

Bail slip

The Accused namely Lakshmanan, S/o.Munisamy was directed to be released on bail as per the order of this Court dated 19/7/02 in Crl.MP.No.6284/02 in Crl.A.No.995/02 on the file of this Court.

The Appellant/Petitioner/Accused namely K.Ravichandran, S/o.Krishnamoorthy was directed to be released on bail as per the order of this Court dated 25/7/02 in Crl.MP.No.6285/02 in Crl.A.No.996/02 on the file of this Court.

The Appellant/Petitioner/Accused namely Devaraj S/o.Ramasamy was directed to be released on bail as per the order of this Court dated 19/7/02 in Crl.MP.No.6284/02 in Crl.A.No.995/02 on the file of this Court.

The Appellant/Petitioner/Accused namely Sundararaj, S/o.Arumugam was directed to be released on bail as per the order of this Court dated 19/7/02 in Crl.MP.No.6284/02 in Crl.A.No.995/02 on the file of this Court.

The Appellant/Petitioner/Accused namely G.Ramayan, S/o.Gopalakrishnan was directed to be released on bail as per the order of this Court dated 25/7/02 in Crl.MP.No.6285/02 in Crl.A.No.996/02 on the file of this Court.

The Appellant/Petitioner/Accused namely Arumugam, S/o.Appu Nattar was directed to be released on bail as per the order of this Court dated 25/7/02 in Crl.MP.No.6285/02 in Crl.A.No.996/02 on the file of this Court.

The Appellant/Petitioner/Accused namely D.V.Srinivasan, S/o.Venkatachalam was directed to be released on bail as per the order of this Court dated in Crl.MP.No.6543/02 in Crl.A.No.1051/02 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2018

CORAM:

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Crl.A.Nos.995, 996 and 1051 of 2002

- 1.Sundararaj
- 2.Devaraj
- 3.Lakshmanan

.. Petitioners in Crl.A.No.995/02/  
Appellants/Accused 6,7,8

- 1.K.Ravichandran
- 2.G.Ramayan
- 3.Arumugam

.. Petitioners in Crl.A.No.996/02/  
Appellants/Accused No.2,  
Accused No.3, Accused No.4

Dr.V.Srinivasan

.. Petitioner in Crl.A.No.1051/02/  
Appellant/Accused No.11

vs.

State by:

The Superintendent of Police,  
CID, Pondicherry,  
(Crime No.333 of 93 of  
Odiansalai Police Station,  
Pondicherry).

... Respondent in all the Crl.As/  
Complainant

Common Prayer: Criminal Appeal is filed under Section 374(2) of Cr.P.C., to set aside the judgment dated 24.06.2002, in S.C.No.11 of 1995 on the file of the learned II Additional Sessions Judge, Pondicherry.

(In all the Crl.As)

For Appellants : Mr.V.Gopinath, Senior counsel  
for Mr.L.Mahendran in Crl.A.  
Nos.995 & 996 of 2002  
and for Mr.S.Manimaran in  
Crl.A.No.1051 of 2002

For Respondent : Mr.Bharathachakaravarthy  
Additional Public Prosecutor  
(Pudhucherry)

COMMON JUDGMENT

All these Criminal Appeals are challenging a Common Judgment dated 24.06.2002 made in a Sessions Case No.11 of 1995 on the file of the learned II Additional Sessions Judge, Pondicherry.

2.The accused Nos.2 to 4 are the appellants in Criminal Appeal No.996 of 2002, the accused Nos.6 to 8 are the appellants in Criminal Appeal No.995 of 2002, and the accused No.11 is the appellant in the Crl.A.No.1051 of 2002. The appellants filed the above appeals challenging the order of conviction and sentence imposed on them. As all the above appeals arising out of a common judgment, this Court decided to dispose of all the appeals through this Common Judgment.

3.The records disclose that the learned Trial Court convicted and sentenced the Accused Nos.2, 3, and 4 to undergo 7 years of rigorous imprisonment and Rs.5,000/- fine, in default they shall undergo 6 months simple imprisonment for the offence under Section 304 part II r/w section 34 of I.P.C. The A2, A3,

A4, A6, A7 and A11 were convicted and sentenced to undergo 1 year Rigorous Imprisonment and fine of Rs.1,000/-, in default they shall undergo 2 months simple imprisonment under Section 201, r/w Section 34 I.P.C.

4.The case on hand is arising out of a custodial death of one Alaker sekar @ Chandrasekar in Pondichery Odainsalai Police Station on 29.12.1993.

5.The case of the prosecution is that the deceased Alakar sekar @ Chandrasekar was the resident of Kandector thoppu. PW-1 is the daughter- in- law of the deceased, PW-11 is the daughter of the deceased, PW-18 is wife and PW-17 is the brother of deceased. The PW-5 and PW-12 are the brother-in-laws of the deceased, PW-13 is the younger sister, PW-14 is the Sister- in - law, PW-15 is Co-brother and PW-16 is the brother-in-law of the deceased.

6.According to prosecution, PW-1, PW-18 and deceased and some other ladies were indulged in prostitution. After A-1 assumed the office of Sub-Inspector of Police of Odaionsalai Police Station, he had taken keen steps to eradicate prostitution in Kandector thoppu area.

7.On the fateful day i.e., is on 29.12.1993 at about 4.30 P.M., when PW-1, PW-2 and the deceased were having tea on the pial of the house of PW-2, at that time, A-2 came there and enquired as to the name of PW-1 and further informed that warrant is pending against her and directed her to come to police station with him.

8.When PW-1 refused to go along with A-2, he slapped on her chin and at that time the deceased had quarrelled with A2 and therefore there was an altercation between A-2 and the deceased. Thereafter, PW-1 was taken to the police station by A-2. In the police station, A1 enquired and assaulted PW-1 and subsequently her husband came there and on his earnest appeal and lament with A1, both of them were let out by A-1 with a warning they should not indulge in prostitution thereafter.

9.At that time A-2 brought the deceased to the police station. In the police station A-1 instructed A-2 to dress off the deceased Chandrasekar which was witnessed by PW-6 and PW-7 who were kept for enquiry in connection with some other case in the police station.

10.After the removal of the clothes worn by the said Chandrasekar, A-3 and A-4 beaten up him indiscriminately and the deceased had lost his consciousness. On sprinkling water on his face, the deceased gained consciousness, thereafter all the

accused 1 to 5 manhandled and assaulted the deceased, which resulted the deceased again lost his consciousness. Immediately the deceased in the unconscious stage was dragged upon to nearby a toilet which is adjacent to the police station compound and subsequently Chandrasekar was died there itself.

11.PW-8 is the auto driver who was stopped by A1 when he was proceeding near Newton Theater and took the deceased to the Governmental Hospital in his auto. PW-32 is the doctor in the causality section of the Government Hospital who examined the deceased, but he was declared dead. Thereafter A-1 received complaint through A-6 that the deceased was in drunken mood fell down in front of Newton Theater and died. The complaint is marked as Exhibit P-27 and based on that Exhibit P-28 F.I.R. was registered.

12.After filing final report under Section 173 Cr.P.C., the above case was committed to the file of the learned Principal District and Sessions Court at Pondicherry in P.R.C.No.26 of 1994 by the learned Judicial Magistrate, Pondicherry. Upon committal, the learned Principal District and Sessions Judge, framed charges against the accused under sections 302, r/w 149, 120-B r/w 201 IPC, as the accused denied the charges, the same was recorded and thereafter by an administrative order, made over the above case in Sessions Case No.11 of 1995 to the file of the learned II Additional Sessions Judge, Pondicherry, and the trial has commenced.

13.The prosecution examined PWs-1 to PW-37 to substantiate their case. Exhibits P1 to P37 were marked and MOs-1 to 6 were produced. On the side of accused DW-1 was examined and no exhibit was marked.

14.The learned Trial Court after considering all the material evidences and after elaborate discussion found that the accused No 2, 3 and 4 were guilty of the offences under Section 304 (II) of I.P.C. r/w 34 of I.P.C. Accused No.6, 7, 8 and 11 were found guilty of the offence under Section 201 of I.P.C. r/w 34 of I.P.C. During the course of trial, A-1 was reported dead and therefore the Trial Court held that charges against him as abated. Accused Nos.5, 9, and 10 were acquitted from the charges.

15.Now the present appeals are filed by Accused Nos.2, 3, 4, 6, 7, 8 and 11 against the conviction and sentence imposed upon them.

16.I heard Mr.V.Gopinath, learned Senior Counsel for Mr.L.Mahendran in Crl.A.Nos.995 and 996 of 2002 and for Mr.S.Manimaran, in Crl.A.No.1051 of 2002 appearing for the appellants and Mr.Bharathachakaravarthy, learned Additional

Public Prosecutor (Pudhucherry) appearing for the respondent and perused the entire materials available on records.

17.It is seen from the records that PW-1 Vijaya who is the daughter-in-law of the deceased Chandrasekar deposed that on 29.12.1993 she was brought to the police station by A2. Subsequently, her husband Raju came to the police station and he pleaded with the S.I. of Police to leave his wife. Thereafter, PW-1 and her husband Raju were allowed to go out from the Police Station by A-1 and at that time the deceased Chandrasekar was brought to the Police Station by A-2. She further deposed that she came to know about the death of Chandrasekar only by the next day that too in the afternoon.

18.According to PW-1, the deceased Chandrasekar was brought to Odiansalai Police Station on 29.12.1993 at 7.30 p.m and prior to that there was an altercation between the deceased and A-2.

19.PW-2 Subeda deposed that there was no altercation between A-2 and deceased Chandrasekar, but in the remaining aspects she corroborated with the evidence of PW-1.

20.PW-3 Sakunthala is a hearsay witness and hence the trial court has not given any credibility to her evidence.

21.PW-4 Ravichandran was treated as hostile witness by the prosecution and such as the Trial Court has not given any signification to his evidence.

22.PW-5 Ganasekaran is also not an eye witness to the occurrence, however, he corroborates with the evidence of PW-1 and PW-3.

23.The prosecution case is mainly resting upon the evidence of PW-6 and PW-7, especially PW-7 who, according to the prosecution, is one of the eye witnesses to the occurrence. According to PW-7, on the date of occurrence, when the deceased Chandrasekar was brought to Odiansalai Police Station, he and PW-6 were present. PW-7 deposed that the deceased Chandrasekar was brought by A-2 to the Police Station and he was taken to the room, where the Sub-Inspector (A1) was sitting. Thereafter the deceased was brought out of the SI room and his dresses were removed by A-2 and A-3 and he was indiscriminately beaten up by them. As the deceased lost his consciousness, the accused Nos.2, 3, 4 and 5 had poured water on the deceased Chandrasekar and again they severely beaten up the deceased which resulted the loss of consciousness of the deceased. Thereafter Accused No: 2, 3, 4, and 5 took the deceased and placed him near the latrine of the police Station which locates within the police station

compound. Subsequently, PW-7 was allowed to go out from the Police Station by SI (A1).

24.The Trial Court has given much importance to the evidence of PW-7 and has discussed the entire evidence of PW-7 in the Judgment. The Trial Court has convicted the accused mainly placing reliance upon the evidence of PW-7. It is a settled law that conviction can be made on the sole testimony of any one of the prosecution witness when the same is reliable in all its perspective. But the same should be considered along with the other facts and circumstances of the case of the prosecution.

25.Now coming to the case on hand, it is a case of custodial death and the same has to be analyzed with due care and proper appreciation of evidence.

26.PW-14 Vasantha is the younger sister of Kamala who is the wife of deceased Chandrasekar. PW-18 Kamala admits to some extent that she involved in prostitution. she deposed that when her husband deceased Chandrasekar's dead body was shown to her by the Executive Magistrate at JIPMER Hospital she have seen various external injuries on the dead body.

27.The evidence of PWs-25, 27 are not supported the case of the prosecution. PW-33, Doctor Adul Murari has conducted second postmortem on 03.01.94 deposed that he had noted several external injuries and noted ante-mortem injuries which he mentioned in Exhibit P-3 at Colum No.8.

28.A-11, Doctor V.Seenivasan who conducted the 1<sup>st</sup> postmortem stated that in Exhibit P-3 post-mortem report that the cause of death of Chandrasekar was shock due to haemorrhage from Cirrhotic Variceal Blood and he has also mentioned the injuries in Exhibit P-22.

29.According to the version of PW-7, he informed the incident of torture given to the deceased Chandrasekar at Odiansalai Police Station on the same day night i.e., 29.12.1993 to Pw-14 Vasantha. The Learned Trial Judge, in his elaborate discussion, held that PW-7 gave statement before the police by referring the names of A-1 to A-5 and in his deposition he referred the names of A-1 to A-5. However, before the Executive Magistrate, Pw-7 did not specify the names of A-1 to A-5, for that the Learned Trial Judge gave a finding that the purpose of enquiry under Section 176 Cr.P.C. is not to find out the actual culprit, but to ascertain as to whether it is a custodial death or otherwise.

30.The learned Senior Counsel for the appellants has strenuously contented that all the non-official witnesses are

hailing from Kanddoctor thoppu and they are the relatives of the deceased Chandrasekar and all of them are interested and motivated witnesses. Since A-1 Gopal Chandhar after taken charge as SI of Police of Odiansalai Police Station, had taken stringent action in eradicating prostitution in Kanddoctor thoppu area and therefore all the witnesses have been tainted and made to depose against the police personnels of Odiansalai police station. Therefore the conviction and sentence imposed upon the appellants by the Learned Trial Judge by relying upon the evidence of relatives of the deceased Chandrasekar is not justified and said witnesses are not trustworthy.

31.The learned Senior Counsel further submitted that the non-examination of Arabbu Laxmi is fatal to the case of prosecution, since PW-7 quarreled with said Arabbu Laxmi. The other argument advanced by the Learned Senior Counsel in respect of PW-7 who is the sole eye witness is that the Trial Court should not have believed the evidence of PW-7 who is a tainted witness who had served in the borstal-school and has helped in some way for the prostitution of PW-18, Kamala. Therefore according to the Learned Senior Counsel, PW-7 is a motivated witness and his evidence cannot be the basis for conviction of the appellants. Further, the evidence of PW-7 has not been corroborated by any other witnesses.

32.The other argument of the learned Senior Counsel is that the Learned Trial Judge failed to look into the evidence of DW-1 who categorically deposed that in the absence of the enzyme test being conducted, it cannot be clearly stated as to whether the injuries sustained are postmortem or ante mortem. The failure in conducting the enzyme test is fatal to the case of prosecution and on that ground also the accused are entitled to be acquitted.

33.According to the Learned Senior Counsel, the Trial Court ought not to have convicted the accused/appellants on the sole testimony of PW-7 and the story of PW-7 that he was going to Kattumannar Kovil along with PW-30, Ramalingam and the accused 2 and 3 met PW-7 and requested him not to speak about the occurrence and they presented a golden ring and watch. In fact according to the learned senior counsel, it is the starting point of the case to connect the second and third accused with the case of the prosecution. However this aspect has not been corroborated by any other witness. Further, the presence of PW7 in Odiansalai police station, on the date of occurrence has not been spoken to by any witnesses and therefore the presence of PW7 itself is highly doubtful. Hence, the conviction of the learned trial judge placing reliance upon the evidence of PW-7 is liable to be set aside as it is not safe to record or warrant conviction.

34.The learned senior counsel further contented that there was long gap between the first and second postmortem. In this regard the learned senior counsel drawn the attention of this Court to the evidence of PW-33, the doctor who conducted the second postmortem and who deposed and admitted that fracture may occur due to breaking of rigor mortis during postmortem. Further, in this regard there is no explanation by the prosecution as to whether the body was safely preserved during the period in between 29.12.1993 to 03.01.1994.

35.The learned Senior counsel appearing for the appellants submits that the Learned Trial Judge ought not to have convicted the accused No.11 who conducted the 1<sup>st</sup> postmortem holding his opinion and postmortem report (Ex.P-22) as fake by comparing the opinion and the 2<sup>nd</sup> postmortem report of another postmortem surgeon, PW-33 on presumption and surmises and so the conviction and the sentence as against A11 is liable to set-aside.

36.Per contra, the learned Government Advocate Criminal side would submit that as far as the case of the prosecution, the evidence adduced cannot be stated as tainted. Moreover, beyond reasonable doubt, the prosecution has proved the case that the deceased was taken to the police station by A2. Thereafter, it is also proved by the prosecution that the deceased was indiscriminately assaulted by the accused in a brutal manner and the assault was witnessed by the PW-7. The learned additional prosecutor would further submit that PW-7 has no personal grudge as against the accused. In this regard the suggestions put forth on the side of the accused as if PW-7 extended his assistance to the wife of the deceased in their illegal acts are unbelievable. Further, there is no reasoning is attributed on the side of the accused that PW-7 who was aged about 15 years, at the time of occurrence could be tutored to give evidence in a cogent manner as against police is improbable. Apart from that since the evidence of PW-7 having corroboration with the place of occurrence and the ante mortem injuries, there is no possibility that the same is to be discarded.

37.In this connection it is brought to the notice of this Court by the learned Additional Public Prosecutor the following judgments of the Hon'ble Supreme Court in weighing the child witness as reported in Golla Yelugu Govindu versus State of Andhra Pradesh reported in 2008 CrLJ 2607, and In Dattu Ramrao Sakhare v. State of Maharashtra, 3 (1997 (5) SCC 341) it was held as follows:

"A child witness if found competent to depose to the facts and reliable one such evidence could be the basis for conviction. In other words even in the absence of oath the evidence of a child witness can be considered under Section 118 of the Evidence Act provided that such witness is able to

understand the answers thereof. The evidence of a child witness and credibility thereof would depend upon the circumstances of each case. The only precaution which the Court should bear in mind while assessing the evidence of a child witness is that the witness must be a reliable one and his/her demeanour must be like any other competent witness and there is no likelihood of being tutored".

9. The decision on the question as to whether the child witness has sufficient intelligence primarily rests with the trial Judge who notices his manners, his apparent possession or lack of intelligence and said Judge may resort to any examination which will tend to disclose his capacity and intelligence as well as his understanding of the obligation of an oath. The decision of the trial court may, however, be disturbed by the higher Court if from what is preserved in the records, it is clear his conclusion was erroneous. This precaution is necessary because child witnesses are amenable to tutoring and often live in a world of make beliefs. Though it is an established principle that child witnesses are dangerous witnesses as they are pliable and liable to be influenced easily, shaped and molded, but it is also an accepted norm that if after careful scrutiny of their evidence the Court comes to the conclusion that there is an impress of truth in it, there is no obstacle in the way of accepting the evidence of a child witness."

38. The perusal of the records would further reveal that PW-7 during his cross examination clearly and candidly admitted that after the occurrence, he was detained in a house under lock and key by Mahalakshmi, the daughter of the deceased at Kandoor Thope. Further, PW-7 was taken to the Court, C.I.D Office and Collector Office to give statement in respect of the alleged occurrence, only by PW-18 Kamala, the wife of the deceased Chandrasekar. At that time PW-7 was 15 years old.

39. This is a case of custodial death and it is seen from the records that the discrepancies found between the 1<sup>st</sup> and 2<sup>nd</sup> post-mortem reports, in the considered opinion this court, are the basis for the prosecution case to make it fit for consideration. There cannot be much difference between 2 post-mortem report unless manipulation is made in any one of the post-mortem report. Though, the prosecution has relied on the 2<sup>nd</sup> post-mortem report by arraying the doctor who conducted the 1<sup>st</sup> post-mortem as one of the accused, no suggestion was put forth by the accused that reliance cannot be placed upon the 2<sup>nd</sup> post-mortem certificate.

40. At the same time, the evidence of PW-7 is playing key role even to decide the case. The said PW-7 deposed that after the occurrence, the wife of the deceased viz., Kamala, PW-18 only brought him to Human Rights Activists office. Apart from that when the identification parade was conducted, PW-7 identified one or two person only. Further, the perusal of the evidence of PW-18 would show that she has admitted an offence under the Prevention of Immoral Trafficking Act and paid fine amount of Rs.750/- and one another case was pending against her.

41. In this case, admittedly one Chandrasekar was died and according to the case of the prosecution, it is the case of custodial death, whereas, the appellants herein pleaded not guilty and they have not committed the offence. Now it is for this Court to see as to whether the accused/appellants herein were involved in the crime or whether they have nexus to the cause of death of Chandrasekar.

42. At the same time to support his contention, the learned senior counsel has relied on the judgment of the Hon'ble Supreme Court reported in 1995 4 SCC 262 - State of MADHYA PRADESH Vs. SHYAMSUNDER TRIVEDI relied by the prosecution is extracted hereunder as the law laid down in this judgment is applicable to the facts and circumstances of the case on hand. Where it is held as follows:

"( 14 ) WE are, however, not impressed with the approach of the High court in dealing with the case of the other respondents as well as with the acquittal of Trivedi, Respondent I, for the offences under S. 147 and 302/149 Indian Penal Code. Having recorded a clear and conclusive finding, and on a proper appreciation of the evidence, that the deceased Nathu Banjara had remained in custody at the police station right from the time he was brought there in the evening on 13/10/1981 by Constables Rajaram, Respondent 4 and Ganniliddin, Respondent 5 till the time his dead body was removed from the police station on the next day and that Respondent 1 and others had with a view to conceal the truth created false evidence and fabricated false clues, the High court could not have acquitted SI Trivedi respondent, whose presence at the police station was amply established by the prosecution evidence, of the offence of causing multiple external injuries to the deceased which ultimately resulted in the death of Nathu. Similarly, the materials on the record established not only the presence of Respondents 3, 4 and 5 at the police station during the period Nathu had remained in custody but also their participation in the removal of the dead body to the hospital with a view to screen the offence. "

Ø Ram Saran Mahto and Anr versus The State of Bihar, 2000 Supreme Court Cases (Cri) 254.

"11.The first paragraph of Section 211 contains the postulates for constituting the offence while the remaining three paragraphs prescribe three different tiers of punishments depending upon the degree of offence in each situation. The two indispensable ingredients for all the three tiers in Section 201 are: (1) The accused should have had the knowledge that an offence has been committed or at least that he should have had reasons to believe it. (2) He should then have caused disappearance of evidence of commission of that offence. Prosecution cannot escape from establishing the aforesaid two basic ingredients, for conviction of the accused under Section 201.

12. The gravest degree contemplated in Section 201 is punishable with the maximum sentence of imprisonment for seven years. The minimum requirement for the offence to reach the said peak degree is that the offender should have caused disappearance of evidence of another offence which is punishable with death, and that should be established in addition to the above-mentioned two basic ingredients. Even if the two basics are established, and the prosecution failed to establish the next requirement the court cannot convict the accused for the highest tier specified in the section".

43.It is very shock and surprise to this court about the role played by the doctor who conducted the 1<sup>st</sup> post-mortem. Moreover, the role played by the doctor who conducted the 1<sup>st</sup> post-mortem is to be viewed seriously. Simultaneously it is also to be viewed seriously as to the role of the accused in making the 1<sup>st</sup> post-mortem doctor to furnish such an incorrect report. If at all the accused have not committed any offence there is no necessity of manipulating the 1<sup>st</sup> post-mortem report. This court is unable to appreciate the suggestion put forth on behalf of the accused during the course of the cross examination of PW-33 second postmortem doctor. On the other hand the careful analysis of the evidence on the side of the prosecution has inspired confidence about the prosecution case. Moreover, the discussion of the learned trial judge in placing reliance upon the evidence of PW-7 cannot be shattered in any way. At the same time, this court is unable to find reasons to disbelieve the case of the prosecution. Further, the detailed discussion of the learned Trial Judge about the credibility attached with the child witness is perfectly correct.

44.In the above case, from the perusal of the report (Exhibit P7) of the Learned Executive Magistrate PW-34 reveals that the accused have involved in the above crime and they also attempted to delete the records. However, while cross examining the PW-34 no valid suggestions were put forth to discard his

evidence. As rightly held by the Learned trial Judge the statement recorded by the Executive Magistrate under section 176 of Cr.P.C. can be used for corroboration as well as contradiction. In this case the statements given before the Executive Magistrate are corroborated with the evidence of PW1 to PW31. It is important to note here that the said evidence has not been disowned by the accused. Further the evidence of PW7 who was the sole eye witness in the above crime has been clearly corroborated by the other witnesses and therefore the evidence of PW7 cannot be thrown out merely because he happened to be the sole eye witness of the crime.

45. That apart, though charges were framed against the accused for the offence punishable under Section 302 I.P.C., the learned Trial Judge has found guilty of the accused punishable Under Section 304 Part II I.P.C., since the accused have no intention to murder the deceased Chandrasekar and further no motive could be attributed against the accused and therefore the Learned Trial Judge has rightly held that it is not a murder, but the same would come under the definition of culpable homicide not amounting to murder. The above said well considered findings rendered by the Learned Trial Judge do not call for any interference by this court.

46. Therefore, for the foregoing discussions and in the considered opinion of this court the case of the prosecution is proved by reliable and supporting witnesses. Hence all the appeals failed and accordingly dismissed.

47. Before parting with this case, this Court would like to say few words about our police and general public that the people are having faith in our legal system and that is why they are knocking the doors of the Police Station to get redressed their grievances. At the same time, the Police personnels have taken law into their hands and should not take the law into their hands and they should act within the ambit of law. Nowadays people are under apprehension to go to the Police Station for making complaint, because they lost faith with the Police, it shall not be allowed in that way and that would ruin and collapse our legal parlance. Though in papers are saying that Police is our friend, but in ground reality it is not so. Even an ordinary citizen going to the Police Station for making any complaint, the police should receive it and enquire the same in a manner known to law without being influenced by any political, monetary or any other source in any manner, so that the people would respect and trust upon the Police and our legal system.

48. Therefore, for the foregoing discussions and in the considered opinion of this court the case of the prosecution is

proved by reliable and supporting witnesses. Hence all the appeals failed and accordingly dismissed.

49.In the result, all the above criminal appeals are dismissed. The bail bond if any executed by the accused are stand cancelled and the learned II Additional Sessions Judge, Pondicherry is directed to put the accused in judicial custody to undergo the remaining period of service.

vs

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The II Additional Sessions Judge,  
Pondicherry.

2.The Superintendent of Police  
CID, Pondicherry,  
Crime.No.333 of 93  
at Odiansalai Police Station, Pondicherry

3.The Judicial Magistrate No.1, Pondicherry

4.The Chief Judicial Magistrate, Pondicherry

5.The Principal Sessions Judge, Pondicherry

6.The Superintendent  
Central Prison, Pondicherry

7.The Director General of Police, Pondicherry

8.The District Collector, Pondicherry

+2cc to Mr.S.Manimaran, Advocate SR.NO.73697

+1cc to Public Prosecutor Pondicherry SR.NO.73803, 73804, 73805

PP(CO)

sm:14.11.2018

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