

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI

Criminal Appeal No.1282 of 2011

JUDGMENT : (per the Hon'ble Sri Justice N.Balayogi)

The appellant/accused aggrieved by the conviction and sentence dated 08.09.2011 in S.C.No.95 of 2011 on the file of the II Additional District & Sessions Judge (FTC) at Sangareddy, preferred this appeal. By judgment dated 08.09.2011, the Sessions Judge convicted the accused for the offence punishable under Section 302 I.P.C. and sentenced him to undergo 'imprisonment for life' and to pay a fine of Rs.1,000/-, in default to suffer simple imprisonment for a period of three months.

2. The prosecution case is as follows :

On the instructions of P.W.15, P.W.18 proceeded to District Headquarters Hospital, Sanga Reddy, recorded the statement of victim Smt.Ch.Laxmi wherein she stated that she was doing vegetables business, while so, on 3.1.2010 at about 16.30 hours she went to the house of P.W.6, enquired about the procedure to obtain loan from dwakra group and returned back to home, by then, the appellant/accused was present at home and he enquired the deceased about the late, started abusing in filthy language suspecting her

fidelity. Later, he took the deceased to the house of P.W.6 and enquired her, who in turn disclosed the visit of deceased to her house and later the accused along with his wife returned to home. At 17.00 hours the deceased again picked up quarrel and all of a sudden he picked up a plastic kerosene can M.O.1, poured kerosene on the deceased and set her ablaze with an intention to kill her. Further, her case is that earlier also the accused tried to kill her twice or thrice by pouring kerosene. Based on which, a case in crime No.3 of 2010 was registered for the offence punishable under Section 307 I.P.C.

3. P.W.16 on the requisition of P.W.18 rushed to the hospital and recorded Dying Declaration Ex.P18 of victim where she stated that she is living by doing vegetable business and the woman who purchased vegetables from her, asked her to wait for some time to give money, so she returned to home half an hour late. The accused who consumes alcohol every day abused her “*lanja munda inthasepu ekkada poinavu*”. Thereafter, the deceased along with accused went to the house of Abeda to whom she sold the vegetables. The accused earlier twice poured *gas noone* (kerosene) on her. While so, on that day i.e., on 3.1.2010 at about 5 PM the accused poured kerosene on the deceased, lit matchstick and thrown on her saying ‘*chaavu*’. Her body was completely burnt. Later, the accused poured two pots of water on her.

4. After filing the charge-sheet, learned Judicial First Class Magistrate took the case ON FILE for the offence under Section 302 I.P.C. and numbered it as P.R.C. No.22 of 2010. Since the case is exclusively triable by a Court of Sessions, committed the case to the Court of Sessions, Medak at Sanga Reddy after adopting the due process laid down under Section 209 Cr.P.C.

5. The District & Sessions Court, Medak registered the same as S.C.No.95 of 2011 for the offence punishable under Section 302 I.P.C. and made over the case to the II Additional District & Sessions Judge (FTC) at Sangareddy.

6. On appearance of the accused/appellant the charge under Section 302 I.P.C. was framed, read over and explained the same to the accused in his vernacular language, for which he pleaded not guilty and claimed to be tried.

7. The prosecution in support of the case examined P.Ws.1 to 18, marked Exs.P1 to P22 and M.Os.1 to 3.

8. After closing the prosecution evidence, the accused was examined under Section 313 Cr.P.C. explaining incriminating circumstances appearing against him in his evidence, to which he denied the same. No evidence was adduced on behalf of defence.

9. Now the point that arises for determination is whether the finding of the trial Court convicting the accused under Section 302 I.P.C. can be sustained.

10. The learned counsel for the appellant contended that P.W.6 Abeda Begum is not a direct witness to the incident and that the trial Court having held that there is discrepancy in Ex.P18 – Dying Declaration and also in the absence of any corroboration to Ex.P18, could have acquitted the appellant.

11. The undisputed facts with regard to relationship between the witnesses, deceased and appellant/accused are that P.W.1 is the daughter, P.Ws.2, 4 and 10 are brothers, P.W.3 is the son and P.W.5 is the mother of the deceased Laxmi. Whereas P.W.7 is the son of P.W.6. All the blood relations of deceased Laxmi i.e., P.Ws.1 to 5 and 10 turned hostile and did not support the prosecution case.

12. P.W.6-mother and P.W.7-son are also not supported the prosecution case, but admits that about 1 ½ years back Laxmi died with burn injuries. P.W.6 only came to know that Laxmi poured kerosene on herself and lit fire, then she visited the house of Laxmi to see her. She is the crucial and material witness about the deceased going to her house on the fateful day of the incident. P.W.6 turned hostile and stated that on the date of incident, the accused and deceased came to her house and the accused questioned whether the

deceased came to her house and then she stated 'no', then both of them left the house. Similarly, P.W.7 deposed that the injured Laxmi was shifted to the hospital in an ambulance and on the date of incident, the deceased and accused came to their house. Though P.W.7 turned hostile, during cross-examination by the Additional Public Prosecutor, after declaring him as hostile, he stated that he does not know whether deceased Laxmi asked his mother P.W.6 to arrange money, but on that day, his mother P.W.6 informed the deceased Laxmi that she is not a member of dwakra group, as such she cannot arrange money. Later, accused and deceased came to his house and accused asked his mother whether the deceased came to her house and his mother replied 'yes'. Accused started abusing and beating the deceased by saying she was lying and he left the house. The evidence of P.W.8 also is that at about 8.30 PM he returned to home and came to know that Laxmi poured kerosene on herself and lit fire. No dispute was raised before him with regard to quarrel between the accused and deceased.

13. In the case of *State of Rajasthan v. Shravan Ram*¹ there are three dying declarations, which are as follows :

- (i) ASI Kishan recorded parcha beyan of the deceased which was signed by PW 13 Mohan Lal in the presence of the doctor who also signed the same. Further, the accused is also stated to have affixed his thumb impression.
- (ii) A dying declaration stated to have been made on 11.9.1998, signed by the Sub-Divisional Magistrate but neither had the said dying declaration been exhibited nor had the Sub-Divisional Magistrate had been produced in evidence.

¹ 2013 (12) SCC 255

- (iii) Dying declaration, as made by the deceased, before PW 3, Prem Chand, which had been stated by him in his statement under Section 151 CrPC.

In the said case, there are only two declarations on record.

Dying Declaration is stated to have been made on 11.9.1998 signed by the Sub-Divisional Magistrate and it was not brought out in evidence.

Parcha beyan of the deceased, based on which, case was registered reads as follows :

“I stay in Maliyon ki Dhani, Madanganj. Today morning at around four-five, I had gone from home to near the drain adjacent to Shivji Temple to ease myself and when I was easing myself at that time a person wearing white pants and shirt came. And in his hand there was a kerosene can, and he poured it over me and lighted a match poured over me. My terrycot clothes immediately caught fire. I fell in the drain and coming out of the drain reached the house inflamed (sic in flames) and narrated the whole incident to the family members. I did not recognise the person. I being inflamed fell in the drain and coming from the drain came being inflamed and narrated the whole incident to the family members, who have brought me to the hospital. My marriage took place two years back.”

In the said case, the third declaration stated to have been made by the deceased before P.W.3 Prem Chand referred to in Parts A to B of Ex.P6 reads as follows :

“She was a woman who was shouting at the site and was abusing her father-in-law Shravan Ram that you be doomed you ran away setting me on fire.”

The Supreme Court considered that the statement of P.W.3 - Prem Chand, recorded under Section 161 Cr.P.C., marked as Ex.P6, could be accepted as Dying Declaration, wherein it was stated that the deceased was raising a hue and cry and was abusing her father-in-law for ablazing her. P.W.3 was declared hostile. Further, P.W.4 and P.W.5, the neighbours, who have stated to have seen the deceased in a burning state and raising a hue and cry, neither disclosed the cause of death nor mentioned the names of any of the accused persons. Consequently, the dying declaration made by Prem Chand remained uncorroborated. It is trite law that it is unsafe to base reliance on the statement made under Section 161 CrPC as a dying declaration without any corroboration. Although corroboration as such is not essential but it is expedient to have the same, in order to strengthen the evidentiary value of the declaration. Dying Declarations shall have to be dealt with care and caution. Corroboration is not essential but it is expedient to have the same, in order to strengthen the evidentiary value of declaration. Independent witnesses may not be available, but there should be proper care and caution in the matter of acceptance of such a statement as trustworthy evidence. Ultimately held that dying declaration made to a Police Officer should under Section 162, Code of Criminal Procedure, be signed by the person making it. The above mentioned rule is substantially complied with, still in our view no reliance could be placed due to lack of corroboration over and above the fact that even in Ext.P.14A, the deceased had not named the accused persons. What

she stated is that she did not recognise the person who has set her ablaze. Therefore, in the absence of any corroboration and also not naming any of the accused persons in Ext.P.14A, no reliance could be placed on the same even though the provision of Rule 6.22 of the Rajasthan Police Rules, 1965 has been complied with.

14. In *Kishan Lal v. State of Rajasthan*² there are two dying declarations not only gave two conflicting versions, but there are *inter se* discrepancies in the depositions of the witnesses given in support of the other dying declaration dated 6.11.1976. Finally, in the dying declaration before a Magistrate on which possible more reliance could have been placed, the deceased did not name any of the accused. The Supreme Court held that these two dying declarations do not bring home the guilt of the appellant.

15. In another case in *Nallapati Sivaiah v. SDO*³ the Apex Court held as follows :

“It is the duty of the prosecution to establish the charge against the accused beyond reasonable doubt. The benefit of doubt must always go in favour of the accused. It is true that dying declaration is a substantive piece of evidence to be relied on provided it is proved that the same was voluntary and truthful and the victim was in a fit state of mind. The evidence of PW 10 (doctor who conducted the post-mortem) casts considerable doubt as regards the condition of the deceased to make a voluntary and truthful statement. It is for that reason, non-examination of Dr.T, Casualty Medical Officer, who was said to have been present at the time of recording of

² (2000) 1 SCC 310

³ (2007) 15 SCC 465

both the dying declarations, attains some significance. It is not because it is the requirement in law that the doctor who certified about the condition of the victim to make a dying declaration is required to be examined in every case. But it was the obligation of the prosecution to lead corroborative evidence available in the peculiar circumstances of the case.”

The Apex Court further held as follows :

“It is also a settled principle of law that dying declaration is a substantive evidence and an order of conviction can be safely recorded on the basis of dying declaration provided the court is fully satisfied that the dying declaration made by the deceased was voluntary and reliable and the author recorded the dying declaration as stated by the deceased. The Supreme Court laid down the principle that for relying upon the dying declaration the court must be conscious that the dying declaration was voluntary and further it was recorded correctly and above all the maker was in a fit condition—mentally and physically—to make such statement.”

16. In the case on hand as already discussed above, P.Ws.1 to 8 turned hostile and they did not support the prosecution case. The evidence of P.W.15 – S.H.O., Patancheru is that on 3.1.2010 he received telephonic message from District Headquarters Hospital Sangareddy regarding admission of Smt.Laxmi with burns in burns ward. Immediately, he directed P.W.18 - Sub Inspector of Police to visit the hospital and record the statement of the victim. Accordingly, P.W.18 proceeded to the Hospital, recorded the statement, basing on which a case in crime No.3 of 2010 for the offence punishable under Section 307 I.P.C. has been registered vide Ex.P16. The consistent evidence of P.W.18 is that on 3.1.2010 at 18.30 hours P.W.15 received

information that Smt.Ch.Laxmi, wife of Yadagiri, was admitted in the Government Hospital, Sangareddy in burns ward and in pursuance of direction from P.W.15, P.W.18 proceeded to Government Hospital, verified the same with the Doctor whether the patient was conscious, coherent and in a fit state of mind to give statement. Then, she recorded the statement of Laxmi, obtained her big toe mark of right leg as both the hands of Laxmi were burnt. She also obtained the endorsement of the duty doctor that patient was conscious and coherent while recording Ex.P20-statement. The contents of the statement read over and explained to Laxmi in Telugu for which she admitted them to be correct and true. Then he sent the statement through PC 1838 to Sub-Inspector of Police and the same was registered as a case in crime No.3 of 2010. He recorded the statement of Ch.Laxmi under 161 Cr.P.C. vide Ex.P21. There also she narrated the same facts.

17. P.W.16 was the then Judicial First Class Magistrate, Sanga Reddy whose evidence is that on 3.1.2010 at 7.15 PM he received requisition from S.H.O., Patancheru to record the Dying Declaration of Smt.Balamani @ Laxmi. Immediately, he visited to the Government Hospital, Sangareddy and found the patient in burns ward and she was identified by duty Doctor. He obtained certificate of the duty Doctor to the effect that the patient was conscious, coherent and was in a fit state of mind to give her statement. He put preliminary

questions to ascertain her mental condition to give her statement and after satisfying himself, recorded the statement.

18. The clinching evidence of P.W.16 is that as the deceased Laxmi went to her house half an hour late, her husband abused her by saying '*Lanjamunda Inthasepu Ekkadunnavu*'. The deceased also stated that her husband poured kerosene on her, lit a match stick and thrown it on her, due to which she sustained burn injuries. She further stated that her husband previously poured kerosene on her twice. After completion of recording the statement, P.W.16 obtained certification of the duty Doctor again as to whether the patient was conscious, coherent and was in a fit state of mind through out recording her statement. Though P.W.16 was cross-examined at length, the defence counsel could not elicit any favourable information.

19. P.W.16's further evidence is that he commenced the recording of dying declaration at 7.20 PM by putting preliminary questions and concluded the recording by 7.45 PM. In fact P.W.16 did not obtain the certification of the Doctor before putting preliminary questions, but only after having satisfied himself that the patient was in a fit state of mind to give statement, he obtained the endorsement of the duty Doctor on 3.1.2010 at 7.30 PM to the effect that patient was conscious and coherent and was in a fit state of mind to give her statement. After completion of recording dying declaration,

at 7.45 PM, P.W.16 obtained the endorsement of the duty doctor to the effect that the patient was conscious, coherent and in a fit state of mind through out recording her statement by the Magistrate. The Magistrate also recorded to the effect that there are no other persons present except duty doctor and his attender at the time of recording her statement and right toe impression of the patient was obtained on the statement Ex.P18 as well as Ex.P20. The only small discrepancy in Ex.P20 statement recorded by P.W.18 and the Dying Declaration recorded by Magistrate P.W.16 is that before the Magistrate she stated that she went to the house of a woman to whom she supplied vegetables for the purpose of collecting the money, whereas in the statement Ex.P20 before P.W.18 she stated that she went to the house of Abeda Begum in respect of dwakra amount and returned home. It is a small discrepancy which does **not in** any way affect the prosecution case and discrepancy is insignificant, but the fact remains that on that day, the deceased returned to home a bit late and on that, the accused grew wild, abused her in filthy language “*lanja munda inthasepu ekkada poinavu*”, poured kerosene on her and lit the matchstick and set her ablaze.

20. In the 161 Cr.P.C. statement before P.W.18 the deceased stated the same facts which narrated before P.W.18. Further, the evidence on record goes to suggest that P.W.18 examined P.Ws.1 to 4 and recorded the statements on 3.1.2010 itself and on 4.1.2010 P.W.18 visited the scene of offence, examined P.Ws.5 to 8, secured the

presence of P.W.12 mediator and another, Naresh Kumar and in their presence, examined the scene of offence and prepared rough sketch of scene of offence – Ex.P13 and seized M.Os.1 to 3. The evidence of P.W.12 corroborates the evidence of P.W.18 to the effect that he observed the scene of offence on 4.1.2010 at 8.00 AM and seizure of M.Os.1 to 3 by P.W.18 and preparation of scene of offence panchanama – Ex.P12 and Rough Sketch of the scene of offence- Ex.P13.

21. Further, the evidence of P.W.18 is that on 8.1.2010 she came to know that Laxmi died in Osmania General Hospital, then she filed Ex.P22 – alteration memo altering section of law from Section 307 to 302 I.P.C. and handed over the file to the Inspector of Police – P.W.17, who conducted inquest on the dead body of the deceased in the presence of P.W.13 and Y.Yadaiah and sent the body for Post Mortem Examination.

22. Under Ex.P14 the inquestdars opined that on 3.1.2010 at about 4.30 PM the deceased went to the home of one Abeda Begum – P.W.6 for asking the Dwakra Group amount or other amount as loan and came back to home; by then the accused/appellant, who is none other than her husband, was fully in a drunken state, asked her where she had gone and by suspecting her picked up quarrel. The deceased said she went to the house of P.W.6 for taking loan, but the accused did not heed to her words, took her to P.W.6's house and asked P.W.6

whether his wife came to her house, to which she answered that his wife has come to her house for loan amount, but the accused, having not satisfied with that, picked up quarrel with the deceased and at 5.00 PM he poured kerosene on her body and set fire with an intention to kill her by suspecting her fidelity. Immediately, she was shifted to Government Hospital, Sangareddy and while undergoing treatment, she succumbed to injuries on 8.1.2010 at 1.45 PM.

23. The evidence of P.W.14, the Medical Officer, is that on 3.1.2010 he received requisition from SHO, Patancheru to examine P.W.1 and he observed burn injuries over the right leg dorsal surface from right knee to calcaneum right bone. Percentage of burns were 3 to 5 % and issued Ex.P.15 injury certificate. On the same day on 3.1.2010 while discharging duty as duty doctor, the mother of P.W.1 Laxmi was also brought to the hospital through ambulance. She sustained 50 to 60% burns and he informed the same to the Police. P.W.18 came to the Hospital and recorded statement of Laxmi. On the said statement of Laxmi he has given certificate that the patient is conscious and coherent. Subsequently, the Magistrate came to the Hospital and recorded statement of Laxmi. He also certified that patient is conscious and coherent and in a fit state of mind to give the statement.

24. The evidence of P.W.9, Medical Officer, is that he received requisition from Patancheru S.H.O. to conduct Post Mortem Examination over the dead body of Ch.Laxmi. He found antimortem injuries over the face, chest, both arms, back and he found that she sustained 50% burn injuries and opined that Laxmi died due to the burn injuries and issued Ex.P9 - PME report. The medical evidence of P.W.9, supported by Ex.P9, shows that both arms of the deceased Laxmi were burnt and she was unable to sign. Therefore, the Judicial First Class Magistrate – P.W.16 and the Sub-Inspector of Police – P.W.18 obtained right toe impression on the dying declarations Exs.P18 and P20.

25. The facts and circumstances discussed above clearly goes to suggest that in the Dying Declarations under Exs.P18 and P20 the deceased stated that on 3.1.2010 at about 4.30 PM she went to the house half an hour late, as she went to the house of P.W.6 and returned back to home, by then, the appellant/accused was present at home and he enquired the deceased about the late and started abusing her in filthy language suspecting her fidelity. Later, he took the deceased to the house of P.W.6 and enquired her, who in turn disclosed the visit of deceased to her house and later the accused along with his wife returned to home. At 17.00 hours again the accused picked up quarrel with the deceased and all of a sudden, he picked up a plastic kerosene can, poured kerosene on her and set her ablaze by saying '*chaavu*'.

26. Exs.P18 and P20 goes to show that earlier the accused poured kerosene on the deceased twice and attempted to kill her. As already discussed above, in Dying Declaration, recorded by P.W.16, the deceased stated that she used to sell vegetables and the woman who purchased vegetables at her, asked her to wait for giving money. Therefore, she went to her house half an hour late and her husband, who is in the habit of consuming liquor every day, abused her “*lanja munda inthasepu ekkada poinavu*”. Then both went to the house of P.W.6 - Abeda Begum and the accused enquired her about the visit of the deceased to her house, who in turn disclosed the visit of deceased to her house and thereafter the accused along with his wife returned to home. At 17.00 hours again the accused picked up quarrel and all of a sudden, he picked up a plastic kerosene can, poured kerosene and set her ablaze by saying ‘*chaavu*’.

27. As per the evidence of P.W.14, the deceased suffered 50 to 60% burn injuries and P.W.1 also sustained injuries. It is the statement of the deceased before the Magistrate - P.W.16 and S.I. of Police - P.W.18 that earlier the accused two times poured kerosene and lit matchstick and attempted to kill her. She further stated that at the time of incident, no one was present in the house. From a careful perusal of the dying declarations Exs.P18 and P20 recorded by P.W.18 and P.W.16 it is clear that there is no material inconsistency between the two declarations in respect of material aspect.

28. The deceased Laxmi consistently stated that the accused made attempts to kill her by pouring kerosene on one or two occasions earlier and on the date of incident i.e., on 3.1.2010 when she came to house half an hour late, the appellant-accused abused her in filthy language “*lanja munda inthasepu ekkada poinavu*” and so saying poured kerosene on her and lit matchstick and thrown it on her by saying ‘*chaavu*’. P.Ws.6 and 7 also corroborate to the effect that they found the deceased with burn injuries. The Dying Declarations Ex.P18 and P20 and also opinion of inquestdars under Ex.P14 coupled with Ex.P9 - PME Report establish that no one was present at home at the time of incident and the accused poured kerosene on the deceased and lit matchstick and thrown on her and committed the alleged offence. There is no need or necessity for the deceased to speak against her husband/appellant to implicate him in the case. The declarations are certified by duty Doctor P.W.14 by saying that the deceased Laxmi was conscious, coherent and was in a fit state of mind while recording the statement and even after completion of dying declarations, he endorsed that the deceased gave statements in a fit state of mind.

29. In *Nallapati Sivaiah's case* (2 supra) the evidence of PW 10 (doctor who conducted the post-mortem) casts considerable doubt as regards the condition of the deceased to make a voluntary and truthful statement. It is for that reason, the Apex court held that non-examination of Dr.T, Casualty Medical Officer, who was said to

have been present at the time of recording of both the dying declarations, attains some significance.

30. But in the present case the Doctor correctly and rightly certified about the mental condition of the deceased Laxmi before starting Dying Declaration and after completion of recording dying declaration, P.W.16 obtained the endorsement of the duty doctor at 7.45 PM to the effect patient was conscious, coherent and in a fit state of mind through out recording her statement by the Magistrate. The evidence of P.W.14 – Medical Officer, which corroborates evidence of P.W.16 – Magistrate and P.W.18 – S.I. of Police coupled with Ex.P18 and P.20 goes to suggest that the deceased was in a fit state of mind to make dying declaration and the same has been supported by the medical opinion of P.W.14 and the endorsement found on Exs.P18 and P20.

31. Similarly, in *State of Rajasthan v. Shravan Ram's case* (1 supra) there were three dying declarations and a dying declaration stated to have been made on 11.9.1998, signed by the Sub-Divisional Magistrate but neither had the said dying declaration been exhibited nor had the Sub-Divisional Magistrate had been produced in evidence. The deceased also did not state the name of the accused in the dying declaration and she stated that she had gone from home to nearby the drain adjacent to Shivji Temple to ease herself and when she was easing herself at that time, a person wearing white pants and shirt

came. And in his hand there was a kerosene can, and he poured it over her and set her ablaze. Her terrycot clothes immediately caught fire. She fell in the drain, came out of the drain, reached the house inflamed (*sic* in flames) and narrated the whole incident to the family members. She did not recognise the person who poured the kerosene. Further in the Dying Declaration before P.W.3 therein also did not state the name of the accused persons and consequently the Dying Declaration made by Prem Chand remained uncorroborated.

32. But, in the present case the evidence of P.W.7 is that he found the deceased with burns and the evidence of P.W.14 - Medical Officer is that death was due to burn injuries. In the dying declaration she clearly stated that her husband poured kerosene, lit matchstick and thrown on her saying '*chaavu*'. There is ample evidence. There is no material contradictions in two dying declarations Exs.P18 and P20. Thus, decisions relied on by the learned counsel for the appellant/accused have no application to the facts of the instant case.

33. In the facts and circumstances discussed above, we are of the considered view that the trial Court after marshalling the facts and appreciation of oral and documentary evidence, came to the right conclusion that the accused with an intention to kill his wife poured kerosene on her body, lit matchstick and thrown it on her and killed her. Two Dying Declarations recorded - one by Magistrate (P.W.16) and another by S.I. of Police (P.W.18) under Exs.P18 and P20 are consistent and there is no variance in between the statements recorded

by them. Section 161 Cr.P.C. statements of witnesses are also corroborated. The minor discrepancy with regard to the deceased going to the house of P.W.6 - Abeda Begum will not in any way affect the material aspect. The fact that the deceased returned home half an hour late by going to the house of P.W.6 is proved. The accused intentionally poured kerosene on the deceased, lit fire and killed his wife suspecting her fidelity. The prosecution well established the guilt of the accused. The findings of the trial court are legal, valid and do not suffer from any legal infirmities. We do not find any illegality or irregularity warranting interference with the judgment of the trial Court.

34. Accordingly, the Criminal Appeal fails and is dismissed confirming the conviction and sentence imposed against the appellant/accused vide judgment dated 8.9.2011 in S.C.No.95 of 2011 on the file of the II Additional District & Sessions Judge (FTC) at Sangareddy.

35. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE C.PRAVEEN KUMAR

JUSTICE N.BALAYOGI

December, 2017.

skmr