

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

AND

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

CRIMINAL APPEAL No.44 of 2011

05.07.2017

Between:

Singi Reddy Rajeshwar Reddy

..Appellant

And

The State of Telangana,
represented by its Public Prosecutor, Hyderabad.

..Respondent

Counsel for the appellant: Mrs.K.Aruna

Counsel for the respondent: Public Prosecutor (TS)

The Court made the following:



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

This appeal pertains to a gruesome murder of old aged couple allegedly by their own son, the appellant in this appeal. Having been found guilty of murdering his own parents, the appellant has been convicted for the offence punishable under Section 302 I.P.C. and sentenced to undergo life imprisonment and also to pay a fine of Rs.200/-, in default, to undergo simple imprisonment for one month.

2. The case of the prosecution, in brief, is that on 09.12.2009, after 20.00 hours, P.W.1 came to Pegadapalli Police Station and lodged a report scribed by one Peechu Vejender Reddy. In his report, P.W.1 stated that he is a resident of Rajarampalli village and doing agriculture; that he has one elder brother – the appellant/accused and two elder sisters, who were all married; that about ten years prior to the occurrence, his parents - Singireddy Malla Reddy (hereinafter referred to as 'deceased No.1') and Buchamma (hereinafter referred to as 'deceased No.2') divided their property equally among their children; that his parents are living in an asbestos sheeted shed adjacent to his house on the rear side; that his elder brother – the appellant got habituated to alcohol and used to harass their parents and his wife by demanding money to consume alcohol; that unable to bear the harassment, about four years prior to the occurrence, the wife of the appellant left him along with her children and been living in Narsingapur village and that later, the appellant also left the village and he used to visit his parents now and then and harass them by demanding money. That about three days prior to the incident, the appellant went to his parents house at Rajarampalli village and harassed them by demanding food and money. That on 09.12.2009 i.e., the date of the incident, at about 5.00 p.m., the appellant went to his parents house,

quarrelled with them, slashed on their heads and neck with a vegetable cutting knife (kathipeeta) and caused their death. While fleeing away, the appellant informed P.W.2 that he had killed his parents. That on coming to know this information through P.W.2 by phone, P.W.1 rushed to the house of his parents and found them lying dead in a pool of blood.

3. Based on the above report - Ex.P-1, P.W.14 registered a case in crime No.121 of 2009 under Section 302 I.P.C., issued express F.I.Rs. to all the concerned and took up the investigation, during the course of which, he examined and recorded the statement of P.W.1 and rushed to the scene of offence with staff and P.W.8, the photographer. That P.W.15 - the Inspector of Police, on being informed by P.W.14, also rushed to the scene of offence at about 10.00 p.m. on the same day. On the following day, P.W.15 secured the presence of the mediators - L.W.10 - Bhoopathi Ramulu and P.W.9 and also that of the witnesses - P.Ws.1 to 6 and 7 and L.W.7 - Peechu Baratha, got the scene of offence and the dead bodies of the deceased photographed by P.W.8, held inquest over the dead bodies of the deceased, prepared crime detail form and drew rough sketch of the scene in the presence of the mediators. That P.W.15 seized blood stained clothes of both the deceased, blood stained earth and control earth and referred the dead bodies of both the deceased to the Government Hospital, Jagtial, for post mortem examination. That P.W.15 examined and recorded the statements of P.Ws.1 to 6, 7 and 8 and L.W.7 and forwarded the material objects seized during the course of investigation to the Regional Forensic Science Laboratory, Karimnagar, through the jurisdictional Magistrate for analysis and report and that report was received.

4. That during the investigation, it was revealed that the deceased were the residents of Rajarampalli village and having two sons and two daughters; that after performing the marriages of their children, the deceased divided their property into three shares, gave Acs.6.00 of land each to their sons and kept Acs.3.00 of land with them; that they were residing in an asbestos sheeted room situated adjacent to the house of their younger son – P.W.1; that appellant - their elder son, was living in the same village in a separate house with his wife and children; that the appellant was habituated to alcohol and used to harass the deceased and his wife by demanding money to consume alcohol and that unable to bear the harassment, the wife of the appellant deserted him, took away her children and was living separately in Narsingapur village. That on 09.12.2009 at morning, the appellant demanded his parents food and money; that when they refused to meet his demand, he set fire to the mattresses; that on the same day at about 5.00 p.m., he again quarrelled with the deceased for money and when they refused to give money, he picked up a vegetable cutting knife (kathipeeta) available nearby and slashed on the rear side of the head of his mother - deceased No.2 and caused her instantaneous death and when his father – deceased No.1 tried to rescue his wife from the attack by the appellant, the latter also slashed him on his head, left side of the neck, left wrist and left hand and caused several bleeding injuries; that on hearing the cries of deceased No.2, P.Ws.4 to 6 rushed to the house of the deceased and found the appellant with blood stained vegetable cutting knife (kathipeeta) in his hand and both the deceased lying on the soil floor in their house in the pool of blood; that the appellant threatened P.Ws.4 to 6 with knife, picked up his carry bag and fled away and that while fleeing away, the appellant

informed P.W.2 that he committed the offence and proceeded towards canal. After the appellant left the scene of offence, P.Ws.4 to 6 found deceased No.2 dead and deceased No.1 struggling for his life and that immediately, they lifted and placed him on the cot. Sometime thereafter, deceased No.2 also succumbed to the injuries.

5. P.W.15, on credible information, apprehended the appellant in a the cattle shed at the outskirts of Rajarampalli village near SRSP distributory canal at 15.30 hours on 10.12.2009. That during the interrogation, the appellant voluntarily admitted commission of the offence; that P.W.15 secured the presence of the mediators - P.W.13 and L.W.14 – Ailla Bhoomaiah and recorded the confessional statement of the appellant under the cover of panchanama. At the instance of the appellant, crime weapon viz., blood stained vegetable cutting knife (kathipeeta) and blood stained clothes of the appellant along with his carry bag were recovered from SRSP distributory canal (dry) bridge under the cover of separate seizure panchanama in the presence of the aforementioned mediators and the appellant was produced before the Court on the same day for judicial custody. P.W.11 conducted autopsy on the dead body of deceased No.2 and P.W.12 conducted autopsy on the dead body of deceased No.1 and issued Exs.P-18 and P-19 post mortem examination reports respectively. After completion of the investigation, P.W.15 filed charge sheet.

6. As the appellant denied his guilt, he stood trial, during which the prosecution examined P.Ws.1 to 15, got Exs.P-1 to P-24 marked and produced M.Os.1 to 13. On behalf of the appellant, no evidence was adduced. On appreciation of the oral and documentary evidence, the

Court below convicted the appellant for the offence punishable under Section 302 I.P.C. and sentenced him to life imprisonment apart from imposing fine as mentioned supra.

7. At the hearing, Mrs.K.Aruna, learned counsel for the appellant, has submitted that there is a delay of about 3 hours in giving Police report which affects the case of the prosecution; that the evidence of P.Ws.4 to 6, who were supposed to be the eyewitnesses, was highly discrepant and that the Court below erred in convicting the appellant based on such evidence. She has further submitted that due to the absence of the direct witnesses, it is not safe to hold the appellant guilty of commission of the murder of his own parents. Alternatively, she has submitted that the conviction of the appellant may be altered for the offence punishable under Section 304 Part I or II I.P.C. instead of for the offence punishable under Section 302 I.P.C.

8. The learned Public Prosecutor (TS), while opposing the above submissions of the learned counsel for the appellant, has stated that the appellant killed his own parents in a gruesome manner; that the prosecution was able to prove his guilt by examining P.Ws.4 to 6, who, if not the direct witnesses to the occurrence, have arrived at the scene of offence within moments of the appellant attacking his parents and P.W.2, being the circumstantial witness, who was informed by the appellant himself that he had committed the murder, while leaving the scene of offence. He has further submitted that as the appellant is guilty of the brutal murder of his own parents, he is not entitled to any lenience on the sentence.

9. We have carefully considered the submissions of the learned counsel for the parties with reference to the evidence on record.

10. As regards the delay in filing Ex.P-1 report, we do not find any merit in the submission of the learned counsel for the appellant as P.W.1, who is the first informant, stated that he was at Choppadandi market when the offence has taken place and that after being informed by P.W.2 about the incident, he rushed to the scene of offence. Considering the fact that both the parents of P.W.1 were done to death in a gruesome manner, he is not expected to immediately rush to the Police Station being in a state of shock. At any rate, in the absence of possibility of any other person killing the deceased, the gap of about three hours, cannot be said to be fatal to the case of the prosecution as on the facts of the case, false implication is ruled out.

11. A perusal of the charge sheet shows that it is not the case of the prosecution that the occurrence was witnessed by any of the witnesses. It is alleged in the charge sheet that on hearing the cries of the deceased during the course of attack, P.Ws.4 to 6, who were the immediate neighbours, have rushed to the scene of offence.

12. P.W.4, in his evidence, deposed that his house is situated at some distance from the house of P.W.1 and that on hearing the sounds of quarrel, he immediately rushed to the house of P.W.1 and that by the time he went to the shed situated behind the house of P.W.1, in which the deceased were living, the appellant was coming out of the shed and he threatened him by saying that if he intervenes, he would kill him. He further deposed that he saw both the deceased lying in a pool of blood and that the appellant was holding vegetable cutting knife (kathi peeta)

when he was going out of the shed. In his cross examination, P.W.4 stated that he came to the house of P.W.1 within 15 minutes after he heard the sounds of galata; that P.Ws.5 and 6 also went near the house of P.W.1 and that about fifty persons gathered at the scene.

13. P.W.5 is also a neighbour, who lives in the neighbourhood of P.W.1 and the deceased. He deposed that on hearing the cries coming from the shed, he rushed there; that he went inside the shed and saw the appellant killing the deceased with vegetable cutting knife (kathipeeta); that the appellant threatened to kill him if he intervened; that after killing his parents with knife, the appellant left the place; that thereupon, the witness went inside the shed along with P.Ws.4 and 6 and saw the father of the appellant alive, while the mother of the appellant dead and that he sent for an ambulance van and by the time of its arrival, the father of the appellant also died.

14. P.W.6, who is also a neighbour, while referring to the presence of P.Ws.4 and 5 at the scene, deposed that they saw the appellant questioning his parents as to why they did not provide food and give money to him and that when all the three witnesses tried to intervene and asked the appellant not to quarrel, the latter threatened them by saying that if they enter the shed, he would kill them with the knife in his hand. Thereafter, the appellant, armed with vegetable cutting knife (kathipeeta), hacked both the deceased with knife on their heads and left the scene by keeping the knife inside his carry bag and ran away.

15. As rightly submitted by the learned counsel for the appellant, the evidence of all these witnesses is not corroborated with each other to the extent of their witnessing the occurrence. While P.W.4 deposed that

when he arrived at the scene, he saw the appellant coming out of the shed and that after the appellant left, the witness entered the house and found both the deceased in a pool of blood, we, however, found an improved version with which P.W.5 came out. According to P.W.5, the appellant attacked his parents in the presence of all the three witnesses – P.Ws.4 to 6. P.W.6 went a step further in deposing that he along with P.Ws.4 and 5 heard the conversation that ensued between the appellant and his parents before the latter were attacked by the former. As noticed hereinbefore, it was not even the case of the prosecution in the charge sheet that P.Ws.4 to 6 were the eyewitnesses. Therefore, we find complete improvement in the version of P.Ws.5 and 6 as regards their witnessing the incident. We further notice that the presence of P.Ws. 4 to 6 at the scene of offence was not questioned in their cross examination by the defence. Though we discard the version of P.Ws. 5 and 6 to the extent of their witnessing the occurrence, there is no reason to disbelieve their version at least to the extent of their seeing the appellant at the scene of offence after his attacking the deceased. Further, the presence of the appellant was proved by the evidence of P.W.2, who informed P.W.1 about his being informed by the appellant that he had killed his parents. Ex.P-21 seizure panchanama following the confessional statement of the appellant marked as Ex.P-20 would also prove the involvement of the appellant in the commission of murder of his parents. The oral testimony of P.Ws.11 and 12, the two Doctors, who conducted autopsy over the dead bodies of both the deceased, remained unimpeached as they were not even cross examined. P.W.13, who is the panch witness for Ex.P-20 confessional statement and Ex.P-21 seizure panchanama, supported the case of the prosecution and nothing material

could be elicited from his cross examination to discredit his testimony. Thus, the prosecution was able to prove the seizure of M.O.1 – the knife, M.Os.11 and 12 - the blood stained clothes of the appellant and M.O.13 – hand bag. Further, Ex.P-24 – the report of the Regional Forensic Science Laboratory proved that human blood is detected on the aforementioned M.Os. From the above discussed evidence, it is clear that the prosecution was able to drive home the guilt of the appellant beyond all reasonable doubt. Thus, the prosecution was able to prove not only the nature of the deaths being homicidal, but also the involvement of the appellant in the commission of the offence.

16. Coming to the submission of the learned counsel for the appellant regarding sentence, the evidence on record does not give any scope for treating the act of the appellant as falling under any of the exceptions under Section 300 I.P.C. Even otherwise, a person, who took away the lives of his own parents, who gave him life, does not deserve any lenience in sentencing. The barbaric and gruesome attack of parents by their own son is a great blow to humanity and is a sad reminder of the diminishing human values in the present day society.

17. For the aforementioned reasons, we do not find any merit in the Criminal Appeal and the same is, accordingly, dismissed.

C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

05th July, 2017

GHN

