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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cr1.A.(MD)No.327 of 2016

Palanivel @ Velusamy : Appellant/Sole Accused
Vs.

State rep. by
The Inspector of Police,
Natham Police Station,
Dindigul District.
In Crime No.277 of 2012. : Respondent/Complainant

Prayer : Criminal Appeal is filed under Section 374 of the Code of Criminal Procedure, against the judgment dated 13.05.2016 made in S.C.No.50 of 2013, on the file of the Fast Track Mahila Court, Dindigul.

For Appellant : Mr.R.Vijayagopal
For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

J U D G M E N T

[Judgment of the Court was delivered
by **N.SATHISH KUMAR, J.**]

This appeal has been filed by the appellant / sole accused as against the conviction and sentence, dated 13.05.2016, made in S.C.No.50 of 2013, on the file of the Fast Track Mahila Court, Dindigul.

2.The appellant stood convicted and sentenced to undergo imprisonment as detailed hereunder:

Conviction U/s.	Sentence	Fine amount
302 IPC	To undergo imprisonment for life.	To pay a fine of Rs.1,000/-, in default, to undergo six months rigorous imprisonment.



307 IPC

To undergo imprisonment
for life.To pay a fine of
Rs.1,000/-, in default, to
undergo six months
rigorous imprisonment.

(Both the sentences were directed to run concurrently.)

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3. The brief facts leading to the filing of the appeal are as follows:

(i) P.W.1-Parameswari is the wife of the accused. The deceased Santha is the mother of P.W.1. The marriage between P.W.1 and the accused was solemnized on 25.03.2010. As the accused pledged the jewels of P.W.1, there arose a matrimonial dispute between them. P.W.1 left the matrimonial home. Thereafter, there was a Panchayat convened and the accused agreed to return the jewels to P.W.1. As he did not return the jewels, P.W.1 permanently left the matrimonial home and went to her parental home at Uluppakudi. On 01.05.2012, when P.W.1 and her mother were in their village near the garden belonged to one Naicker, the accused came with aruval [M.O.1] and cut the deceased on the left side of the head, shoulder and left side chest. Besides, he also cut P.W.1 on the left hand wrist, as a result, the left hand above wrist was amputated and also caused a cut injury on her left hip. P.W.5 and P.W.6 also rushed to the spot and witnessed the occurrence. Immediately, P.W.1 and her mother rushed to the Government Hospital at Dindigul and both of them were referred to the Government Rajaji Hospital at Madurai, for further treatment. P.W.1's mother succumbed to injuries after five days and P.W.1 was treated in the hospital for 29 days. On the same day, in the hospital, P.W.14-Sub-Inspector of Police recorded the statement of the deceased [Ex.P.9] and registered an FIR [Ex.P.10] under Section 307 IPC.

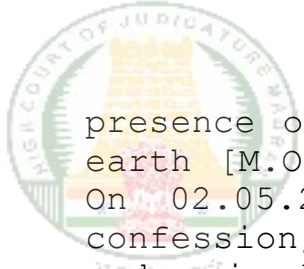
(ii) P.W.3-the Medical Officer on 01.05.2012 has seen the injuries on P.W.1 and found that her left hand above wrist was severed, besides 5 x 4 x 3 cm cut injury on the back and immediately, she was referred to the Government Rajaji Hospital, Madurai, in respect of which, he has issued Ex.P.1 - Accident Register copy. P.W.3 has also admitted the deceased Santha and found the following injuries:

(i) Laceration of 20 x 2 x 1 cm over scalp from right parietal frontal, temporal and left parietal bone.

(ii) Laceration of 25 x 5 x 2 cm left arm exposing the bone muscles.

and issued Ex.P.2-Accident Register.

(iii) P.W.15, the Investigating Officer took up the case for investigation, went to the place of occurrence and prepared observation mahazar [Ex.P.3] and rough sketch [Ex.P.11] in the



presence of P.W.8 and P.W.9. He has also seized the bloodstained earth [M.O.6] and ordinary earth [M.O.7] under Athatchi [Ex.P.4]. On 02.05.2012, P.W.15 arrested the accused and recorded his confession, the admissible portion of which is marked as Ex.P.13 and seized M.O.1 [Aruval], M.O.4 [bloodstained rose and powder colour full hand shirt] and M.O.5 [bloodstained rose and powder colour lungi] under Ex.P.12 and remanded the accused to judicial custody. Thereafter, on receipt of death intimation from the hospital, he altered the crime into one under Section 302 IPC under Ex.P.14-alteration report and conducted inquest over the dead body on 06.05.2012 in the hospital and prepared inquest report-Ex.P.15 and also gave a requisition to the Medical Officer to conduct autopsy over the dead body.

(iv) P.W.13-the Assistant Professor, attached to the Forensic Medical College, Madurai, on the basis of requisition from P.W.15, conducted autopsy over the dead body of the deceased and found the following injuries:

"(i). Surgically sutured wound extending from right to left of 24 cm x 1 cm x bone deep noted over the middle of the head. The wound extend from right temporal region, 5 cm above the right orbit to the left temporal region, 1 cm above the pinna of the left ear.

(ii) Surgically sutured wound of 18 cm x 1 cm noted over the outer aspect of left arm, 4 cm below the tip of left shoulder to 1 cm above the left elbow.

(iii) Surgically sutured wound of 9 cm x 1 cm noted over the upper and outer aspect of left breast 6 cm away from the midline of chest on the left side.

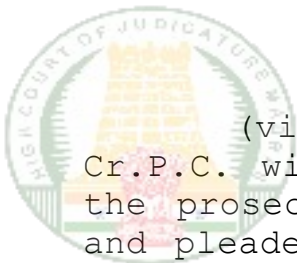
(iv) Craniotomy wound of 11 cm x 9 cm x 5 cm noted over the left parieto, temporal region. The bone removed and placed in right side of the upper abdomen.

(v) Surgically sutured wound of 12 cm x 1 cm noted over the right upper abdomen.

and issued Ex.P.8-Post-mortem certificate and opined that the deceased would appear to have died due to head injury and its complications.

(v) P.W.15, in continuation of the investigation, gave a requisition to the Court to send the Material Objects to the Forensic Lab. The reports are Exs.P.16 and 17 and after completion of investigation, laid final report as against the accused under Sections 326, 307 and 302 IPC.

(vi) Based on the above materials, the trial Court framed as many as two charges under Sections 302 and 307 IPC against the accused denied the same. In order to prove the charges, on the side of the prosecution, P.W.1 to P.W.15 were examined and Exs.P.1 to P.17 and MOs.1 to 7 were marked.



(vii) When the accused was questioned under Section 313 of Cr.P.C. with reference to the incriminating materials adduced by the prosecution, the accused denied his complicity in the crime and pleaded innocence. However, he neither choose to examine any witnesses nor to mark any document.

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(viii) The trial Court, after considering the oral and documentary evidence, has found the accused guilty and accordingly, convicted and sentenced the accused, as stated *supra*. Aggrieved over the said conviction and sentence, the appellant/sole accused has come up with this appeal.

4. The only contention of the learned counsel for the appellant before this Court is that the accused was not provided with an opportunity to cross-examine the witnesses. Therefore, the right of fair trial was denied to him. The Trial Court has not afforded any opportunity to cross-examine the witnesses and, therefore, the entire judgment of the Trial Court is vitiated and hence, he prayed for remand of the case to the Trial Court for cross-examination of the witnesses. In support of his submissions, he has relied upon the following judgments:

- (i) **Gopal v. State** reported in **2016(4) MLJ (Cr1) 378**;
 - (ii) **Rathnavel v. State** reported in **2016(4) MLJ (Cr1) 1**;
- and
- (iii) **Palanisamy v. State** reported in **2016(4) MLJ (Cr1) 513**.

5. The learned Additional Public Prosecutor appearing for the State submitted that the contention of the learned counsel for the appellant that the accused was not given an opportunity to cross-examine the witnesses is absolutely false. In fact, trial was commenced on 10.03.2014. The accused was represented by a counsel from 10.03.2014. The case was adjourned for various dates till 13.05.2016. Witnesses were examined on different dates. But, neither the accused nor his counsel chose to cross-examine the witnesses. Hence, it is submitted that when the opportunity was there for more than two years to cross-examine the witnesses, without any reason, neither the counsel nor the accused cross-examine the witnesses. Therefore, now, they cannot contend that there was no opportunity given by the Trial Court. Therefore, absolutely, there is no merit in the contention raised by the learned counsel for the appellant.

6. Adding further, the learned Additional Public Prosecutor submitted that P.W.1 is the wife of the accused and P.W.5 and P.W.6 belong to the same Village, where P.W.1 and the deceased reside. Their evidence clinchingly established the specific overt act against the accused. The medical evidence also corroborates the evidence of P.W.1 and other eye witnesses. Hence, it is submitted that the appeal is liable to be dismissed.



7. In the light of the above submissions, now, the points for consideration are:

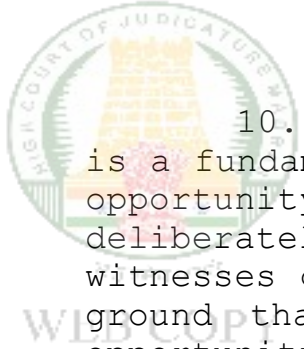
"(1) Whether the entire trial is vitiated due to non-cross-examination of witnesses by the accused?; and

(2) Whether the prosecution has proved the guilt of the accused beyond all reasonable doubt?."

Point No.1:

8. While dealing with the contention of the learned counsel for the appellant that the accused was not given a fair trial, we have perused the entire materials. In fact, the accused was all along represented by a counsel. Charges were framed against him as early as on 31.10.2013 for the offences under Sections 302 and 307 IPC. Thereafter, trial was commenced on 10.03.2014. On 10.03.2014, two witnesses were examined, namely P.W.1 and P.W.2. Though the accused was very much present on that day, no cross-examination was done in respect of those witnesses. Therefore, the case was posted for further examination of witnesses on 26.11.2014. On 26.11.2014, P.W.3-Medical Officer, P.W.4, P.W.5, P.W.6 and P.W.7 were examined and those witnesses were also not cross-examined. Thereafter, the case has been adjourned to 21.04.2015. On that day, P.W.8, P.W.9 and P.W.10 have been examined and those witnesses have also not been cross-examined. Then, again, the case was adjourned to 25.05.2015. On that day, P.W.11 and P.W.12 were examined. Those witnesses were also not cross-examined. Thereafter, the case was adjourned to 25.06.2015. On that day, the post-mortem doctor was examined as P.W.13. Despite the presence of the counsel for the accused, the counsel did not cross-examine the witness-P.W.13. P.W.14 was also examined on the same day and she was not cross-examined. Thereafter, the case has been adjourned to 27.11.2015. On that day, P.W.15 was examined and he was also not cross-examined. It is to be curiously noted that not even an application appears to have been filed to recall the witnesses from 2014 to 2015. Thereafter, the case was adjourned to 12.04.2016 for questioning under Section 313 Cr.P.C. In questioning under Section 313 Cr.P.C., an endorsement was made on behalf of the accused on 21.04.2016 stating that 'the defence side evidence may be closed'. Thereafter, the matter has been adjourned for arguments and finally, judgment was delivered on 13.05.2016 by the Trial Court. The Trial Court, based on the evidence and materials, found the accused guilty as stated above.

9. From the above factual narration, in our considered view, the contention of the learned counsel for the appellant that the accused was not given an opportunity to cross-examine the witnesses has no basis at all. It is to be noted that when P.W.1 was examined, despite the presence of the counsel in some hearings, no attempt whatsoever made even to file an application to cross-examine the witnesses. Therefore, it cannot be stated by the accused in the appeal stage that the entire trial is vitiated on the ground of fair trial concept.



10. Giving an opportunity to the accused to defend his case is a fundamental to the fair and proper trial. Despite availing an opportunity to cross-examine the witnesses, the accused had deliberately failed to avail an opportunity to cross-examine the witnesses or to defend his case, he cannot attack the trial on the ground that he has not cross-examined the witnesses. Once an opportunity has been granted, it is for the accused to avail that opportunity to cross-examine the witnesses.

11. No doubt, free and fair trial is a *sine qua non* of Article 21 of the Constitution of India. Right to get a fair trial is not only a basic fundamental right but a human right also. There is no doubt, any hindrance in a fair trial could be violative of Article 14 of the Constitution. But, at the same time, when a person has given several opportunities and he has not availed that opportunities to cross-examine the witnesses, he has no right to contend that there was no fair trial at all.

12. In this regard, it is useful to refer to the judgment of the Hon'ble Apex Court in **State of Haryana vs. Ram Mehar [2016 (8) Scale 192]**. The Hon'ble Apex Court, in Paragraph No.24, has observed as follows:

"24. The decisions of this court when analysed appositely clearly convey that the concept of the fair trial is not in the realm of abstraction. It is not a vague idea. It is a concrete phenomenon. It is not rigid and there cannot be any strait-jacket formula for applying the same. On occasions it has the necessary flexibility. Therefore, it cannot be attributed or clothed with any kind of rigidity or flexibility in its application. It is because fair trial in its ambit requires fairness to the accused, the victim and the collective at large. Neither the accused nor the prosecution nor the victim which is a part of the society can claim absolute predominance over the other. Once absolute predominance is recognized, it will have the effect potentiality to bring in an anarchical disorder in the conducting of trial defying established legal norm. There should be passion for doing justice but it must be commanded by reasons and not propelled by any kind of vague instigation. It would be dependent on the fact situation; established norms and recognized principles and eventual appreciation of the factual scenario in entirety. There may be cases which may command compartmentalization but it cannot be stated to be an inflexible rule. Each and every irregularity cannot be imported to the arena of fair trial. There may be situations where injustice to the victim may play a pivotal role. The centripetal purpose is to see that injustice is avoided when the trial is conducted.



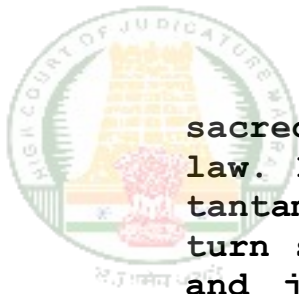
Simultaneously the concept of fair trial cannot be allowed to such an extent so that the systemic order of conducting a trial in accordance with CrPC or other enactments get mortgaged to the whims and fancies of the defence or the prosecution. The command of the Code cannot be thrown to winds. In such situation, as has been laid down in many an authority, the courts have significantly an eminent role. A plea of fairness cannot be utilized to build Castles in Spain or permitted to perceive a bright moon in a sunny afternoon. It cannot be acquiesced to create an organic disorder in the system. It cannot be acceded to manure a fertile mind to usher in the nemesis of the concept of trial as such. From the aforesaid it may not be understood that it has been impliedly stated that the fair trial should not be kept on its own pedestal. It ought to remain in its desired height but as far as its applicability is concerned, the party invoking it has to establish with the support of established principles. Be it stated when the process of the court is abused in the name of fair trial at the drop of a hat, there is miscarriage of justice. And, justice, the queen of all virtues, sheds tears. That is not unthinkable and we have no hesitation in saying so."

13. Similarly, in the judgment in **Vinod Kumar v. State of Punjab** reported in 2015 (3) SCC 220, the Hon'ble Apex Court, at Paragraph Nos.57.1 to 57.5, has held as follows:

"57.1. Adjournments are sought on the drop of a hat by the counsel, even though the witness is present in court, contrary to all principles of holding a trial. That apart, after the examination-in-chief of a witness is over, adjournment is sought for cross-examination and the disquieting feature is that the trial courts grant time. The law requires special reasons to be recorded for grant of time but the same is not taken note of.

57.2. As has been noticed earlier, in the instant case the cross-examination has taken place after a year and 8 months allowing ample time to pressurise the witness and to gain over him by adopting all kinds of tactics.

57.3. There is no cavil over the proposition that there has to be a fair and proper trial but the duty of the court while conducting the trial is to be guided by the mandate of the law, the conceptual fairness and above all bearing in mind its sacrosanct duty to arrive at the truth on the basis of the material brought on record. If an accused for his benefit takes the trial on the path of total mockery, it cannot be countenanced. The court has a



sacred duty to see that the trial is conducted as per law. If adjournments are granted in this manner it would tantamount to violation of the rule of law and eventually turn such trials to a farce. It is legally impermissible and jurisprudentially abominable. The trial courts are expected in law to follow the command of the procedure relating to trial and not yield to the request of the counsel to grant adjournment for non-acceptable reasons.

57.4. In fact, it is not at all appreciable to call a witness for cross-examination after such a long span of time. It is imperative if the examination-in-chief is over, the cross-examination should be completed on the same day. If the examination of a witness continues till late hours the trial can be adjourned to the next day for cross-examination. It is inconceivable in law that the cross-examination should be deferred for such a long time. It is anathema to the concept of proper and fair trial.

57.5. The duty of the court is to see that not only the interest of the accused as per law is protected but also the societal and collective interest is safeguarded. It is distressing to note that despite series of judgments of this Court, the habit of granting adjournment, really an ailment, continues. How long shall we say, "Awake! Arise!". There is a constant discomfort. Therefore, we think it appropriate that the copies of the judgment be sent to the learned Chief Justices of all the High Courts for circulating the same among the learned trial Judges with a command to follow the principles relating to trial in a requisite manner and not to defer the cross-examination of a witness at their pleasure or at the leisure of the defence counsel, for it eventually makes the trial an apology for trial and compels the whole society to suffer chicanery. Let it be remembered that law cannot be allowed to be lonely; a destitute.

14. As narrated above, from 10.03.2014 till the judgment was pronounced, there were many opportunities given to the accused to cross-examine the witnesses. Having engaged a counsel, he has not even taken any steps either to recall the witnesses or to cross-examine the witnesses. Even after questioning under Section 313 Cr.P.C., he has not availed the opportunity to cross-examine the witnesses. The Hon'ble Apex Court has also held that even recalling of any witness is not automatic. As a matter of right, witnesses cannot be recalled after lapse of several months after chief-examination.

<https://hcservices.ecourts.gov.in/hcservices/> Constitution Bench of the Hon'ble Supreme Court in **Ex-Capt. Harish Uppal v. Union of India [2003(2) SCC 45]**, has held as follows:



"35. In conclusion, it is held that lawyers have no right to go on strike or give a call for boycott, not even on a token strike. It is held that Courts are under no obligation to adjourn matters because Lawyers are on strike. On the contrary, it is the duty of all Courts to go on with matters on their boards even in the absence of Lawyers. In other words, Courts must not be privy to strikes or calls for boycotts. It is held that if a lawyer, holding a Vakalat of a client, abstains from attending Court due to a strike call, he shall be personally liable to pay costs which shall be in addition to damages which he might have to pay his client for loss suffered by him."

16. In **State of Uttar Pradesh v. Shambhu Nath Singh** [2001 AIR SCW 1335], the Supreme Court has held as follows:

"9. We make it abundantly clear that if a Witness is present in Court he must be examined on that day. The Court must know that most of the Witnesses could attend the Court only at heavy cost to them, after keeping aside their own avocation. Certainly they incur suffering and loss of income. The meagre amount of Bhatta (allowance) which a Witnesses may be paid by the Court is generally a poor solace for the financial loss incurred by him. It is a sad plight in the Trial Courts that Witnesses, who are called through summons or other processes stand at the doorstep from morning till evening only to be told at the end of the day that the case is adjourned to another day. This primitive practice must be reformed by Presiding Officers of the Trial Courts and it can be reformed by every one provided the Presiding Officer concerned has a commitment to duty."

17. In **Rajdeo Sharma (II) v. State of Bihar** [1999(7) SCC 604], the Supreme Court has observed as follows:

"16..... We request every High Court to remind the Trial Judges through a Circular, of the need to comply with Section 309 of the Code in letter and spirit. We also request the High Court concerned to take note of the conduct of any particular Trial Judge, who violates the above legislative mandate and to adopt such administrative action against the delinquent judicial officer as the law permits."

18. In **N.G.Dastane v. Shrikant S.Shivde** [AIR 2001 SC 2028], the Supreme Court has held as follows:



"20. When Witnesses are present in Court for examination the Advocate concerned has a duty to see that their examination is conducted. We remind that Witnesses, who come to the Court, on being called by the Court, do so as they have no other option, and such Witnesses are also responsible citizens, who have other work to attend for eking out livelihood. They cannot be treated as less respectables to be told to come again and again just to Suit the convenience of the Advocate concerned. If the Advocate has any unavoidable inconvenience it is his duty to make other arrangement for examining the Witnesses, who is present in Court. Seeking adjournments for postponing the examination of Witnesses, who are present in Court even without making other arrangements for examining such Witnesses is a dereliction of Advocate's duty to the Court as that would cause much harassment and hardship to the Witnesses. Such dereliction if repeated would amount to misconduct of the Advocate concerned. Legal profession must be purified from such abuses of the Court procedures. Tactics of filibuster, if adopted by an Advocate, is also professional misconduct."

19. The Supreme Court in **Rattiram v. State of Madhya Pradesh** [2012(1) MWN (Cr.) 261 (SC)], has observed as follows:

"47. While delineating on the facets of speedy trial, it cannot be regarded as an exclusive right of the Accused. The right of a victim has been given recognition in **Mangal Singh and anr. v. Kishan Singh and ors.**, AIR 2009 SC 1535, wherein it has been observed thus:

"Any inordinate delay in conclusion of a Criminal trial undoubtedly has highly deleterious effect on the society generally and particularly on the two sides of the case. But it will be a grave mistake to assume that delay in trial does not cause acute suffering and anguish to the victim of the offence. In many cases the victim may suffer even more than the Accused. There is, therefore no reason to give all the benefits on account of the delay in trial to the Accused and to completely deny all justice to the victim of the offence."

20. Considering the above judgments, in our view, the conduct of the accused in this case clearly indicates that he has deliberately failed to cross-examine the eye witnesses, namely, his wife and her relatives. Therefore, now, it is strange for the appellant to contend that there was no fair trial. Such contention cannot be countenanced.

21. Now, coming to the judgment relied upon by the learned counsel for the appellant in **Rathnavel v. State** reported in 2016 (4) MLJ (Cr1) 1, in the above case, the matter has been remanded

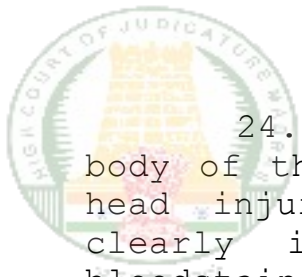


only on the ground that the evidence has not been properly appreciated. Similarly, in **Gopal v. State** reported in **2016(4) MLJ (Cr1) 378**, the case was remanded to the Trial Court on the ground that the conviction was recorded solely on the plea of guilty. This Court held that the Trial Court ought to have proceeded with the trial of the case. In the above circumstances, the matter has been remanded. In **Palanisamy v. State** reported in **2016(4) MLJ (Cr1) 513**, after noting that the Additional Public Prosecutor has dispensed with vital witnesses, for appreciation of evidence, the matter has been remanded back to examine those witnesses. Therefore, those judgments cannot be applied to the case on hand. As held above, the accused himself deliberately chose not to cross-examine the witnesses. Hence, we are of the view that the contention of the appellant that the trial is vitiated, as there was no fair trial has no legs to stand. Accordingly, the first point is answered.

Point No.2.:

22. Now, coming to the second point, it is not in dispute that the accused is the husband of P.W.1. P.W.1, in her evidence, has stated that after marriage, there arose a dispute between the accused and herself with regard to the pledging of certain jewels by the accused. Therefore, she left the matrimonial home and she was residing with her mother in their village. On 01.05.2012 at about 01.30 p.m., the accused came with Aruval [M.O.1] and abused both P.W.1 and her mother (deceased) and cut the deceased on the left side of the head, shoulder and left side chest and also cut P.W.1 on the left hand wrist, as a result, her left hand above wrist was severed. Besides, he also cut her on the hip. The evidence of P.W.1 corroborated by the evidence of eye witnesses P.W.5 and P.W.6. P.W.4, one of the Panchayatdars, has spoken about the dispute between the husband and wife. P.W.4 also rushed to the place of occurrence and found the injuries on P.W.1 and the deceased.

23. P.W.2, the father of P.W.1 and the husband of the deceased also seen the injuries and took them to the hospital. P.W.3-Medical Officer has admitted P.W.1 and the deceased and seen the injuries and issued Exs.P.1 and P.2. The evidence of P.W.3, in fact, clearly shows that when P.W.1 was brought to the hospital, her left hand above wrist was amputated. Similarly, a cut injury measuring 5 x 4 x 3 cm was also found on the back of P.W.1. P.W.1 was referred to Madurai Rajaji Government Hospital. Similarly, he has also seen injuries on the deceased, namely Laceration of 20 x 2 x 1 cm over scalp from right parietal frontal, temporal and left parietal bone. Besides, laceration of 25 x 5 x 2 cm left arm exposing the bone muscles was also found and both of them were referred to the Madurai Rajaji Government Hospital. The evidence of P.W.3 and Exs.P.1 and P.2, in fact, corroborate the evidence of the eye witness-P.W.1.



24. P.W.13-Medical Officer, who conducted autopsy over the body of the deceased, also opined that the deceased died due to head injury and its complications. The Investigating Officer clearly indicates that the accused was arrested and his bloodstained clothes were seized from him. Exs.P.16-biological report and Ex.P.17-serological report clearly prove that the bloodstain found in the dresses seized from the accused contained AB blood group, which is also similar group detected from the dresses of the deceased and P.W.1.

25. Ex.P.9 is the statement recorded from the deceased in the hospital by the Sub-Inspector of Police [P.W.14], based on which, printed First Information Report [Ex.P.10] has been registered. The statement of the deceased has also clearly proved the complicity of the accused in the crime. In fact, the First Information Report has been registered on the basis of the statement recorded from the deceased in the hospital. The First Information Report has also reached the District Munsif -cum-Judicial Magistrate Court, Natham, on 02.05.2012 at 04.10 p.m.

26. On over all analysis of the entire evidence, we have no doubt in our mind that the complicity of the accused in the crime has been clearly established by the prosecution. Accordingly, we hold that the prosecution has proved the guilt of the accused beyond all reasonable doubt. Thus, the judgment of the Trial Court convicting the accused for the offences under Sections 302 and 307 IPC does not warrant any interference at the hands of this Court.

27. In fine, the Criminal Appeal fails and accordingly, the same is dismissed and the conviction and sentence passed by the Fast Track Mahila Court, Dindigul, dated 13.05.2016, made in S.C.No.50 of 2013, against the appellant/sole accused are confirmed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Judge, Fast Track Mahila Court,
Dindigul.
2. The Judicial Magistrate, Natham.
3. The Chief Judicial Magistrate, Dindigul.
4. The Inspector of Police,
Natham Police Station,
Dindigul District.



5. The Superintendent, Central Prison, Madurai.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

7. The Record Keeper, (2 copies)
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Vijayagopal, Advocate Sr.No.78361

SML

VB/KAK/SAR1/18.09.2018/13P/10C

Judgment made in
Cr1.A. (MD) No.327 of 2016
Dated: **10.08.2018**