

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 30-06-2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.APPEAL No.780 of 2013

Appu @ Rajendran

Appellant

-vs-

State, rep. by
The Inspector of Police,
Katpadi Circle, Virudampet Police Station,
Vellore District.
Crime No.91 of 2009.

Respondent

Criminal Appeal filed under Section 374(2) Cr.P.C.
against the judgment, dated 11.11.2013, made in S.C.No.33 of
2010 on the file of Principal District and Sessions Judge,
Vellore.

For appellant : Mr.V.Gopinath,
Senior Counsel,
Mr.J.Vijaya Raghavan.

For respondent: Mr.M.Maharaja,
Additional Public Prosecutor.

JUDGMENT

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

The appellant is the third accused in S.C.No.33 of 2010 on the file of Principal Sessions Court, Vellore District, at Vellore. Including the appellant, there are five accused in this case. The trial Court framed as many as five charges against the accused under Sections 341, 302, 302 read with 34 & 109 and 120-B IPC. By judgment, dated 11.11.2013, the trial Court acquitted the accused 1,4 and 5 from all the charges, however, convicted the accused 2 and 3 under Sections 341 and 302 IPC alone. The trial Court sentenced the second accused to undergo rigorous imprisonment for one month and pay fine of Rs.500/-, in default, to undergo rigorous imprisonment for one week for the offence under Section 341 IPC and to undergo imprisonment for life and pay fine of Rs.10,000/-, in default, to undergo rigorous imprisonment for three years for the offence

under Section 302 IPC. The trial Court sentenced the third accused/appellant herein to undergo rigorous imprisonment for one month and pay fine of Rs.500/-, in default, to undergo rigorous imprisonment for one week for the offence under Section 341 IPC and to undergo imprisonment for life and pay fine of Rs.10,000/-, in default, to undergo rigorous imprisonment for three years for the offence under Section 302 read 34 IPC. Challenging the said conviction and sentence, the second accused filed Criminal Appeal No.761 of 2013. Pending the said appeal, the second accused Mr.Mahalingam died and, thus, the said appeal was dismissed as abated, by a judgment, dated 23.06.2016. As against the conviction and sentence imposed on the third accused, he has come up with the present appeal.

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

2.1 The deceased in this case was one Mr.John Sekar. He was employed as a Public Relations Officer in C.M.C.Hospital, Vellore. Apart from his work as P.R.O., he was also given additional charge in "After Life Services Department". The said service was meant to arrange for vehicles to transport dead bodies to the respective places from the C.M.C. Hospital. The first accused was plying ambulances at Vellore. The deceased used to engage the said ambulances from the first accused for transporting dead bodies. The deceased received complaints from the customers that the ambulance drivers under the first accused demanded and collected more fare than what was fixed by the deceased. The deceased questioned the first accused about the same. Because of the same, the deceased stopped engaging the ambulances from the first accused. On account of the same, the first accused incurred huge loss in the business. He felt that the same was because of the deceased. Thus, he developed a grudge against the deceased.

2.2. In due course of time, the first accused decided to do away with the deceased. He sought the help of A-5 to execute the said plan. A-5 introduced A-1 to A-2. A-2 demanded huge money for the said purpose. A-1 assured to give any amount and also to provide a car for the said purpose. The first accused paid a sum of Rs.15,000/- to A-5 as advance to execute the murder of the deceased. A-5 received the said amount from A-1 and handed over the same to A-2. A-3 and A-4 are the associates of A-2. A-2 to A-4 thus received the said amount. All these things occurred on 08.03.2009 at 07.00 p.m., near the Tasmac wine shop at Vellore. According to the case of the prosecution, the accused 1 to 5 conspired to commit murder of the deceased.

2.3. On 09.03.2009, at about 10.00 a.m., the accused 1 and 5 showed the deceased to A-2 to A-4 to enable them to execute the conspiracy. This happened in front of Susil Classic Hotel, situated on Vellore to Arcot Main Road. On 16.03.2009, P.W.1, the wife of the deceased, had gone to the college at Vellore, where she was working as an Assistant Professor. The deceased, in usual course, had gone to C.M.C. Hospital to perform his duty. They were residing at Sakthi Nagar, E.B.Colony, Vellore. The deceased was owning a T.V.S.Champ motorcycle, bearing Registration No.TN 23 B0507. Everyday, the deceased used to go in his motorcycle up to Kumaran Hospital at Virudampet, and leaving the motorcycle there, to go by bus to C.M.C.Hospital. It was his practice in the evening, to return to Virudampattu either by autorikshaw or by bus and then, after taking the motorcycle, to return to his house. On 16.03.2009 also, as usual, he had left the motorcycle at Virudampattu and went to his office. P.W.1, as usual, at 05.00 p.m. on 16.03.2009, spoke to the deceased through cell phone and informed him that she was ready to return to her house. The deceased told her to get down at Kangeyanallur Bus Stop, where he would be waiting with the motorcycle, after returning from C.M.C.Hospital. Accordingly, around 05.45 p.m., P.W.1 got down from the bus at Kangeyanallur Road Bus Stop. After a shortwhile, the deceased came in the motorcycle (M.O.1) to the said bus stop, and then after picking up P.W.1 in the motorcycle, he drove the motorcycle via E.B.Colony to go to his house. Thus, P.W.1 was travelling as pillion rider. When the motor cycle was nearing 8th Cross Street, E.B.Colony, in another motorcycle (M.O.2), two persons came from behind. They overtook the motorcycle driven by the deceased, came in front of the motorcycle driven by the deceased and intercepted the same. The deceased stopped the motorcycle. Those two persons in the above motorcycle (later on identified as accused 2 and 3) stopped their motorcycle. Within a fraction of a minute, the person, who was travelling as pillion rider in M.O.2, jumped from the motorcycle, took out a knife from his waist and stabbed the deceased. P.W.1 raised alarm. The people somewhere near the place of occurrence rushed towards the place of occurrence. The other man, who was driving M.O.2, namely, the third accused, was still keeping the motorcycle in on-condition. Then, the man (second accused), who stabbed the deceased, jumped on the motorcycle and the third accused took off the motorcycle. Thus, both of them disappeared from the place of occurrence. P.W.1 held the deceased, who became unconscious. Her saree and other clothes were stained with blood. Immediately, P.W.1, with the help of others, rushed the deceased to C.M.C.Hospital. She also informed P.W.2 through cell phone about the above occurrence. P.W.2 also rushed to C.M.C.Hospital. The doctor, who examined the deceased, declared him dead.

2.4. Then, P.W.2 took P.W.1 to Virudampet Police Station, where P.W.1 made a complaint at 07.30 p.m. on 16.03.2009. P.W.32, the then Sub Inspector of Police, on receipt of the said complaint, registered a case in Crime No.91 of 2009 under Sections 341 and 302 IPC. Ex.P-42 is the F.I.R. He forwarded both the documents to the learned Judicial Magistrate at 12.45 hours on 17.03.2009. The case was taken up for investigation by P.W.34. He went to the place of occurrence and prepared an observation mahazar and a rough sketch in the presence of P.W.3 and another witness. He recovered the bloodstained saree, worn by P.W.1. Then, he recovered bloodstained earth and sample earth from the place of occurrence, under a mahazar. T.V.S.Motorcycle (M.O.1), on which the deceased was travelling, was found lying at the place of occurrence. P.W.34 recovered the same. He examined a number of witnesses at the place of occurrence. At his request, a police sniffer dog was brought to the place of occurrence, but it did not yeild any result.

2.5. On 17.03.2009, at 07.00 a.m., P.W.34 conducted inquest on the body of the deceased and then he forwarded the dead body to the doctor, for post-mortem. P.W.25, Dr.Sudhakar, conducted autopsy on the body of the deceased on 17.03.2009 at 12.30 p.m. He found the following injuries :

"1. An oblique cut incised wound with clean cut margins with tailing at upper end of size 7x2 cm muscle deep on the upper part of the right side of neck involving the jugular vessels & sternomastoid muscle.

2. An oblique cut incised wound with clear cut margins with tailing towards the right side of neck of size 5x2 cm muscle deep at the level of thyroid cartilage in front of neck.

3. An oblique cut incised wound with clean cut margins with tailing towards the lower end of extensor aspect of right forearm of size 4x2 cm muscle deep at the level of middle 1/3rd of right forearm ulnar aspect.

4. An oblique cut incised wound with clean cut margins with tailing towards the lower end of the wrist of size 3x2 cm muscle deep at the level of wrist on the extensor aspect.

5. An oblique cut incised wound with clean cut margins of 3x1 cm on the radial aspect of right little finger."

Ex.P-30 is the Post-mortem Certificate. The doctor gave opinion that the deceased had died due to shock and hemorrhage due to the injuries. He further opined that the said injuries could have been caused by a weapon, like M.O.16-knife.

2.6. On 23.03.2009 at 07.00 a.m., P.W.34 found the accused 3 and 4 near Katpadi Railway Station Bridge. They had tonsured their heads, to conceal their identity. P.W.34 arrested them in the presence of P.W.18 and another witness. On such arrest, the third accused gave a voluntary confession, in which, he disclosed the place where he had hidden a bloodstained shirt and a bloodstained pants. In pursuance of the same, he took the police and the witnesses to the place of hideout and produced the said material objects. Similarly, the fourth accused also gave a voluntary confession, in which he disclosed the place where he had hidden the motorcycle (M.O.2). In pursuance of the same, he took the police and the witnesses to the place of hide out and produced the motorcycle (M.O.2). P.W.34 recovered those material objects and forwarded the same to the Court. He also forwarded these two accused to the Court for judicial remand. On the same day, he arrested the first accused at 05.00 p.m., and the fifth accused, at 03.15 p.m., in the presence of P.W.20 and another witness. On such arrest, the first accused gave a voluntary confession, in which he disclosed the place where he had hidden the motorcycle. In pursuance of the same, he took the police and the witnesses to the place of hideout and produced M.O.9 motorcycle. The fifth accused gave a voluntary confession, but no discovery of any fact was made out of the same. Then, P.W.34 forwarded both the accused to the Court for judicial remand. The second accused had surrendered before the Court. On 25.03.2009, P.W.34 took police custody of the second accused, on the orders of the learned Judicial Magistrate. While in custody, he made a voluntary confession in the presence of P.W.21 and another witness, in which he disclosed the place where he had hidden the knife. In pursuance of the same, he took the police and the witnesses to the place of hideout and produced the knife, M.O.16. P.W.34 recovered the same under a mahazar. Then, he forwarded the accused to the Court for judicial remand and sent the material objects also to the Court. Then, he made a request to the Court to send the material objects for chemical examination. The report was, accordingly, received. Since he was transferred at that stage, the investigation was taken over by his successor P.W.35. P.W.35 examined a few more witnesses, collected the relevant records and finally laid chargesheet against all the accused.

3. Based on the above materials, the trial Court framed charges against the accused as detailed in the first paragraph of its judgment and the accused denied the same. In order to prove the case, on the side of prosecution, as many as 35 witnesses were examined and 47 documents and 18 material objects

were marked. Out of the said witnesses, P.W.1, the wife of the deceased, is the eye witness to the occurrence. She has vividly spoken about the entire occurrence and also about the complaint made by her. She has further stated that she identified the accused 2 and 3 as the assailants in the test identification parade. P.W.2 is the brother of P.W.1. He has stated that P.W.1 informed him through cell phone about the occurrence and then he rushed to C.M.C. Hospital. He has further stated that even at the time when he reached the hospital, the deceased had already died. He has also stated that he took P.W.1 to the police station for making complaint. P.W.3 has spoken about the preparation of observation mahazar and rough sketch at the place of occurrence and the recovery of material objects. P.W.4 is a resident of No.7, 8th Street, E.B.Colony, i.e., somewhere near the place of occurrence. He has stated that on 16.03.2009 at 05.40 p.m., he was standing near the main entrance of his house at E.B.Colony, 8th Street; at that time, he heard a commotion from the place of occurrence and when he turned towards the place of occurrence, he found that P.W.1 was crying that her husband had been stabbed. He has further stated that he found two persons fleeing away from the place of occurrence in M.O.2-motorcycle. When he was called upon to identify those two persons in the Court, he expressed his inability to identify. P.W.5 is also a resident of 8th Street, E.B.Colony. His house is situated near the place of occurrence. According to him, at 05.45 p.m., he was standing near his house. At that time, he found P.W.1 and her husband coming in a motorcycle. He has further stated that at that time, two persons came in another motorcycle overtaking the motorcycle driven by the deceased and stopped the motorcycle in front of the motorcycle driven by the deceased and, then, the person, who was the pillion rider, got down from the motorcycle and stabbed the deceased with knife. He has further stated that P.W.1 cried for help and the assailants fled away from the scene of occurrence. Thus, P.W.5 has spoken about the occurrence in its entirety. But, when he was called upon to identify the assailants, he expressed his inability. P.W.6 is yet another resident of E.B.Colony at Vellore. According to him, his house is also situated near the place of occurrence. He has stated that on 16.03.2009, around 05.50 p.m., he along with his wife was sitting in the varandah of his house. At that time, he heard the distress call of a woman. He went towards the said place, where he found M.O.1 motorcycle driven by the deceased lying and that the deceased was lying in a pool of blood. He has further stated that P.W.1 was also there and then, P.W.1, with the help of others, rushed the deceased to C.M.C.Hospital, for treatment. P.W.7 is yet another resident of E.B.Colony. According to him, on 16.03.2009, around 04.45 p.m., he was sitting in the provision shop at Kalathumedu and when he came out of the shop along with his friend to leave for his house, the deceased and P.W.1 came in a motorcycle and at that time another motorcycle overtook the

said motorcycle and both the motorcycles were proceeding towards Muthumandapam and, thereafter, he could not see both the motorcycles and the persons travelling in the same.

4. P.W.8 is an employee in the management of C.M.C.Hospital. He has stated that the deceased had stopped engaging the ambulances run by the first accused, because of the complaints that the drivers of the first accused had started collecting more fare from the customers, than what was fixed by the deceased. Thus, this witness has spoken about the motive. P.W.10 is a sanitary worker in C.M.C.Hospital. He has stated that on 16.03.2009, around 06.00 p.m., the deceased was brought to the hospital for treatment. P.W.11 is yet another employee of the same hospital. He has not stated anything incriminating against the accused. P.W.12 has stated that he was running ambulance service in Vellore similar to that of the first accused. According to him, the deceased used to engage his ambulances also for transporting the dead bodies. He has further stated that the deceased had stopped engaging the ambulances of the first accused because the drivers of the first accused had collected more fare than what was fixed by the deceased. Thus, he has also spoken about the motive. P.W.13 is a driver in one of the ambulance services. He has also spoken about the motive between the first accused and the deceased. P.W.14 is an attender in C.M.C.Hospital. He has also stated about the motive. P.W.15 has turned hostile and he has not supported the prosecution case in any manner.

5. P.W.16 is an employee of C.M.C.Hospital. He has stated that the deceased was brought to hospital on the day of occurrence and the doctor declared him dead. He has stated that as dictated by P.W.1, he prepared Ex.P-1 complaint and gave the same to P.W.1 and then, P.W.1, along with P.W.2, went to the police station to present the complaint. P.W.17 has spoken about the loss incurred by the first accused and the motive between the first accused and the deceased. He has turned hostile. P.W.18 has spoken about the arrest of the accused 3 and 4 and the consequential recovery of the material objects, as narrated already hereinabove. P.W.19 is the son of the first accused. He has turned hostile and he has not supported the case of the prosecution in any manner. P.W.20 has spoken about the arrest of the accused 1 and 5, their disclosure statements and the consequential recoveries of the material objects respectively, as we have already narrated. P.W.21 has spoken about the disclosure statement made by the second accused and the consequential recovery of M.Os.16 and 17, namely, knife and bloodstained shirt respectively. P.W.22, an employee of C.M.C.Hospital, has again spoken about the motive between the first accused and the deceased. P.W.23 has also spoken about the same facts. P.W.24 has spoken about the test identification parade conducted by her on 06.04.2009 at Vellore Central Prison,

in which, P.W.1 identified the accused 2 and 3 on all the three occasions. P.W.25 has spoken about the post-mortem conducted and his final opinion, regarding the cause of death. P.W.26, the Scientific Assistant in the Forensic Lab, Chennai, has stated that he examined M.Os.4 and 5 and two other material objects and found that in M.Os.4 and 5, 'O' group human blood was found. P.W.27 is yet another Scientific Assistant. He has stated that he examined M.Os.3,6 to 8, 10,11,16,17 and 18. He has stated that except in M.O.3, in all the material objects, there was human blood. P.W.28 has spoken about the examination of visceral organs of the deceased, wherein, he found neither poison nor alcohol. P.W.29 is the Head Constable who has stated that he handed over the F.I.R. and the complaint to the learned Judicial Magistrate No.III, Vellore, at 12.45 p.m. on 17.03.2009. P.W.30 has stated that he handed over the dead body to the doctor for post-mortem and he has also spoken about the recovery of material objects from the body of the deceased. He has further stated that blood sample was collected by P.W.25 for the purpose of comparison. P.W.31 has spoken about the fact that as Head Clerk of the Court, he forwarded the material objects for chemical examination, as directed by the learned Judicial Magistrate, on the request of the investigating officer. P.W.32 has spoken about the registration of the case on the complaint of P.W.1. P.W.33, an expert in DNA examination, has stated that in the trousers, banian and two strings, human blood was noticed and as per the DNA report, they belonged to one and the same person. P.Ws.34 and 35 have spoken about the investigation done and the final report filed.

6. When the above incriminating materials were put to the accused, they denied the same as false. On their side, one Balasubramanian was examined as D.W.1 and Exs.D-1 to D-3 were marked. D.W.1 has spoken about a news item and the photograph of the second accused, which appeared in Dina Thanthi, Tamil Daily, dated 25.03.2009. According to him, the said news about the arrest of the second accused was confirmed, before reporting. Ex.D-2 is the said newspaper. Ex.D-1 is a certified copy BSNL telegram, complaining about the arrest of the second accused, and Ex.D-3 is the authorisation letter given by the Editor of the newspaper, authorising D.W.1 to submit the copies of the newspaper. From this evidence, the defence has taken a stand that the case of the prosecution that the second accused was arrested on 25.03.2009 at 03.30 p.m. cannot be true, because in the newspaper, which was circulated in the morning on 25.03.2009, the second accused was found in the custody of the police, as seen in the photograph.

7. Having considered all the above, the trial Court convicted the accused 2 and 3 alone and sentenced them thereunder, as stated in first paragraph of this judgment. That is how, the third accused is before this Court with this appeal.

8. We have heard the learned Senior Counsel for the appellant; learned Additional Public Prosecutor, appearing for the State; and also perused the records carefully.

9. The learned Senior Counsel for the appellant would submit that the prosecution mainly relied on the eye witness account of P.W.1. According to the learned Senior Counsel, the identification made by her in Court cannot be believed. In our considered view, the said contention has got no force. The presence of P.W.1 at the place of occurrence along with the deceased has been spoken to not only by her, but by the residents of that locality, such as P.Ws.5,6,7 and 11 also. They are all neighbours. They have stated that on hearing the commotion, they were attracted towards the place of occurrence and they found two persons in the M.O.2 motorcycle and one person from the said motorcycle, who was the pillion rider, getting down from the motorcycle and stabbing the deceased with a knife. Thus, the place of occurrence, the time of occurrence and the fact that two persons coming in a motorcycle and the pillion rider stabbing the deceased have been spoken to cogently by the residents and the eye witnesses. Though the other eye witnesses could not identify the assailants, the fact that the assailants came in the motorcycle, overtook the motorcycle driven by the deceased and after the motorcycle came to a halt, the person, who was riding pillion, got down from the motorcycle and stabbed the deceased repeatedly and then they fled away from the scene of occurrence have been clearly spoken to. They have also spoken about the presence of P.W.1. The saree, worn by the deceased, was also stained with blood of the deceased, because she held the deceased. The report of the analyst also reveals that the blood group on the saree tallied with the blood group of the deceased. Thus, the presence of P.W.1 at the time and place of occurrence cannot be doubted for any reason.

10. As we have already pointed out, except P.W.1, nobody else has identified the assailants. Admittedly, the accused 2 and 3 were not previously known to P.W.1. According to the case of the prosecution, the accused 2 and 3 are hirelings, engaged by the first accused to kill the deceased. Now, the question is, whether the identification made by P.W.1 that the accused 2 and 3 were the assailants could be believed or not ?

11. The learned Senior Counsel for the appellant would submit that both in the complaint as well as in her statement, P.W.1 has not mentioned the identifying features of the assailants and, therefore, according to him, the identification made by P.W.1 during the test identification parade and also the identification of these two accused made by P.W.1 in Court cannot be given any weightage. We find it very difficult to accept this argument. It is true, that identifying features of

the appellants have not been mentioned both in the F.I.R. as well as during the investigation. But, on that score, we cannot doubt the identification made by P.W.1 of these two accused both during the test identification parade as well as during trial. It is not as if the occurrence had taken place in a fraction of a minute. According to the post-mortem certificate, five injuries were caused by the assailants on the body of the deceased. This would have taken a considerable time. P.W.1 was present by the side of the deceased and, therefore, she would have meticulously noticed the identifying features of the assailants and that is how she was able to identify the accused 2 and 3 as the assailants, both during the test identification parade as well as during trial. The test identification parade is conducted not with a view to create any substantive evidence. It is only with a view to ascertain the fact as to whether the suspects are the real culprits so as to take the investigation in the proper direction. Thus, the identification of the accused made by P.W.1 during the test identification parade could be used only as a corroborative piece of evidence, as the identification of these accused made by her during trial alone is the substantive evidence.

12. It is the settled law that even in the absence of test identification parade, the identification of the accused made by a witness for the first time in Court during trial could be believed, provided the said identification inspires the confidence of the Court. In the instant case, except the fact that P.W.1 did not specifically mention the identifying features of the assailants in the complaint as well as during investigation, there are no other reasons attributed to this witness, so as to make her evidence unbelievable. As we have already concluded, we find no valid reason to disbelieve the identification of these two accused made by P.W.1 both during test identification parade as well as during trial.

13. The learned Senior Counsel for the appellant would further submit that according to Ex.P-1, the person, who drove the motorcycle, alone stabbed the deceased and not the pillion rider, whereas, according to the prosecution evidence, the pillion rider stabbed and the driver did not cause any harm. This, according to the learned Senior Counsel, is a major contradiction. In our considered view, it is not so. The assailants came in a motorcycle from behind. Therefore, P.W.1 would not have noticed them when they were coming from behind. After the motorcycle was suddenly stopped, one person had got down from the motorcycle and indiscriminately started stabbing the deceased. In that perturbed mood, P.W.1 would not have noticed correctly as to whether the person, who stabbed the deceased, was the pillion rider or the driver. Thus, in our considered view, a very minor contradiction is now sought to be blown out of proportion, to create a picture as though it is a major

contradiction to doubt the entire case of the prosecution. Therefore, this argument is also rejected.

14. The medical evidence has duly corroborated the eye witness account. But, the learned Senior Counsel for the appellant would submit that P.W.1 has stated in general terms that the deceased was stabbed by the second accused but there were number of injuries. These injuries, according to the learned Senior Counsel, have not been properly accounted for. In our considered view, in this respect, we do not find any contradiction at all between the eye witness account and the medical evidence. P.W.1 was not called upon to say as to how many times the deceased was stabbed by the second accused. She has stated that the second accused stabbed the deceased. It cannot be read and understood as though she had stated that the deceased was stabbed only once by the second accused. It should be understood that all the injuries on the deceased were caused by the second accused. It is not as though there were any other assailants in the place of occurrence. Therefore, this argument is also rejected. We hold that the medical evidence duly corroborates the eye witness account.

15. The learned Senior Counsel for the appellant would further submit that there is no motive for these two accused, namely, A-2 and A-3, to cause the death of the deceased. The case of the prosecution is that there was motive between A-1 and the deceased and the same has been vividly spoken to by many witnesses. But, A-1 has been acquitted from the charge of conspiracy. There is no evidence as of now that A-1 engaged A-2 and A-3 to commit murder of the deceased. Thus, the prosecution has not established any motive for these two accused. But, the absence of proof of motive cannot be a ground to reject the eye witness account of P.W.1, whose evidence is very convincing and drawing adequate corroboration from the other eye witnesses and medical evidence. The recovery of material objects from the possession of the appellants also lends further support to the prosecution case. Thus, in our considered view, the assailants, who came in the motorcycle and involved in the crime, are only the accused 2 and 3 and the same has been duly proved by the prosecution beyond any reasonable doubt.

16. The trial Court has convicted the appellant/third accused for the offences under Sections 341 and 302 IPC. We do not find any reason to interfere with the same. Similarly, turning to the quantum of punishment, the trial Court has imposed a very reasonable punishment, which also does not require any interference at the hands of this Court. Thus, we do not find any merit at all in this appeal.

17. In the result, this Criminal Appeal fails and the same is, accordingly, dismissed. The conviction and sentence imposed on the appellant by the trial Court are hereby confirmed. The trial Court is directed to secure custody of the appellant to commit him in prison to undergo the remaining period of sentence.

dixit

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.III,
Vellore.
2. Do thro the Chief Judicial Magistrate,
Vellore.
- 3.The Principal District and Sessions Judge,
Vellore.
4. The Principal Sessions Judge,
Vellore.
5. The District Collector,
Vellore District.
6. The Superintendent,
Central Prison, Thorapady,
Vellore.
- 7.The Inspector of Police,
Katpadi Circle, Virudampet Police Station,
Vellore District.
8. The Director General of Police,
Mylapore, Chennai -4.
9. The Public Prosecutor,
High Court, Madras.

+ 2 ccs to Mr.T.Vijayaraghavan, Advocate SR 36796

ev(co)
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CRL.A.No.780 OF 2013