

In the Court of the Sessions Judge, Mahalir Neethimandram, Madurai.

Present:- Thiru. G. Ilangovan, B.Sc., M.L.,
Sessions Judge, Mahalir Neethimandram,
Madurai.

Friday, the 11th day of September 2020.

Sessions Case No.109/2013

Judicial Magistrate VI, Madurai, P.R.C.No.94/2012
Thirunagar Police station, Madurai - Crime No.173/2012

Complainant : The Inspector of Police,
Thirunagar Police station, Madurai.

Name of the Accused : Martin Montrique Mansoor (40/12)
S/o. George Albert Montrique.

Charges framed against the Accused : Sec. 302, 201 IPC and 4(A) of TNPHW Act

Plea of Accused : Not guilty.

Finding of the Judge : Found guilty u/s 302, 201 IPC
Not guilty u/s 4(A) of TNPHW Act.

Judgment : In the result, the accused is convicted for the offence punishable u/s 302 IPC and sentenced to undergo life imprisonment and a fine of Rs.5000/- and in default shall undergo six months Simple Imprisonment and is convicted u/s 201 IPC and sentenced to undergo five years Rigorous Imprisonment and a fine of Rs.5000/- and in default shall undergo six months Simple Imprisonment. Both the sentences shall run concurrently. The accused is acquitted from the charge u/s 4(A) of TNPHW Act. The respective acquittal and conviction is recorded us 235(1) Cr.P.C.

M.O1, M.O3, M.O5, M.O14, M.O.15, M.O16, M.O17, M.O18, M.O19 are ordered to be destroyed after the appeal time is over subject to the order in appeal. M.O2 is ordered to be confiscated to the State. M.O4, M.O6 to M.O13, M.21 are ordered to be kept along with the case records as documents. Fine of Rs.10,000/- paid.

The above case came up before this Court on 27.8.2020 for final hearing in the presence of Thiru K. Sundaravel the Special Public Prosecutor for the State and the Accused is on bail and defended by Advocate Thiru K. Veluchamy, and upon hearing both sides and after perusing the case records and having stood over till this date for the consideration of this Court, this Court delivers the following:

JUDGMENT

The Inspector of Police, Thirunagar Police Station, Madurai laid final report before the learned Judicial Magistrate No.VI, Madurai, which reads that the Informant in this case is Santhalakshmi, the Village Administrative Officer, Thoppur. The accused belongs to Mexico. The accused has been residing at second floor of staff quarters, Kalasalingam University. The deceased Cecile Denise Acosta Reynaud was also a Mexican National. The accused continued his research in Mathematics and is pursuing his post doctoral research at Kalasalingam University, Virudhunagar district. The deceased and the accused were living together as husband and wife by mutual agreement for 6 years and a girl child named Adela was born to them. Since difference of opinion arose between them, the issue of custody of the

child was adjudicated by the Family Court of Mexico and they had been sharing the custody of the child as per the order of the court. The deceased was staying in Kerala for about one year to learn Mohini Attam. As per the order of the Family court, Mexico the deceased used to visit the child at the house of the accused. The deceased asked the accused to hand over the child to her, but the accused refused. On 4.4.2012 the deceased came from Kerala to the house of the accused and asked the custody of the child and finally on 9.4.2012 at 12 noon, the deceased strictly asked the accused to handover the child and there was a dispute arose between them, the deceased struck the accused with her hand and hence the accused suspecting that the deceased would take the child from him if left to continue on the said course, with the intention of killing her took a knife that was used to cut fruits from the kitchen and stabbed at the left thigh of the deceased, prevented her from running and broke the right wrist of the victim and since the deceased cried, the accused caught hold of her hair with his right hand and hit her head against the floor thereby caused the death on the spot and thus murdered her. Further with an intention to hide the murder, the accused kept the dead body in the East side room in his house and on 10.4.2012, wrapped the above dead body in a plastic paper and tied with a rope and put it in a travel suitcase and closed it and at 1.00 a.m he brought down the suitcase put in the dickey of his Ford Fusion car bearing registration No.TN 01-Z-4389 and at 9 a.m, he picked her child and did the daily routine, went to Madurai to purchase petrol in two petrol bunks and on 10.4.2012 at 10.45 p.m, in an open place on the soil road to Cheziar house opposite to Thoppur Kanmai, in the Austinpatti police station range of Thirungar police circle, poured petrol on the dead body with the

travel suitcase with an intention to hide the identity of the deceased burnt it. Thus, the actions of the Accused herein is punishable under Sections 302, 201 IPC and section 4(A) of TNPHW Act.

2) The above final report was taken on file as P.R.C.No.94/2012 by the learned Judicial Magistrate Court No.VI, Madurai, when the accused appeared before her the provisions u/s 207 Cr.P.C were complied with and the case was committed to the court of Principal District Judge, Madurai and thereafter the case was made over to this court, and the charges were framed against the accused u/s 302, 201 IPC and section 4(A) of TNPHW Act and on questioning he pleaded not guilty to the charges and claimed to be tried.

3) On the side of the prosecution 40 witnesses were examined as P.W1 to P.W40, Exhibits P1 to P40 and M.O 1-MO 21 were marked on the defence side D.W1 was examined and three documents were marked.

4) The story of the prosecution:

P.W39 Cecile Mireille Reynaud Pulido is the mother of the deceased. The deceased, the accused and P.W39 are Mexicans. When living in Mexico, in the year 2003, the deceased Cecile Denise Acosta Reynaud and the accused started a relationship called sentimental relationship, and after three years they decided to move together through which a daughter, by name, Adela was born on 20.06.2006. Even during their joint living, they were not happy. After the birth of the child, the violence of the accused increased, as a result of which, they separated. Later Cecile started living with her mother namely P.W39. Because of that the accused got angry. The daughter was living with Cecile upto two years as she had to breast feed the

child. After that the custody of the child was shared between the deceased and the accused for 3-1/2 days in a week. Later the accused pressurized Cecile to leave the house of P.W39 and so Cecile left P.W39 and started living in a private apartment. There also the harassment Continued, so Cecile complained to the Attorney General of Mexico. Even after that the violence continued. Finally, the accused wanted to separate the child from the deceased and from the family. In 2010 the accused made some allegations against P.W39, her husband to General Authorities of Justice of Mexico Justice Department. In 2011 also, some allegations were levelled as if the child was subjected to sexual abuse by P.W39 and her husband. But the proceedings were closed due to lack of evidence. Finally on 7.3.2011 the deceased initiated a proceeding before the Family court, Mexico for custody of the child. A compromise was forced upon the deceased by which, order was passed making the custody of the child to both the parents on rotation basis ie 14 months for each. The copy of the Family court, Mexico is marked as Ex.P19 along with the translation copy. As per the agreement, the first custody started with the accused, but against the knowledge of the deceased the accused took the child to Poland and later to India. When this was known to the deceased, she also followed the child and the accused to India and started studying Mohini Attam in Kalamandalam University at Kerala on scholarship. The accused started working in Kalasalingam University, Srivilliputhur residing in the campus along with the child. The deceased used to visit the child once in 15 days at the residence of the accused in Kalasalingam University campus.

5) On 6.8.2012, the custody of the child has to be given to the deceased. The deceased was planning to find out a school for the child in Kerala and also made

arrangements to visit Barcelona to meet her brother Louis Denis. In the beginning of April 2012 the deceased Cecile told P.W39 that she is going to take the child for 15 days during vacation. Antoine Vantelon who was the boy friend of the deceased informed P.W39 that the deceased went to Madurai to see her daughter on 4th April and would return to Kerala on 9th April along with the child. After 9th April 2012, there was no communication from the deceased to P.W39. But the deceased did not return to Kerala and she was informed by Antoine Vantelon that he contacted the deceased but she did not respond. So Antonie went to Madurai to meet the accused. At that time the accused told Antoine that the deceased returned to Kerala on 9.4.2012. Later on 16th April 2012, through a TV channel, she came to understand that a girl having the appearance of her daughter disappeared in India and then only she came to know that the accused murdered her daughter Cecile.

6) On 10.4.2012, P.W16 to P.W19 who were the security guards at the main entrance of the Kalasalingam University campus have spoken about the occurrence that took place on 10.4.2012 concerning the accused.

7) PW 16 and 17 were on duty on that date from 7 a.m till 3 p.m in the main gate. They saw the accused leaving the campus at 9 am along with his child and till 3 p.m, he did not return to the campus. P.W18 and 19 were on turn duty on the date from 10 p.m to 7 a.m on the next day and at that time at 12 O'clock in the mid night they saw the accused drove back in to the campus and P.W18 opened the gate for the accused to enter .

8) At about 11 pm, P.W3, who was having a company in Austinpatty, saw a car coming to the place where the dead body was thrown from East to West

direction, proceeded in the road leading to Seshaiyar house for a short distance, turned back and stopped. At that time he saw fire in the place where the car was parked. Later the car left the place. He saw a burnt body in the place in the morning, informed this incident to Mayathevar namely P.W4 at about 5 a.m on 11.4.2012 P.W4 in turn informed P.W5, the husband of the Village Panchayat President. At about 6.30 a.m both P.W3 and P.W4 proceeded to the spot and found a dead body in a burnt condition. They also saw a travel bag near the dead body.

9) P.W5, the husband of the Village Panchayat in turn after getting the information from P.W4 informed P.W1, the Village Administrative Officer of Thoppur and proceeded to the spot. He also informed Asthanpatti police station .

10) After getting the information from P.W5. P.W1 proceeded to the spot. On 11.4.2012 at about 6 a.m in the morning she saw a burnt dead body, could not identify whether it was a male or female. She also saw, a spare part in the place, droppings of blood and she also able to see the dragging markings of the travel bag and tyre marks in that area. From that observation, she came to understand that the dead body was burnt in the travel bag, she lodged a complaint Ex.P1 narrating the observation made by her in the scene and as well other facts. P.W2 the Village Assistant also went to the spot.

11) P.W34 when he was working as Special Sub Inspector in Asthanatti police station, received a complaint from P.W1 at about 8 o'clock in the morning on 11.4.2012 and registered a case in Cr.No.173/12 u/s 302, 201 IPC. He took further action as per law, the printed First Information Report registered by P.W34 is marked as Ex.17. P.W40 also went to the place of occurrence who is the

investigating officer in this case. At about 8.30 a.m in the morning, he prepared a sketch and observation mahazar in the presence of witness namely P.W7 which are marked as Ex.P20 and 21. From 9 to 11 a.m he conducted inquest upon the dead body in the presence of P.W5 and other witnesses, the inquest report prepared by him is marked as Ex.P22. With the help of Forensic science lab experts in the presence of P.W7 and other witnesses, he seized the hair, a portion of night wear from the dead body, burnt iron rod of the travel bag, blood stained earth, and spare part of a car gear box top cover having the markings as Ford 5N 11-AO60A82AAW PP+ EPDM-TD25L through the mahazar under Ex.P23. Hair of the burnt body is M.O14, a portion of night wear M.O15 and burnt ash M.O16, the iron rod of travel bag M.O17 blood stained earth M.O18, common earth MO19 a spare part of car found on place of occurrence which is M.O.5.

12) He also, with the help of Forensic Science Lab Expert P.W27 took the impression of the tyre marks in the place, send the impressions with report through form 95 under Ex.P24. The impressions was taken on the of plaster of paris which is marked as M.O.8 and 9 series. She again on 14.4.2012(date wrongly stated instead of 17.4.2012) took the tyre impressions of M.O.2 for comparison which are marked as M.O.10-13.

13) For the purpose of identifying the dead body, he made request to keep it in the mortuary for 3 days. He examined the witnesses. Formed a special team for identifying the dead body. On the same day he made a request to the Manager Akshaya Ford car company for advise regarding M.O.5.

14) On the same day itself, the accused requested P.W11 at about 10.30 a.m in the morning, who was working as car driver in Kalasalingam University campus, to clean the car and while he opened the car he noticed a bad smell emanating from the car and on his enquiry, the accused told him that his daughter had vomited in the car and he cleaned the car and later took the car to Madurai for making some repair works in the roof, floor etc.

15) P.W40 the investigating officer did not notice any improvement till 13.4.2012 in the investigation. So on 14.4.2012 he sent the dead body for postmortem with a request through PW.25, which was conducted by P.W23 Dr. Rajavelu on 14.4.2012. On his examination, he noticed that the dead body was in decomposed condition and the age was about 25 to 30 years, on his examination he found,

Face, Chest, Abdomen are blotted. Eye balls and tongue are protruding out. Patches of postmortem peeling and blebs of the skin noted. The following postmortem injuries are noted on the body:

Extensive deep burns noted over the following areas, head exposing the bony parts, front and back of chest exposing the ribs, front and back of the whole abdomen exposing the abdominal viscera in partly cooked condition, and loops of intestine in partly cooked condition, back of the whole of left leg, front of upper half of the left thigh, right lower limb and perineal region. Heat split noted in the front of left lower thigh. Superficial burns noted over remaining areas. Peeling and blackening of the skin noted all over the burnt area in patches. The base of the burnt area is pale in colour.

Other findings:

Peritoneal cavity – contains 50 ml of decomposed fluid ; Pleural cavities – contains 20 ml of decomposed fluid on each side ; Pericardium – contains 15 ml of decomposed fluid; Heart- flabby; Lungs – decomposed; Larynx & trachea – normal, no soot particles seen; Hyoid bone – intact; Stomach -contains 100ml of brown colour fluid, with smell of decomposition mucosa – decomposed; Liver, Spleen & kidneys – decomposed; Small intestine – contains 20 ml of decomposed fluid with smell of decomposition, mucosa decomposed; Bladder- empty, Uterus – normal, cut section empty; Brain – liquefied;”

16) After getting the viscera report, he was under the opinion that due to the decomposition of the body, no definite opinion could be given regarding the cause of the death. The postmortem certificate is marked as Ex.P8 and Ex.P9 opinion given by him after getting the viscera report. So this is the happenings on 14.4.2012.

17) On 15.4.2012, the accused appeared before Krishnan Kovil police station and lodged a complaint stating that the mother of his daughter came to Kalasalingam University on 4.4.2012 and stayed there till 9.4.2012 and on that day at 12.00 noon he sent her to Kerala through a bus where she was studying Mohini Attam. From Krishnan kovil she travelled to Serunthuruthi through Shoranoor. On 11.4.2012, he contacted Cecile but it was picked up by a male person and later it was switched off. He tried twice but he did not get any response, he also sent e-mail on 12.4.2012, 13.4.2012 and there was no reply. On 14.4.2012 he contacted the house owner where Cecile was residing at Senthuruthi, he was informed that Cecile did not return and he could not get any information inspite of his best efforts. The complaint was

registered as Cr. no 70/12 under EXP.33 which was investigated by PW 38 ,the inspector of Krishnan kovil police station on the particular day. This fact of lodging of complaint, registering First Information report came to the notice of the investigating officer, so P.W.40 immediately proceeded to Krishnan Kovil police station and examined P.W33, the investigating officer in the above said Cr.No.70/2012. He enquired P.W8 and other witnesses and recorded their statements. From the complaint lodged by the accused he came to know that the accused was also owning a Ford car.

18) On 17.4.2012 at about 10 am, he arrested the accused who was driving his Ford Car Registration No. TN -01-Z-4389 and in the presence of P.W9 and P.W10, he enquired him and recorded the confession statement and recovered from him Ford fusion car M.O2, Nokia cellphone, MO1, M.O3, knife, M.O4 passport, the photos of the deceased M.O21 under proper mahazars under EX.P5 and 6. The admissible portion of the confessional statement is Ex.P25 which was also marked as Ex P4 and prepared observation mahazar and rough sketch under Ex.P7 and P27. On 18.4.2012 the accused was produced before the Magistrate and remanded to judicial custody. He forwarded the seized objects to the court.

19) For the purpose of confirming that the deceased is the mother of child Adela he made a request for DNA test through the court. P.W29 is the Joint Director in Madras Forensic Science Lab, examined the body parts of the deceased, the bone and that of the blood sample of the child Adela and after examination, he was of opinion that the the deceased is the biological mother of the child. The DNA profile report is marked as Ex.P13.

20) PW40, on 22.4.2012, made request for comparing the tyre tread impression taken from the car owned by the accused by the process of Plaster of Paris casting method along with the impressions recorded in CDs taken from the place where the dead body was found. P.W30 Forensic Science lab Joint Director examined the impressions sent by the court and after examining it, he could not give a definite opinion since the impressions were not complete in nature since the complete periphery of the each of the suspected vehicle was absent, and the opinion given by him is marked as Ex.P14.

21) Later P.W40 recorded the statement of other witnesses namely P.W12, 13, 14, 15, 24, 25, 26 and 11 etc. The purchase bill of petrol by the accused is marked as Ex.P32. Later he recorded the statement of P.W39, the brother of the deceased namely Yas Micheal Agostha and the male friend of the deceased, Toni Atwan and a Lawyer and recorded their statements. On 20.5.012, he examined P.W20 Rangunath who sold the car to the accused and P.W21 the Mechanic of Akshaya Ford who conducted demo fitting spare part M.O 5 in the Ford car owned by the accused.

22) He also made arrangements for identifying the deceased with the photograph supplied by the accused by super imposition process. It was undertaken by P.W28. On his request, P.W28 after conducting the super imposition process, gave the opinion under EX.P12 that the skull sent for examination belongs to the person found in the photograph.

23) P.W32 is the Serologist who examined the articles sent to him for examination. The report is marked as Ex.P16. From that examination that he could not found out the correct blood grouping.

24) P.W31 examined following items
earth with dark brown stains, earth mixed with small stones, hairs, stainless steel knife. On her examination, she found blood strains in the first item and not in other items, the report is EX 15.

25) On 28.6.2012 P.W40 examined P.W16, P.W17, 18, 19, and 33 recorded their statements. After completing his investigation, from the evidence and from the documents, he came to know that only the accused committed the murder of Cecile and brought her dead body to Thoppur Kanmai and burnt it. So with this opinion and after getting the approval of Joint Director he filed the final report on 25.8.2012 stating that the accused has committed the offences punishable u/s 302, 201 IPC, section 4(1)(A) of TNPHW Act.

26) On 10.10.2012, he recorded the statement of P.W13, 35 who down loaded the call details of the accused for knowing the tower location and submitted the documents to the court. He prepared additional list of witnesses and made a request to Judicial Magistrate II, Srivilliputhur to sent the documents concerned in Cr.No.70/12 to Judicial Magistrate No. VI, Madurai and as noted earlier, Ex.P33 is the First Information report registered in Cr.No.70/12 on the file of Krishnan kovil police station.

27) P.W35 is the Head constable of Thirunagar police station, at the request made by the investigating officer, he downloaded the tower location of cell

No830014286 from 9.4.2012 to 16.4.2012. The call details down loaded by her is marked as Ex.P18.

28) P.W37 is the Head constable attached to Saptur police station and he helped the investigating officer in preparing the records. P.W26 is the court staff attached to Judicial Magistrate No.6, Madurai who received the Form 95's along with the request and sent the same for examination by the experts. P.W20 is the car seller who sold the Ford car bearing No. TN 01 Z 4379 to the accused in the second month of 2012. P.W21 as mentioned by the investigating officer conducted a demo by fitting M.O14 in the Ford car bearing TN 01-Z-4389 on 17.4.2012. At the request made by investigating officer, P.W22 visited the place where the dead body was found took photograph of the impression of the tyre marks found in the place and that of the dead body on 11.4.2012 at the request made by the investigating office and later on 17.4.2012, he took impression of the tyre of the car bearing registration No. TN01-Z4389 and got the same recorded in CD and handed over the same on 22.4.2012. The CD of the place where the dead body was found is M.O6 and M.O7 M.O 20 are the photographs of the tyre marks of the car.

29) P.W8 is the neighbour of the accused and at his request he made arrangements for purchasing a car for the accused. P.W6 who is stated to have seen a car on 10.4.2012 at the place of where the dead body was found, remain hostile and stated that he never saw any such car near the place of occurrence.

30) P.W12 is working as pump boy in KR agency he also turned hostile and he could not remember the person who purchased petrols in the bunk. P.W13 is the cashier in kSN petrol bunk he also could not remember selling of petrol in a plastic

bottle. P.W14 is the pump man in the ks bunk and he also could not remember whether the petrol was purchased by the accused in the bunk. P.W15 is the cashier in kSN petrol bunk and he also could not remember whether the accused purchased petrol from his bunk.

31) P.W7 who was stated to have witnessed when the investigating officer visited the place where the dead body was found preparing mahazar and sketch turned hostile and he could not say anything about those facts.

32) P.W36 accompanied the accused for lodging the complaint with the Krishnan kovil police about the missing of Cecile. Since the accused did not know Tamil, he translated the English version into Tamil which was presented by the accused to the Krishnan Kovil police station on 15.4.2012. P.W33 is the Special Sub Inspector working in Krishnan Kovil police station who registered the complaint given by the accused in Cr.No.70/12. P.W38 is the investigating officer in the above said Cr.No., his statement was recorded by P.W40. P.W24 was working as Head constable in Astinpatti police station on 11.4.2012 and he handed over the express First Information report in this case to Judicial Magistrate No.6, Madurai.

33) EX.P36 is the viscera report of the deceased wherein it is mentioned that the stomach and other inner parts did not detect any poison.

34) During 313 Cr.P.C question apart from denying and explaining incriminating evidences against him, the accused had enclosed a written statement along with three e-mails with English translation alleged to have been exchanged between himself and the deceased regarding the custody of the child during the summer vacation started in April 2012. In the written statement he stated that he was

arrested on 16.4.2012 and not 17.4.2012, the reading of the e-mails exchanged between himself and the deceased would show that they had a cordial relationship during the relevant time and both entered an agreement to take the custody of the child during the summer vacation which was reached in the month of March 2012 itself. He would also further add that Tony Advan (Antoni Vantalone) is the main cause for the death of the deceased and he only approached him to lodge the complaint as if the deceased was missing. This is a false case foisted against him.

35) On the side of the defence D.W1 was examined and three documents were marked through D.W1 who was working as Public Relation Officer in VPMM Matriculation school, Srivilliputhur and according to him the child Adela, was studying U.K.G in their school and Adela attended the school on 2,3,4,5,9,10,11,16 From 19.4.2012 the annual holiday began, school examination was conducted from 4.4.2012 to 18.4.2012. D1 is the attendance registrar, D2 is the entry D3 is the certificate issued by the principal.

36) The point for consideration is whether the charges framed against the accused are proved beyond all reasonable doubt?

The Point:

37) Where, when, why, by what means and by whom the deceased was done to death, there available no one to speak except the facts in the form of circumstances that are brought on record by the prosecution.

38) If the circumstances that have been brought on record by the prosecution are capable of forming a complete net work then, they can speak more than what the eye witnesses can. Either it will lead to the guilt or innocence of the accused. In

either way circumstantial facts can be the best possible evidence that can be made available to the court than eye witnesses who are, prone, most often as noticed in the present day criminal justice delivery system, to lie.

39) There is an old adage which the Special Public Prosecutor would like to invoke

‘every criminal will leave the trace’

and in the Forensic process, on this similar line, the principles profounded by Dr. Edmond Locard ‘contact exchange’ principle is universally accepted, adopted and proved to be an effective one. According to him

‘every contact leaves a trace’.

Explaining further it is stated as follows,

‘wherever he steps, whatever he touches, whatever he leaves even unconsciously will serve as a silent witness against him. Not only his fingerprints, or his foot prints, but his hair, the fibres from his cloths, the glass he breaks, the tool mark he leaves, the articles he scratches, the blood or semen he deposits, or collects. All these and more bear mute witness against him. This is evidence that is not forget. It is not confused with excitement of the moment, it is not absent because human witness are, physical evidences cannot be wrong. It cannot be perjure itself, It cannot be wholly absent, only human failure to find it, study and understand it can diminishing its value’.

40) Here the prosecution heavily relies upon the physical evidence in the form of spare part of a Ford Fusion car M.O.5 found in the place of occurrence where the dead body was brought and burnt apart from motive, conduct of the accused pre and

post occurrence. This is the background of the case which got to be borne in mind while evaluating evidence.

41) Before we go into the disputed factual aspects let us clear some of the preliminary points which are not in dispute.

42) The deceased and the accused were sentimental partners (the term, we find in EX.P19) as per the custom of the country they belong namely Mexico. Somehow or other, for some reason or other they fell apart, decided to live separately. But the child Adela was there to connect them to some extent. Accused and the deceased entered into a compromise in Mexico Family court regarding the custody of the child for 14 months each on turn basis. The accused and the child came to India and accused started working in Kalasalingam University, stayed in the campus residence along with the child and was also pursuing his post of Doctoral Fellowship in Mathematics. The affection towards the child drove the deceased also to follow her to India and she was studying Mohini Attam in Kalalamandalam University, Kerala, she used to visit the child at the residence of the accused once in 15 days. During the period the deceased used to stay in the residence of the accused. It is also admitted by him that the deceased came to his residence on 3.4.2012 and stayed upto 9.4.2012. This much is admitted. From here the disputed facts start.

43) As narrated in the preamble portion, it is on record to show that the deceased went missing after 9.4.2012 and her burnt dead body was found on 11.4.2012 in Thoppur Kanmai area, which we can hereafter call as (scene of crime) SOC No.2 and the residence of the accused where it is alleged that the killing took

place will be referred as SOC 1. It is the accusation of the prosecution that only the accused murdered her over the dispute of custody of the child and brought the dead body in a pull trolley bag by his Ford Fusion car, burnt the body in the place with a trolley bag and in the process left behind the spare part (M.O5) and car tyre markings in the place. It is the case of the defence that even at 12 noon on 9.4.2012 he himself boarded the deceased in a bus from Krishnan kovil bound for Kerala and he tried to contact her but without response, he lodged a women missing complaint before the Krishnan koil police on 15.4.2012. And regarding motive he would say that even in the month of march 2012 it self they agreed to share the custody of the child during summer vacation. He would also recriminate Tony Advan(Antoni Valantone) the boy friend of the deceased for the death.

44) For the occurrence, as mentioned earlier, there is no evidence to speak about not only with regard to the murder but also with regard to the transporting of the dead body through the car and burning it in the place of occurrence.

45) So the prosecution adopted the above said principle of contact exchange to trace the accused from the physical objects, that were found on the scene of occurrence, the tyre marks and the Ford car spare parts. For the purpose of clarity in the discussion we will also start the discussion from SOC 2.

46) Before that the attempt on the part of the prosecution to prove that only a car transported the dead body to the SOC 2 and burnt the body by examining P.W3 and 6 failed. P.W3 has halfheartedly supported the case of the prosecution and in his first chief examination at the time he would say that only on the next day ie on 11.4.2012 some persons gathered in the SOC2 and he also went and saw the object

which appears special to him and later P.W4 also came to that place. But he was later recalled at the instance of prosecution and examined in further chief on 4.6.2016, at the time he would say that at about 11 p.m in the night (10.4.2012) when he was staying in the company he saw a car coming from East to West direction, went towards Seshaiyar illam, stopped there, returned back, stopped and after that he was able to see fire in that area and the car left the place. He informed P.W4 and along with him he went to the place of occurrence and saw the burnt body on the next day, they informed P.W5, he also noticed car tyre markings in the area. But during cross examination on 6.9.2016, he would say that he was taken to an advocate on 4.6.2016, as per their instructions, he gave evidence on 4.6.2016 .So what impression that we can draw from his evidence, is that he is not willing to speak the truth. Therefore the prosecution would rely upon various judgment for the purpose of argument that a part of the evidence can be relied upon even though a witness turn hostile. When the physical features available in the scene of occurrence speak more about the manner of occurrence, his oral evidence need not be given any importance at all. So we can simply discard his evidence.

47) P.W.4 also turned hostile during his chief examination but at further chief examination on 4.6.2016 would say that P.W3 informed him about the occurrence that took place on the previous night and on the next day, he went to the place of occurrence along with P.W3; that they saw a burnt body in the place of occurrence; they informed P.W4, P.W5 would also corroborate P.W4 and P.W3 and would admit that P.W4 informed him on 11.4.2012 about the occurrence they saw and after informing P.W1, he also went to the place of occurrence at about 6.30 a.m, he was

also treated hostile in respect of the portion which was alleged to have been stated to him by P.W3 and P.W4.

48) P.W6 who is the lorry driver alleged to have seen a grey colour car coming from the SOC 2 on the date, also turned hostile.

49) So what emerges from the evidence of P.W3 to P.W5 and from the soc no 2 is that on the previous night ie on 10.4.2012 the dead body was brought and burnt there. P.W1 who was the Village Administrative Officer of Thoppur village at the relevant time after getting the information from P.W5, went to the place of occurrence No.2, narrating the observation made by her in the place, she lodged a complaint as detailed in narration portion of this judgment.

50) Now let us go to her further evidence and the contents of Ex.P1 complaint. During evidence she would say that a dead body was found in burnt condition along with a travel bag, a spare parts resembling a cover, blood droppings, iron rods, the travel bag pulling and tyre markings in the place. She described the same in complaint also. She also mentioned the number that was found in the spare part. From that she came to the opinion that someone has killed the deceased, packed the same in a pull trolley bag, brought there in a car, burnt the same in the place and went away. Her observation regarding the physical features in the place of occurrence is squarely corroborated by the evidence of P.W2, her Assistant, he investigating officer namely P.W40, the observation mahazar, sketch drawn by him under Ex.P20, 21, 23, the seizure the photographer namely PW22 who photographed the place, dead body and tyre marks impression taker PW27. So when the physicals features available as found by PW1 in the place of occurrence, fully corroborated

by other witnesses also and more specifically experts and photographer who visited the place of occurrence, I find that prosecution has clearly brought on record the physical features in a virtual manner before this court. So we can also virtualize the physical features of SOC2 by a little bit of imagination through the materials produced.

51) So from the physical features, any ordinary man with a little common sense can draw an inference as that one, that has been drawn by PW1, on seeing physical features, that someone has killed the deceased, put the dead body in a pull trolley bag, brought the same in a car, pulled the trolley bag for a short distance and in that process accidentally or unconsciously dropped or missed the spare part in that place, burnt the dead body along with the trolley and went away. So this much of visualization can be easily drawn as put in by the prosecution.

52) Let us stop here for a moment for discussing the legal principles that have been enunciated by various Courts while appreciating the circumstantial evidence. On both sides,

Judgments reported in

Kans Raj (vs) State of Punjab, 2000 CrL. L.J page 2993,

State (vs) Manoharan in Cr.Appeal No.854/2012 and Referral No.1/12 dated 24.3.2014,

Dharam Deo Yadav (vs) State of Uttar Pradesh,

2014(5) SCC 509 ,

Shyamal Gosh vs State of West Bengal AIR 212 SC 3539,

Kavitha (vs) State, 2012(2) MWN CrI. 563, Karthikeyan (vs) State, 2018(1) MWN CrI.234, Sonvir (vs) State, 2018 SCC CrI.486, Reena Hazarika (vs) State of Assam, 2019 (1) TNLR 685, Gargi (vs) State of Hariyana, 2019(3) SCC CrI.785.State of West Bengal vs Khaja Hussain 1982 3 SCC 456, Eshwraiah and another (vs) State of Karnataka 1994 2 SCC 677, State of Himachal pradesh (vs) Rajkumar 218 2 SCC 69 were cited.

Supreme Court in the earliest judgment reported in Hanumant Govind Nargundkar (vs) State of Madhya Pradesh, AIR 1952 SC 343 has formulated the point that have to be borne in mind and has also struck a cautious note to be adopted. According to the Supreme court,

1) there must be a chain of evidence, so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and must be established as to show that within all human probability the act must have been done by the accused.

2) In the subsequent judgment by various Courts and as well as from the judgment cited by both parties the following principles can be summarized.

1. the circumstances relied upon in support of the conviction must be fully established.

2. If two views are possible on such evidence, the view pointing forwards the innocence of the accused must be adopted.

3. But this does not mean that the prosecution to succeed in a case, it must meet any and every hypothesis suggested by the accused, however extravagant and fanciful it might be and it is not necessary that every one of the fact must itself be decisive of

the complicity or pointing conclusively to this guilt. The court must consider the total cumulative fact of all the proved facts, each one of which re-enforces the conclusion of guilt.

4. The cautious note that have been struck are as follows:

In such cases, there is always a danger that conjecture or suspicion may take the placed of legal proof.

5. Regarding the mental faculty of the assessor it has been observed as follows:

‘The mind is apt to take a pleasure in adopting circumstances to one another, and even in straining them a little, if need be, to force them to form parts of one connected whole, and the more ingenious the mind of the individual, the more likely was it, considering such matters, to overreach and mislead itself, to supply some little link that wanting to take for granted some fact consistent with its previous theories and necessary to render them complete.

6. If any rational explanation is possible, then there is an element of doubt of which the accused must be given benefit.

7. Great care must be taken in evaluating circumstantial evidence and if the evidence relied on is reasonably capable of two inferences, the one in favour of the accused must be accepted. It is the duty of the prosecution to prove that the chain is complete and draw infirmity or lacuna in prosecution case cannot be cured by false defence or plea. When the important link goes, the chain of circumstances get snapped and other circumstances can not in any manner established. Guilt of the accused beyond all reasonable doubts, the court has to be watchful and avoid the danger of allowing the suspicion to take the place of legal proof, for sometime unconsciously it may

happen to be short step between moral certainty and legal proof. There is a long mental distance between 'may be true' and 'must be true' and the same divides conjectures from sure conclusions.

8.Regarding the definition of 'reasonable doubt', it is observed in State of Goa (vs) Pandurang Mohire, AIR 2009 SC 1066 as follows:

“Doubts would be called reasonable if they are free from a zest for abstract speculation. Law cannot afford any favorite other than truth. To constitute reasonable doubt, it must be free from an over emotional response. Doubts must be actual and substantial doubts as to the guilt of the accused persons arising from evidence, or from the lack of it, as opposed to mere vague apprehension. A reasonable doubt is not an imaginary, trivial or a merely possible doubt, but a fair doubt based upon reason and common sense. It must grow out of evidence in the case.”

“Where the case against the accused depends wholly or partly on inferences from circumstantial evidence, fact finders cannot logically convict unless they are sure that inferences of guilt are the only ones that can be reasonably drawn. If they think that there are possible innocent explanations for circumstantial evidence that are not “merely fanciful” it must follow that there is a reasonable doubt about guilt.”

This law is restated in judgment of the supreme court reported in Jose vs Sub Inspector of police, Koilandi 2017 1 SCC CRI 171.

9. It is also stated that the circumstance that the prosecution wants to focus must be elevated to the position of must be true and not may be true.

53) With these principles in mind, let us now come back to the factual aspects, it is not denied by the accused that he owns a Ford Fusion car which was seized by the investigating officer which was marked as M.O2. For the purpose of correlating the tyre marks found on the place of occurrence 2, with the tyre marks of M.O2, P.W40 took all possible steps, the impressions were taken by Plaster of paris and sent to the expert for comparison. But it was not successful because the tyre marks were not sufficient enough for correlation. This is evident from the report of P.W30 Thiru. Thirunavukarasu under EXP 14. So the prosecution is not successful in establishing that the tyre mark impression created by the vehicle which brought the dead body did not tally with that of tyre marks of M.O.2 which belongs to the accused.

54) Next physical feature is the blood droppings in the place of occurrence. It was recovered by P.W40 and was sent to Forensic Science Lab for analysis, but it also became inconclusive. The blood group to which it belongs could not be traced. Similarly the iron rod also contain no blood strains. This is evident from the evidence of P.W32 and the report furnished by him under Ex.P16. So these two important links could not be established.

55) The investigating officer has also taken the scientific steps for identifying the deceased by way of DNA profiling by taking samples from child and by Super imposition process of skull portion of the deceased with that of the photos supplied by the accused. The DNA result confirmed that the deceased is the mother of the child Adela. Super imposition process also proved that the skull belongs to the deceased Cecile. So these steps were taken by the Investigating officer since at the

time of findings the dead body, identity could not be established. But identity is not disputed by the defence. It is very unfortunate that even before the identity could be established the dead body was buried by the police officials without the presence of any relatives.

56) Now the only physical evidence which is available is the car spare part marked as M.O.5. How the prosecution was able to trace the car which missed M.O5 in the place of occurrence No.2 is the next story which will be discussed later.

57) From the evidence of P.W40 a portion of the night wear (nighty) from the dead body was taken and was sent to the Forensic Science lab for examination. So it is seen that at the time of the death, the deceased was wearing a night dress. so probably at the time death she would have been either in the house or indoors somewhere but definitely not in travel. From the forensic report under Ex p 14 petrol was also detected in the night dress which suggest that the deceased was burnt with petrol in the place of occurrence No.2. According to the prosecution only the accused purchased petrol from various petrol bunks and by that burnt the dead body. But all those persons namely PW 12 to 15 who alleged to have sold petrol to the accused remain hostile as mentioned earlier. But the fact remains that petrol was used for burning the body which suggest that the culprit would have purchased the petrol from the Bunks .It is quite but natural that pump boys may not be in a position to identify each and every person to whom they sold the petrol.For this reason also EXP 32 the petrol invoice can be discarded since it contains no name of the accused.

58) The next circumstance which the prosecution wants to rely is the tower location of the mobile phone of the accused. MO.1 was recovered from him in

pursuance his alleged confessional statement. Much argument was advanced by the defence regarding the evidential value and reliability the witnesses PW 9 and 10 who were present at the time of recording of the confessional statement by P.W40 and we will discuss about the relevancy and the validity of their evidence in the later portion of the judgment. For the purpose of locating the movement of the accused, the investigating officer has taken steps to get the call details of the mobile phone, the person who has downloaded the details has been examined as P.W35 and the document is marked as Ex.P18. Here also much argument was advanced by the defence regarding the evidential value but the fact remains that no attempt was made by the investigating officer to verify in whose name the sim card in M.O1 stands. Simply because it was produced by the accused at the time of confessional statement no inference can be drawn that sim card is also standing in his name. Because from the e-mails produced by the accused along with the 313 statement, a different cell phone number is mentioned. So it appears that the accused was owning more than one numbers. In the absence of any evidence to show that the sim card is standing in his name no reliance can be attached to Ex.P18. The call details were downloaded by P.W35 from the e-mail address of one Subbiah. Even though attempt was made by the investigating officer to get the call details directly from the BSNL, no subsequent steps appears to have been taken. So in the absence of this important factor, Ex.P18 cannot be taken into account. So the judgment cited by the defence and the prosecution with regard to the evidential value of Ex.P18 need not be discussed in detail. Had it been provided by the service provider then some credence can be attached to it. So from Ex.P18 we can draw no inference that during the

relevant time, the accused came to Madurai between 9 to 10 and went back to Krishnan kovil.

59) Next comes, the evidence of gate keepers, as have been narrated in the preamble portion, they were on duty on 10.4.2012 in two batches, the first batch was on duty from 7 to 3 p.m and the next batch from 10 p.m in the night to the next day morning. PW 16 to 17 stated that the accused went out of the campus at 9 a.m on 10.4.2012 and did not return till 3 p.m. P.W18 and 19 would say that on the date at 12 o'clock in the mid night, the accused returned to the campus, P.W18 opened the gate. But what happened between 3 p.m to 10 p.m, there is no evidence on record. Probably the accused would have taken back the child to the residence in between , because the schooling time will be over after 3 p.m . Who were on duty in between 3 and 10 pm, is not explained by the prosecution. So no adverse inference can be drawn from the evidence of P.W15 and 16 that the accused didnot return till 3 p.m . But much weight can be attached to the evidence of P.W18 and P.W19 regarding the entry of the accused at 12 mid night. Because P.W18 has clearly stated that only he opened the gate for the accused to come inside the campus. An argument has been advanced on the side of the defence to the effect that all these persons that is P.W16 to P.W19 were not able to speak about the occurrence that took place before and after that day and how they were able to remember this particular fact only ,is a mystery that they have not explained; So it is unbelievable ; the prosecution would have thrust those facts into them. But prosecution would say that it is a special occurrence concerning the accused, when it came to their notice of lodging of the complaint by the accused on 15.4.2012 and the missing of the women, naturally

human mind will go back and will recollect any incident concerning the concerned person on the previous occasions. This explanation on the part of the prosecution cannot be slightly discarded. No explanation was also sought from these witnesses as to how they were able to recollect the particular event only that took place on the particular day forgetting the other events that took place prior and subsequent to that. The natural processing of the human mind cannot be explained in any form. So this argument holds no water.

60) Further advancing the arguments, the defence would say that the 161 statement recorded by the investigating officer of P.W18 and 19 were dispatched to the court only on 14.9.2019 ie after a lapse of more than 2-1/2 months. According to the defence, late sending of the records to the court will create suspicion in the genuineness. For the purpose they would rely upon judgment of the Madras High court reported in Kavitha and 3 others (vs) State of Tamilnadu 2012 (2) MWN CrI.563, Manoharan (vs) State 2018, 4 MLJ CrI. 413, Muthu and another (vs) State 1999(2) Law Weekly page 123. In all those cases it has been stated that un explained delay in recording the statement of witnesses and sending the same to the court will cause doubt with regard to the genuineness. But it is a basic law that in criminal cases the precedents will play only a limited role, no two criminal cases will be alike. A small difference in the factual circumstances, will make a world of difference. So even though broad propositions have been laid, that cannot be applied in letter and spirit to all the cases disassociating from the factual aspects . So delay will assume importance only when there is a possibility of manipulating evidence by the investigating officer but here I find no such manipulations which were possible.

These witnesses need not speak anything ill concerning the accused at the particular time. There is no ill will towards the accused. So they can be relied for all practical purposes. So the prosecution has established the fact that the accused returned to the campus at 12 mid night on 10.4.2012.

61) Next is the evidence of P.W11. He is working as driver in the Kalasalingam University and as per his evidence the accused requested him on 12.4.2012 to clean the vehicle. At that time he noted bad smell emanating from the car, on his enquiry, the accused alleged to have told him that it is due his daughter's vomiting. So according to the prosecution, it is another circumstance which must be taken into account. The meaning of the argument is that the bad smell emanated from the car because the dead body was transported in the vehicle. P.W11 cleaned it, took the vehicle for service and change of mat etc on 13.4.2012. So from the evidence of P.W11, it is seen that on 12.4.2012, the car was cleaned by him and thereafter some minor accessories and service were undertaken. There is nothing to disbelieve his evidence. Simply because the attendance register pertaining to him was not recovered, no adverse inference can be drawn. As he was working in the University the evidence appears to be natural and believable. In some portion he has stated what have not been spoken by him to the investigating officer during the recording of his statement. From this no inference can be drawn that what he has spoken is not true. The accused would rely upon the judgment of the Supreme Court reported in Yudhistar (vs) State M.P, 1971 SCC CrI. 684 for the purpose of argument that when a particular fact was not mentioned during the recording of the statement, no importance can be attached to it. But here what he has not spoken to P.W40 at

the time of examination are not material facts. This argument can be accepted only when material facts were omitted to be spoken at the time of investigation but spoken at the time of trial. But there is no such thing. What were omitted by him appear to be only minor details with regard to the opening of the car dicky by the accused; holiday for the child; the work was carried in Venkateswara Car Accessories shop in Madurai, these are only the minor details for which his entire evidence cannot be discarded. Here also there is a delay in sending the recorded statement to the court but no weight can be attached to it as mentioned earlier. So the fact of emanation of bad smell from the car and minor repairs undertaken on the next day also stand established by the prosecution.

62) Now coming back to M.O5, to prove that it belongs to the accused, the prosecution has taken much efforts. For the purpose of analyzing the link we go back to the evidence PW1. As mentioned earlier her evidence appears to be natural but much argument was advanced by the accused to the effect that the First Information report was not lodged as stated by P.W1 at the time mentioned by her and the procedure adopted in lodging the complaint is also illegal. We have discussed the evidence of P.W1 earlier, according to the defence, P.W1 has stated in the evidence that she went to Austinpatty police station and gave the complaint under Ex.P1, but when she was in the place of occurrence No.2, the police also came to the scene along with the higher officials; after their arrival Ex.P1 was prepared; they also inspected the place of occurrence and she also inspected only after that Ex.P1 was prepared ; When she preferred the complaint, the Sub Inspector was also present, So according to the defence only after the arrival of the police with their

advise and aiding Ex.P1 was prepared. But as defense wants to adopt no such inference can be drawn from these portion of her evidence. What she has noted in the place of occurrence No.2, mentioned the same in the complaint. Simply because she has mentioned the numbers and letters found in M.O5 without taking the same to the police station at the time of lodging the complaint ,no doubt can be attached. When a particular fact came to ones notice, it is natural to note it down and mentioning the same in the complaint. So simply because M.O5 was not taken to the police station at the time of presenting the complaint, no doubt can be raised to the effect that it would not have been lodged at the time. No one have right to remove any physical evidence from the place of occurrence on their own to the police station. So this argument cannot be accepted.

63) The next argument is that she has not followed the Village manual while preferring the complaint as mentioned in Murugan (vs) State 2008(2) MLJ CrI.1324 to the effect that she failed to prepare three copies and took followup action .This may be a mistake on her part but no importance can be attached to it in the absence of any material creating doubt about the very nature of lodging the complaint.

64) According to the accused, there is contradiction with regard to getting the official seal for impressing the same in the complaint, PW1 would say that office seal was brought to the police station through P.W2, but P.W2 would say that from the place of occurrence No.2, he went to Thoppur at 12 noon and he has not signed in the police station, but P.W1 would say that P.W2 also attested Ex.P1 in the police station. It is only a minor contradiction which cannot be stretched too far to give any importance. The accused would rely upon the judgment reported in State (vs)

Natarajan 2008(2) MLJ 1485 for the purpose of argument that when there is a doubt in preferring the First Information report the prosecution case must be thrown out .But the reliable evidence of P.W2, P.W3, P.W4, P.W5 show that P.W1 visited the place of occurrence soon after getting the information and preferred the complaint properly. So the argument advanced on the side of the accused that a great doubt is created in the lodging of Ex.P1 cannot be accepted.

65) Now coming back to M.O5, it is established from the prosecution that it was found on the place of occurrence No.2 and was taken by P.W40 for further tracing the link. M.O5 was taken by P.W40 on 14.2.2012 to P.W21 Sridharan and from whom it was ascertained that it is a spare part of a Ford Fusion cars that were marketed from the year 1999 to 2005. P.W21 also identified M.O5 and has stated that it is a spare part of Ford Fusion car of a particular make of 1999 to 2005. He is a mechanical engineer working in the car unit. So his evidence can be relied to show that it was in the market during 1999 to 2005. From the markings that has been made in M.O5 also we can say that it was manufactured by Ford car company for its Fusion brand cars.

66) P.W40 says that on 17.4.2012 he arrested the accused when he was driving M.O2 the Ford Fusion car near Poonga bus stand, Thirupparankundran. P.W8 is the neighbour of the accused, he would say that on 16.4.2012 itself the accused, one Iran National Karam Embody and himself were taken to Thirunagar police station, on 17.4.2012 he and Karam Embody were released and accused was kept in police station. So according to the accused, the story of the prosecution that he was arrested on 17.4.2012 is not correct and if the arrest is not correct, then

subsequent confession , seizure of the car, cell phone and knife will not assume any importance. For that purpose, the accused rely upon the judgment of Madras High court reported in Nadimuthu and other (vs) State 1997(2) Madras Weekly Notes pages 149, P.W8 was treated but he turned hostile and disowned the statement made by him before the investigating officer regarding many details. So he may not be a person who is telling the truth. Even though we take that all the three were taken on 16.4.2012 itself, that will not imply that the accused was arrested on the date itself. Arrest is entirely different from inviting, summoning or taking a person for enquiry, so this argument does not hold water at all.

67) For the proof of confession statement P.W9 and P.W10 were examined. Even though both the officials are from different villages, their evidence cannot be discarded stating that no attempt was made by the investigating officer to call the witnesses who were allegedly present at the time of arrest of the accused. An explanation has been offered by P.W40 to the effect that in order to prevent the witnesses turn hostile in important cases such officials from the neighboring area will be got, so this explanation on the part of the investigating officer is correct because as I mentioned earlier, the criminal Justice delivery system at the present day is suffering from the cancerous disease of witness turning hostiles. So calling P.W9 and P.W10 for the purpose of witness to the statement cannot be doubted and nothing unbelievable has been established from the evidence to disbelieve their version. So when we take the evidence of it P.W9 and P.W10 we find that only on his confession statement, M.O1, M.O2, M.O3 photographs M.O21, M.O4 passport were recovered. If really no confession statement was offered, this material objects

which were under the exclusive custody of the accused would not have been recovered by the investigating officer. So I find no reason to reject the evidence of P.W9 and P.W10 on this aspect

68) Again after recovering M.O2 car from the accused as per his confession it was again taken to P.W21 for fitting demo. Now for the limited purpose we will take M.O2 since it is admitted by the accused himself that M.O2 belongs to him and it was purchased by him, but he would say that at the time of purchase of the spare parts were properly found fitted and there was no other missing. Now it is sufficient to say that M.O5 was fitted by P.W21 at the request made by P.W40 and at the time he did not find a gear box fitted with a proper cover. The evidential value of P.W21 is also disputed by the accused on the ground that the place where demo was actually conducted is not properly established since different version have been spoken by P.W40 and P.W21. P.W21 would say that M.O2 was taken to their shop and in his presence one Periyasamy Mechanic fitted the same. But P.W40 would say that P.W21 was called to the station and in front of the police station the demo was conducted by P.W21. No doubt there is discrepancy with regard to this aspect. But the fact is that M.O5 was fitted in M.O2 in the presence of P.W21. Where the demo was conducted may not be a material factor affecting the very genuineness of the demo. The non examination of the Mechanic Periyasamy also does not assume importance since P.W21 has clearly spoken about the demo that it was done in his presence.

69) Now the identification of M.O5 by P.W1, when she was in chief examination for the first time in the court she was not able to identify M.O5 and in

further examination in chief at later point of time, when it was shown to her she was able to identify it. Why she was not able to identify in the first time in the court is not known. As per the records, it is seen that when she was examined for the first time in chief all the material objects were placed before her and in spite of that she has deposed that she could not find the spare part among the material objects placed before her. So from this aspect one can not say that M.O5 was not recovered from the place of occurrence No.2 by P.W40, the finding of M.O5 in the place of occurrence No.2 has been more elaborately corroborated by the person who visited the place soon after getting the information as I mentioned earlier. So, the argument on the side of the accused that the evidence of P.W21 has to be discarded cannot be accepted.

70) So from the analysis of these facts, we can conclude that M.O5 belongs to M.O2 car and the arguments on the side of the defence that any other car which answers the make from 1999 to 2005 is capable of fitting M.O5 though may be acceptable it is highly not only improbable but also fanciful that some other car of the same make with the same missing of spare part (like M.O5) transported the dead body of the deceased to the place of occurrence No.2. At this stage the accused would say that the boy friend of the deceased namely Tony also owns a Ford Fusion car. According to him probably he might be the person behind the offence. But such sort of argument can be advanced easily by any one who is encountered with this similar case. Without any reasonable and probable cause, such sort of argument cannot be accepted. Regarding the use of the car, arguments were advanced by the accused that when he purchased the car entire spare parts were available and

properly fitted but later after seizing the vehicle from him P.W40 removed the spare part like that of M.O5 and created and forged evidence. But P.W20 who sold the car to the accused was not able to remember regarding the spare parts, probably by the time when he was examined he might have forgotten whether all the spare parts were properly fitted at the time of selling. No person will purchase a car without spare parts properly fitted or with missing spare parts. So in all probability he would have purchased the car after proper checking. So the spare part would have loosened only after the purchase. So the evidence of P.W20 do not improve the case of the defence. Regarding the allegations that P.W40 forged the evidence it is highly unthinkable that the police officer of such cadre and responsibility would ever indulge in such illegal activities. There is no reason for him to foist such a false case by forging the evidence. Such a serious allegations should be made with some basis. But here except in making such a bald allegations, no other circumstance is available to doubt the honesty of the PW40. So the contention that after removing the spare part P.W40 got a demo done by P.W21 is rejected as without any basis. So I conclude that M.O2 which belongs to the accused transported the dead body to the occurrence place no 2 on 10.2.2012 in the late hours.

71) So the cumulative effect of these, coupled with the late arrival of the accused to the campus at 12 mid night on 10.4.2012 makes the chain complete. The accused transported the dead body of the deceased through M.O2 on the late hours on 10.4.2012 to the place of occurrence No.2 burnt it with petrol, at the time accidentally or unconsciously dropped M.O5 in the place of occurrence returned back to the campus at 12 mid night. This chain is clearly established. There is no

possibility of any other person to break in to the chain and makes the occurrence possible.

72) So in the light of the above circumstances, the next question which arises for consideration is whether there was any possibility for the accused to have sent the deceased on 9.4.2012 at 12.00 noon from Krishnan kovil to Kerala through a bus. If really it was so, she would have reached her place on the morning of 10th April. But her dead body was thrown in the place of occurrence no 2 on the night on 10th April. According to the explanation by the accused Tony was responsible for the offence, but if really she was sent through a bus, absolutely there was no possibility for getting down mid way, met someone else (Tony) and invited the death at his hands and taken to the place of occurrence no 2 by the said Tony is highly not only improbable but also fanciful. The argument of the accused is that the cell phone call details of the deceased were not recovered by P.W40. It is true that the investigating officer has collected the call details of the deceased person but they were not produced, but that omission on the part of the prosecution cannot be given any importance.

73) If really explanation offered by the accused is true he would have produced his call register details and e-mails alleged to have been sent by him to the deceased. He took all efforts to prove that there was no motive for him to commit the murder by producing the copy of the e-mails exchanged between himself and the deceased to share the custody of the child, but he did not care to produce the copy of the e-mails that alleged to have been sent to the deceased after 9.4.2012. He has also disowned the sim connection in MO1.

74) Even though it is the duty of the prosecution to establish a guilt beyond all the reasonable doubt it is the contention on the part of the accused that his explanation must also be taken into account, when the same was offered by him in writing at the time of 313 questioning.

75) The relevancy of 313 question and value of the documents produced at the time has been elaborately discussed by the Madras High court in judgment reported in Manoharan (vs) State referred by (cited supra) by citing the judgement of the Supreme court reported in Hathe Singh (vs) State AIR 1953 Supreme court 268, it has been observed that they have to be received in evidence and treated as evidence and be duly considered during trial. So it is seen that whatever have been stated by the accused during 313 question and the documents produced by him must be taken into evidence and treated as such and must be considered. This is also the argument on the side of the defence that his explanation about the missing of the deceased must also be taken into account. So when we take this explanation into account as I mentioned earlier it is highly improbable that the dead body would not have been thrown in the place of occurrence no 2. So the lodging of the complaint stating that Cecile was missing after 9 is nothing but a make belief affair. He even went to the extent of saying that complaint was lodged at the instance of Tony but Tony has not signed as witness in his complaint under Ex.P33. So his allegations that Tony was behind the whole episode is highly improbable since he has not even stated the reason for Tony to have killed the deceased.

76) The next contention on the part of the accused is that Professor Arumugam who was examined by P.W40 has stated that he came to know that

deceased was sent by the accused at 12 noon on 9.4.2012, but inspite of that he was not examined by the prosecution before this court, had he been examined before this court the truth might have come out, but the prosecution has purposefully avoided his examination. But such sort of contention cannot be accepted for the simple reason that he has himself lodged the complaint stating the fact. So even if Arumugam has been examined before this court, the case of the accused will not be improved because it is not his contention that Arumugam had personal knowledge about this fact. He would have stated only what has been informed by him by the accused. Already the accused has made a make belief affair by lodging a women missing complaint. So the non-examination of Professor Arumugam before this court neither affect the case of the prosecution nor improve the case of the accused.

77) His next contention is that the investigation was not fair since no attempt was made by the investigating officer to properly investigate his complaint. This cannot be accepted since on 17.4.12 it self, according to the prosecution, it came to know that only the accused killed the deceased on his arrest and confession. So further investigation on his complaint would have been of no consequence.

78) So when this link is proved, the next question arises for consideration is who, where, when and why the deceased was done to death.

79) Soon after the death, it is established that the dead body was transported by the accused to SOC 2. So naturally the inference that can be drawn is that he is the murderer. As rightly contended by the prosecution if really any man who was aggrieved by the close friendship of the deceased with Tony, will be none other than the accused. P.W40 was cross examined by the accused at length about the affairs of

Tony. From the information elicited from P.W40, it is seen that Tony was in close contact with the deceased. It is also in his evidence that the deceased and Tony were communicating with each other. According to the accused during the relevant time, Tony was available in Kodaikanal but this was denied by P.W40. Even P.W39 has admitted that Tony was a close friend of the deceased Cecile . Simply because they were having close friendship no inference can be drawn that he was the culprit in the offence. His contention that Tony might have intervened and caused the murder is without any basis. As rightly contended by the prosecution if really ,any man who would have been aggrieved by the close friendship of the deceased with Tony, he,will be none other than the accused.

80) According to the prosecution, since it is admitted on the side of the accused that till 9.4.2012, the deceased was with him then what happened to her after 9.4.2012 is exclusively within the knowledge of the accused and so as per section 106 of Indian Evidence Act, it is the duty to speak. The last seen theory and the non explanation on the part of the accused does not arise here though it is established that the deceased was in the house of the accused when she was killed. The story of the accused that she was sent by him was disbelieved by this court, so this argument does not assume any importance. But here it is on record that the accused has given explanation that on 9.4.2012 at about 12 noon itself, he himself boarded the deceased.

81)The next question is, the place where the occurrence of killing took place. There is no direct evidence on this aspect. As I mentioned earlier at the time of death the deceased was wearing night dress. So probably, death would have been caused

when she was in the house or indoors. Even though the accused would say that the deceased left at 12 noon on 9.4.2012, this fact has disbelieved by this court. Naturally she would have been available in the residence of the accused at the time of death but no clue was able to be collected by the investigating officer from the residence SOC 1 of the accused except the knife on the basis of the confession statement under M.O3. But when M.O3 was examined by the experts, no blood stain was detected as per the report mentioned above. From no other place the accused would have transported the body of the deceased, so I conclude that death was caused to the deceased at the residence of the accused.

82)The next question is, the time, when the death was caused. According to the prosecution, on 9.4.2012 the death was caused. The body was found on 10.4.2012. In between these time, the prosecution says that the body was kept hidden in the house and packed in pull trolley bag and was hidden in the residence of the accused and at the night on 10.4.2012 it was transported. But blood stains were found available in the scene of occurrence No.2. According to P.W23 for three hours, oozing of blood will be available from the dead body. Blood circulation will stop within 5 minutes from the time of the death and the blood would clot within 2 or 3 minutes. Oozing of blood will stop within ½ hour from the dead body's injuries. So according to the defence, if really the death was caused on 9.4.2012 at 12.00 noon in the residence, on the night of 10.4.2012 blood droppings would not have been available in the place of occurrence No.2. When we analyse the time of death from the evidence of the doctor we can say that within three hours from the time of death the body would have been transported to the place of occurrence, this may be

one of the probabilities. As per the Serologist report as I mentioned earlier, the blood grouping was inconclusive. So there are more than one possibilities, whether the blood was of the dead body or from the collection of blood from the dead body in the pull trolley bag or of the person who transported the dead body are could not be ascertained. So from this evidence no inference can be drawn that death would not have been caused on 9.4.2012.

83) According to the prosecution, as I mentioned earlier after causing death, the dead body was kept hidden in the residence and only on 10.4.2012 it was packed in a pull trolley bag by the accused. But such a packing of the dead body after 24 hours after death is not possible. The reason for it, is, that as per the evidence of P.W23 Doctor, Rigor mortis will start developing within one or two hours and would complete within 12 hours from the time of death; after the full development of the rigor mortis, the hands and legs cannot be folded. So from the evidence of P.W23, it is clear that after 12 hours, there was no possibility for folding the legs and hands and packing in such a position in the travel bag. So in all probabilities they it would have been done before the development of rigor mortis or within short time of the death before the beginning of the rigor mortis. So in all probabilities that would have been done within short time from the time of death. So the case of the prosecution that the body was kept hidden for more than 24 hours and later packed in a pull trolley bag is not correct. So from this only we cannot disbelieve the prosecution story that the accused is responsible for the murder. So I conclude that death would have been caused between 9.4.12.and 10.4.12.Because the time of probable death could not be also ascertained by the Doctor due to decomposition. We could only

say the approximate time by drawing inferences from the proved facts. Such sort of conclusion is not prohibited under law.

84) The next point is by what means the death was caused. Even though the story of the prosecution that by using M.O3 knife, injury on the thigh area was caused ,but from the evidence of P.W23, the injury found on the thigh portion of the deceased might be caused due to the burning, in vernacular language of P.W23,

“ அந்த கீட்ஸ் பிலீட் இடது தொடையில் எரிந்து கொண்டு இருக்கும்போது தான் ஏற்பட்டு இருக்க வேண்டும் “

As I mentioned earlier during postmortam, under Ex.P8 a heat blit was noticed on the front side of the left lower thigh, the prosecution says that this is a knife injury caused by the accused. But from the evidence of the doctor, it is seen that it was due to burning which is otherwise called as heat blit. So this fact has not been established by the prosecution. As I mentioned earlier, M.O3 did not contain any blood stains. We can not also expect that the accused to leave the blood stains in M.O3 without cleaning till it was recovered. This is a strong case put up by the defence that the death could not have been caused by the accused as stated by the prosecution. When there is a difference between medical evidence, the case of the prosecution must be disbelieved, contend the accused. For that purpose,he would rely upon the judgement Supreme Court reported in Mahi singh(vs) State of Madhya Pradesh 2017(1) SCC Crl. 45.

85) Per contra the prosecution would rely upon the judgment reported in State of UP VS Ramsewak And others 2003 2 SCC 161. So the question which arises for

consideration is whether from non proof of this particular fact, the entire prosecution case can be thrown out. According to the defence, if the death was not caused on 9.4.2012 he cannot be held responsible because he is facing a specific charge that death was caused only on 9.4.2012. I will come to this point in later part of the judgment. Now it is seen that death was not caused by M.O3.

86) According to the prosecution, the accused forced the head of the deceased to the floor and broke the right wrist, for this also we find no corresponding injuries in the body of the deceased. As per the postmortem report and as per the evidence of P.W23 we find no corresponding injuries in the right wrist and head portion, so the case of the prosecution that the accused forced the deceased to the floor and broke her wrist is also not established.

87) As per the inquest report in Ex.P23, it has been mentioned that murder might have been caused by more persons, by causing the injury and set the body on fire but this is contrary to the evidence of P.W23, contends the accused. But whatever opinion that have been expressed in inquest report is not conclusive. More over it is not substantiate evidence also. Main purpose of the inquest report has been mentioned in the judgment reported in Brahm Swaroop and another (vs) State of Utter Pradesh, 2011 (6) SCC 288. So except for the purpose of contradiction, no useful purpose can be served by the inquest report. Whatever opinion that has been expressed in it, has no bearing upon the case. So the argument on the defence side that there is discrepancy between medical report and inquest report has no relevancy at all. So we can rule out the possibility of knife injury, forcing the head and breaking of the right wrist.

88) The question to be considered is, from where the investigating officer got these informations when there is no eye witness to the occurrence. It has happened inside the four walls of the residence, only the accused and the deceased know how it had happened. We will find the answer, when we read the contents of the final report. When we read it, we find that it is the reproduction of the facts alleged to have been disclosed by the accused in his confessional statement. So it is seen that the investigating officer has been taken squarely by the information alleged to have been furnished by the accused about the manner of the occurrence. Allahabad High court in a judgement reported in Queen Empress (vs) Babu Lal 1814 ILR 6 ALL 504 observes in the following terms:

“that in almost every case of serious gravity or difficulty, the primary objects towards which police direct their attention and energies is, if possible, to secure a confession..... to repeat the phrase I used phrase on, a former occasion, instead of working upto the confession, they (the police) work down out from it, with a result that we frequently find ourselves compelled to reverse the conviction simply because, beyond the confession, there is no tangible evidence of guilt.”

This observation is restated in the judgment of the madras high court reported in Sivaranjith vs state 219 2 LW cril 321.

89) The common predicament of investigating officers has been highlighted in this judgment. Here also investigating officer has been carried away by the information alleged to have been furnished by the accused. But the fact remains that only the accused and the deceased know how the occurrence took place, deceased is

no more and the accused is to speak but he is not expected to speak . Unlike in that case, here we have strong proof of guilt of the accused.

90) In such a situation only the subsequent conduct of the accused will throw some light upon the manner of the occurrence. Here after the death was caused, in a cruel manner, packed the dead body in the pull trolley bag, took it to a isolated place and burnt it with petrol and successfully concealed the identity of the deceased for several days. So this act on the part the accused clearly reveals that he has somehow or other caused the death. Had it been a suicide or an accidental death such an attempt would not have been made. So we can infer that by doing some illegal act death was caused by the accused. So here, we need not be taken away by the prosecution words that have been stated in the final report. The court cannot shuts its eyes to the realities and the facts that have been brought on record which do not suffer from any reasonable doubt. So in such an event, throwing prosecution case away as contended due to its averments in the final report may not subserve but only subvert the ends of justice So the argument of the defence that since the prosecution has not established the manner of occurrence as mentioned in the final report, no conviction can be recorded cannot be accepted and this argument is also rejected outright.

91) The next point is why it was committed. According to the prosecution, difference of opinion arose between the parties over the custody of the child. As I mentioned earlier, through Ex.P19 a compromise was reached in the Mexico court itself for sharing the child with the accused for 14 months. After coming to India the deceased had frequented the child in the residence of the accused once in 15 days. It appears that the accused did not make any objections. But reading of the e-mails sent

on 25.3.2012 regarding the sharing the custody during the vacation of the child, show that they were not at much enmity towards each other as before. Regarding the evidential value of these documents, I have mentioned already. The first e-mail came from the deceased to the accused at about 11.57 a.m. on 25.3.2012 wherein she stated that she agree to share 40 days vacation period of the child equally, but she has made a request that the first 10 days may be taken by her and propose to take the child to take care for one week and thereafter some more days from May 15 onward. To this email the accused sent a reply on the same day at about 3.33 p.m, expressing a feeling that he can have the 20 days custody in a row so that they can enjoy the vacation comfortably. He has also mentioned that they will discuss the issue when the deceased come in the next week 3 or 4. For this deceased sent a reply on the same day at 10.12 p.m stating that she wants to have the child with her for one week as soon as possible, if not as soon as school is finished. If the accused wants to have 20 days in a row, he can have during the first 20 days of May, so that she can be with the child at the end of April or at the end of May. As per the evidence of D.W1, school summer vacation started from 19th April 2012. So it appears that some sort of conversation was going on between them even before the deceased arrived on 3.4.2012. Whether the plan was finalized or not is not clear on records. According to the accused, the proposal was finalized and there was no difference of opinion. These exchange of e-mails clearly show that even though at some point of time both had serious disputes, making allegations and counter allegations against each other before the Family court, Mexico which is evident from Ex.P19 wherein the allegation made by the deceased against the accused only is available to and the reply is not available

in the document. But it is also evident that some sort of allegation were leveled against the parents of the deceased. But after that only both came to India and the deceased started visiting the child. So it appears that in the interest of the child both were trying their level best to share the custody. Then what happened during her stay in the residence of the accused is known only to the accused and the deceased. We can only infer that something went wrong on the particular day but otherwise it (the killing) would never have happened. Motive is not relevant when other circumstances clearly point the guilt. Sufficient to say that some misunderstanding arose between the deceased and the accused on the particular day, more probably due to the custody of the child.

92) Regarding the examination of P.W39 over the motive, the accused would say that it suffers from improvements and so her evidence should be discarded. When we read the evidence of P.W39 we see that she has reproduced the facts which have been stated by the deceased before the Mexican Family court under Ex.P19. It is true that she has not stated something elaborately before the investigating officer, it is also in evidence to show that when P.W39 was enquired by investigating officer, she was in depressed condition, with difficulty and with the help of a person her statement could be recorded. Except stating about the motive that too which took place between the accused and deceased in Mexico no other important facts have been spoken by her.

93) During the production of the document and the material objects before the court, the investigating officer has mistakenly mentioned M.O 6, 7, 8 to 13 as material objects. They ought to have been produced as documents. According to the

accused as those were produced as material objects copy of the same were not supplied to him. But those were marked as material objects only in the presence of the accused, even though it is the mistake on the part of the court also, it appears that no objection was raised by the accused at the time of marking. No attempt was also made by them to get a copy of those material objects. Now it is too late for the accused to make such an objection that copies of those documents were not supplied to him. So this belated contention cannot be accepted and it has not prejudiced the case of the accused.

94) Now coming back to the murder, even though from the very nature of occurrence we can conclude that it is nothing but a culpable homicide as defined u/s 299 IPC but whether it amounts to murder or culpable homicide not amounting to murder is the next question.

95) It is on record to show that both the accused and the deceased who were inimical on the previous days, after coming to India the deceased started staying for more than one day along with the child in the residence of the accused which shows somehow or other their past enmity got erased.

96) So now the question arises for consideration is whether the exception iv u/s 300 IPC can be extended to the accused. For that purpose, the facts narrated by the accused in his confessional statement can be taken in account, which is a settled position of law. He has stated that the deceased wanted to break the compromise took place in Mexico court, he objected; she physically assaulted him, and so he got angry; took out a knife to finish her life caused injury on the thigh portion; forced her in floor; broke her right wrist and due to that death followed. But in my considered view

whatever may be the reason behind the occurrence, the subsequent conduct of the accused disentitles him from claiming a benefit of exception iv under 300 IPC. In a cruel or gruesome manner he wanted not only to cause death but to screen not only his identity but also of the deceased. Taking the dead body in a trolley bag to an isolated place, burning it with petrol and feigning innocence lodged a false complaint as if he himself sent the deceased through a bus, are not the activities that can be expected of a person to whom the benefit can be extended. Not only he but the deceased also came from the higher strata of Mexican society in terms of status, educational background etc as we find from EX P 19 and his confessional statement.

97) The affection of the deceased towards the child invited her to India to meet her end, only because of that, in the hands of the accused and because of his affection towards the child, the accused has done the deceased to death. So I am of the considered view that such an act on the part of the accused invites conviction and punishment u/s 302 IPC and the exception iv 300 IPC will have no application at all.

98) The next charge is the offence u/s 201 IPC. The facts and circumstances clearly establish the guilt of the accused u/s 201 IPC. So he deserves to be convicted and punished for the same and he is found guilty u/s 201 IPC.

99) Next charge is that the accused harassed the deceased before her death for that the charge u/s 4(A) of TNPHW Act is also framed against him, but from the facts and circumstances of the case, I find that no harassment was committed by the accused to the deceased as defined in the section. Whatever happened in Mexico cannot be a matter for trial in India. Moreover as I have mentioned earlier, the enmity that once existed between them got erased in course of time, the child was

the connecting bridge between them so, no offence is made out u/s 4(A) of TNPHW Act and he is entitled for acquittal under this charge. Finally the accused is found guilty u/s 302 and 201 IPC.

When he was put on question of sentence, he has answered:

Regarding sentence to be passed u/s 302 IPC, the accused stated that he is innocent. The minimum sentence prescribed u/s 302 IPC is life imprisonment. Considering the nature and circumstances of the case, he is sentenced to undergo life imprisonment and Rs.5000/- fine are imposed. If fine not paid, is directed to undergo Simple Imprisonment for six months u/s 302 IPC.

Regarding sentence u/s 201 IPC, the accused stated that he is innocent, considering the manner in which the offence was committed, I impose sentence of five years Rigorous Imprisonment and Rs.5000/- fine are imposed. If fine not paid, is directed to undergo Simple Imprisonment for six months. Both the sentences shall run concurrently.

In the result, the accused is convicted for the offence punishable u/s 302 IPC and sentenced to undergo life imprisonment and a fine of Rs.5000/- and in default shall undergo six months Simple Imprisonment and the accused is convicted u/s 201 IPC and sentenced to undergo five years Rigorous Imprisonment and a fine of Rs.5000/- and in default shall undergo six months Simple Imprisonment. Both the sentences shall run concurrently. The accused is acquitted from the charge u/s 4(A) of TNPHW Act. The respective acquittal and conviction is recorded us 235(1) Cr.P.C.

M.O1, M.O3, M.O5, M.O14, M.O.15, M.O16, M.O17, M.O18, M.O19 are ordered to be destroyed after the appeal time is over subject to the order in appeal. M.O2 is ordered to be confiscated to the State. M.O4, M.O6 to M.O13, M.21 are ordered to be kept along with the case records as documents. Fine of Rs.10,000/- paid.

Dictated to stenographer, transcribed by her, corrected and pronounced by me in open Court, this the 11th day of September 2020.

Sessions Judge,
Mahalir Neethimandram
Madurai.

Prosecution side witnesses:

P.W1	Santhanalakshmi
P.W2	Shanmugavel
P.W3	Selvam
P.W4	Mayathevar
P.W5	Vadivel
P.W6	Periyakaruppan
P.W7	Sankar
P.W8	Vijayakarathi
P.W9	Subbiah
P.W10	Sonai
P.W11	Sekaran
P.W12	Ragul
P.W13	Santhakumar
P.W14	Arun Pandian
P.W15	Ramkumar
P.W16	Kanagamani
P.W17	Murugesan
P.W18	Javul Malkia
P.W19	Vairamuthusamy

P.W20	Ragunath
P.W21	Sridhar
P.W22	Chandrasekar
P.W23	Dr. Rajavelu
P.W24	Megarajan (Special Sub Inspector)
P.W25	Suseendran
P.W26	Parvathi
P.W27	Meenakshi
P.W28	Manimaran
P.W29	Dr. Kamatchi Krishnamoorthy
P.W30	G. Thirunavukarasu
P.W31	Radhika Balachandran
P.W32	Nirmala Bai
P.W33	K. Balu
P.W34	Ramakrishnan
P.W35	Shyamala devi
P.W36	Karuppasamy
P.W37	Murugesan
P.W38	Mookan
P.W39	Cecile Mireille Reynaud Pulido
P.W40	Sethumani Madhavan

Prosecution side exhibits:

Ex.P1	11.4.2012	Complaint
Ex.P2	11.04.2012	Signature of P.W7 in Observation Mahazar
Ex.P3	11.04.2012	Signature of P.W7 in Atchachi
Ex.P4	17.4.2012	Admitted portion in Confession statement
Ex.P5	17.4.2012	Athachi
Ex.P6	17.04.2012	Atchachi
Ex.P7	17.4.2012	Observation mahazar
Ex.P8	14.04.2012	Postmortem certificate

Ex.P9	25.5.2012	Viscera report
Ex.P10	23.04.2012	Requisition letter
Ex.P11	24.04.2012	Requisition letter with photo
Ex.P12	23.05.2012	Chemical examination report (skull)
Ex.P13	20.06.2012	D.N.A. report.
Ex.P14	28.05.2012	Chemical examination report.
Ex.P15	21.05.2012	Biological report.
Ex.P16	21.06.2012	Serological report
Ex.P17	11.04.2012	First Information report.
Ex.P18		Call details from 9.4.2012 to 16.4.2012
Ex.P19		Booklet (page NO.41 to 54)
Ex.P20	11.04.2012	Observation Mahazar
Ex.P21	11.04.2012	Rough sketch
Ex.P22	11.04.2012	Inquest report.
Ex.P23	11.4.2012	Athachi
Ex.P24	12.04.2012	Form 95
Ex.P25		Admitted Portion of confession statement
Ex.P26	17.04.2012	Form 95
Ex.P27	17.04.2012	Rough sketch
Ex.P28		Form 95
Ex.P29	11.4.2012	Form 95
Ex.P30	17.04.2012	Form 95
Ex.P31	22.04.2012	Form 95
Ex.P32		Petrol invoice
Ex.P33	15.4.2012	First Information report.
Ex.P34	16.04.2012	Letter for viscera examination
Ex.P35	16.04.2012	Requisition letter
Ex.P36	25.04.2012	Examination of viscera report.
Ex.P37	23.04.2012	Letter for DNA test
Ex.P38	23.04.2012	Requisition letter
Ex.P39	23.04.2012	Requisition letter
Ex.P40	14.04.2012	Requisition letter to conduct postmortem

Defence side witness :

D.W1 - Kathirvel.

Defence side documents :

Ex.D1 - Attendance Register.

Ex.D2 - Roll. No.17 in the Attendance Register.

Ex.D3 - School certificate.

Material objects marked in this case :

M.O1 – Cell phone.

M.O.2 - Car

M.O.3 - Knife

M.O.4 - Passport

M.O.5 - Gear box, spare parts (Blue colour)

M.O.6 - CD dated 10.04.2012

M.O.7 - CD dated 17.04.2012

M.O.8 - Tyre mark

M.O.9 - Tyre mark

M.O.10 - Tyre mark

M.O.11 - Tyre mark

M.O.12 - Tyre mark

M.O.13 - Tyre mark

M.O.14 - Burnt Hair

M.O.15 – Burnt nighty piece

M.O.16 - Ash

M.O.17 - Travel bag iron piece

M.O.18 - Soil with blood

M.O.19 - Soil without blood

M.O.20- Tyre mark taken by Plaster of Paris

M.O.21 - Photographs.

Sessions Judge,
Mahalir Neethimandram,
Madurai.