

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

Criminal Appeal Nos.389 & 537 of 2016

1. Saravanan (A1)
2. Muthu Bava @ Ashik Ali (A2) Appellants in
Crl.A.No.389/2016/
A1 & A2

Vasim Akram (A3) .. Appellant in
Crl.A.No.537/2016/A3

- Vs -

State rep by Inspector of Police,
Karungalpalayam Police Station,
Erode District.
(Cr.No.553 of 2014) ... Respondent in both the appeals

Prayer:- Appeals filed under Section 374 of the Code of
Criminal Procedure against the judgment passed by the learned
Sessions Court, Mahila Court (Mahila Fast Track Court), Erode in
Spl.S.C.No.27 of 2015 dated 29.03.2016.

For Appellants : Mr.K.Kannan
in Crl.A.No.389/16

For Appellant : Mr.B.Harikrishnan
in Crl.A.No.537/16

For Respondent : Mr.P.Govindaraj
in both appeals Additional Public Prosecutor

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by S.Nagamuthu,J.)

The appellants are the accused 1 to 3 in Spl.S.C.No.27 of
2015 on the file of the learned Fast Track Mahila Sessions
Court, Erode. The trial Court framed as many as four charges as
detailed below:

Serial Number of charge	Charge(s) framed against	Charge(s) framed under Section
1	A1 to A3	366 of IPC
2	A1	6 of POCSO Act
3	A2 & A3	6 r/w 17 of POCSO Act
4	A1	466 of IPC

By judgment dated 29.03.2016, the trial Court convicted and sentenced the accused as detailed below:

Rank of the Accused	Penal provision(s) under which convicted	Sentence
A1	366 of IPC	Rigorous Imprisonment for ten years and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for two years
	6 of POCSO Act	Imprisonment for life and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for two years
A2	366 of IPC	Rigorous Imprisonment for ten years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one year
	Section 6 r/w 17 of POCSO Act	Imprisonment for life and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one year

Rank of the Accused	Penal provision(s) under which convicted	Sentence
A3	366 of IPC	Rigorous Imprisonment for ten years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one year
	Section 6 r/w 17 of POCSO Act	Imprisonment for life and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one year

Challenging the said conviction and sentence, the appellants are before this Court with these appeals.

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

2.1. P.W.1 is a resident of Agragharam, Erode town. P.W.2 is his wife. They have two daughters. The first daughter is the victim in this case. She had just completed 10th standard in a private school at Virudhachallam. To enjoy the vacation, she had returned to Erode and stayed with P.Ws.1 and 2.

2.2. P.W.1 was then doing garment business, in which he was incurring huge loss. The second accused is the brother-in-law of P.W.1. P.W.1 expressed his difficult financial crunch in the business due to the loss sustained by him. The second accused in turn, told P.W.1 that he would bring one sorcerer. Accordingly, he brought the first accused to the house of P.W.1 at Erode. The first accused is a resident of Pudukottai. The first accused, after having heard the woes of P.W.1 assured him that being a sorcerer he would do sorcery and drive the evil spirits and relieve him from his woes. To do sorcery, he demanded a sum of Rs.3,00,000/-. P.W.1, conceded to the said deception played by the first accused and accordingly he paid Rs.3,00,000/-. The first accused assured that he will return home after making all other preparation such as collection of pooja materials. After some time, the accused 1 and 2 came along with the third accused to the house of P.W.1. The third accused hails from the State of Andhra Pradesh. All the three told P.W.1 that they should stay at the house of P.W.1 for about one month to complete the poojas and sorcery. P.W.1 agreed for the same. Accordingly, A1 to A3 stayed at the house of P.W.1 at Erode.

2.3. As assured, A1 to A3 however did not commence the pooja and sorcery. P.W.1 questioned the same. While so, on one occasion, P.W.3 the elder daughter of P.W.1 informed P.W.1 that A1 had proposed to her to marry her as he had fallen in love for her. P.W.1 was shocked. In order to save her, he took P.W.3 to the house of his brother (P.W.5) and left her in his safe custody. A1 to A3 then told P.W.1 that they would come again and commence the pooja. Accordingly, they left the house of P.W.1.

2.4. While things stood thus, on 09.11.2014, around 06.00 p.m., P.W.3 went missing. P.W.5 informed the same to P.W.1. P.Ws.1, 2 and 5 went in search of P.W.3. At that time, P.W.4 informed them that when he went to the shop of P.W.5, he found the first accused in front of the shop of P.W.5 talking to P.W.3 and taking her. In order to protect the family honour and prestige, P.W.1 did not make any complaint to the police, instead he went in search of P.W.3. Having failed in his attempt to trace out P.W.3, he made a complaint to Karungalpalayam police station on 15.12.2014. Ex.P1 is the said complaint.

2.5. Based on the said complaint, P.W.18 the then Spl. Sub Inspector of Police registered a case in Crime No.553 of 2014 under Section 366A I.P.C. on 15.12.2014 at 07.00 p.m. Ex.P18 is the F.I.R. In Ex.P1 itself, P.W.1 had alleged that these three accused had kidnapped P.W.3. Therefore, Ex.P18 F.I.R. was registered against all the three accused.

2.6. The case was taken up for investigation by P.W.19, the then Inspector of Police, Karungalpalayam police station. On the same day at 07.45 p.m., he visited the place of occurrence, prepared the observation mahazar and rough sketch in the presence of witnesses. He examined P.Ws.1 to 5 and few more witnesses and recorded their statements. On 20.12.2014, he arrested A3 and rescued P.W.3 at Erode bus stand.

2.7. According to the further case of the prosecution, on 09.11.2014, when P.W.3 was at the house of P.W.5, all the three accused came to the house of P.W.5, when she was alone and by force, took her to Trichy by bus and from Trichy by train took her to Andhra Pradesh to a village known as Janarapet. On reaching Janarapet on 11.11.2014, they made A1 and P.W.3 to stay at the house of one Sheik Sahid. While in the said house, it is alleged that the first accused repeatedly had sexual intercourse with P.W.3 against her consent. P.W.3 was actually kept as a captive and repeatedly penetrative sexual assault was made against her by A1. While in the said village, the first accused tied karugamani around the neck of P.W.3 indicating that he had married her. In fact, A1 changed her name also indicating that she had converted to Islam. Thus, making P.W.3 to believe that

she was his wife and though she resisted, the first accused had sexual intercourse at least 30 to 40 times. Thereafter, when P.W.3 started crying to return to her paternal home, A1 to A3 took her to Pudukottai. When P.W.3 insisted that she should go to Erode to her paternal home, they took her to Erode. On the Bhavani main road at Erode, P.W.19 arrested the accused 1 and 2 in the presence of witnesses and forwarded them to the Court for judicial remand. On 21.12.2014, P.W.19 arrested the third accused at Salem bus stand and P.W.3 was in his custody. P.W.19 rescued her. On returning to the police station, he forward the third accused for judicial remand.

2.8. P.W.3 was sent to the hospital for medical examination, which revealed that she had been subjected to repeated sexual intercourse. P.W.3 also narrated the entire event as narrated herein above. At the request of P.W.19, P.W.3 was produced before the learned Judicial Magistrate to record the statement of P.W.3 under Section 164 Cr.P.C.

2.9. P.W.19 forwarded the first accused for medical examination which revealed that he was sexually potential to have sexual intercourse with a woman. P.W.19 collected the medical records. He forwarded the dress materials of P.W.3 for chemical examination. The investigation was thereafter continued by his successor (P.W.20). He collected the records pertaining to the age and date of birth of P.W.3 and on completing the investigation, he laid the chargesheet against all the three accused.

2.10. Based on the above materials, the trial Court framed charges as detailed in the first paragraph of this judgment. The accused denied the same. In order to prove the case, on the side of the prosecution, as many as 21 witnesses were examined, 26 documents and five X-rays taken on P.W.3 were marked as M.O.1 series. On the side of the accused, three documents were marked namely the complaint made by P.W.1 mentioning the age of P.W.3 as 18 years (vide Ex.D1). A copy of the complaint dated 14.12.2014 made by P.W.1 and a copy of the family card (vide Exs.D1 and D2 respectively). A Compact Disk (CD) containing photographs of A1 and P.W.3 taken together has been marked as M.O.1 on the side of the defence.

2.11. Out of the said witnesses, P.W.1, the father of P.W.3, has narrated about the way in which A1 to A3 had come to his house and the fact that P.W.3 was found missing from 09.11.2014 and the information passed on by P.W.5 and the complaint made by him on 15.11.2014 and all the other facts. P.W.2 the mother of P.W.3 has also spoken about the same facts.

2.12. P.W.3 the victim girl has stated that the first accused while staying at her house extended sexual overtures to

her informing her that he had fallen in love for her. She has further stated that she refused to accept the same. She has further stated that on 09.11.2014, these three accused came to the house of P.W.5 when she was alone around 06.00 to 06.30 p.m. She further stated that the first accused alone came into the house, spoke to her and by force took her in a car to Pudukottai. In the car, the accused 2 and 3 were also present. According to her, on 10.11.2014, they took her to Trichy railway station and from where they took her by train to Andhra Pradesh, where they made A1 and P.W.3 to stay together at the house of one Sheik Sahid. A2 and A3 then disappeared. A1 thereafter, tied karugamani around her neck indicating that he had married her and under that pretext, against her wish, according to her he had sexual intercourse with her at least 30 to 40 times until she was taken back to Pudukottai. When she started crying, the accused 2 and 3 joined the first accused and took her to Pudukottai. Again when she insisted that she should be left at Erode at her house, all the three took her to Erode and leaving P.W.3 in the custody of A3, the accused 1 and 2 disappeared. Thereafter, when they were at Erode bus stand, the police rescued her and arrested A3. She has further stated that her date of birth is 03.02.1997. Thus, according to her, all the three accused have committed offences against her.

2.13. P.W.4 is a resident of Ashokapuram at Erode. He was working as a parota master in the shop of P.W.5. He has stated that on 09.11.2014 when he was in the shop, he found A1 talking to P.W.3 in front of his shop and when he came out from the shop he found A1 as well as P.W.3 disappeared and he informed the same to P.W.5 and P.W.1.

2.14. P.W.5 the brother of P.W.1, he has stated about the same facts. P.W.6 is a resident of Erode, he was working as a tailor in the garment shop of P.W.1. He has not stated anything incriminating. P.W.7 has spoken about the preparation of the observation mahazar and the rough sketch at the place of occurrence. P.W.8 has also spoken about the same facts. P.W.9 has spoken about the arrest of the first accused. P.W.10 a resident of Janarapet village in Andhra Pradesh has stated that he had a house bearing No.973 at Janarapet and one Mr. Sheik Sahid had his house just behind his house. He has further stated that on 11.11.2014, he found these three accused and P.W.3 in the house of Sheik Sahid. He said he has further noticed that the first accused was staying in the house of Sheik Sahid for one month along with P.W.3. The other accused did not stay there. Thereafter, police came and enquired them. P.W.11 is also a resident of Perala street at Seeralala taluk in Andhra Pradesh State. He was in charge of Madina Mosque in Perala village. According to him, as per Register maintained in the said mosque, there was no marriage registered for P.W.3 on

18.03.2015 and to that effect, he issued a certificate under Ex.P5.

2.15. P.W.12 Dr.Sivagami has spoken about the medical examination conducted on P.W.3. P.W.3 told her on 22.12.2014 that one Saravanan took her to Seeralala in Andhra Pradesh on 09.11.2014, married her and thereafter he had sexual intercourse with her at least 8 to 10 times. P.W.12 found the hymen of vaginal cavity ruptured. Though, the preliminary pregnancy test conducted with urine revealed positive, the sample taken revealed that she was not pregnant. From the appearance of P.W.3, P.W.12 found that she had been subjected to repeated sexual intercourse. Ex.P6 is the accident register and Ex.P7 is her final opinion.

2.16. P.W.13 Dr.Suresh has stated that he examined the first accused on 23.12.2014 and found that he was sexually potential to have sexual intercourse with a woman. Ex.P10 is the certificate issued by him. P.W.14 Dr.Thenmozhi has stated that she examined P.W.3 to ascertain her age. From the X-rays taken, she opined that she had completed 17 years of age and not completed 19 years of age. M.O.1 series of X-rays taken and Ex.P11 is the certificate issued by her.

2.17. P.W.15 a Junior Scientific Officer in Regional Forensic Lab, Coimbatore has stated that she examined the vaginal smear and public hair taken from P.W.3. On such examination, she found that there was no seminal stains found on any of these material objects. Ex.P12 is the certificate issued by her. P.W.16 has stated that he translated the marriage certificate dated 08.04.2015 collected during investigation. P.W.17 the Head Clerk of the learned jurisdictional Magistrate Court has stated that he forwarded the material objects for chemical examination. P.W.18 the then Sub Inspector of Police has spoken about the registration of the case. P.Ws.19 and 20 have spoken about the investigation done and the final report filed. P.W.21 has spoken about the birth certificate of P.W.3. Ex.P26 is the birth certificate and according to which the date of birth of P.W.3 is 03.02.1997.

3. When the above incriminating materials were put to the accused under Section 313 Cr.P.C., they denied the same as false. However they did not choose to examine any witness but marked Exs.D1 to D3 and M.O.1 on their side. Their defence was a total denial. Having considered all the above, the trial Court convicted all the three accused as detailed in the first paragraph of this judgment and that is how, the appellants are before this Court with these appeals.

4. We have heard the learned counsel appearing for the appellants and the learned Additional Public Prosecutor

appearing for the State and also perused the records, carefully.

5. There is no denial of the fact that at the time of occurrence, P.W.3 was staying in the house of P.W.5. She had just completed tenth standard. According to the prosecution case, she had not completed 18 years of age as on the date of the alleged occurrence. But the learned counsel appearing for the appellant would submit that she was aged above 18 years as on the date of alleged occurrence and therefore the provisions of POCSO Act would not be applicable in the instant case. In order to substantiate his contention, the learned counsel would make reliance on the evidence of P.W.14 Dr. Thenmozhi. P.W.14 has stated that she examined P.W.3 on 23.12.2014, from out of the X-Rays taken, she assessed that P.W.3 had completed 17 years of age and not completed 19 years of age. Thus relying heavily on the opinion of P.W.14, the learned counsel would submit that P.W.3 had completed 18 years of age. He would further submit that Ex.D1 the complaint made by P.W.1 in which also he has stated that P.W.3 had completed 18 years of age. Since the age of P.W.3 is seriously disputed by the learned counsel for the appellants, it needs to be resolved at first.

6. In this regard, we may refer to Section 34 of the POCSO Act, 2012 which reads as follows:

"Section 34. Procedure in case of commission of offence by child and determination of age by Special Court :

(1) Where any offence under this Act is committed by a child, such child shall be dealt with under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000.

(2) If any question arises in any proceeding before the Special Court whether a person is a child or not, such question shall be determined by the Special Court after satisfying itself about the age of such person and it shall record in writing its reasons for such determination.

(3) No order made by the Special Court shall be deemed to be invalid merely by any subsequent proof that the age of a person as determined by it under sub-section (2) was not the correct age of that person."

7. As per Sub-section 1 of Section 34, though there is no specific provision as to how a Special Court should determine the age of the victim, we can draw help from the Juvenile Justice (Care and Protection of Children) Act, 2000, for this purpose, in view of the reference made under Sub Section (1) of Section 34.

8. Section 94 of the Juvenile Justice (Care and Protection of Children) Act states that the Committee or the Board constituted under Act shall undertake the process of age determination, by seeking evidence by obtaining – (i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof; (ii) the birth certificate given by a corporation or a municipal authority or a panchayat; (iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board: Provided such age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order. (3) The age recorded by the Committee or the Board to be the age of person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person.

9. Therefore, in the instant case, since the birth certificate issued by the competent authority, as spoken by P.W.21 states that the date of birth of P.W.3 was 03.02.1997, we have to necessarily conclude that P.W.3 had not completed 18 years of age as on the date of alleged occurrence. The evidence of P.W.14 is only an estimation made on medical opinion based on the ossification test. It cannot be taken as the precise age of P.W.3. The Hon'ble Supreme Court on many occasions has stated that such opinion can have marginal error of two years and therefore two years margin should be added on both the ends. If that is done, we can conclude that the age of P.W.3 was more than 15 years and less than 21 years. At any rate, the age of P.W.3 cannot be taken as more than 18 years in view of the precise date of birth entered in the official record as 03.02.1997. Therefore, we reject the argument of the learned counsel for the appellants and hold that P.W.3 was a child as defined in POCSO Act as on the date of the commission of the crime.

10. Now turning to the occurrence, P.Ws.1 and 2 have stated as to how accused 1 to 3 came to stay at the house of P.W.1. P.W.1 has further stated that on one occasion, P.W.3 informed him that the first accused had extended sexual overtures informing her that he had fallen in love for her. P.W.3 has also reiterated the same in her evidence. Out of fear of A1, P.W.1 had left P.W.3 in the custody of P.W.5. While P.W.3 was in the custody of P.W.5, when she was alone at her house, A1 to A3 have taken her to Pudukottai and then to Trichy and then from Trichy to Andhra Pradesh State, where they made her to stay with A1.

11. The prosecution mainly relies on the evidence of P.W.3

the victim and the evidences of P.Ws.10 and 11 who hails from Andhra Pradesh State. From these evidences, we are of the view that the prosecution has clearly established that these three accused had taken P.W.3 from the custody of P.W.5 to Andhra Pradesh and thus they have committed offence of kidnapping. We find no reason to reject the evidence of these witnesses, more particularly the evidence of P.W.3.

12. In Andhara Pradesh while staying at the house of Sheik Sahid, A1 had tied karugamani over the neck of P.W.3 indicating that he had married her. He has produced a certificate as though it was issued by a local mosque indicating marriage between P.W.3 and the first accused. P.W.11 the Manager of the Mosque from which Ex.P5 marriage certificate was allegedly obtained has deposed that there was no such marriage between A1 and P.W.3 on 18.03.2015 in the said Mosque. He has further stated that the marriage certificate allegedly produced by A1 which were collected during investigation is not true. Ex.P5 is the certificate issued by P.W.11. Thus, by keeping P.W.3 under threat and misrepresenting to her that there was marriage, the first accused had repeated sexual intercourse with her for many days. This has been spoken to by P.W.3. The medical evidence also duly corroborates the same.

13. The learned counsel for the appellants would submit that when the fact remains that P.W.3 stayed with A1 in Andhra Pradesh for more than a month without any resistance, the inference is that she was a consenting party to the same. But P.W.3 has stated in no uncertain terms that she was kept under threat and the first accused had sexual intercourse repeatedly under such threat and coercion.

14. The learned counsel for the appellants would submit that when P.W.3 was examined under Section 164 of Cr.P.C. by the learned Judicial Magistrate, she has stated that she had fallen in love and then on her own accord, she went with A1 and married him and then had sexual intercourse. This statement, during cross examination, has been repeatedly used to contradict P.W.3. From out of this contradictory statement made earlier, the learned counsel would try to project that P.W.3 had gone on her own accord and married A1 and had sexual intercourse with him. This argument cannot be sustained in view of the specific provisions contained in the Act. As per the Act, having sexual intercourse with a child even with her consent is an offence of penetrative sexual assault. There is no exception added to the said penal provision to exclude sexual intercourse with the consent of the child. Therefore, assuming that what was stated by P.W.3 during her examination under Section 164 Cr.P.C. is true, that would not exonerate the first accused from the offence of penetrative sexual assault that to aggravated

penetrative sexual assault. In other words, we hold that the consent alleged by the first accused from P.W.3 is no consent in the eye of law. Therefore, for having had sexual intercourse repeatedly with P.W.3, the first accused is liable for punishment for the offence under Section 6 of POCSO Act. Similarly, for having taken P.W.3 from the custody of P.W.5 illegally to Andhra Pradesh, he is liable to be punished for offence punishable under Section 366 I.P.C.

15. So far as the accused 2 and 3 are concerned, from the evidences we find that they accompanied the first accused when P.W.3 was taken to Andhra Pradesh. After that they did not stay at Andhra Pradesh. From the evidence it could be culled out that they were the parties to the alleged creation of false record of marriage between A1 and P.W.3. There is no evidence that they stayed back in Andhra Pradesh. There is no evidence that they were aware that A1 was going to create a false record of marriage and was going to have sexual intercourse with P.W.3. After about a month's time, when P.W.3 insisted and cried that she should be taken back to her parental home, on the information passed on by A1, A2 and A3 had come back to Andhra Pradesh state and taken P.W.3 and that is how A3 was found with P.W.3 in Salem from where P.W.3 was secured. Thus, in our considered view, there is no evidence to prove that A2 and A3 had abated the offence of aggravated penetrative sexual assault committed by the first accused. However, evidence clinchingly go to prove that A2 and A3 were parties to the kidnapping of P.W.3. Therefore, they are liable to be punished only for offence under Section 366 I.P.C.

16. Now turning to the quantum of punishment, A1 is already married. When the marriage between him and his wife is still subsisting, he had taken P.W.3 and committed aggravated penetrative sexual assault on her. He deserves no sympathy. At the same time, we are of the view that P.W.3 should be compensated accordingly. Having regard to these aggravating and mitigating circumstances, we are of the view that sentencing him to undergo rigorous imprisonment for ten years and directing him to pay a sum of Rs.1,00,000/- as fine for the offence under Section 6 of the POSCO Act and to sentence him to undergo rigorous imprisonment for five years and pay a fine of Rs.1,000/- for offence under Section 366 I.P.C. would meet the ends of justice.

17. So far as A2 and A3 are concerned, in our considered view, having regard to the age of A3 and his family circumstances, economic status and all the other mitigating and aggravating circumstances, sentencing them to undergo rigorous imprisonment for four years and pay a fine of Rs.20,000/- each for offence under Section 366 I.P.C. would meet the ends of

justice.

18. In the result, the appeals are partly allowed in the following terms:

(i) the conviction of the first accused for the offence under Section 366 I.P.C. and Section 6 of POCSO Act are confirmed however, the sentence imposed by the trial Court is modified and it is directed that he shall undergo rigorous imprisonment for five years and pay a fine of Rs.1000/- in default to undergo rigorous imprisonment for four weeks for offence under Section 366 I.P.C and to undergo rigorous imprisonment for ten years and pay a fine of Rs.1,00,000/- in default to undergo rigorous imprisonment for six months for offence under Section 6 of the POCSO Act.

(ii) The conviction and sentence imposed on A2 and A3 for the offence under Sections 6 r/w 17 of the POCSO Act are set aside however, the conviction of A2 and A3 for offence under Section 366 I.P.C. is confirmed, however the sentence is modified and it is directed that they under go rigorous imprisonment for four years and pay a fine of Rs.20,000/- each in default to undergo rigorous imprisonment for six weeks each.

(iii) It is further directed that on realization of the above said fine amount of Rs.1,40,000/- the entire amount shall be paid to P.W.3 as compensation by the trial Court without reference to this Court.

(iv) It is further directed that the sentences imposed on the first appellant shall run concurrently.

(v) It is further directed that the sentence already undergone by A1 to A3 shall be given set off as required under Section 428 Cr.P.C.

Sd/-
सत्यमेव जयते

Assistant Registrar

//True Copy//

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Sub Assistant Registrar

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To

1. The Sessions Court, Mahila Court
(Mahila Fast Track Court), Erode.

2 The Principal District Judge,
Erode

3 The Superintendent,
Central Prison, Coimbatore
(with copies in duplication communication to the accused)

4 The District Collector,
Coimbatore

5 The Director General of Police,
Chennai

6. The Inspector of Police,
Karungalpalayam Police Station,
Erode District.

7. The Public Prosecutor,
Madras High Court.

nm(CO)
md(25/04/2017)

Crl.A.Nos.389 & 537 of 2016



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