

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR
AND
THE HON'BLE SMT JUSTICE T. RAJANI

CRIMINAL APPEAL No.1422 of 2011

JUDGMENT: (*per Hon'ble Smt Justice T. Rajani*)

This appeal is preferred by appellants against the judgment of the II Additional Sessions Judge, Kadapa at Proddatur in S.C.No.168 of 2010 dated 22.11.2011 convicting and sentencing them to undergo imprisonment as under:

“(i) All the accused are sentenced to suffer rigorous imprisonment for a period of one year each and to pay a fine of Rs.500/- each in default to suffer simple imprisonment for a period of fifteen days each for the offence punishable under Section 147 of the Indian Penal Code;

(ii) A1 to A3 are sentenced to suffer rigorous imprisonment for a period of two years each and to pay a fine of Rs.500/- each in default to suffer imprisonment for a period of fifteen days each for the offence punishable under Section 148 IPC;

(iii) A2 and A3 are sentenced to suffer imprisonment for life each and to pay a fine of Rs.2000/- each in default to suffer imprisonment for a period of two months each for the offence punishable under Section 302 IPC for the murder of deceased No.1 N. Kodanreddigari Narayana Reddy;

(iv) A1, A4 and A5 are sentenced to suffer imprisonment for life each and to pay a fine of Rs.2000/- each in default to suffer imprisonment for a period of two months each for the offence punishable under Section 302 read with 149 IPC for the murder of deceased No.1 N. Kodanreddigari Narayana Reddy;

(v) A1 to A3 are sentenced to suffer imprisonment for life each and to pay a fine of Rs.2000/- each in default to suffer imprisonment for a period of two months each for the offence punishable under Section 302 IPC for the murder of deceased No.2 N. Kodanreddigari Venkata Siva Reddy;

(vi) A4 and A5 are sentenced to suffer imprisonment for life each and to pay a fine of Rs.2000/- each in default to suffer imprisonment for a period of two months each for the offence punishable under Section 302 read with 149 IPC for the murder of deceased No.2 N. Kodanreddigari Venkata Siva Reddy;

The above sentences imposed on all the accused for different offences shall run concurrently.”

2. The brief facts of the case, as can be gathered from the charge sheet, are as follows:

A1 to A5 are residents of Animela village of V.N. Palli Mandal. A5 is the wife and A4 is the daughter of A1. A2 is the husband of A4 and son-in-law of A1 and A5. A3 is the son of A2 and A4. The deceased No.1 and deceased No.2 also hail from the same village. The father of D1 and D2, during his lifetime, purchased joint half right in the open place and manure pit situated to the southern side of the house of A1, from younger brother of A1, on 12.06.1990, for a valid consideration, under a registered sale deed and has been enjoying jointly along with A1. The said brother of A1 left the village about 29 years ago and his whereabouts are not known. A1 has no male issues and he got three daughters and all of them are married.

A1 wanted to grab the land purchased by the father of the deceased 1 and 2, which is in their possession and started to pick up quarrels with the deceased, with the support of A2 to A5. A1 bore grudge against the father of the deceased, on the ground that he discarded the mother of the deceased. D1 used to park his auto by the side of manure pit on the road, during night times, for which A1 was objecting. As the issue has been pending since long time, there were frequent quarrels and A1 approached L.Ws.10 and 11 to settle the dispute and both of them visited the disputed site on 21.11.2008 evening, talked with both groups and advised them to clear off the manure pit, so that they can measure the land and settle the issue on 24.11.2008. Adhering to the instructions of the elders, when D1, D2 and L.W.1 were carting the manure from the pit on 23.11.2008 from 6 AM onwards, between 8 and 8.30 AM, A1, armed with axe, A2 and A3 with one dagger each, along with A4 and A5, formed into an unlawful assembly, with the common object of attacking and killing the deceased, came there and picked up a quarrel and also objected for parking the auto by D1 and at that time, A4 and A5 held D1 tight, A2 and A3 stabbed him with daggers, below his left mandible, on the back, left side of mouth and caused bleeding injuries, due to which he fell down. When D2 intervened, A2 and A3 stabbed D3 below his front chest, on the head, near right ear and back, indiscriminately and A1 beat with axe on his head and caused bleeding injuries, on which he fell down.

The deceased were shifted to the hospital but they were declared dead by the doctors. It is on the report given by the

complainant, that a case was registered in Cr.No.70 of 2008 under Sections 147, 148, 302 read with 149 IPC and after due investigation, charge sheet was laid against the accused for the same offences. The Judicial Magistrate of First Class, Kamalapuram took cognizance of the case and committed the case to the Sessions Division by virtue of orders in PRC.No.6 of 2009. The Sessions Court, in turn, made over the case to the Court below for trial and disposal according to law. The Court below, after framing charges against the accused for the offences referred to above and recording the plea of not guilty by the accused, conducted the trial of the case, by examining P.Ws.1 to 9 and Exs.P1 to 16 on behalf of the prosecution. After concluding the prosecution evidence, the incriminating circumstances appearing, in the prosecution evidence, were put to the accused, which were denied by them.

A1 during his examination under Section 313 of the Criminal Procedure code submitted that forty years ago, his brother and himself shared lands and the land towards west fell to his share and there were no disputes. Later, the land of his brother was purchased by his brother-in-law and there were no disputes even between them. He has to pass through his brother's land in order to reach his land. His brother-in-law never objected for the same, but P.Ws.2 to 4 objected for the same and there were disputes since then. They approached elders, Chandra Sekhar Reddy and Suryanarayana Reddy, who came and asked P.Ws.2 to 4 to remove the manure heap, but without removing the manure heap, the deceased 1 and 2, along with P.Ws.2 to 4, quarrelled with them on 23.11.2008. He went to Chandra

Sekhar Reddy and informed the same. He stayed there till 11 AM. At 11 AM, he was informed about the galata going in Animela village. He was informed that his son-in-law and grandson sustained injuries and went to the police station. He went to Kadapa and met A4 and A5. A2 and A3 were in the police station. Again on 27.11.2008, they went to the police station along with A4 and A5 and on 29.11.2008 they were produced before the Magistrate.

A2 stated that on 23.11.2008, he went to his fields in order to water them and returned at 7.30 AM. There was a quarrel between the womenfolk, among whom his wife and mother-in-law were also present. The clothes of his wife and mother-in-law were removed and other women were beating them. Venkata Siva Reddy stabbed his son with a knife, on which he sustained an injury to his hand. When he intervened, they beat him with hands and legs and in the meantime, 150 villagers came there and they went upon the villagers to beat them. Thinking that if he stayed there, he would be killed, he, along with his son, went to V.N. Palli police station in the car of one G. Sekhar Reddy. The S.I., was there and on receiving a phone call, he left them at the police station and went to their village and returned at 11.30 AM and informed that the deceased died due to the galata between them and hence, he was registering a case against them. Later, they were produced in the Court on 29.11.2008.

A4 also gave the same version to the extent of galata and later she stated that when the villagers came there, her husband and son left the place; herself and her mother went inside their house. After sometime, Narayana Reddy and Venkata Siva Reddy went in an auto

and on the advice of the villagers, they also went in an auto, to Kamalapuram and from there to their Aunt's house. Her father came there in the evening and later, they went to the police station on 27.11.2008 and they were produced in the Court on 29.11.2008. As the police threatened them, they did not reveal the said fact to the Magistrate. A5 also adopted the same version.

3. The Court below, considering the evidence on record and the material, passed the impugned judgment against which the present appeal is preferred on the following and other grounds that were urged at the time of hearing:

The Court below did not appreciate the evidence properly and failed to consider that P.Ws.1 to 4 are close relatives of the deceased and failed to consider that the prosecution failed to examine L.W.5, who is said to have been an eye witness to the incident, to corroborate the evidence of P.W.4. The Court below though came to the conclusion that there are discrepancies in the evidence of P.Ws.1 to 4, convicted the accused by observing that as the trial took place after three years from the date of the offence, it is common for the witnesses to make improvements and omit certain things. The material objects were not produced before the Court below. The Court below failed to appreciate the detailed arguments submitted by the accused.

4. The appellants, at the stage of this appeal, filed CRLAMP.No.1658 of 2012 seeking to adduce additional evidence and for remanding the matter to the Court below for adducing evidence and to explain the documents filed by the appellants.

5. The argument of the counsel for the appellants is based on the said documents. One document is issued by the ambulance authorities. Place of incident is mentioned as Vempalli, Kankara Machine. The other document is the disability certificate of A1, dated 22.02.2008, showing that he has 70% disability, which is in the form of stiffness at right lower limb, which is post-operative and that there is amputation of right hand fingers and residual weakness to the shoulder joint.

6. The counsel for the appellants, on the basis of her arguments on another aspect, which is in relation to the injury sustained by the deceased, contends that no injuries pertaining to the axe, allegedly, used by the A1 are found on the body of the deceased and that the evidence of the Doctor, who opined that injury No.2 is possible if he is hacked by the reverse portion of an axe, cannot be believed. The counsel argues that the accused were not present at the scene of offence and that A3 sustained an injury to his hand when he was beaten by the deceased party and that there is no evidence with regard to the injury sustained by him and that he was not even sent to the hospital for treatment. The evidence of the I.O., shows that A2 and A3 went in the car of one G. Sekhar Reddy at about 8 or 8.30 AM, which would support the defence that they went to the police station to give report against the deceased party and that the police refused to receive the report. The counsel also contends that the evidence of the I.O., also shows that A1 was trying for mediation and that he went to L.W.10 in order to talk about the same and that the same would support the contention that they are, in fact, trying to settle the

matter and that, hence, they cannot be considered as the persons, who attacked the deceased.

7. Learned Public Prosecutor, on the other hand, contends that the injuries as stated by the Doctor would show that the injury can be caused by an axe. Axe, nevertheless, stands to be proved, as having been used by the accused and the manner in which the axe was used need not be so strictly scrutinized, as the witnesses cannot be expected to meticulously witness the happenings. He also contends that the scene of offence, which is mentioned at Vempalli Kankara Machine, can only be a location with the help of which the exact scene of offence could have been located.

8. With the above arguments in mind and based on the material on record, we frame the following points up for determination:

1. Whether the documents proposed to be filed on behalf of the accused, which is the report given by ambulance staff, would throw a doubt on the scene of offence and would affect the case of the prosecution.
2. Whether the evidence of the prosecution witnesses, who spoke about the incident proper, inspires confidence and whether their evidence proves the injuries found on the body of the deceased, as having been caused by the weapons used by the accused.
3. Whether the judgment of the Court below is sustainable.
4. To what result.

POINT No.1:

9. The scene of offence, as stated by P.W.10, is near the manure pit, which is on the southern side of the house of A1. P.Ws.2, 3 and 4 also stated the same to be the scene of offence. The rough sketch of the scene of offence would help in further evaluating the truth in the contention of the counsel for the appellants. It does not show the kankara machine but the rough sketch, which is filed along with CRLAMP.No.1658 of 2012, which is prepared by the Deputy Executive Engineer, R & B Sub Division, Pulivendula shows kankara machine on the main road and after passing the kankara machine, one has to enter Animela village, which is the village of the deceased and the accused. Hence, in all probability, the said kankara machine might have been taken as a landmark to identify and reach the scene of offence, which is in Animela village and the same might have been noted by the ambulance staff also. No weight can be given to the said report given by the ambulance staff, as it shows that it is not prepared meticulously and the same can be gathered from the nature of the complaint, which is mentioned as a stab/gunshot wound. However, whether the same would have any affect on the case of the prosecution and whether it would belie the evidence of the direct witnesses, who witnessed the incident, can be appreciated during the course of the discussion under the other points.

The answe to the point is defered till then.

POINT Nos.2 and 3:

10. P.W.1 is the paternal uncle of the deceased, A1 is the husband of A5, A2 is the son-in-law of A1, A2 and A4 are wife and husband and

A3 is the son of A2 and they all belong to one family. P.W.1 stated that house of the accused and the deceased are situated in the same street. About three years ago, at about 6 AM, P.W.1 and both the deceased carted the manure in the manure pit, which is situated on the southern side of the house of A1. At about 8 AM, A1 armed with axe, A2 and A3 armed with daggers, along with A4 and A5, came to the scene of offence and quarrelled with them, stating that the land belongs to them and threatened to kill deceased No.1. A4 and A5 caught hold of D1, while A2 and A3 stabbed him with daggers on the back side, left side of the mouth and on the left mandible, due to which he fell down. When D2 intervened, A2 and A3 stabbed him with daggers, on his front chest, on the head near right ear and on the back and A1 beat him with axe on the head, which caused bleeding injury. In the meantime, L.Ws.1 to 5 witnessed the occurrence and rushed to the scene of offence, on which the accused fled away from the scene of offence. Later, the deceased were taken to the hospital, where they were declared dead.

11. Speaking about the motive, he states that about 20 years ago, the father of the deceased purchased a site from the brother of A1. Since the date of purchase of the said land, the brothers of P.W.1 and A1 were quarrelling with regard to the said land and after the death of their father, both the deceased were in possession of the said land and they used to park their auto and used to keep manure in the said land, which was objected by the accused and they used to frequently quarrel on the said issue. The whole incident took place due

to the quarrel between the accused and the deceased, with respect of the said land.

12. The cross-examination of P.W.1 shows that he is ignorant of A1 approaching one Surya Narayana Reddy and Chandra Sekhar Reddy for their intervention to settle the dispute. But he admits that they came to the scene of offence three days prior to the incident and asked both the accused and the deceased to clear the manure from the disputed area, to enable them to take measurements of the said land and to solve the dispute between the families of the deceased and the accused. He did not interfere due to the fear of attack by the accused. He further stated, that for some time there was only exchange of words between the accused and the deceased before the attack. On hearing exchange of words, L.Ws.2 and 3 came to the scene of offence. According to him, the deceased were stabbed at a distance of more than three yards from the manure pit. When the accused came out of their houses to the scene of offence, they were armed with daggers and button knife only. He stated that the ambulance has to reach the Government hospital Vempalli via V.N. Palli village by crossing the police station but they did not stop in front of the police station and did not report the matter to the police. Here, it is pertinent to note that in the rough sketch filed along with above referred petition, Govt hospital is also shown and it is beyond the kankara machine. While coming from the said hospital to the scene of offence, one has to cross the said kankara machine. Hence it supports the assumption made above, that it might have been referred to the ambulance people, as a land mark to identify the scene of offence and

the same might have been, hence, noted as the scene of incident. PW. 1 further states that the police arrived at the Government hospital 15 minutes after their reaching the hospital.

It was suggested to him that the galata started from 6 AM on the date of the incident, between A4 and A5 on one side and L.Ws.2,3 and the deceased, sister of L.W.3 on the other side and in that galata, the sarees of both A4 and A5 were disrobed and both of them were beaten by the hands and legs and A3 was present in the house and he came to rescue and that he also sustained bleeding injuries in the hand of the deceased No.2 and in the meanwhile, A2 came from the fields to scene of offence and intervened and at that time, A1 was not present, having gone to L.W.10. By the above suggestion, the accused stands admitting that there was some galata on the date of the incident and that it started from 6 AM and A2 to A5 were also present at the scene of offence, which is the manure pit. Hence, that would support the case of the prosecution with regard to the presence of A2 to A5 at the scene of offence and the burden remains on the accused to prove that A1 was not present.

13. P.W.2 corroborated the evidence of P.W.1 with regard to the manner of the incident. She is the wife of deceased No.1. In the cross-examination she admitted that L.Ws.10 and 11 asked them to clear the manure pit for the purpose of partitioning the land between them and it was suggested that herself, L.W.3 and both the deceased and sister of L.W.3 picked up a quarrel with A4 and A5 when they were taking manure across their manure pit, to the manure pit of the accused and disrobed them and beat them with hands and legs.

A3, who was present in the house, at that time, came to rescue A4 and A5 and he was also beaten by them, due to which he sustained an injury on his hand. She denied the suggestion that A1 was not present at the scene of offence as he went to L.W.10.

14. P.W.3 also corroborated the evidence of P.Ws.1 and 2 with regard to the manner of the incident. She is the wife of deceased No.2. She further explained that 20 years ago her father-in-law purchased the land in which the manure was kept, from the brother of A1. There were disputes since then, between her father-in-law and A1, but due to generosity and old age, her father-in-law used to adjust with A1 and other accused. After his death, they continued to be in possession of the land and they used it as manure pit and they used to park an auto also there, for which A1, along with his family members, objected. Two days prior to the offence, L.Ws.10 and 11 came to the scene of offence and asked them to remove the manure from the disputed land, to resolve the dispute and informed them that they would come after three days, to measure the said land. As per their instructions, the deceased and P.W.1 were removing the manure from the said land, when all the accused, with an intention to grab the land, killed both the deceased. In the cross-examination, same suggestions were given to her.

15. P.W.4, an independent witness, also corroborated the evidence of P.Ws.1 to 3. According to his evidence, at about 7.45 AM, he and L.W.5 were in front of their house and found both the deceased and P.W.1 at the scene of offence. At about 8 AM, the accused came to the scene of offence and they saw A1 armed with an axe, A2 and A3

armed with daggers. All the accused quarrelled with deceased No.1 with respect to the land in which the manure pit was kept and the accused stated to deceased No.1 that the land in which the manure pit was kept belonged to them and that they do not have any right on the said land, for which deceased No.1 replied to the accused that they also do not have right over the said land. While exchanging words, A4 and A5 caught hold of the hand of the deceased No.1, A2 and A3 stabbed with daggers, on the back of the deceased No.1, below the left mandible and left side of the mouth, which caused bleeding injuries and he fell down. He also spoke about deceased No.2 coming to the rescues of deceased No.1 and A2 and A3 stabbing deceased No.2 also.

In the cross-examination of P.W.4, nothing was elicited, which would belie his evidence. It was elicited that while both the deceased were stabbed, they did not intervene but after they fell down, they went to the scene of offence but the accused left the scene of offence after the attack. An admission was taken from P.W.4 that when the situation was going beyond control, himself, L.W.5 and P.Ws.2 and 3 went there and on seeing them, the accused ran away with their respective weapons. This is in order to suggest that he did not witness the incident. But the fact remains that they stated to the police that they saw the accused running away with their respective weapons and the presence of P.W.1 does not get belied by the said statement.

16. The evidence of the Investigating Officer can be read along with the above evidence, to see whether the case of the defence gets

any support. In the cross-examination, it was elicited that he did not observe any manure marks on both the bodies of the deceased or on the clothes of both the deceased, to show that they were removing manure from the manure pit. He photographed the scene of offence but the photographs were not filed in the Court. There was dotting in front of the house of deceased No.1 in the rough sketch but it was not specifically mentioned as to what it signifies. The mark of the blood is shown adjacent to the house of Raja Reddy and nowhere else he found blood marks, except two places. He did not find the signs of carting the manure at the scene of offence. He did not concentrate on the aspect of manure, whether the manure was in the pit or not. He did not find cart, baskets and spades etc. at the scene of offence.

17. The above facts, stated by the I.O., who was examined as P.W.9, was relied upon by the counsel for the appellants to contend that the incident did not occur in the manner stated by P.Ws.1 to 4. But his cross-examination shows that he also did not concentrate on the aspect whether the manure was in the pit or not. Unless the evidence of the witnesses is otherwise discrepant and unreliable, the facts elicited in the cross-examination of P.W.9 would only go to show that his investigation is faulty and perfunctory and the same cannot be allowed to affect the evidence coming from the direct witnesses to the incident.

18. The evidence of the witnesses, who witnessed the incident, does not suffer from any inconsistencies and the suggestions given to the witnesses, as already observed, would prove the presence of the accused at the scene offence and the injuries, as noted by the Doctor,

who conducted the post mortem examination, examined as P.W.7, are stated to be likely to have been caused by the weapons used by the accused. Injury No.2, on the body of the deceased No.2, is said to have been possibly caused by the reverse portion of an axe. The manner of use of the axe by A1 might not have been meticulously observed by P.W.1. Hence, it cannot be considered as an inconsistency. Even if the presence of P.Ws.2 and 3 at the scene of offence is not believed, the evidence of P.Ws.1 to 4 is very much available and their presence is not belied by the cross-examination. The recovery of weapons at the instance of the accused is also proved by the evidence of P.W.6, who is the witness for recovery and who is the VRO of V.N. Palli village. The decision in BHOLA SINGH v. STATE OF PUNJAB¹ is on the aspect of the witnesses describing the weapons. In this case, we had already appreciated the injuries vis-à-vis the weapons. Hence, this decision does not become relevant.

19. The injury on the hand of A3, which is admitted to have been noticed by the I.O., does not help the accused, as sharp weapons were used in commission of the offence and it is likely that the accused would sustain the said injury, while using them.

Here it may be noted that A3 was sent to hospital under requisition dated 29.11.2008, which is marked as Ex.P12 and in that requisition, it is noted that it is an old bandaged injury. Hence, *prima facie*, from Ex.P12 what can be gathered is that A3 took treatment for the injury that was seen on his body. No cross examination was done

¹ 1999 (1) ALT (CRL.) 45 (SC)

on Ex.P12. The said fact would also contradict the contention of the counsel for the appellants that A2 and A3 went to the police station immediately after the incident and they were confined in the police station and were kept in illegal custody till they were produced before the Court. It is the case of A3 that he was not taken to the hospital by the police. Hence the only inference that can be drawn from the said fact is that he himself went to the hospital after the incident, which belies his version that he went to the police station and was detained there, illegally.

The decision in LAKSHMI SINGH v. STATE OF BIHAR² held that in a murder case, the non-explanation of the injuries sustained by the accused at about the time of the occurrence or in the course of altercation is a very important circumstance from which the Court can draw the following inferences:

- (1) that the prosecution has suppressed the genesis and the origin of the occurrence and has thus not presented the true version;
- (2) that the witnesses who have denied the presence of the injuries on the person of the accused are lying on a most material point and therefore their evidence is unreliable;
- (3) that in case there is a defence version which explains the injuries on the person of the accused it is rendered probable so as to throw doubt on the prosecution case.

²

AIR 1976 SC 2263

But, in this case, a very plausible explanation comes from the material on record; hence, the said decision cannot be applied to the facts of the case. Moreover, the Supreme Court further held that, omission on the part of the prosecution to explain the injuries on the person of the accused assumes much greater importance where the evidence consists of interested or inimical witnesses or where the defence gives a version which competes in probability with that of the prosecution one; there may be cases where the non-explanation of injuries by the prosecution may not affect the prosecution case; this principle would obviously apply to cases where the injuries sustained by the accused are minor and superficial or where the evidence is so clear and cogent, so independent and disinterested, so probable, consistent and creditworthy, that it far outweighs the effect of the omission on the part of the prosecution to explain the injuries. We find this case as one such instance where the omission on the part of the prosecution to explain the injuries does not outweigh the strength of the evidence coming from the witnesses.

The decisions in **PARSURAM PANDEY v. STATE OF BIHAR**³ and **RUDRAPPA RAMAPPA JAINPUR v. STATE OF KARNATAKA**⁴ are rendered on a different factual situations, by the Supreme Court, hence, the same cannot be applied to this case.

20. The evidence of the I.O., that on the date of the incident, A2 and A3 boarded the car of L.W.7 G. Sekhar Reddy at about 8 or 8.30 AM also does not help the accused, as the incident is stated to have occurred at about 7.30 or 8 AM. It is possible that immediately

³ AIR 2004 SC 5068
⁴ 2004 (2) ALT (CRL.) 298 (SC)

after the incident they have boarded the car, in order to escape from the scene of offence. They could have examined L.W.7 on their behalf to prove their defence, which they did not choose to. The simple fact that was elicited from the I.O., that A1 initiated conciliation talks by approaching L.W.10, cannot become a basis to accept the contention of the counsel for the appellants that A1 did not commit the offence. When there is ample evidence to show that A1 was present, the disability certificate of A1, though was filed in the Court along with CRLAMP.No.1658 of 2012, cannot be considered. Moreover the lapse on the part of A1 to make any such suggestion to the witnesses would render the said certificate doubtful and leaves sufficient space for as an assumption of fabrication .

21. The decision in MOHAN LAL v. STATE OF RAJASTHAN⁵ , relied upon by the counsel, is on the general principles of re-appreciation of evidence. It was held that in a serious charge of murder where conviction has been based on sole testimony of an eye witness, it would examine the evidence to satisfy itself as to whether the Courts below were justified in placing reliance on the sole testimony, when two Courts appreciated the same concurrently. The said decision cannot be applied to the facts of this case where there are more than one witness, to support the case of the prosecution. We do not find any reason to disbelieve the evidence of the witnesses and we hold that the evidence is trustworthy and has proved the guilt of the accused beyond all reasonable doubt. In conclusion, we do not find any material, which would lead us to a different conclusion.

⁵ AIR 2000 SC 3441

Hence, we do not find any reason to interfere with the judgment of the Court below.

The points are accordingly answered.

23. Learned Public Prosecutor submitted that the appellants/accused Nos.1, 2, 4 and 5 are granted bail vide order dated 19.12.2016 in CRLAMP.No.2015 of 2016.

POINT No.4:

In the result, the criminal appeal is dismissed, upholding the conviction and sentence imposed on the appellants/accused in SC.No.584 of 2008 dated 10.10.2011 by the Additional Metropolitan Sessions Judge, Cyberabad, Hyderabad. The period of detention/imprisonment undergone by the appellants/accused before trial and after trial shall be set off against the term of imprisonment. The appellants/accused Nos.1, 2, 4 and 5, who are on bail, are directed to surrender before the trial Court, which shall commit them to the concerned jail for undergoing the remaining period of imprisonment.

As a sequel, CRLAMP.No.1658 of 2012 shall stand dismissed and the miscellaneous applications, if any pending, shall stand closed.

C. PRAVAEEN KUMAR, J

T. RAJANI, J

July 25, 2018

Note: Office to dispatch the copy of the judgment to the Trial Court forthwith.

(B/o) DSK