

IN THE COURT OF SESSION, SESSIONS DIVISION, THIRUVANANTHAPURAM,

Present : Sri. VISHNU K., Additional Sessions Judge – VI

Dated, this the 13th day of May, 2025

SESSIONS CASE No:151/2018

(Crime No.565/2017 of Museum Police Station)

(CP No.32/2017 of Judicial First Class Magistrate Court -III, Thiruvananthapuram)

COMPLAINANT : Inspector of Police, Museum Police Station.

(By Special Public Prosecutor S. Dileep Sathyan)

ACCUSED : Cadell Jeansen Raja, S/o. Rajathankam, Grace Garden, NBCRA 117,
North Beyins, Nanthancode Ward, Kawdiar Village.

By Adv. Koottappu U Mujeeb, Akhil Madhu & Manoharan P.

Charge : Offences punishable U/ss.302, 201 & 436 of IPC.

Plea : Not guilty

Findings : Guilty

Sentence or Order : ***(1). For committing murder of Raja Thankam, the convict is sentenced to undergo imprisonment for life and to pay a fine of Rs.3,00,000/- (Rupees Three Lakh only) for the offence punishable u/s.302 of the Indian Penal Code. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.***

(2). For committing murder of Dr.Jean Padma, the convict is sentenced to undergo imprisonment for life and to pay a fine of Rs.3,00,000/- (Rupees Three Lakh only) for the offence punishable u/s.302 of the Indian Penal Code. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(3). For committing murder of Carolin, the convict is sentenced to undergo imprisonment for life and to pay a fine of Rs.3,00,000/- (Rupees Three Lakh only) for the offence punishable u/s.302 of the Indian Penal Code. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(4). For committing murder of Lalitha Jain, the convict is sentenced to undergo imprisonment for life and to pay a fine of Rs.3,00,000/- (Rupees Three Lakh only) for the offence punishable u/s.302 of the Indian Penal Code. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(5). The convict is sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.1,00,000/- (Rupees One Lakh only) u/s.201 of IPC. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(6). The convict is sentenced to undergo rigorous imprisonment for seven years and to pay a fine of Rs.2,00,000/- (Rupees Two Lakh only) u/s.436 of IPC. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(7). In case, the substantive sentences of imprisonment is remitted or commuted by the Government, the convict will be entitled to set off from the substantive sentence of imprisonment for the period during which he was in custody in connection with this case (ie. from 11/04/2017 till date).

(8). Needless to mention that the sentences of life imprisonment shall run concurrently.

(9). The sentences of imprisonment imposed as per Sections 201 and 436 of IPC shall run consecutively.

(10). The sentences of imprisonment for life will commence after the term imprisonments awarded as per Sections 201 and 436 of IPC are underwent by the convict.

(11). The fine amount on realisation shall be paid to PW1 (Jose Sundaram J.C.) as per S.357(1)(b) of the Code of Criminal Procedure, 1973.

(12). Confiscate MO1, MO2 series, MO19 to MO26, MO28 to MO36, MO62 series to MO64, MO67, MO69 series to MO72, MO84 and destroy MO3 to MO18, MO27, MO37 series to MO60, MO65 series, MO66, MO68 series, MO73 to MO83 as per rules.

DESCRIPTION OF THE ACCUSED

SL. NO:	Name	Father's Name	Religion	Occupation	Residence	Age
1.	Cadell Jeansen Raja	Rajathankam	--	--	Grace Garden, NBCRA 117, North Beyins, Nanthancode Ward, Kawdiar Village.	29/2017

Dates of:

Offence	Report	Apprehension	Release on bail	Committal
05..04..2017	09..04..2017	11..04..2017	Custody	20..01..2018
Commencement of Trial	Close of trial	Sentence/Order		Explanation for Delay
22..08..2024	28..04..2025	13..05..2025		—

This Sessions Case, having been finally heard on 28..04..2025 the court on 12..05..2025 delivered the following: -

JUDGMENT

This is a case taken on file based on the final report filed by Assistant Commissioner of police, Cantonment, Thiruvananthapuram, alleging that the accused committed offences punishable u/ss.302, 436 and 201 of the Indian Penal Code (for short, IPC).

2. Prosecution case in brief is that the accused was not in good terms with his parents, sister and an aunt named Lalitha Jain because he was not allowed to study what he wanted and mingle with his friends and because his father had illicit relationships. The accused intentionally committed murder of his mother Dr.Jean Padma on 05/04/2017 at 10:20 a.m., his father Raja Thankam on 05/04/2017 at 2:45 p.m., his sister Carolin Padma on 05/04/2017 at 17:20 p.m at the room of the accused situated on the eastern portion of the first floor of their residential house with name 'Grace Garden', T.C. No.11/1309 – 1 (NBCRA 117) and Lalitha Jain on 07/04/2017 at night at the bed room on the western portion of the said house. The accused killed his parents using axe, his sister and aunt Lalitha Jain using axe and chopper. After killing Dr.Jean Padma, Raja Thankam and Carolin, their dead bodies were burnt by the accused at the bathroom on the south-western side of the bed room on the eastern portion of the house. The accused has also caused disappearance of evidence by cleaning the floor of the bed room and settling

ablaze the dead bodies of his parents and sister. The accused had also committed mischief of fire knowing that his act would cause destruction of the house where he, his parents, sister and a relative resided. Thus the accused is alleged to have committed the offences punishable under the provisions herein above mentioned. As per the direction of this court further investigation was conducted in this case and a further investigation report was also filed.

3. On committal of the case to the Court of Session, Thiruvananthapuram, the case was made over to this court for trial and disposal.

4. The accused is in Judicial custody since his arrest on 11/04/2017. Accused is brought before this court.

5. The prosecutor opened his case by describing the charge brought against accused and stated by what evidence he proposed to prove the guilt of the accused.

6. After hearing both sides and on perusing the case records, charge under sections 302, 201 and 436 of IPC was framed against the accused, read over and explained to the accused to which he pleaded not guilty.

7. PWs 1 to 41 were examined, Exts.P1 to P118 and MO1 to MO84 were marked on the side of the prosecution.

8. On closing the prosecution evidence, the accused was examined under section 313(1)(b) of Cr.P.C. He denied the inculcating circumstances appearing in evidence against him and pleaded innocence. He further stated that he has been under psychiatric treatment even during his school days. While he was studying in the 7th standard in Christ Nagar school, he was shifted to Govt. Model school since he repeatedly had mental problems. Even while he was studying in 11th standard at St.Joseph school, he repeatedly suffered mental problems and so he was shifted to Govt. Model school, Thycaud, because his activities would go unnoticed at Model school; attendance was also

not compulsory there. His mother had told him that the medicines he was consuming was for the strength of brain and bone and also for getting concentration. Even when he went to Australia, he had taken a lot of tablets with him along with prescriptions. In Australia, he was keeping the medicines on his computer table. A friend of his saw those medicines and told him that those were psychiatric drugs. Thereafter he did not take those medicines. Later when his mother called him, he enquired with his mother regarding the medicines and she told him that he had mental problems and the tablets were psychiatric medicines. Therefore he again started taking the medicines. When he returned from Australia, his mother told him that he was in the habit of going out of the school. His mother had also told him that he used to go away from the house unconsciously but used to return home. In March 2017, after the birthday of his mother, while he was wandering in Tamilnadu, he noticed that his house was being shown in T.V. and so he was returned to Thiruvananthapuram. When he asked a policeman, whom he then saw, and enquired what had happened to the house at Nanthancode. The policeman asked him his name and when he told him that his name was Cadel, the policeman shouted 'Cadel was apprehended' and called other policemen. Thereafter he was taken to various places. After remand, when he said that he was not well, he was confined in a cell at Mental hospital, Oolampara and was under treatment there for about three months. Since there was treatment at Central prison, he was transferred to the Central prison, where also he was administered psychiatric medicines. Whenever he felt ill, he was taken to Mental hospital and after taking medicines, he would be returned to Central prison. He is still under treatment. He was extremely close to his parents and also Lalitha Jain.

9. Thereafter, the prosecution and the defence were heard u/s.232 Cr.P.C. Since this Court did not consider that there was no evidence that the accused committed the offences alleged against him, he was not acquitted under section 232 Cr.PC, instead,

he was called upon to enter his defence and adduce any evidence he may have in support thereof.

10. DW1 was examined and Exts.D1 to D6 and C1 to C8 were marked on the side of the accused.

11. **The following points arose for consideration:-**

1. Whether the accused committed murder of his mother Dr.Jean Padma, father Raja Thankam, sister Carolin Padma and relative Lalitha Jain ?
2. Whether the accused caused disappearance of evidence of the crime ?
3. Whether the accused committed mischief by fire knowing that he would thereby cause destruction of the house bearing No.T.C.11/1309– 1 (NBCRA 117) ?
4. What shall be the punishment, if any, to be awarded to the accused?

12. Heard both sides.

13. **Point No.1 to 3:-** The allegation against the accused is that he hacked his parents, sister and a relative to death. The parents and sister were allegedly done away with on 05/04/2017, whereas his relative Lalitha Jain was killed on 07/04/2017. On 05/04/2017 at about 10:20 a.m, Dr.Jean Padma, at about 2:45 p.m, Raja Thankam and at about 17:20 hours, Carolin Padma were killed, whereas Lalitha Jain was killed at night on 07/04/2017. The place of occurrence is the house where the accused and the deceased were residing. The parents and the sister of the accused were said to have been killed at the bed room of the accused situated on the eastern portion of the first floor, whereas Lalitha Jain was killed on the western bed room on the first floor of the said house. The further allegation is that the accused caused disappearance of evidence by cleaning the floor of the bed room and by destroying the dead bodies of his parents and sister. It is further alleged that the accused committed mischief by fire knowing that his act

would cause destruction of the house where he and his parents and sibling resided.

14. Before starting discussion regarding the culpability of the accused, it should be stated that the relationship between the accused and the deceased is not disputed. Admittedly they resided together in the same house namely, 'Grace Garden' T.C.11/1309 – 1 (NBCRA 117) (the alleged place of occurrence). It is also not in dispute that the death of Dr.Jean Padma, Raja Thankam, Carolin Padma and Lalitha Jain are homicides, rather, they were brutally killed.

15. Now, coming to the disputed fact.

According to the prosecution, Dr.Jean Padma, Raja Thankam, Carolin Padma and Lalitha Jain were murdered by the accused. The accused stoutly denied the allegation.

16. In order to bring home the culpability of the accused, the prosecution mainly relies on the testimonies of PWs 1 to 12, 14 to 18, 20, 23, 24, 27 to 34 and 36 to 39.

17. About the other witnesses - PW13 is a relative of the deceased Dr.Jean Padma, who received the dead bodies of Dr.Jean Padma, Raja Thankam, Carolin and Lalitha Jain and issued receipts (Ext.P15 series). PW19 is the manager of an institution named 'Akshaya Communications' at Peroorkkada, from where the police had taken certain printouts in respect of the Flipkart account of the accused. PW21 is an attestor to inquest reports (Exts.P13 and P24) in respect of dead bodies marked Body No.3 and Body No.1 respectively. PW22 is a Civil Police Officer attached to Museum police station and who is an attestor to a seizure mahzar (Ext.P25) prepared at the time of taking nine mobile phones (MO28 to MO36) into custody. PW25 is a photographer who took photographs (Ext.P38 series) at the time of the inquest of the four dead bodies, PW26 is also a photographer who took photographs (Ext.P39 series) at the time when the accused handed over certain material objects to the Investigating Officer and also the procedures

taken by the Investigating Officer at the place of occurrence. PW35 conducted inquest in respect of a dead body marked Body No.1 and prepared inquest report (Ext.P24). PW40 conducted a part of further investigation in the case and PW41 conducted further investigation in respect of the mental condition of the accused, the motive behind the crime, cause of death etc., PW41 filed further investigation report.

18. As already mentioned, accused faces charge of murder of his parents, sister and a relative. There is no ocular witness to the alleged overt act of the accused. In other words, the case rests solely on circumstantial evidence.

19. Relying on its own decision in **Hanumant v. State of Madhya Pradesh – AIR 1952 SC 343**, the Hon'ble Supreme Court has laid down the golden principles with regard to conviction in a case which rests entirely on circumstantial evidence in its decision reported in **Sharad Birdhichand Sarda v. State of Maharashtra – (1984) 4 SCC 116** as follows :-

“153. A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established. It may be noted here that this Court indicated that the circumstances concerned “must or should” and not “may be” established. There is not only a grammatical but a legal distinction between “may be proved” and “must be or should be proved” as was held by this Court in Shivaji Sahabrao Bobade v. State of Maharashtra [(1973) 2 SCC 793 : 1973 SCC (Cri) 1033 : 1973 CrL LJ 1783] where the observations were made: “Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between ‘may be’ and ‘must be’ is long and divides vague conjectures from sure conclusions.”

(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty,

(3) the circumstances should be of a conclusive nature and tendency,

(4) they should exclude every possible hypothesis except the one to be proved, and

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

20. The primary principle as laid down by the Apex court is that the accused 'must be' and not merely, 'may be' guilty before a court can convict the accused. It has been held that there is not only a grammatical but a legal distinction between 'may be proved' and "must be or should be proved". It has been further held that the facts so established should be consistent only with the guilt of the accused. In other words, they should not be explainable on any other hypothesis except that the accused is guilty. Further, the circumstances should be such that they exclude every possible hypothesis except the one to be proved. It has been held that there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probabilities the act must have been done by the accused.

21. The following circumstances have been culled out by the prosecution as those which prove the guilt of the accused.

(1). The accused and the deceased resided in the same house, namely, 'Grace Garden' T.C.11/1309 – 1 (NBCRA 117), which itself is the place of occurrence.

(2). Accused was present at the place of occurrence during the period ie. from 05/04/2017 to 08/04/2017, when the gruesome incident occurred.

(3). Absence of the deceased at the time when and the places where their presence was expected.

(4). Physical condition of the accused when PW1 called the accused by phone.

- (5). The conduct of accused and the giving of false statements by him about the absence of the deceased at their residence.
- (6). Purchase of petrol, mop, floor cleaners etc. by the accused.
- (7). Presence of petrol on the dress of the accused.
- (8). Presence of blood on the dress of accused seized from the place of occurrence and also from the lodge room at Egmore, Chennai.
- (9). Presence of three charred dead bodies in the toilet of the bed room used by the accused and the decayed dead body of Lalitha Jain inside the toilet of the bed room used by the parents of the accused in the house where the incident occurred.
- (10). Burn injuries and incised wounds found on the body of the accused.
- (11). Purchase of medicines by the accused.
- (12). Identical nature of injuries found on the body of the deceased Raja Thankam and Lalitha Jain and the search history of the accused.
- (13). Conduct of accused while his medical examination by PW31.
- (14). Hanging of food waste on the stairs.
- (15). Absence of the accused from the place of occurrence.
- (16). Conduct of accused leaving his house and going to Chennai after leaving his mobile phone in the house.
- (17). Accused coming to Chennai on 09/04/2017
- (18). Presence of fingerprint of the accused on MO18 (plastic sheet) with which the dead body of Lalitha Jain was wrapped.
- (19). Accused took his election identity card while absconding from the place of occurrence.

(20). Lack of proper explanation/false explanation by the accused during examination u/s.313 of Cr.P.C.

22. Now it is to be ascertained how far the prosecution has succeeded in proving the circumstances projected by it as those proving the complicity of the accused.

(1) The accused and the deceased resided in the same house, namely, 'Grace Garden' T.C.11/1309 – 1 (NBCRA 117), which itself is the place of occurrence.

The testimonies of PWs 1 to 4 are relied on by the prosecution to prove that the accused and the deceased resided together in the same house namely, T.C.No.11/1309-1 (NBCRA 117) at the time of the alleged incident. PW1 is the maternal uncle of the accused. PW2 is a servant maid who was working at the house of the accused during the period when the incident occurred. PW3 is the servant maid of PW1 and PW4 is a resident of the neighbouring house. PWs 1 to 4 categorically depose that the accused and the deceased resided together during the period of the alleged incident. In fact, this fact is not disputed by the accused, rather the same is admitted. It has also come out from the testimony of PW1 that he has gifted his entire property to his sister (Dr.Jean Padma), who is the mother of the accused and that she used to pay Rs.50,000/- per month in return. Having gone through the testimonies of PWs 1 to 4, this court holds that the prosecution could prove the first circumstance which has highlighted as one pointing to the complicity of the accused.

23. (2) Accused was present at the place of occurrence during the period ie. from 05/04/2017 to 08/04/2017, when the gruesome incident occurred.

In order to prove that the accused was present at the time of the vicinity of the place of occurrence, prosecution highlighted the evidence of PWs 1 to 4, 6 to 8, 10 and 27.

24. As regards the presence of accused at the place of occurrence, the prosecution highlighted the testimony of PW2. PW2 is the house-maid who worked at the house of the accused and the deceased during March – April 2017. She deposes that she had previous acquaintance with Raja Thankam, one of the deceased and the father of the accused. She would further state that she worked in that house from March 2017 till 02/04/2017 and again from 5th April (2017). She would further clarify that she had gone to her house in Tamil Nadu for remitting the loan installment in a Co-operative Society at Arumana on 02/04/2017. On 05/04/2017 at about 8:00 a.m, she came back to the house of the accused. At that time, the father, mother, sister and an old woman (Lalitha Jain) whom PW2 refers to as '*Ammachi*' were there. She (PW2) cooked the lunch and told the inmates that lunch is ready. At first, Raja Thankam and his daughter came from the first floor followed by the accused. When PW2 asked Raja Thankam about the absence of his wife, the accused told her that his mother had gone out. At night also, she did not see the others except Lalitha Jain. The accused was in the house. When PW2 asked the accused about the others, he replied that they have gone to Kovalam. On the next day also when PW2 asked the accused about the others, he replied that a friend of his mother (Dr.Jean Padma) had arrived from abroad and she (Dr.Jean Padma) had taken her friend to Kanyakumari. At night, when PW2 again enquired, the accused told her that she could call his mother. Accordingly, PW2 called Dr.Jean Padma from the mobile phone of PW3. But PW2 did not get Dr.Jean Padma. Thus the testimony of PW2 clearly shows that the accused was in the house (place of occurrence) on 05/04/2017. During cross-examination PW2 categorically deposes that when she arrived at the house of Raja Thankam, she had

not gone out. She would also depose that on 05/04/2017 the door of the house was opened by Raja Thankam and that the accused had seen PW2 coming to the house. She categorically deposes during cross-examination that on the morning of 05/04/2017 all the inmates in that house were present there. She would also depose that at that time the accused was wearing a black dress. She would also depose that on 05/04/2017 in the evening, she remembers that she had seen the accused, but she could not state the exact time. Then also the accused was wearing the dress which he was wearing in the morning. It is noted that there is not at all a suggestion to PW2 that the accused was not in the house which is the place of occurrence or that what PW2 had stated regarding the presence of the accused in the house on 05/04/2017 was false. Therefore, this court finds that the prosecution could prove the presence of accused in the house on 05/04/2017.

25. PWs 2, 6 and 7 speak about the presence of the accused in the house which is the place of occurrence and in its vicinity on 06/04/2017. The testimony of PW2 shows that on 06/04/2017, PW2 asked the accused about others and whether they had not returned yet the accused replied that a friend of his mother had come from abroad and his mother took her to Kanyakumari. At night, when PW2 again enquired, the accused asked PW2 to call his mother. Though PW2 tried to call Jean Padma from the phone of PW3, the call was not attended.

26. PW6 is an autorickshaw driver, who deposes that on 06/04/2017 on which day there was *Hartal*, he came to the autorickshaw stand at Nanthancode at 05:00 p.m. after one hour, the accused came with two Cans and told him that he (accused) has to buy petrol. Therefore PW6 took the accused to a HP Petrol pump at Kowadiar. Accused bought petrol in the Cans and while returning, PW6 asked him the purpose of petrol, the accused replied that it was for filling the car since his father, mother and sister had to go to Ootty. Thereafter the accused got down near his house and PW6 was paid Rs.180/- as

autorickshaw fare. Later, PW6 came to know that the house of Dr.Jean Padma caught fire. Though PW6 was cross examined, there was no suggestion challenging his testimony in this regard.

27. PW7 is a salesman in HP Petrol pump at Kowadiar which is a nearby place to Nanthancode where the alleged incident occurred. He would depose that his duty time was from 2:00 p.m to 10:00 p.m. On 06/04/2017 which was a *Hartal* day, when the petrol pump was opened at 5:00 p.m. there was rush in the petrol pump. At about 6:00 – 6:30 p.m, the accused creaped in and asked for petrol for Rs.2000/-. PW7 told him that the two Cans kept by the accused would not contain petrol for Rs.2000/-, therefore petrol for Rs.1200/- was filled in the two Cans. One Can was completely filled and the other was filled three fourth with petrol. When other people who came for purchasing petrol, created a ruckus, PW7 noticed the accused. On a later day, police came with the accused and questioned PW7. Even though a suggestion was made to PW7 during cross-examination that the accused had not come to the petrol pump or purchased petrol, PW7 stoutly denied the suggestion. Thus the testimonies of PWs 2, 6 and 7 show that the accused was present in the house and its vicinity on 06/04/2017.

28. As regards the presence of the accused in the place of occurrence on 07/04/2017, prosecution relies on the testimonies of PWs 1, 2, 8 and 27. The testimony of PW1 shows that on 07/04/2017 at about 10:00 a.m, he had seen the accused when the accused came to PW1's house. The accused remained with PW1 for two hours. Then the accused told PW1 that Jean Padma, Raja Thankam and Carolin went to Kanyakumari and they would return after watching the sun-set. Later, accused returned to his house. During cross-examination of PW1, nothing was put to him challenging his meeting with the accused on 07/04/2017. It is also noted that during cross-examination PW1 further states that when the accused visited him on 07/04/2017, the accused was wearing a black

coloured pants and a shirt like banyan. In fact, the accused is admitting his presence with PW1 in the form of a suggestion during cross-examination that when accused was with PW1 on 07/04/2017 from 10:00 a.m to 12:00 noon, a call from the mobile phone of PW1 has gone to the phone of the accused with No.8156905057 at 11:47 a.m. having a duration of 71 seconds, though PW1 replies that he did not remember.

29. The testimony of PW2 shows that on 07/04/2017 morning, PW2 asked the accused whether his mother and others would return on that day. Then the accused replied that he did not know and they may return. She had asked the accused so thinking that she need cook food only if Dr.Jean Padma and others returned. Regarding the presence of accused in his house on 07/04/2017 as spoken to by PW2, no challenge was posed during her cross-examination.

30. According to PW8, on 07/04/2017, when he came to the house of Carolin to pick up her to a tuition centre, the accused who was standing in front of his house, asked PW8 to return by showing some gesture with his hands, accordingly PW8 returned. When PW8 was cross examined, no challenge was raised to the testimony of PW8 that he had seen the accused in front of the house of the latter.

31. PW10 was an attendant at Christian College, Marthandam, who worked with Raja Thankam, the father of the accused. The testimony of PW10 shows that Raja Thankam had asked for Rs.75,000/- from him. Since PW8 had only Rs.70,000/- with him, he brought Rs.70,000/- to the house of Raja Thankam on 07/04/2017 thinking that Raja Thankam would be there. PW10 rang the calling bell, then the accused opened the door of the house and came out. When PW10 asked him whether Raja Thankam was available, the accused told him that he (Raja Thankam) had gone out. Therefore, PW10 entrusted the amount with the accused and returned. During cross-examination, PW10 deposes that Raja Thankam had come to the estate (at Pathukani) and asked for the

money two weeks prior to 07/04/17. It is noted that the accused has not denied the visit of PW10 to the house of the accused and his meeting with the accused there.

32. PW27 is a relative of the accused. She deposes that her mother and the grandmother of the accused were sisters. She resides in Chennai and whenever she comes to Thiruvananthapuram, she resides at the house of the accused. On 07/04/2017 at about 9:00 a.m, PW27 made a call from Chennai to the land phone at the house of the accused. It was the accused who had attended the phone. When PW27 enquired whether his mother was there, the accused replied that his mother, father and Carolin (sister) went to Kanyakumari and would return at night. He had also told her that the mobile phone of his mother was switched off. On 09/04/2017, PW27 came to know that the parents and sister of the accused and one Lalitha Jain, who were with them, died. It is noted that PW27 could state that the land phone number used by Jean Padma was 2312356. PW27 would depose that she called Jean Padma since the former suffered from palpitation and so she wanted to know whether she should consult a doctor. It is to be noted that Jean Padma, the mother of the accused was a doctor. PW27 would also depose that she had talked with the accused for about one minute on 07/04/2017. She would also depose that since the accused told her that the mobile phone of Jean Padma was switched off, she did not try to contact Jean Padma. It is noted that there is not even a suggestion that PW27 had not contacted the accused over land phone on 07/04/2017, even though the accused raised a contention at a later stage that there was no whisper in the scene mahzar regarding the presence of a land phone in the house where the incident occurred. Thus, it can be seen that the testimonies of PWs 1, 2, 8, 10 and 27 amply prove the presence of accused in the place of occurrence on 07/04/2017.

33. Regarding the presence of accused on 08/04/2017 at the place of occurrence, prosecution is relying on the testimonies of PWs 1 to 4. The testimony of

PW1 shows that the accused came to his residence on 08/04/2017 at about 8:00 a.m. It is further deposed by PW1 that the accused then told him that his mother and others returned from Kanyakumari, that on 07/04/17 at 11:30 p.m, they went to Ooty along with Lalitha Jain and that they would return after two weeks. The accused then gave Rs.10,000/- to PW1 and told him that it was given by his mother. It is further deposed by PW1 that on 08/04/2017 also the accused talked to him for about two hours. Thereafter at about 10:30 p.m., PW1 heard the sound of someone jumping into his house premises. He woke up PW2 and PW3 and asked them to watch (the surroundings). Thereafter PW1 called his neighbour, Padmakumar (PW4) and told him that someone has jumped into his compound and asked him to see who the person was. PW4 told PW1 that nobody was there. But PW1 did not concur and told PW4 that he was certain that somebody has jumped into his compound. PW4 assured PW1 that no one was there and if PW1 still had any doubt, police could be informed. At that time the accused came from the side of his house and told PW1 that he came there to scare away the dogs, which came to catch the chicken. When PW1 looked from his house, he saw the accused standing on the back side of the house of PW1. The accused said 'Good night' to PW4 and left the place. PW4 has also went back to his house.

34. The testimony of PW2 shows that on 08/04/17, at 5:30 a.m. PW2 got up as usual to prepare food for '*Ammachi*'. PW2 further deposes that usually when PW2 wakes up late, it was '*Ammachi*' who used to wake her up. PW2 went to the room of '*Ammachi*' and found it closed. Hearing the noise of PW2 knocking at the door, the accused came downstairs and handed over key of the room. PW2 asked the accused where '*Ammachi*' was. Accused replied that his mother and others returned at night and took '*Ammachi*' to Kodaikanal. When PW2 opened the room of '*Ammachi*', she saw the latter's mobile phone on the cot and her chappal on the floor. But the nighty worn by '*Ammachi*' the

previous night was not seen in the room. PW2 told the accused that the phone and chappal was there and that the nighty was not seen. When PW2 asked the accused why '*Ammachi*' was taken without telling her (PW2), the accused retorted why she was putting such questions like an advocate. When smell of petrol came from upstairs, PW2 asked the accused about it. He told her that he had burnt the waste materials outside the house. PW2 further deposes that she could not eat lunch due to the smell of petrol. When PW3 came for feeding the fowls in the house of the accused, PW2 told PW3 that she was feeling hungry and she could not eat anything due to the smell of petrol. Since PW3 told her that she would give some rice PW2 went to the house of PW1 and she had her lunch.

35. The testimony of PW3 shows that at night on 08/04/2017, PW1 woke up hearing some noise outside the house, he (PW1) called PW4 and asked PW4 to look what the sound was. PW4 after verifying, told PW1 that no one was there. Then PW1 asked PW4 to look with the help of torch light. PW3 then heard from the back side of the house of PW1, the accused saying 'Uncle it is me, don't get scared'. Thereafter PW3 went to sleep. It is also seen from the testimony of PW3 that she saw the accused on the two days between 05/04/2017 and 08/04/2017, when the accused came to the house of PW1.

36. The testimony of PW4 shows that on 08/04/2017 at about 10:30 p.m, PW1 called him by phone which he could not attend. So he made a return call. Then PW1 told PW4 that the former heard somebody walking on the rear side of his (PW1's) house and asked PW4 to look who that person was. PW4 looked to the rear side of the house of PW1, but nobody was seen there. PW4 informed this matter to PW1. But PW1 insisted that he heard some person jumping into his compound and that someone was there. Therefore PW4 opened the work area of his house and looked out. But he did not see any person. Then PW4 deliberately and loudly told his wife that a thief was there and police should be informed. Then Cadell (accused) came near PW4 through the compound of his

house and told PW4 'Uncle that is me'. When PW4 asked the accused why he was there at 10:30 in the night, the accused replied that he was there to scare away the dogs and wished PW4 'Good night' and went to his house. Despite cross-examination, no material to doubt the credibility could be brought out.

37. The testimonies PWs 1 to 4 regarding the presence of the accused in his house remains intact despite lengthy cross-examination of PW1 to 4. To sum up this court finds that the prosecution could prove the presence of the accused at and in the vicinity of the place of occurrence during the period from 05/04/17 to 08/04/17, as another circumstance pointing to the guilt of the accused.

38. (3) Absence of the deceased at the time when and the places where their presence was expected.

In this regard, the prosecution highlighted the testimonies of PWs 2, 5 and 12. As already mentioned, PW2 is the servant-maid on the residence of the accused. Her testimony shows that she has been working there from March 2017. Her testimony also shows that she had been to her house in Tamil Nadu from 02/04/2017 to 05/04/2017 for clearing the loan she had availed from a Co-operative society at Arumana in Tamil Nadu. She would depose that she returned to the residence of the accused at about 8:00 a.m on 05/04/17. At that time, the parents and sister of the accused and the old woman – Lalitha Jain – whom PW2 refers to as '*Ammachi*' were there. She prepared the lunch and informed that the food is ready. At first, Raja Thankam and daughter came from upstairs followed by the accused. The daughter took her food to the upstairs. When PW2 asked Raja Thankam that his wife was not seen, the accused replied that mother had gone out. On that night except '*Ammachi*' none others came for having dinner. The accused was there. When PW2 asked the accused about the others, he replied that they have gone to Kovalam. On the next day (ie. on 06/04/2017), when PW2 asked the accused about the

others, the accused replied that his mother's friend came from abroad and the mother had gone to Kanyakumari with others. On that night also, when PW2 enquired about the others, the accused told her to call his mother on phone. Accordingly, PW2 tried to contact the mother of the accused from the phone of PW3. But PW2 did not get her on phone. On the next day (ie. on 07/04/2017) also PW2 asked the accused whether his mother and others would return on that day. The accused replied that he did not know and they might perhaps come on that day. On the next day morning (ie. on 08/04/17), at 5:30 a.m. PW2 got up as usual to prepare food for '*Ammachi*'. PW2 further deposes that usually when PW2 wakes up late, it was '*Ammachi*' who used to wake her up. PW2 went to the room of '*Ammachi*' and found it closed. Hearing the noise of PW2 knocking at the door, the accused came downstairs and handed over key of the room. PW2 asked the accused where '*Ammachi*' was. Accused replied that his mother and others returned at night and took '*Ammachi*' to Kodaikanal. When PW2 opened the room of '*Ammachi*', she saw the latter's mobile phone on the cot and her chappal on the floor. But the nighty worn by '*Ammachi*' the previous night was not seen in the room. PW2 told the accused that the phone and chappal was there and that the nighty was not seen and asked the accused why '*Ammachi*' was taken without telling her (PW2). The accused retorted why she was putting such questions like an advocate. The testimony of PW2 shows that she had not seen Dr. Jean Padma after 08:00 a.m on 05/04/2017, Raja Thankam and Carolin after the lunch time and the old woman (Lalitha Jain) after 07/04/2017. It is to be noted that PW2 is the person who is supposed to have seen all the inmates of the house frequently.

39. PW5, a friend and classmate of Carolin, deposed that he had seen Carolin last on 05/04/2017 at Greens Academy, a coaching centre for IELTS at Kuravankonom. He would depose that he had talked to Carolin over phone at about 5:00 – 5:30 in the evening on 05/04/2017. On that night though he tried to contact Carolin over phone, he

did not get her. On the 7th or 8th of April 2017, PW5 came to Carolin's house to hand over a book to her. He tried to call her over phone while standing in front of her house, but her phone was found switched off and so he could not contact her. Therefore PW5 returned to his house. He gave the land phone number of Carolin's house to one Resmi, who was their senior student for MBBS and the said Resmi called to the said land phone number. It was the accused who was attended the phone and he told Resmi that the accused had told her that Carolin and others had gone to Kanyakumari. Therefore the testimony of PW5 also shows that Carolin was not in her house whenever he tried to contact her from the evening of 05/04/17.

40. PW12 is the person who was running the said Greens Academy during the relevant time. He would depose that Carolin had last attended the said institution on 05/04/2017. In fact, the testimonies of PWs 2, 5 and 12 regarding the absence of the deceased at the time when and the places where their presence was expected remain unchallenged though a lot of other questions touching other matters were put to these witnesses during cross-examination. The defence has no case at all that the deceased were actually available at those places. Therefore, this court finds that the prosecution could prove yet another circumstance pointing to the guilt of the accused.

41. (4) Physical condition of the accused when PW1 called the accused by phone.

It is argued by the prosecution that when PW1 called the accused by phone on the night of 08/04/17, the accused was found struggling for breath. In this regard, the testimony of PW1 itself is relied on by the prosecution. PW1 deposes that hearing the noise of someone jumping into his compound, he called his neighbour Padmakumar (PW4). PW4 after watching the surroundings, told PW1 that there was nobody there. Later PW1 asked PW4 to come over to PW1's house. Accordingly PW4

came there. PW1 asked PW4 to go to the house of the accused and see whether any person was present there. But PW4 told PW1 that he will not go there since he is afraid and if required he would inform the police. Thereafter PW4 returned to his house. Then PW1 called the accused over phone. It was at this time that PW1 found that the accused was panting. When PW1 asked the accused why he was panting, the accused replied that it might be because he had scared away the dogs (which came to catch the fowls). The testimony of PW1 in this regard is not at all challenged during his cross-examination. It is vehemently argued by the Special Public Prosecutor that the accused was struggling for breath since he was making preparation for destroying the dead bodies by setting them ablaze. It was in the midst of the effort of the accused that PW1 had called him over phone. The learned Special Public Prosecutor also brought to the notice of the court that after an hour, smokes and flame emerged from the house of the accused. This also shows the credibility of the testimony of PW1 that he felt from the voice of the accused over phone that the accused was panting is true. In the view of this court, this is an additional circumstance pointing to the guilt of the accused.

42. (5) The conduct of accused and the giving of false statements by him about the absence of the deceased at their residence.

The learned Special Public Prosecutor argued that the accused freely indulged in giving false statements to various witnesses. The testimony of PW1 shows that on 07/04/2017 at about 10:00 am, he had seen the accused when the latter came to the former's residence. At that time, he and the accused talked for two hours. Then the accused told PW1 that Jean Padma, Raja Thankam and Carolin had gone to Kanyakumari and that they would return only after watching the sun-set. Later, accused returned to his house. PW1 further deposes that on 08/04/2017 also the accused came to his house and talked to him for about two hours. The accused then told PW1 that his mother and others

returns from Kanyakumari and on 07/04/17 at 11:30 p.m, they had gone to Ooty taking Lalitha Jain also with them and that they would return only after two weeks. It is also stated by PW1 that the accused handed over Rs.10,000/- to PW1 saying that the amount was given by his mother.

43. The testimony of PW2 (as aforementioned) also shows that on 05/04/2017, at the time of lunch, when Dr.Jean Padma was not seen in the dining hall, PW2 asked Raja Thankam about the latter's wife, then the accused told PW2 that his mother had gone out. On the night of 05/04/2017 also, since the inmates of that house excluding Lalitha Jain and the accused were not seen for dinner, PW2 asked about the missing persons. At that time, the accused replied that they had gone to Kovalam. On the next day (ie. on 06/04/2017), when PW2 asked the accused about the persons who were not present (Raja Thankam, Dr.Jean Padma and Carolin), the accused told PW2 that a friend of his mother came from abroad and his mother and others went to Kanyakumari. On that night also, when PW2 enquired about the family members of the accused, accused asked PW2 to call to the mobile phone of his mother. On the next morning also (07/04/2017), when PW2 asked the accused whether his mother would return on that day, the accused replied that he did not know and that they may return on that day. Further, on the next morning (ie. on 08/04/17), when PW2 knocked at the door of the bed room of Lalitha Jain, the accused came from upstairs, handed over the key of the door of the bed room of Lalitha Jain and told PW2 that his mother and others took Lalitha Jain and went to Kodaikanal.

44. PW8, an autorickshaw driver, who used to take Carolin for tuition also deposed that on 07/04/2017 when he arrived at the house of the accused to take Carolin to the tuition centre at Pattom, the accused by showing a gesture with his hand, asked PW8 to return and so PW8 returned.

45. PW10 deposes that on 07/04/2017 when he came to the house of Raja Thankam (the place of occurrence) for handing over Rs.70,000/- to Raja Thankam, he saw the accused who told him that Raja Thankam had gone out. Therefore PW10 entrusted the amount with the accused and returned.

46. PW27 testifies that she called Dr.Jean Padma, the mother of the accused, to the land phone to have a consultation with regard to her certain health issues, the phone was then attended by the accused. When PW27 asked the accused whether his mother was there, the accused replied that his mother, father and Carolin (sister) went to Kanyakumari and would return at night. The accused had also told PW27 that his mother's mobile phone was switched off. Except making a suggestion during cross-examination to PW27, that she had not made any call to the land phone of Dr.Jean Padma nor that she had talked to the accused, no cogent material has been produced to discredit the testimony of PW27. A scrutiny of the testimonies of PWs 1, 2, 8, 10 and 27 shows that the accused told falsehood to those witnesses regarding the absence of the inmates of his house, which in turn, in the opinion of this court is a proven circumstance pointing to the guilt of the accused.

47. (6) Purchase of petrol, mop, floor cleaners etc. by the accused.

This is yet another circumstance projected by the prosecution as one pointing to the guilt of the accused. The prosecution relied on the testimonies of PWs 6, 7, 9, 16 and 17 and also Exts.P18 and P19 to prove the same.

48. The testimony of PW6 (an autorickshaw driver) shows that on 06/04/2017 at about 6:00 p.m, he had taken the accused who was carrying two Cans to a HP Petrol pump at Kowadiar. The testimonies of PW6 and PW7 (a petrol filler at the HP Petrol pump at Kowadiar) show that the accused had purchased petrol in the two Cans for a total of Rs.1200/-. The testimony of PW6 further shows that after purchasing the petrol, the

accused was dropped near his house. It is also seen from the testimony of PW6 that the accused had told PW6 that the petrol was for filling the car since his father, mother and sister was to go to Ooty. Even though PW6 and PW7 were cross examined, nothing could be brought out to discredit their testimonies regarding the purchase of petrol by the accused.

49. PW9 is a salesgirl in a Super market named 'U-Mart' at Nanthancode and a PW16 is its owner. The testimonies of PW9 and PW16 show that the accused had purchased mops and floor cleaning lotions (Lizol) from the said shop. As regards the discrepancy that crept showing the date on the bill (Ext.P18), PW16 would explain that such a mistake occurred due to some software issues and therefore the date of the succeeding day was shown on the bill (Ext.P18). Ext.P19 is the seizure mahzar prepared at the time of seizing the bill. It is true that the bill does not show that it was the accused who had purchased those items. At the same time, it is noted that PW9 could very well identify the accused who was in the dock in the course of her examination before court, as the person who had purchased mope and floor cleaners on two days preceding the *Hartal* day.

50. The testimony of PW17 shows that the accused purchased a carry bag and tissue paper from a shop named 'Grand Bazar', the copy of the bill of which is marked as Ext.P20. The seizure mahzar preapred at the time of seizure of Ext.P20 was marked Ext.P21. Even though PWs 6, 7, 9, 16 and 17 were cross examined, nothing could be brought out to discredit their testimonies regarding the purchase of the said items by the accused from the said petrol pump and shops.

51. (7) Presence of petrol on the dress of the accused .

According to the prosecution, presence of petrol was detected in the dress of the accused. PW2, the servant-maid at the house of the accused, identified the dress

of the accused which were marked as MO3, MO4 series, MO5, MO6 series, MO7, MO8, MO9, MO10, MO11. Among these, MO3, MO7 and MO8 are T-shirts. MO3, MO7 and MO8 were seized from the place of occurrence.

52. PW24 is the manager of a lodge named N.B. Palace at Triplicane in Chennai. It was in this lodge that the accused is said to have stayed after committing the crime. The testimony of PW24 shows that a blue shirt and a blue tracksuit pants were seized from the room in which the accused stayed in the said lodge. The said blue shirt and blue tracksuit pants were marked MO38 series. It is noted that during cross-examination of either PW2 or PW24 the evidence adduced by them with regard to MO3, MO7, MO8 and MO38 series was not disputed.

53. In this regard the learned Special Public Prosecutor brought to the attention of this court to Ext.P108, which is the report prepared by Smt.Divya Prabha S.S., Scientific Officer (Chemistry), incharge of Assistant Director(Chemistry), FSL, Thiruvananthapuram, Ext.P108 is admitted in evidence as per S.293(4)(e) of the Code of Cr.Procedure, 1973. Ext.P108 shows the details of the items forwarded to the FSL which were examined in the laboratory, using standard methods of chemical analysis. It can be seen from Ext.P108 that of these items, traces of petrol was detected in the MOs in Item No.8(MO3), Item No.12(MO 7), Item No.14(MO8), Item Nos.74 and 75 (MO38 series). It is to be noted that MO3, MO7, MO8 and MO38 series belonged to the accused. The presence of petrol in the dress of the accused in the view of this court is a circumstance pointing to his culpability. It is also noted that the accused has no explanation with regard to the findings on Ext.P108 regarding the presence of petrol on MO3, MO7, MO8 and MO38 series.

54. (8) Presence of blood on the dress of accused seized from the place of occurrence and also from the lodge room at Egmore, Chennai.

Ext.P104(a) which is the report filed by Sunitha V.B., Assistant Director, Serology, Forensic Science Laboratory, Thiruvananthapuram, which is admitted in evidence as per S.293 (4)(e) of the Code of Criminal Procedure, 1973 shows that MO4 series, MO5, MO6 series, MO8 and MO10 contained human blood. The said material objects as has come out in evidence belonged to the accused.

55. Further, the report (Ext.P105) submitted by Sreevidya K.V., Assistant Director (DNA), Forensic Science Laboratory, Thiruvananthapuram, which is admitted in evidence as per S.293 (4)(e) of the Code of Criminal Procedure, 1973 shows that MO4 series, MO5 and MO6 series contained bloodstains of the deceased Lalitha Jain, MO4 series and MO10 contained bloodstains of Carolin (marked as unknown body No.II) and MO8 contained bloodstains of Raja Thankam (marked as unknown body No.III). On the basis of the above mentioned evidence, this court finds that presence of blood of the deceased family members of the accused on the dress of the accused serves as an additional link in the chain of circumstances.

56. (9) Presence of three charred dead bodies in the toilet of the bed room used by the accused and the decayed dead body of Lalitha Jain inside the toilet of the bed room used by the parents of the accused in the house where the incident occurred.

In fact, there is no dispute to either side that three charred dead bodies were found inside the toilet attached to the bed room used by the accused and another decayed dead body of Lalitha Jain was found inside the toilet attached to the bed room of the parents (Raja Thankam and Dr. Jean Padma) of the accused. It is also noted that the accused, who is the son of the said Raja Thankam and Dr. Jean Padma, has not offered any explanation for the presence of those dead bodies.

57. In this regard the report (Ext.P105) submitted by Sreevidya.K.V (Asst.Director (DNA), FSL, Thiruvananthapuram is highly significant. Ext.P105 was admitted in evidence as per S.293(4)(e) Cr.P.C1973. Ext.P105 Shows that Unknown Body No.I belonged to Dr.Jean Padmam, the mother of Accused , Unknown Body No.III belonged to Raja Thankam, the father of Accused and unknown body No.II belonged to Caroline, the sister of the accused. This court is of the view that the presence of these dead bodies, as proved by the prosecution, is yet another circumstance pointing to the guilt of the accused.

58. (10) Burn injuries and incised wounds found on the body of the accused.

The burn injuries found on the body of the accused is highlighted by the prosecution as a strong circumstance pointing to the involvement of accused in the crime. The testimony of PW1 shows that on 08/04/2017 while the accused was talking with him at the residence of PW1, he (PW1) noticed blisters resulting from burns on the leg of the accused. PW1 gave Neosporin powder for applying on the burn injury. About the burn injury, the accused told PW1 that he sustained burns as a result of blast when he burnt something. PW1 would further depose that regarding the injury seen on the ankle of the accused, accused told PW1 that when he burnt litter using petrol, petrol spilled on his leg and he sustained burn injuries. In fact, there is no challenge to the testimony of PW1 in this regard during his cross-examination. It is also noted that the accused has not offered any explanation at all as to how he sustained the burn injuries.

59. The testimony of PW29, who was working as Medical Officer in the department of Forensic Medicine at Govt. Medical College, Thiruvananthapuram has deposed that she examined the accused on 11/04/2017 at 1:30 p.m. She has noted the following injuries on the body of the accused.

1. Superficial burns on multiple areas of the body.

- (i). 1.5x1cm on inner end of right eyebrow.*
- (ii). 3.5x2.5cm on tip and left ala of nose.*
- (iii). 4.5x1cm on upper lip at its middle and left side.*
- (iv). 2.5x0.5cm on left cheek, 4.5cm outer to left angle of mouth.*
- (v). 17.5x9.5cm on front and sides of neck (with blackening and singeing of beared).*
- (vi). 0.5x0.5cm on outer aspect of right forearm 7cm above wrist.*
- (vii). 2x1cm on left side of abdomen 8cm outer to umbilicus.*
- (viii). 4x0.8cm on left side of trunk 19cm below arm pit.*
- (ix). 2.5x1.5cm on right side of back of trunk 9cm outer to midline and 30 cm below top of shoulder.*
- (x). 1.0 x 0.5cm on right side of back of trunk 3.5cm outer to midline and 36cm below top of shoulder.*
- (xi). 8x5cm (infected) on inner aspect of right ankle with a blister (6cm x 4 x 3cm) at its upper end with surrounding oedema.*
- (xii). 10x 8cm on top of right foot just behind the toes.*
- (xiii). 3x0.8cm on top of left foot 5cm behind root left second thumb.*
- (xiv). Lower two-third of left upper limb.*

(2) Blisters at places with surrounding erythema.

- (i). 0.5x0.5x0.2cm on front of left palm 2cm above root of fore finger.*
- (ii). 1.21x0.4cm on front of left middle finger at its upper end.*
- (iii). 0.8x0.5cm each on front of left ring and little finger at its upper end.*
- (iv). 2x1x0.8cm on top of right foot 9cm behind root of big toe.*
- (v). 1.5x1x0.3cm on sole of left foot 8cm behind root of big toe.*

(3) Ruptured blisters with drying of skin.

- (i). 2.5x1.5cm, 1x0.8cm, 1x0.6cm and 0.5x 0.2cm on outer aspect of left fore arm (over an area 15x4.5cm) 7cm below elbow.*
- (ii). 1x0.5cm on front of left wrist.*
- (iii). 1x0.5cm on outer aspect of left wrist.*
- (iv). 1x0.6cm and 1.5x 0.6cm on front of left fore finger near its tip.*
- (v). 1.5x0.6cm, 2x1cm and 1x0.8cm on front of left middle, ring and little finger respectively near its tip.*
- (vi). 1x0.6cm on back of left hand 3cm above root of middle finger.*

- (vii). *3x1.5cm on back of right foot 4cm above heel.*
- (4) *Incised wounds (with dry non-adherent margins).*
- (i). *1x0.1cm on front of right thumb near its tip.*
- (ii). *1.5x0.5cm on front and inner aspect of right fore finger near its tip.*
- (iii). *1x0.1cm on front of right middle finger near its tip.*
- (iv). *0.6x0.1cm on inner aspect of right ring finger near its tip.*

60. Regarding the history of burns, PW29 would depose that the history as stated by the accused was that the burns were sustained while trying to put out a fire that started on 07/04/2017. It is also stated by PW29 that the accused did not know how he sustained the other injuries. PW29 opines that injury Nos.1 to 3 could be caused by dry heat as alleged in the history. It is further stated by PW29 that injury No.4 could be caused by forcible contact with sharp cutting weapon and these injuries could be aged below five days. The testimony of PW29 is corroborated by Ext.P41 issued by her. It is seen that cross-examination of PW29 has not brought out any material to discredit her testimony regarding the burn injuries and incised injuries sustained by the accused. It is also noted that all the dead bodies have sustained cut wounds as well as the three of the dead bodies were in burnt condition as has come out from the testimony of PW36 and the postmortem certificates (Exts.P58 to P64). It is noted that the accused has not offered any cogent explanation as to how he sustained the injuries noted in Ext.P41. This court finds that prosecution has succeeded in proving the presence of the injuries on the body of the accused as a circumstance pointing to his involvement in the alleged occurrence.

61. (11) Purchase of medicines by the accused.

This is yet another circumstance which the prosecution mooted as one pointing to the guilt of the accused. The testimonies of PW11, PW24 and PW39 (Investigating Officer) are relied on by the prosecution in this regard. PW11 is an autorickshaw driver plying autorickshaw near Egmore railway station. He identifies the

accused while in the box. He would depose that the accused travelled in his autorickshaw from the railway station to N.B. Palace lodge. PW11 deposes that he dropped the accused at the said lodge, the accused booked a room there, came out of the lodge and went to an adjacent medical shop and bought something from there and paid PW11 Rs.300/- as autorickshaw fare. PW11 does not depose as to what all were medicines purchased by the accused from the medical store. But the statement of PW11 that the accused purchased something from the medical store adjacent to N.B. lodge remains unassailed during cross-examination. Though a suggestion was made during cross-examination of PW11 that the accused had not travelled in his autorickshaw, the suggestion was denied by PW11.

62. PW24 is the manager of N.B. Palace lodge. He would depose that the accused had taken a room in that lodge. He would further depose that after making the entries in the register kept at the lodge, the accused enquired about the availability of a medical store. PW24 told the accused that there is a medical store very near (to the lodge). Then the accused went to the medical store and returned. In fact, the CCTV footages produced in the case (Ext.P37) corroborates the testimony of PW24. It is also noted that in the course of examination before court PW24 was shown the visuals in Ext.P37 and he identifies the accused. It is noted that the visuals in Ext.P37 has not been challenged by the accused.

63. Further the testimony of PW39, the Investigating Officer, would go to show that he has seized medicine tablets (MO80 series) and band-aid (MO81 series) from the trolley bag found in the room No.204 of N.B. lodge where the accused stayed in Chennai. In fact, the seizure of these items were not assailed during the cross-examination of PW24 and PW39. The visuals in Ext.P37 (Pen-drive) can be taken as yet another circumstance pointing to the complicity of the accused.

64. 12) Identical nature of injuries found on the body of the deceased Raja Thankam and Lalitha Jain and the search history of the accused.

Prosecution relies on the testimony of PW36 and also Ext.P62 to P64 to bring home the above mentioned circumstance as yet another to prove the guilt of the accused. PW36 is the doctor who had performed autopsy on the dead bodies indicated as Unknown Body No.I to III, and also on the dead body of Lalitha Jain. As has come out from Ext.P105, the dead bodies marked as Unknown Body No.I to III respectively belonged to Dr.Jean Padma, Caroline and Raja Thankam.

65. PW36 has noted the following injuries on the dead body marked as Unknown Body No.III ,(that is dead body of Raja Thankam).

1. *Two oblique cuts on occipital and adjoining parietal bone at the back, measured 3.2x1x0.3cm and 3.3x1x0.3cm, with an intervening bone of 1.2x0.2cm over an area of 3.5x2cm, the lower inner end of the second one was 1cm outer to midline and 3.5cm above occiput.*
 2. *Vertical cut 2.5x0.5x0.2cm on the back of head in midline, the lower end, 5cm above occiput.*
 3. *Vertical cut 3x0.5cm on the right parietal bone, the lower end 8.5cm above occiput.*
 4. *Cut 3.1x0.2 to 1cm with fragmentation and a depression of 0.3cm, adjacent to the upper end of injury no. (3), and it continued as horizontal fissured fracture of 8cm in length to the right parietal bone.*
 5. *Cut 2.5x0.6x0.2cm, vertical on the left parietal bone, its lower end 7cm above occiput.*
 6. *Cut 1cm long extending upwards from the middle of injury no. (5) and continued as horizontal fissured fracture of length 3cm.*
 7. *Left parietal and temporal bone were absent over an area of 13x9m, bone margins showed multiple clean cuts and the same continued as fissured fracture of 11cm in length towards left frontal bone and terminated 10cm above zygomatic arch.*
- Brain matter with a cooked appearance was seen inside the skull cavity. Occipital area of brain showed reddish brown blood stain in the white matter.*

8. *Incised wound, 3.9x1.5cm, vertical exposing the joint cavity of the second metacarpophalangeal joint of right ring finger.*
9. *Incised wound 2.2x0.6cm, reflecting a flap of tissue, muscle and tendon of size 2.3x1.9x0.7cm, downwards to the middle of right little finger.*

66. Regarding the cause of death of Raja Thankam, PW6 would state that death was due to head injury . The testimony of PW36 is corroborated by Exts.P62 and P63. It is noted that Injury No.1 to 7 noted in Ext.P2 was inflicted on the skull of the deceased (Raja Thankam). PW36 further deposes that injury no.1 to 7 could have been made with sharp heavy weapons shown to her (PW36 was shown MO19 to MO22 and MO25, while in the box). It is also stated by PW36 that injury no.1 to 7 with the available finding on the brain are sufficient in the ordinary course of nature to cause death.

67. PW36 has noted the following ante-mortem injuries on the body of Lalitha Jain.

1. *Chop wound 4.1x0.3cm, entering the skull cavity, obliquely placed on the left side of back of head, the lower inner end 7.5cm above the root of neck in midline. Edges showed clean cut with fragmentation at the inner aspect.*
2. *Chop wound 3.5x0.6cm entering the skull cavity, with a tag of scalp tissue 3x0.5 to 0.7cm at the outer end, almost horizontal, on the left side of back of head, its inner end 2.5cm above the inner end of injury no.(1) and 0.5cm outer to midline. Edges of skull bone showed clean cut with fragmentation at the inner aspect.*
3. *Chop wound 1.8x0.5cm, entering the skull cavity, obliquely placed on the left side of head, its upper outer end 11cm above the top of ear. Edges of bone showed clean cut.*
4. *Incised wound 2.1x0.5cm, bone deep, almost vertical, on the back of head, the upper end 0.6cm below the lower inner end of injury no. (2). Parietal bone underneath was found cut underneath over an area of 1.9x0.3x0.2cm.*

5. *Incised wound 2.1x0.5cm, bone deep, oblique, on the left side of head. Its lower end 1.6cm, above the outer end of injury no. (2). Parietal bone underneath was found cut over an area of 1.6x0.3x0.2cm. Edges showed fragmentation.*
6. *Incised wound 4x0.5cm, bone deep, almost vertical, on the left side of back of head, its upper inner end in the midline and 2.2cm outer to upper end of injury no. (2). Parietal bone underneath showed a cut and fragmentation over an area of 2.4x0.3x0.2cm.*
7. *Incised wound 2.5x0.5cm, bone deep on the left side of head, horizontal, the inner end in the midline and 4.3cm above occiput. Parietal bone underneath was found cut over an area (2x0.3x0.3cm).*
8. *Chop wound 3x0.5cm, entering the skull cavity, vertical, on the right side of head, the lower end 7.5cm above occiput and 0.5cm outer to midline.*
9. *Incised wound 2.3x0.5cm, vertical, on the right side of back of head, the lower end showed a tailing of 0.5x0.2cm. Its upper end was 3.6cm outer to the lower end of injury no.(8). Bone underneath showed a cut 2.1x0.2x0.2cm with fragmentation at the margins.*
10. *Chop wound with multiple side cuts 8x2.3cm on the back of head across midline and 2.3cm above occiput. It showed two side cuts at its upper end, a flap of scalp tissue (4x1cm) was found cut and separated, but for a small attachment to the end. Another flap of scalp tissue of size 6.5x3.5cm was found cut and reflected upwards. Bone underneath was found cut cleanly, edges showed fragmentation and more fragmentation was seen on the inner aspect.*
11. *Two incised wounds 2.8cm and 3cm long 0-.6cm apart, horizontal on the right side of back of head, the inner end of lower larger one was 3cm outer to midline and 3.5cm above occiput. A flap of skin of size 1x0.8cm was found in between the two injuries. A portion of skull bone was found chipped off over an area of 2.2x2.4x0.2cm.*
12. *Chop wound 5x1cm, entering the skull cavity, slightly curved and convexity facing downwards on the right side of back of head, the inner end 1.5cm below the inner end of injury no.(11). A flap of skin of size 3.5x1.6cm was reflected upwards. Bone underneath was found chipped off over an area of 2.4x2.1x0.2cm.*

13. *Incised wound 3.5x1cm, horizontal on the right side of back of head, the inner end 2.5cm below the inner end of injury no. (12). Bone underneath showed a cut with fragmentation of edges.*

Parietal and temporal bones on the right side underneath injury nos. (10) and (12) was found cut by four side cuts. A piece of bone of size 7.5x5.5cm was absent. Margins were sharp at places, fracture fragmentation was seen at other places. It continued as fissured fracture 18cm long towards left temporal bone.

Dura showed clean cut. It appeared dark brown in colour. Brain liquified and uniformly dark brown in colour. Base of skull was found fractured and separated into two halves across the pituitary fossa.

Scalp around the injuries showed infiltration of blood.

14. *Incised wound 2.5x0.6x0.1cm, oblique on the outer end of left eyebrow.*
15. *Incised wound 1.5x0.3x0.5cm, horizontal on the left eyebrow and 0.5cm above the inner end of injury no. (14).*
16. *Incised wound 1.3x0.5cm, horizontal on the left side of forehead, the inner end 3.5cm outer to midline and 2.3cm above eyebrow.*
17. *Incised puncture wound 1.1x0.8x4cm, oblique, on the outer and front aspect of right forearm, the upper outer end 10.5cm above wrist. Tailing of 0.3cm long was seen extending upwards and outwards and 2.5x0.3cm was found extending downwards and inwards. The lower inner end of the injury was rounded.*
18. *Incised wound 1.5x1.5cm exposing the joint cavity almost horizontal, on the back of left ring finger at the first inter phalangeal joint.*
19. *Incised wound 1.3x0.5cm, reflecting a flap of tissue of 1x0.6cm, downwards on the back of middle of left little finger, 0.3cm below the first interphalangeal joint.*
20. *Contusion 5x1.5x0.5cm, on the back of left thumb, the upper end at its root.*
21. *Contusion 5x0.5x0.3cm, on the first webspace, extending upwards to back of hand and 27cm below elbow.*
22. *Infiluation of blood was seen on the back aspect of 9th intercostal space on both sides and 8th*

intercostal space on right side.

68. With regard to the cause of death of Lalitha Jain, PW36 opinions that death was due to head injury. She further deposes that injury No.1 to 3, 8, 10 and 12 could be caused by using MO19 and MO20 shown to her. She further deposes that the other incised wounds could have been caused by any sharp weapon including MO19. Injury Nos.17, 18 and 19 could be defence wounds. According to PW36, injury Nos.1 to 30 with the internal effects on skull and brain are sufficient in the ordinary course of nature to cause death. The testimony of PW36 in this regard is corroborated by Ext.P64.

69. The position of the injuries as revealed from Exts.P62 and P64 shows that the assailant attacked the victims from their back side. In this context the learned Special Public Prosecutor called the attention of the court to Annexure 4A in Ext.P109. The search hits in the hard disk marked Q4 shows that the accused regularly watched the video Zombie Go Boom from 25-06-2016, which depicts killing of humans by inflicting fatal injuries using axe from their back. Exts.P22 Series (Exts.P22 to P22(s)) also show that the accused watched the video Zombie Go Boom. It is seen that in those videos Stanley's Survival Carpenter axe is used to kill people. Ext.P22 series show that the accused purchased the above mentioned axe. The evidence of purchase of the said type of axe coupled with the injuries found on the dead bodies of Raja Thankam and Lalitha Jain, which PW36 has noted leads to the conclusion that the accused had made preparation to do away with the victims and that he has accomplished his end. In the light of the evidence discussed above, this court finds that the prosecution has succeeded in proving yet another circumstance pointing to the guilt of the accused.

70. (13) Conduct of accused while his medical examination by PW31.

According to the prosecution, the conduct of the accused during his examination by PW31 is highlighted by the prosecution as a circumstance pointing to the guilt of the accused. In this regard, the prosecution highlighted the evidence of PW31. The testimony of PW31 shows that he examined the accused as per the request of ACP, Cantonment Police station, on 11/04/2017, 15/04/2017 and 19/04/2017. The testimony of PW31 shows that psychomotor activity was normal, talk was in response to questions, tone and tempo was normal and reaction time was normal. PW31 would also depose that on examination of the accused, the mood as stated by the patient was 'onnumilla', that the accused objectively appeared euthymic, affect was restricted, that he described auditory hallucinations of a single male voice of an unknown person mainly congratulating and encouraging him and he was happy after hearing this. It is further stated by PW31 that the accused's attention was aroused, that concentration was normal, that immediate recent and remote memory was intact, that general information was normal, that mathematical ability showed an impairment, that abstractability was impaired, that in response to tests of judgment he said that he was not able to feel emotions. PW31 further testifies that during the evaluation in the forenoon on the first day he had described about astral projection and said that he couldn't recollect events. But later he said that he could recollect the events and described those events. He also said that he described about astral projection to mislead the police. PW31 clarifies that the usual demeanor or conduct of the accused with mental illness while and after committing the offence will be as follows :- The act will be impulsive in nature without sufficient planning. The act will be disorganized in nature and there won't be any attempt to escape from the scene. PW31 has noted that the accused had escaped from the scene after taking his ID proof. PW31 further testifies that from what the accused told him about killing his parents, sister and relative, PW31 came to the

conclusion that the act was not impulsive in nature, that he had planned the event meticulously and that the act was not disorganized in nature. PW31 also deposes that based on the above finding, his opinion was that he (the accused) was suffering from a psychotic illness and needs further evaluation under observation to reach final conclusion. The testimony of PW31 is corroborated by Ext.P46. Even though the defence challenged the genuineness of Ext.P46, in view of the testimony of PW31 that he had examined the accused as per the direction of the head of department of Psychiatry, Medical College and that he examined the accused not at the Medical College hospital but at the office of the ACP and so Ext.P46 was not issued on the letter head of the Medical College hospital, this court holds that there need not be any doubt regarding the genuineness of Ext.P46. In fact the statement of the accused to PW31 that he described about astral projection was to mislead the police is highly significant argued the learned Special Public Prosecutor.

71. PW31 was cross examined at length, but nothing could be brought out to shake his credence. It is trite that the evidentiary value of extra-judicial confession must be judged in the facts and circumstances of each individual case. Extra-judicial confession if voluntarily made and fully consistent with the circumstantial evidence, no doubt can be relied upon by the court along with other evidence. However, the extra-judicial confession cannot *ipso facto* be termed to be tainted. An extra-judicial confession, if made voluntarily and proved can be relied upon by the courts (See **S. Arul Raja v. State of Tamil Nadu – (2010) 8 SCC 233**).

72. In the decision reported in **State of Kerala v. Mani – 1991 (2) KLT 208**, it has been held that though extra judicial confession may possess weakness, the court can act on it if it believes the testimony of the person who speaks to it.

73. A perusal of the testimony of PW31 makes it clear that what the accused had stated to PW31 does not amount to a confession.

74. In the instant case, the accused has not brought out any material to find that PW31, who spoke about the statement which the accused had made to him, nursed any kind of animosity towards the accused and he has any reason to falsely implicate the accused herein. Therefore this court accepts the testimony of PW31 regarding the statement of accused that he stated to the police about astral projection only to mislead the police. Having evaluated the evidence of PW31, this court finds that the prosecution succeeded in proving yet another circumstance pointing to the guilt of the accused.

75. (14) Hanging of food waste on the stairs.

The learned Special Public Prosecutor invited the attention of the court to the testimony of PW32 wherein he deposed during cross-examination that food waste were seen hanging from the stair railings in the house where the incident occurred. The learned Special Public Prosecutor vehemently argued that the food waste were so hanged with the sole intention of the accused to cover up the smell of the decaying dead bodies from the notice of PWs 2 and 3. It is noted that there is no denial during cross-examination of what PW32 has stated regarding the hanging of food waste. Considering the aforementioned circumstances, this court is of the view that the argument of the learned Special Public Prosecutor has to be given due weight and such hanging of the food waste is held as a circumstance pointing to the culpability of the accused.

76. (15) Absence of the accused from the place of occurrence.

The absence of the accused from the place of occurrence is projected by the prosecution as a strong circumstance pointing to the complicity of the accused. The presence of accused at the place of occurrence and its vicinity during the period from 04/04/17 till 08/04/17 have been proved by the evidence of PWs 1 to 10 and 27. But when the fire rescue team and the police came to the place of occurrence soon after fire and smoke were detected in the house where the incident occurred, the accused was

conspicuously absent. The accused has no explanation at all regarding his absence from his house at the crucial time. The absence of the accused is, in the opinion of this court, a strong circumstance pointing to his involvement in the crime.

77. (16) Conduct of accused leaving his house and going to Chennai after leaving his mobile phone in the house.

This is yet another circumstance highlighted by the prosecution as one pointing to the guilt of the accused. It is brought to the notice of the court that the accused while leaving his home has left his mobile phone (MO64), which was seized as per the inquest report (Ext.P14) by PW38 from the place of occurrence on 09/04/2017. It is noted that the accused was not present at that time at or in the vicinity of the place of occurrence. It has come out in evidence that mobile phone Nos.9207307976 and 8156905057 were used by the accused as can be seen from Exts.P48, P49, P50 and P51. Moreover, PW38 deposes that MO64 (mobile phone) rang when call was made to the said mobile phone numbers of the accused. It is argued by the learned Special Public Prosecutor that the accused had purposefully left the mobile phone at his house so as to avoid he being trapped by the police. This shows the culpable mental state of the accused, according to the prosecution. This court is of the view that the act of the accused leaving MO64 at the place of occurrence serves as an additional circumstance pointing to the complicity of the accused.

78. (17) Accused coming to Chennai on 09/04/2017 :-

The prosecution relied on the act of the accused coming to Chennai on 09/04/2017 ie., the succeeding day when his house caught fire, as another strong circumstance pointing to his complicity. In order to prove the presence of accused in Chennai, the prosecution relies on the testimonies of PWs 11 and 24 and Exts.P9, P37 and P85. PW11 is an autorickshaw driver who plies autorickshaw in the vicinity of

Egmore Railway station. He identifies the accused while in the box and deposes that on a Sunday in the year 2017 at about 8:30 p.m, while he was with his autorickshaw at Egmore railway station, the accused came to him and asked for a trip. After getting into the autorickshaw the accused asked PW11 to take him to a good lodge. The accused was carrying a plastic cover. On the way when the autorickshaw reached near a Textile shop, the accused asked PW11 to halt near the shop and the accused went inside the Textile shop. After about fifteen minutes, he returned with some clothes and a trolley. PW11 brought the accused at N.B. Palace lodge in Ellis road. The accused asked PW11 to wait there and went to the lodge, booked a room there and came out. Then the accused went to a medical shop adjacent to the lodge, purchased something and returned. The accused paid Rs.300/- as autorickshaw fare. It is seen from the testimony of PW11 that he could identify the trolley bag which is marked MO15. The testimony of PW11 shows that the accused had deposited the cover which he was possessing inside the trolley. The suggestion during cross-examination that the accused had not purchased any trolley bag nor had he travelled in the autorickshaw of PW11 is denied by PW11.

79. Further, Ext.P85 which is a train ticket from Nagarcoil junction to Chennai Egmore dated 09/04/2017 with timing 05:21 hours seized as per Ext.P9 from the trolley bag (MO15) found in the room in which the accused stayed at N.B. Palace lodge also goes to show that the accused travelled from Nagarcoil junction to Chennai Egmore on 09/04/2017. The testimony of PW11 and Ext.P85 amply show that the accused travelled from Nagarcoil junction to Chennai Egmore.

80. PW24, the manager of N.B. Palace lodge would depose that on 09/04/2017 at 9:00 p.m, an autorickshaw driver brought the accused to the said lodge. PW24 identifies the accused as the person who sat inside the autorickshaw. PW24 further deposes that he took the accused to room No.204 on the first floor of the lodge. Seeing the

room, the accused got satisfied. He came to the reception and written his name, address and phone number in the register. The testimony of PW24 shows that the accused himself had written his name, address etc. on the register (Ext.P36). PW24 had obtained the copy of the Aadhar card of the accused. The accused gave Rs.5000/- as advance and he went to the room. When PW24 came to the lodge at 7:00 a.m., the key of the room of the accused was seen on the table of the reception. When PW24 asked the manager who was on night duty about the key on the table and also about the accused, the manager (who was on night duty) said that he was not aware. Therefore PW24 called to the phone number entered in the register but the call was attended by Kerala police. After one week, the Kerala police brought the accused to the lodge and asked PW24 to show the room where the accused stayed. The police went to the room and seized shoes and the dress kept inside the bag in the room. There were some tablets also in the bag. The register kept at the lodge was marked as Ext.P36 and entry No.821, in the register, made by the accused was marked Ext.P36(a). PW24 also identifies the bag (MO15). It is also noted from the testimony of PW24 that the CCTV footage of the lodge where copied in a Pen-drive (Ext.P37). It is also noted that when the Pen-drive was played in court during the examination of PW24, he could identify the accused, his movements, the accused entering a medical shop, coming out from the medical shop with a white cover and then getting into the lodge carrying MO15. The CCTV footage copied in Ext.P37 also shows that PW24 walking with the accused and going inside the room. It is also seen that the accused had placed the trolley bag inside the room and coming out of the room and entering the lift. The testimonies of PW11 and PW24, Ext.P85 (Train ticket) and also the visuals contained in Ext.P37 amply prove that the accused had come to Chennai and stayed at N.B. Palace lodge on 09/04/2017. It is also noted that the accused does not at all deny the visuals in Ext.P37 or that he was not seen in any of the visuals in Ext.P37.

81. In **Santhosh Madhavan @ Swami Amritha Chaithanya v. State – 2014 KHC 31**, the Hon'ble High Court of Kerala held that the court cannot transform itself as a witness and identify persons by viewing a video cassette and render a finding of guilt. The court further held that there can be no quarrel regarding the right of the court to view the cassettes like the court is entitled to make a visit of scene of offence etc. But those are all only for the purpose of appreciating the evidence in the case in a proper manner.

82. In **Sherin V. John v. State of Kerala – 2018 (3) KHC 725**, the Court after referring to the definition of the word “*Proved*” in S.3 of the Indian Evidence Act held :-

“ 36. The section makes it clear that the Court has to reach a conclusion not on the basis of evidence alone. But on the basis of matters before the Court. Of course, these matters include evidence. There can be other matters also before the Court. The facts like identity of the person who is present before the Court or presence or absence of a party before the Court are matters before the Court. The Court need not examine anyone with regard to his identity or presence or absence. It has the authority to ascertain whether the person who is present before it is the one seen in the visuals in the material objects like cassette, compact disc, pen drive.”

Having scrutinized the evidence discussed above, this court finds that the accused had come to Chennai after the incident and the same is a strong circumstance pointing to the complicity of the accused.

83. (18) Presence of fingerprint of the accused on MO18 (plastic sheet) with which the dead body of Lalitha Jain was wrapped.

The testimony of PW28 as also Ext.P40 show that one of the chance fingerprints obtained from MO18, on comparison was found identical with the left little finger impression of the accused. It is noted that according to the prosecution, MO18 was a black plastic sheet which was used to wrap the dead body of Lalitha Jain. According to PW28, the chance fingerprint and the left little finger impression of the accused were found identical as they possess identical ridge characteristics in their nature and relative position

with no dissimilarities. Ext.P40(a) is the enlarged photographs of the chance fingerprints whereas Ext.P40(b) is the enlarged photograph of the left little finger of the accused. In the light of the testimony of PW28, this court verified and compared Ext.P40(a) and P40(b) and is of the opinion that the evidence of PW28 regarding the identical nature of the chance fingerprint and the left little finger impression of the accused can be accepted. The converse is that this court finds the presence of the fingerprint of the accused on MO18 as a strong circumstance pointing to the complicity of the accused.

84. (19) Accused took his election identity card while absconding from the place of occurrence.

It is seen from the testimony of PW38 and Ext.P9 that the election identity card (Ext.P86) of the accused was seized from a trolley bag (MO15) found in room No.204 of NB Palace lodge, Chennai. The presence of the election ID card inside MO15 shows that the accused was very much aware of the necessity of an ID card for availing an accommodating in another place/State. In the opinion of this court, the seizure of the election ID card from MO15 is another circumstance pointing to the guilt of the accused.

85. (20) Lack of proper explanation/false explanation by the accused during examination u/s.313 of Cr.P.C.

It is argued by the prosecution that the accused gave false or evasive replies when questioned under S.313(1)(b) of Cr.P.C. He has not given any explanation to the queries put to him regarding the evidence of his presence at and in the vicinity of the place of occurrence from 04/04/2017 to 08/04/2017 and absence thereafter. The learned Special Public Prosecutor pointed out that the accused even gave a false explanation that he was wandering in Tamil Nadu and seeing the visuals of his in the T.V., he returned to Thiruvananthapuram. In the opinion of this court, the evidence let in in the case defies the statement of the accused.

86. In this respect, the learned Additional Public Prosecutor relied on the decision reported in **Phula Singh v. State of Himachal Pradesh - 2014 KHC 4143**, wherein the Apex Court held -

“8. The accused has a duty to furnish an explanation in his statement under S.313 Cr.P.C. regarding any incriminating material that has been produced against him. If the accused has been given the freedom to remain silent during the investigation as well as before the Court, then the accused may choose to maintain silence or even remain in complete denial when his statement under S.313 Cr.P.C. is being recorded. However, in such an event, the Court would be entitled to draw an inference, including such adverse inference against the accused as may be permissible in accordance with law. (Vide. Ramnaresh and Others v. State of Chhattisgarh, AIR 2012 SC 1357, Munish Mubar v. State of Haryana, AIR 2013 SC 912; and Raj Kumar Singh alias Raju @ Batya v. State of Rajasthan, AIR 2013 SC 3150”.

87. A perusal of the statements given by the accused when questioned u/s.313(1)(b) of Cr.P.C. would go to show that the argument of the learned Additional Public Prosecutor cannot be overlooked. The failure of the accused herein to give a conceivable explanation to the incriminating circumstances appearing in evidence against him, in the view of this court is a strong circumstance pointing to his guilt.

88. In this context, it would be worth quoting the observations of the Hon'ble Supreme Court in the decisions reported in **Ram Gulam Choudhary and Ors. v. State of Bihar – (2011) 8 SCC 311**, **State of Tamil Nadu v. Rajendran – (1999) 8 SCC 679** and **Ganesh Lal v. State of Maharashtra – (1992) 3 SCC 106**.

89. In **Ram Gulam Chaudhary** (supra), the accused after brutally assaulting a boy carried him away and thereafter the boy was not seen alive nor his body was found. The accused, however, offered no explanation as to what they did after they took away the boy. It was held that for the absence of any explanation from the side of the accused about the boy, there was every justification for drawing an inference that they have murdered the

boy. It was further observed that even though Section 106 of the Evidence Act may not be intended to relieve the prosecution of its burden to prove the guilt of the accused beyond reasonable doubt, the section would apply to cases like the present, where the prosecution has succeeded in proving facts from which a reasonable inference can be drawn regarding death. The accused by virtue of their special knowledge must offer an explanation which might lead the Court to draw a different inference.

90. The Court further held that in a case based on circumstantial evidence where no eye- witness account is available, there is another principle of law which must be kept in mind. The principle is that when an incriminating circumstance is put to the accused and the said accused either offers no explanation or offers an explanation which is found to be untrue, then the same becomes an additional link in the chain of circumstances to make it complete.

91. In **Rajendran** (*supra*) it was observed that in a case based on circumstantial evidence where no eye- witness account is available, there is another principle of law which must be kept in mind. The principle is that when an incriminating circumstance is put to the accused and the said accused either offers no explanation or offers an explanation which is found to be untrue, then the same becomes an additional link in the chain of circumstances to make it complete.

92. In **Ganeshlal** (*supra*), the appellant (accused) was prosecuted for the murder of his wife which took place inside his house. It was observed that when the death had occurred in his custody, the appellant is under an obligation to give a plausible explanation for the cause of her death in his statement under Section 313 Cr.P.C. The mere denial of the prosecution case coupled with absence of any explanation were held to be inconsistent with the innocence of the accused, but consistent with the hypothesis that the appellant is a prime accused in the commission of murder of his wife.

93. In this context, this court considers it apposite to quote excerpts from the decision reported in **Trimukh Maroti Kirkan v. State of Maharashtra – 2006 KHC 1469 :-**

“ 10. In the case in hand there is no eye witness of the occurrence and the case of the prosecution rests on circumstantial evidence. The normal principle in a case based on circumstantial evidence is that the circumstances from which an inference of guilt is sought to be drawn must be cogently and firmly established; that those circumstances should be of a definite tendency unerringly pointing towards the guilt of the accused that the circumstances taken cumulatively should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and they should be incapable of explanation on any hypothesis other than that of the guilt of the accused and inconsistency with his innocence.

X X X X X X X X

12. *If an offence takes place inside the privacy of a house and in such circumstances where the assailants have all the opportunity to plan and commit the offence at the time and in circumstances of their choice, it will be extremely difficult for the prosecution to lead evidence to establish the guilt of the accused if the strict principle of circumstantial evidence, as noticed above, is insisted upon by the courts. A judge does not preside over a criminal trial merely to see that no innocent man is punished. A judge also presides to see that a guilty man does not escape. Both are public duties.*

X X X X X X X X X X

Where an offence like murder is committed in secrecy inside a house, the initial burden to establish the case would undoubtedly be upon the prosecution, but the nature and amount of evidence to be led by it to establish the charge cannot be of the same degree as is required in other cases of circumstantial evidence. The burden would be of a comparatively lighter character. In view of S.106 of Evidence Act there will be a corresponding burden on the inmates of the house to give a cogent explanation as to how the crime was committed. The inmates of the house cannot get away by simply keeping quiet and offering no explanation on the supposed premise that the burden to establish its case lies entirely upon the prosecution and there is no duty at all on an accused to offer any explanation.

X X X X X X X X X X

16. *In a case based on circumstantial evidence where no eye witness account is available, there is another principle of law which must be kept in mind. The principle is that when an incriminating circumstance is put to the accused and the said accused either offers no explanation or offers an explanation which is found to be untrue, then the same becomes an additional link in the chain of circumstances to make it complete. This view has been taken in a catena of decisions of this Court. [See. State of Tamil Nadu v. Rajendran 1999 (8) SCC 679; State of U.P v. Dr.Ravindra Prakash Mittal (AIR 1992 SC 2045); State of Maharashtra v. Suresh (2000 (1) SCC 471); Ganesh Lal v. State of Rajasthan, 2002 (1) SCC 731 and Gulab Chand v. State of M.P. (1995 (3) SCC 574).*

17. *Where an accused is alleged to have committed the murder of his wife and the prosecution succeeds in leading evidence to show that shortly before the commission of crime they were seen together or the offence took place in the dwelling home where the husband also normally resided, it has been consistently held that if the accused does not offer any explanation how the wife received injuries or offers an explanation which is found to be false, it is a strong circumstance which indicates that he is responsible for commission of the crime. In Nika Ram v. State of Himachal Pradesh (1973 (1) SCR 428) it was observed that the fact that the accused alone was with his wife in the house when she was murdered there with 'khokhri' and the fact that the relations of the accused with her were strained would, in the absence of any cogent explanation by him, point to his guilt. In Ganeshlal v. State of Maharashtra (1992 (3) SCC 106) the appellant was prosecuted for the murder of his wife which took place inside his house. It was observed that when the death had occurred in his custody, the appellant is under an obligation to give a plausible explanation for the cause of her death in his statement under S.313 Cr.P.C. The mere denial of the prosecution case coupled with absence of any explanation were held to be inconsistent with the innocence of the accused, but consistent with the hypothesis that the appellant is a prime accused in the commission of murder of his wife."*

94. Judicial precedents show that a false plea of alibi or failure to establish the plea is having the effect of establishing his presence as alleged by the prosecution though criminality has to be proved otherwise. In the instant case, the accused is legally obliged to discharge the onus upon him to explain how the dead bodies were found in his house and under what circumstances the deceased died a homicidal death. It was open for the

accused to discharge the said onus by preponderance of probabilities. However, instead of doing it, the accused took a false plea of alibi which he failed to prove. In fact, a false plea of alibi raised by the accused in his statement u/s.313 (5) of the Cr.P.C. provides an additional link to the aforesaid chain of circumstances pointing to his guilt.

95. The Apex Court in **Sushil Sharma v. State (NCT of Delhi) – (2014) 4 SCC 317**, held that if the accused is not able to prove the defence of alibi, adverse inference need to be drawn from this fact and that false defence of alibi indeed forms a vital link in the chain of circumstances.

96. As regards the motive of the crime, the motive alleged is that the accused was not allowed to study the subject of his choice, that he was not allowed to mingle with his friends and also the illicit relationship of his father. In fact, no clear evidence has been brought out by the prosecution on these aspects. In this context, it would be worth to mention the dicta of the Hon'ble Supreme Court in **Vijay Shankar v. State of Haryana – 2015 KHC 5191** and **Bipin Kumar Mondal v. State of West Bengal – 2010 KHC 4495**.

97. In **Vijay Shankar's** case (*supra*), the Apex Court has infact held that proof of motive only adds to the weight and value of evidence adduced by the prosecution and that even if the prosecution has not been able to prove its case on motive, that will not be a ground to throw the prosecution case nor does it corrode the credibility of prosecution case. The court further held that absence of motive only demands careful scrutiny of evidence adduced by the prosecution.

98. In **Bipin Kumar Mondal** (*supra*), the Apex Court held that when the evidence of trustworthy witnesses is available, motive becomes irrelevant and that even if the absence of motive as alleged is accepted and that is of no consequence and pales into insignificance when direct evidence establishes the crime. The court further held that in a case relating to circumstantial evidence, motive does assume great importance but to say

that the absence of motive would dislodge the entire prosecution story is giving this one factor an importance which is not due.

99. In **Nathuni Yadav v. State of Bihar – (1998) 9 SCC 238**, the Apex Court considered the effect of absence of proof of motive. The Court observed that motive for doing a criminal act is generally a difficult area for prosecution. One cannot normally see the mind of another. Motive is the emotion which impels a man to do a particular act. Such impelling cause need not necessarily be proportionally grave to do grave crimes. Many a murder have been committed without any known or prominent motive. It is quite possible that the aforesaid impelling factor would remain undiscoverable.

100. It is trite that the mere fact that prosecution failed to translate the mental disposition of the accused into evidence, that does not mean that no such mental condition existed in the mind of the assailant.

101. The accused is further charged with destroying the evidence so as to screen himself from punishment. The testimony of PW38 shows that at the place of occurrence burnt remnants of dead bodies were seen on the first floor of the building where the incident occurred. He would also depose that some remnants were kept inside sacks. The testimony of PW39 also shows that floor cleaners used for cleaning the floor of the room was also found inside the house. The seizure of partly used floor cleaners, mop etc. from the scene of occurrence also shows that the accused used the said items for effacing the evidence of the crime.

102. The question for deciding the complicity of the accused as per S.201 is whether the accused did any act for causing disappearance of evidence of murder. The acts of the accused cleaning the floor of the room after the commission of the murder, burning three of the dead bodies etc. can only be viewed as acts for screening himself from legal punishment. The accused has no case that such acts were done by some other

person. It is also proved by cogent evidence that the material objects so abandoned were seized from the place of occurrence. Therefore, the only conclusion that could be arrived at is that the intention of the accused in doing the above acts was only to cause disappearance of the evidence of the commission of the murder. In this connection, it is worth mentioning the decision of the Hon'ble Supreme Court reported in **Kalawati and Another v. State of Himachal Pradesh – 1953 KHC 324 : AIR 1953 SC 131**, wherein it was held that conviction for main offence u/s.201 IPC is not illegal as the main offence and causing disappearance of evidence of the offence constitute separate transactions. The Hon'ble Court further held that S.201 IPC is not restricted to a person who screens the actual offender, it can apply even to a person guilty of the main offence. In the light of the above discussion, this court finds that the accused had committed the offence punishable u/s.201 of IPC.

103. The accused is further charged with committing mischief by fire knowing that his act would cause destruction of the house where he and his parents resided. From the testimony of PW38 it is seen that remnants of burnt dead bodies were seen in the first floor of the house where the incident occurred. The testimony of PW39 also shows that the lock of the door was seen dislocated with charred materials. The locker was also seen with cut marks indicating destruction. Further, the scene mahzar (Ext.P17) also describes in detail the damage caused to the house such as the falling of the roof tiles, burnt remnants of the almirah, completely burnt windows, partially burnt door, broken closet, burnt walls of the room, fans, air conditioner, door frames etc. Thus it is clear that the accused committed mischief by fire knowing that by setting ablaze the dead bodies using petrol, he would thereby cause the destruction of the residential building where he and his family members resided.

104. Regarding the reliability of the witnesses, it was argued that many of the material witnesses were closely related or associated with the deceased and therefore they are interested witnesses. The learned defence counsel has also highlighted some of the discrepancies and the contradiction (Exts.D1 to D6) appearing in their evidence.

105. A scrutiny of the testimonies of PWs 1 to 4, 11 and 24 would clearly show that such embellishments, exaggerations, omissions and contradictions are so trivial in nature, that they do not have any adverse impact on the prosecution case. This court is also not unmindful of the fact that the witnesses are deposing before court after a time lapse of more than seven years from the date of the incident. Therefore, such defects pointed out by the learned defence counsel are bound to occur in the testimonies of the witnesses. What the court should look into is whether there is any deviation with regard to the core aspect of the prosecution case. Merely because a particular witness deviated from what he/she had stated to the police on certain peripheral aspects that witness cannot be dubbed as a wholly unreliable witness. Moreover, it is settled position of law that if the discrepancies are attributable to loss of memory with the passage of time or they relate to matters which are peripheral or trivial, the testimony of the prosecution witnesses cannot be rejected on account of such minor variations or infirmities.

106. It is trite that courts should not expect a witness to make a verbatim reproduction of what he/she had seen/experienced years back. In this context, it would be apposite to quote the decision of the Apex court in **Bharwada Bhoginbhai Hirjibhai v. State of Gujarat – AIR 1983 SC 753**, wherein the Court reminded that overmuch importance cannot be attached to minor discrepancies, for which the Court stated the following reasons :-

“ 5. x x x x x x x x x x

x x x x x x x x x x

(1). *By and large a witness cannot be expected to possess a photographic memory and to recall the details of an incident. It is not as if a video tape is replayed on the mental screen.*

(2). *Ordinarily it so happens that a witness is overtaken by events. The witness could not have anticipated the occurrence which so often has an element of surprise. The mental faculties therefore cannot be expected to be attuned to absorb the details.*

(3). *The powers of observation differ from person to person. What one may notice, another may not. An object or movement might emboss its image on one person's mind whereas it might go unnoticed on the part of another.*

(4). *By and large people cannot accurately recall a conversation and reproduce the very words used by them or heard by them. They can only recall the main purport of the conversation. It is unrealistic to expect a witness to be a human tape recorder.*

(5). *In regard to exact time of an incident, or the time duration of an occurrence, usually, people make their estimates by guess work on the spur of the moment at the time of interrogation. And one cannot expect people to make very precise or reliable estimates in such matters. Again, it depends on the time-sense of individuals which varies from person to person.*

(6). *Ordinarily a witness cannot be expected to recall accurately the sequence of events which take place in rapid succession or in a short time span. A witness is liable to get confused, or mixed up when interrogated later on.*

(7). *A witness, though wholly truthful, is liable to be overawed by the court atmosphere and the piercing cross examination made by counsel and out of nervousness mix up facts, get confused regarding sequence of events, or fill up details from imagination on the spur of the moment. The subconscious mind of the witness sometimes so operates on account of the fear of looking foolish or being disbelieved though the witness is giving a truthful and honest account of the occurrence witnessed by him-Perhaps it is a sort of a psychological defence mechanism activated on the spur of the moment."*

107. The court further held that discrepancies which do not go to the root of the matter and shake the basic version of the witnesses, therefore cannot be annexed with undue importance. More so when the all important "probabilities-factor" echoes in favour of the version narrated by the witnesses.

108. In the opinion of this court, the said minor inconsistencies highlighted by the learned defence counsel shall not deter the court from accepting the evidence tendered by the witnesses as regards the core spectrum of the crime spoken to by them as discussed earlier. The said evidence establishes beyond reasonable doubt that the accused had committed the crime.

109. It is settled position of law that the doctrine '*falsus in uno falsus in omnibus*' is not having universal application in India. As pointed out in the decision reported in **Deep Chand v. State of Haryana – (1969) 3 SCC 890**, the maxim '*falsus in uno, falsus in omnibus*' (false in one thing, false in everything) is not a sound rule to be applied in India. It is the duty of the court, in cases where a witness has been found to have given unreliable evidence in regard to certain particulars, to scrutinize the rest of his evidence with care and caution. If the remaining evidence is trustworthy and the substratum of the prosecution case remains intact, then the court should uphold the prosecution case to the extent it is considered safe and trustworthy. Having scrutinized the testimonies of the witnesses examined in this case, this court does not see any reason to disbelieve their evidence on material aspects.

110. In conclusion of the above discussion, this Court finds that

1. Raja Thankam, the father of the accused, Dr. Jean Padma, the mother of the accused, Carolin, the sister of the accused and Lalitha Jain, a relative of the accused met with homicidal death due to the injuries sustained by them as mentioned in Exts.P58 to P64 (Postmortem Certificates),
2. that those injuries were inflicted by the assailant with the intention of causing death,
3. that the assailant is none other than the accused,

4. that the accused committed the offence under the first limb of S.300 of Indian Penal Code,
5. that the accused caused disappearance of evidence connected with the offence and
6. that the accused committed mischief by fire.

Hence, point No.1 to 3 are found in favour of the prosecution.

111. **Point No.4 :-** In view of the findings on point No.1 to 3, the accused is found guilty of the offences punishable under sections 302, 201 and 436 of IPC and he is convicted thereunder.

112. Since the accused is found to have committed the offence punishable u/s.302 of IPC, the provisions of the Probation of Offenders Act, 1958 have no application in this case.

113. Accused will be heard on the question of sentence.

Dictated to the Confidential Assistant, typewritten by her in the computer, corrected and pronounced by me in open Court on this the 12th day of May 2025.

Sd/-
ViSHNU K.,
Additional Sessions Judge -VI

13/05/2025

114. The convict is heard on the question of sentence. He maintained that he is innocent and pleaded for leniency. He further stated that he has no nexus with the incident.

115. I have heard the learned counsel for the convict and also the learned Special Public Prosecutor. Learned counsel for the convict submitted that the convict was undergoing continuous treatment from 20/04/2017. The convict has no criminal antecedents and that he is in his thirties. On the other hand, the learned Special Public

Prosecutor, referring to the nature of the crime, the relationship between the convict and the victims and the social impact of the punishment, pleaded for imposing capital punishment on the convict.

116. This court has found that the convict had brutally murdered none other than his parents, sister and a relative. The dead bodies of his parents and sister were burnt to efface evidence and screen himself from legal punishment. It is true that the convict has committed murder of his parents, sister and a relative in a diabolic, ghastly and dastardly manner. He adopted a method of unimaginable wickedness. The convict prepared and planned for the murder months before it was accomplished. He had purchased and kept the weapons of offence in his possession and waited for the right opportunity to do away with the unfortunate victims.

117. A convict under S.302 IPC is punishable with imprisonment or imprisonment for life and fine. As per S.354(3) of Code of Criminal Procedure 1973, when the conviction is for an offence punishable with death or, in the alternative, imprisonment for life or imprisonment for a term of years, the judgment shall state the reasons for the sentence awarded, and, in the case of sentence of death, the special reasons for such sentence. Judicial precedents galore declaring that imprisonment for life is the rule and sentence of death the exception. Relying on the principles enshrined in its decision in **Bachan Singh v. State of Punjab and Ors. – AIR 1980 SC 898**, the Hon'ble Supreme Court as per its decision in **Machhi Singh v. State of Punjab – AIR 1983 SC 957**, laid down by the following guidelines for awarding a sentence of death.

“28. In this background the guide lines indicated in Bachan Singh's case (supra) will have to be culled out and applied to the facts of each individual case where the question of imposing of death sentences arises. The following propositions emerge from Bachan Singh's case:

(1). the extreme penalty of death need not be inflicted except in gravest cases of extreme culpability;

(ii). *Before opting for the death penalty the circumstances of the 'offender' also require to be taken into consideration along with the circumstances of the 'crime'.*

(iii). *Life imprisonment is the rule and death sentence is an exception. In other words death sentence must be imposed only when life imprisonment appears to be an altogether inadequate punishment having regard to the relevant circumstances of the crime, and provided, and only provided the option to impose sentence of imprisonment for life can not be conscientiously exercised having regard to the nature and circumstances of the crime and all the relevant circumstances.*

(iv). *A balance sheet of aggravating and mitigating circumstances has to be drawn up and in doing so the mitigating circumstances has to be accorded full weightage and a just balance has to be struck between the aggravating and the mitigating circumstances before the option is exercised.*

In order to apply these guidelines inter-alia the following questions may be asked and answered:

(a). *Is there something uncommon about the crime which renders sentence of imprisonment for life inadequate and calls for a death sentence?*

(b). *Are the circumstances of the crime such that there is no alternative but to impose death sentence even after according maximum weightage to the mitigating circumstances which speak in favour of the offender ?*

29. If upon taking an overall global view of all the circumstances in the light of the aforesaid proposition and taking into account the answers to the questions posed here in above, the circumstances of the case are such that death sentence is warranted, the court would proceed to do so."

118. The principles laid down above by the Apex Court mandates that a death penalty can be imposed only on satisfying two conditions. The first condition is that the case must clearly fall within the ambit of 'rarest of rare' cases and the second condition is that the alternative option of awarding imprisonment for life is foreclosed. In other words, capital punishment should be resorted to only and only if the court is convinced that the punishment for imprisonment for life will not serve any purpose.

119. How the court should decide whether a case comes within the category of 'rarest of rare' case has been discussed by the Apex Court in **Mannan @ Abdul Mannan v. State of Bihar – AIR 2019 SC 2934** in the following words :-

"74. The proposition of law which emerges from the judgments referred to above is itself death sentence cannot be imposed except in the rarest of rare cases, for which special reasons have to be recorded, as mandated in S.354(3) of the Criminal Procedure Code. In deciding whether a case falls within the category of the rarest of rare, the brutality, and/or the gruesome and/or heinous nature of the crime is not the sole criterion. It is not just the crime which the Court is to take into consideration, but also the criminal, the state of his mind, his socio-economic background, etc. Awarding death sentence is an exception, and life imprisonment is the rule.

75. Therefore, before imposing the extreme penalty of death sentence, the Court would have to satisfy itself that death sentence is imperative, as otherwise the convict would be a threat to society, and that there is no possibility of reform or rehabilitation of the convict, after giving the convict an effective, meaningful, real opportunity of hearing on the question of sentence, by producing materials."

120. In the case on hand, the unsuspecting victims were hacked to death by using the weapons from their back. Certainly, the murder is ghastly, brutal, diabolic and heinous. As discussed earlier, a sentence of death can be awarded only in cases which come under the category of 'rarest of rare' cases. Certainly the mitigating circumstances in favour of the convict also has been considered in deciding the category to which a case belongs. In the instant case, at the time of the incident, the convict was in his late twenties and now he is in his mid-thirties. The convict has no criminal antecedents. Notwithstanding the forceful arguments advanced by the learned Special Public Prosecutor for awarding capital punishment, this court is bound to take note of the mitigating circumstances in favour of the convict. In the absence of criminal antecedents, the young age of the convict is certainly a mitigating circumstance. As regards a person having no criminal antecedents, it cannot be held that if a sentence of death is not awarded, he would pose a threat to the

society. In the above circumstances, the chances of reformation of the convict cannot be said to be foreclosed and therefore this court is of the opinion that the convict need not be punished with death, rather, sentence of imprisonment for life would serve the interest of justice.

121. Apart from the above, in passing the sentence, this court is guided by the decisions of the Hon'ble Supreme Court reported in **Jage Ram and Others v. State of Haryana and Another – 2015 KHC 4060** and **Muthuramalingam and Others v. State – 2016 (4) KHC 1**.

122. In **Jage Ram** (*supra*), the Apex Court held :-

“16. x x x x x x x while imposing punishment, courts have an obligation to award appropriate punishment. Question of awarding sentence is a matter of discretion and the same has to be exercised by the courts taking into consideration all the relevant circumstances. What sentence would meet the ends of justice would depend upon the facts and circumstances of each case and the courts must keep in mind the gravity of the offence, motive for the crime, nature of the offence and all other attendant circumstances.”

123. In **Muthuramalingam** (*supra*), the Apex Court after traversing through a catena of its own decisions made it clear that sentences awarded by the court for several offences committed by a person shall run consecutively (unless the court directs otherwise) except where such sentences include imprisonment for life which can and must run concurrently. If more than one life sentences are awarded to a convict, the same would get super imposed over each other. While multiple sentences for imprisonment for life can be awarded for multiple murders or other offences punishable with imprisonment for life, the life sentences so awarded cannot be directed to run consecutively. Such sentences would, however, be super imposed over each other so that any remission or commutation granted by the competent authority in one does not *ipso facto* result in

remission of the sentence awarded to the convict for the other. The Court further clarified that a court can direct that the convict shall first undergo term sentence before commencement of his life sentence and that if the court directs life sentence to start first, it would necessarily imply that the term sentence would run concurrently.

In the result,

(1). For committing murder of Raja Thankam, the convict is sentenced to undergo imprisonment for life and to pay a fine of Rs.3,00,000/- (Rupees Three Lakh only) for the offence punishable u/s.302 of the Indian Penal Code. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(2). For committing murder of Dr.Jean Padma, the convict is sentenced to undergo imprisonment for life and to pay a fine of Rs.3,00,000/- (Rupees Three Lakh only) for the offence punishable u/s.302 of the Indian Penal Code. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(3). For committing murder of Carolin, the convict is sentenced to undergo imprisonment for life and to pay a fine of Rs.3,00,000/- (Rupees Three Lakh only) for the offence punishable u/s.302 of the Indian Penal Code. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(4). For committing murder of Lalitha Jain, the convict is sentenced to undergo imprisonment for life and to pay a fine of Rs.3,00,000/- (Rupees Three Lakh only) for the offence punishable u/s.302 of the Indian Penal Code. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(5). The convict is sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.1,00,000/- (Rupees One Lakh only) u/s.201 of IPC. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(6). The convict is sentenced to undergo rigorous imprisonment for seven years and to pay a fine of Rs.2,00,000/- (Rupees Two Lakh only) u/s.436 of IPC. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(7). In case, the substantive sentences of imprisonment is remitted or commuted by the Government, the convict will be entitled to set off from the substantive sentence of imprisonment for the period during which he was in custody in connection with this case (ie. from 11/04/2017 till date).

(8). Needless to mention that the sentences of life imprisonment shall run concurrently.

(9). The sentences of imprisonment imposed as per Sections 201 and 436 of IPC shall run consecutively.

(10). The sentences of imprisonment for life will commence after the term imprisonments awarded as per Sections 201 and 436 of IPC are underwent by the convict.

(11). The fine amount on realisation shall be paid to PW1

(Jose Sundaram J.C.) as per S.357(1)(b) of the Code of Criminal Procedure, 1973.

(12). Confiscate MO1, MO2 series, MO19 to MO26, MO28 to MO36, MO62 series to MO64, MO67, MO69 series to MO72, MO84 and destroy MO3 to MO18, MO27, MO37 series to MO60, MO65 series, MO66, MO68 series, MO73 to MO83 as per rules.

Dictated to the Confidential Assistant, typewritten by her in the computer, corrected and pronounced by me in open Court on this the 13th day of May, 2025.

Sd/-
VISHNU K.,
ADDITIONAL SESSIONS JUDGE – VI

APPENDIX :-

Witnesses examined for Prosecution :-

PW1	13..11..2024	Jose Sundaram.J.C.
PW2	14..11..2024	Renjitham.S.
PW3	15..11..2024	Dasamma
PW4	16..11..2024	L.J. Padma Kumar
PW5	16..11..2024	Renjith.M.V.
PW6	16..11..2024	Francis.C.J.
PW7	16..11..2024	Jayakumar.C.
PW8	18..11..2024	Sasi
PW9	18..11..2024	Jeeja.L.
PW10	19..11..2024	David Rajan.C.
PW11	19..11..2024	P. Kothandan
PW12	20..11..2024	Maya Kannan
PW13	22..11..2024	Areej Daniel.S.
PW14	22..11..2024	Palayam Rajan
PW15	22..11..2024	S. Hashim

PW16	23..11..2024	Haris.M.R.
PW17	23..11..2024	Sainudeen.M.
PW18	25..11..2024	Reji John
PW19	25..11..2024	Abhijith.S.S.
PW20	25..11..2024	Prasanth.R.S.
PW21	26..11..2024	J.R. Vijayakumar
PW22	28..11..2024	Abhilash.G.U.
PW23	29..11..2024	Sajeev.P.K.
PW24	02..12..2024	Sukumar.M.
PW25	04..12..2024	Shaji.M.S.
PW26	04..12..2024	Binu Kumar
PW27	06..12..2024	Jula Ranjini
PW28	06..12..2024	Anil.K.S.
PW29	06..12..2024	Dr. S.R.Akshara Veena
PW30	06..12..2024	Dr. Nisha.K.R.
PW31	06..12..2024	Dr. Mohan Roy
PW32	10..12..2024	S. Prema Chandran Nair
PW33	10..12..2024	Augustine Joseph.K.G.
PW34	11..12..2024	Sunil.G.
PW35	13..12..2024	Rakesh.J.
PW36	17..12..2024	Dr. K. Sasikala
PW37	28..01..2025	Dr. Aisha.S.
PW38	04..02..2025	Dinil
PW39	10..03..2025	K.E.Baiju
PW40	01..04..2025	K. Stuvart Keeler

PW41

03..04..2025

N.R.Jayaraj

Witnesses examined for Defence

:-

DW1

11..04..2025

Dr. Selvam

EXHIBITS MARKED FOR THE PROSECUTION

:-

Marked Through

P1	09..04..2017	FIS	PW1
P2	12..06..2017	164 Statement of CW1	PW1
P3	13..04..2017	Recovery Mahzar	PW1
P3(a)	13..04..2017	Relevant portion of confession statement of accused	PW39
P4	08..05..2017	164 Statement of CW2	PW2
P5	27..06..2017	164 Statement of CW4	PW4
P6	12..06..2017	164 Statement of CW7	PW6
P7	14..04..2017	Mahzar	PW6
P7(a)	14..04..2017	Relevant portion of confession statement of accused	PW39
P8	16..04..2017	Mahzar	PW10
P8 (a)	16..04..2017	Relevant portion of confession statement of accused	PW39
P9	17..04..2017	Mahzar	PW11
P9(a)	17..04..2017	Relevant portion of Confession statement of Accused	PW39
P10	17..04..2017	Mahzar	PW11
P10(a)	17..04..2017	Relevant portion of Confession statement of Accused	PW39
P11 Series	13..03..2017	Relevant pages of Attendance register, Receipt, Training registration form, Form 1 – Certificate of Incorporation	PW12

P12	09..04..2017	Inquest Report (Body No:2)	PW14
P13	09..04..2017	Inquest Report (Body No:3)	PW14
P14	09..04..2017	Inquest Report of Lalitha Jain	PW14
P15	09..04..2017	Body Receipt of Lalitha Jain	PW13
P15 (a)	09..04..2017	Body Receipt (Body No:1)	PW13
P15 (b)	09..04..2017	Body Receipt (Body No:2)	PW13
P15 (c)	09..04..2017	Body Receipt (Body No:3)	PW13
P16	20..05..2017	Scene Plan	PW15
P16(a)	20..05..2017	Location Map	PW15
P17	10..04..2017	Scene Mahzar	PW15
P18	05..04..2017	Cash Bill (U Mart)	PW16
P19	14..04..2017	Seizure Mahzar	PW16
P19(a)	14..04..2017	Relevant portion of Confession statement of Accused	PW39
P20	05..04..2017	Cash Bill	PW17
P21	14..04..2017	Seizure Mazhar	PW17
P21 (a)	14..04..2017	Relevant portion of Confession statement of Accused	PW39
P22	--	Computer print out - History You Tube	PW17
P22(a)	--	Computer print out of History – You Tube	PW17
P22(b)	--	Computer print out of History – (Zombie go boom 2g axe)	PW17
P22 (c)	--	Computer print out of History – (Zombie go boom 2g axe)	PW17
P22 (d)	--	Computer print out of History – (Zombie go boom 2g axe)	PW17
P22 (e)	--	Computer print out of History – (Zombie go boom 2g axe)	PW17

P22 (f)	--	Computer print out of Flip Kart .com ; Addresses	PW17
P22 (g)	--	Computer print out of Flip Kart .com ; Update Email	PW17
P22 (h)	--	Computer print out of Order details (Flip Kart)	PW17
P22 (i)	--	Computer print out of Order details (Flip Kart)	PW17
P22 (j)	--	Computer print out of Order details (Flip Kart)	PW17
P22 (k)	--	Computer print out of Order details (Flip Kart)	PW17
P22 (l)	--	Computer print out of Order details (Flip Kart)	PW17
P22 (m)	--	Computer print out of Order details (Flip Kart)	PW17
P22 (n)	--	Computer print out of Order details (Flip Kart)	PW17
P22 (o)	--	Computer print out of mail.com-skype	PW17
P22 (p)	--	Computer print out of email – mail.com	PW17
P22 (q)	--	Computer print out of your mail.com Team	PW17
P22 (r)	--	Computer print out of mail.com (first steps)	PW17
P22 (s)	--	Computer print out of mail.com	PW17
P23	14..04..2017	Seizure Mahzar	PW17
P23(a)	14..04..2017	Relevant portion of Confession statement of Accused	PW39
P24	09..04..2017	Inquest Report - Body No:1	PW21
P25	09..04..2017	Seizure Mahzar	PW22
P26	30..06..2017	Call details Report (BSNL) (01.04.2017 to 08.04.2017)	PW23
P27	14..04..2003	Copy of Order form for post paid cellular connection (BSNL)	PW23
P27(a)	18..03..2001	Copy of Election ID Card (Jean Padma)	PW23
P28	20..06..2017	Call details Report (BSNL) (01.04.2017 to 08.04.2017)	PW23

P29	--	Copy of Customer application form	PW23
P29(a)	--	Copy of Election ID card	PW23
P30	--	Call details Report (BSNL) (01.04.2017 to 08.04.2017)	PW23
P31	--	Copy of Customer Application Form	PW23
P31(a)	--	Copy of Election ID Card	PW23
P32	20..06..2017	Call details Report (BSNL) (01.04.2017 to 08.04.2017)	PW23
P33	29..11..1997	Copy of Application form for New Mobile connection (Dhasammal)	PW23
P33(a)	29..11..1997	Copy of Election ID Card	PW23
P34	20..06..2017	Call details Report (BSNL) (01.04.2017 to 08.04.2017)	PW23
P35	--	Copy of Application form for New Mobile connection (L.J. Padmakumar)	PW23
P35(a)	--	Copy of Driving Licence	PW23
P36	--	Lodges and Mansion – Daily Report Register (15.03.2017 to 13.04.2017)	PW24
P36(a)	09..04..2017	Relevant page of P36 (Page No.1447)	PW24
P37	--	Pendrive (C.C.T.V. Visuals -Lodge)	PW24
P38 Series	--	Photographs (68 Nos).	PW25
P38 (a)	09..04..2017	Certificate (Photographs)	PW25
P39 Series	--	Photographs (37 Nos).	PW26
P39 (a)	13..04..2017	Certificate (Photographs)	PW26
P40	10..05..2017	Finger Print Expert Opinion	PW28
P40(a)	--	Photograph (Chance print developed from the scene of crime)	PW28
P40(b)	--	Photograph (specimen left little finger)	PW28
P41	11..04..2017	Wound Certificate	PW29

P42	11..04..2017	Medicolegal Certificate	PW29
P43	09..04..2017	Report on the Examination of Scene of Occurrence	PW30
P44	10..04..2017	Report on the Examination of Scene of Occurrence	PW30
P45	13..04..2017	Report on the Examination of Scene of Occurrence	PW30
P46	25..04..2017	Medical Evaluation Certificate	PW31
P47	20..06..2017	Letter No:ICL/CDR/214/17	PW33
P48	--	Copy of Customer Application - Idea (Cadell Jeansen Raja)	PW33
P48(a)	--	Copy of Election ID Card	PW33
P49	19..06..2017	Call Details report (Idea from 01.04.2017 to 08.042017)	PW33
P50	19..06..2017	Call Details report (Idea from 01.04.2017 to 08.042017)	PW33
P51	25..07..2016	Copy of Customer Application form (Cadell Jeansen Raja)	PW33
P51(a)	--	Copy of Election ID Card (Cadell Jeansen Raja)	PW33
P52	19..06..2017	Call Details Report (Idea from 01.04.2017 to 08.042017)	PW33
P53	--	Copy of Customer Application form - Jose Sundaram J.C. (Idea)	PW33
P53(a)	--	Copy of Election ID Card	PW33
P54	27..06..2017	Covering Letter No:VODA/KEL/HC/NODAL (Vodafone)	PW33
P55	22..06..2017	Call Details Report (Vodafone) from 01.04.2017 to 08.042017)	PW33
P56	04..11..2015	Attested copy of Post paid Customer Application Form	PW33
P56(a)	--	Copy of Aadhar card (Jose Sundaram J.C.)	PW33

P57	09..04..2017	FIR	PW34
P58	09..04..2017	Postmortem Certificate (Body No:1)	PW36
P59	09..04..2017	Final opinion of Body No:1	PW33
P60	09..04..2017	Postmortem Certificate (Body No:2)	PW36
P61	09..04..2017	Final opinion of Body No:2	PW36
P62	09..04..2017	Postmortem Certificate (Body No:3)	PW36
P63	09..04..2017	Final opinion of Body No:3	PW36
P64	09..04..2017	Postmortem Certificate of Lalitha Jain	PW36
P65	--	Envelop of MO58	PW37
P66	—	Envelop of MO59	PW37
P67	09..04..2017	Property List (T96/17)	PW38
P68	09..04..2017	Property List (T97/17)	PW38
P69	09..04..2017	Property List (T100/17)	PW38
P70	09..04..2017	Property List (T101/17)	PW38
P71	09..04..2017	Property List (T102/17)	PW38
P72	09..04..2017	Property List (T103/17)	PW38
P73	09..04..2017	Property List (T115/17)	PW38
P74	09..04..2017	Property List (T114/17)	PW38
P75	09..04..2017	Property List (T99/17)	PW38
P76	10..04..2017	Report	PW39
P76(a)	--	Proceedings of the Deputy Commissioner of Police Order No:69/Camp/DCP/(L & O) /2017/TC	PW39
P77	--	Passport (N 9099046- (Cadell Jeansen Raja)	PW39
P78	10..04..2017	Property List (T113/17)	PW39
P79	11..04..2017	Property List (T116/17)	PW39

P80	11..04..2017	Arrest Memo	PW39
P80(a)	11..04..2017	Inspection Memo	PW39
P80(b)	11..04..2017	Arrest Intimation	PW39
P81	11..04..2017	Address Report	PW39
P82	15..04..2017	Mahzar	PW39
P82(a)	15..04..2017	Relevant portion of confession statement of accused	PW39
P83	15..04..2017	Proceedings of the DIG & District Police Chief Order No:78/CAMP/2017/TC	PW39
P84	16..04..2017	Property List (T122/17)	PW39
P85	09..04..2017	Train Ticket	PW39
P86	--	Election ID Card	PW39
P87	17..04..2017	Property List (T121/17)	PW39
P88	19..04..2017	Mahzar	PW39
P88(a)	19..04..2017	Relevant portion of confession statement of accused	PW39
P89	19..04..2017	Mahzar	PW39
P90	24..05..2017	Mahzar	PW39
P91	25..04..2017	Mahzar	PW39
P92	25..04..2017	Third party Kachit	PW39
P93	26..04..2017	Mahzar	PW39
P94	--	General Diary	PW39
P95	27..04..2017	Mahzar	PW39
P96	27..04..2017	Third party Kachit	PW39
P97	24..06..2017	Inventory Mahzar	PW39
P97(a)	24..06..2017	Inventory Mahzar	PW39

P98	13..04..2017	Property List (T117/17)	PW39
P99	10..04..2017	Property List (T118/17)	PW39
P100	13..04..2017	Sample Bill	PW39
P101	12..04..2017	Medical Certificates	PW39
P102	08..04..2017	General Diary (Fire Force)	PW39
P103	--	Copy of Relevant pages of Fire Force Vehicle Log Book (Three sheets)	PW39
P103(a)	--	Relevant page of Log Book (08.04.2017 & 09.04.2017)	PW39
P103(b)	--	Relevant page of Log Book (09.04.2017 & 10.04.2017)	PW39
P104	09..04..2017	Attested copy of Relevant page of Fire Force Message Book (07.04.2017 to 10.04.2017)	PW39
P104(a)	07..08..2017	FSL Report	Marked U/s.293 Cr.P.C.
P105	29..07..2017	FSL Report	Marked U/s.293 Cr.P.C.
P106	03..08..2017	FSL Report	Marked U/s.293 Cr.P.C.
P107	29..07..2017	FSL Report	Marked U/s.293 Cr.P.C.
P108	23..08..2017	FSL Report	Marked U/s.293 Cr.P.C.
P109	23..12..2017	Cyber Forensic Report	Marked U/s.293 Cr.P.C.
P109 (a)	—	Annexure 10	Marked U/s.293 Cr.P.C.

P109(b)	—	Annexure 11	Marked U/s.293 Cr.P.C.
P110	31..01..2018	Chemical Analysis Certificate (No:1288/18)	Marked U/s.293 Cr.P.C.
P111	31..01..2018	Chemical Analysis Certificate (No:1289/18)	Marked U/s.293 Cr.P.C.
P112	31..01..2018	Chemical Analysis Certificate (No:1290/18)	Marked U/s.293 Cr.P.C.
P113	03..06..2017	Chemical Analysis Certificate (No:2741/17)	Marked U/s.293 Cr.P.C.
P114	05..06..2017	Chemical Analysis Certificate (No:2742/17)	Marked U/s.293 Cr.P.C.
P115	05..06..2017	Chemical Analysis Certificate (No:2743/17)	Marked U/s.293 Cr.P.C.
P116	05..06..2017	Chemical Analysis Certificate (No:2744/17)	Marked U/s.293 Cr.P.C.
P117	12..06..2017	Chemical Analysis Certificate (No:2990/17)	Marked U/s.293 Cr.P.C.
P118 Series	27..04..2017	Statement of accounts (Federal Bank)	Marked U/s.293 Cr.P.C.

Exhibits Marked for the Defence :- :-

D1	--	Relevant portion of 161 statement of CW2	PW2
D2	--	Relevant portion of 161 statement of CW2	PW2
D3	--	Relevant portion of 161 statement of CW2	PW2

D4	--	Relevant portion of 161 statement of CW2	PW2
D5	--	Relevant portion of 161 statement of CW19	PW11
D5(a)	--	Relevant portion of 161 statement of CW19	PW11
D6		Relevant portion of 161 statement of CW20	PW24

Court Exhibits

:-

C1	25..04..2017	Copy of official memorandum of JFMC III, Thiruvananthapuram.	DW1
C2	15..05..2017	Medical Report	DW1
C3	26..04..2017	Petition filed by the PW39 as CMP1103/17	--
C4	29..05..2017	Order in CMP 1103/17	--
C5	19..06..2023	Medical Board Certificate, Mental Health Centre, Thiruvananthapuram	--
C6	24..05..2017	Statement of Dr.K.J. Nelson	--
C7	30..06..2023	Statement of Dr.Arif Aneesh.A.N.	--
C8	08..09..2023	Common order in CMP 2717/23 & CMP 3620/23	--

Witness Exhibits:-

Nil

Material Objects :-

MO1	14..11..2024	Chain	PW2
MO2 Series	14..11..2024	Ear rings	PW2
MO3	14..11..2024	Black T-Shirt	PW2
MO4 Series	14..11..2024	Black pants (2.Nos).	PW2
MO5	14..11..2024	Black T-Shirt	PW2
MO6 Series	14..11..2024	Black pants (6.Nos).	PW2

MO7	14..11..2024	T- Shirt (Navy & Navy)	PW2
MO8	14..11..2024	T- Shirt	PW2
MO9	14..11..2024	Black pant (clarena)	PW2
MO10	14..11..2024	T- Shirt (Oman)	PW2
MO11	14..11..2024	T- Shirt (Classic Polo)	PW2
MO12	14..11..2024	Nighty	PW2
MO13	16..11..2024	Petrol can	PW6
MO14	16..11..2024	HP Petrol can	PW6
MO15	19..11..2024	Trolley Bag	PW11
MO16	22..11..2024	Brazier	PW14
MO17	22..11..2024	Under skirt	PW14
MO18	22..11..2024	Plastic sheet	PW14
MO19	22..11..2024	Axe	PW14
MO20	22..11..2024	Axe with molten handle	PW14
MO21	22..11..2024	Chopper	PW14
MO22	22..11..2024	Chopper	PW14
MO23	22..11..2024	Knife	PW14
MO24	22..11..2024	Knife	PW14
MO25	22..11..2024	Chopper	PW15
MO26	25..11..2024	Knife	PW18
MO27	25..11..2024	Mop (front blade)	PW18
MO28	28..11..2024	MI white colour phone	PW22

MO29	28..11..2024	Vox Mobile phone	PW22
MO30	28..11..2024	Lenova Mobile phone	PW22
MO31	28..11..2024	MI Golden colour phone	PW22
MO32	28..11..2024	Samsung folding type grey colour Mobile phone	PW22
MO33	28..11..2024	Samsung white colour Mobile phone	PW22
MO34	28..11..2024	Forme Mobile Phone	PW22
MO35	28..11..2024	Samsung Keypad phone	PW22
MO36	28..11..2024	Samsung Phone T231	PW22
MO37 Series	02..12..2024	Shoes	PW24
MO38 Series	02..12..2024	Blue track suit pants and Blue T-shirt	PW24
MO39	06..12..2024	Burnt remnants collected from the South East Bath room	PW30
MO40	06..12..2024	Swab taken in cotton from wall of bath room	PW30
MO41	06..12..2024	Dark brown stain collected in cotton gauze from the weapon	PW30
MO42	06..12..2024	Dark brown stain collected in cotton gauze from the floor of Western bath room	PW30
MO43	06..12..2024	Dark brown stain collected in cotton gauze from the surface of the plastic cover	PW30
MO44	06..12..2024	Control cotton gauze	PW30
MO45	06..12..2024	Hairs collected from weapon taken from the floor in between South and North Bed rooms	PW30
MO46	06..12..2024	Brown coloured material with hairs collected from the scene of crime	PW30

MO47	06..12..2024	Blood stain collected in cotton gauze from the Mop	PW30
MO48	06..12..2024	Blood stain with hairs collected in cotton gauze from the Table and Computers	PW30
MO49	06..12..2024	Blood stain collected in cotton gauze from the the chair	PW30
MO50	06..12..2024	Blood stain collected in cotton gauze from the Eastern side wall	PW30
MO51	06..12..2024	Dried blood stain collected from the South – West Wall	PW30
MO52	06..12..2024	Plastic material collected from the inside wall of South-West bathroom	PW30
MO53	06..12..2024	Melted plastic material collected from the scene of crime	PW30
MO54	06..12..2024	Blood stain with hair collected in cotton gauze taken from the floor in between South and North Bedrooms.	PW30
MO55	06..12..2024	Control cotton	PW30
MO56	06..12..2024	Stone pieces	PW30
MO57	06..12..2024	Swab collected in cotton from the stone	PW30
MO58	28..01..2025	Remnants of the sample of blood	PW37
MO59	28..01..2025	Remnants of the sample of Urine	PW37
MO60	04..02..2025	Burnt items in plastic bag	PW38
MO61	04..02..2025	Pendrive	PW38
MO62 Series	04..02..2025	Laptop (3.Nos.)	PW38
MO63	04..02..2025	CPU	PW38

MO64	04..02..2025	Azus Black colour Mobile Phone	PW38
MO65 Series	04..02..2025	Body Parts	PW38
MO66	10..03..2025	Globe Tape	PW39
MO67	10..03..2025	Iron Rod	PW39
MO68 Series	10..03..2025	Lizol	PW39
MO69 Series	10..03..2025	Monitor (3.Nos.)	PW39
MO70 Series	10..03..2025	Keyboard	PW39
MO71	10..03..2025	Mouse	PW39
MO72	10..03..2025	Ladder	PW39
MO73	10..03..2025	Chair	PW39
MO74	10..03..2025	Mop handle	PW39
MO75	10..03..2025	10 L Plastic Can	PW39
MO76	10..03..2025	Blue T-Shirt	PW39
MO77 Series	10..03..2025	Blue Jeans	PW39
MO78 Series	10..03..2025	Socks	PW39
MO79	10..03..2025	Belt	PW39
MO80 Series	10..03..2025	Tablets	PW39
MO81 Series	10..03..2025	Band-Aid	PW39
MO82	10..03..2025	Violet T-Shirt (Tee)	PW39

MO83	10..03..2025	Bowl with Cutting(വെട്ടുകൾ കൊണ്ട് കീറിയ ചപ്പി ഞാണി കരിയും തുരുമ്പും പിടിച്ച പാത്രം)	PW39
MO84	10..03..2025	Locker	PW39

Sd/-
VISHNU K.,
ADDITIONAL SESSIONS JUDGE – VI

// True Copy//

(By Order)

SHERISTADAR

Typed by: Seena.L
Compared by:Abhirami.P.S.

**CALENDAR STATEMENT IN SESSIONS CASE No.151/2018 OF ADDITIONAL
DISTRICT & SESSIONS COURT - VI, THIRUVANANTHAPURAM**

Serial No.	:	S.C. No.151/2018
Name of Police Station and Crime No. of the offence	:	(Crime No.565/2017 of Museum Police Station)
		Description of the Accused
Name	:	Cadell Jeansen Raja
Father's Name/Mother's Name	:	Rajathankam
Religion and Caste	:	--
Occupation	:	--
Residence	:	Grace Garden, NBCRA 117, North Beyins, Nanthancode Ward, Kawdiar Village.
Age	:	29/2017
Occurrence	:	05..04..2017
Complaint	:	09..04..2017
Apprehension	:	11..04..2017
Release on Bail	:	Custody
Commitment	:	20..01..2018
Commencement of trial	:	22..08..2024
Close of trial	:	28..04..2025
Sentence or Order	:	<i>(1). For committing murder of Raja Thankam, the convict is sentenced to undergo imprisonment for life and to pay a fine of Rs.3,00,000/- (Rupees Three Lakh only) for the offence punishable u/s.302 of the Indian Penal Code. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.</i> <i>(2). For committing murder of Dr.Jean Padma, the convict is sentenced to undergo imprisonment for life and to pay a fine of Rs.3,00,000/- (Rupees Three Lakh only) for the offence punishable u/s.302 of the Indian Penal Code. In default of payment of fine, the convict</i>

shall undergo rigorous imprisonment for one year.

(3). For committing murder of Carolin, the convict is sentenced to undergo imprisonment for life and to pay a fine of Rs.3,00,000/- (Rupees Three Lakh only) for the offence punishable u/s.302 of the Indian Penal Code. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(4). For committing murder of Lalitha Jain, the convict is sentenced to undergo imprisonment for life and to pay a fine of Rs.3,00,000/- (Rupees Three Lakh only) for the offence punishable u/s.302 of the Indian Penal Code. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(5). The convict is sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.1,00,000/- (Rupees One Lakh only) u/s.201 of IPC. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(6). The convict is sentenced to undergo rigorous imprisonment for seven years and to pay a fine of Rs.2,00,000/- (Rupees Two Lakh only) u/s.436 of IPC. In default of payment of fine, the convict shall undergo rigorous imprisonment for one year.

(7). In case, the substantive sentences of imprisonment is remitted or commuted by the Government, the convict will be entitled to set off from the substantive sentence of imprisonment for the period during which he was in custody in connection with this case (ie. from 11/04/2017 till date).

(8). Needless to mention that the sentences of life imprisonment shall run concurrently.

(9). The sentences of imprisonment imposed as per Sections 201 and 436 of IPC shall run consecutively.

		<i>(10). The sentences of imprisonment for life will commence after the term imprisonments awarded as per Sections 201 and 436 of IPC are underwent by the convict.</i> <i>(11). The fine amount on realisation shall be paid to PW1 (Jose Sundaram J.C.) as per S.357(1)(b) of the Code of Criminal Procedure, 1973.</i> <i>(12). Confiscate MO1, MO2 series, MO19 to MO26, MO28 to MO36, MO62 series to MO64, MO67, MO69 series to MO72, MO84 and destroy MO3 to MO18, MO27, MO37 series to MO60, MO65 series, MO66, MO68 series, MO73 to MO83 as per rules.</i>
Name of Committing Magistrate	:	Sri.Manjith.T, Judicial First Class Magistrate -III, Thiruvananthapuram.
Explanation for delay	:	--

Additional Sessions Court VI,
Thiruvananthapuram,
Dated : 13..05..2025.

Typed by : Seena.L
Compared by:Abhirami.P.S.

ADDITIONAL SESSIONS JUDGE- VI

**JUDGMENT IN
SESSIONS CASE NO: 151/2018
DATED:13.05.2025.**

