

TAMIL NADU STATE JUDICIAL ACADEMY

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IMPORTANT CASE LAWS



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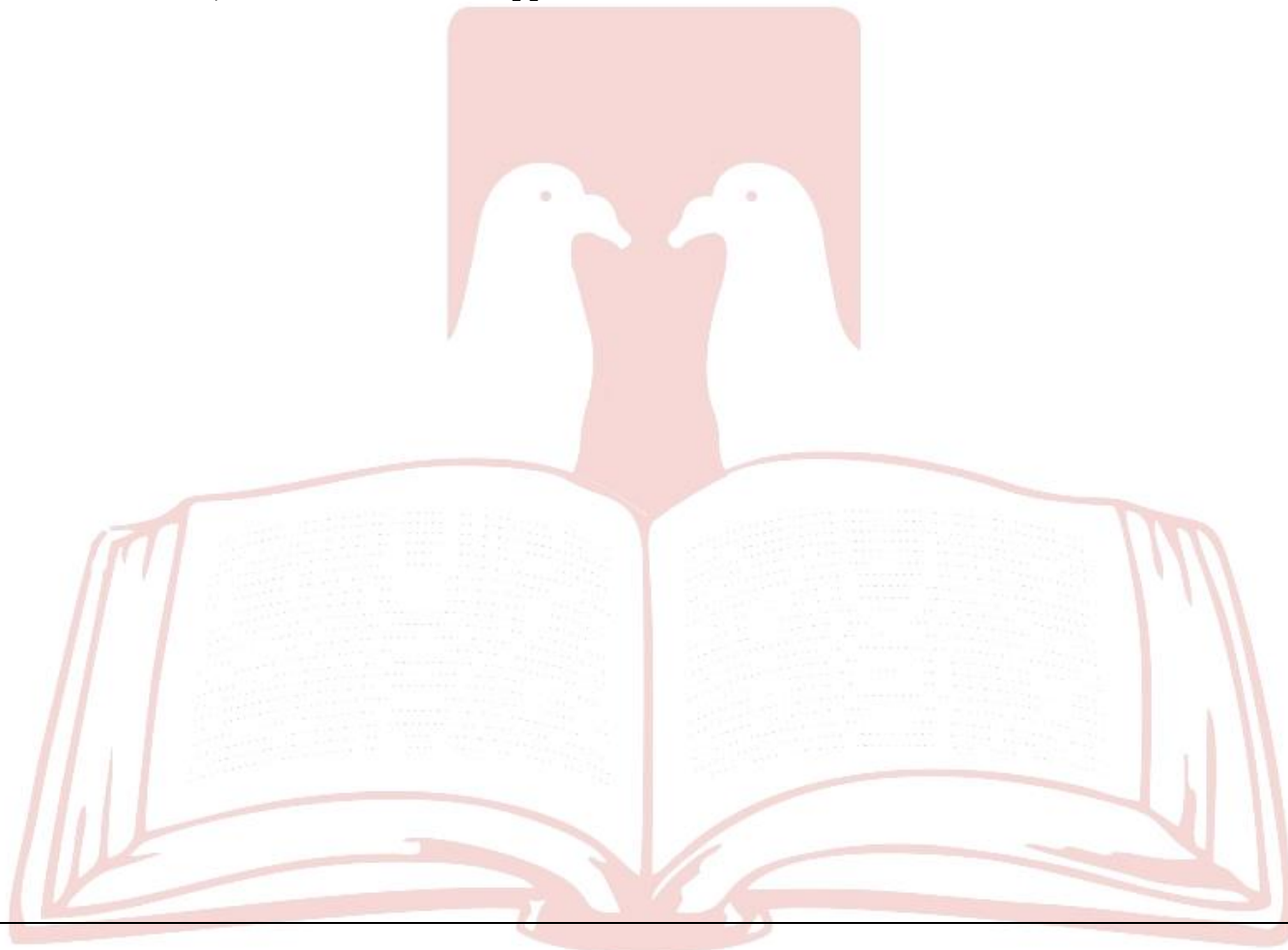
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SUPREME COURT – CIVIL CASES

Vinod Infra Developers Ltd. Vs. Mahaveer Lunia & Ors. [Civil Appeal No. 7109 of 2025 (Arising out of SLP(C) No. 4862 of 2025) (2025 INSC 772)]

Date of Judgment: 23.05.2025

The appeal was filed by the appellant challenging the order passed by the Rajasthan High Court in Civil Revision Petition, whereby the High Court reversed the Trial Court's dismissal of an application under Order VII Rule 11 CPC and rejected the appellant's plaint in entirety.

The appellant, claiming ownership of agricultural land in Village Pal, Jodhpur, filed an original suit seeking declaration, possession, and permanent injunction. The dispute arose from a 2014 transaction where the appellant received a loan of ₹7.5 crores from Respondent No.1 and executed an unregistered Agreement to Sell and Power of Attorney, allegedly as security for the loan. In May 2022, the appellant revoked both the authority and the Power of Attorney. Nevertheless, Respondent No.1 executed and registered sale deeds in July 2022 in favor of himself and Respondents No.2 to 4, prompting the appellant to file the suit. The respondents challenged the maintainability of the plaint, contending that, it disclosed no cause of action, and relied on the Agreement to Sell as proof of an absolute sale. The Trial Court dismissed the application, holding that the plaint disclosed triable issues. However, the High Court, treating the suit as an abuse of process, reversed the order and rejected the plaint.

The Court by relying on precedents such as Suraj Lamp & Industries v. State of Haryana and Central Bank of India v. Prabha Jain, observed that the unregistered Agreements to Sell and Power of Attorney cannot confer title or authorize valid sale, especially when no suit for specific performance was filed. The Court further observed that mutation entries are only for fiscal purposes and do not establish

ownership. It was clarified that civil courts retain jurisdiction over title disputes, and deficiencies in court fees must be allowed to be rectified before rejection.

Therefore, the Supreme Court, while allowing the appeal, held that the High Court erred in applying Order VII Rule 11 CPC since the plaint raised distinct cause of action, including the post-revocation sale deeds, and disputed title issues which required adjudication. Accordingly, it set aside the High Court's order, restored the Trial Court's decision, and directed the suit to proceed.

Binod Pathak & Ors. Vs. Shankar Choudhary & Ors. [Special Leave Petition (C) No. 1536 of 2015 (2025 INSC 842)]

Date of Judgment: 14.07.2025

“The failure of a party to perform the duty under Rule 10A constitutes a wrongful act and such party must not be allowed to avail the benefit arising therefrom in the form of abatement of suit.”

The Civil Appeal has been filed by the appellants/original plaintiffs against the High Court decision that set aside a First Appellate Court's judgment on the grounds of abatement. The appellants had filed Suit for declaration of title and recovery of possession, which was initially dismissed by the trial court. The appellants' First Appeal was subsequently allowed by the First Appellate Court, upholding their title and decreeing recovery of possession and mesne profit. The respondents (original defendants) then filed a Second Appeal, in which the High Court observed that some respondents in the First Appeal had died during its pendency, and their legal heirs were not brought on record. The High Court concluded that the First Appeal had abated entirely because the decree was joint and indivisible, and consequently, set aside the judgment of the First Appellate Court. In the present appeal, the appellants contended that the High Court erred by violating Order XXII Rule 10A of CPC, claiming the respondents failed to inform the appellants or the appellate court about the death of some respondents, and this non-disclosure should not have caused the entire appeal to abate, especially since some deceased were merely proforma respondents unrelated to the disputed sale deeds. On the other hand, the respondents maintained the High Court was correct, arguing that Order XXII Rule 4 CPC takes precedence over Rule 10A.

The Supreme Court observed that the respondents, being aware of the deaths, deliberately kept quiet and allowed the First Appellate Court to proceed on the merits, only raising the issue of abatement when the matter reached the High Court in the Second Appeal. This conduct was deemed to be "smack of lack of good faith". The Court emphasized that Rule 10A imposes a duty on pleaders to inform the court

of a party's death and to provide details of the legal heirs for substitution. The Court referred to the legal principle *nullus commodum capere potest de injuria sua propria*, meaning no one should benefit from their own wrong, and held that the respondents' silence was a wrongful act. They should not gain an advantage such as abatement. The Supreme Court partly allowed the appeal, set aside the High Court's judgment, and remanded the case for fresh consideration.

CH. Joseph Vs. The Telangana State Road Transport Corporation & Other
[Special Leave Petition (Civil) No(s). 36278 of 2017 (2025 INSC 920)]

Date of Judgment: 01.08.2025

The appellant challenged the Division Bench judgment of the High Court of Hyderabad, which had overturned a Single Judge's direction in the writ petition, that had ordered TSRTC to provide him alternate employment.

The appellant was appointed as a driver in 2014 and was later declared medically unfit due to color blindness. He sought either reversal of this declaration or alternate employment. However, his appeals and representation were dismissed by TSRTC, which also denied him reassignment, citing that no suitable posts were available and that colour blindness was not recognized as a disability under Section 2(i) of the PwD Act, 1995. TSRTC also argued that only persons with over 40% disability qualified for protection and pointed to a 1986 Memorandum of Settlement (MOS) that allegedly superseded the earlier 1979 MOS, which mandated alternate employment for color-blind drivers. Aggrieved by the same, the appellant approached the High Court seeking redress against an order, by which he was prematurely retired on medical grounds after being found color blind during a routine medical examination. The High Court, relying on the B.S. Reddy case, had instead directed him to make a representation to the Corporation under its internal scheme.

The Supreme Court observed that TSRTC failed in its statutory and contractual duty by not assessing or offering suitable alternative employment, especially since the appellant was willing to work in non-driving roles and was not wholly incapacitated. Further, the Court upheld the binding nature of Clause 14 of the 1979 MOS, emphasizing it remained valid despite the 1986 MOS, as it was a specific clause for color-blind drivers, unlike the general provision in the latter and held that the TSRTC had made no genuine attempt to evaluate alternate roles and its inaction violated principles of natural justice. It also distinguished B.S. Reddy, finding it inapplicable

since appellant's claim was not only under the PwD Act but also under a binding industrial settlement.

Accordingly, the Supreme Court ***allowed*** the appeal, set aside the High Court's judgment, and directed TSRTC to reinstate appellant in a suitable non-driving post on the same pay scale, within eight weeks. It also awarded him 25% of the arrears from the date of termination, with continuity of service benefits.

**Metpalli Lasum Bai (Since Dead) & Ors. Vs. Metapalli Muthaih(D) By Lrs.
[C.A. No(s). 5921 of 2015 with C.A. No(s). 5922 of 2015] (2025 INSC 879)**

Date of Judgment: 21.07.2025

The present appeals were filed challenging the orders quashing the Trial Court's order allowing impleadment of the appellant as a party in a civil suit.

The brief facts of the case is that the original plaintiff had filed suit seeking specific performance of an agreement to sell, permanent injunction, and declaration that an earlier will and a subsequent sale deed were void. The appellant filed an application to be impleaded, which was allowed by the Trial Court. However, this was challenged by defendant No. 4 before the High Court, which set aside the impleadment and later dismissed the appellant's review petitions. Aggrieved by the same, the appeals were filed seeking restoration of the Trial Court's order.

The dispute concerns a property with competing claims stemming from two conflicting Wills allegedly executed by the late Mr. Indramohan Pradhan. The appellant, claiming ownership through a 2001 Will and sale deed, sought impleadment, which was opposed by defendant No. 4 citing suppression of facts and a status quo violation, though the plaintiff did not object. The High Court found no evidence supporting the appellant's claim and held that the appellant was neither a necessary nor a proper party, casting doubt on the sale's genuineness and holding that the sale deed was suspect and executed during a subsisting status quo order. The appellant argued in review that they were a purchaser lis pendens and hence a necessary party. Defendant No. 4 countered using *Sunil Gupta v. Kiran Girhotra* to argue that impleadment was not needed in such cases.

The Supreme Court after examining precedents including *Kasturi v. Iyyamperumal*, *Sumtibai v. Paras Finance Co.*, and *Mumbai Int'l Airport v. Regency Convention Centre*, observed that, while a purchaser pendente lite may not always be a necessary party, they can be impleaded as a proper party if their interest is directly affected. It emphasized that the High Court had overstepped its supervisory

jurisdiction under Article 227, and that the genuineness of the transaction was a matter for trial. The Court further observed that the plaintiff had not objected to impleadment, which supported the appellant's case.

Accordingly, the Supreme Court allowed the appeals, restored the Trial Court's order, and set aside the High Court's, holding that the appellant was a proper party whose presence was necessary for complete adjudication of the issues. All substantive issues were left open for trial.

Gurdial Singh (Dead) Through LR Vs. Jagir Kaur (Dead) and Anr. Etc.
[CIVIL APPEAL NO(s). 3509-3510/2010 (2025 INSC 866)]

Date of Judgment: 17.07.2025

This civil appeal had been filed as against the judgment of the High Court, which set aside the concurrent findings of the Trial Court and the First Appellate Court and declared the 1st respondent as the rightful owner and in possession of the suit land. The appellant had instituted a suit seeking a declaration of ownership based on a Will dated 16.05.1991, allegedly executed by his uncle, Maya Singh, bequeathing the suit land to him.

The appellant contended that Maya Singh had predeceased his legally wedded wife Joginder Kaur, and the 1st respondent was not Maya Singh's wife, nor was the 2nd respondent his adopted son. In response, the respondents filed a suit seeking declaration that the 1st respondent was Maya Singh's lawful wife and the 2nd respondent was their adopted son.

The Trial Court decreed the appellant's suit, holding the Will to be genuine and the appellant as the lawful owner of the suit land, while also recognizing the 1st respondent as Maya Singh's lawful wife. The respondents' suit was dismissed. The First Appellate Court affirmed this decision, observing that the Will was registered, bore the testator's signature, and had been duly attested and proved. It held that mere disinheritance of a legal heir without reasons was not, in itself, sufficient to vitiate the Will.

The High Court, however, reversed these findings in second appeal, framing the substantial question of law: whether the execution of the Will had been duly proved. It held that the complete silence regarding the wife's existence and lack of reasons for her disinheritance constituted a suspicious circumstance that tainted the Will and indicated absence of a free disposing mind.

Before the Supreme Court, the appellant's counsel submitted that the Will was proved through the testimony of the scribe and attesting witness, and that the 1st

respondent had been adequately provided for through monetary benefits and pension. The respondents' counsel, however, contended that the omission of the wife, despite her cohabiting with Maya Singh until his death, demonstrated a sinister attempt by the appellant to deny her status and unduly influence the execution.

The Supreme Court reiterated that proof of a Will requires not only compliance with Section 63 of the Indian Succession Act and Section 68 of the Evidence Act but also satisfaction of the judicial conscience, especially when suspicious circumstances exist. It held that the appellant's denial of the 1st respondent's marital status and the absence of any mention or justification in the Will for her disinheritance raised serious doubts.

The Court further rejected the Trial Court's observation regarding non-performance of last rites by the 1st respondent as irrelevant, citing customary practices. It found no evidence of strained relations between the testator and his wife. The Court observed that the Will's cryptic nature, combined with the appellant's conduct, pointed to undue influence and the execution of the Will was not a voluntary act of the testator.

The Court, therefore, held that the Will had not been executed out of the free disposing mind of the testator and affirmed the judgment of the High Court, dismissing the appeals.

SUPREME COURT - CRIMINAL CASES

Jai Prakash Vs. State of Uttarakhand [Criminal Appeal Nos. 331 - 332 Of 2022 (2025 INSC 861)]

Date of Judgment: 16.07.2025

The brutality of a crime cannot be the only criterion for determining whether a case falls under the "rarest of the rare" category.

The Criminal Appeal has been filed by the appellant challenging the High Court's decision, which confirmed the death sentence imposed by the trial court. The brief facts of the case is that the appellant lured a 10-year-old girl, X, to his hut, where her body was later found concealed. The post-mortem revealed she died from manual strangulation and had been sexually assaulted. The prosecution's case rested on the recovery of X's body from the appellant's hut, the "last seen" theory (witnesses saw X with the appellant), and conclusive DNA evidence linking the appellant to the victim. Both the Trial Court and High Court convicted the appellant for offences under Sections 376(AB), 377, 302 of the IPC and Section 5/6 of POCSO, rejecting his claim that child witnesses were tutored, and the death penalty was imposed.

In the present appeal, the Supreme Court upheld the conviction based on the recovery of the body, the "last seen" theory, and DNA evidence, confirming the prosecution's case. However, regarding the death penalty, the Court criticized the lower courts for solely focusing on the crime's brutality without adequately considering other factors, and highlighted the substantial responsibility of the judiciary in capital sentencing and emphasized that the "rarest of rare" test requires an objective, consensus-based application, moving beyond a judge's personal considerations. The Court reiterated the two-step process for applying the "rarest of rare" test: first, the case must unequivocally fall into this category after an equal consideration of both aggravating and mitigating circumstances; second, the alternative of life imprisonment must be "unquestionably foreclosed" due to the impossibility of the offender's reformation. The Supreme Court found that the lower

courts failed to adequately consider the appellant's mitigating circumstances, such as his poor socio-economic background, early employment, and good jail conduct. Consequently, while upholding the appellant's conviction, the Supreme Court, commuted the death penalty to life imprisonment without any remission, extending for the appellant's natural life. The appeals were thus partly allowed.

Shiv Baran Vs. State of U.P. & Anr. [SLP (Cr.)No.3993/2025 (2025 INSC 860)]

Date of Judgment: 16.07.2025

"The power u/s 319 of Cr.P.C. is not to be exercised in a regular or cavalier manner, but only when strong or cogent evidence is available than the mere probability of complicity."

The Criminal Appeal has been filed by the appellant challenging the High Court's decision, which set aside the summons issued to the 2nd respondent by the trial court u/s 319 Cr.P.C. The case began with an FIR by the appellant against the accused persons, including the 2nd respondent, after his brother was fatally assaulted. Although the initial investigation didn't implicate the 2nd respondent, eyewitnesses (PW1, PW2, PW3) later testified about his involvement during the trial, leading the Trial Court to add him as an accused under Section 319 Cr.P.C. The High Court quashed the summons, citing insufficient evidence and lack of ascribed motive from the eyewitnesses. Challenging the above said High Court's decision, the present appeal has been filed.

The Supreme Court deliberated on the principles governing Section 319 Cr.P.C, emphasizing it as an enabling provision to ensure the guilty do not escape, though to be exercised with utmost caution. The Court clarified that "evidence" for Section 319 includes statements in examination-in-chief, and the Court does not need to wait for cross-examination. The Court reiterated that the degree of satisfaction required is more than a prima facie case (for framing charges) but less than conviction-level satisfaction, demanding "strong and cogent evidence". Crucially, the Court can summon a person named in the FIR but not charge-sheeted by the IO, as the IO's satisfaction is not determinative when the complainant's evidence is credible. Applying these principles, the Supreme Court found that PW1, PW2, and PW3 consistently named the 2nd respondent and assigned him a specific role, like carrying a baton. The Court observed that the High Court erred by applying the standard for conviction instead of the standard for summoning under Section 319

Cr.P.C.. The Court, while allowing the appeal, concluded that there was sufficient prima facie material to put the 2nd respondent on trial, set aside the High Court's order, and restored the Trial Court's summoning order.

Kattavellai @ Devakar Vs. State of Tamilnadu [Crl.A.No.1672/2019 (2025 INSC 845)]

Date of Judgment: 15.07.2025

“DNA evidence is generally trusted and effective in proving things, but its trustworthiness and usefulness rely on it being collected, handled, and analyzed meticulously and correctly at every step.”

The criminal appeal has been filed by the appellant challenging the High Court judgment, which confirmed the appellant's conviction and death sentence for the murder, rape, and robbery of two young individuals, Ezhil Muthalvan (D1) and Kasturi (D2). The incident involved D1 and D2 meeting at Suruli Falls. Another couple (PW-5 and Bhagyalakshmi) was also present. According to the prosecution, the appellant, armed with a sickle, first threatened Bhagyalakshmi for her jewelry, which he discarded upon realizing it was imitation. He then approached D1 and D2, threatening them for money and gold, and allegedly killed them when they refused. Their decomposed bodies were found, with D1 having a severe chop wound to the neck, and D2 sustaining multiple chop wounds, indicating sexual assault. Both the Trial Court and the High Court had found the appellant guilty, imposing a death penalty and life imprisonment for murder and rape. Aggrieved by the same, the present appeal has been filed. The appellant contended that key prosecution witnesses were unreliable, with PW-5's silence and actions raising doubts, and the non-examination of material witness Bhagyalakshmi weakening the case. The Test Identification Parade (T.I.P.) was delayed and compromised due to prior exposure of the appellant's identity. The DNA evidence was questioned due to gaps in the chain of custody. Vaginal swabs allegedly handed over by PW-37 to a constable (PW-41) were not acknowledged by the latter, and there was no documentation or testimony regarding the collection and transmission of the appellant's blood or semen samples. The lack of records from FSL and missing hospital documentation further raised doubts about tampering and contamination, and the motive was unproven as key items were not recovered. In response, the prosecution maintained

there was no delay by PW-5, the T.I.P. was valid, and the confessions and recoveries were credible and legally relevant. It claimed the gold chain was properly identified, and DNA evidence, supported by multiple witnesses and exhibits, conclusively established rape.

The Supreme Court found that the prosecution failed to establish a complete and conclusive chain of circumstantial evidence linking the appellant to the crime. The “last seen” theory was undermined by unreliable witnesses and lack of timely reporting. The arrest, confessions, and recoveries were riddled with procedural lapses and lacked independent corroboration. The Court rejected the DNA evidence due to a 41-day delay in sending vaginal swabs to the forensic lab, gaps in the chain of custody, conflicting testimonies, missing documentation of the accused’s sample collection, and lack of proof regarding proper sealing or handling, all raising a strong possibility of tampering or contamination. Expressing concern over the frequent mishandling of DNA evidence, the Court issued the following mandatory directions to be followed in all cases:

- Detailed documentation during collection, including FIR number, investigating officer details, serial numbers, and signatures of doctors, IOs, and witnesses.
- The Investigating Officer must ensure transport of samples to the forensic lab within 48 hours; any delay must be recorded in the case diary.
- No package shall be opened, altered, or resealed while stored, pending trial or appeal, without the express authorization of the Trial Court, based on a medical professional's statement.
- A Chain of Custody Register must be maintained, appended to the Trial Court record, documenting every movement of the evidence with counter-signatures and reasons, with the IO accountable for lapses.
- Directors General of Police in all states must issue standard forms and ensure compliance; police academies must train IOs in these procedures.

The Court held that motive was unproven, key valuables were not recovered, the Test Identification Parade was tainted, other suspects were ignored, and crucial witnesses were not examined. Declaring the investigation flawed, the Court acquitted the appellant after prolonged incarceration and emphasized the need for legislative action on compensation for wrongful prosecution under Article 21.

**Kathyayini Vs. Sidharth P.S. Reddy & Ors. [SLP (CrI.) No. 1105 Of 2024
(2025 INSC 818)]**

Date of Judgment: 14.07.2025

“Pendency of civil proceedings on the same subject matter, involving the same parties, is no justification to quash the criminal proceedings if a prima facie case exists against the accused persons.”

The Criminal Appeal has been filed by the appellant, challenging the order of the High Court, which quashed the criminal proceedings involving charges under Sections 120B, 415, and 420, read with Section 34 of the Indian Penal Code, 1860, against the respondents. The brief facts of the case is that the appellant, Kathyayini, alleges that her elder brother and his sons (the respondents) created a false family tree and a fraudulent partition deed to exclude her and her four sisters from inheriting their parents' land, which was subsequently acquired for metro construction, yielding Rs. 33 Crores in compensation. Despite an initial release of Rs. 1.80 Crores to the brothers, the fabrication was later exposed, leading to a halt in further payments and police complaints. The High Court dismissed the criminal proceedings, reasoning that no cheating offence was established under Section 420 IPC, despite the acknowledged misrepresentation of the family tree by the respondents, and also cited the pending civil partition suit and the secured compensation as grounds to terminate the criminal case.

The Apex Court found a prima facie case for criminal conspiracy and cheating, stemming from allegations that the respondents used a forged family tree and a fraudulent partition deed to illegally obtain compensation for ancestral land, defrauding the appellant and her sisters. The Supreme Court highlighted that the High Court wrongly relied on unverified testimony regarding the partition deed's genuineness, and held that a pending civil suit does not bar criminal prosecution when criminal offences are prima facie evident, citing the precedent laid down in K. Jagadish Vs. Udaya Kumar G.S. and another. The Court emphasized that the chain

of events, from creating false documents to the distribution of compensation and alleged threats, strongly indicated a concerted effort to illegally benefit, necessitating a criminal trial. The Supreme Court, while allowing the appeal, set aside the High Court's order and directed the Trial Court to resume proceedings against the respondents.

**S. N. Vijayalakshmi & Ors. Vs. State of Karnataka & Anr.[Special Leave
Petition (Criminal) No.8626 of 2024 (2025 INSC 917)]**

Date of Judgment: 31.07.2025

“U/S 156 (3) - Non-filing of the supporting affidavit is a curable defect, but must be cured before the Magistrate passes any substantive order on the complaint/application.”

This Criminal appeal seeks to quash the First Information Report and subsequent criminal proceedings against the appellants for alleged offences under various sections of IPC, including cheating and criminal breach of trust. The High Court had previously dismissed the appellants' petition to quash the FIR, leading to the current appeal before the Supreme Court.

The case involves a property over which the appellants, who are family members of the original owners, executed an Agreement to Sell (ATS) and a General Power of Attorney (GPA) in favor of the complainant /2nd respondent for Rs. 3.5 crores, receiving an advance of Rs. 2 lakh. Due to uncertainty about when the title would become alienable, the ATS did not specify a time frame. Once the title became marketable in 2020, the appellants allegedly failed to honor the ATS, revoked the GPA in 2022, and transferred the property through a Release and Gift Deed. This led the 2nd respondent to file a private complaint and a civil suit, resulting in an FIR in 2023.

The current appeal challenges the High Court's refusal to quash that FIR. The Appellants contended that the FIR lacked the ingredients of cheating and criminal breach of trust, as there was no dishonest intent from the beginning, and that the 2nd respondent failed to follow the mandatory procedure under Sections 154(1) and 154(3) Cr.P.C., as laid down in *Priyanka Srivastava v. State of UP*. They cited the 2nd respondent's own statement indicating fraud only after the property's value increased, and claimed that IPC Sections 406 and 420 cannot apply together.

On the other hand, the 2nd respondent asserted that the complaint disclosed a prima facie case and followed *Priyanka Srivastava* guidelines. The 2nd respondent

alleged the appellants intentionally revoked the GPA and executed new deeds to cheat him. The 1st respondent submitted that investigation showed dishonest intent from the outset, making out offenses under IPC Sections 406, 420, 120B, and 34.

The Supreme Court observed that IPC 406 was inapplicable as there was no entrustment, and the appellants were property owners. With respect to section 420 IPC, the Court found no dishonest inducement since possession was contractually linked to the execution of the Sale Deed and was never transferred. The Supreme Court reiterated that IPC 406 and 420 are mutually exclusive, meaning the same set of facts cannot simultaneously support both offenses, as their legal ingredients are distinct. The Court also determined that the 2nd respondent's belated filing of the affidavit before the referral order by the Magistrate constituted a curable defect. While allowing the appeal, the Court held that the requirement to file an affidavit, though mandatory, is prospective and can be complied with before any substantive order is passed on the complaint/application. The Court quashed the FIR, charge sheet, and cognizance order against the appellants, holding that no criminal offence was made out.

HIGH COURT - CIVIL CASES

D. Kalaivani W/o. N.R.Dhandapani, Residing at No.70. New No.24, Savarimuthu Street, Mannady, Chennai & Ors. Vs. P. Suresh, S/o.Paramasivam, No.37/13, Pillaiyar Street, North Mada Street, Koyambedu, Chennai [CRP No. 3197 of 2024]

Date of Judgment: 03.06.2025

The Petitioner/defendants filed a Civil Revision Petition seeking to strike off the plaint in the original suit pending before the District Munsif Court.

The original suit had been filed by Respondent/Plaintiff for a permanent injunction to restrain interference with his alleged possession of the suit property. The petitioners challenged the maintainability of the suit on the ground that it was founded on a fraudulent document and lacked any legitimate cause of action. They provided supporting revenue records and kist receipts showing continued possession by one Sambandam Chettiar until 2019 and alleged that the plaintiff fraudulently obtained patta in 2020 without due notice. The trial court dismissed the suit for default due to non-prosecution. However, the suit was later restored (after about a year), and continued to remain pending before the District Munsif Court, Tambaram, which led the defendants to file the Civil Revision Petition.

The Hon'ble High Court, after examining the records and submissions, observed that the *plaintiff's foundational document was a fabrication*. The Sub-Registrar's office confirmed that Document No.3994/1975 was a *mortgage deed, not a sale deed* as claimed. The court also noted that the plaintiff failed to produce any proof of possession or the original sale deed, had not sought declaratory relief despite the title being disputed, and showed no interest in diligently prosecuting the suit.

Consequently, the Court by citing the Supreme Court precedent on abuse of process *allowed the Civil Revision Petition* and struck off the plaint in the original suit. Further, the Court held that the Courts may exercise their inherent powers under Article 227 to strike off a suit *at the inception stage if it is built on fraudulent*

documentation, lacks bona fide intent, and its continuation would be a waste of judicial resources.

**Mahudeeswari & Ors. Vs. The Special Tahsildar, [Land Acquisition],
Neighbour Hoor Scheme, Dharapuram [Now], formerly Land Acquisition
Thasildhar, The Special Thasildhar [Land Acquisition], & Ors. [C.R.P NPD
NO.3420 of 2023]**

Date of Judgment: 20.01.2025

The Civil Revision Petition was filed by the petitioner to set aside the order passed in Execution Petition by the Subordinate Judge, which dismissed the execution petition stating that the appellate court had not granted interest on solatium or the additional amount.

The execution proceedings arose from a land acquisition case where the petitioners contended that the Execution Court had erred in its interpretation of an earlier appellate court order concerning the payment of interest on solatium and the additional amount awarded in the land compensation. The appellate court dismissed the State's appeal and allowed the cross objection, raising the compensation to Rs.4000 per cent. The court granted interest on the market value but deferred the question of interest on solatium. The claimants were expressly permitted to file an appropriate petition depending on the outcome of the Supreme Court's ruling. Following the landmark judgment in *Sunder v. Union of India* (2001), where the Constitutional Bench held that interest is payable on solatium, the petitioners filed Execution Petition. However, the Execution Court dismissed this petition, stating that the appellate court had not granted interest on solatium or the additional amount.

The Hon'ble High Court, observed that the Execution Court had misconstrued the appellate court's direction and clarified that the appellate court did not refuse interest on solatium, but had allowed the petitioners the liberty to seek it after the Supreme Court's final word on the issue.

By referring to both *Sunder v. Union of India* and the subsequent judgment in *Gurpreet Singh v. Union of India* (2006), the Court while allowing the Civil Revision Petition set aside the Execution order and held that execution courts could grant interest on solatium for pending executions from September 19, 2001, even if the

original decree did not expressly mention it. This power was grounded in Article 141 and Article 142 of the Constitution to prevent multiplicity of litigation.

Sundarammal & Ors. Vs. Kanagaraj & Anr. [C.R.P. Nos. 808 & 809 of 2025 and C.M.P. No. 4731 of 2025]

Date of Judgment: 26.06.2025

The Civil Revision Petitions were filed by the petitioners challenging the orders passed by the Execution Court, allowing applications filed by the respondents, to set aside an ex parte order of delivery and condone a delay of 31 days.

The original suit was partially decreed in 2011, which led to the initiation of execution proceedings by the petitioners. The respondents failed to file their counter in the execution proceedings and were set ex parte, resulting in an order for delivery. The respondents then belatedly filed applications to set aside the ex parte order and sought condonation of delay. The petitioners opposed this on the ground that Order 21 Rule 106(3) CPC mandates filing such applications within 30 days and Section 5 of the Limitation Act is not applicable, as held in previous judgments. They relied on authoritative precedents, including ***Damodaran Pillai v. South Indian Bank***, asserting that the Madras High Court's 1972 amendment permitting delay condonation stood repealed under Section 97 of the 1976 Central Amendment to the CPC. Despite objections the application were allowed resulting in the present Civil Revision Petition.

The Court analyzed the legislative history and judicial precedents, and observed that the Madras High Court's 1972 amendment to Order 21 Rule 105 CPC was inconsistent with the Central Amendment of 1976 and thus stood repealed by virtue of Section 97 of the Amending Act. The Court reaffirmed that Section 5 of the Limitation Act does not apply to execution proceedings under Order 21 and that delay beyond 30 days in such matters is not condonable. Consequently, the Court allowed the Civil Revision Petitions and the Execution Court's orders condoning the delay were set aside.

However, acknowledging potential injustices arising from counsel negligence, the Court issued procedural safeguards under Article 227 of the Constitution to protect litigants' interests and directed the Registry to place the matter before the High Court's Rule Committee for reconsideration of the deleted proviso.

**Sumithra Bhai Vs. K. Venkopa Rao [C.R.P.No.2802 of 2022 and
CMP.No.1505 of 2022]**

Date of Judgment: 03.06.2025

The revision petition was filed by the petitioner/defendant challenging the appellate court's order dismissing the application under Order 6 Rule 17 CPC for amendment.

The original suit, was filed by the plaintiff for eviction, asserting that the defendant, was a tenant in the shop premises, which she claimed under a registered gift deed executed by one Vittal Rao. The defendant denied her title in his written statement. The Trial Court dismissed the suit, citing that the plaintiff failed to seek a declaration of title. The plaintiff then filed an application for amendment before the appellate court to include the relief of declaration. This was opposed by the defendant on the grounds of limitation and jurisdiction, ultimately leading to its dismissal. Aggrieved by the same, the civil revision petition was filed.

The Hon'ble High Court, relying on precedents, observed that a suit for recovery of possession based on title is governed by a 12-year limitation period under Article 65 of the Limitation Act. Since the plaintiff had asserted ownership, the declaration of title was deemed ancillary and did not fundamentally alter the nature of the suit. The Court cited several judgments including N. Thajudeen, C. Mohammad Yunus, and Life Insurance Corporation of India, emphasizing that procedural amendments should serve justice and may be allowed even after limitation if the core cause of action remains unchanged. Thus, the Court allowed the revision petition and held that the amendment was permissible and set aside the appellate court's order by allowing the amendment application. Further, the appellate court was directed to proceed with the appeal and dispose of it within four months.

L.V. Velusamy V. L.V. Palanisamy (Died) & Ors. [CRP. PD. NO. 2991 of 2019 and C.M.P. No. 19293 of 2019]

Date of Judgment: 19.06.2025

The Petitioner/Plaintiff filed a Civil Revision Petition to set aside the order passed by the trial court, which dismissed the application that sought to reject Exhibit B1 and permitted Exhibit B1 to be marked, albeit subject to the plaintiff's objection.

The dispute centered around Exhibit B1, a "Panchayat Partition Deed" dated 28.03.1997, which the plaintiff argued was inadmissible for want of registration and being insufficiently stamped. The defendants admitted the deed was unregistered and insufficiently stamped but contended it could be used for collateral purposes. Although the trial court recorded objections to its admissibility, it proceeded to mark the document. Aggrieved by the same, the Civil revision petition was filed.

The Hon'ble High Court observed that Exhibit B1 required registration under Section 17 of the Registration Act and proper stamping under the Stamp Act. The Court found that the trial court erred in relying on Section 36 of the Stamp Act to permit the document's admission, clarifying that documents marked "subject to objection" can later be ruled inadmissible.

The Court by referring to the Division Bench ruling in Lakshmipathy A.C. v. A.M. Chakrapani Reddiar, emphasized that an unregistered and unstamped document cannot be looked into even for collateral purposes. The Court rejected the applicability of the Barium Chemicals judgment relied on by the trial court, finding that the facts were distinguishable. Since the defendants sought to establish rights through Exhibit B1, they could not invoke the doctrine of collateral purpose. Accordingly, the High Court allowed the Civil Revision Petition by setting aside the trial court's order, and directed the rejection of Exhibit B1 from the record.

HIGH COURT – CRIMINAL CASES

Pratheek Krishnamoorthy Vs. The State represented by The Inspector of Police, E-4, Abhiramapuram Police Station, Chennai [Crl.A.Nos.1263, 1264, 1444, 1475 & 1477 of 2024]

Date of Judgment: 10.06.2025

This criminal appeal had been filed as against the judgment of conviction and sentence passed by the learned II Additional Sessions Judge, seeking prayer to set aside the conviction and acquit the appellants of the charges under Sections 120(B) r/w 302 IPC, 343 r/w 149 IPC, 148 IPC, 302 r/w 149 IPC, and 201 r/w 149 IPC.

The prosecution alleged that the deceased, who was employed as a driver by P.W.4 (daughter of A1), had been suspected by A3 of having complained to her regarding certain financial misappropriations. A3, who managed A1's vehicles and was closely associated with A2 (A1's son), allegedly spread a rumour about an illicit relationship between the deceased and P.W.4. Enraged by this, A1 to A3 were alleged to have conspired to murder the deceased and engaged A4 to A6 to execute the plan. On 30.06.2010, all six accused allegedly formed an unlawful assembly and murdered the deceased with deadly weapons. A complaint was initially registered under Section 174 Cr.P.C., and subsequently altered to Sections 147, 148, 342, 302, and 201 r/w 149 IPC. The learned Trial Court convicted all six accused, sentencing them to life imprisonment and imposing various fines.

When the matter was placed before the Hon'ble High Court, it was observed that the entire case of the prosecution was based exclusively on circumstantial evidence. The Hon'ble Court, with due regard, referred to the legal principles laid down in Sharad Birdhichand Sarda Vs. State of Maharashtra [(1984) 4 SCC 116], wherein the Supreme Court had held that five conditions must be fulfilled to sustain a conviction based on circumstantial evidence. The Court held that these conditions had not been satisfied in the present case.

The prosecution's claim of motive rested solely on the Section 164 Cr.P.C. statement of P.W.4, which alleged an illicit relationship. However, P.W.4 turned hostile during trial and did not support the prosecution case. The Hon'ble Court reiterated that statements under Section 164 Cr.P.C. are not substantive evidence and can only be used for corroboration. Since P.W.4's testimony lacked such corroboration, the Trial Court erred in relying on it. The Trial Court had also improperly relied upon statements recorded under Section 161 Cr.P.C., which are inadmissible. None of the other witnesses, including P.W.1 to P.W.3 (relatives of the deceased), established any motive or relationship between the deceased and P.W.4.

The prosecution attempted to trace the accused's movements through tollgate and petrol bunk receipts. However, the relevant receipts did not contain the vehicle number, nor did any witness identify the accused. Though DNA analysis and forensic reports confirmed the identity of the deceased and the cause of death, the Hon'ble Court held that these could not prove the identity of the perpetrators.

The application of the last seen theory was also rejected, as no witness had seen the deceased in the company of the accused. The Hon'ble Court found that the Trial Court had erred in law by drawing inferences unsupported by admissible evidence. As the prosecution had failed to establish a complete chain of circumstances, the Hon'ble High Court while allowing the criminal appeals, set aside the conviction, acquitted the appellants of all charges, directed their release, and ordered refund of any fines paid.

**Duraisamy & 1.Kumaresan 2.Subramani Vs. The State represented by
Inspector of Police, Rasipuram Police Station, Namakkal District [Criminal
Appeal Nos.358 & 348 of 2022]**

Date of Judgment: 24.06.2025

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), Section 3(1)(x); Indian Penal Code, 1860 (45 of 1860), Sections 294(b) & 506 (ii): Ingredients of offence.

This criminal appeal has been filed as against the judgment of conviction and sentence passed by the Additional District & Sessions Judge, seeking prayer to set aside the said judgment. The appellants: Accused 2, Accused 3, and Accused 5 had filed these appeals challenging their conviction under Sections 302 and 307 IPC, whereby they were sentenced to life imprisonment and rigorous imprisonment with fine, respectively. The trial court had ordered that all sentences run concurrently. During pendency, A3 and A1 died. A4 had been acquitted and no appeal was filed against that acquittal.

The case originated from an incident on 04.07.2012 at about 8:00 a.m. wherein a wordy quarrel arose between A5 and PW2 during a nature's call. When PW1 and others proceeded to the police station, they were waylaid by the accused who allegedly attacked them using sticks taken from a bullock cart. A1, A2, and A3 were stated to have inflicted injuries on PW1, PW2, and the deceased. The deceased succumbed to head injuries later that night.

The appellants conferred that the sketch showed the place of incident as a common public area where both parties encountered each other without premeditation. They emphasised contradictions in eyewitness accounts regarding who used which weapon and what injuries were inflicted. They also pointed out that while the prosecution witnesses claimed specific injuries inflicted by each accused, their versions contradicted one another and failed to explain injuries suffered by the accused themselves.

The appellants contended that the trial court failed to consider that the incident amounted to a free fight arising from a wordy quarrel, and the prosecution suppressed the true origin and nature of the occurrence. The failure of the prosecution to explain these injuries, as settled in the Supreme Court judgment in *Lakshmi Singh v. State of Bihar*, (1976) 4 SCC 394, was held to be fatal to the prosecution's case.

The Court observed that the trial court erred in not evaluating the defence evidence and the counter FIR on equal footing, and failed to apply the principles laid down for cross-cases under Section 223(d) Cr.P.C.. The Hon'ble High Court had earlier directed the Sessions Judge to withhold judgment in this case due to the pendency of the counter-case and later allowed its pronouncement with a direction not to let the earlier case influence the outcome.

The Court noted that the prosecution's case was built solely on the version of the injured prosecution witnesses and failed to account for the free fight, contradictions in testimony, hostile witnesses, and suppression of defence injuries and the counter-complaint. The Court found the procedural and substantive infirmities significant enough to discard the prosecution's version as unreliable.

The Court while allowing the appeals, set aside the judgment of conviction and sentence passed by the trial court.

**Subramaniam Vs. The State represented by the Inspector of Police,
Vigilance and Anti-Corruption, Nagercoil [Crl.R.C.(MD)No.590 of 2025]**

Date of Judgment: 18.06.2025

This Criminal Revision Case had been filed as against the order passed by the Chief Judicial Magistrate, cancelling the bail previously granted to the petitioner / sole accused and sought the prayer to set aside the same.

The petitioner / accused, a Health Inspector, had been charged under Sections 7, 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988. The allegation was that he demanded and accepted ₹1,000/- as a bribe from the defacto complainant for issuing a death certificate for the complainant's father. A trap was laid based on the complaint, and a case was registered.

Though the petitioner had been enlarged on bail, the bail was subsequently cancelled on an application filed by the prosecution. The prosecution alleged that on 27.03.2025, during the cross-examination of P.W.2 (the defacto complainant), it was found that the witness had consumed alcohol. The Special Public Prosecutor stated that P.W.2 had not consumed alcohol in the morning but was found intoxicated later, likely due to consuming alcohol with someone who accompanied him during a break. The Court Assistant confirmed the intoxication through a breath check. In that state, P.W.2 alleged before the Court that henchmen of the accused had approached and threatened him more than ten times and even on the same day, to prevent him from deposing against the accused. The Court, upon hearing this, stopped recording his evidence and observed that it would be within the prosecution's discretion to file an application to cancel the bail.

Subsequently, the prosecution filed such an application the very next day, leading to the impugned order of cancellation of bail.

The petitioner's counsel conferred that P.W.2 had already deposed in chief examination on 08.08.2024 in favour of the prosecution, and there was no plausible reason to threaten a witness who had supported the prosecution. He submitted that

the allegation was likely made to escape contempt proceedings for appearing intoxicated before Court.

The learned Additional Public Prosecutor contended that given the serious nature of the charges, the prosecution was obliged to prevent any influence over witnesses and, based on the Court's own observations, had filed the cancellation petition which the trial Court had rightly allowed.

The Court observed that during the chief examination on 08.08.2024, P.W.2 had not made any such allegation of threat or influence. He did not attend Court for several occasions thereafter and was cross-examined only on 27.03.2025. Even then, he made no complaint of intimidation until the Special Public Prosecutor noted his alcohol consumption and the Court confirmed it. Only then, in an inebriated condition, P.W.2 made allegations against the petitioner. The Court further noted that the statement of a witness made under intoxication lacks credibility and could have been made to evade contempt proceedings.

The Court critically observed that the prosecution did not deem it necessary at any earlier point to seek cancellation of bail, and only after the incident on 27.03.2025, filed the application in a mechanical manner, merely based on the Court's oral observation, without verifying the truth of the allegations made by P.W.2. An FIR was also registered against the accused based on the same allegations, and he had obtained anticipatory bail in that matter. Thus, the Court found that the trial Court failed to properly appreciate material facts and hastily cancelled bail without adequate basis. Allowing the Criminal Revision, the Hon'ble High Court set aside the order cancelling the petitioner's bail.

**Sarathi Vs. State rep. by Inspector of Police, All Women Police Station,
Tirupur South, Tiruppur District [CrI.A.No.102 of 2023]**

Date of Judgment: 27.06.2025

This Criminal Appeal was filed under Section 374(2) Cr.P.C. as against the judgment of conviction passed by the Sessions Judge, Mahila Court. The appellant was convicted under Section 9(m) r/w Section 10 of the POCSO Act and sentenced to five years Rigorous Imprisonment with a fine of ₹5,000, and in default, to undergo six months Simple Imprisonment.

The prosecution case was that on 17.07.2021, the 11-year-old victim was alone at home when the appellant entered, claimed he was leaving outstation, and upon being questioned, pushed her onto the cot, lifted her nightdress, and committed aggravated sexual assault. The father of the victim knocked the door during the incident, prompting the appellant to hide under the cot. The victim opened the door, and the father found the appellant inside the house. Instead of lodging a complaint immediately, the mother contacted Child Line, who lodged the FIR. A case was registered under Section 5(m) r/w Section 6 POCSO Act, later altered to Section 9(m) r/w Section 10 post-investigation.

The learned counsel for the appellant contended that the father of the victim, a crucial eyewitness, was not examined, and no immediate legal steps were taken by either parent, raising doubts over the authenticity of the allegations. It was submitted that a love affair existed between the appellant and the victim, and on the same day, the appellant was injured during a quarrel instigated by one Madhi, who was informed about the affair. A counter FIR under Section 307 IPC (Crime No.1176/2021) was registered and was pending investigation. The medical evidence showed no signs of injury, intact hymen, and absence of sexual intercourse, weakening the charge of aggravated assault.

On the other hand, the learned Additional Public Prosecutor contended that the victim's testimony was consistent, and her narration established the presence of the

appellant and his act of harassment, even if not penetrative. The fact that he was found hiding inside the house, and that the victim opened the door after the incident, supported the prosecution to the extent of harassment.

This Court observed that no charge of house trespass was framed, even though the appellant's entry was central to the prosecution's case. The victim opened the door voluntarily after the alleged act. The father of the victim, despite seeing the appellant, did not apprehend or report him immediately, and was not examined. The medical evidence confirmed that there was no injury, no evidence of penetration, and that the hymen was intact. Thus, the charge under Section 9(m) r/w Section 10 POCSO Act was not established beyond reasonable doubt.

However, the Court found that the conduct of the appellant, taken with his presence in the house and the context of a romantic link with the victim, attracted the ingredients of Section 7 r/w Section 8 of the POCSO Act (sexual harassment of a child).

Accordingly, this Court set aside the conviction under Section 9(m) r/w Section 10, and convicted the appellant under Section 7 r/w Section 8. The Court noted that the appellant had been in custody since conviction, had not furnished sureties, and had already undergone over six months of imprisonment, including remand. Hence, it sentenced him to the period already undergone.

The Court partly allowing the Criminal Appeal directed that the appellant be released forthwith, if not required in any other case. The fine amount, if paid, shall be refunded, and any bail bond shall stand discharged.

**Anbu & Karmegam Vs. State rep. by Inspector of Police, M-3, Puzhal
Police Station (Law and Order) Chennai [Criminal Appeal Nos.467 and 540
of 2019]**

Date of Judgment: 18.06.2025

The criminal appeal was filed as against the judgment of conviction and sentence passed by the learned Principal Sessions Judge, wherein the appellants/A1 and A3 were convicted under Section 302 of the Indian Penal Code and sentenced to undergo life imprisonment with a fine of ₹1,000 each, in default to undergo six months' rigorous imprisonment. The prayer in the appeal was to set aside the said conviction and sentence.

The prosecution case was that on 10.06.2009, at about 2:30 p.m., within the quarantine block of Central Prison, Puzhal, the deceased convict Kumar @ Welding Kumar was murdered by A1, A2 (since deceased), and A3 using knives and iron rods. PW1, the prison jailer, upon receiving information of a fight in the block, lodged a complaint based on which the FIR was registered. PW2, a prison official, was the sole eyewitness, who deposed that he saw A1 to A3 attacking the deceased, and upon being threatened with a knife by the accused, refrained from intervening and later reported the matter.

Most material prosecution witnesses including under-trial prisoners, convicts, and prison staff (PW3 to PW5, PW9, PW10, PWs 13–16, PW18) turned hostile. The evidence of PW2 remained the only direct eyewitness account of the occurrence. The autopsy conducted by PW22 confirmed that the cause of death was shock and hemorrhage due to multiple stab injuries, and two blood-stained knives were recovered pursuant to the confession of the accused.

The appellants conferred that PW1 was only a hearsay witness and not present at the scene; that most recovery witnesses had turned hostile; that there was no independent witness to the occurrence; and that the conviction based solely on

PW2, an official witness, was not sustainable. They questioned the credibility of PW2 on the ground that he was an interested party, being a prison staff member.

The Court held that since the occurrence took place within a high-security quarantine block of the Central Prison, the absence of civilian or independent witnesses was not only expected but inevitable. It found PW2's evidence natural, consistent, and credible, noting that his conduct—choosing not to intervene when threatened by armed convicts and later alerting the control room—was in line with human behaviour, even for a police official in such a situation. The medical evidence and material objects recovered lent further corroboration to the prosecution case.

The Court further observed that the mere hostility of some witnesses did not weaken the case, as the key prosecution narrative was supported through other reliable evidence including the deposition of the Investigating Officer and recovery mahazars. The confession-led recoveries were validly proved through official witnesses, and the post-mortem report conclusively established the homicidal nature of death. The longstanding enmity between the deceased and the accused further established motive.

Thus, the Court affirmed the trial court's findings, held the conviction legally sustainable, and dismissed both criminal appeals filed by A1 and A3. The Court confirmed the sentence of life imprisonment and upheld the judgment of the trial court.
