



Bail Slip

The Petitioners 2 & 3 accused viz., Karayan @ Thiyagu @ Thiagarajan(A3) and Dharma @ Dharmaraj(A4) were directed to be released on bail as per order of this court dated 11.02.13 made in CrI.Mp.No.1/2013 in CrI.RC.No.149/13.

IN THE HIGH COURT OF JUDICATURE AT MADRAS
RESERVED ON : 10.01.2019
PRONOUNCED ON : 30.01.2019
CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.R.C.No.149 of 2013

1.Balaji
2.Karayan @ Thiyagu @ Thiagarajan
3.Dharma @ Dharmaraj

.. Petitioners/Appellants/Accused 1, 3 & 4

Vs

State rep. by
Inspector of Police,
Ammamet Police Station,
Salem.

.. Respondent/Respondent/Complainant

Prayer:

Criminal Revision Case preferred under Section 397 and 401 of Cr.P.C. to set aside the judgment dated 21.12.2012 passed by the II Additional District and Sessions Judge, Salem in CrI.A.No.18 of 2012 confirming the conviction and sentence passed by the II Additional Assistant Sessions Judge, Salem in S.C.No.354 of 2008 dated 14.02.2012.

For Petitioners : Mr.K.S.Rajagopalan, Senior Counsel
for Mr.P.Ezhil Nilavan

For Respondent : Mrs.P.Kritika Kamal, GA (CrI. Side)

O R D E R

This Criminal Revision Petition has been preferred challenging the judgment dated 21.12.2012 passed by the II Additional District and Sessions Judge, Salem in CrI.A.No.18 of 2012 confirming the conviction and sentence dated 14.02.2012 passed by the II Additional Assistant Sessions Judge, Salem in S.C.No.354 of 2008.



2.It is the case of the prosecution that on 27.03.2008, around 12.15 noon, Kamaraj (PW2) was brutally attacked with knives near his house by Balaji/A1, Boopathi/A2, Karayan/A3 and Dharma/A4, with the intention of causing death to him; on hearing the commotion, his brother Thirupathi (PW1) and his wife Durga Devi (PW3), came out of the house and witnessed the attack; when Thirupathi (PW1) went to the rescue of his brother, he was also attacked by Balaji/A1; as people started gathering, the accused fled from the scene in a motorcycle; immediately thereafter, Kamaraj (PW2) was rushed by his brother Thirupathi/PW1 to the Government Hospital, Salem for treatment; on information from the hospital, the police arrived there and obtained a written complaint (Ex.P1) from Thirupathi/PW1, based on which, Karunanithi (PW14), Inspector of Police, registered a case in Crime No.554 of 2008 under Sections 342, 324 and 307 IPC against the four accused; Kamaraj (PW2) was examined by Dr.Saravanan (PW9) and the Accident Register was marked as Ex.P4; Kamaraj (PW2) was admitted as in-patient and was under treatment; the police completed the investigation and filed Final Report in P.R.C.No.58 of 2008 on 15.10.2008 before the Judicial Magistrate No.V, Salem against Balaji/A1, Boopathi/A2, Karayan/A3 and Dharma/A4 for the offences under Sections 307, 341, 324 r/w 34 IPC.

3.On the appearance of the accused, the provisions of Section 207 Cr.P.C. were complied with and the case was committed to the Court of Session in S.C.No.354 of 2008 and was tried by the II Additional Assistant Sessions Judge (Sub Court), Salem. Balaji/A1 was charged under Section 307 IPC; Boopathi/A2, Karayan/A3 and Dharma/A4 were charged under Section 307 r/w 34 IPC and Boopathi/A2 was charged under Section 341 IPC. When questioned, the petitioners pleaded 'not guilty'.

4.To prove the case, the prosecution examined 15 witnesses, marked 25 exhibits and 4 material objects. On behalf of the petitioners, Exs.D1 and D2 were marked in the cross-examination of the prosecution witnesses. When the petitioners were questioned under Section 313 Cr.P.C. about the incriminating circumstances appearing against them, they denied the same. On behalf of the petitioners, no witness was examined.

5.The trial Court, after considering the evidence on record, acquitted Boopathi/A2, but convicted and sentenced Balaji/A1, Karayan/A3 and Dharma/A4 as follows.



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Rank of the accused	Provision under which convicted	Sentence
Balaji/A1	Section 307 IPC	Five years rigorous imprisonment and fine of Rs.1,000/- in default, to undergo 3 months simple imprisonment
Karayan/A3 and Dharma/A4	Section 307 read with 34 IPC	Three years rigorous imprisonment and fine of Rs.1,000/- each in default, to undergo 3 months simple imprisonment

The convicted accused/petitioners preferred Crl.A.No.18 of 2012 in the Court of Session and the same was dismissed on 21.12.2012 by the II Additional District and Sessions Judge, Salem, aggrieved by which, Balaji/A1, Karayan/A3 and Dharma/A4 have filed the present revision petition invoking the revisional jurisdiction of this Court under Section 397 IPC r/w 401 Cr.P.C.

6.Heard Mr.K.S.Rajagopalan, learned Senior Counsel representing Mr.Ezhil Nilavan, learned counsel on record for the petitioners and Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) appearing for the State.

7.Before advertting to the rival submissions, it may be necessary to state here that, while exercising revisional powers under Section 397 r/w 401 Cr.P.C., this Court is required to find out, if there is any illegality or impropriety in the findings of the trial Court and the appellate Court warranting interference and it is not open to this Court to exercise the revisional power as a second appellate forum. In this context, it is profitable to allude to the following paragraphs in the judgment of the Supreme Court in State of Maharashtra Vs Jagmohan Singh Kuldeep Singh Anand and Others, etc. [(2004)7 SCC 659.]

"22.The revisional court is empowered to exercise all the powers conferred on the appellate court by virtue of the provisions contained in Section 401 CrPC. Section 401 CrPC is a provision enabling the High Court to exercise all powers of an appellate court, if necessary, in aid of power of superintendence or supervision as a part of power of revision conferred on the High Court or the Sessions Court. Section 397 CrPC confers power on the High Court or Sessions Court, as the case may be,



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"for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior court".

It is for the above purpose, if necessary, the High Court or the Sessions Court can exercise all appellate powers. Section 401 CrPC conferring powers of an appellate court on the revisional court is with the above limited purpose. The provisions contained in Section 395 to Section 401 CrPC, read together, do not indicate that the revisional power of the High Court can be exercised as a second appellate power.

(emphasis supplied)

23. On this aspect, it is sufficient to refer to and rely on the decision of this Court in *Duli Chand v. Delhi Admn.* [(1975) 4 SCC 649 : 1975 SCC (Cri) 663 : AIR 1975 SC 1960] in which it is observed thus: (SCC p. 651, para 5)

"The High Court in revision was exercising supervisory jurisdiction of a restricted nature and, therefore, it would have been justified in refusing to reappraise the evidence for the purposes of determining whether the concurrent finding of fact reached by the learned Magistrate and the learned Additional Sessions Judge was correct. But even so, the High Court reviewed the evidence presumably for the purpose of satisfying itself that there was evidence in support of the finding of fact reached by the two subordinate courts and that the finding of fact was not unreasonable or perverse."

8. Mr. K. S. Rajagopalan, learned Senior Counsel made the following submissions:

a) The first complaint has been suppressed by the police and since the genuineness of the case has not been placed on record, the conviction and sentence stand vitiated. In support of this contention, he placed strong reliance on the following judgments:

- i. *Selvi and Another Vs. State of Tamil Nadu* [1981 AIR (SC) 1230]
- ii. *R. Baskar Vs. State by Inspector of Police, Perambalur Police Station, Crime No. 137 of 2011* [2013 (3) MWN (Cr.) 16 (DB)]



iii.Ekambaram Vs. State [2016-2-LW(Crl)731]

b) Though Thirupathi/PW1 had implicated Boopathi/A2 in the complaint (Ex.P1), yet, the witnesses did not speak about the involvement of Boopathi/A2 and therefore, the evidence qua the other petitioners should be rejected.

c) The FIR in this case reached the Court only on 28.03.2018 at 03.30 p.m. and hence, the version of the witnesses becomes suspect.

d) That there was a previous case in Crime No.1280 of 2009 against Thirupathi (PW1) and Kamaraj (PW2) and there was a case in Crime No.577 of 2010 against Kamaraj (PW2) have been established by marking Ex.D1 and therefore, Thirupathi/PW1 and Kamaraj/PW2 are rowdy elements and their evidence does not deserve acceptance.

e) There was also a previous case against Kamaraj (PW2), which was registered on the complaint lodged by Balaji/A1, in which, Kamaraj (PW2) was remanded to custody and was released on bail. On account of this previous enmity, Kamaraj (PW2) has foisted the present case on Balaji/A1.

f) There are discrepancies with regard to the time of occurrence, in the evidence of Thirupathi (PW1), Kamaraj (PW2) and Durga Devi (PW3), inasmuch as Thirupathi (PW1) has stated that the incident took place at 12.15 noon, Kamaraj (P.W.2) has stated the time as 11.30 a.m and Durga Devi (PW3) has stated that the incident took place at 01.00 p.m.

g) Thirupathi (PW1) has told Dr.Saravanan (PW9) that five known persons had attacked him, whereas, Kamaraj (PW2) has stated that four known persons had attacked him.

9. Per contra, Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) refuted the contentions put forth by the learned counsel for the petitioners.

10. This Court gave its anxious consideration to the rival submissions.



11.It is brought to the notice of this Court that Karayan/A3 died on 27.10.2016 and a copy of the Death Certificate has been produced. His legal heirs have not come forward to prosecute this petition. This is recorded.

12.Before advertng to deal with the arguments formulated by Mr.K.S.Rajagopalan, it may not be out of place to discuss the evidence of the two injured witnesses, viz., Thirupathi (PW1) and Kamaraj (PW2).

13.Kamaraj (PW2), has stated in his examination-in-chief that, he is an autorickshaw driver by profession; Thirupathi (PW1) is his brother; he knows the petitioners; prior to the incident, there was a quarrel between him and Balaji/A1, in which, he assaulted Balaji/A1; in that case, he was arrested and was released on bail; on 27.03.2008, around 11.30 a.m., he came out of his house and was standing; at that time, Balaji/A1 came with Karayan/A3 and Dharma/A4; Balaji/A1 attacked him with a knife that is normally used for cutting palmyra fruit; when the attack was aimed at his neck, he defended it with his hand; at that time, his index finger got severed and fell down; his ring finger got cut and was hanging; he suffered cut injuries on his left foreleg, right hand and right hip; on hearing his cry for help, his brother (Thirupathi/PW1) came to his rescue; he was taken in an autorickshaw to the Government Hospital, Salem, where, he was under treatment for one day and thereafter, he was referred to the Government Hospital in Chennai for further treatment; he was in bed as in-patient at Chennai for 3½ months.

14.In the cross-examination, Kamaraj (PW2), has stated that the petitioners are known to him and they are also autorickshaw drivers; he is a share-autorickshaw driver; he has admitted that two months prior to the incident, on the complaint given by Balaji/A1 that he had robbed him, a case was registered and he was arrested; he pleaded guilty in that case and was fined Rs.1,000/-. He has further explained that he pleaded guilty because, he had to undergo medical treatment for the injuries sustained by him in the present attack and he was advised not to contest the case; the certified copy of the order in that case was marked as Ex.D2. He has admitted that he would consume liquor, but, denied that he would pick up quarrel with everyone after drinking. It was suggested to him that, he had picked up a quarrel near Kumaragiri area and the local people assaulted him and dropped him near his house, which suggestion he denied. It was suggested to him that, since he was arrested on the complaint given by Balaji/A1, he has falsely implicated Balaji/A1, which suggestion, he denied.



15.Thirupathi (PW1), brother of Kamaraj (PW2), in his examination-in-chief, has stated that he is an autorickshaw driver and he knows the petitioners; on 27.03.2009, around 12.15 noon, his younger brother Kamaraj (PW2) went outside the house and within 10 minutes, he heard commotion outside; therefore, he went outside and looked; he saw Balaji/A1, Karayan/A3 and Dharma/A4, vehemently attacking Kamaraj (PW2); Balaji/A1 was having a knife with which, he attacked; he was not able to exactly notice, in which parts of the body they attacked; but, Balaji/A1 attacked him on his left shoulder; on seeing the people gathering, the petitioners, who came in a motorcycle dropped the motorcycle and ran away; he rushed his brother to the Government Hospital, Salem; police came to the hospital and obtained the complaint (Ex.P1); after two days, his brother was shifted to Stanley Government Hospital, Chennai for treatment.

16.In the cross-examination, Thirupathi (PW1), has stated that he handed over the blood stained clothes to the police; he described the weapons held by Balaji/A2, Karayan/A3 and Dharma/A4; he knows the petitioners well and his brother also knows them. He conceded that the petitioners did not want to attack him at the first instance, but, they attacked him because, he went to the rescue of his brother. He also admitted that there are several criminal cases pending against him and his brother. Ultimately, it was suggested to him that his brother Kamaraj (PW2) had picked up quarrel near Kumaragiri area and sustained injuries in that quarrel and on account of previous motive, a case has been foisted on the petitioners, which suggestion, he denied.

17.Durga Devi (PW3), W/o.Thirupathi (PW1), has stated in her chief-examination that, Kamaraj (PW2) is her brother-in-law; she knows the petitioners; on 27.11.2008, around one o' clock, Kamaraj (PW2) had his lunch and went out of the house; around that time, she heard the shout of her brother-in-law; her husband Thirupathi (PW1) went out; she followed him; there, she saw Balaji/A1 and Karayan/A3 belabouring Kamaraj (PW2) with a knife; when Kamaraj (PW2) defended the attack with his hand, his right thumb got severed and his left hand middle finger also got cut; he also suffered several cuts over the body; the petitioners ran away; her husband (Kamaraj/PW2) took Thirupathi (PW1) by an autorickshaw to the police station and to the hospital.

18.In the cross-examination, Durga Devi (PW3), has stated that, around 01.20 p.m., the police came to the place of



occurrence and enquired her; she stated that at the time of incident, her husband was having his meal and on hearing the sound, they went out of the house; she saw five persons attacking Kamaraj (PW2); she knows Balaji/A1, Karayan/A3 and Dharma/A4. She admitted that a few days prior to the incident, on the complaint given by Balaji/A2, Kamaraj (PW2) was arrested and he came out on bail. In the latter part of her cross-examination, she has stated that she did not actually witness the attack, but, when she went, she saw the petitioners with knives and so, no one dare to go near them. She has further stated in the cross-examination that she was carrying her seven-month-old infant and in that tense situation, she was not able to properly see, in which parts of the body Thirupathi (PW1) was attacked. It was suggested to her that, there are several cases pending against Thirupathi (PW1) and he picked up quarrel at Kumaragiri area, on account of which, he was attacked by someone and that, on account of previous motive, he has falsely implicated the petitioners, which suggestion, she denied.

19.The fact remains that immediately after the incident, Dr.Saravanan (PW9), has examined Kamaraj (PW2) at 01.00 p.m. on 27.03.2008. At the time of examination, Dr.Saravanan (PW9), in his evidence as well in the Accident Register copy (Ex.P4), has stated that the patient was conscious and he has noted the following injuries :

- "1. Left hand middle finger lost
2. Left hand ring finger severed
3. Parietal region 0.5 cm contusion on the left portion of the head
4. 3x2x0.5 cm laceration on the right hand
5. 0.5x0.5 cm laceration in the index finger
6. 1x1 cm laceration on the upper lip
7. 8x3x2 cm laceration in left leg
8. 2x1x1 cm laceration in the right knee"

He has stated that there was profuse bleeding and issued Accident Register copy (Ex.P4). He has further stated that laceration can be caused by a weapon like knife and the injuries found on the leg, hip and neck could have been caused by a sharp instrument and there was an overwriting in the date portion, after the words, "assault by four known persons". He has stated that the injuries noted by him, could have occurred 4 to 4½ hours prior to his examination.

20.Mr.K.S.Rajagopalan, learned Senior Counsel, contended that Thirupathi (PW1) has stated in the cross-examination that the police examined him between 12.00 and 1.00 noon, whereas, Karunanithi (PW14), the Inspector of Police, has stated that the complaint was received at 14.30 hours. He built up this



argument by further contending that Thirupathi (PW1) has stated that the incident took place at 12.15 p.m.; Kamaraj (PW2) has stated that the incident took place at 11.30 p.m. and Durga Devi (PW3) has stated that the incident took place at 01.00 p.m. He also contended that Durga Devi (PW3) has stated that the police came to the place of occurrence around 01.30 p.m. He summed up his submissions by urging that all these cumulatively show that there was an earlier complaint, which has been suppressed by the police, in order to falsely implicate the petitioners.

21.The fact remains that Kamaraj (PW2) was examined by Dr.Saravanan (PW9) on 27.08.2008 at 01.00 p.m. Therefore, the incident must have taken place before 01.00 p.m. Dr.Saravanan (PW9) has noted eight injuries on the body of Kamaraj (PW2), which have been set out above. Kamaraj (PW2) was admitted as in-patient because, he was bleeding profusely, due to loss of two fingers and injury on his head. He was shifted to Stanley Hospital, Chennai for further treatment from Government Hospital, Salem. The defence have not refuted these aspects. The defence have not even suggested to any of the witnesses that a first complaint was given and after suppressing that, a second complaint has been lodged.

22.Thirupathi (PW1) and Durga Devi (PW3) have stated that after meal, Kamaraj (PW2) went outside the house and was attacked. The incident had taken place on 27.03.2008 and the witnesses were examined before the trial Court on 22.06.2011, which is four years after the incident. Therefore, the witness cannot be expected to give the timings accurately. One cannot expect the witness to consult their watch, while witnessing a gory incident of this nature and remember the timings for the purpose of accurately deposing before a Court of law at a later point of time. Witnesses are neither robots nor recording machines. In Selvi (supra) relied upon by Mr.K.S.Rajagopalan, the Supreme Court has given the following finding :

“ ... Thereafter, the ordinary procedure is to send the report to the Police Station to be registered at the Police Station by the Officer Incharge of the Police Station. But, indeed, we have never come across a case where the Station House Officer has taken the First Information Report Book with him to the scene of occurrence. According to the suggestion of defence the original First Information Report which was registered was something altogether different from what has now been put forward as the First Information Report and that the present report is one which has been substituted in the place of another which was



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destroyed. To substantiate their suggestion the defence requested the Sessions Judge to direct the Sub-Inspector to produce the First Information Report Book in the Court so that the counterfoils might be examined. The Sub-Inspector was unable to produce the relevant F.I.R. book in Court notwithstanding the directions of the Court. The F.I.R. book, if produced, would have contained the necessary counterfoils corresponding to the F.I.R. produced in Court. ..."

On facts, the Supreme Court found that the police failed to produce the FIR book, despite the order of the Court and in those circumstances, acquitted the appellants therein.

23. In R. Baskar (supra) relied upon by Mr. K. S. Rajagopalan, the Division Bench has noted as follows:

"16-A. Yet another serious disturbing feature in this case is that the possibility of the suppression of the earlier report cannot be ruled out. PW1 admitted in his cross-examination that the Police Station is only 10 feet away from the scene and as such, on hearing the hue and cry, the Police could have very well arrived at the scene immediately. Accordingly, PW1 also admitted that on hearing the hue and cry, the Police arrived at the scene. PW2 categorically admitted in his cross-examination that on hearing the hue and cry nearly 40 to 50 persons arrived at the scene and Police Constables came from the nearby Police Station and chased the accused. ..."

In the light of the aforesaid facts, the Division Bench held that there was suppression of the genuineness of the incident and gave the benefit of doubt to the appellant.

24. In Manoj Sreevalsan (supra) relied upon by Mr. K. S. Rajagopalan, this Court found that the complainant therein had given an earlier complaint to All Women Police Station, Ponneri, which complaint was suppressed. In that context, this Court returned a finding that there was a suppression by the prosecution and acquitted the appellant therein for the offence under Sections 376 and 417 IPC.

25. It is trite that the principle of stare decisis cannot be blindly applied in criminal cases because, every criminal case turns out on its own facts and no judgment can be applied as



Euclid's theorem.

26.The contention of Mr.K.S.Rajagopalan that, there was a reference to Boopathi/A2 in the FIR, yet, Thirupathi (PW1) and Kamaraj (PW2) did not speak a word about him and therefore, their evidence qua the present petitioners should be rejected, cannot be countenanced. In the complaint (Ex.P1) given by Thirupathi (PW1), there is a reference to Boopathi/A2 and his overt acts, but, Thirupathi (PW1) did not speak anything about Boopathi/A2 in the chief-examination. This may amount to an omission. In certain cases, an omission can be considered as contradiction under Section 162 Cr.P.C. A contradiction in the evidence vis-a-vis the complaint can be established only via Section 145 of the Indian Evidence Act, 1872.

27.At the time of trial, learned counsel for Boopathi/A2 or as a matter of fact, the learned counsel for the other accused would not have dared to ask Thirupathi (PW1), as to why, he has omitted to speak about Boopathi/A2 in the chief-examination. No criminal trial lawyer worth his salt, would venture to pose such a suicidal question. They would be happy that the witness had omitted to implicate one of them and wisely, they would have left it to rest. That is the exact reason, why the trial Court has acquitted Boopathi/A2. Therefore, for the failure of Thirupathi (PW1) and Kamaraj (PW2) to implicate Boopathi/A2 in their evidence, this Court cannot reject their evidence qua the petitioners herein. That apart, the principle falsus in uno falsus in omnibus cannot be invoked in our jurisprudence.

28.Mr.K.S.Rajagopalan, learned Senior Counsel contended that Thirupathi (PW1) had told Dr.Saravanan (PW9), who examined him that he was attacked by five persons, but, only four persons were involved and hence, his evidence should be rejected.

29.The statement of Thirupathi (PW1) to the doctor is a previous statement and if it is to be contradicted, the defence should have resorted to the procedure under Section 145 of the Indian Evidence Act, 1872. That having not been done, this Court cannot treat this as a contradiction and disbelieve his testimony. That apart, in P.Babu and Others Vs. State of Andhra Pradesh [(1994) 1 SCC 388], the Supreme Court while discussing the evidentiary value of entries in the Injury Certificate, held as under :

"6. ... It is a matter of common knowledge that such entry in the injury certificate does not



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necessarily amount to a statement. At that stage the doctor was required to fill up that column in a normal manner and it was not the duty of the doctor to enquire from the injured patient about the actual assailants and that the inquiry would be confined as to how he received the injuries namely the weapons used etc. ..."

Further, in B.Badriah and Others Vs. State of Andhra Pradesh [1995 Supp (1) SCC 262], the Supreme Court has held that the casual way of filling up the column in the medical certificate, does not, in any manner, amount to recording the statement of the injured witness.

30.As regards motive, it is a double edged weapon. In a case involving circumstantial evidence, motive assumes significance. In this case, we have the direct evidence of Kamaraj (PW2), the injured, who survived the attack. Kamaraj (PW2), in the chief-examination, has stated that on the complaint given by Balaji/A1, he was arrested by the police in a robbery case and he came out on bail, a few days prior to the incident. This has not been denied by the defence. This fact was not unearthed by the defence in the cross-examination of Kamaraj (PW2). In other words, Kamaraj (PW2) himself has stated this in the chief-examination. To say that Kamaraj (PW2) sustained such serious injuries, somewhere in Kumaragiri and thereafter, foisted a case on Balaji/A1 and his group, appears incredible.

31.As regards the alleged delay in the FIR reaching the Court, it is seen that Karunanithi (PW14) registered the FIR at 14.30 hrs on 27.03.2008. Karunanithi (PW14) has stated that he sent the complaint and the FIR to the Magistrate. There is absolutely no cross-examination of Karunanithi (PW14) with regard to the alleged delay in sending the FIR to the Court. In the absence of any cross-examination on this aspect, this Court cannot return a finding that there was delay in the FIR reaching the Court and that had prejudiced the case of the accused.

32.As regards the two cases in Crime No.1280 of 2009 and Crime No.577 of 2010 against Thirupathi (PW1) and Kamaraj (PW2), they cannot be termed as cases previous to the present occurrence because, the occurrence in this case was on 27.03.2008, whereas the aforesaid two cases are of the year 2009 and 2010.

33.Hence, this Court does not find any perversity in the appreciation of evidence by the two Courts below, warranting interference. That apart, the sentence imposed by the Courts below also cannot be said to be excessive.



In the result, this revision petition is dismissed as being devoid of merits and the judgment of conviction and sentence passed by the appellate Court in Crl.A.No.18 of 2012 dated 21.12.2012 and the trial Court in S.C.No.354 of 2008 dated 14.02.2012 are confirmed. The trial Court is directed to take steps to secure the petitioners, who are alive and commit them to prison for undergoing the remaining period of sentence, if any.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The II Additional District and Sessions Judge,
Salem.

2.The II Additional Assistant Sessions Judge,
Salem.

3.The Judicial Magistrate V,
Salem.

4.The Inspector of Police,
Ammamet Police Station,
Salem.

5.The Public Prosecutor,
High Court, Madras.

Copy to:

The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.P.Ezhil Nilavan, Advocate sr.no.7432

CRL.R.C.No.149 of 2013

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nr 05/03/2019