

RESERVED ON: 22-12-2016

DELIVERED ON: 12-01-2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.01.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR. JUSTICE N. AUTHINATHAN

CRL.A.No.574/2016

P. Sasikumar

Appellant

Vs

The State rep by
The Inspector of Police,
Alagapuram Police Station,
Crime No.408 of 2014
Salem District

Respondent

Appeal filed u/s.374 (2) of Cr.P.C., against the Judgment of conviction and sentence passed by the learned II Additional District and Sessions Judge, Salem in SC No.112 of 2015 dated 21.07.2016

For Appellant : Mr.N. Manokaran

For Respondent : Mr.R. Rajarathinam
Public Prosecutor
assisted by
Mr.P. Govindarajan,
Addl. Public Prosecutor

JUDGMENT

[Judgment of the court delivered by S.NAGAMUTHU, J.]

A school going girl, aged hardly 14 years, while she was alone at home, was mercilessly killed by slitting her neck by knife and was robbed of her cell phone. The prosecution alleges that the appellant herein (A.2) and one Yugadityan (A.1) are the perpetrators of the crime. The trial Court convicted both the accused (vide Judgment dated 21.07.2016). The first accused has not made any appeal so far. The appellant/A.2 challenges the said conviction and sentence in this appeal.

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

(a) P.W.1 is the father of the victim girl - Ms.Thejashree. P.W.1 is residing at Vanniya nagar, Azhagapuram, Salem. P.W.2 Harini is the elder sister of the deceased. P.W.2 was formerly studying B.E (Civil Engineering) Course in a private Engineering College known as "Mahindra Engineering College". The deceased was studying in a local school. A.1 was a co-student in the same college with P.W.2 and was doing B.E. Aeronautic Engineering Course. A.1 was a Senior Student. Since P.W.2 and A.1 were studying in the same college, they were known to each other. In due course, A.1 proposed his love for P.W.2., but P.W.2 rejected the same. Not stopping with that, A.1 started stalking her. Unable to bear his torture, P.W.2 informed the same to her father P.W.1. P.W.1 made a complaint to the Principal of the College against A.1. The Principal of the College called P.W.2 as well as A.1 and their family members to sort out this issue. In the end of the talks held by the Principal of the College, A.1 agreed not to interfere with the affairs of P.W.2 anymore. After completing her course, P.W.2 joined L&T Company as an Engineer. On account of the job, she was staying in Chennai.

(b) While so, two days prior to Deepavali in the year 2014, A.1 came all the way to Chennai and intercepted P.W.2. He told her that if P.W.2 did not reciprocate the love, he would kill all her family members and also P.W.2. A.1 further wanted P.W.2 to give her cell phone number and also her address. P.W.2 informed the Security Officer about the same. The Security Officer intervened and sent A.1 away. P.W.2 immediately informed the same to her father-P.W.1. P.W.1, in turn, made a complaint to the police. The police also summoned A.1 and warned him.

© It is further alleged that that on 13.11.2014, when the deceased was alone in the house, around 7.15 p.m, A.1 along with his friend A.2 came to the house of P.W.1. The house of P.W.1 is in the first floor of the building. Both of them, according to the prosecution, trespassed into the house, slit the throat of the deceased twice with knife. The appellant (A.2) immediately rushed out, went to the road side and kept the motorcycle ready with the engine running. The appellant (A.2) was wearing a monkey cap.

(d) P.W.1 incidentally came to the house and when he was climbing up the stairs, A.1 was climbing down the steps. At that time A.1 was having a helmet in his hand. But on seeing P.W.1 he wore the helmet, proceeded further and rushed towards the motorcycle, mounted the same and both A.1 and A.2 rode away from the scene of occurrence.

(e) P.W.1 rushed into his house, where the scene was so horrible that the deceased was lying in a pool of blood, but still she was alive. He cried for help and immediately the neighbours rushed in. Then all of them took her to the Government Hospital in an 108 Ambulance. On examining the

deceased, the doctor declared her dead. The dead body was sent to the mortuary. Thereafter, P.W.1 went to Azhagapuram Police Station and made a complaint at 10.30 p.m on 13.11.2014. Ex.P.1 is the complaint and Ex.P.23 is the First Information Report. Since the assailants were unknown to P.W.1, he mentioned in the complaint that the assailants were not known but he could identify them.

(f) P.W.24-the Inspector of Police, took up the case for investigation. He went to the place of occurrence, prepared an observation mahazar and a rough sketch in the presence of witness. He recovered blood stained earth and sample earth from the place of occurrence. On going over to the Government Hospital, Salem, he conducted inquest on the dead body of the deceased at 6.30 a.m on 14.11.2014 and examined P.Ws.1 to 5 and recorded their statements. Then, he forwarded the body for postmortem.

(g) P.W.14 Dr.Gokularamanan, conducted autopsy on the body of the deceased on 14.11.2014 at 10.15 a.m. He found the following injuries:

EXTERNAL EXAMINATION:
INJURIES

1. A wide open cut injury seen on the front and sides of neck, just above the level of thyroid cartilage M-14 cms x 6 cms x bone deep, exposing underlying cut larynx, both sides muscles, blood vessels exposing the cervical vertebra with extra vasation of blood.

2. Another wide open cut injury extent from lower and outer aspect of right side of previous wound upto the nape of neck M-12cms x 4 cms x muscle deep with extravasation of blood.

3. No other external injuries seen anywhere on the body.

INTERNAL EXAMINATION:

O/D Head: Scalp contusion on the right parietal region M-3x1.5x0.5cms Cranial vault - intact- brain-Oedematous and c/s pale. Base of skull-intact. O/D neck: Neck structures - vide injury column. Hyoid bone - intact. O/D Thorax: Ribs-intact. Heart - Normal in size. On C/s Chambers - Emt. Valves and coronaries - Normal. Both lungs - Normal in size. C/s pale. O/D Abdomen. Stomach contains 100 GMS of greenish

brown colour pasty substance with no specific odour. Mucosa C/s Pale liver spleen, both kidneys blood. External genitalia-Normal. Hymen - intact. Pelvis-Intact Viscera Preserved and sent for chemical analysis. Vaginal smears and vaginal swabs taken for semen analysis.

Opinion: Reserved pending Chemical analysis report.

Time Since Death: 12-18 hours prior to autopsy.

Ex.P.14 is the Postmortem certificate and Ex.P.15 is the final opinion. He opined that the injuries found on the deceased could have been caused by a knife and the death of the deceased was due to shock and hemorrhage due to cut injuries of neck.

(h) P.W.24, during the course of investigation, arrested the accused on 15.11.2014 at 10.00 p.m near Puthur Branch Road of Salem-Coimbatore Bypass Road when they were coming in a motorcycle. P.W.24 seized the motorcycle in the presence of witnesses. On such arrest, A.1 gave voluntary confession followed by A.2. A.1, in his confession, disclosed the place where he had hidden the knife and a full hand shirt. From his possession, P.W.24 seized Pulsar motorcycle and black colour helmet under mahazar. A.2 produced a Monkey cap and Samsung Star cell phone. P.W.24 recovered the same. A.2 further disclosed the place, where he had hidden a Jeans pant and white shirt. In pursuance of the same, he took the police and other witnesses and produced the said material objects. According to the prosecution when the accused were taken into custody, they tried to escape. When they were chased, both of them fell into a pit and sustained injuries. On returning to the police station, P.W.24 forwarded both the accused for treatment. Accordingly, they were admitted as inpatients at Government Hospital, Salem. At the request made by him, the Judicial Magistrate visited the hospital and remanded them to judicial custody. Thereafter, P.W.24 forwarded the material objects to the Court. Then at his request, the Material Objects were sent for chemical analysis. The report revealed that there were human blood stains on all the material objects. He examined the doctor, who had treated both the accused at the Government Hospital. He collected postmortem certificate and examined the doctor, who conducted autopsy. On completing the investigation, P.W.24 laid charge sheet against the accused.

3. Based on the above materials, the Trial Court framed charges as detailed below:

S.No	Rank of the Accused	Charges framed
1	A.1	449, 302, 404 and 21 r/w 302 IPC
2	A.2	449, 302 r/w 34, 404 and 201 r/w 302 IPC

The accused denied these charges. In order to prove the case, on the side of the prosecution, as many as 24 witnesses were examined and 32 documents and 16 material objects were also marked. On the side of the accused two photographs were marked as Exs D.1 and D.2 one marriage invitation was marked as Ex.D.3 and Photo Album was marked as Ex.D.4.

4. Out of the said witnesses, P.W.1, the father of the deceased has stated that on 13.11.2014, around 8.30 a.m, the deceased had gone to the school. His wife had left for Chennai around 1.00 p.m on the same day. Upto 6.30 p.m, P.W.1 was in his Company, where he was working. Thus, according to him, the deceased had returned from the school and stayed alone in the house. He has further stated that on the same day, at 6.30 p.m, he tried to contact the deceased over phone to enquire about the dinner. But, the deceased did not pick up the cell phone. Therefore, immediately he rushed to his house. When he was climbing the stairs of the house to reach the first floor, where he was residing, he found that A.1 was climbing down the stairs and at that time, he was holding the helmet in his hand. According to him on seeing P.W.1, he wore the helmet and rushed to the road. P.W.1 further noticed that A.2 was sitting on the motorcycle and keeping it ready to start. The engine was running. He was wearing a Monkey cap. As soon as A.1 got on to the motorcycle, A.2 drove the motorcycle and both of them escaped from the scene of occurrence. P.W.1 has further stated that he went to the first floor. He found the deceased lying in a pool of blood. There were slit injuries on her neck, but still she was alive. Immediately he took the deceased to the hospital, but the doctor declared her dead. P.W.1 also has spoken about the complaint made to the police. He further stated that the cell phone of the deceased was missing.

5. P.W.2 is the elder sister of the deceased. She has stated about the one side love which A.1 had nurtured towards her. She has further stated that she refused to accept the offer. Since A.1 started stalking her, she informed the same to her father-P.W.1 and P.W.1, in turn, made a complaint to the Principal of the College. The Principal summoned both A.1 and P.W.2 and their family members. In the talks held, A.1 agreed not to interfere in the affairs of P.W.2 thereafter. But after P.W.2 took up a job in a private Company at Chennai and two days before Deepavali in the year 2014, A.1 again intercepted P.W.2

and challenged that he would kill all her family members in the event of P.W.2 refusing to accept his love. She has stated that she came to know that her sister was killed and has further stated that on 08.11.2014, A.1 had sent one e-mail to her forcing her to accept his love and that on her failure to comply, he threatened that he will kill all of her family members so as to leave P.W.2 in the lurch, thereby pressurising her to accept his love. From the above, according to P.W.2, she believed that it was A.1 who was responsible for the killing of her sister.

6. P.W.3 is the neighbour of P.W.1. He has stated that on 13.11.2014 between 7.00 and 7.30 p.m, when he was at his house, he heard about the occurrence. He turned hostile and he has not supported the case of the prosecution in any manner.

7. P.W.4 is yet another neighbour of P.W.1. She has stated that, between 6.30 p.m and 7.00 p.m on 13.11.2014, when she was at her house, a person wearing a monkey cap followed by a person wearing helmet were getting down the stairs. A motorcycle with the name board inscribed with "for registration" was parked in front of the house of P.W.1. After they escaped from the scene of occurrence P.W.1 came there. After seeing his daughter with injuries, he cried and neighbours also started shouting. On hearing the commotion she went and witnessed the occurrence. However P.W.4 has not identified the accused whom she was stated to have seen.

8. P.W.5 is another neighbour of P.W.1. He has stated that he also saw two persons going to the house of P.W.1, One person was wearing monkey-cap and another was wearing helmet. He identified the accused as those two persons seen by him. P.W.5 has stated that these accused were sitting in the house of P.W.1 and were talking to the deceased and enquired with the deceased about the cell phone number of his father. P.W.5 has further stated that he left for supermarket and when he returned home at 7.25 p.m and P.W.1 was also climbing the stairs to his house. Within five minutes, after entering into his house, P.W.1 cried. When P.W.5 rushed to the house of P.W.1 he found the deceased with injuries. Then he helped P.W.1 to take her daughter to the hospital.

9. P.W.6 Dr.C. Arun Prabakaran has stated that these two accused were brought to him by police on 16.11.2014 at 3.45 a.m. He found the following injuries on A.1:

"Admit in AE WARD
P/B Soft
Percule

He found the following injuries on
A.2

Admit in AE Ward
P/b Soft
Pecale

Ex.P.3 is the Accident Register. According to him, he was informed that these two accused were trying to escape from the clutches of the police and in the process they fell into a pit and sustained injuries.

10. P.W.7 is yet another neighbour of P.W.1. He has stated that after Deepavali in the year 2014, around 3.00 p.m, a male, aged about 24 to 25 years, was sitting in a Pulsar Motorcycle near the house of P.W.1. He has further stated that when he enquired him he told that he was coming from Govindanpalayam from Erode and that P.W.2 Harini was his classmate and therefore he had come to meet her. P.W.7 wanted him to leave as the house of P.W.1 was locked.. Accordingly, he left the place. Thereafter, on 13.11.2014, he came to know about the occurrence. He has identified A.1 as the one who was sitting on the two wheeler as mentioned above.

11. P.W.8 is the Principal of the College, where P.W.2 and A.1 studied. He has stated that on one occasion, the father of P.W.2 made a complaint that A.1 was stalking P.W.2. Further P.W.8 has stated that he called both P.W.2 and A.1 and their respective family members and held talks. As a result of the discussions, A.1 assured not to disturb P.W.2.

12. P.W.9 is the Head Master of the school, where the deceased was studying. According to the School Certificate, the date of birth of the deceased was 21.10.2000. As per the attendance Register, she attended the class on 13.11.2014 and left the school in the evening. Ex.P.4 is the certificate, issued by the School.

13. P.W.10 has spoken about the observation mahazar, rough sketch and the recovery of material objects from the place of occurrence.. Ex.P.W.11 is a resident of Santhaipettai at Kadaampatti. He was the friend of A.1. According to P.W.11, two days prior to Deepavali, in the year 2014, A.1 wanted P.W.11 to accompany him to Chennai. Accordingly, he went along with A.1 to Chennai. In Chennai, A.1 met P.W.2 in L&T Company complex and talked to her for some time. He has further stated that he was standing at a distance. A.1 and P.W.2 were talking for two to three minutes. Then P.W.2 complained to the Security. Since the Security Officer warned A.1, P.W.11 and A.1 left the place. Thereafter, P.W.2 called P.W.11 over phone and informed him that he should come and tell the truth to police during enquiry. Accordingly, he told this fact to the police during investigation.

14. P.W.12 a Scientific Officer of Forensic Lab, has stated that he examined the internal organs of the deceased. There was neither poison nor alcohol in the internal organs of the

deceased. P.W.13 is also a Scientific Officer at the Forensic Lab. He has stated that he examined the material objects and found that there were human blood stains on all the material objects. P.W.14 has spoken about the post mortem conducted and his final opinion regarding the cause of death.

15. P.W.15 the Village Administrative officer has spoken about the arrest of the accused 1 and 2 and the disclosure statements made by them and consequential recoveries of the material objects. P.W.16 a Constable has stated that he handed over the first information report to the court. P.W.17 has spoken about the photographs taken at the place of occurrence. P.W.18 has stated that he assisted the investigating Officer when the accused were arrested. P.W.19, yet another police constable, has stated that he handed over the dead body of the deceased to the doctor for postmortem. P.W.20 has spoken about the registration of the case on the complaint made by P.W.1. P.W.21 has spoken about the treatment given to A.1 in the hospital. P.W.22 has stated that the Pulsar motorcycle which was recovered from A.1 was sold by his Company to one Sathish. P.W.23 is the Security of L & T Company. He has spoken about the arrival of A.1 to the Company premises two days before the occurrence and the complaint made by P.W.2. P.W.24 has spoken about the entire investigation done and final report filed.

16. When the above incriminating materials were put to the accused u/s.313 Cr.P.C., he denied the same as false. His defence was a total denial. However, he did not choose to examine any witness on his side. But four documents have been marked as Exs.D.1 to D.4. Having considered all the above, the Trial Court convicted the accused as below:

Penal provision(s) under which convicted	Sentence
Section 302 r/w 34 IPC	Life imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for two years.
Section 449 of IPC	Rigorous Imprisonment for 10 years and to pay a fine of Rs.5,000/- in default, to undergo simple imprisonment for one year
Section 404 IPC.	Rigorous Imprisonment for three years and to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment for six months.

Penal provision(s) under which convicted	Sentence
Section 201 r/w 302 IPC	Rigorous imprisonment for three years and to pay a fine of Rs.1000/- in default 6 months simple imprisonment.

All the sentences were ordered to run concurrently. Challenging the conviction and sentence, the appellant/A.2 has come up with the present appeal.

17. We have heard the learned Counsel for the appellant and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

18. This is a case based on circumstantial evidence. At the outset, we should say that it is well settled that in a case based on circumstantial evidence, the prosecution is bound to prove the circumstances projected by it beyond reasonable doubts and such proved circumstances should form a complete chain without any break, unerringly pointing to the guilt of the accused and there should not be any other hypothesis which is inconsistent with the guilt of the accused. With this broad principle in mind, let us go into the circumstances projected by the prosecution.

19. According to P.W.1, on 13.11.2014, after returning from the school in the evening, the deceased was alone in the house. Around 7.15 p.m, she was found lying in the house with slit injuries on her neck by P.W.1. On hearing the alarm raised by him, others also came to the place. P.W.1 immediately took the deceased to the hospital, where, the doctor declared her dead. The Doctor, who conducted autopsy, opined that there were slit injuries on her neck, which would have been caused by a weapon like knife and that, the death of the deceased was due to shock and hemorrhage due to the said injuries. Thus, the prosecution has succeeded in establishing that the deceased sustained injuries some time before 7.15 p.m on 13.11.2014 and died within a short while. From the medical evidence, it is crystal clear that it was a homicide.

20. Now the question as to who are the perpetrators of the crime. In order to establish that these two accused were the perpetrators of the crime, the prosecution relies on a few circumstances.

21. The first and foremost circumstance is that of the evidence of P.W.1. He has stated that at the time of occurrence, he saw the appellant sitting on the motorcycle wearing a monkey cap and A.1 was climbing down the steps.

Admittedly, A.2 was not previously known to P.W.1 and he was also wearing a monkey cap covering his face. He had not mentioned the physical features of A.2 during investigation. A.2 was also not put up for any test identification parade so as to enable P.W.1 to identify him. It is the admitted case of the prosecution that after these two accused were admitted in the hospital, P.W.1 was taken to the hospital and the accused were shown to him. This identification made by P.W.1 at the hospital during the course of investigation is not an evidence in the eye of law as it is barred by Sec.162 of the Code of Civil Procedure. Thus, what remains is the identification made by P.W.1 in Court. In the absence of a prior test identification parade, the question arises as to whether the identification of A.2 made for the first time in Court could be believed. For a moment, we are not prepared to say that under all circumstances test identification parade is mandatory. Holding test identification parade is only to take forward the investigation in the right direction and to ensure that there is proper identification of the assailant. In an appropriate case, even in the absence of test identification parade, if the Court is convinced of the identification of the accused made by witness for the first time in Court, it would not be illegal or improper on the part of the court to act upon such identification made.

22. The identification of the accused is after all a fact as defined in the Evidence Act. When such fact is disputed, it needs to be proved. Sec.3 of Evidence of Act which defines the term "proved" contains two parts. The first one is the belief of the court of the existence of the fact on considering the matters before it and the second one is the supposition of a prudent person.

23. When the identity of the accused is disputed on account of the fact that the identification was made for the first time in Court, if the Court believes such identification made, the said fact of identity of the assailant shall stand proved. Thus, even in the absence of test identification parade, the Court can hold that the identity of the accused is proved from out of the identification made during trial and it all depends upon the facts and circumstances of each case. In the instant case, it is not only for want of test identification parade, that we are hesitant to believe the identification of A.2 made by P.W.1 for the first time in Court, but also on the ground that P.W.1 would not have noticed the physical features of A.2 because the assailant was wearing a Monkey cap. Therefore, we find it difficult to believe the identification of A.2 made by P.W.1 for the first time in Court. At this juncture, we wish to clarify that we have not expressed any opinion regarding the identification of A.1 made by P.W.1 as the said question is not before us. For these reasons, from the evidence of P.W.1, we can only hold that two persons were the perpetrators of the crime.

24. It is unfortunate that P.W.24, the Inspector of Police had not chosen to request to conduct test identification parade for the accused. When we heard this appeal, the investigating officer was present before us. He had no explanation to offer as to why he did choose to take P.W.1 and the other witnesses to hospital to show these two accused without preferring to conduct test identification parade by a learned Magistrate.

25. Then comes the evidence of P.W.2. She has not stated any thing incriminating this accused. She has spoken only about the motive and the challenges made by A.1. The evidence of P.W.4 helps the prosecution to some extent. She has stated that between 6.30 p.m and 7.00 p.m, she found two persons climbing down the stairs. One was wearing a helmet and another was wearing a monkey cap. Both escaped from the scene of occurrence in a motorcycle, with the number plate inscribed with "For registration". She too has not identified any of the accused. From her evidence, again, it could be inferred that the assailants were two in number. But she has stated that after both the persons had left in the motorcycle, immediately P.W.1 came to the place of occurrence. Thus, the evidence of P.W.1 that he saw an assailant climbing down the stairs becomes doubtful.

26. P.W.5 is an important witness for the prosecution. He has stated that between 6.35 and 6.40 p.m, on the date of occurrence, two persons came to the house of P.W.1 in a motorcycle. One was wearing a monkey cap and the other was wearing a helmet. They went to the house of P.W.1. The deceased was sitting in the house. When they knocked at the door, she opened the door and then they entered into the house. Both of them sat on the sofa. They asked the deceased about the cell phone number of P.W.1. She told that they could wait for the arrival of her father. All the three were talking for some time. Then, P.W.5 left the place. He has identified these two accused as those persons, who went into the house of P.W.1 and talked to the deceased. According to him, he was taken to the hospital by the Inspector of Police where he identified these accused.

27. The learned counsel for the appellant would submit that the identification of this appellant made by P.W.5 for the first time in the Court cannot be given any weightage and the identification made by him before the police at the hospital is barred under Sec.162 of the Code of Criminal Procedure Code from being admitted in evidence and the same is therefore no evidence. Therefore, according to the learned counsel, the evidence of P.W.5 should be rejected. It is true that there was no prior Test Identification Parade conducted. It is certainly a flaw committed by the Investigating Officer. Now the question before us, is whether to reject the evidence of these

witnesses for the lapses committed by P.W.24. In our considered view, it need not be. P.W.5 has got no nexus or grudge against the accused. It is not as though he had seen these two accused only for a fraction of a second. He had seen these two accused going to the house of P.W.1; knocking at the door; entering into the house, sitting on the sofa and talking to the deceased for quite some time. Thus, P.W.5 had enough time to observe the physical features and identity of the accused. It was only on account of the same, he was able to identify these accused in court. In our considered view, the identification of the appellant by this witness before the Court could be relied upon. Thus, from the evidence of this witness, the fact that A.2 was in the house of the deceased at or about the time of occurrence, that too with monkey cap, has been clearly established.

28. P.W.5's evidence is corroborated by the evidence of P.W.4 who has stated that two persons, of whom, one was wearing helmet and another was wearing monkey cap, fled away from the place of occurrence. She has further stated that they escaped in a motorcycle.

29. The next circumstance is the evidence of P.W.7 who has stated that two days before Deepavali, A.1 came to the house of the deceased and was sitting in the motorcycle and when enquired by P.W.7, A.1 told that he had come to meet P.W.2. P.W.7 wanted him to leave as the house of P.W.1 was locked. Thus, the arrival of A.1 to the house of the deceased, two days before Deepavali is also an incriminating circumstance in this case. Similarly, P.W.8 has also spoken about A.1. When he came to L&T Company and had a talk with P.W.2, P.W.2 complained against A.1 and after he was warned, A.1 left the place. Though this witness has not stated anything against the appellant/A.2, his evidence is also one of the links in the chain of circumstances to prove the guilt of the accused.

30. The last circumstance is the arrest of A.2 by P.W.24. On such arrest, from A.2, a monkey cap and a cell phone, a jeans pant and white shirt were recovered. The monkey cap was identified by P.W.1. In our considered view, the recovery of Samsung Star Cell Phone from A.2 has no bearing in this case, as there is no proof that the cell phone was used by A.2.

31. From the above discussed circumstances, we hold that the appellant/A.2 accompanied A.1 to the house of the deceased and both the accused had killed the deceased. Thus, the appellant/A.2 is one of the perpetrators of the crime. Thus, the trial Court was absolutely right in convicting the appellant.

32. Now turning to the quantum of punishment, the trial Court has imposed only a reasonable punishment, which does not require any interference at our hands.

33. In the result, the appeal fails and the same is dismissed. The conviction and sentence passed by the learned II Additional District and Sessions Judge, Salem in SC No.112 of 2015 dated 21.07.2016 is confirmed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

sr

To

1. The Inspector of Police,
Alagapuram Police Station,
Salem District.
 2. The I Additional District and Sessions Judge, Salem
 3. The Public Prosecutor,
High Court, Chennai
 - 4.The Superindent, Central Prison, Coimbatore.
 - 5.The Judicial Magistrate-v
salem.
 - 6.-do- through CJM, Salem.
- +1cc to Mr.N.Manokaran, Advocate SR.No.3130

Pre-Delivery Judgment in
Crl.A.No.574/2016

RSK (CO)
GN (03/02/2017)

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