

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

CRIMINAL APPEAL Nos.1569 of 2010 and 62 of 2011

COMMON JUDGMENT: *(Per Hon'ble Sri Justice U.Durga Prasad Rao)*

Criminal Appeal No.1569 of 2010 is filed by Accused No.1 and Criminal Appeal No.62 of 2011 is filed by Accused Nos.2 and 3, challenging the conviction and sentence recorded by the learned VI Additional District and Sessions Judge (FTC), Narsapur in his judgment dated 20.12.2010 in S.C.No.3 of 2009 whereby and whereunder the learned Judge found A1 to A3 guilty of the charge under Section 302 r/w 34 of Indian Penal Code and sentenced them to suffer imprisonment for LIFE and other sentences.

2) The prosecution case is thus:

a) All the accused are close associates and the deceased—Kavali Venkata Ratnam is a resident of A.V.S.Colony, Palakol. The native place of the deceased was Agarthipalem village, where he had lands and he had close association with accused as he used to lend money to them without any document and since the deceased insisted A1 to clear the dues and insulted him before others, A1 with the help of A2 and A3 hatched a plan and in pursuance of their common intention, on the evening of 23.09.2007, they invited the deceased to their company and took him to different bars and intentionally made the deceased to consume alcohol excessively and on the same night, all the accused

jointly murdered the deceased by smothering. While A2 and A3 held the deceased tightly, A1 smothered the deceased to death and thereafter, the accused absconded from their addresses.

b) On the report given by PW.1—Kavali Srinivasa Rao, who is the son of the deceased, a case in Crime No.214 of 2007 under Sec.174 Cr.P.C was registered by the SHO, Palakol Town PS on 24.09.2007 at 12:30pm. Police conducted investigation and on receiving the final opinion of the medical officer, the I.O altered the Section of law to 302 IPC on 01.02.2008 and during the course of investigation, arrested the accused on 16.06.2008 and seized the crime weapon i.e, pillow under cover of panchanama. After investigation, the I.O laid charge sheet against the accused.

c) On appearance of accused, the trial Court framed charge against A1 to A3 for the offence under Section 302 r/w 34 IPC, for which, they pleaded not guilty and claimed to be tried.

d) During trial, PWs.1 to 21 were examined and Exs.P1 to P16 were marked and MOs.1 to 5 were exhibited on behalf of the prosecution. No defence witnesses were examined but Exs.D1 to D4 were marked on behalf of the accused.

e) The trial Court on appreciation of the evidence, found A1 to A3 guilty of the charge framed against them and accordingly convicted and sentenced them as stated supra.

Hence, the Criminal Appeal No.1569 of 2010 by A1 and the Criminal Appeal No.62 of 2011 by A.2 and A.3.

3) Heard arguments of Sri T.Nagarjuna Reddy, learned counsel for appellant in Criminal Appeal No.1569 of 2010/A.1 and Smt.A.Gayathri Reddy, learned counsel for appellants in Criminal Appeal No.62 of 2011/A.2 and A.3 and learned Public Prosecutor for the State (A.P).

4 a) Severely fulminating the judgment, Sri T.Nagarjuna Reddy, learned counsel for appellant/A1 would firstly argue that the trial Court ought to have held, deceased died due to natural cause i.e. due to excessive intake of alcohol. The evidence of PW19 coupled with Ex.P13—final report clearly indicated that the deceased died due to asphyxia which may be due to smothering or due to excessive alcohol intake. Since the facts and evidence in this case unmistakably revealed that deceased was an old man aged about 67 years and he was having heart disease and further, on the date of death he consumed excessive alcohol, the trial Court ought to have given weight to the alternative opinion of the post-mortem doctor to the effect that the asphyxia was caused due to excessive intake of alcohol rather than due to smothering. He strenuously argued that when two views are possible from the same set of facts and evidence, the view that is favourable to the accused should be accepted is the golden principle of criminal law but the trial Court failed to follow it and therefore, the conviction and sentences are legally unsustainable. He pointed out that if the death is believed to be

due to excessive intake of alcohol, then the prosecution case automatically crumbles down because death was not a homicide.

b) Secondly and alternatively, learned counsel would argue that even assuming that the asphyxia was due to smothering and thereby the death was a homicidal one, still the evidence adduced is not sufficient to connect the accused to the offence. In expatiation, he argued that the prosecution to establish the guilt of the accused relied upon the testimony of sole eye-witness i.e., PW16 and the circumstantial evidence of PWs.1, 6 to 11, 14, 15 and 18. He vehemently argued that their evidence either independently or cumulatively failed to establish the guilt of accused.

c) Commenting on PW16, he would argue, PW16 was planted at the instance of PW1 which is manifest from the facts that this important sole eye witness was examined 9 long months after the incident. During this huge gap, strangely PW16 did not divulge to anybody about his witnessing the incident. Further, though PW16 was a stranger to the accused and the deceased, the I.O surprisingly did not seek for test identification parade of accused through him. The witness could identify only A2 but not others. Even the said dock identification of A2 is also suspicious and not intrinsic. Further, as per his evidence, on that night after reaching the tiled house in the Housing Board Colony, the deceased paid the rickshaw charges and did not ask him to wait for some time and went into that house and remained there for some time. Therefore, it is quite unnatural on the part of PW16 to say that on some suspicion he

remained behind the bushes and watched the incident. What made him to suspect the conduct of deceased or other prevailing circumstances to hide himself is not known. Further, the evidence of PW.16 that the accused smothered the deceased with a pillow is not corroborated by the medical evidence because no pieces of cotton or threads of outer sheet of pillow were found in the mouth or nostrils of the deceased as per PW.19. Learned counsel thus argued that the evidence of PW16 was as unnatural as it could be. The trial Court erroneously believed his evidence on the sole consideration that he was independent and had no enmity to implicate the accused in a false case. He argued that mere independent nature of witness cannot be the sole criterion to authenticate his evidence. He submitted that when the evidence of PW16 is discarded for the aforesaid reasons, what remains is only the circumstantial evidence of PWs.1, 6 to 11, 14, 15 and 18. Their evidence even if accepted to be true, would at best show the circumstances like:

- (i) *The accused and the deceased were known persons and A1 and deceased had money transactions;*
- (ii) *On 23.09.2007, A1 made telephone call to the house of deceased and enquired PW6 about him;*
- (iii) *On 23.09.2007 the accused and deceased consumed liquor in the lodge and at two bars till about 8.00 or 9.00 PM.*

Learned counsel would strenuously argue that the above circumstances may at best create suspicion against the accused, but they were not sufficient to complete the chain because the prosecution failed to establish that A1 or other accused had indebted to deceased and in that

context serious differences arose between them. Similarly, one of the circumstances i.e., the accused and deceased consumed alcohol at two bars on that day will not strictly construe last scene theory because, even according to the prosecution the deceased alone left the bar in the rickshaw and he was not accompanied by any of the accused at that time. Hence, those circumstances were not strong enough to complete the chain and to inevitably point out the guilt of the accused. On the aspect of appreciation of circumstantial evidence he relied upon the following decisions:

- 1) *Hanuman Govind Nargundkar and another vs. State of M.P.*¹
- 2) *Sharad Birdhichand Sarda vs. State of Maharashtra*²
- 3) *Sujit Biswas vs. State of Assam*³
- 4) *Norahammad and others vs. State of Karnataka*⁴

d) Nextly, he would argue that in a case based on circumstantial evidence the motive plays a vital role to determine the guilt of the accused but in the instant case, the prosecution utterly failed to prove the motive of the accused to kill the deceased. As per the observation in the judgment, the prosecution conceded its failure to establish the motive. The facts and evidence would show the accused were known persons to the deceased and they used to call him as Babai (uncle) and for a long period after the death of the deceased, the police did not cast suspicion against the accused but ultimately implicated them in the offence.

¹ AIR 1952 SC 343(1)

² (1984) 4 SCC 116

³ (2013) 12 SCC 406

⁴ (2016) 3 SCC 325

e) With regard to the recovery of MO1—pillow on confession of accused, he argued that PW.15 who was said to be the original owner of the said pillow could not identify the same and stated that the MO1—pillow was not that of her. Further, the signatures of accused were not obtained either on Exs.P.9 and P.10 or on the slips attached to MO1. Hence the recovery of pillow at the instance of A.3 is highly doubtful.

He thus prayed to allow the appeal and set aside the conviction and sentence.

5) Smt. A.Gayathri Reddy, learned counsel for appellants/A2 and A3 adopted the arguments of appellant/A1.

6) Per contra, while supporting the judgment, learned Public Prosecutor would argue that though PW.19 expressed two views on the cause of death of deceased, the evidence adduced by the prosecution would clearly demonstrate that it was a case of murder. Vivifying his argument, learned P.P would submit, the evidence of PWs.1, 6 to 11 and 14 would manifest that since the morning of 23.09.2007 A1 was repeatedly enquiring about the whereabouts of the deceased and further, in the afternoon, evening and night the deceased met the accused on their call and all of them consumed liquor at different places like Durga lodge, Ksheera wines and Ajantha wines and the deceased was in their company till short time before he met with death and hence the circumstantial evidence clearly point out an accusing finger towards the accused. Further, there were money transactions between A1 and

deceased. Above all, PW.16—the eye witness has categorically stated that the accused called him and sent the deceased in his rickshaw and they smothered him to death with the help of a pillow to his observation. He also identified A.2 in the court. Added to it, the police have recovered MO1—pillow at the instance of A3. Thus the prosecution could able to complete the chain of suspicious circumstances to the satisfaction of the Court.

a) He further argued, PW.16 was a stranger to accused and quite a natural witness inasmuch as he was a rickshaw puller and the accused themselves engaged his rickshaw to send the deceased and therefore, there was no necessity for him to speak falsehood against accused. Since he was a rickshaw puller and due to poverty and out of fear, he might not have divulged about the crime committed by the accused till police examined him and that circumstance cannot be weighed against him to disbelieve his evidence. He thus prayed to dismiss the appeal.

7) In the light of above rival arguments, the point for determination in this appeal is:

“Whether the conviction and sentences recorded by the trial Court are factually and legally sustainable?”

8) **POINT**: The prosecution case briefly is that the accused were known persons to the deceased and they were his close associates calling him as Babai (uncle). The deceased was resident of AVS Colony, Palakol. His native place is Agarthipalem village where he had lands.

Due to his close association with accused, he used to lend money to them without insisting documents. Since the deceased was insisting A1 to clear the dues and once insulted him before others, A.1 with the help of A2 and A3 hatched a plan to kill the deceased by alcoholising him excessively. In pursuance of their plan, A1 came from Hyderabad to Palakol on the morning of 23.09.2007 and took room in Sri Durga Lodge, Palakol. On the call of accused, the deceased and PW.10 went to the said Lodge where the accused, deceased and PW.10 consumed alcohol till afternoon and the deceased returned to his home and again on the phone call of A.1, the deceased went along with A2 to meet A1. On that evening and also in the night till 9pm, they consumed alcohol in Ksheera wines at Poolapalli and at Ajantha wines and later the accused engaged the rickshaw of PW.16 and apparently sent him to Housing Board colony and they secretly followed him and there in the lonely place, they smothered him to death with the help of MO1—pillow and skulked away. The incident was witnessed by PW.16.

9) Thus the prosecution case pivots on certain suspicious circumstances and also on the eye witness account of PW.16. It must be noted that PW.19—the post-mortem doctor had not given a definite opinion that the death was a homicide. His evidence would reveal, he found no external injuries in the body but found bleeding from both nostrils and mouth and tongue protruded. He also found the presence of cardio megaly (enlargement of heart). After receiving Ex.P.12—RFSL report and noting the presence of alcohol in stomach, intestine, lever and

kidney, he came to know that the deceased consumed excessive alcohol. Thus he gave his final opinion to the effect that the deceased would appear to have died due to asphyxia, may be due to smothering or may be due to excessive consumption of alcohol about 17 to 20 hours prior to post-mortem examination. Ex.P.13 is his final opinion which manifests that the death might be either due to smothering or due to excessive consumption of alcohol. However, the prosecution would staunchly contend that it was an outright murder.

10) PWs.1, 6 to 11 and 14 were examined to depose about the incidents happened from the morning till night of 23.09.2007. Whereas, PW.16 was examined to testify his witnessing the incident.

11 a) PW.1 is the son of the deceased and his evidence shows that he received phone call from his mother (PW.6) saying that the deceased left home on 23.09.2007 at 4pm and did not return. On 24.09.2007 at 11am, he went to Puntha of 26th ward and found the dead body of his father and gave Ex.P1—report to police.

b) PW.6 is the wife of the deceased and she deposed that on the morning of 23.09.2007 her husband went to Agarthipalem village and at about 10am, she received a phone call from A1 enquiring about the deceased and she informed that he went to see the lands. Her husband returned home at 3pm in an intoxicated state and again at about 4pm on receiving phone call of A1 he went along with A2 who stood at their gate. Later her husband did not return and on the next day morning she

informed this fact to her son(PW.1) and on knowing about the death of her husband, they went and saw the dead body lying at Puntha. She expressed her doubt over A1 on the ground that there were money transactions between her husband and A.1.

c) PW.7 is the Ex-MLA of Palakol and his evidence shows that on 23.09.2007 at about 4:30pm, he accosted the deceased coming from his house and deceased disclosed that A.1 had to give amount to him and that he was going to bar of Angara Ram Mohana Rao of Poolapalli. On the next day this witness went and saw the dead body of deceased.

d) PW.8 is the room boy and PW.9 is the Manager of Sri Durga Lodge, Palakol and their evidence shows that on 23.09.2007, A.1 took room No.109 in their lodge and he came to room with two persons and consumed alcohol.

e) PW.10 is a resident of Mamidikunta H/o. Agarthipalem and he deposed that he went along with deceased to Sri Durga Lodge, where the deceased and A1 discussed something and later the deceased left to his house.

f) PW.11 is the Salesman in the Ksheera wines, Poolapalli and his evidence shows that on 23.09.2007 on the phone call of A.2, the deceased went to the wine shop and they consumed liquor till 7pm in the nearby hut and later A.1 and A.2 along with the deceased went in RTC bus to Palakol.

g) PW.14 was the boy in Ajantha bar, Palakol. His evidence shows that on 23.09.2007 at 7:30pm, A3 and deceased came to the bar and consumed liquor and some other persons also came with them and they remained in bar till 9:30pm or 10pm and went away.

h) All the above witnesses were thus speaking certain suspicious circumstances. Then we have the evidence of PW.16, who is the stare witness for prosecution as he is said to be an eye witness. Hence we tend to scrutinise his evidence.

12) PW.16 deposed that on the night of incident at about 10pm two youngsters stopped his rickshaw at Ajantha Bar and asked him to drop the old man at Housing Board colony for Rs.10/- and accordingly he took that old man and stopped the rickshaw at the 4th thatched house in the colony, on his instructions. That person asked him to cross the drain and accordingly he took the rickshaw on that drain and that person gave him Rs.10/-. He turned his rickshaw back but he got suspicion as that person got down the rickshaw at the place where there were bushes and so he left the rickshaw and went back to that place and while sitting in nearby bushes, he observed the two youngsters who earlier gave instructions at Ajantha bar, came there and they caught hold both the shoulders of that old man and another person came there with a pillow and one of the two youngsters placed pillow on the face of old man and pressed him to the nearby compound wall and after sometime the old man was left and he fell on the ground and two persons thrown him into the shrubs and all the three persons walked towards Poolapalli. Out of

fear, he went to his house. He identified A2 in the Court hall. He also identified MO1 as the pillow used by A2. In the cross-examination he stated that he did not state all those things to anybody till he was examined by the police and no identification parade was conducted through him for identification of the accused and he identified A2 for the first time in the Court. He further admitted that he took the old man to the Housing Board Colony only and there was only one thatched house in the Housing Board, the said old man went to a tiled house after crossing the drain and remained there for 5 months and he did not ask me (PW.16) to wait till he returns. He also admitted that, he did not give the descriptive particulars of the pillow to the police and he was seeing the pillow for the first time in the Court after the incident. He did not give the descriptive particulars of those three persons. He was detained at the police station for about 4 days and the police took him for 5 or 6 months after the incident. He denied that he worked under PW.1 and he brought him to the Court. He denied the suggestion that he got dispute with A2 when he beat him on one occasion. This is precisely the evidence of PW.16.

a) At this juncture, it is pertinent to mention the evidence of PW.21—I.O relating to the incident. PW.21 deposed in his cross-examination that his investigation revealed that the deceased got down the rickshaw of PW.16 and the rickshaw was taken to the place as directed by the deceased and the deceased consumed excessive alcohol on that day and he got down rickshaw at the place where four huts were

situated. Bandaru Venkateswara Rao, Kavuru Satyavathi, Chandragiri Nageswara Rao and Gannibattula Suryanarayana were the owners of those huts. The deceased crossed the drain where a house situated nearby and the rickshaw puller helped the deceased to cross the drain and the deceased entered the house of Vendra Venkateswara Rao. His evidence would further reveal that one lady with suspicious character was residing in the house of Vendra Venkateswara Rao and when examined that lady (PW.15), she denied access with the deceased. She was the tenant of Venkateswara Rao. The house of Venkateswara Rao was an old terraced house constructed by Housing Board.

13) A thorough and conjunctive study of evidence of PW.16 and PW.21, raises any amount of doubt about the veracity of PW.16.

i) Firstly, the claim of PW.16 to be an eye witness is highly doubtful for the reason that as per prosecution, the accused hatched a plan to make the deceased consume excessive alcohol and then kill him probably at an isolated place i.e, in the vicinity of scene of offence which is the Housing Board colony surrounded by bushes. If that were true, having made the deceased to booze excessively on that day till night at different places, it would be most unlikely for the accused to leave the deceased by engaging the rickshaw of PW.16 and send away the deceased to the house of his choice. By doing so, they were losing the opportunity to kill the deceased as he was going away to the house of his choice and escaping from their clutches. It must be noted that it is not the case of PW.16 that either the accused followed the deceased in the

same rickshaw or in another vehicle. So, it is highly doubtful whether accused sent the deceased in the rickshaw of PW.16.

Further, he claimed that when he was hiding behind the bushes, he saw those three persons appeared therein and killed the deceased. If this is real, the accused themselves were ensuring the presence of PW.16 to watch the crime that they were going to perpetrate. In the normal course, no accused would even remotely intend that any third party to be present and witness the offence committed by him. Contrary to it, the evidence of PW.16 suggests that the accused at first, sent the deceased with PW.16 not to the place of their choice but to the choice of deceased and later all of a sudden, the accused appeared at the scene and allegedly committed the offence. Thus his evidence belies the natural conduct of any accused to believe PW.16 to be an eye witness.

ii) Secondly, another reason also raises doubt about PW.16. According to him, after reaching the scene the deceased paid Rs.10/- to him and went into one of the houses. Most importantly, he did not ask PW.16 to wait for him. This conduct of deceased was not unusual so as to raise some doubt in the mind of PW.16 to hide behind the bushes to watch what was going to transpire. If in his perception, the deceased was old, excessively drunk and in an imbalanced state and crossing the drain, at best PW.16 should have followed him upto the house and left him there and returned back. Except that, there was no occasion for him to entertain some unnatural doubt about the conduct of the deceased and to wait behind the bushes.

iii) Thirdly, the claim of PW.16 that the accused smothered the face of deceased with MO1—pillow does not get support from the medical evidence. PW.19 in his cross-examination stated that smothering means obstruction of external orifices i.e, nostrils and mouth; causing death by smothering is violent form of causing death. In the normal course when a person was subjected to death by way of smothering, the victim offers resistance and thereby external injuries were also possible and so also the assailant may get injuries when there was resistance from the victim. In the normal process, the victim may get bruises and abrasions on the mouth and nostrils and in the instant case, no abrasions and bruises were there on the mouth and nostrils of the deceased. He further stated, if any person was subjected to smothering by placing cotton or cotton cloth in the nostril, the possibility of cotton pieces stuffed into the mouth and nostrils cannot be ruled out but in the instant case, he had not noticed any foreign material in the mouth, nostril trachea and oesophagus of the deceased.

Thus the evidence of PW.19 predominantly manifest that neither there were the marks of resistance such as bruises and abrasions in the mouth and nostril of the deceased nor there were foreign particles such as cotton pieces and cloth threads inside his body indicating the smothering. Hence, the reason given by the trial Court to hold it as a case of smothering inspite of the above evidence is unsustainable. For lack of marks of violence, such as bruises etc., the trial Court opined that since the deceased consumed excessive alcohol and as he was an old

man and thereby he could not make any resistance against three young persons. Then the absence of the foreign material in the body of deceased was justified by the trial Court on the observation that there was no evidence that the pillow was rough and the cotton came out by the time of offence and hence the absence of foreign material could be understood. Though to some extent, the first reason is accepted, the second one cannot be sustained for the reason that PW.15 in her evidence deposed that she threw away an old pillow outside as it was torn out. The prosecution claims that the said pillow was MO1 with which the accused smothered the deceased. It is a different thing that PW.15 denied MO1 as the pillow thrown away by her. Even assuming both the pillows are one and the same, PW.15 had thrown away the MO1—pillow sometime prior to the offence on the ground that it was torn out. Thus, MO1—pillow must underwent natural decay being exposed to sun and rain for some period before it was pressed into service by the accused. Hence, the possibility of presence of the foreign material like cotton pieces and cotton threads inside the body of the deceased cannot be denied. Hence their absence belies the claim of PW.16.

iv) Fourthly, PW.16 did not divulge to anybody about the incident till the police examined him. As per I.O, PW.16 was examined about 9 months after the incident. This conduct of PW.16 also casts a doubt about his testimony. In similar circumstances, the Apex Court in the

decision reported in *Mahadeo and others vs. State of Maharashtra*⁵, tend to disbelieve the evidence of a sole eye witness when evidently he kept quiet for about 6 months and did not disclose the incident to anybody.

v) Fifthly, admittedly PW.16 did not know the deceased and accused and he identified only A2 and that too for the first time during the course of his evidence. Surprisingly the I.O did not take steps to conduct test identification parade for identification of accused through PW.16. Unfortunately the trial Court placed implicit reliance on PW.16 for the reason that the defence could not prove that he worked under PW.1. On the other hand the witness was independent witness and there was no necessity for him to speak falsehood against the accused. As rightly argued, mere independent nature of the witness is not alone the *sine qua non* to validate his testimony.

14) When the whole gamut of facts and circumstances as narrated supra are considered, it is highly unsafe to believe PW.16. When PW.16 is disbanded from the array of evidence as being untrustworthy, the evidence of remaining witnesses only projects certain suspicious circumstances. Hence, it has now to be seen whether the said evidence completes the chain to unerringly point out the guilt of accused.

15) As per PWs.1 and 6, on the morning of incident, after the deceased left to Agarhipalem, A1 telephoned and enquired about him and later in the afternoon at about 4pm, A1 again telephoned to deceased

⁵ AIR 1980 Supreme Court 102

and on receiving the call, the deceased left the house with some notes and at that time A2 was at the gate of the house, A2 and deceased left the house and thereafter the deceased did not return home and died. Thus as per prosecution, A1 telephoned twice and A2 came to their house and took the deceased in the evening. Surprisingly, PW.1 in his Ex.P.1—report did not make a whisper about either A1 making two calls or A2 coming to their house and taking the deceased with him. The I.O has not tried to produce the call data particulars of the deceased also. Most importantly, PW.1 did not express any doubt against accused in Ex.P.1. Therefore, the calls allegedly made by A1 and A2 picking up the deceased at his home are highly doubtful.

16) Then motive is concerned, PW.6 except for the first time stating in her evidence that she had suspicion over A1 due to some money transactions between him and her husband, did not get this fact mentioned in Ex.P.1. Further, except vaguely saying that there were money transactions, she did not narrate that A.1 was indebted to accused any amounts or whether there were any differences between them in that connection. Thus prosecution failed to establish the motive for accused to kill the deceased.

17) Then what remains is the evidence of PWs.8, 9, 11 and 14. No doubt the prosecution by virtue of their aforesaid evidence, could establish that the accused and deceased consumed alcohol on that day firstly, in the lodge and later, in the two wine shops. Except this circumstance, prosecution could not prove the other vital links to

complete the chain. These facts may at best throw some doubt on the accused but such doubt alone is not sufficient to hold them guilty, particularly in the light of Ex.P.13—final report issued by PW.19 which lingers in the dilemma as to whether the death was due to the smothering or excessive consumption of alcohol by the deceased. The golden rule of criminal jurisprudence is that when two views are possible, one pointing out the guilt and the other showing the innocence of the accused, the benefit of doubt must always go to the accused. The trial Court unfortunately has not considered the facts and evidence in a proper perspective for recording the conviction. Hence, its judgment is liable to be set aside.

18) We accordingly set aside the conviction and sentences recorded by the trial Court in its judgment dated 20.12.2010 by allowing both the appeals. The accused are directed to be set free by the concerned jail authorities forthwith if they are not required in any other case.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

SURESH KUMAR KAIT, J

U. DURGA PRASAD RAO, J

Date: 21.04.2017
Scs/Murthy