



CRL.A.(MD).No.1021 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On	:	10.06.2026
Pronounced On	:	28.07.2026

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

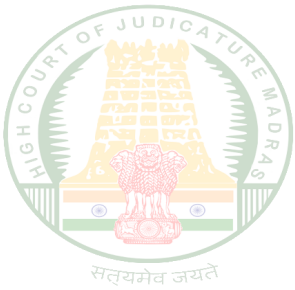
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1.Ramasubramanian @ Ramasubbu
2.Marimuthu ... Appellants/ Accused Nos.1 and 2

Vs.

The State of Tamil Nadu represented by
The Inspector of Police,
Murapanadu Police Station,
Thoothukudi District.
(Crime No.68 of 2023) ... Respondent / Complainant

PRAYER : Criminal Appeal is filed under Section 374(2) of the Criminal Procedure Code, to call for the records pertaining to the impugned conviction and sentence judgment made by the learned Principal Sessions Judge, Thoothukudi District in S.C.No.285 of 2023 dated 15.09.2023 and set aside the same against the appellants and acquit the appellants from the charges levelled against them.



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For Appellants : Mr.M.Jegadeesh Pandiyan

For Respondent : Mr.C.Christopher,
Government Counsel
(Criminal Side)

J U D G M E N T

(Judgment of the Court was made by **K.K.RAMAKRISHNAN,J.**)

The appellants / accused nos.1 and 2 have preferred the present appeal challenging the judgment made in S.C.No.285 of 2023 dated 15.09.2023 by the learned Principal Sessions Judge, Thoothukudi District, whereby they were convicted and sentenced in the following manner:

Accused No.	Sentence of Law	Sentence of Imprisonment	Fine
Both A1 and A2	Section 449 IPC	5 years Rigorous Imprisonment	Rs.1,000/-; in default, to undergo 1 month Rigorous Imprisonment
	Section 302 IPC	Imprisonment for Life	Rs.2,000/-; in default, to undergo 3 months Rigorous Imprisonment
	Section 506 (ii) IPC	1 year Rigorous Imprisonment	----

2. Brief facts of the case:

2.1. The deceased was the father of P.W.1 and was serving as the Village Administrative Officer of Murappanadu Koilpathu Village. In the discharge of his official duties, he had lodged complaints against A1 and



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others for their alleged illegal mining activities. Owing to the said complaint, the accused allegedly nurtured a grudge against the deceased.

2.2. According to the prosecution, on 25.04.2023 at about 12.45 p.m., A1 and A2 criminally trespassed into the office premises of the deceased and attacked him. A1 assaulted the deceased with M.O.1, while A2 attacked him with M.O.2, causing multiple injuries in the presence of P.Ws. 1 and 2. After the assault, both accused fled from the scene on a two-wheeler bearing the registration number mentioned in the records. Immediately thereafter, P.Ws.1 and 2, along with other witnesses, shifted the injured deceased in an ambulance to the Tirunelveli Medical College Hospital for treatment. Despite medical intervention, the deceased succumbed to the injuries at about 2.40 p.m. on the same day. Following the death of the deceased, P.W.1 lodged a complaint before the respondent police station. Upon receipt of the complaint, P.W.29 registered a case and prepared the First Information Report, marked as Ex.P43, at about 3.45 p.m. Thereafter, the FIR was forwarded to P.W.30, the Inspector of Police, for investigation.



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2.3. P.W.30 took up the investigation, visited the scene of occurrence, prepared the Observation Mahazar and Rough Sketch, examined the witnesses, and recovered blood-stained earth and sample earth under a mahazar. He subsequently proceeded to the hospital, conducted the inquest over the body of the deceased, and forwarded the requisition for post-mortem examination.

2.4. During the course of investigation, at about 10.00 p.m. on 25.04.2023, when A1 was riding the two wheeler allegedly used in the commission of the offence, bearing Registration No. TN-92-F-6287 in the Paraikadu Bus Stop. P.W.30 arrested him in the presence of P.Ws.11 and 12. A1 gave a voluntary confession statement, pursuant to which the investigating officer recovered the vehicle, blood-stained clothes of A1, and M.O.6 under a recovery mahazar marked as Ex.P11.

2.5. In continuation of the investigation, on 26.04.2023 at about 12.30 a.m., the investigating officer recovered M.O.1, a billhook, pursuant to the disclosure statement made by A1. Subsequently on 26.04.2023 at



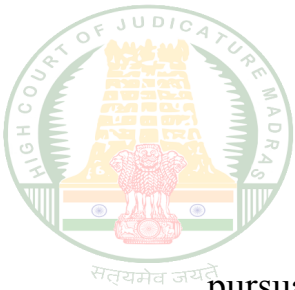
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about 10.30 p.m., the investigating officer arrested A2 at Maruthur Bus Stop. In the presence of P.W.13 and other witnesses, A2 gave a voluntary confession statement. Based on the admissible portion of the said confession, at about 1.00 a.m. on 27.04.2023, the investigating officer recovered M.O.2, a blood-stained iron rod, and M.O.8, the shirt worn by A2 at the time of occurrence.

2.6. During the course of investigation, A2 also identified the tipper lorry allegedly used in connection with the illegal mining activities relating to Crime No.60 of 2023. The investigating officer thereafter directed P.W.24, the station writer, to obtain the specimen fingerprints of A2.

2.7. The investigation was further continued by forwarding the blood-stained clothes recovered from the body of the deceased to the learned Judicial Magistrate under Form-91 through Ex.P47. The material objects recovered during the course of investigation were also produced before the Court through the proper channel. Subsequently, on 29.04.2023,



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pursuant to the orders of the superior officers, P.W.13 handed over the investigation to P.W.31, the Deputy Superintendent of Police. Upon taking over the investigation, P.W.31 visited the scene of occurrence, verified the Observation Mahazar and Rough Sketch already prepared, and examined P.W.10 and several other witnesses, who also spoke about the occurrence in a manner consistent with the prosecution case. He recorded their statements and also obtained further statements from the relevant witnesses.

2.8. P.W.31 thereafter collected the fingerprint expert's report, examined additional witnesses, and took necessary steps for recording statements under Section 164 Cr.P.C. He further examined the medical officers, obtained the viscera report, collected the call detail records and mobile phone particulars of the accused from the concerned service providers, and collected the relevant reports from various departments. He also took steps to conduct the Test Identification Parade by giving necessary requisition to the jurisdictional Magistrate and the learned Judicial Magistrate also conducted Test Identification Parade and obtained the necessary forensic and scientific reports.



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2.9. After collecting all relevant materials, including reports from various departments, details relating to the recovered vehicle, and after examining the owner of the vehicle, P.W.31 completed the investigation. Following the death of the injured victim, he filed an alteration report incorporating the offence of murder and, thereafter, laid the final report before the learned Judicial Magistrate No.I, Srivaikuntam.

2.10. The learned Judicial Magistrate took cognizance of the offences in P.R.C. No.27 of 2023. After summoning of the accused and furnishing copies of all relied upon documents under Section 207 Cr.P.C., the case was committed to the Court of Session, as the offences alleged were exclusively triable by a Court of Session. Upon committal, the learned Principal Sessions Judge, Thoothukudi, took the case on file as S.C. No.285 of 2023. The accused were summoned, and necessary charges were framed and explained to them. The accused denied the charges, pleaded not guilty, and claimed to be tried.



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2.11. In order to substantiate the charges, the prosecution examined P.Ws.1 to 31 and marked Exs.P1 to P52, besides producing the material objects. After completion of the prosecution evidence, the accused were questioned under Section 313 Cr.P.C. with respect to the incriminating circumstances appearing against them in the evidence adduced by the prosecution. The accused denied all such circumstances as false. According to the accused, they were taken to the place of occurrence prior to their remand, where their fingerprints were illegally planted and they were also shown to the witnesses before the Test Identification Parade. The investigating agency had deliberately implicated them in the present case without identifying and arraigning the real assailants responsible for the murder of the deceased. On the side of the defence, no oral evidence was adduced. However, Exs.D1 to D4 were marked during the cross-examination of P.W.1. Upon consideration of the entire oral and documentary evidence available on record, the learned trial Judge found the accused guilty of the offences charged and convicted and sentenced them by judgment dated 15.09.2023.



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3. Aggrieved by the conviction and sentence made in S.C.No.285 of 2023 dated 15.09.2023 by the learned Principal Sessions Judge, Thoothukudi District, both the accused have preferred the present appeal before this Court.

4.Submission of the learned counsel appearing on behalf of the appellants:

4.1.The learned counsel appearing for the appellants would contend that the entire case has been foisted against the accused without any reliable material and that P.Ws.1 and 2 were falsely projected as eyewitnesses to the occurrence. According to him, taking advantage of the earlier complaint lodged by the deceased Village Administrative Officer against A1 in connection with illegal mineral theft and mining activities, the investigating agency falsely implicated the appellants in the present crime.

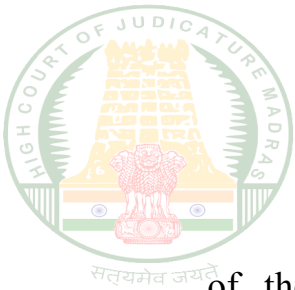


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4.2. The principal contention of the learned counsel is that even prior to the registration of the FIR, several police officials had reached the scene of occurrence immediately after receipt of information regarding the incident. According to the prosecution witnesses themselves, police personnel had been at the place of occurrence and made preliminary enquiries. One of the witnesses had specifically stated that a police official had recorded the statement of the Village Assistant. Therefore, it was argued that an earlier complaint or information had already been received by the police, but the same was deliberately suppressed by the prosecution. Such suppression, according to the learned counsel, creates a serious doubt regarding the genesis of the prosecution case and strikes at the root of its credibility.

4.3. The learned counsel further submitted that the deceased had initiated action against several persons involved in illegal mining activities and not against the present appellants alone. Therefore, several persons could have had grudge against the deceased. In spite of such circumstances, the investigating agency proceeded solely against the appellants on account



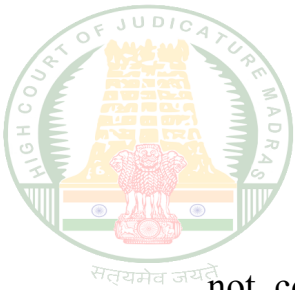
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of the earlier complaint made by the deceased against A1, without conducting a fair investigation.

4.4.The learned counsel further argued that, apart from the testimony of P.Ws.1 and 2, there is no reliable evidence directly implicating the appellants. Though the prosecution sought to rely upon the recovery of mobile phones and the call detail records to establish the presence of the accused near the place of occurrence through tower location analysis, the learned trial Judge himself had discarded the electronic evidence as unreliable. Once such evidence is excluded from consideration, the prosecution is left without any independent material establishing the presence of the accused at the scene of occurrence. Therefore, according to the learned counsel, the appellants are entitled to the benefit of doubt.

4.5.It was further contended that the fingerprint evidence relied upon by the prosecution suffers from serious legal infirmities. According to the learned counsel, the fingerprints allegedly recovered from the scene of occurrence and the specimen fingerprints obtained from the accused were



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not collected in accordance with the provisions of the Identification of prisoners Act. It was submitted that the specimen fingerprints were obtained in police station by a writer constable who admittedly was not of the rank prescribed under law. Therefore, the entire process of obtaining and comparing fingerprints stands vitiated. Consequently, the opinion of the fingerprint expert cannot be solely relied upon to connect the accused with the crime.

4.6.The learned counsel also questioned the validity of the Test Identification Parade. According to him, prior to the conduct of the identification proceedings, the identity of the accused had already been disclosed to P.Ws.1 and 2. Once the witnesses had an opportunity to see or know the identity of the accused before the Test Identification Parade, the evidentiary value of such identification proceedings loses its value. Hence, no reliance can be placed upon the Test Identification Parade conducted in the present case.



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4.7. The learned counsel further submitted that though the occurrence took place at about 12.45 p.m. on 25.04.2023 and the FIR was registered on the same day, the FIR reached the jurisdictional Magistrate only at about 6.00 a.m. on 26.04.2023. The prosecution has failed to furnish any satisfactory explanation for the said delay. Even the police constable who carried the FIR to the Court was unable to explain the delay. According to the learned counsel, when this circumstance is considered along with the alleged suppression of the earliest information, a serious doubt arises regarding the authenticity of the prosecution version.

4.8. Another circumstance relied upon by the learned counsel relates to the failure of the investigating officer to seize the blood-stained clothes of P.Ws.1 and 2 and other witnesses, who claimed to have carried the injured deceased from the office premises to the ambulance. If they had actually handled the deceased, whose body was profusely bleeding, their clothes would have contained bloodstains. The omission to recover and examine such material objects, according to the learned counsel, creates a serious doubt regarding their presence at the place of occurrence.



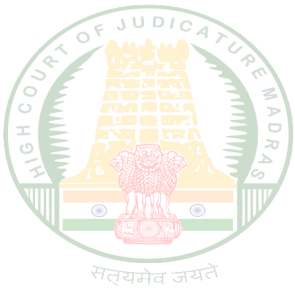
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4.9. The learned counsel also drew support from the Accident Register entries. The Accident Register records show that the injured was brought to the hospital through the 108 Ambulance Service. However, there is no specific reference therein that P.Ws.1 and 2 accompanied or brought the deceased to the hospital. This omission, according to the defence, further weakens the prosecution claim regarding the presence of P.Ws.1 and 2 at the relevant time.

4.10. On the cumulative consideration of the aforesaid circumstances, the learned counsel submitted that the prosecution case is riddled with material contradictions, omissions, and investigative lapses. According to him, the prosecution has failed to establish the guilt of the appellants beyond reasonable doubt and, therefore, the appellants are entitled to an order of acquittal.

4.11. In support of the above submissions, the learned counsel placed strong reliance upon the judgments of the Hon'ble Supreme Court and this Court.



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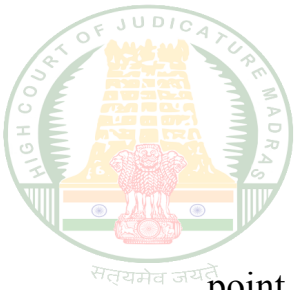
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Side):

5. Submission of the learned Government Advocate (Criminal

5.1. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent-State vehemently opposed allowing the appeal and submitted that the present case is of a brutal murder of a public servant who had acted as a whistleblower against illegal mining activities who was discharging his official duties strictly in accordance with law. According to the learned Government Advocate, the deceased, a Village Administrative Officer, was specifically targeted and it is a well-planned murder. The occurrence took place in broad daylight and, significantly, within the office premises of the office of the Village Administrative Officer. Therefore, the surrounding circumstances clearly demonstrate the gravity of the offence and cannot be viewed as an ordinary crime.

5.2. The learned Government Advocate further submitted that the presence of P.W.1 and P.W.2 at the scene of occurrence is wholly natural and probable. P.W.1 is the son of the deceased and was frequently assisting his father in various official and personal matters. His presence at the relevant



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point of time, therefore, cannot be viewed with suspicion. Likewise, P.W.2, being the Village Assistant attached to the office of the deceased, would ordinarily be with the Village Administrative Officer in the discharge of official duties. Hence, his presence at the scene of occurrence is also more natural and cannot be doubted.

5.3. The learned Government Advocate contended that the ocular testimony of P.Ws.1 and 2 is cogent, consistent and trustworthy. Their version of the occurrence stands fully corroborated by the medical evidence. Further, both witnesses had consistently supported the prosecution case not only before the Trial Court but also in their statements recorded under Section 164 Cr.P.C. before the learned Judicial Magistrate. Therefore, there is no reason to disbelieve their testimony.

5.4. With regard to the challenge relating to the FIR, the learned Government Advocate submitted that the FIR was promptly registered at about 3.45 p.m. on 25.04.2023 based on the complaint lodged by P.W.1. The registration of the FIR at the stated time has not been seriously disputed



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during the evidence. There is also no material to suggest ante-timing or fabrication of the FIR. The only criticism relates to the fact that the FIR reached the jurisdictional Magistrate during the early hours of the following day through P.W.26.

5.5. According to the learned Government Advocate, such delay is not fatal in the facts and circumstances of the present case. The occurrence involved the murder of a Village Administrative Officer in his own office, allegedly on account of his action against illegal mining activities. Immediately after the occurrence, the entire police machinery was mobilized and the investigation commenced without delay. In such circumstances, any lapse on the part of the police constable entrusted with the task of forwarding the FIR cannot, by itself, render the prosecution case doubtful, particularly in the absence of any prejudice having been caused to the accused. Reliance was placed on the settled principles laid down by the Hon'ble Supreme Court that mere delay in the receipt of the FIR by the Magistrate is not sufficient to discredit the prosecution case unless prejudice or fabrication is demonstrated.

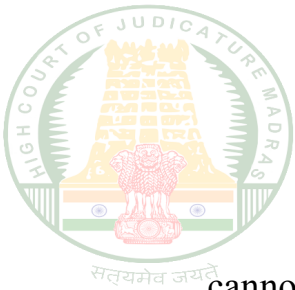


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5.6. The learned Government Advocate further submitted that the challenge to the Test Identification Parade is equally unsustainable. The accused had not raised any contemporaneous objection at the time of the Test Identification Parade proceedings. No material was placed to establish that the witnesses had seen the accused prior to the parade. The defence explanation put forth at a later stage that the witnesses were already shown to the accused is only an afterthought and cannot dilute the evidentiary value of the identification proceedings.

5.7. In respect of the criticism regarding the fingerprint evidence, the learned Government Advocate submitted that even assuming there was some procedural irregularity in the collection of specimen fingerprints, such irregularity would not automatically render the evidence inadmissible. The defence has never disputed the specimen fingerprints obtained from the accused. Nor is it their case that the fingerprints compared by the expert did not belong to them. Once the fingerprints obtained from the accused were scientifically matched with the fingerprints lifted from the scene of occurrence, the alleged procedural defect in the manner of collection



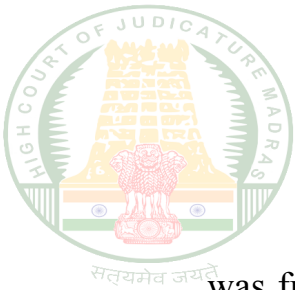
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cannot, by itself, invalidate the expert opinion.

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5.8. The learned Government Advocate also argued that the rejection of the mobile tower location evidence by the Trial Court does not in any manner weaken the prosecution case. The conviction is principally founded upon the direct ocular testimony of P.Ws.1 and 2, which stands corroborated by medical evidence, fingerprint evidence, recoveries made pursuant to the disclosure statements of the accused, and other surrounding circumstances. Therefore, even if the electronic evidence is kept aside, the prosecution case is still fully established.

5.9. So far as the entries in the Accident Register are concerned, the learned Government Advocate submitted that the purpose of an Accident Register is only to record the medical particulars relating to the injured person. It is not expected to contain a detailed account regarding the assailants, the eyewitnesses, or the manner in which the occurrence took place. The omission to mention the names of P.Ws.1 and 2 in the Accident Register, therefore, does not in any manner affect the prosecution case. It



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was further submitted that this principle has been repeatedly recognized by the Hon'ble Supreme Court as well as by this Court.

5.10. Regarding the non-seizure of blood-stained clothes from P.Ws.1 and 2, the learned Government Advocate submitted that no adverse inference can be drawn. P.W.2 has specifically stated that while shifting the deceased, he had only held the legs of the injured and, therefore, no blood would have stained his clothes. As far as P.W.1 and the other witnesses are concerned, there is no clear evidence to show that blood had actually stained their clothes while transporting the deceased. In the absence of any definite evidence that blood had stained their garments, the failure of the investigating officer to seize such clothes cannot be treated as a material lapse affecting the core of the prosecution case.

5.11. Finally, the learned Government Advocate addressed the contention regarding the absence of a corresponding blunt injury attributable to M.O.2, the iron rod allegedly wielded by A2. According to



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him, the post-mortem report reveals multiple injuries, including sutured wounds and several grievous cut injuries. In a case involving a simultaneous assault by more than one assailant using different weapons, the absence of a distinct injury corresponding to one particular weapon is not by itself sufficient to reject the otherwise reliable ocular testimony. When the eyewitnesses have consistently spoken about the overt acts attributed to A1 and A2, and their evidence inspires confidence, the mere absence of a clearly identifiable blunt injury cannot be treated as a circumstance favouring the accused.

5.12. On the cumulative assessment of the entire evidence, the learned Government Counsel submitted that the prosecution has proved the guilt of A1 and A2 beyond reasonable doubt. Therefore, the conviction and sentence imposed by the learned Trial Judge warrant no interference, and the appeal is liable to be dismissed.

6. This Court has carefully considered the rival submissions made on either side, perused the entire evidence available on record, and also



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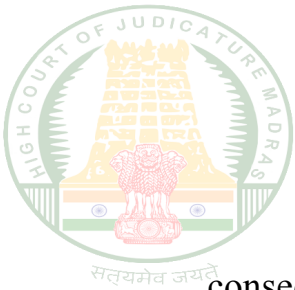
considered the precedents relied upon by the learned counsel appearing for the parties.

6.1. Now the point to be determined in this criminal appeal is that whether the conviction and sentence imposed against the appellant in the impugned judgment needs interference?

7. Discussion on motive :

7.1. At the outset, this Court proposes to examine the motive alleged by the prosecution. The evidence on record discloses that the deceased was serving as a Village Administrative Officer and was known to be diligent in the discharge of his official duties. With a view to curb illegal mining activities within his jurisdiction, he continuously monitored the village and initiated appropriate action whenever violations came to his notice.

7.2. The prosecution has established that on 27.07.2022, the deceased detected illegal mining activities allegedly carried on by A1 and



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consequently lodged a complaint, pursuant to which a criminal case came to be registered in Crime No.204 of 2022. The evidence further reveals that notwithstanding the registration of the said case, A1 continued to involve himself in similar illegal activities. The materials on record further show that a history sheet bearing No.218 of 2018 was opened against A1 and proceedings under Section 110 Cr.P.C., were also initiated against him, as evidenced by Ex.P40.

7.3. The prosecution has further established that on 13.04.2023, A1 and A2 was again found to be involved in illegal mining activities. Upon noticing the same, the deceased lodged another complaint on 17.04.2023, leading to the registration of Crime No.60 of 2023. The prosecution case is that the repeated intervention of the deceased in preventing illegal mining operations and the successive criminal cases registered against A1 and A2 generated deep resentment, ultimately providing the motive for the commission of the offence.



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7.4. The evidence of P.W.28, coupled with Exs.P3, P40 and P43, clearly establishes that A1 and A2 had a strong motive against the deceased on account of the latter's persistent efforts to prevent illegal mining activities. This Court is therefore satisfied that the prosecution has successfully proved the existence of a strong motive for the commission of the crime.

8.Discussion on the evidence of P.W.1 and P.W.2:

8.1.The next issue relates to the reliability of the testimonies of eyewitnesses to the occurrence, namely, P.Ws.1 and 2.

8.2.According to the prosecution, P.W.1 is the son of the deceased. The evidence on record discloses that he frequently visited the office of the deceased to provide food whenever the deceased left home without taking his meals. In the present case, the prosecution has consistently maintained that on the date of occurrence, the deceased had left his residence without carrying lunch box. Consequently, P.W.1 proceeded to the office to hand over food to his father.



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8.3.The evidence further shows that P.W.1 reached the office carrying a tiffin box and, at that point of time, P.W.2 was also present. It is the prosecution case that while P.W.1 was at the office, A1 and A2 entered the premises and attacked the deceased with deadly weapons, and the occurrence was witnessed by both P.Ws.1 and 2.

8.4.This Court finds that the testimony of P.Ws.1 and 2 remains substantially unshaken in cross-examination. Their evidence is consistent with regard to the manner of occurrence and the overt acts attributed to the accused. Though P.W.1 may technically fall within the category of a chance witness, the prosecution has satisfactorily explained his presence at the place of occurrence. Significantly, the investigating officer, during cross-examination, admitted that the tiffin box brought by P.W.1 was found at the scene of occurrence. Though there may be certain omissions in the Observation Mahazar regarding the mentioning of the same, the investigating officer has categorically admitted its presence. P.W.2 has also corroborated the version of P.W.1 by specifically referring to the tiffin box brought by him.

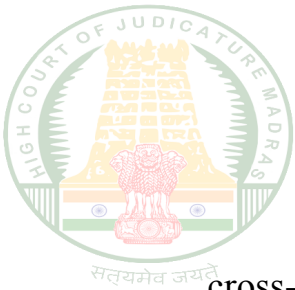


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8.5. In the aforesaid circumstances, the presence of P.W.1 at the scene of occurrence cannot be viewed as unnatural or doubtful. On the contrary, the prosecution has satisfactorily established the reason for his presence, and the same stands supported by independent circumstances available on record. His testimony is not only cogent and trustworthy and inspires confidence of this Court and corroborating with medical evidence. Therefore, this Court finds no merit in the contention that P.W.1 is a planted witness.

8.6. So far as P.W.2 is concerned, he was serving as the Village Assistant attached to the office of the deceased. The nature of his official duties required him to aid the Village Administrative Officer during working hours and assist him in the discharge of official functions. The occurrence admittedly took place on a working day at about 12.45 p.m., during official working hours, inside the office premises of the deceased. Therefore, the presence of P.W.2 at the scene of occurrence is more natural. No material has been brought on record by the defence to demonstrate that his presence was improbable or artificial. Nothing substantial has been elicited during



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cross-examination to discredit his presence at the place of occurrence. His evidence also cogent, trustworthy and inspires confidence of this Court and corroborated with medical evidence. The doctor/P.W.21 who conducted post mortem have opined that the deceased would have appeared to have died of haemorrhagic shocks due to the multiple cut injuries and death would also caused 12 to 24 hours prior to the autopsy. The doctor found the following injuries and gave the following opinion:

*1.A sutured vertical gapping cut injury of size **8 × 1 cm × Bone deep** in middle of forehead. Underlying skull bone found cut.*

*2.A vertical gapping cut injury of size **5 × 1 cm × Bone deep** in left side of forehead, **5 cm** left to injury No.1.*

*3.A sutured vertical gapping cut injury of size **7 × 1 cm × Bone deep** over left side of forehead. It lies **2 cm** above injury No.2. Underlying skull bone found cut.*

*4.A vertical oblique cut injury of size **8 × 1 cm × Bone deep** lies **1 cm** left to injury No.3. It crosses injury No.3 in its posterior end. Underlying skull bone, duramater and brain found cut. Cut injury in brain measures **4 × 1 × 2 cm**.*

*5.A sutured vertical gapping cut injury of size **7 × 1 cm × Bone deep** lies **1 cm** behind injury No.1. Underlying skull found cut.*



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6.A sutured horizontal oblique gapping cut injury of size $7 \times 1 \text{ cm} \times$ **Bone deep** lies in upper part of forehead. It cuts injuries No.3, 4 and 5. Underlying skull bone found cut.

7.A horizontal gapping cut injury of size $12 \times 1 \text{ cm} \times$ **Bone deep** lies in left parietal region.

8.A horizontal gapping cut injury of size $5 \times 1 \text{ cm} \times$ **Bone deep** in right parietal region.

9.A sutured vertical gapping cut injury of size $10 \times 1 \text{ cm} \times$ **Bone deep** lies in right side of occipital region. Underlying skull bone, duramater and brain found cut.

10.A vertical gapping cut injury of size $8 \times 1 \text{ cm} \times$ **Bone deep** lies in middle of occipital region. Underlying skull bone found cut.

11.A cut injury of size $1 \times 0.5 \times 0.5 \text{ cm}$ in right side of chest.

12.A horizontal gapping cut injury of size $6 \times 1 \text{ cm} \times$ **Bone deep** lies in back of right forearm. Underlying soft tissues and right ulna bone found cut.

13.A horizontal gapping cut injury of size $6 \times 1 \text{ cm} \times$ **Bone deep** in back of right wrist. Underlying soft tissues and right ulna bone found cut.

14.A horizontal gapping cut injury of size $5 \times 1 \text{ cm} \times$ **Bone deep** lies 1.5 cm below injury No.13. Underlying soft tissues and right ulna bone found cut.



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15.A horizontal cut injury of size $2 \times 1 \times 0.5$ cm in back of right thumb. Underlying tendons and bone found cut.

16.A horizontal cut injury of size $2 \times 1 \times 0.5$ cm in back of right index finger. Underlying tendons and bone found cut.

17.A horizontal cut injury of size $2 \times 1 \times 0.5$ cm in back of right 3rd finger. Underlying tendons and bone found cut.

18.A horizontal cut injury of size $1 \times 0.5 \times 0.25$ cm noted in back of right 4th finger. Underlying tendons found cut. Injuries No.15, 16, 17 and 18 are in line caused by a single cut injury.

19.A sutured gapping heavy cut injury of size $9 \times 2 \times 3$ cm noted in top of left shoulder. Underlying soft tissues and head of left humerus bone found cut.

20.A superficial cut injury of size $20 \times 0.5 \times 0.25$ cm lies 2 cm outer to injury No.19.

21.A superficial cut injury of size 1×0.2 cm noted below left eye.

22.A superficial cut injury of size 1×0.2 cm lies between left eye and left ear.

23.An oblique cut injury of size $7 \times 1 \times 1$ cm lies in back of left upper arm.

24.An oblique gapping cut injury of size $10 \times 2 \times 3$



cm lies in back of left forearm. It lies 7 cm below left elbow. Underlying soft tissues and left ulna found cut.

25.An oblique gapping cut injury of size $3 \times 1 \times 2$ cm lies 1 cm below injury No.24. Underlying soft tissues found cut. It is having tail of length 5 cm in its lower end.

26.An oblique cut injury of size $3 \times 1 \times 2$ cm lies 6 cm below injury No.25. Underlying soft tissues found cut.

27.A superficial cut injury of size 6×0.2 cm lies 2 cm below injury No.26.

28.A superficial cut injury of size 6×0.2 cm lies 2 cm below injury No.27.

29.A horizontal gapping cut injury of size $7 \times 2 \times 3$ cm lies 3 cm below injury No.28. Underlying soft tissues and both bones of left forearm found cut.

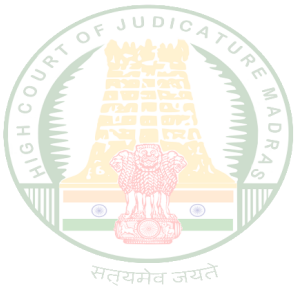
30.A vertical gapping cut injury of size $6 \times 2 \times 2$ cm lies in posterior end of injury No.29. Underlying soft tissues found cut.

31.A vertical cut injury of size $3 \times 0.5 \times 0.25$ cm noted in back of left hand.

32.A vertical cut injury of size $6 \times 1 \times 0.5$ cm lies 2 cm outer to injury No.31. Underlying tendons found cut.

33.A horizontal cut injury of size $5 \times 0.2 \times 0.2$ cm lies 2 cm below injury No.32.

34.Abrasion of size 2×1 cm over back of left hand.



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35. Abrasion of size 2×0.5 cm in dorsum of right

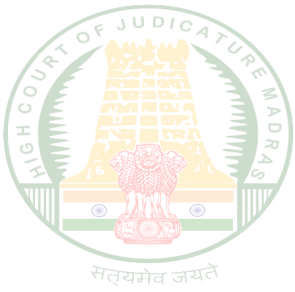
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Other findings:

- 1. Heart:*** Normal and coronary vessels patent.
- 2. Hyoid bone:*** Intact.
- 3. Stomach:*** Contains **50 gms** of partially digested food particles, no specific smell and mucosa pale.
- 4. Lungs, Liver, Spleen & Kidneys:*** Normal, c/s pale.
- 5. Small Intestine:*** Contains **20 gms** of partially digested food particles, no specific smell and mucosa pale.
- 6. Bladder:*** Contains **20 ml** of urine.
- 7. Brain:*** Cut injuries present, c/s pale.
- 8. Viscera*** preserved for chemical analysis.
- 9. Blood*** preserved for grouping and typing.

Opinion as to the cause of death:

The deceased would appear to have died of haemorrhagic shock due to multiple cut injuries.

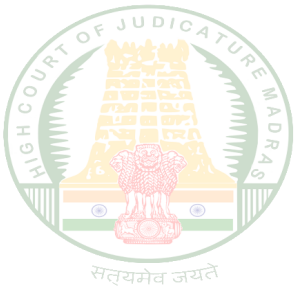


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8.7.The eye-witnesses 1 and 2 clearly accounted the said injuries and therefore, in view of the foregoing discussion, this Court is unable to accept the contention of the learned counsel for the appellants that P.Ws.1 and 2 were not present at the scene of occurrence. On the contrary, the prosecution has successfully established their presence, and their testimonies are satisfied test of sterling quality as stated in the paragraph No.22 of the judgment of the Hon'ble Supreme Court in the case of **Rai Sandeep v. State (NCT of Delhi)** reported in **(2012) 8 SCC 21:**

In our considered opinion, the “sterling witness” should be of a very high quality and calibre whose version should, therefore, be unassailable. The court considering the version of such witness should be in a position to accept it for its face value without any hesitation. To test the quality of such a witness, the status of the witness would be immaterial and what would be relevant is the truthfulness of the statement made by such a witness. What would be more relevant would be the consistency of the statement right from the starting point till the end, namely, at the time when the witness makes the initial statement and ultimately before the court. It should be natural and consistent with the case of the prosecution qua the accused. There should not be any prevarication in the

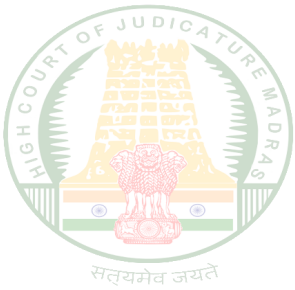


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version of such a witness. The witness should be in a position to withstand the cross-examination of any length and howsoever strenuous it may be and under no circumstance should give room for any doubt as to the factum of the occurrence, the persons involved, as well as the sequence of it. Such a version should have co-relation with each and every one of other supporting material such as the recoveries made, the weapons used, the manner of offence committed, the scientific evidence and the expert opinion. The said version should consistently match with the version of every other witness. It can even be stated that it should be akin to the test applied in the case of circumstantial evidence where there should not be any missing link in the chain of circumstances to hold the accused guilty of the offence alleged against him. Only if the version of such a witness qualifies the above test as well as all other such similar tests to be applied, can it be held that such a witness can be called as a “sterling witness” whose version can be accepted by the court without any corroboration and based on which the guilty can be punished. To be more precise, the version of the said witness on the core spectrum of the crime should remain intact while all other attendant materials, namely, oral, documentary and material objects should match the said version in material particulars in order to enable the court trying the offence to rely on the



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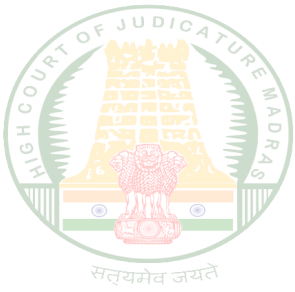
core version to sieve the other supporting materials for holding the offender guilty of the charge alleged.

In view of the above discussion, this Court finds no circumstances to disbelieve the testimonies of sterling witness P.W.1 and P.W.2.

9.Discussion on the evidence of P.W.5 and P.W.6

9.1.This Court has carefully considered the evidence of P.Ws.5 and 6.

9.2.P.W.5 deposed that he is a resident of Murappanadu Keela Putheneri Village and also runs a shop near the Kovilpatti Village Administrative Office, where the occurrence took place. According to him, at about 12:45 p.m., while he was passing near the Village Administrative Office, he saw both the accused emerging from the office on a bike and proceeding towards the east hastily. A2 was seated at the rear seat of the bike, carrying an aruval and an iron pipe. At that time, he heard the screaming voice from the Village Administrative Office that "VAO வை வெட்டிவிட்டு ஓடுகிறார்கள்." He immediately entered the office and found the deceased lying with severe bleeding injuries, in a critical condition.

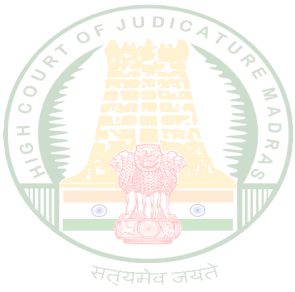


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9.3. Similarly, P.W.6 deposed that at about 12:45 p.m., while he was moving towards his shop nearby the Village Administrative Office, he heard the screaming of "வெட்டி டாங்க வெட்டி டாங்க." On hearing the alarm, he rushed towards the office and saw both the accused emerging from the office carrying an aruval and an iron pipe. He immediately entered the office and found the deceased with grievous injuries, in a critical condition. He also noticed P.Ws.1 and 2 present inside the office.

9.4. P.Ws.5 and 6 were subjected to lengthy and incisive cross-examination. However, nothing was elicited to discredit their testimony. No suggestion was put to either witness that they bore any enmity or motive to falsely implicate them. Their presence at the place of occurrence is wholly natural, P.W.5 having his shop nearby and P.W.6 having tea shop nearby the office at the relevant time has been established. Their testimony is cogent, trustworthy, and inspires confidence. Accordingly, this Court finds no reason to reject their evidence.

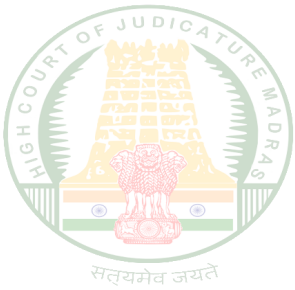


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9.5.Their evidence establishes that immediately after the occurrence, on hearing the screaming noise from the Village Administrative Office, they rushed to the spot and saw the accused emerging from the office carrying deadly weapons and fleeing from the scene on a two-wheeler. Their testimony is cogent, trustworthy, and inspires confidence. Though both witnesses are residents of the same village, their presence at the scene is natural. One of them was running a shop near the place of occurrence, while the other was present opposite the Village Administrative Office. They had no motive to falsely implicate the accused, and no suggestion was put to them in cross-examination to suspect their presence or testimony. In questioning under Section 313 of Cr.P.C., also no answer was elicited to suspect about their presence in the place of occurrence with deadly weapons at the relevant point of time. In this aspect, it is relevant to extract the following portion of the judgment of the Hon'ble Supreme Court in the case of *Naseem Ahmed vs Delhi Administration* reported in **1974 (3) SCC 668**:

10... If a person is found running away from the scene of murder with blood-stained clothes and a knife in his hand, it would in a proper context, be consistent with the



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rule of circumstantial evidence to hold that he had committed the murder.

9.6.The testimony of P.Ws.5 and 6 is legally admissible and their evidence materially corroborates the eyewitness account of P.Ws.1 and 2 and completes the chain of events by establishing that immediately after the assault, both accused emerged from the Village Administrative Office carrying the deadly weapons used in the commission of the offence and fled from the scene on a two-wheeler. Read conjointly, the evidence of P.Ws.1, 2, 5, and 6 establishes beyond reasonable doubt the presence of the accused at the scene of occurrence, the commission of the murder, and their subsequent escape from the place of occurrence. Accordingly, this Court holds that the prosecution has proved beyond reasonable doubt the presence of the accused at the scene, the commission of the murder, and his subsequent escape from the place of occurrence.

9.7.The learned counsel for the accused made elaborate submissions on the evidence of PWs 1, 2, 5 and 6, contending that they are merely chance witnesses and, therefore, their testimony is unreliable and



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ought to be discarded. This Court has carefully considered the said submission. The evidence of PWs 1, 2, 5 and 6 is cogent, consistent and inspires the confidence of the Court. Their testimony is trustworthy and stands fully corroborated by the medical evidence. According to the Hon'ble Supreme Court in the case of **Rajesh Yadav vs. State of Uttar Pradesh** reported in (2022) 12 SCC 200, *“a chance witness is the one who happens to be at the place of occurrence of an offence by chance, and therefore, not as a matter of course. In other words, he is not expected to be in the said place. A person walking on a street witnessing the commission of an offence can be a chance witness. Merely because a witness happens to see an occurrence by chance, his testimony cannot be eschewed though a little more scrutiny may be required at times. This again is an aspect which is to be looked into in a given case by the Court”*.

9.8. Further, the Hon'ble Supreme Court in the case of **State of A.P. v. K.Srinivasulu Reddy** reported in (2003) 12 SCC 660 and in the case of **Jarnail Singh vs. State of Punjab** reported in 2009 9 SCC 719 held that *“the testimony of a chance witness cannot be rejected merely because the*



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witness happened to witness the occurrence by chance. At the same time, such evidence requires careful and close scrutiny. There is no universal rule that the evidence of a chance witness must be viewed with suspicion. If the presence of the witness at the scene of occurrence is natural and satisfactorily explained, and if his conduct before and after the occurrence is found to be natural and credible, there is no legal impediment in acting upon such testimony”.

9.9. Applying the above principles, this Court finds that the presence of PW1 at the place of occurrence is wholly natural. PW1 is the son of the deceased, and there is unimpeachable evidence on record that he used to bring lunch to his father whenever the latter was unable to return home for lunch. His presence at the scene at the relevant time is, therefore, fully explained. Significantly, although PW3 turned hostile, he admitted the presence of PW1 and PW2 at the place of occurrence. PW1 has clearly deposed regarding the overt acts of A1 and A2, namely, that A1 assaulted the deceased with a billhook and A2 assaulted him with an iron pipe. The injuries spoken to by PW1 are fully corroborated by the medical evidence.



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Despite a lengthy cross-examination, nothing has been elicited to discredit his testimony. There is also no material to show that PW1 had any motive to falsely implicate the accused.

9.10.The evidence of PW2 is equally reliable. As the Village Assistant attached to the deceased, who was the Village Administrative Officer, it was part of his official duty to accompany and assist the deceased. Since the occurrence took place in broad daylight at about 12.30 p.m. while the deceased was discharging his official duties, the presence of PW2 at the scene is both natural and expected. Similarly, PW5 and PW6 are natural witnesses, as they do their business in the vicinity of the place of occurrence. Their presence at the relevant time has been satisfactorily established, and their testimony also withstands careful scrutiny. Thus, all the prosecution witnesses satisfy the parameters laid down by the Hon'ble Supreme Court governing the appreciation of the evidence of chance witnesses. Their presence is natural, their testimony is consistent and trustworthy, and it is corroborated by the medical and other evidence on record. Accordingly, the contention of the learned counsel for the accused



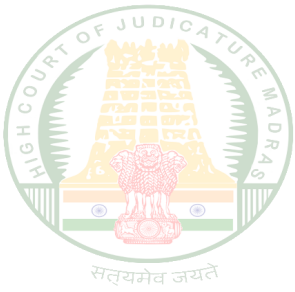
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that their evidence should be discarded merely on the ground that they are chance witnesses is liable to be rejected.

9.11.The principal contention of the learned Senior Counsel for the appellants is that P.Ws.5 and 6 were examined by the investigating officer only on 01.05.2023 and, therefore, their evidence is unreliable and inadmissible.

9.12.It is true that the statements of P.Ws.5 and 6 were recorded on 01.05.2023. However, the mere fact of delayed examination is not, by itself, a ground to discard otherwise cogent, trustworthy, and reliable evidence that inspires the confidence of the Court. Delay in examining a witness is only one of the circumstances to be taken into consideration while appreciating the evidence; it is not an inflexible rule that such evidence must necessarily be rejected. The weight to be attached to such evidence depends upon the facts and circumstances of each case.



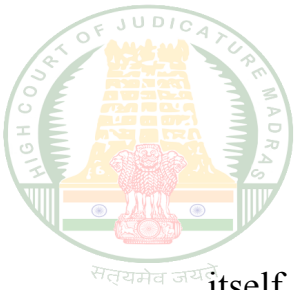
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9.13.The Hon'ble Supreme Court in various judgments including the case of *Abuthagir vs. State* reported in (2009) 17 SCC 208 has consistently held that delayed examination of a witness does not render the testimony unreliable if it is otherwise credible, natural, and inspires confidence and the relevant paragraph is as follows:

29. So far as the delay in recording a statement of the witnesses is concerned no question was put to the investigating officer specifically as to why there was delay in recording the statement. Unless the investigating officer is categorically asked as to why there was delay in examination of the witnesses the defence cannot gain any advantage therefrom. It cannot be laid down as a rule of universal application that if there is any delay in examination of a particular witness the prosecution version becomes suspect. It would depend upon several factors. If the explanation offered for delayed examination is plausible and possible and the court accepts the same as plausible there is no reason to interfere with the conclusion. (See Ranbir v. State of Punjab [(1973) 2 SCC 444 : 1973 SCC (Cri) 858] , Bodhraj v. State of J&K [(2002) 8 SCC 45 : 2003 SCC (Cri) 201] , Banti v. State of M.P. [(2004) 1 SCC 414 : 2004 SCC (Cri) 294] and State of U.P. v. Satish [(2005) 3 SCC 114 : 2005 SCC (Cri) 642] .)

9.13.1.Further, the Hon'ble Supreme Court in Lal Bahadur v. State (NCT of Delhi), (2013) 4 SCC 557, affirmed the view of the High Court that mere delay in recording the statements of witnesses does not, by

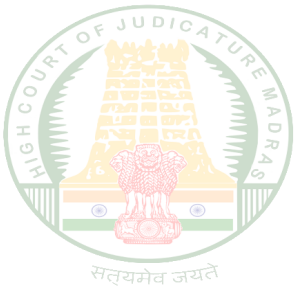


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itself, diminish their evidentiary value. The Court observed that, following the occurrence, the entire city was in turmoil and the witnesses, having seen the crime, were naturally apprehensive and reluctant to come forward against the perpetrators until the situation had normalised. The Court further noted that the investigating machinery was overburdened during the relevant period. In such circumstances, the delay in recording the statements of witnesses could not be treated as a ground either to discard or suspect the evidentiary value of their testimony.

9.13.2.The above principle squarely applies to the present case. The occurrence took place in broad daylight, resulting in the murder of the Village Administrative Officer. The accused were persons with criminal antecedents, creating a climate of fear among the villagers. It is therefore natural that the witnesses were hesitant to come forward immediately and that there was some delay in recording their statements. Such delay, in the facts and circumstances of the case, does not affect the credibility or evidentiary value of their testimony.



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9.13.3. Therefore, this Court must examine whether the delay has caused any prejudice to the accused or gives rise to a reasonable suspicion that the witness has been introduced subsequently. If the evidence is found to be trustworthy and there is no material to suggest tutoring, embellishment, or fabrication, the delay by itself is of no consequence.

9.14. In the present case, the occurrence took place in broad daylight inside the Village Administrative Office. The murder of a Village Administrative Officer while discharging his official duties in taking action against illegal mining naturally attracted widespread public attention and protests from the Revenue officials. The investigation was carried out amidst those changed atmosphere. In such a factual background, some delay in recording the statements of P.Ws.5 and 6 cannot, by itself, be viewed with suspicion.

9.15. Significantly, P.Ws.5 and 6 had no previous enmity or motive to falsely implicate the accused. No material was elicited in their cross-examination to establish that they were planted witnesses or that their



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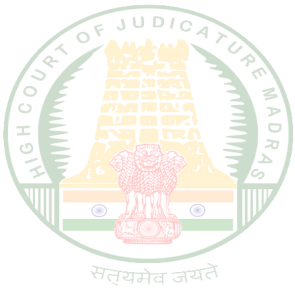
testimony was the result of tutoring or fabrication. Their evidence is natural, consistent, and stands corroborated by the testimony of P.Ws.1 and 2 as well as the surrounding circumstances.

9.16. Accordingly, this Court finds no merit in the contention that the evidence of P.Ws.5 and 6 deserves to be rejected solely on the ground of delayed examination. The said contention is liable to be rejected.

10. Discussion on the Fingerprint:

10.1. The next contention advanced on behalf of the appellants relates to the fingerprint evidence and the alleged irregularity in obtaining the specimen fingerprints of the accused.

10.2. In order to establish the fingerprint evidence, the prosecution examined P.Ws.19, 20 and 24 and marked the relevant documents through them. The evidence of these witnesses was relied upon by the prosecution to establish the presence of the fingerprints of the accused at the scene of occurrence.



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10.3.P.W.19 deposed that on 25.04.2023 at about 5.00 p.m., the chance fingerprints available at the scene of occurrence were scientifically lifted and preserved. Though he was subjected to extensive cross-examination, nothing substantial was elicited to discredit his testimony or to cast any doubt upon the procedure adopted by him while lifting the fingerprints from the scene of occurrence.

10.4. P.W.24, who was serving as a Head Constable, deposed that pursuant to the directions of the investigating officer, he obtained the specimen fingerprints of A1 on 26.04.2023 and those of A2 on 27.04.2023. He has spoken in detail regarding the manner in which the specimen fingerprints were collected and forwarded for expert examination. Though the defence questioned his competence to collect the specimen fingerprints, no serious challenge was made regarding the actual procedure adopted by him. No suggestion was put to the witness that the specimen fingerprints were not obtained from the accused or that the prescribed procedure was not followed while collecting the same. Therefore, the challenge is confined



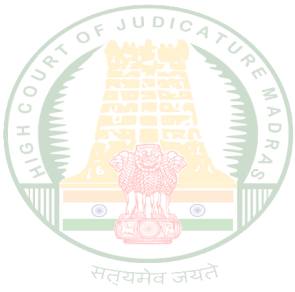
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only to the legal contention regarding his competency and not to the authenticity of the fingerprints obtained.

10.5.This Court finds that the defence has not demonstrated any prejudice was caused to the accused on account of the alleged incompetency of P.W.24. Merely because a technical objection has been raised regarding the rank of the officer who collected the specimen fingerprints, the entire fingerprint evidence cannot be discarded, particularly when the collection process itself has not been shown to be tainted by any illegality or procedural irregularity affecting its reliability.

10.6.P.W.20, the Fingerprint Expert, examined the chance fingerprints lifted from the scene of occurrence and compared them with the specimen fingerprints obtained from the accused. He has categorically opined that the chance fingerprints lifted from the scene of occurrence matched with the specimen fingerprints of the accused. His opinion has been marked through the relevant exhibits.



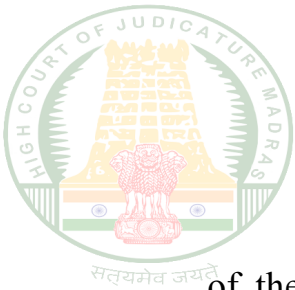
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10.7.The Fingerprint Expert was also subjected to cross-examination. However, nothing significant was elicited to discredit either his expertise or the conclusions arrived at by him. His evidence remains consistent and inspires confidence. The expert opinion clearly demonstrates that the fingerprints recovered from the scene of occurrence correspond to those of the accused.

10.8.This Court has already held that the argument challenged the competency of P.W.24, by itself, is insufficient to reject the fingerprint evidence, especially when the defence has not disputed about the fingerprints obtained from the accused and when no procedural illegality affecting the reliability of the evidence has been established.

10.9.In the absence of any material infirmity in the collection, preservation or comparison of the fingerprints, this Court finds no reason to discard the expert opinion merely on the basis of a technical objection regarding competency. The defence has failed to establish any circumstance warranting rejection of the fingerprint evidence. Accordingly, this Court is



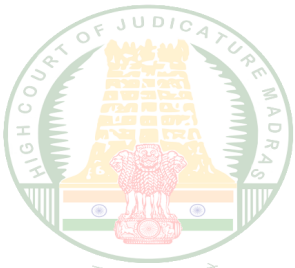
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of the considered view that the fingerprint evidence provides substantial corroboration to the prosecution case and independently establishes the presence of the accused at the scene of occurrence. The same, coupled with the reliable ocular testimony of P.Ws.1 and 2, further strengthens the prosecution case against the appellants.

10.10.This Court is unable to accept the contention of the learned Senior Counsel for the appellants that the fingerprints of the accused were taken by a police constable in violation of the provisions of the Criminal Procedure (Identification) Act, 2022.

10.11.The learned trial Judge has rightly considered the evidence of the police constable as well as the Investigating Officer on this aspect. The evidence on record clearly establishes that the Investigating Officer directed the fingerprints of the accused to be taken under his supervision. Pursuant to such direction, the police constable obtained the specimen fingerprints of the accused in the presence and under the supervision of the Investigating Officer. The specimen fingerprint sheet also bears the



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signature of the Investigating Officer, evidencing his presence and supervision throughout the procedure.

10.12. Therefore, the contention that the constable independently obtained the fingerprints in the absence of the Investigating Officer or without his knowledge is factually incorrect and is not borne out by the evidence on record. On a perusal of the specimen fingerprint records, this Court finds, as rightly held by the learned trial Court, that the Investigating Officer was present at the time of collection of the specimen fingerprints, supervised the process, and authenticated the same by affixing his signature.

10.13. In such circumstances, merely because the actual act of taking the specimen fingerprints was performed by a police constable and not by a Head Constable or any other officer, it cannot be held that the procedure is vitiated. Since the fingerprints were obtained under the direct supervision and authority of the Investigating Officer, substantial compliance with the statutory requirements has been established. Consequently, this Court finds no procedural illegality or infirmity in the



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collection of the specimen fingerprints warranting rejection of the fingerprint evidence.

11.Discussion on the defence documents Ex.D1, Ex.D2 and Ex.D3

11.1.The accused jointly filed the explanation under Section 313(5) of Cr.P.C., and sought to consider Ex.D1, Ex.D2 and Ex.D3 and pleaded that some other person would have caused death of the deceased. This Court has also considered the documents relied upon by the accused to suggest that the deceased had enmity with certain other persons and, therefore, that someone else might have committed the murder. However, such a plea is wholly untenable. In view of the overwhelming oral, documentary, medical, and scientific evidence establishing the involvement of the accused, the mere existence of enmity with third parties does not create any reasonable doubt regarding the prosecution case. The defence theory is speculative and unsupported by any acceptable evidence and is, therefore, liable to be rejected. In 313(5) of the Cr.P.C., statement, they also pleaded that they did not know about the case registered against them in



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Crime No.60 of 2023 and they are falsely implicated in this case by taking them from their residence in Kaliyavur by the respondent police and obtained the fingerprint illegally in the Village Administrative Office and also shown them to the witnesses in order to facilitate their identification in the identification parade and the respondent police registered the case in order to oblige the pressure from the higher officials. This Court is unable to accept the statement of the accused in view of the specific evidence available against them to show their involvement and in the said detailed explanation they did not state about any of the motive against any of the witness and therefore, the explanation is afterthought and the same was without any material proof either through the evidence of the prosecution or documents adduced on the side of the prosecution and defence.

12.Discussion on the plea of suppression of the earliest information:

The next contention advanced by the learned counsel for the appellants relates to the genesis of the FIR. According to the learned counsel, more than five prosecution witnesses have spoken about the

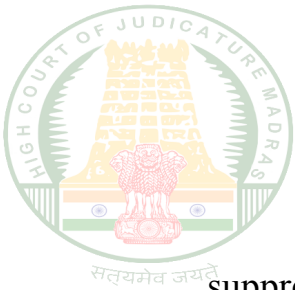


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presence of police officials at and near the scene of occurrence even before the formal registration of the FIR on 25.04.2023. Based on such evidence, it was argued that the police must have received an earlier complaint or information disclosing the commission of a cognizable offence and that the said information constituted the real First Information Report. The suppression of such earlier information, according to the defence, creates a serious doubt regarding the genesis of the prosecution case. This Court is unable to accept the said contention.

12.1. In recent times, similar submission is frequently advanced in all most all cases including murder case and other sensitive injured cases and such an argument is advanced time and again in criminal cases by attempting to equate every piece of information received by the police regarding an occurrence with a First Information Report on the basis of stray answers elicited during the cross-examination of witnesses examined long after the occurrence. Such answers are often relied upon to suggest that the police had reached the scene of occurrence even before the registration of the FIR and, therefore, that some earlier information had been



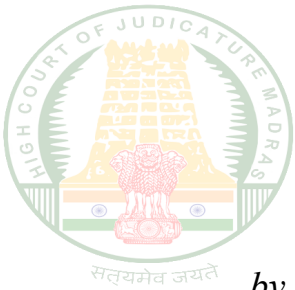
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suppressed. Such a submission overlooks the well-recognized distinction between “cryptic information”, “**G.D. Entry** ” “*the First Information Statement (FIS)*” “*the First Information Report (FIR)*” and “*suppression of the earliest information*” has created unwarranted confusion in the mind of learned counsel without proper understanding of principles and observation laid down by the Hon'ble Supreme Court, privy council and various High Courts. Therefore, this court is duty bound to clarify and reiterate the summary of principles regarding suppression of earlier information by going through following case laws:

12.1.1. The Hon'ble Supreme Court in the case of ***Binay Kumar Singh v. State of Bihar*** reported in (1997) 1 SCC 283 after considering the ***Tapinder Singh v. State of Punjab*** [(1970) 2 SCC 113, ***Soma Bhai v. State of Gujarat*** [(1975) 4 SCC, ***State of U.P. v. P.A. Madhu*** [(1984) 4 SCC 83 has held that cryptic information is not amount to registration of the FIR and also held that what would be treated as FIR as per the Section 154 Cr.P.C. and the relevant paragraphs as follows:

8. *Learned counsel pointed out that neither the trial court nor the High Court has treated Ext. 14 (statement of PW 32 Sukhdev Bhagat) as forming the FIR in this case, instead the statement made*



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by PW 36 Rabindra Bhagat which was marked as Ext. 10/3 was treated as the FIR. True it is, that before the Sub-Inspector of Jehanabad Police Station (PW 42 Kalika Prasad) could record the statement of Sukhdev Bhagat (PW 32) some information had already reached the police station when Rabindra Bhagat (PW 36) went there by early morning. It has been marked as Ext. 10/3. That information was entered in the station diary in the following words:

“At this time Rabindra Bhagat, son of Soharai Bhagat, resident of Paras Bigha, P.S. Jehanabad came to police station accompanied by Bhangi Yadav, resident of Village Titai Bigha and gave the information that the sons (probably he meant sons and grandsons) of late Ram Niranjana Sharma had collected, with large number of persons in his village and they had set fire to the houses and piles of straw and had also resorted to firing. He had fled away seeing the fire and he was not aware of the full facts as to what had happened

9. But we do not find any error on the part of the police in not treating Ext. 10/3 as the first information statement for the purpose of preparing the FIR in this case. It is evidently a cryptic information and is hardly sufficient for discerning the commission of any cognizable offence therefrom. Under Section 154 of the Code the information must unmistakably relate to the commission of a cognizable offence and it shall be reduced to writing (if given orally) and



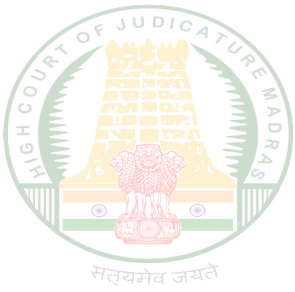
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shall be signed by its maker. The next requirement is that the substance thereof shall be entered in a book kept in the police station in such form as the State Government has prescribed. First information report (FIR) has to be prepared and it shall be forwarded to the magistrate who is empowered to take cognizance of such offence upon such report. The officer in charge of a police station is not obliged to prepare FIR on any nebulous information received from somebody who does not disclose any authentic knowledge about commission of the cognizable offence. It is open to the officer-in-charge to collect more information containing details about the occurrence, if available, so that he can consider whether a cognizable offence has been committed warranting investigation thereto)

12.1.2. *Ravishwar Manjhi v. State of Jharkhand*, (2008) 16 SCC

561 :

32. We are not oblivious of the fact that a mere information received on phone by a police officer without any details as regards the identity of the accused or the nature of injuries caused by the victims as well as the name of the culprits may not be treated as FIR, but had the same been produced, the nature of information received by the police officer would have been clear.

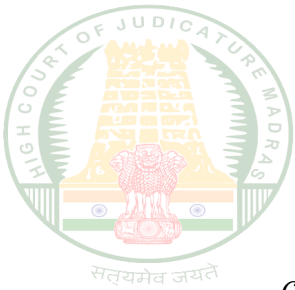


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12.1.3. *CBI v. Tapan Kumar Singh*, (2003) 6 SCC 175:

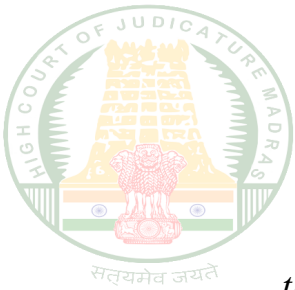
16. The parties before us did not dispute the legal position that a GD entry may be treated as a first information report in an appropriate case, where it discloses the commission of a cognizable offence.

20. It is well settled that a first information report is not an encyclopaedia, which must disclose all facts and details relating to the offence reported. An informant may lodge a report about the commission of an offence though he may not know the name of the victim or his assailant. He may not even know how the occurrence took place. A first informant need not necessarily be an eyewitness so as to be able to disclose in great detail all aspects of the offence committed. What is of significance is that the information given must disclose the commission of a cognizable offence and the information so lodged must provide a basis for the police officer to suspect the commission of a cognizable offence. At this stage it is enough if the police officer on the basis of the information given suspects the commission of a cognizable offence, and not that he must be convinced or satisfied that a cognizable offence has been committed. If he has reasons to suspect, on the basis of information received, that a cognizable offence may have been



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committed, he is bound to record the information and conduct an investigation. At this stage it is also not necessary for him to satisfy himself about the truthfulness of the information. It is only after a complete investigation that he may be able to report on the truthfulness or otherwise of the information. Similarly, even if the information does not furnish all the details he must find out those details in the course of investigation and collect all the necessary evidence. The information given disclosing the commission of a cognizable offence only sets in motion the investigative machinery, with a view to collect all necessary evidence, and thereafter to take action in accordance with law. The true test is whether the information furnished provides a reason to suspect the commission of an offence, which the police officer concerned is empowered under Section 156 of the Code to investigate. If it does, he has no option but to record the information and proceed to investigate the case either himself or depute any other competent officer to conduct the investigation. The question as to whether the report is true, whether it discloses full details regarding the manner of occurrence, whether the accused is named, and whether there is sufficient evidence to support the allegations are all matters which are alien to the consideration of the question whether the report discloses the commission of a cognizable offence. Even if the information does not give full details regarding these matters,



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the investigating officer is not absolved of his duty to investigate the case and discover the true facts, if he can.

12.1.4. Ramsinh Bavaji Jadeja v. State of Gujarat, (1994) 2

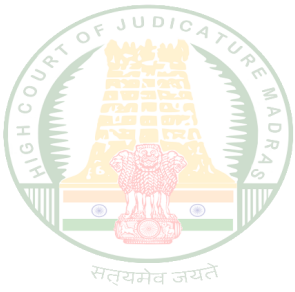
SCC 685 :

7. From time to time, controversy has been raised, as to at what stage the investigation commences. That has to be considered and examined on the facts of each case, especially, when the information of a cognizable offence has been given on telephone. If the telephonic message is cryptic in nature and the officer in charge, proceeds to the place of occurrence on basis of that information to find out the details of the nature of the offence itself, then it cannot be said that the information, which had been received by him on telephone, shall be deemed to be first information report. The object and purpose of giving such telephonic message is not to lodge the first information report, but to request the officer in charge of the police station to reach the place of occurrence. On the other hand, if the information given on telephone is not cryptic and on the basis of that information, the officer in charge, is prima facie satisfied about the commission of a cognizable offence and he proceeds from the police station after recording such information, to investigate such offence then any statement made by any person



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in respect of the said offence including details about the participants, shall be deemed to be a statement made by a person to the police officer “in the course of an investigation”, covered by Section 162 of the Code. That statement cannot be treated as first information report. But any telephonic information about commission of a cognizable offence irrespective of the nature and details of such information cannot be treated as first information report. This can be illustrated. In a busy market place, a murder is committed. Any person in the market, including one of the shop-owners, telephones to the nearest police station, informing the officer in charge, about the murder, without knowing the details of the murder, the accused or the victim. On the basis of that information, the officer in charge, reaches the place where the offence is alleged to have been committed. Can it be said that before leaving the police station, he has recorded the first information report? In some cases the information given may be that a person has been shot at or stabbed. It cannot be said that in such a situation, the moment the officer in charge leaves the police station, the investigation has commenced. In normal course, he has first to find out the person who can give the details of the offence, before such officer is expected to collect the evidence in respect of the said offence.



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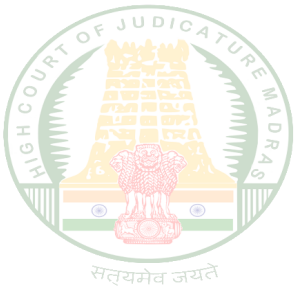
12.1.5. Manu Sharma v. State (NCT of Delhi), (2010) 6 SCC 1

What constitutes the first information report

103. Placing reliance upon the said judgments, it has been further argued by the learned Senior Counsel for the appellant that in the present case the three cryptic telephonic messages received by the police at around 2.20 a.m. on 30-4-1999 should be treated as FIR upon which the investigation started and, therefore, the statement of PW 2 recorded by the police later on around 3.40 a.m. could not be treated as FIR but a statement under Section 162 CrPC.

104. Insofar as the decision in Bhagwant Kishore [AIR 1964 SC 221 : (1964) 1 Cri LJ 140] is concerned, it was noted in para 8 at p. 224 that the information received by the officer was not vague, but contained precise particulars of the acts of misappropriation committed by the accused and, therefore, the said information could be treated as FIR. On the contrary, it is evident from the facts established on record in the present case that none of the three telephonic messages received by the police furnished any detail about the offence or the accused.

105. The judgment in Khwaja Nazir Ahmad [(1943-44) 71 IA 203 : AIR 1945 PC 18] is also distinguishable as the law laid down in the said case does not concern the issue involved in the present case. Cryptic



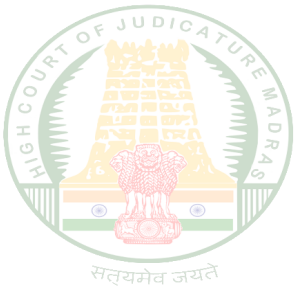
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telephonic messages could not be treated as FIR as their object only is to get the police to the scene of offence and not to register the FIR. The said intention can also be clearly culled out from a bare reading of Section 154 of the Criminal Procedure Code which states that the information, if given orally, should be reduced in writing, read over to the informant, signed by the informant and a copy of the same be given free of cost to the informant. In the case on hand, the object of persons sending the telephonic messages including PW 70 Rohit Bal was only to bring the police to the scene of offence and not to register the FIR.

107.** Learned Senior Counsel for the appellant also relied upon the judgment of the Gujarat High Court in *Mehr Vajsi Deva v. State of Gujarat* [AIR 1965 Guj 143] . A perusal of the said judgment shows that the details of the offence given by the telephonic message in the said judgment clearly described that “one man was assaulted by means of an axe at Sudama Chowk”, on the other hand, in the case on hand the telephonic message did not give any details of the offence or accused and the same was a vague information. The said judgment should be read per incuriam in view of a plethora of judgments of this Court wherein it has categorically held that **cryptic telephonic messages not giving the particulars of the offence or accused are bereft of any details made to



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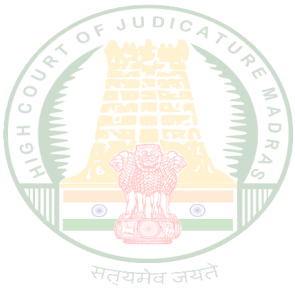


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the police only for the purpose of getting the police at the scene of offence and not for the purpose of registering an FIR.

113.The information about the commission of a cognizable offence given “in person at the police station” and the information about a cognizable offence given “on telephone” have forever been treated by this Court on different pedestals. The rationale for the said differential treatment to the two situations is, that the information given by any individual on telephone to the police is not for the purpose of lodging a first information report, but rather to request the police to reach the place of occurrence; whereas the information about the commission of an offence given in person by a witness or anybody else to the police is for the purpose of lodging a first information report. Identifying the said objective difference between the two situations, this Court has categorically held in a plethora of judgments that a cryptic telephonic message of a cognizable offence cannot be treated as a first information report under the Code.

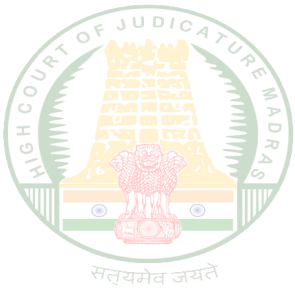
115.In view of the above discussion, the three telephonic messages received by the police around 2.25 a.m. on 30-4-1999 did not constitute the FIR under Section 154 of the Code and the statement of Shyan Munshi, PW 2 was rightly registered as the FIR.



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12.2. The Hon'ble Full Bench of the Kerala High Court also dealt with the issue under what circumstances a particular statement would constitute first information in the case of *State of Kerala -vs- Samuel* reported in *AIR 1961 Ker 99 (FB)* and the relevant paragraphs are extracted hereunder:

8. Whether or not a particular statement would constitute the First Information in a case is a question of fact and would depend on the circumstances of that case. However it can be stated as a general principle that it is not every piece of information however vague, indefinite and unauthenticated it may be that should be recorded as the First Information for the sole reason that such information was the first, in point of time, to be received by the police regarding the commission of an offence. To hold otherwise would be to place the police at the mercy of every crank and practical joker who could then set the entire investigating machinery of the police into action with as little effort as that of scribbling a letter or dialling a telephone. On the other hand it is equally clear that to permit a preliminary enquiry before recording the First Information is to diminish if not destroy the value of the First Information Report itself. The special

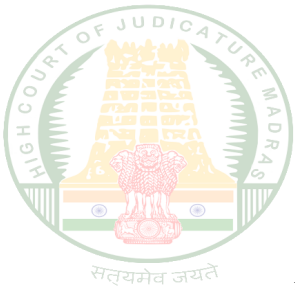


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significance of the First Information Report lies in the fact that it is a record of the earliest information about an alleged offence, a statement given before the circumstances of the crime can be forgotten or embellished. It cannot be denied that if the First Information were to be recorded after an enquiry into the offence is conducted, the temptation would be great to incorporate in the First Information Report details and circumstances advantageous to the prosecution which might have been lacking in the earliest information about the offence. These principles are clearly inferable from the provisions of Section 154 of the Criminal Procedure Code which deals with the recording of the “First Information”. Section 154 reads:—

“Every information relating to the commission of a cognizable offence given orally to all officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the (State Government) may prescribe in this behalf.”

9. The section provides that the information should relate to the commission of a cognizable offence, i.e., the



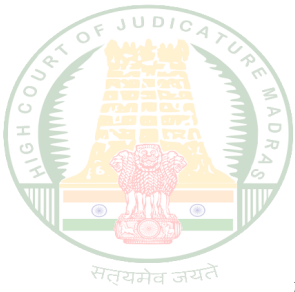
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information should be such that it enables the police to come to the conclusion that a cognizable offence has been committed. The section further provides that if the information is given orally it should be reduced to writing and such information whether given in writing or reduced to writing should be signed by the informant. It is also clear from the section that no enquiry is contemplated before the information is recorded by the police. However, the provision in the section regarding the reduction of oral statements to writing and obtaining the signature of the informant to it, which procedure obviously is for the purpose of discouraging irresponsible statements about criminal offences by fixing the informant with the responsibility for the statement he makes, indicates that some similar procedure may be adopted to authenticate information received by other methods also. But this should be the limit of the enquiry. Any further probing into the matter will have no legal basis. It might not be out of place to consider the provisions of Section 157, Criminal Procedure Code also in this connection. Section 157 sub-section (1) reads:

“If from information received or otherwise, an officer in charge of a police station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of



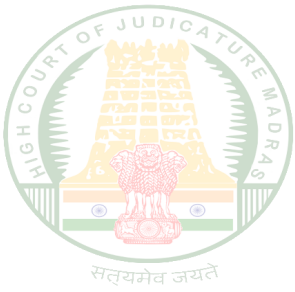
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the same to a Magistrate empowered to take cognizance of such offence upon a police-report, and shall proceed in person, or shall depute one of his subordinate officers (not being below such rank as the (State Government) may, by general or special order prescribe in this behalf) to proceed, to the spot, to investigate the facts and circumstances of the case (and, if necessary, to take measures) for the discovery and arrest of the offender.”

10. The section gives a command that the police officer who has reason to suspect, be it from information received or otherwise, that a cognizable offence has been committed, shall forthwith report the matter to the Magistrate and initiate the investigation. Thus it is quite clear that in the case of cognizable offences, there should be no time lag between the reception of information about the commission of the offence and the recording of such information.

12.3.The Hon'ble Supreme Court in the case ***Thulia Kali v. State of T.N.*** reported in **(1972) 3 SCC 393** held that suppression or delay relating to the First Information Report may assume significance where the prosecution fails to explain circumstances surrounding the recording of the earliest version.

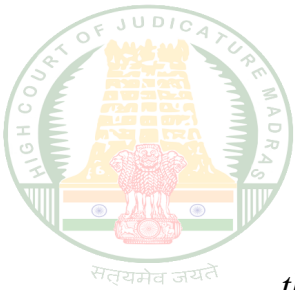


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12..... *The object of insisting upon prompt lodging of the report to the police in respect of commission of an offence is to obtain early information regarding the circumstances in which the crime was committed, the names of the actual culprits and the part played by them as well as the names of eyewitnesses present at the scene of occurrence. Delay in lodging the first information report quite often results in embellishment which is a creature of afterthought. On account of delay, the report not only gets bereft of the advantage of spontaneity, danger creeps in of the introduction of coloured version, exaggerated account or concocted story as a result of deliberation and consultation. It is, therefore, essential that the delay in the lodging of the first information report should be satisfactorily explained.....*

12.3.1. Sevi v. State of T.N., 1981 Supp SCC 43

3..... *The first information report book is supposed to be at the Police Station House all the time. If the Sub-Inspector is not satisfied on the information received by him that a cognizable offence has been committed and wants to verify the information his duty is to make an entry in the general diary, proceed to the village and take a complaint at the village from someone who is in a position to give a report about the commission of a cognisable offence. Thereafter, the ordinary procedure is to send the report to*



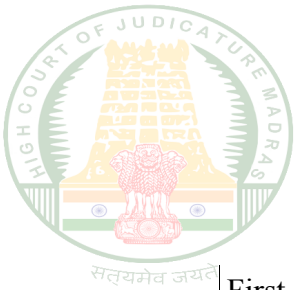
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the police station to be registered at the police station by the officer in-charge of the police station. But, indeed, we have never come across a case where the Station House Officer has taken the first information report book with him to the scene of occurrence. According to the suggestion of defence the original first information report which was registered was something altogether different from what has now been put forward as the first information report and that the present report is one which has been substituted in the place of another which was destroyed.

12.4. From the above reading of precedents and various provisions of cr.p.c, this court delineate the following meaning to “cryptic information”, “**G.D. Entry** ” “the First Information Statement (FIS)” “the First Information Report (FIR)” and “ suppression of the earliest information”.

Cryptic information	A cryptic, vague, anonymous or incomplete communication, or a mere message intended only to secure the presence of the police at the place of occurrence, without disclosing the essential particulars of the offence, does not constitute First Information Report in the eye of law. Such communications are only just preliminary intimations and are incapable of setting the criminal law into motion within the meaning of Section 154 CrPC.
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First Information Statement (FIS)	First Information Statement is statement containing information which has been reduced into writing which can be given orally or in writing to the competent station house officer containing materials constituting commission of cognizable offence which mandates recording of such information under section 154 Cr.P.C., as FIR and to commence the investigation as per the following sections 156, etc.,
First Information Report (FIR)	A First Information Report under Section 154 Cr.P.C., must unmistakably relate to the commission of a cognizable offence and, where given orally, it must be reduced into writing and signed by the informant for commencement of investigation.
G.D. Entry	Equally, entries made in the General Diary, Station Diary or Community Service Register can be treated as the FIR only if the said information disclose the commission of a cognizable offence containing the essential particulars of the occurrence, including, the place the identity of the accused, the manner in which the offence was committed, and the material facts constituting the offence. Mere recording of receipt of information or visit of the police to the spot would not satisfy the statutory requirement under Section 154 of Cr.P.C.
Suppression of the earliest information	"Upon a close reading of Thulia Kali v. State of Tamil Nadu and Sevi v. State of Tamil Nadu, it is evident that "suppression of the earliest information" means the deliberate withholding of an earlier either First Information statement or First Information report and its substitution by the present First Information statement which has been recorded as FIR containing a materially different version of the occurrence, particularly regarding the circumstances of the crime, the identity of the actual culprits, and the specific part played by each of them.

12.5. Unless it is established that an earlier First information statement was reduced into writing by the competent police officer in the manner contemplated under Section 154 of the Code of Criminal Procedure

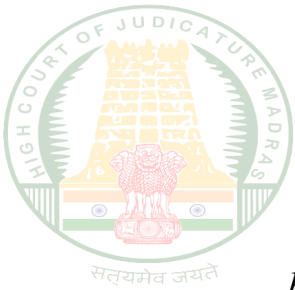


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and was entered in the prescribed records, the question of suppression of the First Information Report does not arise. Mere receipt of information by the police, or the presence of police officers at the scene of occurrence pursuant to a cryptic or vague message received from any source, cannot by itself be construed as registration of an FIR. Therefore, in the absence of such foundational facts, a stray answer elicited from a witness that police personnel had reached the scene of occurrence after receiving information about the murder cannot, by itself, be elevated to the status of a First Information Report within the meaning of Section 154 Cr.P.C. These principles are clearly inferable from the provisions of Section 154 of the Criminal Procedure Code that deals with the recording of the "First Information". Section 154 reads:

"Every information relating to the commission of a cognizable offence given orally to all officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the (State Government) may prescribe in this



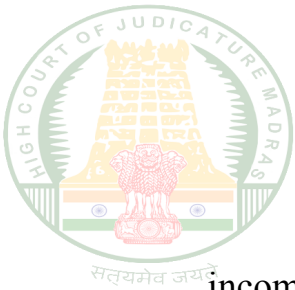
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behalf."

12.6. The burden lies upon the defence to prove that an earlier statement relating to the commission of a cognizable offence was in fact recorded by the competent police officer in accordance with Section 154 Cr.P.C. and that such statement constituted the real first information. In order to sustain the plea that an earlier First Information Report (FIR) has been suppressed, the accused must establish that an earlier information containing “a different version of the occurrence was, in fact, made to the police; that it disclosed the names of the different accused, contained the manner of occurrence in material particulars, and enough to set the criminal law in motion. It must further be proved that such information was received as the first information under Section 154 CrPC, reduced into writing, and but was subsequently suppressed by the prosecution.

12.7. The mere receipt of some information by the police, in the absence of its source, or the existence of a General Diary entry, station diary entry, wireless message, telephonic information, or any other cryptic or



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incomplete communication, would not, by itself, amount to either a First Information statement or First Information Report. Unless such earlier information satisfies the statutory requirements of Section 154 CrPC by disclosing the essential particulars of the occurrence, the identity of the accused, and the commission of a cognizable offence, no plea of suppression of the earlier FIR can be entertained or sustained. Consequently, the mere non-production of such cryptic information does not, by itself, vitiate the prosecution case.

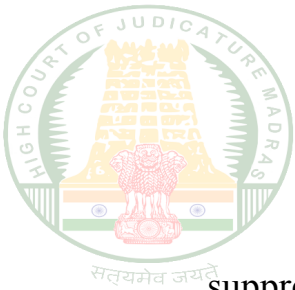
12.8. In the present era of instantaneous and electronic communication, information regarding a murder or other grave offence often reaches the police through various channels, including cryptic telephone calls, wireless messages, information from any person other than informants or eyewitness, or communications from members of the public. The purpose of such information is ordinarily to secure the immediate presence of the police at the scene of occurrence, to prevent further untoward incidents, to maintain law and order, and to preserve the scene. Such information is not ordinarily intended to set the criminal law in motion



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through registration of a case. In certain circumstances, such cryptic information regarding the occurrence are conveyed to the police before the informant proceeded to the police station and lodged a written complaint and police personnel arrive immediately after the incident and at that time some eyewitnesses, injured witnesses, or other persons present at the scene would have disclosed certain facts regarding the occurrence to police personnel who arrived immediately after the incident, such disclosure by itself would not constitute a First Information Report unless it is shown that the information recorded by the competent officer was in accordance with Section 154 Cr.P.C. and was intended either to set the criminal law in motion or it was just a statement under section 161 Cr.P.C. as part of investigation. Similarly, the investigation, in the legal sense, commences only after the receipt of information satisfying the requirements of Section 154 Cr.P.C., the registration of the FIR, and the subsequent steps taken under Chapter XII of the Code, including examination of witnesses under Section 161 Cr.P.C. Therefore, the mere presence of police officers at the scene of occurrence, pursuant to some unverified prior information, cannot by itself give rise to an inference that an earlier FIR existed and was



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suppressed. Therefore, this Court is unable to accept such a broad proposition that the fact that police officers visited the scene upon receiving a cryptic message, made preliminary enquiries, or gathered basic facts for ascertaining the nature of the occurrence would not lead to an inference of the existence of an earlier FIR.

12.9. This court also is duty bound to look from another angle. This Court cannot lose sight of the ground realities prevailing in cases involving murder and serious bodily injuries. In almost all such cases, the foremost concern of the persons present at the scene of occurrence is not the initiation of criminal proceedings but saving the human life. The immediate priority of the relatives, eyewitnesses, and bystanders is to provide timely medical assistance to the injured and to ensure that the victims are transported to the nearest hospital at the earliest possible opportunity. This Court has repeatedly noticed that persons witnessing a gruesome occurrence are often under immense mental stress, shock, and confusion. In such circumstances, their primary concern is naturally directed towards securing medical treatment for the injured rather than furnishing a detailed account of



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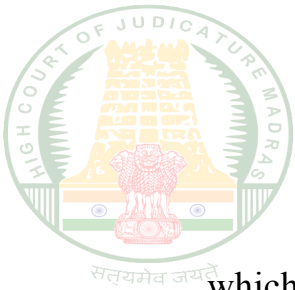
the occurrence to the police. Even assuming that some eyewitnesses, injured witnesses, or other persons present at the scene had disclosed certain facts regarding the occurrence to police personnel who arrived immediately after the incident, such disclosure by itself would not constitute a First Information Report unless it is shown that the information was recorded by the competent officer in accordance with Section 154 Cr.P.C. and was intended to set the criminal law in motion. Therefore, any preliminary interaction between such persons and police personnel who happened to reach the scene cannot automatically be elevated to the status of a First Information Statement within the meaning of Section 154 Cr.P.C. Unless there is a specific and concrete answer elicited from the witness that he had furnished a detailed statement containing the particulars of the occurrence, the identity of the assailants, the manner of assault, and other material particulars, and that such statement was recorded as the first information by the competent police officer, no adverse inference can be drawn against the prosecution. In such circumstances, their primary concern is naturally directed towards securing medical treatment for the injured rather than furnishing a detailed account of the occurrence to the police. Therefore, any



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preliminary interaction between such persons and police personnel who happen to reach the scene cannot automatically be elevated to the status of a First Information Statement within the meaning of Section 154 Cr.P.C. for the same reason ,this court declines to accept a strange proposition that the mere fact that a police officer, who was not the investigating officer or the officer competent to register the FIR, had made enquiries regarding the occurrence cannot be a ground to disbelieve the testimony of the informant or other eyewitnesses. Unless there is a specific and concrete answer elicited from the witness that he had furnished a information as per Section 154 of Cr.P.C. Every prior piece of information received by a police officer does not become an FIR merely because it relates to the same occurrence. Such steps cannot be equated with the commencement of a formal criminal investigation pursuant to the registration of an FIR. The receipt of such cryptic information and the consequent arrival of the police officer at the scene cannot, by itself, constitute the First Information contemplated under Section 154 of the Code of the Criminal Procedure such a submission overlooks the well-recognized distinction between mere information relating to an occurrence and the First Information Statement on the basis of



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which a case is registered under Section 154 of Cr.P.C.

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12.10. The scheme of Section 154 Cr.P.C. makes it clear that the First Information Report is registered on the basis of information furnished to the officer-in-charge of the police station disclosing the commission of a cognizable offence. The First Information Statement furnished by the informant forms the basis for registration of the FIR.

12.11. Section 154 Cr.P.C requires that the information should relate to the commission of a cognizable offence, i.e., the information should be such that it enables the police to come to the conclusion that a cognizable offence has been committed. The section further provides that if the information is given orally it should be reduced to writing and such information whether given in writing or reduced to writing should be signed by the informant. .However it can be stated as a general principle that it is not every piece of information however vague, indefinite and unauthenticated should be recorded as the First Information for the sole reason that such information was the first, in point of time, to be received by



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the police regarding the commission of an offence.

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12.12.The Hon'le Supreme Court in the above stated cases observed that only when the information is sufficiently detailed, discloses the commission of a cognizable offence, and is reduced into writing in the manner contemplated under Section 154 Cr.P.C., can it assume the character of a First Information Report and not every information received by the police constitutes an FIR. Mere proof that police personnel had received information regarding the occurrence and had reached the scene does not by itself establish the existence of an earlier FIR. Even assuming that some information regarding the occurrence was conveyed to the police before the informant proceeded to the police station and lodged a written complaint, such information would not automatically assume the character of a First Information Report unless it satisfies the requirements of Section 154 Cr.P.C. *The distinction between a cryptic message informing the police about the occurrence of a murder and a legally cognizable First Information Report must always be borne in mind. The former merely sets the law-enforcement machinery in motion for verification of facts, whereas*



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the latter is the information contemplated under Section 154 Cr.P.C. upon which a case is formally registered. Unless it is conclusively established that an earlier information satisfying the requirements of Section 154 Cr.P.C. existed and was deliberately withheld, the Court cannot draw an adverse inference regarding the genesis of the prosecution case merely on the basis of assumptions. The submissions, founded merely upon stray answers or conjectural inferences, do not furnish a valid basis to doubt the genuineness of the FIR or the genesis of the prosecution case. The above view is fortified by the settled principles laid down by the Hon'ble Supreme Court in the above mentioned cases.

12.13. *“From the foregoing discussion of the precedents, this Court formulates the following guiding principles regarding the plea of suppression of an earlier First Information in the context of criminal prosecutions”:*

12.13.1. Every cryptic or preliminary information received by the police, in the nature of prompting in the law enforcing authority to immediately proceed to the scene of the occurrence for verification, for the



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assessment of the situation, for securing the area in the interest of maintain law and order cannot, by itself, be treated as the First Information Report or the First Information Statement contemplated under Section 154 of the Code of Criminal Procedure, 1973.

12.13.2. In order to successfully raise the plea that an earlier First Information has been suppressed, the accused must establish that suppression of such the earlier information satisfying atleast the essential ingredients of a First Information Statement, with different version of occurrence, particulars regarding the circumstances of the crime, identity of the actual culprits, specific overtact attributed against the each accused which was duly received, recorded by the competent police officer and entered in the prescribed FIR Register in accordance with law.

12.13.3. Even in cases where a General Diary (GD) entry is treated as the First Information Report, such treatment is permissible only if the entry satisfies the requirements of Section 154 of the Code of Criminal Procedure. As held by the Hon'ble Supreme Court in Tapan Kumar Singh v. State of Bihar, an earlier information may itself constitute the FIR if it discloses the commission of a cognizable offence and contains the essential



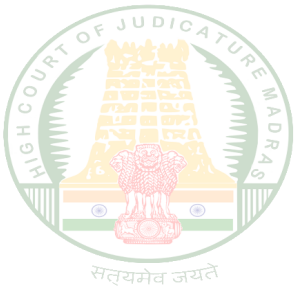
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particulars, including the identity of the accused, where known, and the manner in which the occurrence took place. Therefore, where the defence raises a plea that an earlier General Diary entry constitutes the real FIR and that the subsequently registered FIR has suppressed the earlier information, the burden lies on the defence to establish that the General Diary entry contained the names of the accused, their specific overt acts, and all the material particulars required under Section 154 CrPC so as to qualify as the First Information Report.

12.13.4.Unless these foundational facts are established by the defence, no inference can be drawn that the prosecution has suppressed an earlier First Information.

12.13.5.Whether a particular piece of information constitutes the First Information within the meaning of Section 154 CrPC is a question that must be determined on the facts and circumstances of each case.

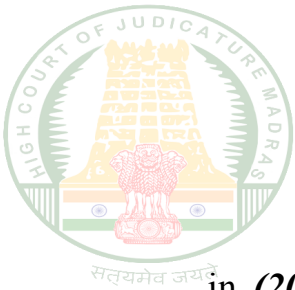


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12.13.6.Only upon proof of the aforesaid requirements can the Court examine whether the suppression of the earlier First Information has affected the prosecution case by concealing the true genesis or origin of the occurrence. In the absence of such proof, the plea of suppression of the First Information cannot be accepted to either doubt the genesis of the occurrence, registered information in the form of FIR or credibility of eye witnesses and injured witnesses.

12.13.7.We make it further clear that not mere suppression; suppression of existence of earlier information recorded either as first information statement or registered as first information report with contrary material to the contents of the present complaint and FIR with different version of occurrence, name of the accused, overtact against the accused ought to have been established so as to bring material bearing on the credibility of the prosecution case, including the reliability of the eyewitnesses, the injured witnesses, and other material witnesses. In the case of the suppression of the earlier information, the principles laid down by the Honble Supreme Court in the case of *Alagarsamy v. State*, reported



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in (2010) 12 SCC 427 in the following paragraphs has to be taken into account :

39. After all, the FIR is not a be-all and end-all of the matter, though it is undoubtedly, a very important document. In most of the cases, the FIR provides corroboration to the evidence of the maker thereof. It provides a direction to the investigating officer and the necessary clues about the crime and the perpetrator thereof. True it is that a concocted FIR, wherein some innocent persons are deliberately introduced as the accused persons, raises a reasonable doubt about the prosecution story, however, a vigilant, competent and searching investigation can despoil all the doubts of the court and on the basis of the evidence led before the court, the court can weigh the inconsistencies in the FIR and the direct evidence led by the prosecution. It is not a universal rule that once FIR is found to be with discrepancies, the whole prosecution case, as a rule, has to be thrown. Such can never be the law.

13. Now this Court considered the present case on the basis of the above principles. In the present case, the occurrence involved the murder of a Village Administrative Officer inside his office premises during broad daylight. The evidence on record indicates that the incident occurred in a



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public place and naturally police would have been informed. It is therefore not surprising that police officials reached the scene shortly after receiving some cryptic information regarding the occurrence. The evidence further discloses that, immediately after the assault, the injured was shifted to the Tirunelveli Medical College Hospital through the 108 Ambulance Service. P.Ws.1 and 2, who are as eyewitnesses, accompanied the injured for medical treatment. Therefore, at the time when police personnel initially reached the place of occurrence, the principal eyewitnesses were admittedly not available at the scene, having already proceeded to the hospital along with the injured.

13.1. Much emphasis was placed on the evidence of one police constable who stated that he had recorded a statement from P.W.2. However, there is no material on record to establish whether such information was reduced into writing as a complaint disclosing all the essential ingredients making out a cognizable offence or whether it was merely a preliminary oral narration regarding the occurrence. In any event, no such document has been shown to exist so as to constitute the First Information Report within



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the meaning of Section 154 Cr.P.C.

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13.2. Accordingly, this Court finds no merit in the contention of the learned counsel for the appellants that there existed an earlier FIR which was suppressed by the prosecution. The FIR in the present case cannot be viewed as doubtful document merely because police personnel had arrived at the place of occurrence upon receiving some information regarding the incident. For all the aforesaid reasons, the contention relating to the alleged suppression of an earlier FIR is rejected.

13.3. The facts of the present case clearly demonstrate that the police first received information regarding the occurrence of a serious assault upon a public servant. Acting upon such information, police officials reached the scene and verified the occurrence. Thereafter, upon receiving the complaint from the eyewitness and informant, a formal case was registered and the investigation commenced in accordance with law. Therefore, merely because police officials reached the scene before the formal registration of the FIR, it cannot be inferred that an **earlier FIR**



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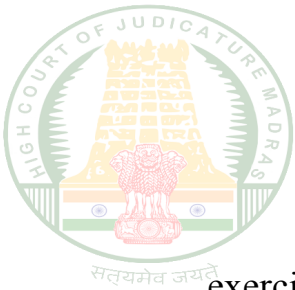
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existed and was subsequently suppressed. Such a conclusion would be contrary to the settled principles governing Section 154 Cr.P.C.

13.4. Accordingly, this Court finds no merit in the contention of the learned counsel for the appellants that there existed an earlier information which was suppressed by the prosecution. The FIR in the present case cannot be viewed as doubtful merely because police personnel had reached the place of occurrence upon receiving some information regarding the incident. Hence, the contention relating to the alleged suppression of an earlier FIR is rejected.

14. Discussion on the explanation under Section 313 of Cr.P.C.:

14.1. The next contention advanced by the learned counsel for the appellants relates to the Test Identification Parade conducted during the course of investigation. According to the learned counsel, the identification proceedings were vitiated as the accused had allegedly been shown to the witnesses prior to the conduct of the parade. It was further contended that A1 was already known to some of the witnesses and, therefore, the entire



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exercise of conducting the Test Identification Parade was a mere formality intended to strengthen an otherwise weak prosecution case.

14.2. The learned counsel also relied upon the explanation offered by the accused under Section 313 Cr.P.C. Wherein they claimed that their photographs had been shown to the witnesses before the Test Identification Parade and, consequently, the identification proceedings lacked evidentiary value.

14.3. This Court has carefully considered the evidence of P.W.27, the learned Judicial Magistrate who conducted the Test Identification Parade, as well as the evidence of P.Ws.1 and 2 and the reports marked as Exs.P29 to P39.

14.4. The evidence on record clearly establishes that P.W.27 conducted the Test Identification Parade strictly in accordance with the prescribed procedure. The reports prepared by the learned Judicial Magistrate demonstrate that all necessary safeguards were observed before



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and during the conduct of the identification proceedings. The testimony of P.W.27 remains unshaken and inspires confidence.

14.5.P.Ws.1 and 2 have categorically deposed that they successfully identified the accused during the Test Identification Parade. Their evidence is consistent and finds corroboration from the reports prepared by P.W.27. Significantly, “when the learned Judicial Magistrate specifically questioned the accused during the Test Identification Parade proceedings, no allegation was made that their photographs had earlier been shown to the witnesses. Such a plea was advanced for the first time at a later stage during their examination under Section 313 Cr.P.C”.

14.6.In the considered opinion of this Court, the belated explanation offered by the accused is clearly an afterthought. No material whatsoever has been placed on record to substantiate the allegation that the photographs of the accused were shown to the witnesses before the Test Identification Parade. Mere assertion, unsupported by evidence, cannot be accepted as proof of such a serious allegation. Apart from the above, it is

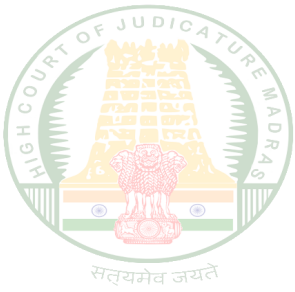


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well settled that a Test Identification Parade is essentially a part of the investigative process intended to test the veracity of the investigation and the capacity of witnesses to identify unknown assailants. The substantive evidence is the identification of the accused before the Court during trial. In the present case, P.Ws.1 and 2 have not only identified the accused during the Test Identification Parade but have also identified them before the Trial Court while deposing on oath. Their dock identification has remained unimpeached. Therefore, even assuming that certain objections could be raised regarding the Test Identification Parade, the same would not materially affect the prosecution case in view of the clear and convincing identification of the accused by P.Ws.1 and 2 before the Court.

14.7.The learned counsel for the appellants further contended that the accused had been arrested much earlier to the dates projected by the prosecution and that the arrest and recovery proceedings were fabricated. This Court finds no merit in the said submission.



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14.8. The evidence of the investigating officer and the official witnesses clearly establish that A1 was arrested on 25.04.2023 and A2 was arrested on 26.04.2023 at the places and times spoken to by the prosecution. The arrest and consequent recoveries have been consistently spoken to by the official witnesses (P.W.13 and P.W.12) and are supported by the contemporaneous records, namely, athachi Ex.P12 and Ex.P14. Further, the serological report Ex.P51 and forensic reports Ex.P52 establish that the blood stains found on the recovered weapons matched with the blood of the deceased, thereby lending further corroboration to the prosecution case.

14.9. Nothing substantial has been elicited in cross-examination to indicate that the official witnesses were deposing falsely or that they bore any animosity towards the accused. No circumstance has been brought on record to probabalise the defence theory that the accused had been taken into illegal custody much earlier to the dates reflected in the arrest records. Accordingly, this Court finds that the prosecution has satisfactorily established the arrest of the accused and the recoveries effected pursuant to



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their disclosure statements.

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14.10. So far as the defence is concerned, the learned counsel for the appellants submitted that the accused had furnished a detailed explanation during their examination under Section 313 Cr.P.C., and therefore the prosecution case ought not to have been accepted without properly considering the defence version.

14.11. This Court has carefully considered the explanations offered by the accused under Section 313 Cr.P.C. However, a substantial portion of the defence appears to have been raised for the first time during the said examination. Significantly, when the accused were produced before the learned Judicial Magistrate in connection with various investigative procedures, including the Test Identification Parade conducted by P.W.27, no such allegations or explanations were put forth by them.

14.12. The explanation subsequently offered by the accused that they had been falsely implicated and that the actual perpetrators were some

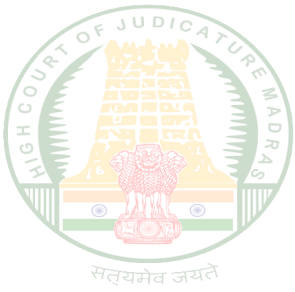


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other persons cannot be accepted in the facts and circumstances of the present case. The defence sought to contend that the deceased had initiated criminal proceedings against several persons involved in illegal mining activities and, therefore, there is a possibility any one among them could have committed the offence.

14.13. This Court is unable to accept the said contention. The mere existence of disputes between the deceased and other persons involved in illegal mining activities cannot by itself displace the direct and cogent evidence adduced by the prosecution against the present accused. The records disclose that the investigating agency conducted a comprehensive and fair investigation. During the course of investigation, the involvement of the accused was established through multiple independent circumstances, including the ocular testimony of P.Ws.1 and 2, the fingerprint evidence, the recoveries effected pursuant to the disclosure statements of the accused, and the corroborative medical and scientific evidence.



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14.14. The defence has not been able to demonstrate any material omission, deliberate suppression, or unfairness in the investigation so as to probabalise its theory that some unknown third parties would have been the assailants. On the contrary, the evidence collected during investigation consistently points towards the involvement of A1 and A2.

14.15. The prosecution has also established a proximate and immediate motive. The evidence on record shows that shortly before the occurrence, the deceased had once again initiated action against A1 in connection with illegal mining activities and had lodged a complaint on 17.04.2023 relating to the illegal mining detected on 13.04.2023. The close proximity between the said complaint and the occurrence furnishes a strong motive supporting the prosecution case.

14.16. The investigating agency has collected the relevant materials in a systematic and cogent manner and has established the prosecution case through reliable ocular evidence, corroborative medical evidence, forensic materials, and other attendant circumstances.



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Accordingly, the defence theory attributing the crime to unidentified third parties cannot be accepted.

15.Discussion on the Medical Evidence:

15.1.The learned counsel for the appellants further contended that there is no corresponding medical evidence to support the allegation that A2 assaulted the deceased with a crowbar and, therefore, the presence and participation of A2 remain doubtful.

15.2.This Court has carefully examined the post-mortem certificate and the medical evidence available on record. The injuries noted by the Medical Officer disclose the presence of multiple sutured wounds, cut injuries, and extensive lacerated and gaping wounds on various parts of the body.

15.3.It is true that in a case involving the use of different weapons by multiple assailants, it may not always be possible to distinctly segregate and attribute every individual injury to a particular weapon with



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mathematical precision. In the present case, the prosecution alleges the use of sharp-cutting weapons by A1 and a crowbar by A2. The injuries found on the deceased reveal a brutal and simultaneous assault resulting in extensive bodily injuries.

15.4. *“In such circumstances, there exists a reasonable possibility that the effects of the blows inflicted by different weapons may overlap or merge, particularly when the assault is continuous and directed at the same parts of the body.”* The absence of a separately identifiable injury corresponding exclusively to the crowbar does not necessarily discredit the prosecution case.

15.5. More importantly, the participation of A2 has been consistently spoken to by P.Ws.1 and 2, whose evidence has already been found reliable and trustworthy. Their ocular testimony stands corroborated by the surrounding circumstances and the medical evidence regarding the nature and multiplicity of injuries sustained by the deceased. It is a settled principle that where trustworthy ocular evidence is available, irrelevant



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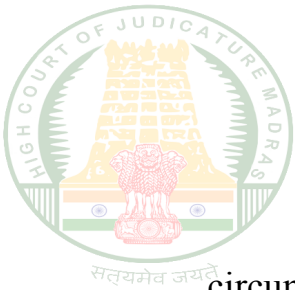
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discrepancies regarding the precise correspondence between a particular injury and a specific weapon would not be sufficient to reject the prosecution case.

15.6. Considering the nature of the occurrence, the multiplicity of injuries, and the evidence regarding the participation of both accused, this Court is of the view that the absence of a distinctly identifiable injury attributable solely to the crowbar is not a circumstance capable of creating a reasonable doubt regarding the involvement of A2. Accordingly, the contention advanced on behalf of the appellants that the absence of a corresponding injury disproves the participation of A2 is misconceived and is liable to be rejected.

16. Discussion on the precedents relied upon the learned counsel appearing for the appellant:

16.1. So far as the precedents relied upon by the learned counsel for the appellants are concerned, it is a settled principle of criminal jurisprudence that every criminal case turns upon its own facts and

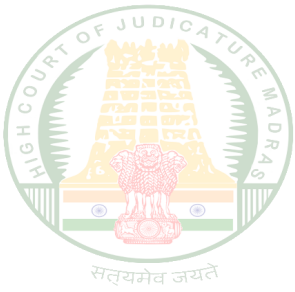


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circumstances. Judicial precedents are binding with respect to the legal principles enunciated therein; however, the ultimate conclusion reached in a particular case depends upon the factual matrix established by the evidence on record. Therefore, while precedents provide guidance regarding the applicable legal principles, their applicability must always be examined in the context of the facts of the case under consideration.

16.2. The learned counsel for the appellants placed reliance upon the judgment of the Hon'ble Supreme Court reported in **2025 SCC OnLine SC 670**. A careful reading of the said judgment shows that the Hon'ble Supreme Court, after considering the peculiar facts of that case, disbelieved the prosecution version on account of various infirmities and circumstances which created serious doubt regarding the involvement of the accused. One of the significant factors considered therein was the existence of prior animosity between rival groups, coupled with circumstances giving rise to a reasonable possibility of false implication.

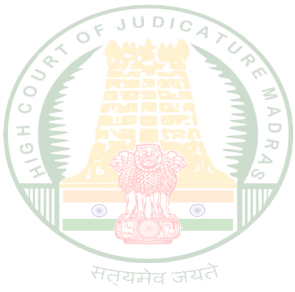


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16.3. The factual position in the present case stands on an entirely different footing. As already discussed in detail, the prosecution has established that A1 was repeatedly involved in illegal mining activities and that the deceased, in his capacity as Village Administrative Officer, had lodged complaints against him on more than one occasion. The evidence further demonstrates that the deceased was acting in discharge of his official duties and was taking lawful steps to curb illegal mining operations within his jurisdiction.

16.4. The materials available on record do not disclose any personal animosity or private dispute between the deceased and the accused. The motive projected by the prosecution is not based on any personal vendetta but arises out of the official actions taken by the deceased against the illegal activities allegedly carried on by A1. In such circumstances, the possibility of false implication appears highly remote and improbable. Accordingly, this Court is of the view that the ratio laid down in the aforesaid judgment is distinguishable on facts and does not advance the case of the appellants.

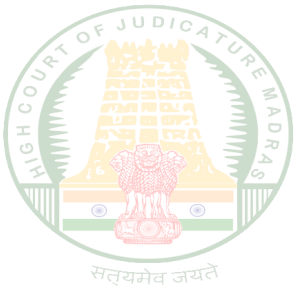


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16.5. The learned counsel also relied upon the un-reported judgment of this Court in Criminal Appeal (MD) No.492 of 2023. A perusal of the said decision reveals that the acquittal recorded therein was based upon a combination of factors, including unexplained delay in the registration of the FIR, the absence of reliable independent witnesses, the existence of strong enmity between the parties, and the failure of the Trial Court to properly consider the defence explanation and other material circumstances appearing in favour of the accused.

16.6. The facts of the present case are materially different. This Court has already found that the FIR was promptly registered, the presence of the eyewitnesses has been satisfactorily established, the prosecution witnesses have withstood cross-examination, and the prosecution case receives substantial corroboration from medical, forensic and scientific evidence. Therefore, the factual foundation upon which the said judgment was rendered is absent in the present case.



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16.7. The learned counsel further relied upon the unreported judgment rendered in Criminal Appeal No.123 of 2024. This Court has carefully considered the principles laid down therein. However, the factual circumstances which persuaded the Court to extend the benefit of doubt in that case do not arise in the present matter. Consequently, the said decision is also distinguishable on facts.

16.8. The learned counsel further relied upon certain decisions relating to expert evidence and the procedure adopted for obtaining specimen fingerprints. This Court has already made a detailed discussion on that aspect while dealing with the evidence of P.Ws.19, 20 and 24 and has considered the legal position governing the admissibility and evidentiary value of fingerprint evidence.

16.9. As already held, even assuming that a technical laches exist regarding the competency of the officer who obtained the specimen fingerprints, such objection by itself is insufficient to discard the evidence when the collection of the samples, their preservation, and the subsequent



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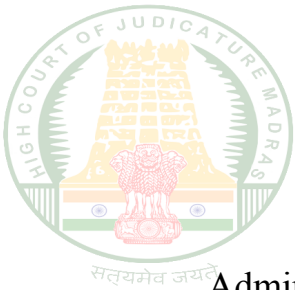
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comparison by the expert have not been shown to suffer from any legal infirmity affecting their reliability. The defence has neither disputed that the specimen fingerprints were obtained from the accused nor established any prejudice caused on account of the alleged procedural irregularity. In view of the legal principles governing the appreciation of expert evidence and for the reasons already recorded in the preceding paragraphs, this Court is unable to accept the reliance placed by the learned counsel for the appellants on the decisions cited in support of the challenge to the fingerprint evidence.

16.10. Accordingly, this Court finds that none of the precedents relied upon by the learned counsel for the appellants are applicable to the facts of the present case in a manner that would warrant interference with the conviction and sentence imposed by the learned Trial Judge.

17.Conclusive finding:

17.1.This is a cold-blooded murder committed in broad daylight inside the Village Administrative Office while the deceased Village

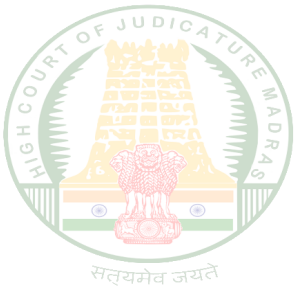


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Administrative Officer was discharging his official duties. The nature of the injuries, namely multiple cut injuries and blunt injuries inflicted with deadly weapons, fully corroborates the ocular version of the prosecution witnesses. The eyewitness account of P.Ws.1 and 2 is further strengthened by the testimony of P.Ws.5 and 6, whose evidence completes the chain of circumstances by establishing that immediately after the occurrence, the accused emerged from the Village Administrative Office carrying the deadly weapons and fled from the scene. Their testimony is consistent with the medical and forensic evidence.

17.2.The prosecution has also satisfactorily established the motive for the crime. The documentary evidence demonstrates that the deceased had been actively taking action to prevent illegal sand mining. Prior to the occurrence, he had intercepted the accused on two occasions while they were illegally transporting sand, lodged complaints against them, and the vehicle used for the illegal transportation was subsequently recovered. The prosecution has, therefore, established a strong motive for the commission of the offence.



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17.3. On a cumulative appreciation of the ocular, documentary, medical, and scientific evidence, this Court is satisfied that the prosecution has proved the guilt of the accused beyond reasonable doubt. Accordingly, this Court finds no infirmity in the findings recorded by the learned trial Judge and concurs with the conviction of the accused.

17.4. On an overall appreciation of the oral and documentary evidence, this Court is satisfied that the prosecution has proved beyond reasonable doubt that A1 and A2 committed the murder of the deceased. The motive for the crime, the reliable ocular testimony of P.Ws.1 and 2, the corroborative medical evidence, the fingerprint evidence, the recoveries effected pursuant to the disclosure statements, and the other attendant circumstances form a complete and consistent chain pointing unerringly towards the guilt of the accused.

17.5. This Court finds that the learned Trial Judge has meticulously analysed the evidence on record and rightly concluded that the prosecution has established the charges beyond reasonable doubt. No



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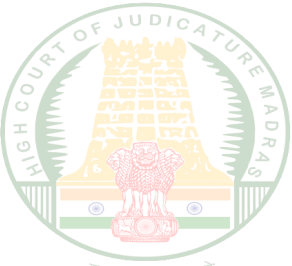
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ground warranting interference with the findings of conviction and sentence has been made out.

18.Discussion on the Mistake in the AR Copy and Direction:

18.1.Nowadays, in a considerable number of criminal cases, it is noticed that, in the Accident Register, under the column 'கொண்டு வந்தவர்' (person who brought the injured/deceased to the hospital), the attending doctors merely mention "108". Taking advantage of such entries, the learned counsel appearing for the defence frequently contend that the injured or deceased was brought only by the 108 Ambulance Service and, therefore, the presence of the prosecution witnesses at the relevant point of time becomes doubtful, thereby casting an unwarranted suspicion on their credibility.

18.2.In the considered view of this Court, it is the duty of the medical officer, going by the medical ethics and proper medico-legal practice, to correctly record in the said column the name and particulars of the person who actually accompanied or brought the injured or deceased to



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the hospital. The mere mention of "108" refers only to the mode of transportation and does not disclose the identity of the person who brought the victim. For better appreciation, this Court extracts the A.R., copy hereunder:

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ACCIDENT REGISTER

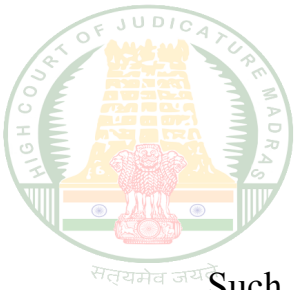
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கொண்டு வந்தவர் 108 Vallamadu
காவல் துறைக்குத் தெரிவிக்கப்பட்டதா? ஆம்/இல்லை
வாக்குமூலம்... தெரிவு / வேண்டாம்

Nature of injury and treatment:
(State simple, grievous or opinion reserved.)
Assault at Muxoppandu VAO Office on
25/4/23 at 12:45 PM with sharp object
by Ole Aravay Sem
at 15-4/15 (2) 15-4/15
GCP—Med. 1-25-180-35—55-150 Bks.—5-8-15 [Acer-5]
CVS 5-52
RS BAC
PLA soft Npr Sub
(17.1.0.)
13.4.4 ++ deff

L/E-① Location 10x10m
② 15-4/15
③ 15-4/15
④ 15-4/15
⑤ 15-4/15
⑥ 15-4/15
⑦ 15-4/15
⑧ 15-4/15
⑨ 15-4/15
⑩ 15-4/15
⑪ 15-4/15
⑫ 15-4/15
⑬ 15-4/15
⑭ 15-4/15
⑮ 15-4/15
⑯ 15-4/15
⑰ 15-4/15
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⑲ 15-4/15
⑳ 15-4/15
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Such ambiguous entries have repeatedly resulted in avoidable controversies during trial and have, on occasions, created unnecessary doubts regarding the credibility of eyewitnesses and other material witnesses.

18.3. To obviate such difficulties and to ensure accuracy in medico-legal records, this Court deems it appropriate to issue a direction to the Principal Secretary to Government, Health and Family Welfare Department, Government of Tamil Nadu, and the Director of Medical Education and Research, Tamil Nadu, to circulate suitable instructions to all Government medical officers and hospitals dealing with medico-legal cases that, in the Accident Register, the column 'கொண்டு வந்தவர்' shall contain the name and particulars of the person who actually brought or accompanied the injured/deceased to the hospital, and not merely the entry "108" or any other mode of transportation.

19.Appreciation and Direction:

19.1. This Court places on record its appreciation for the prompt and efficient efforts of the investigating agency, the prosecution, and the



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learned Trial Judge in ensuring the completion of the entire criminal proceedings within a period of less than five months from the date of occurrence. The chronology of events, as reflected in the records, is extracted below:

Events	Dates
Date of occurrence:	26.04.2023
Filing of the final report	23.06.2023
Completion of committal proceedings	05.07.2023
Framing of charges and commencement of trial	11.08.2023
Completion of examination of witnesses	01.09.2023
Pronouncement of judgment	15.09.2023

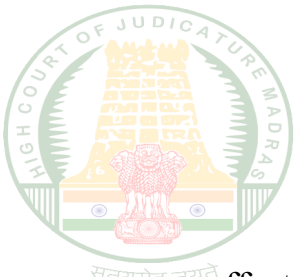
19.2.The above chronology demonstrates that the investigation was completed well within the statutory period prescribed under law, thereby obviating any possibility of the accused seeking statutory bail on the ground of delay in filing the final report. Thereafter, the trial was also conducted expeditiously and concluded within a remarkably short period. The records further disclosed that, considering the sensitivity of the case, the then Inspector General of Police, South Zone namely, Mr.Asra Garg IPS, by proceedings dated 28.04.2023, entrusted the investigation to an officer of the rank of Deputy Superintendent of Police. Both the initial Investigating



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Officer, namely, Mr.Jamal, Inspector of Police, and subsequently appointed Deputy Superintendent of Police, Mr.Suresh completed the investigation in less than two months. Thereafter, the prosecution, had immensely cooperated with the learned Trial Judge, to ensure that the trial was concluded within approximately three months. This Court, therefore, records its appreciation for the dedicated efforts of the investigating officers, the prosecuting agency, and the learned Trial Judge. The present case stands as a model demonstrating that, with proper coordination and commitment, investigation and trial, particularly in serious offences such as murder, can be completed expeditiously without compromising fairness or due process and hence, this Court deems it appropriate to issue suitable directions to the Chief Secretary, State of Tamil Nadu, to make constructive deliberations with the Director General of Police and the Prosecution Department and, issue a circular prescribing a structured time line to facilitate prompt investigation and expeditious trial in similar cases. This Court expresses its hope and expectation that the authorities concerned shall adhere to the said time lines and endeavour to complete the investigation and trial of similar cases within the stipulated period, thereby ensuring



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effective and timely disposal of cases

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20. Conclusion:

In the result, the Criminal Appeal stands dismissed with the above directions and the conviction and sentence passed by the learned Principal Sessions Judge, Thoothukudi District in S.C.No.285 of 2023 dated 15.09.2023 is hereby confirmed.

[N.A.V, J.] & [K.K.R.K,J.]
28.07.2026

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
pal/sbn



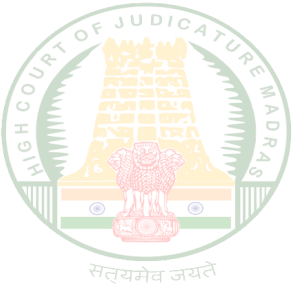
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To

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- 1.The Principal Sessions Judge,
Thoothukudi District.
- 2.The Inspector of Police,
Murapanadu Police Station,
Thoothukudi District.
- 3.The Superintendent,
Central Prison,
Palayamkottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Chief Secretary of the Government of Tamil Nadu.



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N.ANAND VENKATESH, J.
and
K.K.RAMAKRISHNAN, J.

pal

Pre-delivery Judgment made in
CRL.A.(MD).No.1021 of 2023

Dated:28.07.2026