

## TABULAR FORM

1	Case Number	SC No. 508/2020
2	Name of Police Station and Crime No. of the offence	Kannur City Police Station, Crime No.54/2020

### DESCRIPTION OF THE ACCUSED

	3 Name	4 Father's Name	5 Occupation	6 Residence	7 Age
1	Saranya Valsaraj	W/o.Pranav	--	Koduvally (H), Near Kurumba Bhagavathi Temple, Thayyil, Kannur City	22/20
2.	Nidhin.P	Dinedran.C.K	--	Punnakkal (H), Near Thundikkoth Kavu, Valiyannur, (PO) Varam Kannur.	27/20

### DATE OF

8	Occurrence	17-02-2020
9	Complaint	17-02-2020
10	Apprehension of the Accused	18-02-2020 (A1), 27-02-2020 (A2)
11	Release on bail	08-07-2021 (A1), 27-05-2020 (A2)
12	Commitment	10-11-2020
13	Commencement of Trial	06-08-2025
13A	Commencement of evidence	06-08-2025
14	Close of Trial	14-11-2025
15	Sentence/Order	22-01-2026
16	Service copy of Judgment or finding on Accused	The first accused is sentenced to undergo <b>imprisonment for life</b> and to pay a fine of <b>₹1,00,000</b> (Rupees One Lakh only) for the offence punishable under <b>Section 302</b> of the <b>Indian Penal Code</b> . In default of the payment of the fine, the accused shall undergo an additional rigorous imprisonment for one year. The first accused is found not guilty of the offences under <b>Sections 109 and 120B</b> of the <b>Indian Penal Code</b> , and she is acquitted of the sections. The

		second accused is found not guilty of the offences under <b>Sections 302, 109 and 120B</b> of the <b>Indian Penal Code</b> , and he is acquitted.
17	Explanation for delay	B-Dairy Extract Attached
18	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.P.C.	18-02-2020 to 08-07-2021 (A1) 27-02-2020 to 27-05-2020 (A2)

Additional District and Sessions Court,  
Taliparamba, Dated: 22-01-2026

Sd/

**Additional District and Sessions Judge**  
**Taliparamba**

IN THE COURT OF THE ADDITIONAL DISTRICT AND SESSIONS,  
TALIPARAMBA

Present:- Sri.**Prasanth.K.N**, Additional District and Sessions Judge

Thursday, the 22<sup>nd</sup> day of January, 2026/ 2<sup>nd</sup> Magha, 1947

**SESSIONS CASE No. 508 OF 2020**

(Committed by Smt.Anitha.R, Judicial First Class Magistrate-II, Kannur in  
C.P.No.12/2020 in Crime No. 54/2020 of Kannur City Police Station)

Complainant	:	<b>State:</b> (SHO, Kannur City Police Station) (Prosecution conducted by Sri.U.Ramesan, Public Prosecutor, Taliparamba)
Accused	:	1 Saranya Valsaraj, aged 22 years, W/o.Pranav, Koduvally (H), Near Kurumba Bhagavathi Temple, Thayyil, Kannur City. 2 Nidhin.P. S/o.Dinedran.C.K, aged 27 years, Punnakkal (H), Near Thundikkoth Kavu, Valiyannur, (PO) Varam, Kannur.
Defended by	:	Adv. Manju Antony & Adv. Sebastian K.Jacob (A1) Adv. R.Mahesh Varma & Adv.Vipin Surendran (A2)
Charge	:	U/s.302,109,120 (B) of IPC
Plea of the accused	:	Not guilty
Finding of the Judge	:	A1 Found Guilty, A2 Found not guilty
Sentence/Order	:	The first accused is sentenced to undergo <b>imprisonment for life</b> and to pay a fine of <b>₹1,00,000</b> (Rupees One Lakh only) for the offence punishable under <b>Section 302</b> of the <b>Indian Penal Code</b> . In default of the payment of the fine, the accused shall undergo an additional rigorous imprisonment for one year. The first accused is found not guilty of the offences under <b>Sections 109 and 120B</b> of the <b>Indian Penal Code</b> , and she is acquitted of the sections. The second accused is found not guilty of the offences under <b>Sections 302, 109 and 120B</b> of the <b>Indian Penal Code</b> , and he is acquitted.

## **JUDGMENT**

### **The beginning**

“ഓരോ ശ്രീഖരോദനത്തിലും  
കേൾപ്പ് ഞാൻ  
ങ്ങ കോടി ഇഷ്യരവിലാപം...”

1. These poetic fragments, penned by a famous Malayalam poet, V. Madhusoodhanan Nair, in his famous work on a legendary semi-divine figure in Kerala folklore, **Naranathu Bhranthan**, remind us that, in the cry of each child, we can hear the lament of a billion gods, which means the weeping of children carries an anguish that pierces the soul.

2. It is a case of maternal filicide, based on the circumstantial evidence, charge-sheeted by the Station House Officer of Kannur City Police Station, in **Crime No. 54/2020**, alleging the commission of the murder of child Viyan, for the offences punishable under **Sections 302, 109, 120(B)** of the **Indian Penal Code, 1860**.

3. For the sake of convenience, the Code of Criminal Procedure, 1973, hereinafter referred to as **Cr.P.C.**, the Indian Evidence Act, 1872, will be referred to as **Evidence Act**, the Indian Penal Code, 1860, hereinafter referred to as **IPC**, and the Commissions for Protection of Child Rights Act, 2005, will be referred to as **Child Rights Act**. Occasionally, in judgment, the first accused will be called as **Saranya/mother**, the second accused as **Nidhin**, the PW1 as **Pranav/father**, and the deceased as **Viyan/child**.

### Case of the prosecution

4. Viyan, a 1 ½ year old minor child, was the son of the first accused, Saranya, who lived in her maternal house at Thayyil beach in Kannur Amsom, because of her marital discord in life with Pranav. In 2019, Saranya befriended the second accused, Nidhin, on social media and decided to live together after casting aside the child. Both hatched a criminal conspiracy on 16.02.2020, at the premises of IOB Bank, Kannur, to commit the murder of Viyan, and in pursuance of the abatement of Nidhin, on 17.02.2020, at 2.40 am, Saranya picked up the child from her bedroom under the pretext of breastfeeding him, and took the child near the sea and threw him into the sea from the seawall, culminated his death. Thereby, the accused committed the murder of Viyan by intentionally causing his death, and is alleged to have committed the aforesaid offences.

### The investigation

5. On 17.02.2020 at about 6.00 am, the first accused informed her husband, PW1, that their child, Viyan, was missing, and the family members and neighbours enquired about the child. Based on the information given by PW1, PW43 registered the FIR as **Crime No. 54/2020** of Kannur City Police Station under **Section 57 of the Kerala Police Act, 2011**, for a man missing. The police party headed by PW4 proceeded to the scene of the occurrence and found the dead body of the child on the seawall. Consequently, the investigating officer, PW46, altered the section to **174 of Cr.P.C** for unnatural death.

6. Subsequently, he proceeded to the scene of occurrence and conducted the inquest of the child by preparing an inquest report. During the inquest, the dresses and material objects of the child, MO1 to MO6, were seized from the body and Ext.P11 photos taken by the PW16 police photographer. Thereafter, he prepared the Ext.P3 scene mahazar, analyzed the tracking sniffer dog, and seized the Ext.P17 dog handler report by Ext.P37 mahazar. The scientific Assistant collected the MO13 series blood samples and cellophane from the scene of occurrence, which were handed over to the investigation officer by Ext.P13 seizure mahazar. Based on the opinion of the forensic surgeon, the case was altered to section **302** of the **IPC** on the same day, as per the Ext.P54 report.

7. The dresses of the parents, uncle, and grandmother of the child were seized by Ext.P28, Ext.P29 and Ext.P58 mahazar, and they were questioned by the police. After analysing call details, scientific evidence, and interrogation, the guilt was attributed to the first accused, who confessed to the police. The investigation officer arrested the first accused after complying with the legal formalities, and based on her confession, the observation mahazar Ext.P5 and P9 were prepared, and her MO12 Chappals were discovered near the place of occurrence by preparing Ext.P10 mahazar. In pursuance of the confession of the first accused, the documents were discovered by preparing Ext.P20 mahazar. The diary and notebook of the first accused were compared by the handwriting expert after the handwriting sample was obtained in pursuance of the court order. The RFSL report on the dresses reveals that the father, uncle, and grandmother were not involved in the crime and were cited as witnesses.

8. Amid the investigation, the involvement of the second accused was revealed, and he was arrested, and his bike and mobile phone were seized. The mobile phones of the accused were seized, and during their police custody, the place of conspiracy was discovered in pursuance of a confession. After collecting the ownership certificate, site plans, RFSL report, birth certificate, DNA certificate, and postmortem certificate, the investigation officer filed a preliminary final report against the accused. The recovered properties were sent to the court by property list and forwarded to the forensic laboratory after preparation of a forwarding note.

9. After the collection of the call details of the accused, the investigation officer filed an additional final report against the accused. After the registration of the crime, the entire investigation was conducted by PW46, and upon its conclusion, he laid the final report under **Section 173(2)** of Cr.P.C, before the Judicial First-Class Magistrate Court, Kannur.

**Timing, according to the prosecution case**

No	Date	Time	Investigation	Evidence
1	16.02.2020	1.15 am	A2 near A1's home	PW9
2	16.02.2020	3.45 to 5.15 pm	Conspiracy	Ext.P15
3	16.02.2020	7.00 pm	PW1 reached	PW1
4	16.02.2020	11.00 am	Slept by A1, PW1, kid	PW1, PW5
5	17.02.2020	1.00 to 2.00 am	A1 main hall	PW1
6	17.02.2020	2.00 am	A1 took the child	PW1
7	17.02.2020	2.00 am	Breast feeding	P74, PW47
8	17.02.2020	2.40 am	Occurrence	Confession
9	17.02.2020	6.00 am	Missing information	A1 to PW1, PW5
10	17.02.2020	7.45 am	FIS & FIR	PW1
11	17.02.2020	10.00 am	Body found	PW1
12	17.02.2020	10.40 to 13.15	Inquest	Ext.P2
13	17.02.2020	13.04 hrs.	Scene mahazar	Ext.P3
14	17.02.2020	3.30 to 4.30 pm	Autopsy	Ext.P74
15	17.02.2020	15.15 hrs.	Blood stain seizure	PW20, P30
16	17.02.2020	19.15 hrs.	A1 dress seizure	Ext.P28
17	17.02.2020	19.45 hrs.	PW1 dress seizure	Ext.P29
18	18.02.2020	20.00 hrs.	Seizure dress	CW9, CW10, P58
19	17.02.2020	NIL	Section altering	P52, P54
20	18.02.2020	19.15 hrs.	Arrest A1	P32, P59
21	18.02.2020	NIL	A1 added	Ext.P57
22	18.02.2020	19.15 hrs.	Seizure A1 mobile	Ext.P33
23	19.02.2020	9.40 pm	Observation mahazar	Ext.P5
24	19.02.2020	16.15 hrs.	Recovery chappal	Ext.P10
25	26.02.2020	18.35 hrs.	A1 house mahazar	Ext.P7
26	26.02.2020	19.00 hrs.	A1 conspiracy mahazar	Ext.P4
27	26.02.2020	18.00 hrs.	A1 seizure document	Ext.P20
28	27.02.2020	15.15 hrs.	A2 arrest	Ext.P18
29	27.02.2020	109, 120(B) IPC	Section adding	Ext.P72
30	27.02.2020	NIL	A2 added	Ext.P73
31	27.02.2020	15.30 hrs.	A2 mobile seizure	Ext.P26
32	27.02.2020	18.15 hrs.	A2 bike seizure	Ext.P27
33	27.02.2020	12.55 hrs.	A2 conspiracy mahazar	Ext.P6

## The inquiry

10. Upon perusal of the police report along with the relevant materials and documents annexed thereto, the learned Magistrate took cognizance of the offence punishable under **Sections 302, 109, 120(B) of IPC** against the accused as **CP 12/2020**. After serving relevant documents and complying with the legal formalities of **Section 207 of Cr.P.C**, on the perusal of the prosecution records, it appeared that the alleged offences are exclusively triable by the court of sessions. Therefore, the case has been committed to the Sessions Court, Thalassery, in compliance with **Section 209 of Cr.P.C**, and the same has been taken on file as **SC No. 508/2020**. Subsequently, it was made over to the Additional Sessions Court for trial and disposal in accordance with the law.

11. At the time of commitment of the case, the accused were on bail, and they appeared before the court after the issuance of a summons, and were defended by the lawyers of their own choice. The learned additional public prosecutor was assigned to conduct the trial and opened the case by describing the charge against the accused under **Section 226 of Cr.P.C** and stating by what evidence the prosecution proposed to prove their guilt. Upon consideration of prosecution records and documents, and after hearing the prosecution and defence, this court was of the view that there were sufficient grounds to proceed against the accused. Therefore, under **Section 228 (1)(b) of Cr.P.C**, the court charge was framed against the accused under **Sections 302, 109, 120(B) of IPC**, and it was read over and explained to the accused in Malayalam, to which they pleaded not guilty and claimed to be tried under **Section 228 (2) of Cr.P.C**.

12. Amid the proceedings, on 25.01.2025, the case was *suo motu* advanced and transferred to this court as per the order No. A3-798/22393/2024 dated 14.12.2024 of the Hon'ble District Judge, Thalassery, under **Section 409** of Cr.P.C, in pursuance of the OM of Hon'ble High Court of Kerala.

### **The court charge**

13. *Firstly*, that A1 among you, befriended A2 through Facebook and WhatsApp phone calls and started to have sending messages to him from November, 2019 onwards and decided to live together, had hatched a conspiracy on 16.02.2020 from 15.45 hours to 17.15 hours at the premises of Indian Overseas Bank to commit the murder of your 1 ½ year old son Viyan and thereby committed the offence punishable under Section 120B r/w Section 302 IPC and within the cognizance of the Court of Session;

*Secondly*, that A1 among you on 17.02.2020 at 2.40 am, under the pretext to breast feed the child, picked up him from the bedroom of the house having door No. XLII/1303 of Kannur Corporation and took him near the sea and murdered the child by throwing the child into the sea between 2.40 am and 6 am, and thereby committed the offence punishable under **Section 302 IPC** and within the cognizance of the Court of Session.

*Thirdly*, that A2 among you, abetted A1 to commit the murder of her son and in consequence of which A1 committed the murder of her son, Viyan, 17.02.2020 between 2.40 am and 6 am, and thereby you committed the offence punishable under **Section 109 r/w Section 302 IPC** and within the cognizance of the Court of Session.

Finally, that A2 among you, befriended A1 through Facebook and WhatsApp phone calls and having sent messages each other and had sexual intercourse with her several times at her house, and thereafter you decided to live together and both of you hatched a conspiracy at the premises of Indian Overseas Bank to commit the murder of A1's 1 ½ year old son Viyan and thereby committed the offence punishable under **Section 120B r/w Section 302 IPC** and within the cognizance of the Court of Session.

### **The trial**

14. To prove the case, the prosecution examined witnesses PW1 to PW47 and marked documents Ext.P1 to P81, and material objects MO1 to MO19 from their side. The witnesses CW3, CW4, CW6, CW10 to CW15, CW17, CW22, CW24, CW26, CW30, CW41, CW49, CW54 and CW57 were given by the prosecution. On an additional witness list, PW47, Dr Gopalakrishna Pillai, was summoned and examined as an additional witness.

15. After the closure of prosecution evidence, the accused were questioned under **Section 313(1)(b) of Cr.P.C**, enabling them to explain all the incriminating circumstances against them. The accused categorically denied all incriminating circumstances appearing in evidence against them, stood by their plea of innocence, and the first accused denied the pointing of recovery.

16. Having heard the prosecution and the accused under **Section 232 of Cr.P.C**, this court found that the accused is not entitled to an order of acquittal under this section and was called upon to adduce defence evidence under **Section 233 of Cr.P.C**. Neither oral nor documentary evidence has been adduced from the

side of the accused. However, during cross-examination, the witnesses' portion of the 161 statements was marked as Ext.D1 to Ext.D3.

### **Prosecution argument**

17. The learned public prosecutor argued that the prosecution had succeeded in proving the charge levelled against the accused based on direct and circumstantial evidence. It is contended that by proving the last scene theory, conspiracy, motive, dog tracking evidence, and the scientific evidence, the chain of circumstances was complete, which fully establishes the guilt of the accused in a conclusive nature and tendency without any reasonable doubt. To buttress the arguments, the prosecution relied on the decision of *Arunkumar K @ Aruni V. State of Kerala, 2025 KHC 600, Manoj @ Pambu Manoj V. State of Kerala, 2025 KHC 1258*, and *Soman KV V. State of Kerala, 2025 KER 3063*.

### **The defence case**

18. *Per contra*, the learned counsel for the defence urged that the prosecution has miserably failed to prove the charge levelled against the accused. The defence also pointed out the lack of direct evidence, the absence of motive, contradictions in the statements, lacunae in the recovery and in the scientific evidence, the possibility of interference by a third person, procedural lapses in the investigation, the plea of insanity, improper chain of custody, and tampering with the material objects. To substantiate their contention, the defence relied on the decisions *Aji Devassy V. State of Kerala, 2023 KHC 9420*, and *Rollymol V. State of Kerala, 2024 KHC 7324*.

19. Having heard the compiling of the arguments under **Section 234 of Cr.P.C**, the points as subjoined arise for consideration.

**Points for consideration**

1. *Whether this court has any jurisdiction to try the offences committed against a child?*
2. *Was the death of Viyan a homicide?*
3. *On 17.02.2020 at 2.40 am, did the accused commit the murder of the child Viyan by throwing him on the seawall, with the intention of causing his death, as alleged by the prosecution?*
4. *Did the accused hatch a criminal conspiracy to commit the murder of Viyan on 16.02.2020, 15.45 hrs. to 17.15 hrs. at the premises of IOB Bank, Kannur?*
5. *Did the second accused abet the first accused to commit the murder of her child, Viyan?*
6. *Was the chain of circumstances complete, which fully establishes the guilt of the accused of a conclusive nature and tendency, without any reasonable ground?*
7. *Whether the facts so established should be consistent only with the hypothesis of the guilt of the accused, and should not be explainable on any other hypothesis?*
8. *Did the accused commit any offences alleged by the prosecution?*
9. *If so, what should the sentence or order be?*

## **Point No.1/ Jurisdiction of the court**

20. Neither the accused nor the prosecution has contended that this court has no jurisdiction to try the offence involving child rights, like the murder of a child. Even if the accused had not raised such a plea, the court is duty-bound to ascertain the jurisdiction of the case, as specifically mentioned in the Government notification and the Child Rights Act. It is apposite to reproduce the section in question for a better understanding of the discussion. **Section 25** of the Act says,

*“For the purpose of providing **speedy trial of offences against children or of violation of child rights**, the State Government may, with the concurrence of the Chief Justice of the High Court, by notification, specify at least a Court in the State or specify, for each district, a Court of Session to be a Children’s Court to try the said offences:*

*Provided that nothing in this section shall apply if -*

- (a) a Court of Session is already specified as a special Court; or*
- (b) a special Court is already constituted for such offences under any other law for the time being in force.”*

21. In pursuance of the section, the Government of Kerala issued GO(P) No. 22/2009/SWT dated 03.06.2009 by notifying the Principal Sessions Courts in the state as children courts, for the purpose of complying with the provisions of the Act. Thereafter, as per another notification, GO(P) 23/2015 SJD, dated 31.03.2015, the Government notified the Additional District and Session Court No. 1 in every district as the Children’s Court.

22. Even after the notification, following the commitment of the case, it was transferred to the Additional District and Sessions Court No. III, and on 03.08.2022, as per order No. A3-830/10048/2022, the case was again transferred to the Additional District and Session Court No.1. Thereafter, the case was scheduled for trial on 20.01.2025, and on that day, in pursuance of the High Court Order, the case was transferred to this Court as per the order A3-798/22393/2024 dated 04.12.2024. Accordingly, the trial has been conducted before this court.

23. **The intention of the section itself is to notify the special court for the speedy trial of offences against children, but it will not oust the jurisdiction of other Sessions Courts.** No separate court is created or defined under the Child Rights Act; only the forum is changed, and the offence remains the same under the Penal Code. A special act, such as the POCSO Act, will oust the jurisdiction of other courts, whereas the Child Rights Act does not. Neither an express nor an implied exoneration of the other Session Court by virtue of **Section 25**. The Act nowhere confers exclusive jurisdiction on the children's court, and this court has jurisdiction to try the offence, as enumerated by the Hon'ble High Court in *Jijimon @ Jiji V. State of Kerala, 2024 KHC 828* and *Shahanad V. State of Kerala, 2024 KHC 1569*.

24. Moreover, the case is transferred to this court from the children's court by the Principal Sessions Court with an intention of speedy disposal and to comply with the legislative intention behind the Act. It is a crime of 2020, and the trial began and concluded in 2025, five years later. No prejudice would be caused either to the prosecution or to the defence by conducting a murder case after five

years before an Additional Sessions Court. That being so, this court holds that it has inherent jurisdiction to try an offence involving the case of child rights violation under **Section 25**.

### **Prosecution Evidence**

25. Before entering the other discussion, it is necessary to narrate the evidence adduced by the prosecution for a better eyesight of the case. The father of the child, who was the husband of the first accused, was examined as PW1 and based on his FIS, the FIR was registered. He tendered evidence in tune with the prosecution's case and deposed that his marriage with the first accused was solemnized on 16.04.2016, and that Viyan was born out of wedlock. It was an intercaste love marriage, and the family members did not attend the wedding. He was working abroad until 2019, and Saranya had been residing at her residence for two months before the incident. On 16.02.2020 at 7.00 pm, he reached to the house of Saranya, in pursuance of her call and resided there at night.

26. The husband and wife slept in the bedroom with the child at 11.00 pm, and at about midnight, between 1.00 am and 2.00 am on 17.02.2020, Saranya went to the main hall due to the heat in the bedroom. After one hour, she took up the child for breastfeeding because of his crying. Thereafter, the first accused and the child slept in the main hall, and her husband, mother and brother slept in the bedrooms. On 17.02.2015 at 6.00 am, the first accused informed him that the child was missing, and the family members, along with neighbours, enquired about him. Subsequently, he went to the police station and lodged Ext.P1 FIS and the inmates of the house, PW1, PW5, CW10 and Saranya were interrogated by the police, and

it was revealed that the child was killed by Saranya.

27. He identified his wife, Saranya, and his friend, the second accused, Nidhin. He also identified the child's belongings and clothing, as well as the dress of the first accused. The mother of the first accused tendered evidence in tune with that of PW1 regarding the marriage and the sequence of activities of the inmates of the house on the date of occurrence, and also identified the MO12 chappals of his daughter, the first accused. Later in her evidence, she turned hostile to the prosecution and deviated from her earlier statement regarding the recovery of the diary and the family issues between Saranya and Pranav.

### Prosecution evidence at a glance

<b>Witness</b>	<b>Roll/documents</b>	<b>Evidence</b>
PW1	Father of the child Ext.P1, D1, MO1 to MO11	Proved the motive, last seen, FIS and the taking of the child from the bedroom by A1.
PW2	Neighbour, Ext.P2	Witnessed to the Inquest
PW3	Neighbour, Ext.P2, P3	Witnessed the inquest & scene mahazar
PW4	Sub Inspector	He found the dead body, present in inquest
PW5	Mother of A1/ <b>Hostile</b> MO12, D2, Ext.P4	She identified the chappal of A1 and proved the last scene togetherness
PW6	Neighbour	Witnessed the Inquest and observation mahazar pointed by A1
PW7	Peanut seller - Ext.P6	Witnessed the conspiracy mahazar - Bank
PW8	Collection agent	A1 inquired about the possibility of a loan
PW9	Neighbour Ext.P7, P8, D3	He identified A2, saw him near A1's house, and witnessed the mahazar there.
PW10	Bank security - P9	Witnessed the conspiracy mahazar - Bank
PW11	Neighbour Ext.P5, P7	Witnessed to the scene mahazar and the mahazar of the house pointed by A1
PW12	Lover of A1	Relation with A1 through social media
PW13	Neighbour, Ext.P10	Witnessed the recovery of MO12 chappals.
PW14	Relative of A2 - Ext.P8	Produced and identified the Bike of A2.
PW15	CCTV Technician P15, P16	Copied the CCTV visuals of the conspiracy
PW16	Police photographer Ext.P11	Copied the photos of the inquest & place of occurrence
PW17	Revenue officer, Ext.P12	Issued the ownership certificate of the house
PW18	Village officer Ext.P13	Prepared the three site plans of the scene of occurrences
PW19	Registrar, Ext.P14	Issued the Birth certificate of the child
PW20	Scientific officer MO13	Collect the blood samples from the scene and a cellophane impression from the dead body.
PW21	Dog squad Ext.P17	Track the movement of A1 and PW1, and prepare the dog squad investigation report.
PW22	ASI, Ext.P18	Witnessed the arrest memo of A2
PW23	CPO, Ext.P19	Witnessed the seizure of CCTV visuals, 65B
PW24	Relative of A1 Ext.P20 to P25	Witnessed the recovery mahazar of the documents of A2 from the house of A1

PW25	CPO - P26, 27, MO14,15	Witnessed the seizure A2 mobile phone & bike
PW26	SCPO MO1 to MO4, P11	Found the body of the child and identified the dresses and ornaments
PW27	CPO - Ext.P28, P29	Witnessed the seizure of the dresses A1, PW1
PW28	SCPO Ext.P30, P31	Witnessed the seizure of the scientific expert and the dog squad report
PW29	ASI - Ext.P32	Witnessed to the arrest memo of A1
PW30	SCPO	Material objects were produced before RFSL, and the certificates were collected from there.
PW31	SCPO, Ext.P33, P34, P35	Witnessed the recovery of A1 mobile & diary
PW32	ASI, Ext.P36, P37, P11	Collected the CD, 65B of the inquest photos
PW33	SCPO, Ext.P38	Witnessed the seizure of inquest photos, CD
PW34	SCPO - P39, MO16	Collected the blood samples of A1 & report
PW35	SCPO- P40, P41, MO17	Witnessed the seizure of the blood sample A1
PW36	CPO – Ext.P42	Witnessed the A1 blood sample seizure
PW37	Police photographer Ext.P11, P36, P37	Copied the inquest photos to the CD and printed out the inquest photos
PW38	Jail Superintendent - P43	Witnessed the sample handwriting of A1
PW39	Friend of PW8	The SIM card of PW12 was in his name
PW40	Nodal Officer Jio - P44	Issued the CAF, ID, CDR of the SIM, PW12
PW41	Doctor Ext.P39, MO16	He collected the blood samples of A1 and issued a certificate
PW42	Doctor Ext.P41, MO17	Collected the blood samples of PW1 and issued a certificate
PW43	Sub Inspector Ext.P1, P6, P45	He recorded the FIS, registered the FIR, and prepared the conspiracy mahazar near bank A2
PW44	RTO Ext.P46, P47	Issued RC particulars and running condition report of the A2 Bike
PW45	Nodal Officer Airtel Ext.P48, P49, P50, P51	To prove the CAF, ID, and CDR of the numbers used by A1, A2, and PW1
PW46	Investigation Officer Ext.P52 to P81, MO18, MO19	After the crime was registered, he conducted the entire investigation, including the arrest, recovery, and 161 statements, and submitted the final report.
PW47	HOD Forensic Dept. Ext.P74	He identified the signature in PMC and opined as to the cause of death.

## **Point No.2/ Medical evidence and cause of death**

28. For brevity, this point discussion is a culmination of medical evidence and the cause of death, which are deeply interconnected. The death denotes the death of a human being under **Section 46** of the **IPC**. The crucial aspect of a murder case is to determine whether the death of the victim was a homicidal death or not. To prove the cause of death, the forensic surgeon of Pariyaram Medical College was examined as PW47, and Ext.P74 postmortem certificate.

29. The autopsy of the dead body was conducted by Associate Professor of Forensic Science, Pariyaram Medical College, Dr Hemanth Kumar, and he was cited as CW30 in the witness memorandum. After issuing the summons, warrant, and the steps, the prosecution was unable to secure his presence for examination. The police have informed that the doctor is now living in the north-eastern border of India and is evading process in several matters pending before various courts.

30. Since his presence had not been secured in time and in spite of the direction of the court, the additional witness was summoned and examined as PW47, who was the Professor of Forensic Medicine and the forensic HOD of Pariyaram Medical College. He has an MD in Forensic Science, an LL.B., and 40 years of experience in Forensic Medicine at the Government Medical College, and he confirmed that CW30 had left the medical college about three years ago. On the autopsy date, he was in Pathanamthitta in connection with another case, and CW30, the head of the department, was in charge in his absence. As per the instructions of PW47, CW30 conducted the post-mortem examination, and the

findings are noted below.

### **General findings**

31. Body was that of a male child of height 78cm and weight 11kg. Dried blood stains were seen over the face. Eyes and other external body orifices were normal. Sand particles were adhering to the whole body. Postmortem ant erosions were seen over the inner part of the left upper arm (9x3cm), outer aspect of left elbow, front and back of right forearm around the umbilicus and back of abdomen just above the cleft of buttock. Postmortem tissue loss (6.5x3.5 cm) with gnawed margins was seen on the sole of the left foot. Rigor mortis was fully established and retained all over the body. Postmortem staining was prominent at the back and vaguely seen at the front of trunk, not fixed. No signs of decomposition. Body was not refrigerated.

### **Antemortem injuries**

32. Multiple small pressure and linear abrasions, contusions and lacerations were seen all over the forehead, eyebrows, eyelids, whole of nose, right cheek and chin. On dissection, scalp tissues over the frontal bone were contused; skull was intact. Brain showed bilateral thin subdural and subarachnoid haemorrhages; pinpoint haemorrhages were found in the white matter of the brain. Features of raised intracranial tension were also found.

### **Other findings are**

33. Midline structures of the neck were intact. Air passages did not contain any froth. Lungs were normal in size, not covering the thymus and were

oedematous and congested. Walls, valves and chambers of the heart were normal.

**The stomach contained a few ml of coagulated milk;** no unusual smell, and the mucosa was normal. All other organs were congested, otherwise normal.

### **Opinion as to the cause of death**

34. The post-mortem certificate shows that the opinion as to the cause of death is "**Died of blunt injury sustained to the head.**"

35. During the examination, the witness verified the postmortem certificate and Ext.P11 photos of the dead body, inquest and place of occurrence. He specifically stated that the injury No.1 shown in the certificate is sufficient to cause death, and it could be caused by throwing a baby on a granite stone from a height of five feet. He added that the nature of the injury suggests a forcible impact of the face and front of the head against a hard, rough surface.

36. In response to the questions of the court under **Section 165** of the **Evidence Act**, he stated that the tissue loss from 6.5 to 3.5 cm with gnawed margins on the sole of the left foot of the child could be caused by gnawing actions of the rats or crabs. He added that babies up to 3 years old often fall on their heads because their heads are disproportionately larger than their bodies. Even if the child repeatedly throws into the water, there will be no possibility of a second injury if he falls into the water.

37. The defence contended that the cause of death is not due to the drowning, which affects the core of the prosecution's case. The PW47 affirms the suggestion of the defence that the cause of death was not due to the drowning, and

explained that after the head injury, the child becomes unconscious, and if the child falls into the water in an unconscious state, he can only breathe in a passive way. So, the water can enter the air passages but not into the stomach. No water was found in the stomach or intestines because an unconscious person cannot swallow water. Thence, the typical features of drowning will be absent, as water is not present in the human body except in the stomach or intestines, where it is absorbed into the bloodstream. Furthermore, there are no findings suggesting that the child had fallen into a conscious state and struggled in the water.

38. The PW47 added that abrasions, contusions, and lacerations noted in the postmortem certificate were treated as blunt injuries that caused the death of the child. Whether the death was due to the blunt injury or a consequence of drowning will not change the scenario of homicide in the absence of the defence of accident put forward by the defence. Their case is only regarding the non-involvement of the accused in the crime, but not the dispute regarding the cause of death.

39. A cumulative analysis of the inquest report and the oral evidence of PW2, PW3, PW4 and PW6 revealed the antemortem injuries since the first instance. The inquest report, conjointly read with the medical evidence, substantiated the contention of the prosecution that the death of Viyan was a homicide. The postmortem certificate, with the oral evidence of the forensic surgeon, stoutly proved that the death was a homicide by medical evidence. The defence did not dispute the same point at any stage of the trial. Consequently, this court of the view that the death of Viyan was homicidal, and point No. 2 is

answered accordingly in favour of the prosecution.

### **Discussion on Points No. 3 to 8**

40. These points are interconnected and considered together for brevity. For the sake of convenience, the points are classified into the first information, the inquest report, the place of occurrence, the recovery of material objects, the chain of custody, the scientific evidence, dog tracking evidence, the motive of crime, the evidence of the husband and mother, the omissions and contradiction, the last seen theory and Section 106, the overt act of the accused, the answering of the defence version, the section and ingredients, the chain of circumstances, the golden principles, prosecution lapses, and the conclusion.

#### **The First information**

41. It is a settled position of law that even if the FIR is not an encyclopedia of the prosecution's case, it is the first and best evidence as far as the prosecution is concerned. Every information relating to the commission of a cognizable offence, orally or in writing, signed by the informant, shall be treated as an FIR, as per **Section 154 of Cr.P.C.** A first information report is the most immediate and first version of the incident and has great value in ascertaining the truth. A prompt FIR is of importance, as it reduces the chances of false implication, and it is an extremely vital and valuable piece of evidence for the purpose of corroborating the oral evidence adduced at the trial, the importance whereof can hardly be overestimated, as opined in *Thulia Kali V. State of Tamil Nadu, AIR 1973 SC 501.*

42. In the case in hand, the first accused informed the disappearance of the child to the PW1, on 17.02.2020 at 6.00 am, and the family members and neighbours enquired about the child in the surroundings. Thereafter, PW1 reached the Kannur City Police Station and lodged Ext.P1 first information statement at 7.45 am, and Ext.P45 FIR was registered simultaneously, which was received by the court on the same day, 2.15 p.m. The FIR was originally registered as a man missing case under **Section 57** of the **KP Act**, and subsequent to the finding of the dead body of the child, on the very same day, the section was altered to **Section 174** of the **Cr.P.C** by Ext.P52 report for unnatural death. After the inquest and post-mortem on the same day, the case was altered to **Section 302 of IPC** by Ext.P54 report, which was received by the court on the next day, 18.02.2020. The first information was given by PW1, and the FIR was registered by PW43, and the investigation officer, PW46, altered the sections based on the preliminary investigation. The case of a man missing by the PW1 was developed into an unnatural death and converted into a murder on the very same day by proper reports in accordance with the process of investigation.

43. It proves that the FIR was registered without any interference or delay, which would inspire the confidence of the court. By ascertaining the FIR and FIS coupled with the evidence of PW1, PW43 and PW46, and the mode of information, the proper registration and the timings of the first information are affirmed. As a result, this court is of the view that there is no room for suspicion in the first information report, which corroborates the prosecution's case and forms a strong foundation.

## **The Inquest report**

44. The procedure of the inquest report is enshrined in **Section 174** of the Cr. P.C. The object of the section is merely to ascertain whether a person died under suspicious circumstances or an unnatural death, and if so, what was the **apparent cause of the death**. However, the motive, nature of the death and the indications to the assailants are foreign to the ambit and scope of the proceedings of the inquest report as explained in *Pedda Narayana V. State of Andhra Pradesh, AIR 1975 SC 1252, Brahm Swaroop V. State of UP, 2011 (6) SCC 288* and *Krishnan V. State of Kerala, 2023 (5) KHC 58*.

45. The investigating officer, PW46, had conducted the inquest of the child on 17.02.2020 at 10.40 to 13.15 hrs., in the presence of the neighbours and relatives of the child, by preparing the Ext.P2 inquest report. The witnesses to the inquest report, PW2, PW3, and PW6, identified their signatures in the inquest and narrated the proceedings. The witnesses and the investigation officer explained the injuries shown on the dead body. They stated that the body was found with injuries on the head, nose, lip and abrasions on the body and a gnawing injury was noted in the left leg. All the injuries noted in the inquest report are correlated with the oral testimonies of the witnesses and the postmortem certificate. At the beginning of the transaction, the witnesses to the inquest raised a suspicion regarding the death of the child whose body was found 70 meters away from the house, on the seawall. On that account, from the outset, the prosecution has a consistent case regarding the injuries found on the child, which extends throughout the prosecution's case.

### The place of occurrence

46. The circumstances for the principal fact of homicide have to be ascertained based on the evidentiary facts which render probable the existence or non-existence of a fact in issue or a relevant fact. The facts relate to the effect of relevant facts and facts in issue afforded and opportunities for their occurrence or transaction, which are relevant under **Section 7** of the **Evidence Act**. **Illustration b** says, “*Marks on the ground produced by a struggle at or near the place where the murder was committed, are relevant facts.*” The evidentiary value of the place of occurrence should be viewed in the perspective of ‘*the effect*’ enumerated in **Section 7**, and the principles discussed in *Mohanan V. State of Kerala, 2011 (3) KHC 680* and *Muralidharan V. State of Kerala, 2025 KHC 25*.

47. For proving the evidentiary fact relating to the scene of occurrence, the prosecution's case depends on Ext.P3, P5 and P7 mahazar and the oral evidence of the investigation officer, along with the witness of the mahazar. During the examination, the investigation officer explained that the place where the dead body was found was mentioned as the scene of occurrence as per Ext.P3. Subsequent to the arrest of the first accused, she confessed to the police and pointed out the spot by narrating the occurrence, and Ext.P5 observation mahazar was prepared on 18.02.2020 at 19.15 hrs. By the way of Ext.P76 correction report, the scene mahazar was converted to an observation mahazar, and Ext.P5 mahazar was converted to a scene mahazar.

48. Absolutely, there is no separate provision for the scene mahazar and the observation mahazar in the statute; the names were given by the police and

have been used for the last few decades. Both mahazar narrated the same place and brought out the evidentiary fact relating to the same. Some significant facts are elicited from the scene of occurrence. According to the witnesses, PW20, the scientific officer, and PW26, bloodstains were observed on the granite stone at the scene of occurrence, as shown in Ext.P11 inquest photos. **The evidence of witnesses, coupled with photos of the scene of the occurrence, proves the traces of bloodstains on the granite stone of the seawall.**

49. In pursuance of the confession given by the first accused during police custody, Ext. P5 and Ext.P7 mahazar were prepared on 18.02.2020 and 26.02.2020, respectively. Ext.P7 mahazar is related to house No. XLII/1303 of Kannur Corporation, and it distinctly reveals the specifications of the houses, including bedrooms, centre hall, doors to the outside, and the way to the sea wall, as proved through PW6 and PW11. Ext.P12 ownership certificate issued by PW17, the revenue Inspector of Kannur corporation, which proves that the house was in the name of Krishnan and Balan, who is none other than the grandfather of the first accused.

50. The Ext.P5 running scene mahazar narrates the surrounding houses and the road that leads from the house to the place of occurrence. It reveals that there is a distance of 60 meters from the house to the seashore, leading with a pathway of 3 to 4 meters wide. The seawall was 5 feet high and 3 to 5 feet wide, with holes in the wall to climb on the top. The body of the child was found on the slope of the seawall 20 meters above the top, which is made of granite stone towards the sea.

51. The witnesses PW3, PW4, PW6, PW9 and PW11 specifically narrated the place of occurrence in response to the questions of the court under **Section 165 of the Evidence Act**. The Ext.P3 and Ext.P5 mahazar narrated that the place of occurrence is the seawall of the Mayyil seashore, which is near the house of the first accused. The details of Ext.P3, Ext.P5 and Ext.P7 mahazar were substantiated by the evidence of Village Officer, PW18, and the Ext.P13 series site plans. He also narrated the specifications of the scene of occurrence, which are corroborated by the sketch and mahazar, along with the evidence of the witnesses, who witnessed the mahazar. All the evidentiary facts were categorically stated by the witnesses, as shown in the Ext.P11 photos.

52. The genesis of the prosecution's case is that the first accused, Saranya, took the child from the bedroom, fed the breast milk and walked to the seawall, and she threw the child from the top. The blood stain on the granite stone near the seawall was proven by the evidence that indicates the effect of the occurrence at the place of occurrence. The relevant fact, '*effect*', as alleged by the prosecution, is substantiated by the oral evidence of the witnesses, with the scene mahazar and the site plans. Needless to say, this court holds that, as a case of circumstantial evidence, the relevance of the place of occurrence, put forward by the prosecution, is corroborated by the evidence, and the effect stands proved.

#### **The arrest of the accused**

<b>Rank</b>	<b>Name</b>	<b>Arrest</b>	<b>Time</b>	<b>Place</b>	<b>Exhibit</b>	<b>Added on</b>
A1	Saranya	18.02.2020	19.15 hrs.	Kannur PS	P32, P59	18.02.2020
A2	Nidhin	27.02.2020	15.15 hrs.	Kannur PS	Ext.P18	27.02.2020

53. On the date of occurrence 17.02.2020 at about 10.00 am, the first accused was taken into custody by the police, and after the investigation, she was arrested on 18.02.2020 at about 19.15 hrs. after preparing Ext.P32 arrest memo and Ext.59 inspection memo. Her name and address were added by the police on the same day by preparing Ext.P57 report. Subsequently, on 25.02.2020 at 15.15 hrs., the second accused was arrested as per Ext.P18 arrest memo, and his name and address were added in Ext.P73 report. Both accused were arrested from the police station after questioning, in accordance with the procedure. The accused's arrest was carried out by the police in compliance with the formalities prescribed in **Chapter V** of the Cr.P.C., and in accordance with the Supreme Court guidelines. Consequently, it was found that the arrest, custody, and remand of the accused are proper, thereby strengthening the prosecution's case.

#### **The recovery of material objects**

54. It is a trite law that the recovery of weapons, blood stains, cloths, or other incriminating articles is often considered a crucial link in establishing the guilt of the accused in a circumstantial evidence case. Such recoveries form a complete chain of circumstances that conclusively lead to the guilt of the accused. On that account, the recoveries of material objects are significant in this case. The Supreme Court guidelines regarding the recovery under **Section 27** of the *Evidence Act*, as enumerated in *Anter Singh V State of Rajasthan, 2004 (10 SCC 657)* and *Amitsingh Bhikamsing Thakur V. State of Maharashtra, AIR 2007 SC 676*.

1. *The fact must be relevant to the issue.*
2. *The fact must have been discovered.*
3. *The discovery must have been in consequence of some information received from the accused.*
4. *The persons giving the information must be an accused of any offence.*
5. *He must be in the custody of the police officer.*
6. *The discovery of a fact in consequence of information received from an accused.*
7. *Only that portion of the information which relates distinctly to the fact discovered can be proved.*

55. Subsequent to the arrest of the first accused, on 18.02.2020 at 19.15 hrs., she confessed to the investigation officer and the extract of her confession Ext.P56 was produced. Her confession led to the discovery of these relevant facts, which connect the accused to the crime. In pursuance of the confession, on 19.09.2020 at about 16.15 hrs., she led the police to the recovery of the pair of ladies' chappals, MO12, at the seashore near the seawall, the place of occurrence. It was seized by the police while preparing the Ext.P10 recovery mahazar, which was witnessed by PW13, who identified his signature on the mahazar and the MO12 chapels by describing their specifications. During the examination, PW5, the mother of the first accused, identified MO12 as the chappals of Saranya.

56. Amid the judicial custody, the first accused was again taken to the custody of the police, and in pursuance of her confession, on 26.02.2020 at 18.00 hrs., Exts.P21 to 25 documents were discovered from her house. She leads the police to the bedroom of her house bearing No. XLII/1303 and taken the documents from a pink-coloured ladies' bag at the instance of the police and

witnesses. The documents include a copy of the ration card, the notebook of the first accused, and copies of the passport, Aadhaar card, photos and the tax receipt of the second accused. The documents were seized after the preparation of Ext.P20 recovery mahazar in the presence of PW24. The investigating officer had prepared both mahazar after complying with formalities.

57. The neighbour and relative of the first accused, PW13 and PW24, unambiguously stated the process of recovery, and identified the mahazar, material objects and documents. The investigation officer and recovery mahazar witnesses specifically narrated the leading of the accused, the pointing out of the object, and the discovery of the fact at the instance of the accused and the witnesses.

58. The crucial facts for proving a 27 recovery, such as police custody, a voluntary confession, independent leading to discovery, and the discovery of facts, are properly proved. Hence, the court is of the view that the relevant facts, documents, were discovered in consequence of information received from the accused while in police custody, as relates distinctly to the fact thereby discovered, which proved against the accused, in compliance with the concept enshrined in

***Pulukuri Kottaya V Emperor, AIR 1947 PC 67.***

59. However, the court is of a different view on the recovery of the chappals. The defence contended that there was no proper recovery of the documents as alleged by the prosecution and added that, due to animosity against the family members of the first accused, witnesses falsely adduced evidence. The defence also contended that the MO12 chappals were discovered from an open place and the police and neighbours were roaming at the place before the date of

seizure. Anyhow, nothing has been elicited in cross-examination to discredit the discovery of these relevant facts and the credibility of the witnesses.

60. The accused did not conceal her chappals after committing the alleged crime, according to the prosecution. While committing the crime, she walked to the seawall from the house and returned home afterwards. During the journey, the accused abandoned the chappals at the seashore because of a broken strap. Even if it was discovered in an open place, it will not lose its credibility. The chappals are not objects used to commit an offence for concealing, and their abandonment was accidental. **The seashore is an open place, where several things are normally shattered, and when an accused points to a particular fact that is distinctly related to the fact in issue only the application of recovery will come into play.** There is no necessity for the actual concealment of the object, and the recovery from an open place does not invalidate the recovery as distinguished in *State of Himachal Pradesh V. Jeet Singh, AIR 1999 SC 1293*.

61. However, the Ext.P10 recovery mahazar of the chappals prepared on the basis of the Ext.P56 confession extract doesn't disclose the specification of any object. It reveals only the place and the extract is “**എന്തു കൂടും വന്നാൽ എൻ്തെന്തെ സ്ഥലവും കാണിച്ചു തരാം.**” The name of the physical object, chappal, or its abandonment was not specifically mentioned in the confession. Even though it is not mentioned, the recovery never loses its evidentiary value. **The expression of fact discovered in Section 27 is not confined to the discovery of a physical object but extends to the place from which it is produced and the knowledge of the accused on it**, as distinguished in *Pulukuri Kottaya (Supra)*.

62. The investigation officer deposed the abandonment of the chappal in his chief examination, but the mahazar and the confession extract do not contain the same. The disclosure statement only expresses the fact relating to the place by the accused. During the recovery, she pointed out the chappal, retrieved it from the seashore, and handed it over to the investigation officer. The disclosure was about the place, and the recovery was a pair of chappals. If abandonment of chappals was narrated, disclosure of the place is sufficient for the purpose of discovery. Here, the disclosure statement that only discloses the place, with nothing whispered regarding the object, does not comply with the mandates, as they relate specifically to the fact recovered. **The absence of the disclosure of the fact which was distinctly recovered in pursuance of the statement is not contemplated as a discovery under the section.** Therefore, the recovery of a chappal will not fall under the purview of **Section 27** of the Evidence Act. If the recovery does not fall under the purview of **Section 27**, the confession statement of the accused will be hit by **Section 25**, and the disclosure statement would be barred by **Section 162** of Cr.P.C and become inadmissible. Then the relevance of the recovery of chappals has to be considered afresh.

63. The recovery and conduct after the crime originated from the **doctrine of confirmation by subsequent events**. It becomes relevant only the act of the accused coupled with the other evidence regarding the actual commission of the crime. The accused abandoned the chappals while returning from the scene of the incident, indicating the subsequent conduct of the accused. It was discovered in the course of a confession, and she pointed it out and handed it over to the

police. This subsequent conduct of the accused is relevant, which relates to the fact in issue and the relevant fact. Even though the disclosure statement made by the accused is not admissible under **Section 27** on a technical ground, it is still relevant under **Section 8**. Nevertheless, the same should not be taken as the sole basis for convictions, but can be treated as a chain of circumstances. Therefore, the discovery of MO12 chappals can be treated as corroborative evidence to prove the presence of the accused near the place of occurrence, as well as the subsequent conduct of the accused, relevant under **Section 8**. The principles were succinctly summarized in *Thadiyantevida Nazeer @ Ummer Haji V. State of Kerala 2022 KHC 72*, and *AN Venkatesh V. State of Karnataka, 2005 Cri LJ 3732*

### **Discovery of the place**

64. Subsequent to the arrest of the accused, they were taken into police custody and confessed to the police about the place of conspiracy. Based on the confessions given by the first accused on 26.02.2020 and the second accused on 10.03.2020, they separately led the police to the place and pointed out the courtyard of the Indian Overseas Bank near Kannur Plaza. The Ext.P6 and Ext.P9 mahazar were prepared at the instance of the accused and the witnesses, PW7 and PW10. The evidence of the investigation officer, PW46 and PW43, is substantiated by the oral evidence of the witnesses, regarding the presence of the accused, the police, and the preparation of the mahazar.

65. Apart from that, in pursuance of the Ext.P55 confession, the police led by the first accused to the place of occurrence, and she pointed out the seawall and the way from her house to the seashore by moving there. The Ext.P5 running

mahazar was prepared in pursuance of the narration and the instance of the PW6 and PW11. The witnesses and the investigating officer categorically stated the process of confession, narration, and pointing out the place in detail. Amid the police custody in pursuance of the confession of the first accused, the house of the first accused and the place where she took the child to commit the offence were pointed out by the accused to the investigation officer, and he prepared Ext.P7 observation mahazar in the presence of PW9.

66. The observation mahazar Ext.P5, Ext.P6, Ext.P7, and Ext.P9 were prepared by the investigation officer in pursuance of the confession by the accused while they were in police custody. The witnesses to the mahazar unambiguously stated that the mahazar was prepared at the instance of the accused and the police. Despite that, neither the physical objects were discovered, nor was the authorship of concealment proved in pursuance of the confession. Therefore, the confession to the police officer is purely inadmissible under **Section 25** of the **Evidence Act**, as was classically held by a constitutional bench in *Tofan Singh V. State of Tamil Nadu, AIR 2020 SC 5592*.

67. Even if the confession is inadmissible, the fact discovered in pursuance of the confession would be admissible to prove the place. As discussed earlier, the expression of fact discovered in **Section 27** is not confined to the discovery of a physical object but extends to the place from which it is produced and the knowledge of the accused on it, as distinguished in *Pulukuri Kottaya (Supra)*. Then the remaining question is whether pointing out a place of conspiracy or the place of commission of an offence by the accused while in

police custody would be relevant, and if so, whether it is relevant under **Section 27** or **Section 8** as subsequent conduct, or under **Section 7** as the effect. As discussed in the foregoing topic, it is relevant but does not fall within the ambit of **Section 27**. Upon reviewing the catena of judgments, it has been unfolded that there are divergent views and approaches among the constitutional courts. It is then appropriate to briefly discuss the relevant decision.

68. The investigating officer and panchas that had the accused taken them to witness and pointed him, as corroborated by himself, would be admissible as conduct under **Section 8**, as illustrated in *HP administration V. Om Prakash, 1972 (1) SCC 249* and *Prakash Chand V. State of Delhi Administration, AIR 1979 SC 400*. The conduct of the accused, identifying the shop of purchase and the place of conspiracy, is admissible as subsequent conduct, as per *State of NCT Delhi V. Navjot Sandu @ Afsan Guru, AIR 2005 SC 3820*. The information leading to the discovery of a witness to whom the accused had given the stolen articles is also a discovery of a fact, as mentioned in *Raveendran V. State, 1989 KHC 342* and *Ramachandran (Infra)*.

69. After going through the provisions and decisions, this court found that the pointing of place by the accused relating to the fact in issue or a relevant fact is admissible in evidence. It confirms that **pointing out the place** where the observation mahazar was prepared on the basis of the confession is relevant to prove the subsequent conduct of the accused, as relevant under **Section 8**, and the preparation of the mahazar can only be considered for the purpose of proving the description and the existence of the place, as **the effect of the occurrence**, which

is relevant under **Section 7**. Howbeit, it is insufficient to prove the conspiracy or the incident without independent evidence.

### **The chain of custody and delay**

70. It is contended by the defence that there was an inordinate delay for the production of the material objects before the court, and it is fatal to the prosecution's case. In general, the mere delay in producing material objects is not fatal if the objects are properly recovered, preserved and sent for analysis without giving any opportunity for tampering. On the other hand, if the delay causes prejudice to the defence, it would become fatal.

### **Recovery of material objects and delay**

<b>Exhibits</b>	<b>Description</b>	<b>Preparation</b>	<b>Reached at court</b>
Ext.P10	Recovery mahazar/chappals	19.02.2020, 16.15	24.02.2020
Ext.P64	Property list/chappals	19.02.2020	24.02.2020
Ext.P28	Seizure Mahazar/dress A1	17.02.2020, 19.15	18.02.2020
Ext.P64	Property list/dress A1	17.02.2020	18.02.2020
Ext.P67	Forwarding note/ dress A1	18.02.2020	18.02.2020
Ext.P68	RFSL / dresses PW1, A1	19.02.2020	19.02.2020
Ext.P29	Seizure mahazar/Dress PW1	17.02.2020, 19.45	18.02.2020
Ext.P66	Property list/ Dress PW1	17.02.2020	18.02.2020
Ext.P58	Mahazar/dress PW5, CW10	18.02.2020, 20.00	24.02.2020
Ext.P66	Property list/Dress PW5	19.02.2020	24.02.2020
Ext.P69	Forwarding note/dress PW5	20.02.2020	26.02.2020
Ext.P70	RFSL /dress PW5, CW10	09.09.2025	10.09.2025
Ext.P30	Mahazar/ blood stain	17.02.2020, 14.15	18.02.2020
Ext.P65	Property list/ blood stain	17.02.2020	18.02.2020

71. It is true that the delay of five days caused the production of MO12 chappals before the court. However, it is immaterial that the chappals recovered

were based on the confession of A1 and identified by her mother, PW5, and were not sent for any chemical analysis. The crucial material objects are the dresses of the first accused and PW1, which were seized on the date of occurrence, 17.02.2020, and were immediately taken to the court on the very next day, 18.02.2020. The dresses were sent for chemical analysis forthwith, and the RFSL report was prepared on 19.02.2020. The materials were properly kept in the custody of the investigation officer with a proper seal and label.

72. It is evident from the Ext.P68 RFSL report that the properties were received in sealed packets, and all packets found sealed with the impression of a seal, corresponding with the specimen seal impression forwarded, and the seal was intact. Moreover, the material objects were sent from the court on 18.02.2020 through SCPO No. 6085 of Kannur City Police Station, and they were received at the regional forensic scientific laboratory, Kannur, on the very same date. The RFSL report, read in conjunction with the oral evidence of the investigation officer, establishes that the material objects recovered from the place of occurrence were properly sealed and reached the scientific expert without any tampering, as explained in *Arun Kumar @ Aruni V. State of Kerala, 2025 KHC 600.*

73. The prosecution has succeeded in proving the proper chain of custody with cogent evidence and found that there is no room for suspicion in the chain of custody of the material objects. The defence has no case that any prejudice was caused to them due to the normal procedural delay. The report of the RFSL was duly submitted by the scientific expert in the course of proceedings

and admitted under **Section 293 of Cr.P.C.** It is also significant that the act of the scientific expert and the Assistant Director of RFSL is an official act and is subject to the presumption under **Section 114(e)** of the **Evidence Act**, as the official act has been regularly performed. On that account, it is found that the procedural delay of a few days was properly explained and would not affect the credibility of the prosecution's case.

### **The scientific evidence**

74. When a case heavily relies on circumstantial evidence, the scientific evidence attaches significance to strengthening the prosecution's case, and can be used for corroborating the circumstantial facts and establishing the guilt of the accused. The other crucial links, such as motive, recovery, and other relevant factors, are properly established; the scientific evidence connecting the chain of circumstances rules out the possibility of the interference of a third person.

75. On 17.02.2020, the investigation officer seized the dresses of the first accused and PW1 by Ext.P28 and Ext.P29 seizure mahazar, which was sent for chemical analysis by Ext.P67 forwarding note, on 18.02.2020. The material objects were received by the RFSL forthwith, and the Ext.P68 RFSL report was prepared on 19.02.2020. The dresses of the first accused and PW1 were examined by the RFSL to ascertain the presence of seawater in the churidar top and pants of the accused, MO11. The result reveals that common ions such as chloride, sulfate, sodium, potassium, and magnesium present in seawater are detected in the dresses of the first accused. On the other hand, the presence of seawater ions was not detected in the dresses and the chappals of the PW1, the MO7, MO8, and MO9.

76. The dresses of the mother and brother, PW5 and CW10, were seized on 18.02.2020 by Ext.P58 mahazar, and the same were forwarded by Ext.P69 forwarding note. After the examination, the Ext.P70 RFSL report states that the common ions present in seawater could not be detected in the dress samples MO18 and MO19. Both reports were prepared by the scientific officers of the RFSL Regional Forensic Science Laboratory, Kannur, after examining the material objects, and were forwarded by the Joint Director. The dresses of the other inmates of the house on the alleged date of occurrence, PW1, PW5 and CW10, did not contain ions of seawater. But seawater ions were found in the dresses of the first accused. There was no explanation offered by the first accused for the presence of the seawater ions in her dresses.

77. Apart from that, PW1 and PW5 specifically stated that the MO11 series dresses were worn by the first accused on the previous night, which is substantiated by the CCTV visuals of the previous day. So, there is corroborative scientific evidence adduced by the prosecution, correlated with the oral evidence and the RFSL report, properly presented by the prosecution by adding a chain of circumstances. For that reason, the prosecution establishes scientific evidence that the accused was present near the sea, thereby corroborating its case and sealing the involvement of the accused.

78. The tests and procedures done by the experts are also relevant. They may give evidence on account of experiments performed by them for the purpose of forming their opinion, and the grounds on which such opinion is based are also relevant under **Section 51** of the Evidence Act. According to **Section 293** of

Cr.P.C, the RFSL report is admissible without examining the maker, and it is relevant under **Section 45 r/w 51** of the Evidence Act, even though the opinion of an expert is not conclusive in nature. It has already been found that the recovery, collection, and chain of custody of the material objects are proper and sufficiently proved by the prosecution with cogent evidence. Ergo, by providing the RFSL report with the proximate link to the crime and the accused, akin to the absence of explanation, would create an additional circumstance against the accused.

#### **The paternity of the child/ DNA report**

79. Even though there was no dispute regarding the paternity and age of the child, the Ext.P14 birth certificate of the child was collected by the investigating officer, from the Kannur Cantonment Birth and Death Registrar, PW19, which shows that the date of birth of the deceased was on 12.10.2018 and the name of the father as Pranav and the mother as Saranya.

80. On 17.02.2020, 14.15 hrs., the Scientific Assistant PW20 collected the blood samples from the granite stone and cellophane impression from the neck and mouth of the child and handed over to the investigation officer by Ext.P30 seizure mahazar. The same were sent to RFSL and used for DNA analysis along with the blood samples of PW1 and the first accused, collected on 11.09.2020 and 12.09.2020, by the doctors PW41 and PW42, in the presence of PW35 and PW36. The DNA extracted from the blood and the cellophane impression was analyzed using the standard procedures outlined in their official manual. Resultantly, it was found that Saranya and Pranav are the biological mother and father of the deceased, as proved by the Ext.P81 DNA analysis report.

## **The dog tracking evidence**

81. According to the instructions of the investigation officer, PW46, on 17.02.2020, the dog squad arrived at the place of occurrence and tracked the scent, and Ext.P17, the dog tracking report, was given by the PW21 dog handler. It was seized by the PW46 by preparing Ext.P31 mahazar, which was witnessed by PW28, and the same was forwarded to the court along with a list of documents.

82. According to the dog handler, PW21, he has been working as a dog squad in-charge officer since 2010, having completed the dog handler course at the police academy. On 17.02.2020 at about 2.30 pm, he reached the house of the first accused with the sniffer dog Zeeta, a female labour dog, and Zeeta sniffed two tracks from the house. The first track was taken by Zeeta after smelling the churidar of Saranya, and she began a pursuit inside the house. Then came to the veranda, crossed the road and track between the houses, and reached the place of occurrence near the seawall, where the dead body was found. Zeeta smells very well from the house to the seawall and its surroundings, then returns to the house.

83. Then Zeeta takes the second track after ten minutes, by smelling the shirt and dhoti of PW1, but it just roams inside the house, on the veranda, and near the road, and finishes the track. According to the dog handler, the termini of the track were just near the house. The oral evidence tendered by the dog handler and investigating officer is substantiated by the Ext.P17 report.

84. Before considering the factual discussion, the relevance, admissibility, and evidentiary value of the dog-tracking report have to be analyzed. The Hon'ble Supreme Court in *Abdul Razak Murtaza Dafedar V. State of*

*Maharashtra, AIR 1970 SC 283* and *Mangaraju V. State of Andhra Pradesh, 2001 (6) SCC 205*, describes the admissibility and evidentiary value of the dog tracking evidence. The uncanny sense of smell of the canine species has been profitably tapped by police to track culprits and can be used for investigative purposes. The sniffer or track dogs are useful tools to assist in an investigation, but the conviction must rest on the totality of other reliable evidence. **Because the evidence of a sniffer dog is not subject to cross-examination and cannot be treated as direct evidence, it is subject to the hearsay rule.** Apart from that, handlers or environmental factors can cause a false positive to become a false negative, and science has no finality on the accuracy of canine tracking. It is reiterated in *Dinesh Borthakur V. State of Assam, AIR 2008 SC 2205* and *Lalit Kumar Yadav V. State of UP, 2014 (11) SCC 129*, that sniffer dog evidence has inherent frailties and cannot be relied upon to conclude the guilt of the accused.

85. *A causa de cy*, the investigating agency can use dog-tracking evidence to find a culprit and adduce evidence regarding the procedure. In the present scenario, the investigating agency located the first accused with the assistance of dog-tracking evidence, which can only be considered as an aid to the investigation. Ergo, the Ext.P17 dog-tracking report, Ext. P31 mahazar, and the oral evidence of PW21 is irrelevant and could not be taken into consideration.

### **The motive of crime**

86. The motive is a state of mind of the accused that inspires them to do an act, and is a relevant fact under **Section 8 of the Evidence Act**. It is the underlying reason that drives an individual to commit an act, representing the

ultimate goal behind the action, termed the ulterior intent. This factor can influence the formation of the intention, which is a crucial component of the crime referred to as *mens rea* in a criminal case. Motive is a psychological phenomenon that reveals the mental disposition of an accused to commit an act. The prudent man cannot always expect direct proof regarding the motive, but sometimes it has to be inferred from the proved facts and circumstances.

87. In a case of circumstantial evidence, the motive assumes great significance to corroborate the chain of circumstances and the process of representative reasoning. However, it is not necessary to establish the full percentage of proof in circumstantial evidence, because one cannot normally read the minds of others. Likewise, the prosecution cannot explain what actually prompted the accused to commit the crime. The absence of proof of motive depends upon the facts of each case. Even the prosecution can prove a case of circumstantial evidence in the absence of clear proof of motive. It is held in **G. Parshwanath V. State of Karnataka, 2010 (8) SCC 593** and **Chetan V. State of Karnataka, 2025 INSC 793**, that,

*“In a case based on circumstantial evidence, where proved circumstances complete the chain of evidence, it cannot be said that in the absence of motive, the other proves circumstances have no consequence.”*

88. Bearing in mind the foregoing legal preposition, it is apposite to discuss the motive of the case in hand to decide the genesis of the case. At the beginning of the case, the prosecution had a definite case that the accused befriended through social media, and decided to live together, and in pursuance of

the abatement of the second accused, the first accused committed the murder of the child to live together. They stuck to the same stand during the final investigation report and the evidence.

89. To prove the motive, the prosecution has relied upon the oral evidence of PW1, PW5 and PW46, along with the Ext.P23. The husband, PW1, stated that their family relationship was healthy except for some normal issues. However, following the incident, PW1 filed a petition for divorce before the family court and, after obtaining the decree, remarried. According to the mother of Saranya, PW5, the marriage between the first accused and the PW1 was solemnized without the consent and connivance of both families, and there were issues between them. The Ext.P23 notebook, containing some writings of Saranya, was discovered by the investigation officer in pursuance of her confession on 26.02.2020, by Ext.P20 recovery mahazar. To prove the Ext.P23(a) writings in the notebook, the police also seized an Ext.P35 diary of Saranya by the Ext.34 mahazar, as admitted to be in Saranya's handwriting.

90. Subsequent to that, the investigating officer filed Ext.P60 request before the Magistrate Court to obtain the specimen handwriting from the accused, and in consequence to the judicial order, the sample handwriting of the first accused, Ext.P43, were obtained on 03.07.2020 from the District Women's Prison, Kannur, in the presence of PW38, the Jail Superintendent. Through the request and standard requisition form Ext.P61 and Ext.62, the writings in the notebook, Ext.P23(a), were sent to a handwriting expert. After analysing Ext.P23, Ext.P35 and Ext.43, the scientific officer of documents RFSL, Kannur, found that all were

written by the same person. Thence, without any dilemma, the prosecution proved that Ext.P23(a) was the handwriting of the first accused, Saranya. The writings of Saranya clearly express her attitude towards her husband, Pranav, PW1, and indicate that their relationship was strained. The relevant portion of Ext. P23(a) is set out hereunder.

“എൻ്റെ ഏട്ടനെ കൊണ്ട് മാത്രമേ എനിക്ക് പ്രശ്നങ്ങൾ ഉള്ളു... പ്രണവ് എന്ന് എൻ്റെ ജീവിതത്തിൽ വന്നോ അന്ന് മുതൽ എനിക്ക് സക്കങ്ങൾ മാത്രമേ ഉണ്ടായിട്ടുള്ളു... ഇപ്പോൾ എനിക്ക് ഏട്ടൻ്റെ തുടർ ജീവിക്കാൻ ഒരാഗ്രഹവും ഇല്ല.... ഏട്ടൻ നന്നാവുമെന്ന് എനിക്ക് ഇപ്പോൾ ഒരു പ്രതീക്ഷയുമില്ല....”

91. The strained relationship between a husband and wife need not be a sufficient ground for committing a maternal filicide, but shall not rule out the whole possibility. Motive is an emotion that impels a person to do a particular act, and such an impelling cause need not necessarily be proportionate to commit grave crimes. Many murders have been committed without any known or prominent motive. It is quite possible that the aforesaid impelling fact would remain undiscoverable, as outlined in *Nathuni Yadav V. State of Bihar, 1998 (9) SCC 238.*

92. The attachment and detachment in a matrimonial relationship work within the four boundary walls of a house, even within the surveillance of a closed room. As a psychological phenomenon, a prudent man cannot expect direct proof regarding motive or the dispute between the couple, but can draw inferences from the proved facts and circumstances. The evidence in the circumstances shows that Saranya and Pranav were leading a strained family life, and that may have led to

the frustration, which culminated in the homicide of the child. Furthermore, even in the absence of motive, the other proved facts and complete chain of circumstances have no consequence as distinguished in *Subhash Aggarwal V.*

*State of NCT Delhi, 2025 SCC OnLine SC 808.*

93. It is pertinent to note that on the back of the Ext.P23 notebook, there was a writing that "*I hate you.... Viyan Valsaraj*". This writing can indicate the strong motive behind the case. However, neither the prosecutor made any attempt to identify the handwriting through PW1 or PW5, nor did the investigating officer send it for handwriting analysis. Even though the investigating officer identified it as Saranya's handwriting, it is insufficient to prove the same, as he was not acquainted with her handwriting, as enumerated in **Section 47** of the **Evidence Act**. So, the prosecution and the investigation agency failed to prove that the wording was written by Saranya. Despite that, this failure will not affect the prosecution's case on motive.

### **Evidence of the PW1 & PW5**

94. The mother of Saranya, PW5, was a crucial witness to prove the motive, material object, and last scene theory, put forward by the prosecution. During the testification, she deviated from her previous statements and turned hostile to the prosecution. The learned additional public prosecutor sought permission to put the questions that may be asked during the cross-examination under **Section 154** of the Evidence Act. Even after granting permission, nothing has been elicited from her in further examination in favour of the prosecution. Still, she was confronted with her previous statements, and the relevant portion

was marked as Ext.P4, which was properly proved in accordance with **Section 145 of the Evidence Act r/w 162 of Cr.P.C.**

95. Significantly, there is no bar for relying on the evidence of a hostile witness under **Section 154 (2) of the Evidence Act**, which is classically enumerated in *Palumeli V. State of Tamil Nadu, 2014 (13) SCC 90* and *Priti V. State of Haryana, 2010 (8) SCC 536*. Nothing in the section shall disentitle the evidence of a hostile witness to rely on any part of the evidence of such witness, even if he did not support the prosecution from all angles.

96. The evidence of PW1 reveals that he was called by his wife, and he went to her house on 16.02.2020. At 11.00 pm, he slept with his wife and child in the bedroom, and at midnight, his wife took the child to the centre hall for breastfeeding. The next morning at 6.00 am, he was informed about the disappearance of the child by his wife, and he went to the police station. He identified the dresses and articles of the child and the first accused. The evidence of PW1 and PW5 did not indicate any motive or direct evidence of the incident. But both deposed in the same tune regarding the last scene theory, a strained domestic relationship, the locking of the door, the dress and the chappals of Saranya.

97. It is significant that the evidence of PW1, PW5 and the neighbours, omitted to narrate minor aspects of the incident at the first instance, and they did not exaggerate their versions to create embellishments in evidence. Consequently, this court found that the occurrence witnesses to the incident, PW1, would be treated as a wholly reliable witness, and PW5 as neither wholly reliable nor

wholly unreliable witness, as enumerated in *Vadivelu Thevar V. State of Madras*, *AIR 1957 SC 614* and *Lallu Manjhi V. State of Jharkhand*, 2003 (2) SCC 401.

### **The last scene theory/ Section 106 of the Evidence Act**

98. The concept of last scene theory is a judicially evolved principle used in a circumstantial evidence case, which emerged from the logic of **Section 106** of the **Evidence Act**, described as “*when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.*” The word, *especially*, used in the section, means the facts which are preeminently or exceptionally within the knowledge of a person, including the accused. It plays a pivotal role in domestic violence cases, where the offences have been committed inside the four walls of a house, making it extremely difficult for the prosecution to lead direct evidence. Nevertheless, it does not modify the ordinary rule that the prosecution must prove guilt; rather, it applies after the prosecution establishes a *prima facie* case based on the foundational facts. The burden of explanation shifts to the accused only after the circumstances are established. The significance of the special knowledge in a murder committed within the house is explained in *State of Madhya Pradesh V. Balbir Singh*, 2025 SCC online SC 390, and *Balbir Singh V. State of Uttarakhand*, 2023 *LiveLaw SC 861*.

99. In the factual scenario, at the first instance of the case, the FI Statement revealed that the first accused, along with PW1, PW5 and CW10, were at the alleged occurrence house the previous night. The inquest report also confirms that the child was residing with the first accused at her residence. The evidence of PW1, father, and PW5, grandmother, affirms that the child slept with

his father and mother on 16.02.2020 at about 11.00 pm in the bedroom, and on the next morning, 6.00 am, the first accused informed them about the disappearance of child, which is an undisputed fact, not challenged by the accused at any stage of the trial. According to PW1, between 1.00 am and 2.00 am, Saranya went to the centre hall due to the heat, and she slept there. After one hour, the child was crying, and Saranya took him from the bedroom and went to the centre hall.

100. According to forensic surgeon PW47, the approximate time of death is between 16.02.2020 9.30 pm and 17.02.2020 9.30 am. PW5 saw the child until 11.00 pm and by PW1 until 2.00 am, with the mother, Saranya, and at 6.00 am, she was informed about the disappearance of the child. Therefore, by the oral evidence of the occurrence witnesses, coupled with the forensic evidence, it can be assumed that the death occurred between 2.00 am and 6.00 am on 17.02.2020. According to the prosecution's case and the evidence of PW46, on 17.02.2020 at 2.30 am to 2.40 am, the accused took the child from the centre hall and moved to the seashore and threw the child from the seawall, and the effect of the place was substantiated with the Ext.P5, and Ext.P7 mahazar.

101. The Ext.P74 postmortem certificate reveals that the stomach of the child contained '*a few ml of coagulated milk*'. Coagulation is the irreversible change of liquid milk into a semi-solid due to the aggregation and network formation of its main protein, casein, triggered by enzymes, which is normal during digestion, according to the National Library of Medicine, the official website of the US Government. The forensic surgeon stated that the milk is contained in the stomach in a coagulated stage, indicating the possibility of death

within three hours of the last breastfeed. So, the evidence of PW1, conjointly read with the scientific evidence, proves that at 2.00 am, the first accused took the child and fed the breast milk and was missing on the next morning at 6.00 am. The presence of coagulated milk on the stomach of the accused, within 3 hours before his death, only indicates that the child was in the hands of the mother before his death. The first accused did not challenge the relevant facts till the taking of the child from the bedroom at midnight. **She has no case in which she handed the child over to others or returned to the bedroom after feeding. So, the child was in her possession at last, and the information regarding the child is especially within her knowledge.**

102. It is pertinent to note that in response to the questions put by the court to PW5 under **Section 165** of the Evidence Act, she specifically stated that the front door and back doors of the house were locked and bolted by her at the centre and the top, and it was in a locked condition on the next morning. It is also proved by the oral evidence of the witnesses, scene mahazar and sketches that the dead body was found on the seawall, which is 60-70 meters away from the house. It is impossible that, after opening the locked door, a 1 ½-year-old child voluntarily moved 70 meters away from the house, climbed a 2-meter seawall, and moved 20 meters to the sloped portion of the seawall. The locked door on the next morning ruled out the possibility of the interference of a third person being inside the house. So, there is only one possibility that a person from the house took the child to the seashore between 2.00 am and 6.00 am with malicious intent. The possibility of the other inmates of the house, PW1, PW5 and CW10, on the date

of occurrence, was ruled out by the foregoing oral and scientific evidence. Consequently, all the arrows of evidence point to one person, who is none other than the mother of the child, the first accused.

103. It is a proven fact that the child was last seen together with his mother just a few hours before the death, and no other evidence for the appearance of the first accused or deceased elsewhere, which confirms the theory of the last seen together. The next morning, the child was found dead on the seawall. That being so, she had special knowledge regarding the disappearance of the child from her custody, and she failed to offer any explanations regarding the death of the child. Consequently, reasonable inferences can be drawn against the accused regarding the existence of the foundational facts.

104. The defence developed by the first accused, which was not proved, seems to be false. The accused pleaded ignorance and false explanation regarding the cause of death of her child, which was within the confines of her house, and such falsity points to the guilt of the accused. The absence or failure to offer a reasonable explanation in discharge of the burden placed on the accused by virtue of **Section 106**, such a failure coupled with a false explanation, provides an additional link in a chain of circumstances, as explained in *Trimukh Maroti Kirkan V. State of Maharashtra, 2006 (10) SCC 681*.

105. The special application of **Section 106** in case of crimes committed inside the house, as enumerated in *Balvir Singh's Case (Supra)*, is squarely applicable in the present scenario. The section is designed to meet exceptional circumstances in which it would be impossible or disproportionately

difficult for the prosecution to establish the facts within the knowledge of the accused. The last seen theory and the burden of proof are not rebutted by the accused, either with any evidence or with a preponderance of probabilities. The proved facts inspired the confidence of the court and pointed unerringly towards the guilt of the accused.

### **Character of the first accused**

106. According to **Section 54** of the Evidence Act, **the previous bad character of the accused is not relevant except in reply**. Therefore, the prosecution cannot adduce evidence regarding the bad character of the accused unless there is evidence of good character put forward by the accused. Unfortunately, the police investigation was conducted as moral policing, and some evidence has been adduced to prove the bad character of the first accused.

107. The evidence of PW12, PW39, and PW40, together with the Ext.P44 series documents, narrates the extramarital relationship of Saranya. PW12 was a technician at Palakkad who befriended the first accused through her fake Facebook ID, **Shanika S Nair**. They continued the relationship through WhatsApp, Facebook, messages, and frequent calls. In 2019, PW12 came to Kannur, met Saranya at Kannur Payyambalam beach, and spent time together from 11.00 am to 4.00 pm. But the first accused did not disclose her actual name and material status to him. After a few days, a person called and threatened PW12 by phone, pretending to be Saranya's husband, then he blocked her number and ended the relationship. The PW12 specifically identified the first accused during the examination and submitted that he contacted Saranya using a Jio phone number,

8089414519, obtained in the name of his friend, PW39. During the examination, PW39 affirms the same, which is substantiated by the Customer Application Form, Identity proof, and CDR produced by PW40, Jio Nodal Officer.

108. Even though it has been established that there were frequent calls between PW12 and the first accused, despite the prosecution failing to explain the purpose of adducing the aforementioned evidence in this case. The prosecution and the police just tried to outline the relationship between a married woman and an unmarried man with the colour of an extramarital relationship. **A relationship between a married woman and an unmarried man is treated only as an extramarital illicit affair, which is a concept of patriarchy, and a classic example of moral policing.** Even for the sake of argument, it is admitted that the relationship was an extramarital affair; it is not relevant as per **Section 54**. As a result, the evidence of PW12, PW39 and PW40 and Ext.P44 series is discarded at the threshold of the house of relevancy.

### **The omissions and contradictions**

109. During the cross-examination of the prosecution witness, the defence has brought out omissions to discredit the witness based on their previous statement. They contended that the name of the second accused was mentioned by PW9, the regular visit of PW1, and the minute details regarding the place of occurrence by the witnesses, were not mentioned in their previous statements. They vehemently urged that these omissions are material, which amount to contradictions, and will affect the credibility of the witnesses. Therefore, it is apposite to discuss the concept of contradiction with its legal effect.

110. When a statement is made by a witness under **Section 161 of Cr.P.C** or any other statement which qualifies the criteria of a previous statement, and later the witness has made any statements which are inconsistent or diametrically opposite to his earlier statement, it is called a contradiction. If a witness made something that was left out of his previous statements, it would be treated as an omission. It is not necessary to record all the statements of the person who is acquainted with the facts and circumstances of the case, but “*may reduce into writing*”, as envisaged in **Section 161 (3)**.

111. An omission to state a fact or circumstances in this statement may amount to a contradiction if the same appears to be significant and otherwise relevant, having regard to the context, as explained in **Section 162** of the **Cr. P.C.** If it relevant to the matters in question, is properly contradicted under **Section 145** of the **Evidence Act**, and duly proved under **Section 162 proviso**, that omission would be treated as a contradiction and can be used for impeaching the credit of the witness based on the inconsistency with the formal statement as enumerated in **Section 155(3)** of the **Evidence Act**, as outlined in the celebrated vintage judgment **Tahsildar Singh V. State of UP, AIR 1959 SC 10122**, and the latest **Mathew PV V. State of Kerala, 2025 KHC Online 1107**.

112. Omissions and contradictions are the two crucial weapons of the defence to impeach the credibility of the witnesses, which amounts to the shaking of the prosecution's case. Contradictions can arise from the direct statements or omissions of the witness, but an omission only amounts to a contradiction if it is material and significant. The minor omissions and contradictions generally do not

affect the core of the prosecution's case. The material omissions are significant and can affect the credibility of the witnesses or the prosecution's case. Not all omissions qualify as contradictions, but only those that are capable of going to the root of the case are considered relevant. The omissions and contradictions have to be ascertained in their context and impact on the case.

113. In this case, several omissions were brought out by the defence, and they were properly proved in accordance with procedure. Unfortunately for the defence, most of them are neither significant nor material, and they will not be able to shake the core of the prosecution's case or impeach the credibility of the witnesses. It is settled law that a witness cannot have a photographic memory of an incident that occurred in 2020, and the evidence was adduced more than 5 years later, in 2025. Therefore, minor omissions cannot be taken into consideration, and it shows that the witnesses were not tutored by the prosecution. As a consequence of the insignificance, this court is constrained to take them into account, and they shall be discarded, except for the material contradictions.

### **Answering the defence version**

114. The defence of the first accused regarding the absence of motive, laches in the recovery, absence of eyewitnesses, and absence of weapons has already been covered in the foregoing points. Moreover, there is no necessity for eyewitnesses in all cases; for that reason, this case is called a circumstantial evidence case. The question is whether the prosecution succeeds in proving the accused's guilt on the basis of circumstantial evidence.

115. The defence counsel contended in the arguments that the police ought to have conducted an investigation into the accused's mental status under **Section 84** of the IPC, and that this is contrary to the decisions in *Aji Devassy (Supra)* and *Rollymol (Supra)*. The counsel asked specific questions regarding the same to the investigation officer, and he replied that there were no symptoms of mental illness for the accused, and he did not take any steps for the same.

116. It is well-settled law that, according to **Section 105** of the Evidence Act, the burden is on the accused to prove the existence of circumstances bringing the case within any of the General Exceptions in the IPC, or within any special exception or proviso contained in any other part of the same code, or in any law defining the offence. It is trite that the court shall presume the absence of such circumstances unless it is proved. Neither in the inquiry nor in the trial was there any such contention taken by the accused that the act was done by the accused under the influence of insanity or unsoundness of mind, without the capability of knowing the nature of the act. There are no such symptoms from the beginning of the case until the end. Therefore, neither the investigation officer nor the court is obliged to conduct a medical examination or inquiry on that aspect based on a mere argument raised in the hearing stage.

117. Akin to that, the investigation officer is not obliged to anticipate all probable defences and investigate that angle, and even any omission on the part of the investigation officer cannot go against the prosecution. The interest of justice demands that such acts or omissions of the investigating officer should not be taken in favour of the accused, as explained in *V.K. Misra V. State of*

*Uttarakhand, AIR 2015 (9) SCC 588.*

**The role of the second accused/ Nidhin**

118. The second accused is facing charges of abetment and conspiracy with the first accused to commit the murder of the child. The prosecution's case is that, due to marital discord with her husband, Saranya befriended him on social media and they decided to live together, after casting aside the child. The accused hatched a criminal conspiracy on 16.02.2020 at 3.15 pm to 5.15 pm at the premises of IOB Bank, Kannur, to commit the murder of the child, and in pursuance of the abatement of Nidhin, on 17.02.2020 at 2.40 am, Saranya committed the homicide of the child. To prove the same, the prosecution has relied on the oral testimony of PW8 to PW10, PW14, PW15, PW23 to PW25, PW44 to PW46, and on the documents Exts.P6 to P9, P16, P19 to P27, and P46 to P51.

119. The PW8 was a collection agent of the Co-operative Bank, with whom Saranya enquired about the loan. For the purpose of the loan, she received Ext.P21 to Ext.P25 documents from the first accused, which were seized by Ext.P20 Mahazar. PW9 was a neighbour of Saranya who had seen Nidhin at 1.15 am on 16.02.20, near Saranya's house. He deposed that while he was going to Andallurkavu to pick up his friend Vindesh, he saw Nidhin 20 meters from Saranya's house. The accused was on a black Pulsar 220 bike and disclosed his name and place, and convinced him that he had come to the pocket road to avoid police checking. PW9 also deposed that, after seeing his photo on social media, he reported the matter to the police. He identified both the accused and the Ext.P8 series photos of the bike.

120. The bike was produced by PW14, who is none other than the uncle of the second accused, and it was seized by the investigation officer by Ext.P27 mahazar. The Kannur Joint RTO issued Ext.P46 RC particulars showing that the second accused was the owner of the vehicle in 2020 and that it was in running condition, as proved by the Ext.47 report. During the crime stage, the vehicle was released to the accused under **Section 451 of Cr.P.C., and he produced it** during the trial. The witnesses identified the bike and its photos. The defence has no case that the bike was not in the ownership or possession of the accused. By the unshaken evidence of PW9, the presence of the second accused is proved near the house of Saranya on 16.02.2020, 1.15 am.

121. The alleged conspiracy was hatched on 16.02.2020 at the premises of IOB Bank, Kannur. The place of conspiracy was discovered by the investigating officer in pursuance of the confession given by both accused on two different occasions. At the instance of witnesses, the mahazar Ext.P6 and Ext.P9 were prepared by the police as discussed in the foregoing points. Apart from that, the investigating officer recovered CCTV visuals by preparing Ext.P19 mahazar to prove the conspiracy. The CCTV technician PW5 copied the CCTV backup of the front camera at the IOB Bank, from 16.02.2020, 3.45 pm to 5.15 pm. There was no voice recording system in the CCTV, and he copied the visuals onto the Ext.P15 DVD and handed it over to the police with Ext.P16 certification under **Section 65B**. The DVD was played in the open court, which has three files, each with a duration of 15 minutes, 1 hour, and 15 minutes. He identified that a man and a woman were in the CCTV visuals, but he was unable to identify the accused

as the persons in the visuals. Even the visuals are insufficient to identify the accused, but they show a man and a woman talking for 1.30 hours. The man was on a black bike, and the woman was in a churidar similar to the MO11 series.

### **Phone call details**

122. To prove the phone contact between the accused, the prosecution has examined the Nodal officer of Airtel, PW45, and marked Ext.P45 to P51, the CAF, ID, CDR and 65B certificates of three mobile numbers. Subsequent to the arrest of the accused, MO10 and MO14 mobile phones were recovered by Ext.P26 and Ext.P33, mahazar. During the further investigation, the investigation officer collected the call detail records of three members used by the accused. During his evidence, PW1 identified the mobile phone and affirmed that he purchased two SIM cards in his name, which were used by Saranya.

#### **CDR details - Airtel**

<b>Number</b>	<b>Name</b>	<b>Used by</b>	<b>CDR Period</b>	<b>Exhibits</b>
7356113285	Pranav/PW1	Saranya/A1	25.01.2020 to 28.01.2020	Ext.P48
7736073327	Pranav/PW1	Saranya/A1	01.01.2020 to 18.01.2020	Ext.P49
8129416800	Nidhin/A2	Nidhin/A2	05.11.2019 to 10.11.2019 01.02.2020 to 27.02.2020	Ext.P50

123. The CDR shows that there were 248 communications, including calls and SMS, between 7356113285 and 8129416800 from 25.01.2020 onwards, and 535 communications between 7736073327 and 8129416800 from 01.01.2020 to 18.01.2020. There were frequent calls between the accused from 10.02.2020 to 17.02.2020, and on 16.02.2020 at 2.45 am and 2.35 am, there were continuous calls for hours. It is important that there was a call between 7736073327 and

8129416800 on 16.02.2020, 23.06, and 17.02.2020, 11.07. It shows that there were frequent calls and SMS between Saranya and Nidhin for long hours before the incident, even on the previous night, 16.02.2020, and on 23.06, and after 17.02.2020, 11.07 hrs. The defence has no case that the above phone numbers were not used by the accused. The unchallenged evidence of PW45, read conjointly with CDR, proves that there was frequent communication between the accused.

124. It is pertinent to note that there are no calls between the accused during the alleged commission of the offence or immediately before or after the incident. According to the prosecution, on 17.02.2020, from 1.00 am to 3.00 am, the child was within the custody of Saranya, and after 6.00 am, the house inmates received information regarding the child's disappearance. **It is vital that there was no phone communication between the accused from 16.02.2020, 11.03 pm to 17.02.2020, 10 am. If there was any instigation, conspiracy or intentional aiding by the second accused and the act was committed in pursuance of his abatement, definitely, there would have been frequent calls soon before and after the incident.** In the absence of such communication, the chance of abatement and conspiracy by the second accused to commit the murder can be negated.

125. Despite that, the presence of Nidhin, before 24 hours of the occurrence, near the house of Saranya at midnight, was proved by PW9. Even though there was a meeting between the accused on 16.02.2020 at 1.00 am, that is

insufficient to prove conspiracy. Because, according to the prosecution, the conspiracy was hatched on 16.02.2020, from 3.45 pm to 5.15 pm, at the IOB Bank, Kannur. Significantly, the prosecution has a definite case that the accused met at the IOB Bank to transfer the Ext.P21 to P25 documents to the first accused for the purpose of obtaining a loan. The Ext.P6 mahazar was prepared in pursuance of the confession of Nidhin, which reveals that **the place was pointed out by him as where the documents were transferred to Saranya, but not as the place of conspiracy.**

“പ്രതിയും, ഒന്നാം പ്രതി ശരണ്യ കേസിലെ സംഭവ തലേ തീവസം 16.02.2020 തീയതി വെക്കേന്നും സംസാരിച്ച് നിന്നുതും പ്രതി ലോൺ എടുത്ത് നൽകുന്നതിന് പോട്ടോകളും രേഖകളും ഒന്നാം പ്രതിക്ക് കൈമാറിയതുമായ സ്ഥലം ചുണ്ടിക്കാണിച്ച് തന്നത് പ്രകാരം ആയത് നോക്കി പരിശോധിച്ചു.....”

126. In pursuance of the confession of Saranya, Ext.A21 to Ext.A25, documents were discovered from the bedroom of her house. These documents are copies of ID proof, passport, tax receipt, photos and ration card of the second accused. The recovery of the personal documents of Nidhin from the house of Saranya, the frequent communication, and the CCTV footage, proved a close acquaintance and relationship between Saranya and Nidhin over the last several months. Despite that, there should be independent evidence for the abetment and conspiracy.

127. A relationship with an unmarried man by a married woman would only be treated as an illicit extramarital affair, which is the byproduct of the concept of patriarchy. Even for the sake of prosecution, this court presumes that

the relationship between them was an extramarital illicit affair; it cannot be fastened to the presumption that, based on the illicit affair, Nidhin abetted Saranya to commit the murder of the child. The presumption based on another presumption amounts to a double presumption, which is prohibited by law, as opined in ***Ramachandran V. State of Kerala, 2008 (4) KHC 336.***

128. In the backdrop of the aforesaid facts, the circumstances leading to suspicion regarding the involvement of the second accused in committing the homicide are doubtful, and the accused is entitled to the benefit of doubt. It is well settled, with a catena of judicial precedents of constitutional courts and the basic principles of criminal jurisprudence in an accusatorial system, that suspicion, however strong, cannot take the place of proof. The accused is presumed to be innocent unless proven guilty without any hallow of suspicion. The Hon'ble Supreme Court in ***Kali Ram V. State of Himachal Pradesh, AIR 1973 SC 2773,*** that "*the golden thread which runs through the web of the administration of justice in criminal cases is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted.*"

### **Over tact of the accused**

129. There is no direct evidence for the overt act of the accused in this case, as it is based solely on the circumstances. Despite that, the oral evidence of the witnesses, conjointly read with the inquest report, shows that there are antemortem injuries noted on the dead body. The injuries were pointed out in the

inquest as well as the postmortem certificate, which includes multiple abrasions, contusions and lacerations on the forehead and face. Likewise, on dissection, it was found that the scalp tissues on the frontal bone were contused. The bilateral thin subdural and subarachnoid haemorrhages were shown in the brain, and the death was due to the blunt injury sustained to the head. The forensic surgeon affirmed that the injuries noted on the dead body could have been caused by throwing a baby on a granite stone from a height of five feet.

130. After ruling out the entire other probabilities coupled with the oral and medical evidence and the nature of injuries, it is found that the injuries to the deceased, which caused his homicide, were inflicted by throwing the child on the seawall from a height. By proving the other circumstances, it confirms that the overt acts were caused by the first accused, and that the murder was committed.

131. The second accused was clutched in the hands of the law for abetment and conspiracy. There is no case for the prosecution that he was involved in the actual commission of the crime. There is no evidence for the overt act of the second accused regarding the instigation, conspiracy or intentional aiding to commit the murder of the child. The evidence adduced by the prosecution regarding the conspiracy is not sufficient to array him as either a conspirator or an abettor in the act of homicide done by the first accused. Therefore, this court views that there is no overt act that has been proved against the second accused as alleged by the prosecution.

## The section and ingredients

### Abetment and Conspiracy/ Section 109 and 120B

132. When a person abets another to do a thing by instigation, or conspiracy or by intentionally aiding, it is called as abetment as per **Section 107** of the IPC. If there is no express provision of punishment for the act committed in consequence of the abetment, it will fall under the purview of **Section 109**. As per the prosecution's evidence, there is no allegation of instigation or intentional aiding by the second accused, and they stick to the allegation of conspiracy. Conspiracy is one of the elements of abetment, and a specific punishment is provided under **Section 120B**. An agreement between two or more persons to do or cause to be done an illegal act, or a legal act by illegal means, is designated as a criminal conspiracy under **Section 120A**, which is relevant under **Section 10** of the Evidence Act.

133. Generally, a conspiracy is hatched in secrecy, making it difficult to adduce direct evidence. The conspiracy can undoubtedly be established by circumstantial evidence, but it must be proved that the two persons are independently pursuing the same end in the pursuit of an unlawful object. Even though there is no kind of physical manifestation of the agreement, there should be a transmission of thoughts shared in the unlawful design. The principles distinguishing the law of conspiracy have been succinctly summarized in *State V. Nalini, 1999 (5) SCC 253, State of NCT Delhi V. Navjot Sandhu @ Afsal Guru, 2005 (11) SCC 600* and *KC Ramachandran V. State of Kerala 2024 KHC 126*.

134. As discussed in the topic of **the role of the second accused**, the prosecution has failed to adduce cogent evidence to establish an agreement or meeting of minds between the accused to commit the murder of the child. The proof of an extramarital affair, the transfer of documents and the frequent calls between the lovers are wholly sufficient to attract the offence of criminal conspiracy. Even the material on records generates a suspicion that cannot substitute for legal proof. The prosecution's case rests on suspicion arising from moral disapproval of the relationship rather than on legally admissible evidence. An omnibus allegation without any specific proof cannot give rise to an inference of conspiracy. The evidence is insufficient to establish the instigation, conspiracy, or intention aiding of the second accused. Consequently, this court holds that the offences under **Sections 109 and 120B** are not sustainable.

### **The murder/ Section 302**

135. The defence has not disputed that the cause of death of Viyan was a homicide, as discussed in the foregoing points. The degree of the homicide has to be ascertained based on the adduced evidence, and it is purely a question of fact. The prosecution shall establish that the death of the deceased was caused by doing an act with the intention of causing death or with an intention of causing such bodily injuries as likely to cause death or with the knowledge that he is likely by such act to cause the death. The intention or knowledge of homicide should be ascertained in light of the nature of injuries and circumstances.

136. The Ext.P74 postmortem certificate, when conjointly read with the evidence of forensic expert PW47, has already been found that the antemortem

injuries caused the death of the child. The nature of injuries suggests a forcible impact on the face and front of the head on a hard, rough surface, and it could be caused by throwing a baby at a granite stone from a height. The forensic evidence proved that the death was caused by the blunt injury sustained to the head. The discussion of other circumstances, coupled with the medical evidence, substantiated the prosecution's case that the accused took the child from the house, moved to the seashore, and threw him into the sea from the seawall.

137. Evaluating the circumstances, this court is of the view that the first accused has committed the offence of culpable homicide by hurling her 1 ½ year old child into the sea from the height of the seawall with the intention of causing his death. Ergo, without any dilemma, this court confidently affirms that the act of the accused will fall under the purview of **Section 300, first limb**, which explains ***“culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death”***.

138. After analyzing the oral evidence with the circumstances of the case, there is no evidence to prove that the accused had done the culpable homicide either grave and sudden provocation, or exceeds the limit of the private defence, or as an act of a public servant, or with consent of the deceased or caused as a result of sudden fight in the heat of passion upon a sudden quarrel. Therefore, no question regarding the **five exceptions** enumerated in **Section 300** of the IPC had a reason.

139. Upshot of the above discussion, this court holds that the prosecution has succeeded in proving that the act of the accused will squarely fall within the

definition of murder explained in **Section 300 (1)** of the IPC, in light of the classical decisions, *State of Andhra Pradesh v. Rayavarapu Punnayya, 1976 (4) SCC 382* and *Anda V. State of Rajasthan, AIR 1966 SC 605*. Accordingly, the first accused is liable to be punishable under **Section 302** of the IPC for committing the murder of her son, Viyan.

### **The chain of circumstances**

***“Men may tell lies, but circumstances do not...”***

140. In a case, based solely on circumstantial evidence, the chain of circumstances must be so complete as to leave no reasonable ground for a conclusion consistent with the innocence of the accused, and it must unerringly point towards the guilt of the accused, excluding all other hypothesis, distinguished in *Sharad Birdhichand Sarda V. State of Maharashtra, 1984 (4) SCC 116* and *Hanumanth V. State of Madhya Pradesh, AIR 1952 SC 343*. That being so, it necessitates an evaluation of the chain of circumstances relevant to the fact in issue.

1. **Circumstance** - The motive of the accused, because of the strained domestic relationship and relationship with others, is proved by the oral testimonies of PW1 and PW5, with the aid of other documentary evidence.

2. **Circumstance** - The prosecution has a consistent case at the first instance of investigation, till the end of the trial, which is substantiated by the oral and documentary evidence. The lodging of an FIR for a man missing during the investigation was altered to unnatural death and was converted to a murder on the same day.

3. **Circumstance** - The antemortem injuries shown in the body as the result of throwing the child at the granite stone were proved by the postmortem certificate as the cause of death, and the oral evidence of the forensic surgeon, as consistent with the inquest report.

4. **Circumstance** - The effect of the crime is indicated in the place of occurrence, as blood stains proved by the scene mahazar, and photos substantiated by the oral evidence of PW26.

5. **Circumstance** - The scientific assistant collected the blood stain found on the granite stone, and it was scientifically proven by the RFSL and DNA reports as the blood stain of the child.

6. **Circumstances** - The postmortem report and the opinion of the forensic expert suggest that the blunt injury that caused death could have been caused by throwing a baby on a granite stone from a height, and the injuries shown in the body suggest a forcible impact of the face against a hard surface, which underlined the theory of prosecution.

7. **Circumstances** - The material objects were reached for the examination without any tampering, and the chain of custody has been properly explained.

8. **Circumstances** - The first accused was taken into custody on the same day after interrogation with the scientific evidence, and she was arrested on the following day and based on the confession, the recovery was effected forthwith.

**9. Circumstances** - The place of occurrence and the modus operandi explained by the prosecution were substantiated by Ext.P3, Ext.P5 and Ext.P7 mahazar. The MO12 chapels of the accused were discovered near the seawall in pursuance of her confession, were identified by her mother, and there was no explanation offered by the accused as to why her chappals were found near the place of occurrence.

**10. Circumstances** - The RFSL report shows that the MO11 dress of the first accused contained seawater iron, and there was no explanation offered by the accused for the presence of seawater in her dress.

**11. Circumstance** - The evidence of PW1 and PW5 confirms the last scene theory and the coagulated breast milk in the stomach of the child, indicating the possibility of death within three hours of the last breast feed.

**12. Circumstance** - The accused and the deceased were last seen together in the night at their house, and the accused has not been offered any plausible explanation for the death of her child on the next morning, which is within her special knowledge under **Section 106**.

**13. Circumstance** - There is no explanation for the accused for what happened to the child after the breastfeeding at 17.02.2020 at 2 am, and she had no case that she handed over to the child to other inmates or returned him to the bedroom. Moreover, both doors of the house were locked from the inside on the next morning, which negates the possibility of the interference of a third person.

**14. Circumstance** - The absence of explanation regarding the presence of her chappals near the place of occurrence, the presence of seawater in

her dress, the coagulated milk in the stomach of the child and the falsity of the explanation or pretending ignorance regarding the incident connecting an additional link to the accused.

**15. Circumstance** - The recovery of the chappals and pointing out the place of the incident by the accused could be taken as a subsequent conduct, and relevant under Section 8.

**16. Circumstance** - There were no material omissions or significant contradictions in the oral evidence of the witness, inconsistent with their previous statements, for cutting the roots of the prosecution's case.

### **The golden principles**

141. The five golden principles constitute the panchasheel of the proof of a case based on circumstantial evidence, which shall be established as a condition precedent to convict an accused, as elucidated by the Hon'ble Supreme Court in the *Sharad Birdhichand Sarda Case (Supra)*. These principles shall be analyzed in light of the proven scenario.

**1. Principle - *The circumstances from which the conclusion of guilt is to be drawn should be fully established.*** - After ascertaining the chain of circumstances, this court has a considered view that the conclusion of the guilt of the accused is fully established by the circumstances.

**2. Principle - *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.*** - The facts

established are only consistent with the guilt of the accused and rule out all the other explainable hypotheses.

**3. Principle - *The circumstances should be of a conclusive nature and tendency.*** - All proved circumstances are conclusive in nature with cogent and credible evidence

**4. Principle - *They should exclude every possible hypothesis except the one to be proved.*** - The circumstances exclude every possible hypothesis of interference of a third person except the accused.

**5. Principle - *There must be a chain of evidence so complete as not to leave any reasonable ground for the consistent with the innocence of the accused, and must show that in all human probability the act must have been done by the accused.*** - The chain of circumstances is completed without leaving any room for suspicion of the innocence of the accused in human probability.

### **Flaws of investigation and prosecution**

142. The investigation includes all proceedings under the Code for the collection of evidence conducted by a police officer, as defined in **Section 2(h) of Cr.P.C.** The collection of evidence indicates the evidence relating to the fact in issue and the relevant facts. The public prosecutor is a person appointed by the state under **Section 24 r/w 2(u) of Cr.P.C.** The public prosecutor and investigating officer have to play a vital role in the administration of justice, which demands profound importance and quality in their performance. Despite the seriousness of a child murder case, the investigating officer has conducted the probe in a very casual manner, ignoring vital points. Likewise, the public

prosecutor conducted the trial in a negligible manner, while neglecting the elementary principles of a criminal trial. The glaring lacunas are mentioned hereunder.

**a.** The handwriting shown in the Ext.P23 notebook 'I hate Viyan' is not sent for handwriting expert to confirm the handwriting of the first accused, which would have been a strong indication of motive. During the trial, the prosecution did not attempt to identify the handwriting by PW1 and PW5 for the purpose of

#### **Section 47.**

**b.** The recovery mahazar was prepared based on the confession, which is not within the framework of 27 recovery. The Ext.P3 and Ext.P5 scene mahazar did not indicate the presence of a bloodstain at the spot. During the examination, neither the mahazar witnesses nor the investigating officer deposed regarding the presence of blood at this spot, and the prosecutor failed to bring it out.

**c.** In the chief examination, the prosecutor always tried to put leading questions by reading 161, which were objected to by the defence, culminating in unpleasant events between them, which necessitated the interference of the court, as specified in the deposition.

**d.** Even the elementary questions of the chief examination in a murder trial were not put to the witnesses by the prosecutor except with the repeated interference by the court. The proper examination of witnesses, the marking of the vital documents, and the material objects were not properly done by the prosecutor, and some of them were marked in response to the court's questions under **Section 165.**

e. The investigation and the prosecution sought to adduce evidence of the accused's bad character, which is irrelevant under **Section 54**. The investigating officer was roaming around to find the illicit affairs of the lady charged, acting as moral police, instead of finding their culpability. Moreover, the prosecutor failed to provide explanations on the factual and legal questions, even after repeated opportunities.

f. Neither an investigation nor any recovery regarding the misappropriation of gold and the amount alleged against the second accused, and no digital evidence was collected from the phone after scientific examination to elicit the conspiracy and abetment. The serious allegation of criminal intimidation and the transferring of nude photos have not been investigated by the police.

143. The investigation conducted in the present case reflects a lack of professionalism and sensitivity expected in the investigation of a grave offence like murder. He appears to have acted in a casual and mechanical manner, resulting in serious lapses in the case. A fair and effective investigation is a constitutional mandate, and any deviation strikes at the root of the criminal justice system. But even in its absence, the prosecution case shall not eschew, as enumerated in a catena of judgements, such as *Dhanaj Singh v. State of Punjab, AIR 2004 SC 1920*, and *V.K. Misra (Supra)*.

144. The role of the public prosecutor in a criminal trial is not that of a mouthpiece for an investigation agency but that of a responsible officer of the court, duty-bound to assist in the administration of justice. In the present case, the manner in which the prosecution was conducted falls short of the constitutional

and statutory expectations. Despite the gravity of the offence, the public prosecutor failed to present their case in a coherent and systematic manner and made no effective attempt to explain the deficiencies in the investigation at the relevant stage. The public prosecutor occupies a quasi-judicial role and is expected to act as the officer of the court. Any dereliction of office duty undermines the fairness of the trial, which is an integral component of a fair trial enshrined under **Article 21** of the Indian Constitution. **The conduct of the investigating officer and the public prosecutor calls for serious administrative scrutiny.**

145. In the addendum, **this court reminds the state that the post of the public prosecutor cannot be gifted to seekers of the choice of political executive without any regard to their competence**, and recalling the words of the Hon'ble Supreme Court in *Anees V. State Government of NCT, AIR 2024 SC 2297*.

*“There should not be any element of political consideration in matters like appointment to the post of public prosecutor. Only consideration for the Government should be the merit of the person. The person should not only be competent but also a man of impeccable character and integrity. He should be a person who should be able to work independently without any reservations, dictates or other constraints.”*

### **The conclusion**

**“Perfect proof is seldom to be had in this imperfect world, and certainty is a myth”**

**Ramanand V. State of Himachal Pradesh, 1981 (1) SCC 511**

146. It is well-settled law that, in a circumstantial evidence case, the evidence should be appreciated in a realistic manner and not allow the accused to escape on account of procedural technicalities, imperfect investigation, or insignificant lacunas in the crime, thereby leaving the crime unpunished. The Hon'ble Supreme Court in *Trimukh Maroti Kirkan (Supra)* observed that "*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.*"

147. In the backdrop of the discussion on the aforesaid facts and law, all circumstances conclusively lead to the guilt of the first accused beyond any reasonable doubt. The prosecution has succeeded in proving the chain of circumstances that corroborates the guilt of the first accused in a complete and unbroken manner. Considering the integrity of the circumstances, this court is of the view that the prosecution has succeeded in proving the charge of murder against the first accused without any hollow of suspicion. Consequently, this court was inclined to accept the version of the prosecution in part, without any hesitation.

148. Ergo, the first accused is found guilty of the offence under **Section 302** of the **Indian Penal Code** for the murder of her son Viyan, and she is convicted for the same. However, the first accused is found not guilty of the offences under **Sections 109 and 120B** of the **IPC**, and the second accused is found not guilty of the offences under **Sections 302, 109 and 120B** of the **IPC**; consequently, they are acquitted of the offences. Points 3 to 8 are answered

accordingly.

149. Before parting with this judgment, it would be improper if I did not express my gratitude to the counsels appearing for the defence for their cooperation with the court proceedings.

*(Dictated to the Confidential Assistant, transcribed and prepared by her, in computer, corrected and pronounced by me in open court on the 19<sup>th</sup> day of January 2026.)*

Sd/

**ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
TALIPARAMBA**

#### **The Sentence/ Point No. 9**

150. The bail bond of the first accused/convicted was cancelled, and she was remanded to the Women's Prison, Kannur, for judicial custody. On 21.01.2026, the convicted was heard under **Section 235(2)** of Cr.P.C, regarding the question of sentence after giving her sufficient time and meaningful opportunity for reflection, as obligated in *Accused 'X' V. State of Maharashtra, AIR 2019 SC 3031*, to ascertain the circumstances for deciding the sentence to be imposed.

151. The accused submitted that she is aged only 27 years and has no criminal antecedents. Also pointed out that she is suffering from illness, including mental stress. She pleaded about her helpless situation and prayed for leniency in the punishment.

152. The Additional Public Prosecutor and the defence counsel were heard on the questions of sentence. The prosecutor contended that a grave crime was committed by the accused against her innocent child, which necessitates the imposition of the maximum penalty. On the other hand, considering the younger age, the absence of criminal antecedents, and the possibility of reformation, the defence counsel pleaded for leniency.

153. **Section 302 of the IPC** provides the punishment for murder as '*whoever commits murder shall be punished with death or imprisonment for life and shall also be liable to fine*'. According to **Section 354(3) of Cr.P.C**, when the conviction is for an offence punishable with death or, in the alternative with imprisonment for life or imprisonment for a term of years, the judgment shall state the reason for the sentence awarded, and in the case of a sentence of death, the special reasons for such sentence.

### **Reasons for the awarding sentence**

154. The Hon'ble Supreme Court in its celebrated judgments, *Bachan Singh V. State of Punjab, AIR 1980 SC 898*, and *Macchi Singh V. State of Punjab, AIR 1983 SC 957*, propounded the doctrine of rarest of rare and laid down the guidelines for awarding the death sentence. The aggravating and mitigating circumstances must be considered before imposing the death penalty. The guidelines set out in *Bachan Singh's Case (Supra)* will have to be culled out and applied to the facts of each individual case in which the question of imposing death sentences arises. The prepositions that emerged from the well-distinguished judgments are,

- i *The extreme penalty of death need not be inflicted except in the 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 a death sentence is an exception.*
- iv *A balance sheet of aggravating and mitigating circumstances has to be drawn up, and in doing so, the mitigating circumstances have to be accorded full weightage, and a just balance has to be struck between the aggravating and the mitigating circumstances before the option is exercised.*

155. The doctrine of rarest of rare cases enumerates two aspects for imposing the death penalty. Firstly, the case must clearly fall within the ambit of the rarest of rare category and secondly, when the alternative option of awarding imprisonment for life is inadequate. The choice of the death penalty is a last resort, when the alternative punishment of life imprisonment will serve no purpose. The balancing test of circumstances relating to capital punishment depends on the perception of society, but not the personal views of the judge. So, the assessment of the aggravating and mitigating circumstances shall be society-centric, not judge-centric.

156. It is a case of maternal filicide of a 1 ½ year old child by a mother, which indicates the necessity of maximum punishment, as the victim was an innocent and helpless child. To find out the aggravating and mitigating circumstances for considering the rarest of rare doctrine and to apply the triple test, as enumerated in *Shankar Kisanrao Khade V. State of Maharashtra, 2013*

(5) **SCC 546**, this court calls for reports from the SHO of Kannur City Police Station, the City Police Commissioner, the Superintendent of Women Prison Kannur Jail, and the Probation Officer Kannur.

157. The Ext.C1 to C3 reports reflect the family background, education, criminal antecedents, and socio-economic background of the accused. The police reports elicit nothing regarding mitigating or aggravating circumstances, except a mere reproduction of the prosecution's case. The jail record shows her conduct as satisfactory during her more than one year of detention. The probation officer is still asking for time to file the report. Based on the records, the points for the triple test are listed below.

### **Aggravating circumstances**

1. The accused committed the murder of 1½ year old child by throwing him into the sea, which was nothing but a brutal act of cruelty.
2. The act of the accused was shocking and affected the conscience of society; therefore, even her family members shifted their house from the locality.
3. The murder committed by a protector mother who turned into an offender, as mentioned in ***Dhananjay Chatterjee V. State of West Bengal, 1994 (2) SCC 220.***
4. The victim was an innocent, helpless, defenseless, and unprotected child, as enumerated in ***Mukhesh V. State NCT Delhi, AIR 2017 SC 2161.***
5. The accused tried to implicate her husband in the crime falsely.

## Mitigating circumstances

1. At the time of the occurrence, she was only 22 years old and is now 27, in the early stages of her life.
2. No criminal antecedents have been reported against the accused.
3. Now she is working in Chennai and is trying to get her life back.
4. According to the prosecution, the act was done due to the abetment of the second accused, who was acquitted.
5. She is coming from a family of fishermen, with a poor socio-economic background.
6. Mental stress and frustration due to a strained matrimonial relationship, leading to the crime by a lady as a reflection of a patriarchal society set up.
7. Based on the above grounds, there is a chance of reformation.

## The rarest of rare Test

158. After reviewing the records, reports, and defence submissions, it is found that the accused is from a low-income family of fishermen, with no criminal antecedents, and at the time of the occurrence, she was just 22 years old. Admittedly, there was a chance of frustration and mental stress relating to the marital discord, and as per the prosecution's case, the act was committed due to the abetment of the second accused, who was acquitted. **On that account, considering the younger age, low-income family background, absence of criminal antecedents and other socio-economic conditions of the accused, the balance sheet of the circumstances indicates a greater likelihood of reform.**

159. Even though the crime was committed in a ruthless manner and the accused made an unsuccessful attempt to impose the culpability on her husband, it will not meet the rarest of rare test. The balance sheet of the aggravating and mitigating circumstances does not compel the giving of capital punishment. **The quantum of the sentence is not intended to satisfy the thirst of society for sensationalism or media attention. It should be analyzed from the perspective of reformist theory**, which is the foundation of the Indian judicial system, as Justice V.R. Krishna Iyer pointed out: “**the purpose of law is not to act as a sledgehammer on a fly**”.

160. Consequently, after analysing the criteria in the catena of judgments like *Manoj V. State of Madhya Pradesh, 2022 (3) SCC 353*, and *State of Kerala V. Narendrakumar, 2023 KHC 653*, this court of view that the death sentence need not be imposed and that a sentence of imprisonment for life would serve the interests of justice. As settled by law, **life imprisonment means imprisonment for the remainder of the natural life of the accused**, if it was not commuted by the appropriate government.

161. Generally, a mother is a person whose love for her child is boundless, often expressed not in spoken words, but in the silent whispering, “**love you to the moon and back**”. Unfortunately, here the mother committed the homicide of her child in a brutal and diabolical manner. A strained domestic relationship shall not give any right to take the life of a child by budding from the nipp. The act of the accused does not deserve any mercy in a civilized society. Thus, the punishment shall not be too lenient to serve the interest of justice. I

conclude by recalling the words of Ernest Hemingway, “**the smallest coffins are the heaviest.**”

**In the result**

1. The first accused is sentenced to undergo **imprisonment for life** and to pay a fine of **₹1,00,000** (Rupees One Lakh only) for the offence punishable under **Section 302** of the **Indian Penal Code**.
2. In default of the payment of the fine, the accused shall undergo an additional rigorous imprisonment for one year.
3. The first accused is found not guilty of the offences under **Sections 109 and 120B** of the **Indian Penal Code**, and she is acquitted of the sections.
4. The second accused is found not guilty of the offences under **Sections 302, 109 and 120B** of the **Indian Penal Code**, and he is acquitted.
5. The bail bond of the second accused is cancelled, and he is set at liberty.
6. If the fine amount is realized from the first accused, the full amount shall be paid to the father of the deceased Viyan, PW1, as compensation under **Section 357(1)(b) of Cr.P.C.**
7. The first accused was in Judicial custody from **18.02.2020 to 08.07.2021** for 507 days. Therefore, she is entitled to set off for the periods under **Section 428 of Cr.P.C**, as guided by *Bhagirath V. Delhi Administration, AIR 1985 SC 1050*.
8. The material objects, except MO10 and MO14, being valueless, shall be destroyed as per the rules after the appeal period and, if the appeal is preferred, subsequent to the disposal of the appeal.

*(Dictated to the Confidential Assistant, transcribed and prepared by her, in computer, corrected and pronounced by me in open court on the 22<sup>nd</sup> day of January 2026.)*

Sd/

**ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
TALIPARAMBA**

**WITNESSES FOR THE PROSECUTION**

<b>PW's</b>	<b>CW's</b>	<b>Name</b>	<b>Details</b>
PW1	CW1	Pranav.K	Other Witness
PW2	CW2	Arshidas.K	Other Witness
PW3	CW5	Ragesh.V	Other Witness
PW4	CW8	Nelson Nicholas (Rtd.S.I)	Police Witness
PW5	CW9	Reena Valsaraj	Other Witness
PW6	CW7	Pushparaj.U	Other Witness
PW7	CW16	Latheef.C	Other Witness
PW8	CW18	Arun.C.	Other Witness
PW9	CW20	Jishnuraj.V.K	Other Witness
PW10	CW21	Raveendran.A (Rtd.Security Guard)	Other Witness
PW11	CW23	Vindesh.U	Other Witness
PW12	CW27	Arun.U	Other Witness
PW13	CW25	Sunil.M	Other Witness
PW14	CW28	Rakil	Other Witness
PW15	CW29	Vijesh.K (CCTV Technician)	Other Witness
PW16	CW32	Shiju.P.P (CPO)	Police Witness
PW17	CW33	Sathya Babu.M (Rtd.Revenue Officer)	Other Witness
PW18	CW34	Sunilkumar.P (Village Officer)	Other Witness
PW19	CW35	Nikhil Dinesh (Birth Death Registrar)	Other Witness
PW20	CW31	Dr.Helna.A.K (Scientific Officer)	Police Witness
PW21	CW36	Baburaj.P.V. (SCPO, Dog Squad)	Police Witness
PW22	CW37	Praveen (GASI)	Police Witness

PW23	CW38	Vineesh (CPO)	Police Witness
PW24	CW19	Akhil.K	Other Witness
PW25	CW39	Shibu (CPO)	Police Witness
PW26	CW40	Sarosh (SCPO)	Police Witness
PW27	CW42	Ajeesh (CPO)	Police Witness
PW28	CW44	Mahesh.P.P (SCPO)	Police Witness
PW29	CW45	Shaji.P.L (GASI)	Police Witness
PW30	CW46	Rajesh.K.V (SCPO)	Police Witness
PW31	CW43	Bindu Satheesh (SCPO)	Police Witness
PW32	CW47	Gopinath (GASI)	Police Witness
PW33	CW48	Shajan.E.F (SCPO)	Police Witness
PW34	CW50	Sakkeera.T.K. (SCPO)	Police Witness
PW35	CW51	Justine (CPO)	Police Witness
PW36	CW52	Prajith.M (CPO)	Police Witness
PW37	CW55	Bins Jose KT (Photographer)	Other Witness
PW38	CW58	Jishamol	Police Witness
PW39	CW59	Jithun (Painter)	Other Witness
PW40	CW56	Aji Shankar	Other Witness
PW41	CW60	Dr.Anumod.N.P	Other Witness
PW42	CW61	Dr.Nazneen.K.Kabeer	Other Witness
PW43	CW62	Sunil Kumar.T (SI)	Police Witness
PW44	CW53	Saju.B (RT Officer)	Other Witness
PW45	CW64	Vasudevan	Other Witness
PW46	CW63	Satheesan.P.R.	Police Witness
PW47	CW65	Dr.Gopalakrishna Pillai	Other Witness

### EXHIBITS FOR THE PROSECUTION

Exhibits	Description	Witness	Date
P1	Fist Information Statement	PW1	17-02-2020
P2	Inquest Report	PW2	17-02-2020
P3	Scene Mahazar	PW3	17-02-2020
P4	Portion of 161 statement	PW5	26-02-2020
P5	Observation Mahazar	PW6	19-02-2020

P6	Observation Mahazar	PW7	10-03-2020
P7	Observation Mahazar	PW9	26-02-2020
P8 series	Photos (Bike) 4 nos.	PW9	--
P9	Observation Mahazar	PW10	26-02-2020
P10	Seizure Mahazar	PW13	19-02-2020
P11 series	Photos (18 nos. 6 sheet)	PW16	--
P12	Ownership Certificate	PW17	29-02-2020
P13 series	Site Plans (3 nos.)	PW18	07-05-2020
P14	Birth Certificate	PW19	07-03-2020
P15	CD	PW15	--
P16	CD 65B Certificate	PW15	03-03-2020
P17	Dog squad investigation report	PW21	17-02-2020
P18	Arrest memo	PW22	27-02-2020
P18(a)	Inspection memo	PW46	27-02-2020
P19	Seizure mahazar	PW23	03-03-2020
P20	Seizure mahazar	PW24	26-02-2020
P21	Copy of Ration Card	PW24	--
P22	Copy of Passport	PW24	--
P23	Note book	PW24	--
P23(a)	Portion of first page of note book	PW46	05-01-2020
P23(B)	Portion of last page of note book	PW46	--
P24 series	Photos (2 nos)	PW24	--
P25	Aadhar Card copy	PW24	--
P25(a)	Tax receipt	PW46	15-10-2019
P26	Seizure mahazar	PW25	27-02-2020
P27	Seizure mahazar	PW25	27-02-2020
P28	Seizure mahazar	PW27	17-02-2020
P29	Seizure mahazar	PW27	17-02-2020
P30	Seizure mahazar	PW28	17-02-2020
P31	Seizure mahazar	PW28	17-02-2020
P32	Arrest Memo	PW29	18-02-2020
P33	Seizure mahazar	PW31	18-02-2020
P34	Seizure mahazar	PW31	20-04-2020

P35	Diary	PW31	--
P36	CD	PW32	--
P37	65B Certificate	PW32	17-06-2020
P38	Seizure mahazar	PW33	19-06-2020
P39	Blood Sample Report	PW34	11-09-2020
P40	Seizure mahazar	PW35	12-09-2020
P41	Certificate	PW35	12-09-2020
P42	Seizure mahazar	PW36	11-09-2020
P43 series	Sample handwriting (10 nos)	PW38	03-07-2020
P44 series	CAF, ID, CDR, 65B Certificate (4 nos)	PW40	--
P45	FIR No.54/2020	PW43	17-02-2020
P46	RC Particulars	PW44	--
P47	Report	PW44	09-06-2020
P48 series	CAF, ID, CDR (3 nos)	PW45	
P49 series	CAF, ID, CDR (3 nos)	PW45	
P50 series	CAF, CDR (2 nos)	PW45	--
P51	65 B Certificate	PW45	30-06-2020
P52	Section altering report	PW46	17-02-2020
P53 series	Certificate and Sample seal (2 nos.)	PW46	17-02-2020
P54	Section altering report	PW46	17-02-2020
P55	Confession Extract	PW46	18-02-2020
P56	Confession Extract	PW46	18-02-2020
P57	Name and address adding report	PW46	18-02-2020
P58	Seizure mahazar	PW46	18-02-2020
P59	Inspection memo	PW46	18-02-2020
P60 series	Request and order (2 nos)	PW46	22-06-2020
P61	Request	PW46	05-07-2020
P62 series	Standard Requisition Form (2 nos)	PW46	09-07-2020
P63	Forensic Report	PW46	--
P64 series	Property lists (6 nos.)	PW46	19-02-2020
P65	Property list	PW46	17-02-2020
P66	Property list	PW46	17-02-2020
P67	Forwarding note	PW46	18-02-2020

P68	RFSL report	PW46	19-02-2020
P69	Forwarding note	PW46	17-02-2020
P70	RFSL report	PW46	09-09-2025
P71	Document list	PW46	
P72	Section adding report	PW46	27-02-2020
P73	Section adding report	PW46	27-02-2020
P74	Postmortem Certificate	PW46	22-02-2020
P75	Kacheet	PW46	28-07-2020
P76	Correction report	PW46	23-04-2020
P77	Property list	PW46	04-07-2020
P78 series	Photos	PW46	--
P79	Property list	PW46	25-03-2020
P80	Requisition	PW46	--
P81	DNA report	PW46	30-01-2021

### DEFENCE EXHIBITS

D1	Portion of 161 statement	PW1	17-02-2020
D2	Portion of 161 statement	PW5	--
D3	Portion of 161 statement	PW9	--

### MATERIAL OBJECTS

No	Description	Witness
MO1	Baniyan Shirt	PW1
MO2	Trouser	PW1
MO3 series	Anklets	PW1
MO4	Aranjanam	PW1
MO5 series	Bangles	PW1
MO6	Chain	PW1
MO7	Kavi dhoti	PW1
MO8	Full Sleeve black shirt	PW1
MO9 series	Chappals	PW1
MO10	Samsung mobile phone	PW1

MO11 series	Churidar set (top, pant, shawl)	PW1
MO12	Chappals (A1)	PW1
MO13 series	Cover (3 nos.)	PW20
MO14	Mobile Phone	PW25
MO15 series	SIM Cards (2 nos)	PW25
MO16 series	Cover and equipment with blood	PW34
MO17 series	Cover and equipment with blood	PW35
MO18	Nightly	PW46
MO19	Jeans pant	PW46

### **COURT EXHIBITS**

C1	Report issued by City Police Commissioner, Kannur	20-01-2026
C2	Report issued by SHO, Kannur City Police Station	20-01-2026
C3	Letter from Women Prison, Kannur	20-01-2026

### **WITNESSES FOR THE DEFENCE** - NIL

Sd/

**ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
TALIPARAMBA**

