

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

Criminal Appeal Nos.946 & 983 of 2010

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Dated: 30th March, 2016

Crl.A.No.946 of 2010:

Between:

Upputala Venkateswarlu and others

.....Appellants/Accused Nos.1 to 5

and

The State of Andhra Pradesh, represented by the
Public Prosecutor

.....Respondent

**Counsel for appellant Nos.1 to 4: Sri T.Bali Reddy, Senior
Counsel,**

for Sri K.Suresh Reddy

Counsel for appellant No.5: Sri Sricharan Telaprolu

Counsel for the respondent: Public Prosecutor (AP)

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Crl.A.No.983 of 2010:

Between:

Upputala Srinu and another

.....Appellants/Accused Nos.6 and 7

and

The State of Andhra Pradesh, represented by the
Public Prosecutor

.....Respondent

Counsel for the appellants: Sri D.Bhaskar Reddy

Counsel for the respondent: Public Prosecutor (AP)

The Court made the following:

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

Both these Criminal Appeals arise out of Sessions Case No.318 of 2009, on the file of learned V Additional District and Sessions Judge (Fast Track Court), Guntur. Accused Nos.1 to 5 are the appellants in CrI.A.No.946 of 2010 and accused Nos.6 and 7 are the appellants in CrI.A.No.983 of 2010.

Accused No.1 was convicted for the offences punishable under Sections 148, 452, 302 and 324 IPC and was sentenced to suffer imprisonment for life and to pay a fine of Rs.2,000/-, in default, to suffer simple imprisonment for three months for the offence punishable under Section 302 IPC; to suffer rigorous imprisonment for one year for the offence punishable under Section 148 IPC; to suffer rigorous imprisonment for three years and to pay a fine of Rs.500/-, in default, to suffer simple imprisonment for one month for the offence punishable under Section 452 IPC and to suffer rigorous imprisonment for two years for the offence punishable under Section 324 IPC.

Accused No.2 was convicted for the offences punishable under Sections 148, 452 and 326 IPC and was sentenced to suffer rigorous imprisonment for one year for the offence punishable under Section 148 IPC; to suffer rigorous imprisonment for three years and to pay a fine of Rs.500/-, in default, to suffer simple imprisonment for one month for the offence punishable under Section 452 IPC and to suffer rigorous imprisonment for three years and to pay a fine of Rs.1,000/-, in default, to suffer simple imprisonment for one month for the offence punishable under Section 326 IPC.

Accused Nos.3, 4, 6 and 7 were convicted for the offences punishable under Sections 148, 452 and 324 IPC and were sentenced to suffer rigorous imprisonment for one year each for the offence punishable under Section 148 IPC; to suffer rigorous imprisonment for

three years each and to pay a fine of Rs.500/- each, in default to suffer simple imprisonment for one month for the offence punishable under Section 452 IPC and to suffer rigorous imprisonment for two years each for the offence punishable under Section 324 IPC.

Accused No.5 was convicted for the offences punishable under Sections 148, 452 and 302 IPC and was sentenced to suffer life imprisonment for the offence punishable under Section 302 IPC and to pay a fine of Rs.2,000/-, in default to suffer simple imprisonment for three months; to suffer rigorous imprisonment for one year for the offence punishable under Section 148 IPC and to suffer rigorous imprisonment for three years and to pay a fine of Rs.500/- in default to suffer simple imprisonment for one month for the offence punishable under Section 452 IPC.

All the sentences imposed against the accused were directed to run concurrently.

For convenience, the appellants are referred to as they were arrayed in the Sessions Case.

The prosecution case, in brief, is as follows:

All the accused and the material prosecution witnesses are the residents of Guntur. Accused No.1 is the younger brother of PW.1. Accused Nos.2 to 4 are the sons of accused No.1, whereas accused Nos.6 and 7 are the sons of the eldest brother of PW.1. Accused No.5 is unrelated to the accused and the prosecution witnesses.

In the year 1992, the Government granted house sites by way of B Form pattas, whereby PW.1 was allotted 140 sq.yds., of land and accused No.1 was allotted 220 sq.yds., of land. Accused No.1 interpolated the extent of land in his B *form* patta as 260 sq.yds., in place of 220 sq.yds., and tried to occupy an extent of 40 sq.yds., belonging to PW.1. In relation thereto, P.W.1 filed a civil suit, which was dismissed on 24.10.2004, against which he filed an appeal and the same is pending.

On 21.07.2008 at about 9.00 pm, accused No.1, his wife and

daughter were abusing PW.1 and his wife. On hearing the same, PW.1 sent his wife and others to police station to give a report. At about 10.00 pm, when PW.1 was lying on the cot, all the accused armed with sticks, knives, iron rods and a crowbar trespassed into the house of PW.1 and pulled him outside. Accused No.2 hacked PW.1 on his left leg with a knife. Accused No.5 beat him with a crowbar and the blow fell on the left elbow. On hearing the cries of PW.1, one China Anjaneyulu (hereinafter referred to as 'the deceased'), and PWs.3 and 4 came to the scene and intervened. Accused No.1 beat PW.3 on his head with a pipe rod and accused No.4 stabbed him on the right hand with a knife. When the deceased was trying to run away, accused No.5 beat him with a crowbar on his head and accused No.1 beat him on the back side of the head with a pipe rod. Accused Nos.3, 6 and 7 beat PW.4 on his head with sticks. Accused No.2 gave one blow with a knife at the left eye of PW.4. All the four injured were taken to the Government Hospital in an ambulance. The Doctor declared the deceased as dead and treated PWs.1, 3 and 4.

On 22.07.2008, at about 1.45 am, PW.17, the Sub-Inspector of Police, Old Guntur, visited the hospital and recorded the statement of PW.1, based on which he registered Crime No.88 of 2008 under Sections 147, 148, 302, 307, 452 and 324 r/w 149 IPC. He issued Ex.P19, FIR, at about 2.30 am. PW.18, the Inspector of Police, Guntur, took up the further investigation and visited the hospital and received copy of the FIR. He recorded the statements of PWs.1, 7 and 8. At about 8.00 am, he visited the scene of offence in the presence of PW.16 and another and prepared Ex.P9, observation report. He also prepared Ex.P20, rough sketch and recorded the statements of PWs.10 and 11. He went to the hospital and held inquest over the dead body of the deceased in the presence of PW.16 and another and prepared Ex.P10, inquest report. He recorded the statements of PWs.2, 6 and 7 and sent the dead body for post-mortem examination. At about 1.05 pm, PW.15, the Assistant Professor, conducted autopsy

over the dead body. He opined that the cause of death of the deceased was due to the head injury. He issued Ex.P8, post-mortem certificate. PW.13, the Chief Medical Officer, Government Hospital, Guntur, examined PWs.1, 3 and 4 and issued wound certificates. PW.14, another Doctor, examined PW.2 and issued wound certificate. On 31.07.2008, PW.18, the Inspector of Police, Guntur arrested all the accused at about 5.00 pm, near R.T.C. bus stand and on their confession, he seized the weapons, MOs.1 to 7 at the Graveyard, Guntur. After completion of the investigation, he filed the charge sheet.

The appellants/accused pleaded not guilty and claimed to be tried.

In support of its case, the prosecution examined PWs.1 to 18, marked Exs.P1 to P21 and produced MOs.1 to 14. On behalf of the defence, DWs.1 and 2 were examined and Exs.D1 to D14 were marked. On appreciation of the oral and documentary evidence, the trial Court convicted the appellants and sentenced them as noted above.

We have heard Sri T.Bali Reddy, learned Senior Counsel appearing for the appellants/accused Nos.1 to 4 in CrI.A.No.946 of 2010, Sri Sricharan Telaprolu, learned counsel appearing for the appellant/accused No.5 in CrI.A.No.946 of 2010, Sri D.Bhaskar Reddy, learned counsel for the appellants/accused Nos.6 and 7 in CrI.A.No.983 of 2010, and the learned Public Prosecutor (AP) appearing for the respondents in both the appeals.

Sri T.Bali Reddy, learned Senior Counsel, appearing for the appellants/accused Nos.1 to 4 in CrI.A.No.946 of 2010, has submitted that in spite of various discrepancies in the evidence of the prosecution witnesses, the trial Court has committed a serious error in holding accused Nos.1 to 4 guilty of various offences, including the one under Section 302 IPC in respect of accused No.1. Alternatively, he has submitted that in the face of the findings of the trial Court that accused

Nos.1 to 4 had no intention of causing injuries with a view to cause death or such bodily injuries as are likely to cause death, but they have only the knowledge that the injuries would cause death, in all probabilities, the trial Court has committed a grave error in convicting accused No.1 for the offence punishable under Section 302 IPC instead of under Section 304 Part-II IPC.

Sri Sricharan Telaprolu, learned counsel for the appellant/accused No.5 in CrI.A.No.946 of 2010, has submitted that the whole case of the prosecution is impregnated with contradictions and inconsistencies and the conduct of the material prosecution witnesses and the investigation agency is highly suspicious, which throws a serious doubt on the entire prosecution case. He has further submitted that the manner in which the prosecution has set up its case relating to the attack on accused No.5, viz., that after attack, he ran for a distance about 250 feet from the alleged scene of offence creates any amount of doubt on the whole prosecution case. Alternatively, he has also adopted the submission of

Sri T.Bali Reddy, learned Senior Counsel, appearing for the appellants/accused Nos.1 to 4 in CrI.A.No.946 of 2010, that even if the findings of the trial Court are accepted against appellant/accused No.5, he is liable to be convicted under Section 304 Part-II IPC only and not under Section 302 IPC.

Sri D.Bhaskar Reddy, learned counsel for appellants/accused Nos.6 and 7 in CrI.A.No.983 of 2010, has submitted that as per the case of the prosecution, accused Nos.6 and 7 have attacked PW.4 along with accused No.3, that as per the evidence of PW.4, accused Nos.3, 6 and 7 have attacked him from behind, while PWs.5 and 6 have deposed that the said accused have attacked PW.4 from the front side. He has further submitted that as per Ex.P4, wound certificate, only two injuries were found on PW.4, that injury No.1, a lacerated injury present on the left upper eye lid measuring 6 X 3 cms, correlates with the overt act against accused No.2 and that as injury No.2, a

lacerated injury measuring 4 x 1 cms on the parieto occipital region of the head (back portion of the head) and reddish in colour, is the only injury found on the back side of the head of PW.4, there was no possibility of three persons causing one injury and that in the absence of identification of the real assailant among accused Nos.3, 6 and 7 causing that injury, benefit of doubt must be given to all these three accused.

The learned Public Prosecutor (AP) opposed the above submissions of the learned counsel for the appellants in both the appeals and strongly supported the judgment of the trial Court.

At the outset, it needs to be mentioned that all the accused were acquitted of the charge under Section 149 IPC. Therefore, they are liable for conviction based on the individual overt acts against them. Before considering these overt acts, it is necessary to examine whether the prosecution was able to prove its case regarding the participation of all the accused in the commission of the alleged offences.

Among the prosecution witnesses, PWs.1 to 4 are the injured witnesses. In his deposition, PW.1 has narrated as to how the occurrence has taken place. According to him, on 21.07.2008, at about 9.00 pm, accused No.1, his wife and daughter were abusing the witness and his wife, that he has sent PWs.8 to 11 to the police station to give report against accused No.1, that he went inside the house and at about 10.00 pm, he was lying on his cot, that accused Nos.1 to 7 armed with sticks, knives, iron rods and crowbar came inside the house, threw him outside the house, accused No.2 abused him in filthy language stating that he would not leave him and hacked him on his left leg with a knife, that when accused No.5 tried to beat him with crowbar on his head, PW.1 has raised his left hand and sustained injury on his left hand near the elbow and that when he raised cries, PW.3, the deceased and PW.4 came to his rescue. That accused No.1 beat PW.3 with a pipe rod on his head and accused No.4

stabbed PW.3 with a knife on his right hand on the ventral side and that on seeing PW.1, when the deceased was running away, accused No.5 beat the deceased with a crowbar on his head and accused No.1 beat the deceased with a rod on the back side of his head near the left ear, on account of which, the deceased fell down, that accused Nos.6, 7 and 3 beat PW.4 with sticks on his head and that accused No.2 hacked PW.4 with a knife above his left eye due to which the latter sustained bleeding injury. That all the accused with a premeditated mind tried to kill PW.1 armed with deadly weapons. That all the four injured were taken to Government Hospital in an Ambulance, that the Doctor declared the deceased as dead and that while undergoing treatment, PW.1 was examined by the Police. He gave Ex.P1, report, to the police, which was drafted by his brother's son and he has signed the same.

We have carefully read the lengthy cross-examination to which PW.1 was subjected to by the learned counsel for accused Nos.1 to 5, and accused Nos.6 and 7 and we must say that nothing material could be elicited from PW.1 which would cast any cloud on his version regarding the presence of all the accused and the manner in which himself, PWs.2 to 4 and the deceased were attacked. The evidence of PW.1 was fully corroborated by the three other injured witnesses, PWs.2 to 4 besides PWs.5 and 9.

The learned counsel for accused No.5 has pointed out certain shortcomings in the investigation, such as, PW.18 not examining the persons who were at the scene of offence when he has visited there and obtaining the opinion of the doctor on the fitness of PW.1 to give Ex.P1, report.

In our opinion, when as many as four injured witnesses have given their evidence in support of the prosecution, these shortcomings or lacunae in the investigation do not affect the case of the prosecution. As regards the fitness of PW.1 to make a statement, he has received two injuries on his left leg only which were described as

simple in nature and therefore there could be no doubt about his fitness in giving a statement. The defence has not put forth its case suggesting the probable manner in which the witnesses, such as, PWs.1 to 4, would have suffered the injuries otherwise than in the manner the prosecution has set up in its case. On a holistic consideration of the evidence on record, we hold that the incident has occurred in the night on 21.07.2008 in the presence of all the accused and all the accused participated in it.

Coming to the individual overt acts, accused Nos.1 and 5 have allegedly attacked the deceased. PW.1 has deposed that while the deceased was running away on his seeing him being attacked, accused No.5 beat the deceased with a crowbar on his head and accused No.1 beat him with a rod on the back side of his head near the left ear, as a result of which, the deceased fell down. Ex.P8, post-mortem certificate, contains reference to seven injuries. PW.15, the doctor who conducted autopsy on the deceased, opined that the injuries on the body of the deceased could be caused with a crowbar and an iron pipe. Injury No.1 is a horizontal cut laceration present over right pinna of ear and portion of the head back of ear to a size of 5 x 2 cms X skull deep, red in colour with irregular margins. Injury No.2 is an oblique cut laceration present over the left parietal area, 4 cms cut outer to vertex of size 9 x 2 cms X skull deep, red in colour with irregular margins. No doubt, as per the opinion of PW.15, injury Nos.1 and 2 could be caused with a sharp edged and heavy cutting weapon, like knife also. Thus, we find force in the contention of the learned counsel for the accused that there is slight contradiction in the evidence of PW.15 regarding the weapons which could cause injuries found on the body of the deceased. But, all the material prosecution witnesses referred to above have spoken in one voice that accused No.1 has beaten the deceased with a pipe rod and accused No.5 has beaten him with a crowbar on his head. As noted above in the beginning of his deposition, PW.15 has stated that the two

corresponding injuries i.e., injury Nos.1 and 2, could be caused with a crowbar and an iron pipe. However, he has also stated that there is a possibility of such injuries being caused with heavy cutting knives.

In **Ramanand Yadav v. Prabhu Nath Jha and others**^[1], the Supreme Court held that over-dependence on the opinion of medical witness to checkmate the direct testimony given by an eyewitness is not a safe modus adoptable in criminal cases, that it is axiomatic that medical evidence can be used to repel the testimony of eyewitnesses only if it is so conclusive as to rule out even the possibility of the eyewitness' version to be true and that a doctor usually confronted with such questions regarding different possibilities or probabilities of causing those injuries or post-mortem features which he noticed in the medical report may express his views one way or the other depending upon the manner in which the question was asked, but the answers given by the medical witness to such questions need not become the last word on such possibilities. The Supreme Court further held that after all, the doctor gives only his opinion regarding such questions, but to discard the testimony of an eyewitness simply on the strength of such opinion expressed by the medical witness is not conducive to the administration of criminal justice.

In **Punjab Singh v. State of Haryana**^[2], the Supreme Court held that if direct evidence is satisfactory and reliable, the same cannot be rejected on hypothetical medical evidence.

As noted above, the evidence of the eyewitness who include the injured witnesses is consistent and there was no contradiction whatsoever regarding the manner in which accused Nos.1 and 5 have attacked the deceased and the weapons used by them in attacking the deceased. Therefore, the seemingly conflicting opinion of PW.15 regarding the weapons by which the injuries on the body of the deceased could be caused does not in any manner cast a doubt on the prosecution case on the part played by accused Nos.1 and 5 in

attacking the deceased.

With regard to accused No.2, PW.1 has deposed that while abusing him in filthy language, the former has hacked him on his left leg with a knife. He has also deposed that accused No.2 hacked PW.4 with a knife above his left eye. PW.2 has also corroborated the version of PW.1. PW.4 deposed that accused No.2 has beaten PW.1 with sticks and knife on his left leg apart from attacking him with a knife on his left side above the eyebrow. Ex.P5 is the wound certificate relating to PW.1 and Ex.P4 is the wound certificate relating to PW.4. In Ex.P5, two lacerated injuries on the left leg were found. Similarly, in Ex.P4, a lacerated injury on the left upper eye lid was found. Thus, the medical evidence fully corroborates with the ocular evidence of PWs.1 and 4 regarding the overt acts attributed to accused No.2.

As regards accused No.4, he is charged with stabbing PW.3 with a knife on his right hand. PW.1, 2 and 3 in unison have testified the attack of accused No.4 on PW.3. Ex.P6 is the wound certificate of PW.3. Injury No.2 pertains to incised looking wound present on right forearm posterior aspect, 6 x 2 cms in size with fresh bleeding. Thus, the oral evidence of PWs.1 to 3 as well as medical evidence clearly prove the overt acts attributed to accused No.4.

The cases of accused Nos.3, 6 and 7 need to be considered together because all the prosecution witnesses have referred to their attacking PW.4. PW.1 deposed that accused Nos.6, 7 and 3 beat PW.4 with sticks on his head. Similarly, PW.2 also deposed that accused Nos.6 and 7 attacked PW.4. He has not referred to accused No.3 attacking PW.4. PW.3 has deposed in the same vein as PW.1 regarding the alleged attack by accused Nos.6, 7 and 3 on PW.4. PW.4 himself spoke about the said three accused attacking him. However, significantly in their cross-examinations, these witnesses stated that all the accused came from behind and beat P.W.4. But, we have a diametrically contrary version given out by PWs.5 and 6. Both of them in their respective cross-examinations stated that accused

Nos.3, 6 and 7 beat PW.4 from the front side. Ex.P4 wound certificate discloses that PW.4 has suffered two injuries, (1) a lacerated injury on the left upper eye lid measuring 6 x 3 cms and (2) a laceration of 4 x 1 cm on the parieto occipital region of the head. As discussed hereinbefore, PW.1 has specifically deposed that accused No.2 has hacked PW.4 with a knife above his left eye. PW.4 also testified identically. Thus, injury No.1 of PW.4 could be attributed to the attack by accused No.2. That being so, we are left with only one injury on the back side of PW.4. In the absence of clear evidence as to which of these three accused caused the said injury to PW.4, it is not possible to convict any of them. Therefore, benefit of doubt shall necessarily go in their favour.

From the discussion undertaken above, the following conclusions could be drawn regarding the guilt or otherwise of each of the accused:

(1) Accused Nos.1 and 5 are guilty of attacking the deceased causing his death. They are also guilty of committing the offences punishable under Sections 148, 452 and 324 IPC;

(2) Accused No.2 is guilty of committing offences punishable under Sections 148, 452 and 326 IPC;

(3) Accused No.4 is guilty of committing offences punishable under Sections 148, 452 and 324 IPC and

(4) Accused Nos.3, 6 and 7 are held not guilty of committing any offence.

As noted above, the learned Senior Counsel appearing for accused Nos.1 and 5, has argued that the trial Court has rendered a specific finding that both the accused had no intention of causing death or bodily injury but they had knowledge that the injuries being caused by them are likely to cause death and that therefore in the absence of intention, accused Nos.1 and 5 are liable to be convicted for the offence under Section 304 Part-II and not under Section 302 IPC. We find merit in this submission.

Under Section 300 IPC, culpable homicide is murder if the act by which the death is caused is done with the intention of causing death or such bodily injury as described in the Clauses thereof viz., *secondly* to *fourthly*. However, Section 300 IPC is subjected to as many as five Exceptions. Section 304 IPC deals with punishment for culpable homicide not amounting to murder. This provision is in two Parts. The act by which the death is caused is done with the intention of causing death or causing such bodily injury as is likely to cause death falls under Part-I of Section 304 IPC. However, if the act is done with the knowledge that it is likely to cause death but without any intention to cause death or to cause such bodily injury as is likely to cause death falls under Part-II thereof.

In one of the recent judgments, i.e., **Nankaunoo v. State of U.P.** ^[3], a three-Judge Bench of the Supreme Court held that intention is different from motive and that it is the intention with which the act is done that makes a difference in arriving at a conclusion whether the offence is culpable homicide or murder. The learned Public Prosecutor submitted that having regard to the gravity of the overt acts of accused Nos.1 and 5, their intention to cause the death of the deceased or at least to cause injuries which are likely to cause the death of the deceased is quite evident and that the lower Court has committed a serious error in rendering a finding that there is no intention on the part of accused Nos.1 and 5 to cause injuries to the deceased. We need to remember that these are the appeals filed by the accused. Since they were convicted for the offence under Section 302 IPC, there was no occasion for the prosecution to file appeal. However, in the absence of an appeal by the State, it is not proper for us to examine the correctness or otherwise of the findings rendered by the lower Court in favour of the accused. Therefore, we feel that the appeals need to be disposed of without disturbing the findings rendered by the lower Court in favour of the appellants. In this view of the matter, we are of the opinion that the lower Court has committed a

serious error in convicting accused Nos.1 and 5 for the offence under Section 302 IPC having observed that they had no intention of causing death or injuries which are likely to cause the death. As accused Nos.1 and 5 had the knowledge that the injuries are likely to cause the death of the deceased, the overt acts committed by them would squarely fall under Section 304 Part II IPC. Accordingly, they are liable to be convicted for the said offence and sentenced to imprisonment for a period of seven years while confirming the sentence of fine imposed upon them.

In the result, Criminal Appeal No.946 of 2010 is partly allowed. The conviction recorded against appellant Nos.1 and 5/ accused Nos.1 and 5, in judgment, dated 22.07.2010, in Sessions Case No.318 of 2009, on the file of the V Additional District & Sessions Judge (Fast Track Court), Guntur, for the offence under Section 302 of IPC is modified to that of the offence under Section 304 Part-II IPC, and they are accordingly sentenced to suffer rigorous imprisonment for a period of seven years, while maintaining the sentence of fine imposed against them. Insofar as the sentences of imprisonment imposed against accused No.1, for the offences under Sections 148, 452 and 324 IPC, and against accused No.5, for the offences under Sections 148 and 452 IPC are concerned, we feel that interests of justice would be met, if the sentences of imprisonment already undergone by them are imposed on them, while maintaining the sentence of fine imposed against them for the offence under Section 452 IPC, and we order accordingly. The period of sentence already undergone by them is directed to be given set off under Section 428 CrPC.

The conviction of accused No.2 for the offences under Sections 148, 452 and 326 IPC and that of accused No.4 for the offences under Sections 148, 452 and 324 IPC is confirmed. With regard to the sentences of imprisonment against accused Nos.2 and 4 for the above mentioned offences respectively, we feel that the interests of justice would be met, if the sentences of imprisonment already undergone by

them are imposed on them, and we order accordingly.

In addition to the sentences of fine already imposed by the Court below, accused No.2 is sentenced to pay a further fine of Rs.5,000/- for each of the offences under Sections 148, 452 and 326 IPC; and accused No.4 is sentenced to pay a further fine of Rs.5,000/- for each of the offences under Sections 148, 452 and 324 IPC.

Accused No.3 is acquitted of all the charges and the conviction and sentences of imprisonment recorded against him for the offences under Sections 148, 452 and 324 IPC are set aside and the fine amount, if any, paid by him for the offence under Section 452 IPC shall be refunded to him.

Criminal Appeal No.983 of 2010 is allowed. The appellants/accused Nos.6 and 7 are acquitted of all the charges and the conviction and sentences of imprisonment recorded against them for the offences under Sections 148, 452 and 324 IPC are set aside and the fine amount, if any, paid by them for the offence under Section 452 IPC shall be returned to them.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

30th March, 2016

GHN/VGB/BNR

Note: L.R. copies to be marked.

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[\[1\]](#) (2003) 12 SCC 606

[\[2\]](#) 1984 (Supp) SCC 233

[\[3\]](#) (2016) 3 SCC 317 = 2016 (1) ALD (CrL.) 367 (SC)