

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA
REDDY
AND

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Crl.A.No.1010 of 2010

Date : 19-05-2016

Between:

Boppana Beeraiah ..
Appellant/Accused

And

The State, represented by
the Public Prosecutor ..
Respondent

Counsel for appellant : Mr. K.M. Mahender Reddy,
representing Smt. K. Sarala
Mahender Reddy

Counsel for respondent : Mr. C. Pratap Reddy,
Public Prosecutor

The Court made the following :

JUDGMENT: (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

The appellant who is the sole accused in S.C.No.404 of 2008 on the file of the VI Additional District Judge, Siddipet, was tried for murder of his own wife and attempting to kill the brother of his wife and was found guilty for both these offences. He was sentenced to suffer imprisonment for life and to pay a fine of Rs.1000/- , in default, to suffer simple imprisonment for 3 months for the offence under Section 302 IPC and to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.500/-, in default to suffer simple imprisonment for the offence under Section 307 IPC. Both the sentences were directed to run concurrently. Feeling aggrieved by the same, the appellant filed this appeal.

The prosecution case, in brief, is as follows:

The appellant married the deceased ten years before the date of occurrence. They begot a son and a daughter. In the year 2000, the deceased lodged a report in Siddipet Rural P.S. alleging that she was beaten up by the appellant with a stick due to family disputes. The Police

have registered Cr.No.86/2000 for the offence under Section 324 IPC against the appellant and the same ended in acquittal on 27-9-2002. Due to misunderstandings between the couple, the deceased went to her parents' house at Rajakkapet village, Dubbak Mandal, and was residing there with her parents along with her two children. As the appellant neglected the deceased and their two children, the latter approached the Court of the Munsif Magistrate, Siddipet by filing M.C.No.22/2001 and succeeded in getting an order for payment of Rs.500/- per month against the appellant towards her maintenance. The appellant paid the maintenance for a period of one year and stopped payment thereafter. The accused contracted a second marriage with one Kanakavva of Hasanmeerapur village, Dubbak Mandal, without the consent of the deceased, against which the latter has given a police report which was registered by the Siddipet police as Cr.No.29/2003 for the offences under Section 498-A and 494 IPC and the accused was remanded to judicial custody. Eventually, the said case also ended in acquittal of the appellant. All these events have caused anger in the appellant and he has decided to do away with the deceased.

About six months prior to the incident, the

deceased returned to Machapur village and was residing with her children and PW-1, her elder brother, by constructing a house. About a month prior to the incident, the appellant was released on bail and has returned to the village. He started forcing the deceased to withdraw the case filed against him and as she declined his request, the appellant bore grudge against the deceased. On 29-11-2006 at about 6 p.m. the appellant went to the house of the deceased carrying a knife to execute his plan of eliminating his wife. He has found PW-1 being present in front of the house. After arguing with PW-1, the appellant pounced on the latter and stabbed him with the knife causing injuries to his stomach and shoulder, due to which he collapsed on the ground. Meanwhile, the deceased came to the scene and on seeing her the accused attacked her with the knife by pouncing upon her and stabbed on her throat and caused severe injuries and pushed her into a pit, due to which she died on the spot. Hearing the hue and cry, PW-3 and PW-4 rushed to the spot and on seeing them, the appellant went to his agricultural well, washed his blood stained clothes and fled away. PW-4, with the help of others, shifted the injured - PW-1 to the Government Area Hospital, Siddipet in his Auto and admitted him therein for

treatment where PW-10 provided PW-1 with first aid and referred him to Gandhi Hospital, Secunderabad after getting his dying declaration recorded.

At 20.00 Hours, on receipt of information from the Government Area Hospital, Siddipet, PW-11 - SHO, Siddipet, Rural P.S. proceeded to the hospital and recorded the statement of PW-1, based on which he has registered Cr.No.135/2006 under Sections 302 and 307 IPC, issued express FIRs and dispatched the same to all the officers concerned. PW-11 also got the dying declaration of PW-1 recorded by PW-7, the Mandal Revenue Officer, Siddipet, and got PW-1 shifted to the Gandhi Hospital. PW-7, the Assistant General Surgeon, Gandhi Hospital, Secunderabad issued Ex.P-9 - wounds certificate, opining that injury No.1 is grievous in nature.

PW-12, the Circle Inspector of Police, Siddipet Town P.S. who was holding additional charge of Siddipet Rural Circle, took up the further investigation, visited the scene of offence, prepared Ex.P-5 - scene of observation panchanama and Ex.P-6 - rough sketch of the scene of offence in the presence of PW-5 and LW-8 and seized MO-1 - blood stained knife, used in the commission of the offences and MO-5 - blood

stained earth relating to the deceased and MO-6 – control earth for MO-5 under the cover of Ex.P-5. PW-12 got the dead body of the deceased shifted to the mortuary of the Government Area Hospital, Siddipet, for autopsy. On the following day i.e., 30-11-2006, PW-12 held inquest over the dead body of the deceased at the mortuary of the Government Area Hospital, Siddipet in the presence of PW-6, LW-9 and L.W.11, during which PW-1 to PW-4 and LW-3 and LW-4 were examined and their statements were recorded. After conducting the inquest, PW-12 requested PW-9 to conduct post-mortem examination on the dead body of the deceased and the latter has accordingly conducted the post-mortem examination and issued Ex.P-8 post-mortem report and he opined that the cause of death was due to haemorrhage as a result of the stab wound on the neck. On 1-12-2006 at 11.30 Hours, the appellant surrendered before PW-12 and voluntarily confessed to the commission of the offences. PW-12 secured the presence of PW-8 and LW-12 and recorded the confessional statement in their presence, arrested the appellant and produced him before the Judicial Magistrate who remanded the appellant to judicial custody. PW-13 conducted the further investigation, sent the seized M.Os. to the Director, Forensic Science

Laboratory (FSL), Hyderabad for examination and expert's opinion. Ex.P-14 FSL report was received by the Magistrate's court on 26-7-2007. After completion of the investigation, PW-13 filed the charge-sheet.

The plea of the accused was of total denial and he preferred to be tried. Accordingly, the prosecution examined PW-1 to PW-13, got Exs.P-1 to P-14 marked and produced MO-1 to MO-9. No oral evidence was adduced on behalf of the defence. It has however marked Ex.D-1, a part of the statement of PW-2 recorded under Section 161 Cr.P.C. On appreciation of the oral and documentary evidence, the trial court convicted the appellant and sentenced him in the manner as referred to above.

I have heard Mr. K.M. Mahender Reddy, learned Counsel representing Smt. K. Sarala Mahender Reddy, appearing for the appellant and Mr. C. Pratap Reddy, learned Public Prosecutor for the State of Telangana.

The learned Counsel for the appellant advanced his submissions with conviction and perseverance. He argued that the case of the prosecution suffers from inherent weaknesses mainly due to defective investigation. That except the highly interested evidence of PW-1, the

brother of the deceased, and the hearsay evidence of PW-2, another deeply interested witness being the father of the deceased, the case of the prosecution is not supported by any independent witnesses who have turned hostile. That the evidence of PW-1 is discrepant with regard to the place of occurrence. That while the evidence of PW-1 regarding the time of registration of the FIR and the recording of his statement are highly discrepant and the same does not inspire confidence, PW-5, the panch witness, clearly deposed in the cross-examination that the contents of the scene of offence panchanama (Ex.P-5) were not read over and explained to him and that he has not seen any material object at the scene of offence. That the police failed to seize the blood stained clothes of PW-1, the alleged injured witness. That PW-12 categorically admitted that there were two sets of Section 161 Cr.P.C. statements on file, which throws any amount of doubt on the whole case of the prosecution and that in Ex.P-5, PW-12 has failed to mention that he has prepared the said report with the aid of petromax lights and the street lights which were glowing, as deposed in his oral evidence. The learned Counsel further argued that as per Ex.P-9 injury certificate, PW-1 was referred

to the Government Area Hospital at 7.40 P.M. on 29-11-2006; that PW-11 and PW-12 deposed that they recorded the statement of PW-1 at 8.00 p.m. and whereas PW-7 recorded the dying declaration of PW-1 at 8.50 p.m. which clearly reveals that there was no cohesion and corroboration among the various prosecution witnesses. That the prosecution miserably failed to establish the motive for the commission of the offence and that based on the incohesive, discrepant and hazy evidence on record, the trial court has committed a serious error in convicting the appellant for the offences with which he was charged.

Opposing the above submissions, the learned Public Prosecutor has strongly supported the Judgment of the trial Court. He has argued that inspite of several faults in the investigation as pointed out by the trial court itself, the unshattered evidence of PW-1 supported by the medical evidence, the chief examination of PW-3 and PW-4 and Exs.P-5 to P-7, clearly prove the guilt of the appellant/accused beyond all reasonable doubt.

We have carefully considered the respective submissions of the learned Counsel for the parties and perused the evidence on record.

Though in a case based on direct evidence,

motive plays a significant role, in view of the defective investigation on certain aspects as pointed out by the trial Court itself, this Court finds it imperative to examine whether the prosecution has established the motive on the part of the appellant to resort to the heinous act of killing his own wife.

PW-2, the father of the deceased is a pivotal witness who spoke to the motive for the appellant to commit the offences. He has deposed that his daughter was blessed with a son and a daughter; that when the deceased was 7 months pregnant for the second issue, the appellant has beat her with a stick due to which she has sustained fracture of her left hand and that his daughter has given a complaint to Siddipet P.S. He has further deposed that subsequently, the appellant married another woman by name Kanakavva of Hasanmeerapur village; that after giving birth to her second child (daughter), the deceased filed the maintenance case in Siddipet Court which granted maintenance; that the appellant paid maintenance for some time and subsequently stopped paying the same for which he was sent to jail by the Court; and that the appellant pressurised his daughter to withdraw the case filed against him. No suggestion was put to the witness suggesting that the facts deposed

by him relating to the institution of maintenance case and criminal cases by the deceased against the appellant and the latter suffering imprisonment for non-payment of maintenance amount, to be false. It was not even suggested to the witness that the appellant has not contracted the second marriage. Except the suggestion to the witness that the appellant and the deceased were living amicably and there was no necessity for the appellant to stab PW-1, nothing worth credence could be elicited from PW-2 to discredit his testimony regarding the discord between the appellant and the deceased and the ill-feelings nurtured by the appellant following the legal litigation including his prosecution launched at the instance of the deceased.

That the appellant has contracted a second marriage is also proved from the evidence of PW-4 though he has turned hostile. In his chief-examination, PW-4 has clearly deposed that the appellant is having two wives; that the deceased was the first wife and that he does not remember the name of the second wife who was a resident of Hasanmeerapur village. He has also deposed that the second wife has one daughter.

The above discussed evidence would clearly show that all was not well between the appellant

and the deceased. The appellant has suffered an order for payment of maintenance and was even sent to jail for violation of the court order pertaining to payment of maintenance to the deceased. It is also proved beyond any doubt that the appellant was subjected to criminal prosecution both for the offences under Section 498-A IPC as well as Section 494 IPC (Marrying again during lifetime of husband or wife) though the said case appears to have ended in his acquittal. Added to all this, the appellant has contracted a second marriage. In our opinion, the above mentioned reasons constitute sufficient motive for the appellant to develop grudge against the deceased with whom he had no longer any love lost.

We shall now consider the contentions advanced by the learned counsel for the appellant regarding various other aspects.

As regards the submission of the learned counsel for the appellant that the evidence of PW-1 creates any amount of doubt on its trustworthiness, it is mainly based on the alleged discrepancy in his testimony relating to the place and the manner in which the attack has taken place. PW-1 was twenty years of age when the occurrence has taken place and he was pursuing

his Intermediate course. It has come out in the evidence that as the deceased was living along with her two children at Machapur Village, PW-1 was sent by PW-2 to provide her company and he was studying Second Year Intermediate Course at Government College, at Siddipet, 20 Kms. away from Machapur. He deposed that three days prior to the occurrence, the appellant was released from jail, he came to the house of the deceased and picked up a quarrel threatening the deceased to withdraw the cases filed by her and that otherwise he would kill her. He has, however, admitted in his cross-examination that he did not state the said fact before the Police, and he has denied the suggestion that the appellant has not met the deceased three days prior to the incident and threatened her. As regards the actual occurrence, PW-1 in his chief examination stated that on 29.11.2006 he returned to Machapur village at about 5.00 p.m., that about 6.00 p.m. he was doing his Maths homework sitting in front of his sister's house, that his sister was inside the house, when the appellant came from behind him, held his shirt collar, turned him towards his side and stabbed him on the left shoulder joint on front side. He has further deposed that the appellant also stabbed PW-1 on the right side stomach and thereafter

threw him aside. P.W.1, however, varied the above-noted statement regarding the place at which he was sitting and doing homework. However, in his cross-examination, he has stated that by the date of incident only one room of the house in which himself and the deceased were living was completed, second room was not completed and only door-frame was fixed and that he was sitting at the doorframe. He has further deposed that the appellant stabbed him and his sister in the room which was incomplete and without roof. At another place, PW-1 stated that after the appellant stabbed him and his sister, again the appellant stabbed him outside the house. If we read the deposition of PW-1, at the first blush it creates an impression that it is somewhat discrepant regarding the place of attack. However, we need to keep in mind the fact that the witness was just about twenty years of age, studying Intermediate. It is quite unnatural for a person of that age without any exposure to criminal trial to get confused when various questions are put to him in an alien court atmosphere. When even highly educated and experienced persons give evidence under pressure in a criminal trial, it is but natural for P.W.1, who just passed his adolescent stage to falter.

In *State of Andhra Pradesh v. Kanda Gopaludu*^[11], the Supreme Court held that every discrepancy in the statement of a witness cannot be treated as fatal to the prosecution case and that a discrepancy which is not fatal to the prosecution does not create any infirmity. In that case, the Supreme Court has taken note of the fact that there was a gap of almost four years between the date of incident and the examination of the witnesses, that human memories are apt to blur with the passage of time and that after lapse of almost four years, it cannot be expected that a witness can depose with mathematical precision. In *Rama Kant Verma v. State of U.P.*^[12], the Supreme Court observed that the witnesses could not be expected to describe the scenario with surgical precision.

Further, if we read the evidence of P.Ws.3 and 4, the doubts that may arise on account of inconsistency with regard to the actual place of attack from the evidence of P.W.1 will get completely obliterated. Though P.W.3 has turned hostile, in his chief-examination he has deposed that he is a resident of Machapur Village, that he knows the appellant and the deceased, that the incident took place about three years back, that on the date of incident at about 6.30 p.m., he along

with others was going to a hotel to take tea, that he noticed a mob at the house of the deceased who was found lying dead with bleeding injuries in a pool of blood, that he has also noticed injuries on the person of PW-1 and that he has shifted PW-1 in P.W4's auto to the hospital. Though he has allegedly stated before the Police that he has witnessed the attack on the deceased by the appellant, as he has turned hostile, that part of his statement is not admissible in evidence. However, what is relevant is that he has admitted in his chief-examination that at about 6.30 p.m. there was a mob at the house of the deceased and he has found the deceased lying dead with bleeding injuries in a pool of blood and he has also found PW-1 with injuries.

PW-4 - an auto driver, who also allegedly witnessed the incident, but turned hostile, supported the evidence of PW-3 to the extent of his taking PW-1 to the hospital in his auto with the help of the villagers. This evidence of PWs-3 and 4 allays any pale of doubt that the incident has taken place at the residence of the deceased and they noticed the deceased lying dead in a pool of blood and PW-1 with bleeding injuries, which clearly shows that there was not much gap between the time of occurrence and PW-3 arriving at the scene

and noticing the deceased and PW-1 with bleeding injuries. This evidence is sufficient to allay reasonable doubts, if any, that might arise. On going through the evidence of PW-1, it is clearly established that not only that the deceased met with homicidal death at the hands of the appellant, but also it has occurred at the house of the deceased on the date and at the time pleaded by the prosecution.

The next question that needs to be considered is whether the appellant has caused the death of the deceased and bodily injuries to PW-1?

PW-1 is an injured witness. In criminal jurisprudence, the testimony of an injured witness has high evidentiary value, for, ordinarily a person who suffered injuries at the hands of another would not shield the real offender and falsely implicate an innocent. This view of ours is supported by a catena of judgments (Vide *Ramlagan Singh v. State of Bihar*^[3], *Malkan Singh v. State of U.P.*^[4], *Machhi Singh v. State of Punjab*^[5], *Appabhai v. State of Gujarat*^[6], *Bonkya v. State of Maharashtra*^[7], *Bhag Singh v. State of Punjab*^[8], *Mohar v. State of U.P.*^[9], *Dinesh Kumar v. State of Rajasthan*^[10], *Vishnu v. State of*

Rajasthan^[11], *Annareddy Sambasiva Reddy v. State of A.P.*^[12], and *Balraje v. State of Maharashtra*^[13]).

In *State of Madhya Pradesh v. Mansingh and others*^[14], the Supreme Court held that the evidence of injured witnesses has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly. In *B.K. Channappa v. State of Karnataka*^[15], though the Supreme Court found certain contradictions in the evidence of the material witnesses, it has placed heavy reliance on the testimony of injured witnesses despite some improvements, contradictions and omissions therein. After referring to relevant case law on this aspect, the Supreme Court in *Abdul Sayeed v. State of M.P.*^[16], succinctly summarized the law as under:

“The law on the point can be summarized to the effect that the testimony of the injured witness is accorded a special status in law. This is as a sequence of the fact that the injury to the witness is an inbuilt guarantee of his presence at the scene of the crime and because the witness will not want to let his actual assailant go unpunished merely to falsely implicate a third party for the commission of the offence. Thus, the deposition of the injured witness should be relied upon unless there are strong grounds for rejection of his evidence on the basis of major contradictions and discrepancies therein.”

In the backdrop of this settled legal position pertaining to the evidentiary value of the testimony of injured witnesses, if we carefully analyze the evidence of PW-1, we find the same very natural and trustworthy. The substratum of his deposition is that when he was doing his homework at about 6.00 p.m. on 29.11.2006; the appellant came to their house; he saw him sitting near the doorframe (inside or outside the doorframe is wholly immaterial), came from behind, held his shirt collar, turned him to his side, stabbed him on the left shoulder joint on front side and also on the right side of his stomach. That on hearing the cries of PW-1, when the deceased tried to come to his rescue, the appellant held the tuft of the deceased, stabbed her on throat and neck, and cut her throat, and that when PW-1 went to the rescue of his sister, the deceased, the appellant again stabbed him on his right side below the arm pit and on left side of his back. Ex.P.9 is the wounds certificate issued by PW-10. As per this certificate, PW-1 sustained five injuries. This document substantially supports the oral testimony of PW-1 on the overt acts. Injury No.3 correlates to the overt act of stab injury on left shoulder; injury No.1 correlates to the overt act

of stab injury on the right side of stomach; injury No.2 correlates to the over act of stab injury on the right side below the arm pit; and injury No.4 correlates to the overt act of stab injury on the left back of PW-1. Of course, there is one additional injury found on PW-1 which was not specially spoken to by him in his evidence. PW-10 has described injury No.1 referred to by P.W.1 as grievous while other injuries were found simple in nature.

PW-1 also spoke about the injuries caused to the deceased. He has deposed that the appellant has stabbed the deceased on her throat and neck, and cut her throat. Ex.P.8 - post-mortem report found two deep stab wounds on the left side of the neck, and two deep stab incised wounds on the right side of the neck (larynx) cutting the underneath major blood vessels resulting in profused bleeding. Thus, the medical evidence fully corroborates with the ocular testimony of PW-1. Nothing was suggested by the defence in the cross-examination of PWs.1 and 2 that the deceased and PW-1 might have been attacked by anybody other than the appellant at a place different from the scene of offence pleaded by the prosecution.

In a criminal case, the prosecution needs to

prove the guilt of the accused beyond all reasonable doubts. On analyzing the entire evidence on record, we are unable to entertain any reasonable doubt as to whether the deceased and PW-1 might have been attacked by anybody other than the appellant, who, as held by us, has strong motive to commit the offence. No doubt, P.Ws.3 and 4 were successfully won over by the defence. However, the truth of the involvement of the appellant could not be camouflaged. As the appellant's ill-luck would have it, P.W.1 survived the serious attack on him and his testimony has proved the appellant's nemesis.

The submission of the learned counsel for the appellant that PW-2 being an hearsay witness, PW-1's evidence did not receive corroboration by any other independent witness, can be referred to only to be rejected. As held by the Supreme Court in *Vadivelu Thevar v. State of Madras* [\[17\]](#), it is the probative force and value of the evidence and not the sheer numerical strength of the witnesses which determines the guilt of the accused.

As discussed above, PW-1, though an interested witness being the brother of the deceased, is an injured witness, and we do not find any reason whatsoever either on account of his interestedness in the deceased or the insignificant

inconsistencies in his evidence regarding the actual place of the attack, to disbelieve his version. The evidence of PW-1 is amply supported by Ex.P.5 - scene of offence observation panchnama, Ex.P.6 - rough sketch of the scene of offence, Ex.P.7 - inquest panchnama, Ex.P.8 - post-mortem report, Ex.P.9 - wounds certificate, and the ocular evidence of PW-5, the witness to Exs.P.5 and P.6, and PW-6, one of the witnesses to Ex.P.7 - inquest panchnama.

Much was argued by the learned counsel for the appellant on the aspects such as two sets of Section 161 CrPC statements, the discrepancy in the evidence of PW-11 regarding the actual time at which he has registered the F.I.R., failure of PW-12 to seize the bloodstained clothes of PW-1, the non-examination of independent witnesses who gathered in large numbers at the scene of offence, variation in the version of PW-11, PW-12 and PW-7 on admission of PW-1 and recording of his dying declaration. As regards the dying declaration of PW-1, as he survived and testified as a witness, the dying declaration has lost its significance.

With regard to the submission of the learned counsel for the appellant that the Investigating Officer has not examined any independent witness and that therefore prosecution case must fail for

that reason, the Supreme Court in *Ambika Prasad v. State (Delhi Administration)* ^[18] while rejecting such a submission, took judicial notice of the reluctance of the general public to figure as witnesses. It has held at para-12 as under :

“It is next contended that despite the fact that 20 to 25 persons collected at the spot at the time of the incident as deposed by the prosecution witnesses, not a single independent witness has been examined and, therefore, no reliance should be placed on the evidence of PW-5 and PW-7. This submission also deserves to be rejected. It is a known fact that independent witnesses are reluctant to be witnesses or to assist the investigation. Reasons are not far to seek. Firstly, in cases where injured witnesses or the close relative of the deceased are under constant threat and they dare not depose the truth before the court, independent witnesses believe that their safety is not guaranteed. That belief cannot be said to be without any substance. Another reason may be the delay in recording the evidence of independent witnesses and repeated adjournments in the court. In any case, if independent persons are not willing to cooperate with the investigation, the prosecution cannot be blamed and it cannot be a ground for rejecting the evidence of injured witnesses.....”

Reiterating its view taken in *Ambika Prasad* (18-supra) the Supreme Court in *State of U.P. Vs. Anil*

Singh^[19] held as under:

“In some cases, the entire prosecution case is doubted for not examining all witnesses to the occurrence. We have recently pointed out the indifferent attitude of the public in the investigation of crimes. The public are generally reluctant to come forward to depose before the court. It is, therefore, not correct to reject the prosecution version only on the ground that all witnesses to the occurrence have not been examined. Nor it is proper to reject the case for want of corroboration by independent witnesses if the case made out is otherwise true and acceptable.”

Hence, we do not find any merit in the submission of the learned counsel for the appellant on this aspect.

As regards the other lacunae argued by the learned Counsel, as referred to above, howsoever defective the investigation may be, so long as it does not affect the case of prosecution, and if the evidence on record is strong enough, the real culprit cannot be allowed to escape punishment (*State of U.P. v. Jagdeo*^[20]). In *Karnel Singh v. State of M.P.*^[21] the Supreme Court held that in cases of defective investigation the Court has to be circumspect in evaluating the evidence but it would not be right in acquitting an accused person

solely on account of the defect; to do so would tantamount to playing into the hands of the Investigating Officer if the investigation is designedly defective. In that case, though the Investigating Officer has failed to record the statements of two important witnesses to the incident of rape and also draw up a proper seizure memo with regard to the '*chaddi*' (underwear), while holding the investigation as slipshod and defective, the Court has nevertheless confirmed the conviction of the accused.

In *State of U.P. v. Ram Veer Singh* [\[221\]](#), the Supreme Court held that miscarriage of justice which may arise out of acquittal of the guilty is no less than that results from the conviction of an innocent. Therefore, on the facts and circumstances of the case, we feel that it would be a grave miscarriage of justice, if the appellant is acquitted based on the loose ends of investigation.

In the case on hand, the evidence of PW-1 was amply corroborated by the other evidence as discussed hereinbefore. Therefore, though the investigation was faulty and defective and was left a lot to be desired, we are not prepared to let off the appellant whose guilt is proved beyond reasonable doubt.

For the above mentioned reasons, we do not

find any reason to interfere with the judgment of the trial Court and the criminal appeal is accordingly dismissed.

C.V. NAGARJUNA
REDDY, J

M.S.K. JAISWAL, J

Dt. 19-05-2016
Am/bnr

Note: L.R. copies to be marked.

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- [\[1\]](#) (2005) 3 SCC 116
 - [\[2\]](#) (2008) 17 SCC 249
 - [\[3\]](#) (1973) 3 SCC 881
 - [\[4\]](#) (1975) 3 SCC 311
 - [\[5\]](#) (1983) 3 SCC 470
 - [\[6\]](#) 1988 Supp SCC 241
 - [\[7\]](#) (1995) 6 SCC 447
 - [\[8\]](#) (1997) 7 SCC 712
 - [\[9\]](#) (2002) 7 SCC 606
 - [\[10\]](#) (2008) 8 SCC 270
 - [\[11\]](#) (2009) 10 SCC 477
 - [\[12\]](#) (2009) 12 SCC 546
 - [\[13\]](#) (2010) 6 SCC 673
 - [\[14\]](#) (2003) 10 SCC 414
 - [\[15\]](#) (2006) 12 SCC 57
 - [\[16\]](#) (2010) 10 SCC 259
 - [\[17\]](#) AIR 1957 SC 614
 - [\[18\]](#) (2000) 2 SCC 646
 - [\[19\]](#) (1996) 7 SCC 194
 - [\[20\]](#) (2003) 1 SCC 456

[\[21\]](#) (1995) 5 SCC 518

[\[22\]](#) 2007 (6) Supreme 164