenthamara. 2 nd Chopper purchased).	PW25 : Kumaran.	16-03-2026.
P17 (a)	: Scene Plan (Shop)	PW71 Devadasan.	17-04-2026
P18	: Seizure Mahazer. (Recovery of MO14 to MO16)	PW33 Babu, SCPO	23-03-2026
P19	: Seizure Mahazer. (Scientific Mos, Collection of Evidence, Sample seal impression collected by Anand.P.T)	PW 34- Manojkumar.	25-03-2026
P20	: Seizure Mahazer. (Mobile phone of accused)	PW35 – Shijith SCPO	25-03-2026
P21	: Seizure Mahazer. (Dresses of Lakshmi)	PW 37 – Suguna. GASI	26-03-2026
P22	: Arrest Memo.	PW 37 – Suguna. GASI	26-03-2026
P23	: Seizure Mahazer. (Dresses of Accused, sandals, fibre like material collected from barbed iron fencing)	PW38 - Praveen	27-03-2026
P24	: Seizure Mahazer. (Postmortem samples)	PW40 – Vineetha Gr.ASI.	28-03-2026
P25	: Seizure Mahazer. (DNA profile of accused, nail clipping, scalp hair of accused)	PW42 – Anitha CPO.	28-03-2026
P26 P26 (a)	: RFSL Receipt (Kakkanad) 2 Nos.	PW42 – Anitha CPO.	28-03-2026
P27	: Seizure Mahazer. (Mass Petition)	PW44 – Sivadasan CPO.	30-03-2026
P28	: RFSL Receipt	PW 45 – Devadas. CPO.	30-03-2026
P29	: Cover. (Fiber like material collected)	PW 46 –	31-03-2026

		Anand.P.P. (S.O)	
P30	: Collection of evidence.	PW 46 – Anand.P.P. (S.O)	26-03-2026
P31	: Scene of Occurrence Report.	PW 46 – Anand.P.P. (S.O)	26-03-2026
P32	: Test Inspection Report.	PW 48 – Rajesh Kumar. (Test Inspector).	31-03-2026
P33 (a series) P33 (b series) P33 (c series)	: Photos 32 Nos. : 63 (4) (c) Certificate. : CD 3 Nos.	PW50 – Ijas Ahmammed (Dept. Photographer)	01-04-2026
P34	: Certificate of Evidence. (Collection of MOs from Chenthamara. Nail clipping, Chest Hair, Scalp hair and body swab)	PW53 – Ginesh Mon Chandy	06-04-2026
P35	: Seizure Mahazer. (Lodge Register)	PW55 – Selvarajan.	06-04-2026
P36 P36 (a)	: Lodge Register. : Relevant page of Lodge Register.	PW55 – Selvarajan	06-04-2026
P37	: RFSL Receipt.	PW 56 - Suresh.CPO	06-04-2026
P38	: RFSL Receipt.	PW 56 - Suresh.CPO	06-04-2026
P39	: Seizure Mahazer. (CDR, CAF and ID Proof)	PW57 – Sivaprakash.	06-04-2026
P40	: Postmortem Report (Lakshmi).	PW58 – Dr.Jerry Joseph	07-04-2026
P41	: Postmortem Report (Sudhakaran).	PW58 – Dr.Jerry Joseph	07-04-2026
P42 (a) P42 (b)	: Forwarding Note Submitted by Dr. Jerry Joseph to KEPPA (Lakshmi) : Forwarding Note Submitted by Dr. Jerry Joseph to KEPPA (Sudhakaran).	PW58 – Dr.Jerry Joseph	07-04-2026
P43	: Seizure Mahazer. (Photo, CD)	PW 59- Rajesh.V. Gr.ASI	07-04-2026

P44 (a) series P44 (b)	: Photos of Inquest of Lakshmi : 63 (4) (c) Certificate.	PW61 – Pradeesh Kumar (Photographer)	08-04-2026
P45 a P45 b P45 c	: CDR Sudhakaran. : CAF Sudhakaran. : ID Proof of Sudhakaran.	PW62 – Vasudevan. (Airtel)	13-04-2026
P46 a P46 b	: CAF Surendran. : CDR Surendran.	PW62 – Vasudevan. (Airtel)	13-04-2026
P47 a P47 b	: 63 (4) C - Certificate : Forwarding Note.	PW62 – Vasudevan. (Airtel)	13-04-2026
P48	: R.C. particulars of vehicle of Surendran.	PW65 – Binu George (MVI)	16-04-2026
P49 P49 (a) P49 (b)	: Proceedings of CJM, Palakkad dated 15-02-2025. : Proceedings of CJM, Palakkad dated 15-02-2025. : Proceedings of CJM, Palakkad. (Record confession of accused).	PW68 – Sivadas (Magistrate)	16-04-2026
P50 (a) series P50 (b)	: Memory Cards. : Covering Letter.	PW68 -Sivadas (Magistrate)	16-04-2026
P51	:RFSL Report (Priya Mary Chacko)	PW69 - (Priya Mary Chacko)	17-04-2026
P52	: RFSL Report (Thoiba)	PW70- Dr.Thoiba.	17-04-2026
P53	: Ownership Certificate of Vilasini's House	PW72- Hakkeem	17-04-2026
P54	: Electronic Evidence Report.	PW73 – Vinu CPO.	17-04-2026
P55 (a) P55 (b) P55 (c) P55 (d)	: DVD. : CAF. : 63 (4) (c) Certificate. : Covering Letter.	PW74 – Rinson Johnson (JIO)	17-04-2026
P56	: Ownership Certificate of Agro Equipments	PW75 – Vijil.V.Mohan	18-04-2026
P57	: Industrial Licence of Agro Equipments.	PW75 – Vijil.V.Mohan	18-04-2026

P58 (a) P58 (b) P58 (c)	: CDR. : CAF. : 63 (4) (c) Certificate	} – Chenthamara.	PW76 – P.K.Sajeev. (BSNL Nodal Officer)	18-04-2026
P59 - a to g	: CDR, CAF, 63 (4) (c) Certificate, ID Proof.		PW76 – P.K.Sajeev. (BSNL Nodal Officer)	18-04-2026
P60	: FIR/FIS in SC 17/2020. (Old case of Chenthamara)		PW77 – Deepa Kumar. SHO, Nenmara Police Station	25-04-2026
P61	: Scene Mahazer in SC 17/2020.		PW77 – Deepa Kumar.	25-04-2026
P62	: Charge Sheet in SC 17/2020.		PW77 – Deepa Kumar.	25-04-2026
P63	: 181 statement denied portion of Gireesh.		PW78 - Gireesh	25-04-2026
P64	: FIR.		PW79 – Rajesh. SI Nemmara	25-04-2026
P65	: SIT Order		PW81 Muraleedharan DYSP, Alathur.	12-05-2026,
P66	: Name and address adding Report.			
P67	: Custody application.			
P68	: Statement of Chenthamara (Weapon purchased)			
P69	: Bail Order in SC 17/2020. (Certified Copy)			
P69 (a)	: Modified bail Order. (Certified Copy)			
P70	: Duty Card Attendance Register.			
P70(a)	: Covering Letter.			
P71	: Property List: Koduval, Marappidi.			
P72	: Property List: MO11, Cotton gauze, Hair.			

P73	: Property List: Sudhakaran Dress.		
P74	: Property List: Lakshmi- Dresses MO21 to MO24.		
P75	: Property List: Chain, Thorthu MO7 and MO10.		
P76	: Accused dresses (MO12, MO13, MO25)		
P77	: Postmortem samples – MO27 a to e (Lakshmi samples), MO28 a to e (Sudhakaran samples)		
P78	: Property List: MO1 (Honda Activa), and MO2 Helmet.		
P79	: Property List: MO26 (a to g) DNA samples of Chenthamara.		
P80	: Property List: MO20 Mobile Phone of Chenthamara.		
P81	: Form 15. Ext. P30 to P34.		
P81(a)	: Form 15. Ext. P30 to P34.		
P82	: Form 15. P33 series photo, 63(4) (c) certificate.		
P83	: Form 15. CDR, CAF, ID		
P84	: Form 15. P36 Ledger		
P85	: Form 15. Ext.P6 and P14 petitions.		
P86	: Forwarding Note (1 to 12).		
P87	: Forwarding Note (13 to 42).		
P88	: Forwarding Note (43 to 50).		
P89	: Report. Letter resubmitting item		

	No.47.		
P90	Medical Certificate of accused during arrest.		25-05-2026
P91	Judgment in SC 17/2020 (First Case)	PW77 – Deepa Kumar.	

Defence Witness : Nil.

Defence Exhibits :

Exhibit No.	Description of the Exhibits	Proved by	Date
D1	Relavant portion in 181 statement of Pushpa.	PW81	12-05-2026
D2	Relavant portion in 181 statement of Parameshwaran.	PW81	12-05-2026
D3	Relavant portion in 181 statement of Shajahan.	PW81	12-05-2026
D4	Relavant portion in 181 statement of Gokul.R.	PW81	12-05-2026
D5	Relevant portion in 183 statement of Praveen.	PW81	12-05-2026
D6	Relavant portion in 181 statement of Gracy.	PW81	12-05-2026
D7	Relavant portion in 181 statement of Vilasini.	PW81	12-05-2026
D8	Relavant portion in 181 statement of Jose.	PW81	12-05-2026
D9	Relavant portion in 181 statement of Sreejith.	PW81	12-05-2026
D10	Accident Register cum wound certificate.	Admitted as per S.330 of BNSS.	10-06-2026
D11 series	GD entries dated 27-01-2025	PW80	23-06-2026

	submitted by Nenmara SHO.		
D12	GD entries dated 27-01-2025 submitted by Deputy Superintendent of Police, Alathur.	PW81.	23-06-2026

Court Witnesses : Nil.

Court Exhibits :

Exhibit No.	Description of the Exhibits	Proved by	Date of Admission
C1	Remand Report	PW81 Muraleedharan DYSP, Alathur.	12-05-2026

Material Objects Marked:

Material Object No.	Description of the Exhibit	Proved by	Date of Admission
MO1	:Vehicle (Honda Active Scooty)	: PW1 Subrahmaniyan	23-02-2026
MO2	: Helmet.		
MO3	:Shirt of Sudhakaran.		
MO4	: Mundu of Sudhakaran.		
MO5	: Chappal (Foot wear) of Sudhakaran.		
MO6	: Spectacles of Sudhakaran.		
MO7	: Thorth of Lakshmi		
MO8	: Inner baniyan of Sudhakaran.	PW3: Vijeesh.	25-02-2026
MO9	: Inner wear of Sudhakaran		
MO10	: Chain of Lakshmi		

MO11	: White Plastic Bottle.	PW5 : Haridas.	27-02-2026
MO12	: Shirt of Chenthamara.	PW6 : Manu.	28-02-2026
MO13	: Lungi of Chenthamara.		
MO14	: Chopper.	PW 7 : Pushpa.	28-02-2026
MO15	: Wooden handle.		
MO16	: Chopper.	PW 13 : Gokul.	04-03-2026
MO17	: Phone of Sudhakaran.	PW21 : Akhila	12-03-2026
MO18	: Purse		
MO19	: Studs.		
MO20	: Mobile of Phone of accused.	PW 35 : Shijith.	25-03-2026
MO21	: Lungi of Lakhmi.	PW37 : Suguna Gr.ASI.	26-03-2026
MO22	: Dhothi.		
MO23	: Underskirt.		
MO24	: Blouse.		
MO25	: Chappal of Chenthamara,	PW 38: Praveen.	27-03-2026
MO26 (a - g)	: DNA sample of accused.	PW53: Dr.Ginesh Mon Chandy.	06-04-2026
MO27 (a to e)	: Postmortem sample collection of Lakshmi	PW58 : Dr.Jerry Joseph.	07-04-2026.
MO28 (a to e)	: Postmortem sample collection of Sudhakaran.		

-sd/

Additional Sessions Judge-IV.
Palakkad.

Typed by: Sainabi.

Compared by: Aswathy Asokan.

//True Copy//

Fair/Copy/ JUDGMENT IN

SC No. 490/2025

Dated: 20th July, 2026