

**THE HON'BLE SRI JUSTICE K.C.BHANU
AND
THE HON'BLE SMT. JUSTICE ANIS
CRIMINAL APPEAL No. 780 OF 2010**

JUDGMENT: (Per the Hon'ble Smt. Justice Anis)

1. This Criminal Appeal, under Section 374(2) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is directed against the judgment dated 06.04.2010 in Sessions Case No.618 of 2009 on the file of the learned Additional Sessions Judge, Hindupur, whereunder and whereby the appellant/sole accused was found guilty of the offence punishable under Section 302 of the Indian Penal Code, 1860 (for short, 'IPC') and accordingly convicted and sentenced him to undergo imprisonment for life.

2. The case of the prosecution, in brief, is as follows:

One Sidda Basha (hereinafter referred to as 'deceased') was studying second standard in elementary school, Odulapalli. The accused was working as cleaner of the lorry of PW6 Bonala Dasthagiri. On 04.01.2009 at about 6.00 p.m., the accused went to the house of driver Prasad where both were consumed arrack. On the same day at 11.00 p.m., the said Prasad dropped the accused at the lorry in Odulapalli village on his bicycle and while returning, he committed theft of telephone coin box of PW8 Sreenivasulu. On the next day i.e. on 05.01.2009 at about 6.00 a.m., PW8 noticed the theft of his telephone coin box. In this regard, PW2 – father of the deceased, PW6 – lorry owner and other villagers scolded the accused about the theft of coin box. The accused informed them that he was innocent and he has not committed the theft of telephone coin box

of PW8. Then, PW2 beat the accused indiscriminately and insulted the accused in the public. In this connection, a panchayat was also conducted by PW10 Indukuri Surendra Reddy and other villagers where the said Prasad admitted the offence and decided to pay Rs.2,000/- as penalty. Thus, the accused grew wild and bore grudge against PW2 for the above incident.

While so, on 05.01.2009 afternoon, the deceased and daughter of PW6 were playing in the cabin of lorry. On seeing the deceased boy, the accused decided to murder him in order to take revenge against PW2 who insulted him in the public though he is innocent. After some time, the daughter of PW6 went to school. Then, the accused called the deceased and gave Rs.2/- to purchase confectionaries at petty kirana shop. The deceased brought two chekkalalu and one bongula pocket and handed over the same to the accused. Then, the accused induced the deceased and took him to the fields of red gram crop near hillock and the same was witnessed by PW12 Bukya Pedda Kullayappa. Later, the accused shut the mouth of the deceased with his hand, laid him down, took out a stone and hit him on his forehead and chest indiscriminately. The accused also hit a blow to the testicles of the deceased, due to which the deceased died on the spot. After committing the murder of the deceased, the accused came to the bore well pump at RDT Office, Odulapalli village, washed his hands, went to pial near the house of PW6 and sat there. PWs 1 and 2 and others came to know about missing of the deceased boy in the village and school. On 06.01.2009, while PW4 Alur Sanjeevulu was going near the scene of offence to answer calls of nature, he noticed the dead body of the deceased and informed the same to PWs 1 and 2 – parents of the deceased. Immediately, PWs 1 and 2 came to the scene of

offence and found the dead body of the deceased. PW1 – mother of the deceased gave Ex.P.1 complaint to the Sub-Inspector of Police and the same was registered as a case in Crime No.1 of 2009 for the offence punishable under Section 302 IPC.

During the course of investigation, the police visited the scene of offence and took photographs of the scene of offence and the dead body of the deceased. The police also pressed dog squad into service during investigation. PW6, PW7 and PW8, while recording their statements, suspected that the accused would have killed the deceased due to ill-feelings against PW2. The accused was also found absconding from the village.

On 12.01.2009, the accused approached PW14 Kurla Kaluva Narayana, V.R.O. and made extra-judicial confession in his presence about the murder of the deceased. Then, PW14 reduced the confessional statement of the accused into writing as in Ex.P.5 and produced the accused along with Ex.P.5 before PW17 Inspector of Police. The accused also confessed before the police in the presence of mediators. In pursuance of the confession, the police seized bloodstained clothes of the accused and arrested the accused.

PW15 Medical Officer conducted autopsy over the dead body of the deceased and sent viscera to the Regional Forensic Science Laboratory (RFSL). The police also sent the seized material objects to the RFSL for examination. After receipt of reports from RFSL and after completion of investigation, the police filed the Charge sheet into the Court.

3. The trial Court framed the following Charge against the accused:

“That you on 5-1-2009 afternoon while the deceased Avula Sidda Basha was playing in the cabin of the

lorry, you having grudge against Avula Moulali as he beat you and insulted you in the public with regard to theft of telephone coin box, took the deceased being the son Moulali to the fields of red gram crop near hillock, did commit murder of by intentionally and knowingly causing death of Avula Sidda Basha shut his mouth from his back with your hand and laid him down took a stone and hit him on his head indiscriminately due to which the deceased died on the spot and that you thereby committed an offence punishable under Section 302 of the Indian Penal Code and within my cognizance.”

When the said charge was read over and explained to the accused, he pleaded not guilty and claimed to be tried.

4. To substantiate its case, prosecution examined PWs. 1 to 17 and got marked Exs.P.1 to P.15, besides case properties MOs 1 to 5.

5. After closure of prosecution side evidence, the accused was examined under Section 313 Cr.P.C. to explain the incriminating circumstances found against him in the evidence of prosecution witnesses. The accused denied the same and stated that he had no defence witnesses, but marked Exs.D.1 and D.2 during the cross-examination of PWs 7 and 8 respectively.

6. Upon considering the evidence on record, the trial Court found the accused guilty and accordingly convicted and sentenced him as stated supra. Aggrieved thereby, the present Criminal Appeal is preferred by the accused.

7. Now, the points that arise for determination are –

1. Whether the cause of death of the deceased is homicidal in nature?

2. Whether the prosecution is able to prove the guilt of the appellant/accused for the offence punishable under Section 302 IPC beyond all reasonable doubt?
3. Whether the judgment of the trial Court is correct, legal and proper or not?

8. The learned counsel for the appellant/accused argued that there are no direct witnesses to the incident; that the entire case rests upon the circumstantial evidence; that the Court below believed the contents of extra-judicial confession and last seen theory; that basing on the assumptions and presumptions, the trial Court convicted the accused; that the prosecution failed to prove that the accused himself took the deceased from the school; that PW12 turned hostile and did not support the case of prosecution to prove the last seen theory, and finally, prayed the Court to allow the appeal.

The learned counsel further argued that in case if the Court comes to a conclusion that the appellant committed the murder of the deceased, lenient view may be taken as the appellant is in jail for about five years.

9. The learned Public Prosecutor argued that when the telephone coin box of PW8 was stolen by one Prasad, all the villagers suspected that the accused was the person who committed theft and beat him; that PW2 specifically abused the accused before the public, as such the accused had developed grudge and motive to kill the son of PW2; that the accused made a confessional statement voluntarily before the mediator and the said confession is sufficient to convict the accused; that the evidence produced by the prosecution clearly established the guilt of the accused; that the trial Court, after considering the entire

evidence, held that the accused committed the offence punishable under Section

302 IPC and the said finding needs no interference, and finally, prayed the Court to dismiss the appeal.

10. **Points:**

PW1, who is the mother of the deceased boy, gave a complaint to the police under Ex.P.1. The said complaint was registered by the Sub-Inspector of Police, Talupula as a case in Crime No.1 of 2009 for the offence punishable under Section 302 IPC and issued FIR under Ex.P.8.

11. In Ex.P.1, PW1 stated that their eldest son Sidda Basha was aged about 7 years and was studying 2nd class in M.P.P. School of their village; that on 03.01.2009, she went to the village of her maternal uncle and returned on 05.01.2009; that at 4.00 p.m. on that day, one girl by name Noushad came and handed over the books of her son; that on enquiry, the teachers informed that her boy went to answer calls of nature and not returned; that they made searches in the village and neighbouring places; that on 06.01.2009 at about 6.00 a.m., PW4 came to their house and told that he has seen the dead body of their son in the patta land of Ramachandra and that they immediately rushed to the spot and found the dead body of their son with bleeding injuries.

12. After receiving FIR, PW16 conducted inquest in the presence of PW11 and one Maheswar Raju under Ex.P.2 and sent the dead body for post-mortem examination.

13. PW15, who is the civil Assistant Surgeon, Government Area Hospital, Kadiri, conducted the post-mortem examination over the dead body of the deceased on 07.01.2009 and found the following

external injuries:

1. A incised laceration of size 10 x 2 x 1 cm present on the right side of the occipital bone.
2. 12 x 5 x 3 cm incised laceration present on the right eye brow.
3. Blackening of the right eye present.
4. 10 x 4 x 3 cm incised laceration present on the left aspect of the left eye present.
5. Contusion of 6 x 3 cm present on the front of the left shoulder.
6. Abrasion of the size 6 x 3 cm present on the pubic symphysis.
7. Abrasion of the size 6 x 4 cm present on the front of the lower right thigh.
8. Abrasion of 3 x 4 cm present on the left popliteal foss.
9. Abrasion of 3 x 3 cm each pm on the both buttock.

On internal examination, PW15 also found fracture of right parietal bone present and haematoma of 300 ml of blood clot present on the parietal lobe of the brain. PW15 in his opinion stated that the deceased died due to shock and haemorrhage due to injury to head and brain matter. Ex.P.6 is the post-mortem examination certificate.

14. A perusal of the evidence of PW1, PW4 and PW11 coupled with the evidence of PW15 and the Investigating Officer and also the post-mortem examination certificate established the fact that the death of the deceased is a homicidal one.

15. In the present case, there are no direct witnesses to the incident in question and the prosecution is relying upon the

circumstantial evidence. It is well settled principle of law that when the conviction is sought on circumstantial evidence, all the sets of circumstantial evidence must be proved and if proved, those should have the tendency to conclusively point out that it was the accused who in all probability perpetrator of the crime. The burden is lying on the prosecution to establish each set of circumstances by adducing the evidence.

16. In the present case, the prosecution is relying on four circumstances, viz.,

1. The motive to commit murder of the deceased boy;
2. Extra-judicial confession made by the accused before PW14 VRO;
3. Recovery of bloodstained clothes of the accused; and
4. Medical evidence to the effect that the cause of death of the deceased boy was due to shock and haemorrhage due to injury to head and brain matter.

17. PWs 1 and 2, who are the parents of the deceased, stated that about one year ago the deceased went to school but did not return to their house. Thereafter, they came to know that the deceased was missing from the school after he went to pass urine. On 06.01.2009, they came to know that the dead body of their son was lying in the fields of Ramachandraiah. PWs 1 and 2 further stated that one day prior to the alleged incident, the accused committed theft of telephone coin box of PW8 and in that regard PW2 chastised the accused in the presence of public, therefore, the accused bore grudge against PW2 and killed their son.

18. PW6 and PW8 supported the evidence of PWs 1 and 2 regarding PW2 chastised the accused before the villagers with

respect to committing theft of telephone coin box.

19. PW3 stated that he was working as a cook in M.P.P. School. He further stated that he came to know that the dead body of the deceased was lying in the fields of Ramachandrappa and immediately he along with others went there and found the deceased with injuries.

20. PW4 is the person who saw the dead body of the deceased lying in the fields of Ramachandra and informed the same to the parents of the deceased.

21. PW5 – teacher deposed that the deceased was studying 2nd class in their school. She deposed that on the date of incident, the deceased attended the school and left the school at 3.00 or 3.15 p.m. to pass urine, but he did not return back to the school, therefore she sent the books of the deceased through one girl to the house of PW1. She further deposed that she came to know that the deceased boy was died.

22. The evidence of PW7, who is the wife of PW6, is similar to that of PW6 that she came to know about the death of the deceased. She further stated that the accused committed the theft of telephone coin box and in that regard PW2 chastised the accused, therefore the accused bore grudge and murdered the son of PWs 1 and 2.

23. PW9 was also student of M.P.P. School, Odulapalli. He deposed that about one year ago he handed over the school books of the deceased to PW1 as per the instructions of PW5. He further deposed that he came to know that the deceased was done to death.

24. PW10 stated that he is the resident of B.Kothapalli village; that about 1 ½ year back, he noticed that there was a galata between the accused and PW2 relating to theft of telephone coin box, then he advised PW2 to give a complaint against the accused; that thereafter the accused and one Prasad confessed about committing theft of telephone coin box and also assured that they will get back the telephone coin box; that he came to know that the accused murdered the deceased and that the police brought the service of sniffer dogs where the dogs went to the house of the accused.

25. The evidence of PW12 is not useful because he turned hostile and did not support the case of prosecution.

26. PW13 deposed that one year back on one day the accused confessed for having involved in the offence before the police. He further deposed that the police seized the clothes of the accused under the cover of Ex.P.4 Mahzar. He further deposed that MOs 3 and 4 are the bloodstained clothes of the accused.

27. The evidence of PW14 is very much important to the case of prosecution. According to him, he is working as V.R.O., Udumalakunta village; that on 12.01.2009 at about 11.00 a.m. while he was in his office, the accused approached him and confessed that he murdered the deceased minor boy; that he recorded the extra-judicial confession statement of the accused under Ex.P.5 and that he produced the accused before the police.

28. PW16 is the Inspector of Police. He deposed that he took up investigation, conducted the scene of offence panchanama, conducted inquest in the presence of mediators, took photographs of the scene of offence under Exs.P.10 and P.11 and sent the

dead body of the deceased for post-mortem examination.

29. PW17 deposed that he verified the investigation done by PW16. He further deposed that on 12.01.2009 at 10.00 a.m. he visited the Talupula police station and discussed with the Sub-Inspector of Police about the whereabouts of the accused, and on the same day at 11.30 a.m. PW14 VRO came to the police station along with the accused with Ex.P.5 extra-judicial confession of the accused. Then, he secured the presence of independent mediator PW13 and in his presence the accused confessed about committing the offence. He further deposed that Ex.P.4 is the arrest mahazar and MOs 1 to 5 were sent to the RFSL under Exs.P.12 and P.13 letters of advice. He further deposed that he received reports from RFSL under Exs.P.14 and P.15.

30. As stated above, the entire case of prosecution rests on the circumstantial evidence relating to the death of the deceased boy. In a decision reported in *Padala Veera Reddy Vs. State of Andhra Pradesh and others*^[1], the Hon'ble Supreme Court held as follows:

“Before adverting to the arguments advanced by the learned Counsel we shall at the threshold point out that in the present case here is no direct evidence to connect the accused with the offence in question and the prosecution rests its case solely on circumstantial evidence. This Court in a series of decisions has consistently held that when a case rests upon circumstantial evidence, such evidence must satisfy the following tests :

- (1) the circumstances from which an inference of guilt is sought to be drawn, must be cogently and firmly established;
- (2) those circumstances should be of a definite tendency unerringly pointing towards guilt of the accused;
- (3) the circumstances, taken cumulatively, should form a

chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else; and

- (4) the circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence.”

31. In the present case, a perusal of the evidence of witnesses shows that prior to the alleged incident, the accused and one Prasad alleged to have committed theft of telephone coin box of PW8. Then, PW2 – father of the deceased along with other villagers chastised the accused, due to which the accused bore grudge against PW2 and according to the prosecution the same was the motive for the accused to kill the son of PW2.

32. The prosecution is also relying on the extra-judicial confession of the accused before PW14. Ex.P.5 is the statement recorded by PW14 wherein the accused confessed as follows:

“On 4.1.2009 night, one coin box belonging to one Sreenivasulu of Odulapalli village was stolen by somebody. In that affair, one Yerikala Prasad, who is native of Bandameedapalli and two others beat and harassed me in Bandameedapalli unnecessarily. One Moulali beat me with legs and sticks and harassed me. Afterwards, I was proved as an innocent person, without showing any mercy, abused me with filthy language and beat me. So I bore grudge against Moulali. On 5.1.2009 evening at about 4-00 P.M. I killed one Siddi Basha S/o Moulali with stone. Afterwards not to suspect me by the police persons, if they suspect me they will encounter me. Due to that fear, I escaped from the house and wandering. If I surrender before police through your officials, they did not encounter me. Due to that purpose I came and surrender before you. I request you to kindly produce before Talupula police, not to beat me by the police.”

33. The learned counsel for the accused argued that Exs.P.4 and P.5 cannot be relied upon as they are not admissible in evidence and further it was not given voluntarily by the accused. There is no dispute about the legal proposition that the extra-judicial confession is generally a weak type of evidence and no conviction ordinarily can be based solely thereupon unless same is corroborated in material aspects. However, the Hon'ble Supreme Court time and again in various judgments held that the extra-judicial confession if voluntary can be relied upon by the Court in convicting the accused. In a decision reported in *Ratan Gond Vs. State of Bihar* ^[2], the Hon'ble Supreme Court held at Paras 9 and 13 as follows:

"9. Let us first see if the confession was voluntary. Section 24 of the Evidence Act states :

"A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the court to have been caused by any inducement, threat or promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the court, to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him."

13. To sum up : we see no reasons to differ from the conclusion arrived at by the courts below that the confessional statement made by the appellant was voluntary and admissible; there are no reasons for thinking that it was not true. The circumstances clearly proved against the appellant, even excluding the circumstance which rested on the statements of Aghani, afford sufficient corroboration to the confession of the appellant, though denied at a later stage, and the corroboration is of such a nature as to connect the appellant with the murder of the child Baisakhi. The only reasonable inference which can be drawn from the confession read with the

circumstantial evidence is that the appellant killed the child Baisakhi between May 7, and 8, 1957, in the hope of getting some money. Whether that hope was realised or not is more than we can tell. The head was never recovered, but there can be no doubt that the dead body was correctly identified to be the dead body of the child Baisakhi.

In another decision reported in *Mulk Raj Vs. The State of Uttar Pradesh*^[3], the Hon'ble Supreme Court held at Para 10 as follows:

"10. We must notice another argument of the learned Advocate at this stage. It is said that the exact words used by the Appellant when he made the extra judicial confession were not given and that therefore the confession should be excluded. PWs 1, 5, 6 and 7 repeated before the learned Addl. Sessions Judge what the Appellant stated before them and there is no appreciable difference in the gist of the confession made by the accused. Every one of them stated that the accused had stated that he stabbed the deceased because Amarnath and Milkiraj brought him there to do so. An extra judicial confession, if voluntary, can be relied upon by the Court along with other evidence in convicting the accused. The confession will have to be proved just like any other fact. The value of the evidence as to the confession just like any other evidence, depends upon the veracity of the witness to whom it is made. It is true that the Court requires the witness to give the actual words used by the accused as nearly as possible, but it is not an invariable rule that the Court should not accept the evidence, if not the actual words but the substance were given. If the rule is inflexible that the Courts should insist only on true exact words, more often as not, this kind of evidence, sometimes most reliable and useful, will have to be excluded; for, except perhaps in the case of a person of good memory, many witnesses cannot repeat the exact words of the accused. It is for the Court having regard to the credibility of the witness, his capacity to understand the language in which the accused made the confession, to

accept the evidence or not. In this case, the confession made by the Appellant was not a complicated one and the witnesses stated without any conflict practically the exact words used by the Appellant and also how they understood the words. In the circumstances, if the evidence of the witnesses is acceptable, there is no reason why the extra judicial confession made by the accused could not be acted upon.”

In another decision reported in *State of Uttar Pradesh Vs.*

M.K. Anthony^[4], the Hon’ble Supreme Court held at Para 10 and 15 as follows:

“10. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the court to scrutinise the evidence more particularly keeping in view the deficiencies, draw-backs and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witness and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief. Minor discrepancies on trivial matters not touching the core of the case, hyper-technical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer not going to the : root of the matter would not ordinarily permit rejection of the evidence as a whole. If the court before whom the witness gives evidence had the opportunity to form the opinion about the general tenor of evidence given by the witness, the appellate court which had not this benefit will have to attach due weight to the appreciation of evidence by the trial court and unless there are reasons weighty and formidable it would not be proper to reject the evidence on the ground of minor variations or infirmities in the matter of trivial details. Even honest and truthful witnesses may differ in some details unrelated to the main incident because power of observation, retention and reproduction differ with individuals. Cross examination is an unequal duel between a rustic

and refined lawyer. Having examined the evidence of this witness, a friend and well-wisher of the family carefully giving due weight to the comments made by the learned Counsel for the respondent and the reasons assigned to by the High Court for rejecting his evidence simultaneously keeping in view the appreciation of the evidence of this witness by the trial court, we have no hesitation in holding that the High Court was in error in rejecting the testimony of witness Nair whose evidence appears to us trustworthy and credible.

15. There is neither any rule of law nor of prudence that evidence furnished by extra-judicial confession cannot be relied upon unless corroborated by some other credible evidence. The courts have considered the evidence of extra-judicial confession a weak piece of evidence. In *Sahoo v. State of U.P.* [1966 CriLJ 68], it was held that 'an extra-judicial confession may be an expression of conflict of emotion, a conscious effort to stifle the pricked conscience; an argument to find excuse or justification for his act; or a penitent or remorseful act of exaggeration of his part in the crime.' Before evidence in this behalf is accepted, it must be established by cogent evidence what were the exact words used by the accused. The Court proceeded to state that even if so much was established, prudence and justice demand that such evidence cannot be made the sole ground of conviction. It may be used only as a corroborative piece of evidence. In that case, the evidence was that after the commission of murder the accused was heard muttering to himself that he has finished the deceased. The High Court did not interfere with the conviction observing that the evidence of extra-judicial confession is corroborated by circumstantial evidence. However, in *Pyara Singh v. State of Punjab* [(1978) 1 SCR 661], this Court observed that the law does not require that evidence of an extra-judicial confession should in all cases be corroborated. It thus appears that extra-judicial confession appears to have been treated as a weak piece of evidence but there is no rule of law nor rule of prudence that it cannot be acted upon unless corroborated. If the evidence about extra-

judicial confession comes from the mouth of witness/witnesses who appear to be unbiased, not even remotely inimical to the accused, and in respect of whom nothing is brought out which may tend to indicate that he may have a motive for attributing an untruthful statement to the accused; the words spoken to by the witness are clear, unambiguous and unmistakably convey that the accused is the perpetrator of the crime and nothing is omitted by the witness which may militate against it, then after subjecting the evidence of the witness to a rigorous test on the touchstone of credibility, if it passes the test, **the extra-judicial confession can be accepted and can be the basis of a conviction. In such a situation to go in search of corroboration itself tends to cast a shadow of doubt over the evidence. If the evidence of extra-judicial confession is reliable, trust-worthy and beyond reproach the same can be relied upon and a conviction can be founded thereon.**"

34. Admittedly, the confessional statement Ex.P.4 made before the police is not admissible in evidence as it is hit by Section 25 of the Indian Evidence Act, 1872. However, a perusal of the confessional statement Ex.P.5 made before PW14 V.R.O. shows that the accused admitted about committing of offence due to grudge against PW2. Further, the confessional statement of the accused was corroborated with the evidence of PWs 1 to 6, 8 and 10. Moreover, the accused is having no animosity with PW14 and there is no inducement or threat to the accused to confess the guilt. Further, in the cross-examination of PW14, nothing has been elicited to disprove his veracity. Therefore, the extra-judicial confession made before PW14 inspires confidence and beyond reproach.

35. The other evidence produced by the prosecution shows that PW17 Inspector of Police seized the material objects i.e. MOs 3 and 4 i.e. bloodstained shirt and lungi of the accused in the

presence of PW13 mediator and later he received Ex.P.15 RFSL report wherein it is mentioned that the shirt and lungi of the accused contained bloodstains of human. Therefore, the extra-judicial confession made before PW14 is also supported by Ex.P.15.

36. Further, according to the prosecution, the deceased was last seen in the company of the accused by PW12 at 3.30 p.m. while they both were going towards hillock side in the village, but PW12 turned hostile. However, the prosecution produced the other material evidence to connect the link. The dead body of the deceased was appeared in the fields of Ramachandra. Ex.P.2 contained that the deceased was sustained head injury which leads to his death and the same was supported by post-mortem examination report. Further, PW3, who is working as cook in M.P.P. School, deposed that he was informed that the deceased boy went to pass urine at about 3.00 p.m. from the school but he did not turn up. PW5 supported the evidence of PW3 and further deposed that she sent the school bag with one girl to the house of PW1. PW9 deposed that about one year ago, PW5 teacher handed over the school bag containing books and asked her to hand over the same in the house of the deceased. PW10 deposed that the sniffer dogs also pressed into service and the dogs went to the house of the accused. Further, the accused approached PW14 and made extra-judicial confession within a week after the death of the boy. It is evident that the clothes of the accused contained human blood. Moreover, the prosecution witnesses categorically stated that the death of the deceased boy occurred immediately on the next day after PW2, the father of the deceased, chastised the accused on the presumption that he himself committed theft of telephone coin box of PW8. Further,

after committing of the offence, the accused absconded from the village for some days till he approached PW14 VRO and gave extra-judicial confession.

37. Therefore, many vital links in the chain of circumstances are properly connected and the evidence produced by the prosecution is consistent, cogent and reliable. Therefore, after considering all these aspects, the trial Court rightly convicted the accused for the offence punishable under Section 302 IPC and the said finding needs no interference by this Court. Further, the trial Court already awarded life imprisonment, therefore taking further lenient view does not arise. Hence, the appeal is devoid of merit and is liable to be dismissed.

38. In the result, the Criminal Appeal is dismissed, confirming the judgment dated 06.04.2010, passed by the learned Additional Sessions Judge, Hindupur, in S.C.No.618 of 2009.

39. Miscellaneous Petitions pending, if any, in this appeal shall stand closed.

(K.C. BHANU, J)

(ANIS, J)

08.07.2015
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THE HON'BLE SRI JUSTICE K.C.BHANU
AND
THE HON'BLE SMT. JUSTICE ANIS

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(per the Hon'ble Smt. Justice Anis)

08.07.2015

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[\[1\]](#) AIR 1990 S.C. 79

[\[2\]](#) AIR 1959 SC 18

[\[3\]](#) AIR 1959 SC 902

[\[4\]](#) AIR 1958 SC 48