



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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IN RE PALANI GOUNDAN: A STUDY ON CAUSATION AND CRIMINAL LIABILITY

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Introduction

Causation lies at the heart of criminal liability. Before punishment can be imposed, the law must establish a legally recognised connection between the accused's conduct and the prohibited consequence.¹ *Palani Goundan, In re*² is a striking case study precisely because factual causation was never in doubt. Although the accused first struck his wife on the head, the medical evidence conclusively showed that she died from the subsequent hanging, not from the earlier blow.³ What troubled the Full Bench of the Madras High Court was a more fundamental question: whether that plain causal chain, by itself, was enough to convict the accused of murder, or whether the law demanded that his guilty mind coincide with the very act that caused death. The Full Bench answered that it did, acquitted him of both murder and culpable homicide, and left him convicted only of grievous hurt on remand.⁴ This commentary examines the case through the lens of causation by contrasting the competing approaches available on the facts: a murder conviction reached by treating the blow and the hanging as one causal transaction, and the grievous-hurt conviction the Court ultimately delivered by treating them as legally distinct, and asks which better reflects the principles of criminal liability under Indian law.

Facts and Procedural History

¹ P.S.A. Pillai, *Criminal Law* 29 (11th ed. 2012).

² *Palani Goundan, In re*, ILR 42 Mad. 547 (1919) [hereinafter *Palani Goundan*].

³ *Id.* at 548-49.

⁴ *Id.* at 558.

The accused struck his wife on the head with a ploughshare, rendering her unconscious. Believing that she had already died, and intending to create the appearance of suicide, he hanged her from a beam. The post-mortem report revealed that the blow itself was not shown to be likely to cause death, and that she had in fact died of asphyxiation caused by the hanging. The Sessions Court at Coimbatore convicted the accused of murder under *Section 302 of the Penal Code* and sentenced him to death.⁵ On a reference for confirmation, the Division Bench differed on the legal effect of the facts as found and referred the matter to a Full Bench comprising *Wallis, C.J., Sadasiva Ayyar, and Coutts Trotter, JJ.*, to determine whether the accused had, in law, committed the offence of murder.⁶ The Full Bench held that he had committed neither murder nor culpable homicide not amounting to murder, and the matter went back to the Division Bench, which convicted him of grievous hurt.⁷

Causation in Criminal Law: Factual Chain and Legal Attribution

Indian criminal law requires courts to address two distinct questions of causation, both of which come into sharp focus in *Palani Goundan*. The first is factual causation: whether the consequence would have occurred but for the accused's conduct.⁸ On the facts, this issue was never in dispute. The hanging, and not the earlier blow, was the immediate cause of the victim's death. The second and harder question is legal, or imputable, causation: whether the law will treat that factual chain as the cause of an offence, which in turn depends on whether an intervening act breaks the chain, and whether the accused's guilty mind attaches to the link that actually produced the result. English law's general rule is that an intervening act will rarely break the chain of causation unless it renders the original act merely part of the history of the case.⁹ *Section 299 of the Penal Code*, however, introduces a further requirement for homicide: it is not enough that the accused's conduct factually caused death; the requisite intention, knowledge, or likely-bodily-injury element must relate to a person who is alive, or whom the accused believes to be alive.¹⁰ *Palani Goundan* is thus a case where factual causation was

⁵ Penal Code, 1860, § 302 (India).

⁶ *Palani Goundan*, *supra* note 2, at 556.

⁷ *Id.* at 558.

⁸ Pillai, *supra* note 1, at 29; see also Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* ch. VII, paras. VI-VII (Clarendon Press, 1789).

⁹ *Regina v. Smith*, [1959] 2 Q.B. 35.

¹⁰ *Palani Goundan*, *supra* note 2, at 557; Penal Code, 1860, § 299 (India).

complete but the further, mental link that Indian criminal law separately demands was, on the Full Bench's view, missing.

The Case for Murder: The Single-Transaction Theory

The stronger case for a murder conviction rests on treating the blow and the hanging as one causal transaction rather than two severable acts. This was precisely the prosecution's argument before the Full Bench, drawn from *Parsons, J.'s* dissenting view in *Queen-Empress v. Khandu*, that where acts follow closely upon one another and are intimately connected, and the accused originally intended to kill, the offence of murder is committed even if the immediate cause of death was the second act.¹¹ The Madras High Court adopted this approach on substantially similar facts in *Kaliappa Goundan, In re*.¹² On this view, causation is not confined to the narrow physical event that produced death; it extends backward to capture the entire course of conduct initiated by the accused, so that his original intent travels forward with the causal chain even though his belief about the victim's condition changed mid-course.¹³ A similar approach was adopted by the Privy Council in *Thabo Meli v. R.*, where it rejected the argument that liability could be avoided merely because the accused mistakenly believed that the intended result had already been achieved before his own later act actually caused death.¹⁴ The English Court of Appeal approved this single-transaction approach in *Regina v. Church*,¹⁵ though Indian courts, curiously, almost never cite *Thabo Meli* after 1954. If the Full Bench in *Palani Goundan* had accepted this framing of causation, the accused's intention at the time of the first blow would have extended to the fatal hanging, and a murder conviction would have followed.

The Case for Grievous Hurt: The Full Bench's Approach

The Full Bench took the opposite view of causation, and it is this reasoning that actually decided the case. *Wallis, C.J.* held that, for the purposes of homicide, legal causation must relate to a person who is alive, or whom the accused believes to be alive. Once the accused believed that his wife had already died, the hanging, although the factual cause of death, could no longer be linked to a homicidal intention because no such intention existed at the

¹¹ *Queen-Empress v. Khandu*, ILR 15 Bom 194, 197 (1890).

¹² *Kaliappa Goundan, In re*, 1933 SCC OnLine Mad 138; see also Manan Bansal, *The Curious Case of Palani Goundan, In re - A Fresh Prosecutorial Perspective*, 2023 SCC OnLine Blog OpEd 120, at 3 [hereinafter Bansal].

¹³ *Thavamani v. Emperor*, 1943 SCC OnLine Mad 85.

¹⁴ *Thabo Meli v. R.*, [1954] 1 W.L.R. 228, 230 (P.C.).

¹⁵ *Regina v. Church*, [1966] 1 Q.B. 59.

time of the fatal act.¹⁶ *Napier, J.*, in his order of reference, had been troubled by the moral cost of this conclusion, observing that hanging a person without absolute knowledge that she is dead, is a grave violation of natural rights for which an offender should suffer the consequences.¹⁷ Even so, he agreed that the hanging could not be treated as part of the same transaction as the earlier assault. On this approach, causation splits into two separate chains: the initial blow that produced unconsciousness and grievous hurt, for which the accused was rightly convicted under Section 326;¹⁸ the subsequent hanging that produced death, but that chain could not support a conviction for homicide because the requisite mens rea was absent at that stage. Later decisions have considerably narrowed this second, weaker link. In *Sarathi v. State of M.P.*, the court held that an accused who hangs a victim without knowing whether the victim is alive or dead possesses the knowledge that such an act is likely to cause death, thereby attracting liability under Section 304, Part II, without invoking the single-transaction doctrine.¹⁹ Similarly, *Waryam Singh v. Emperor* illustrates the limited operation of the defence of good faith where an accused honestly, though mistakenly, believes the victim to be non-human, secured a full acquittal.²⁰ The Supreme Court's refusal to extend that same defence to an unfounded belief in witchcraft in *Ashok Laxman Sohoni v. State of Maharashtra* shows how far the law has since narrowed such beliefs.²¹

Competing Approaches to Legal Causation

Neither outcome is causally arbitrary because each answers a different question about where the law should draw the line of legal causation. Treating the entire sequence of events as a single transaction protects the deterrent function of criminal law by preventing an accused from escaping liability because of a mistaken belief about a consequence brought about by his own initial violence. However, the contrary approach safeguards the principle that criminal liability for homicide must rest upon a guilty mind along with the act that causes death, rather than one formed at an earlier stage. B.B. Pandey's comparative study of these "paradox" cases across common law jurisdictions suggests that the difference often turns less on any settled causal theory than on how a court chooses to characterise the accused's conduct, whether as single

¹⁶ Palani Goundan, *supra* note 2, at 557.

¹⁷ *Id.* at 552.

¹⁸ *Id.* at 558; Penal Code, 1860, § 326 (India).

¹⁹ *Sarathi v. State of M.P.*, 1975 SCC OnLine MP 89.

²⁰ *Waryam Singh v. Emperor*, 1926 SCC OnLine Lah 331; Penal Code, 1860, § 52 (India).

²¹ *Ashok Laxman Sohoni v. State of Maharashtra*, (2001) 2 SCC 171.

transaction or two distinct acts.²² Section 36 of the Penal Code, which recognises that an offence may result partly from an act and partly from an omission, arguably offered the Full Bench a statutory basis for adopting an intermediate approach, but neither the Court nor the prosecution explored that possibility.²³

Conclusion

Palani Goundan remains a leading authority on causation in Indian criminal law because it compels a choice between two competing conceptions of criminal liability. The grievous-hurt outcome is defensible in treating legal causation narrowly and refusing to attribute homicidal liability where the accused believed the victim was already dead. Equally compelling, however, is the single-transaction approach adopted in *Kaliappa Goundan* and later endorsed in *Thabo Meli*, which treats the accused's conduct as one continuous enterprise initiated with the intention to kill. More than a century later, Indian courts have yet to adopt a consistent approach, leaving *Palani Goundan* not as a case that settled the law, but as one that continues to expose the enduring tension between factual causation and the principles of criminal liability.

²² B.B. Pandey, Paradoxes in Common Law of Crime: A Comparative Analysis of Criminal Law of United Kingdom, Hong Kong and India, 50 J. Indian L. Inst. 303 (2008).

²³ Penal Code, 1860, § 36 (India).