

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

CRIMINAL APPEAL No.447 of 2011

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

This appeal is filed by appellants/A1 and A2 aggrieved by the judgment dated 03.03.2011 in S.C.No.115 of 2010 passed by the VIII Additional Sessions Judge (Fast Track Court) East Godavari, Rajahmundry whereby the learned Judge convicted them for the offence punishable under Section 302 r/w 34 IPC and sentenced them to suffer imprisonment for life and to pay fine of Rs.1,000/- in default of payment of fine amount, to suffer SI for six months.

2) The prosecution case is thus:

a) Initially, PW2—Vasamsetti Yedukondalu married Kankatala Nagamani, R/o Chagallu. During the wedlock they were blessed with one daughter—Seelam Satya Durga and deceased—Vasamsetti Venkata Suresh Babu @ Pandu and later due to matrimonial disputes they got separated. Despite divorce between PW2 and his first wife—K.Nagamani, their children are residing with him. In 1990 PW2 again married Vasamsetti Nagamani (A2) and begot one son—Vasamsetti Venkata Ramesh Babu (A1). While the matter stood thus, PW2 developed illicit intimacy with some other woman as such, A2 deserted him (PW2) and went away to her parental home and filed DVC No.2 of

2008 before the VII Additional Judicial First Class Magistrate, Rajahmundry seeking residential accommodation. The learned Magistrate by order dated 23.12.2008 granted permission to live in the house of PW2. As she could not get access into the house of A2, the Court ordered police aid.

b) Pursuant to the Court order, PW16—S.I. of Police, Kadium PS on 06.04.2009 deputed PWs.8 and 9—Home Guards to provide police aid to A2. Accordingly, the police along with A2 went to the house of PW2 but he was not there. So, the police asked the deceased to allow A2 to stay in the house by showing the Court order, but the deceased did not allow A2 to stay in the house and stated that PW2 already sold the house to PW1 who is the wife of deceased, through registered sale deed and therefore she has no right to live in the said house. Then, some quarrel ensued between the accused on one hand and the deceased on the other.

c) Therefore, accused hatched a plan to do away with the deceased and in furtherance of their plan, A1 hacked the deceased with knife indiscriminately on his chest. On receipt of injuries deceased tried to run away but the accused chased him. By the time the deceased reached the house of PW6, he fell down and his head came into contact with the drainage canal; then, A2 caught hold him and A1 cut his throat with the knife and both of them fled away.

d) Then, PW1 lodged a complaint in Kadium PS, basing on which, PW16 registered a case in Crime No.70 of 2009 under Section 302 r/w 34 IPC and later on, PW17—Inspector of Police took up investigation.

e) During the course of investigation, IO visited the scene of offence, drafted the scene of offence panchanama in the presence of LWs.17 and 18, collected the blood stains found at the scene of offence, drew rough sketch of scene, got the scene of offence photographed by PW10 and conducted inquest over the dead body and sent it for post-mortem examination and handed over the file to PW18, who after completion of investigation laid charge sheet.

f) On appearance of the accused, the trial Court framed charge under Sections 302 r/w 34 IPC against them and conducted trial.

g) During trial, PWs.1 to 18 were examined and Exs.P1 to P10 were marked and MOs.1 to 7 were exhibited on behalf of prosecution. On behalf of defence Ex.D1 was marked.

h) The Trial Court after considering both oral and documentary evidence observed that prosecution proved the guilt of the accused beyond all reasonable doubt for the charge under Section 302 r/w 34 IPC and accordingly convicted and sentenced them as stated supra.

Hence the appeal.

3) Heard arguments of Sri A.Prabhakar Rao, learned counsel representing Sri N.Siva Reddy, learned counsel for appellants and learned Public Prosecutor for the State (Andhra Pradesh).

4) The points for determination are:

1) Whether the deceased—Vasamsetti Venkata Suresh Babu met with homicidal death on 06.04.2009 at his house in Vemagiri Thota, Kadium?

2) If point No.1 is held affirmatively, where accused Nos.1 and 2 are responsible for his death and prosecution could able to establish their guilt beyond reasonable doubt?

5) **POINT No.1:** The prosecution case is that on 06.04.2009 the deceased met with homicidal death at his house in Vemagiri Thota, Kadium in the hands of both the accused due to their causing indiscriminate stab injuries and cutting his throat. That his death is a homicide is amply established by the prosecution through the evidence of PWs.14, 12, 4 and 5.

a) PW14, Civil Assistant Surgeon, District Hospital, Rajahmundry who conducted post-mortem on the dead body of the deceased on 07.04.2009 found the following injuries.

1. Stab injury 3" x 1" to the left chest 4th inter-costal upto right ventricle of the heart.

2. Stab injury 1" x ½" lung right inter-costal space laceration of apex of right lung.

3. *6 stab injuries on the epigastrium 1" x ½" x skin deep.*
4. *Stab injury on the midline on the back D4 1" x ¼" x skin deep.*
5. *Stab injury on the mid line D8 1" x ¼" x skin deep.*
6. *Stab injury on left scapula 1" x 1/4th x skin deep.*
7. *Stab injury on the left chest on 10th inter-costal space upto spleen 2" x 1" x spleen. Splenic rupture present.*
8. *Stab injury on upper 1/3 of right arm 1" x ½" x skin deep.*
9. *Incised injury to the left side of the neck severing the great vessels left internal jugular vein and left common carotid artery.*
10. *Laceration of right lob of liver with 3 stab wounds on left lob of the liver.*
11. *Laceration of left and right kidney.*

The doctor opined that cause of death was due to haemorrhage and shock due to injury to vital organ i.e. heart. He accordingly issued Ex.P7—post-mortem.

b) Then, PW12 who is the inquest witness deposed that he saw the dead body at the scene of offence and noticed cut injury on the right side of the stomach and other parts of the body and opined that the deceased was murdered. In Ex.P4—inquest panchanama, all the inquest mediators found several injuries on the body of the deceased and found cut injury in throat region and opined that apparent cause of death was due to indiscriminate injuries caused to him and it was a homicidal death.

c) Apart from them, PWs.4 and 5, who have returned homes from their respective duties on the night of incident and saw the dead body,

stated that they visited the scene of offence i.e. near the house of PW6 and noticed dead body with cut injury at the throat and several other injuries on stomach and other parties.

6) Thus, the evidence of aforesaid witnesses would clearly depict the death was a homicidal one. Further, seat of injury Nos.4 and 5 i.e. on the midline back of the deceased would confirm that the injuries were caused by third persons as there is no possibility for the deceased to cause self-infliction of those injuries on his back side which rules out the remote possibility of suicide.

a) Added to it, the indiscriminate way of causing several injuries on the body of the deceased also rules out the possibility of accident. Thus, there can be no demur, deceased met with homicidal death and of course, the accused did not controvert this fact though the line of defence was that they are not responsible for the cause of death of deceased. The grievous nature of injuries which are found on the vital organs of the deceased would give a clear impression that whoever be the assailants, must have caused those injuries with an intention to cause the death of the deceased.

7) Therefore, it has now to be seen in the point infra, whether accused are responsible for the murder of the deceased.

8) **POINT No.2:** It is a case of fratricide. A1 and A2 are son and mother. A2 is the second wife of PW2—Vasamsetti Yedukondalu whereas the deceased and Seelam Satya Durga are children of PW2 born

through his first wife. As per prosecution, the motive for the accused to kill the deceased was due to property disputes particularly, the deceased's refusal to admit A2 to reside in their residential house in spite of Court order in DVC No.2 of 2008. More elaborately, due to disputes, PW2 separated from his first wife and started living with A2 treating her as his second wife. They begot a son—A1. Despite divorce with his first wife, PW2 was residing with the children of his first wife i.e. deceased and his sister—Seelam Satya Durga. Some time prior to the incident PW2 developed illicit intimacy with another lady and so, A2 picked up a quarrel with him and went away to her parental home. She filed DVC No.2 of 2008 in the Court of VII Additional Judicial First Class Magistrate, Rajahmundry and in CrI.M.P.No.443 of 2009 the Court gave order dated 23.12.2009 permitting A2 to live in the house of PW2. However, as she could not gain access into the house, A2 obtained police aid through Court. PW16—SI of Police, on 06.04.2009 deputed PWs.8 and 9—Home Guards along with A2 to the house of PW2 to appraise the Court order to inmates and admit A2 into the house. Accordingly, they went to the house of PW2. He was not there but deceased and his wife—PW1 who were present in the house did not admit A2 into the house in spite of police informing about the Court order on the ground that PW2 in order to discharge his debts to third parties, sold the house and the deceased by discharging the debts of PW2 with the money given by his in-laws, purchased the house in the name of his wife (PW1) some time back and therefore, PW2 has no right in the house and consequently A2 also cannot reside in the said house. Therefore, the police and accused

returned back to police station. Then, the further case of the prosecution is that on 06.04.2009 at about 8.00 PM, A1 and A2 again went to the house of PW2 to settle the scores with the deceased and asked the deceased and others to allow them to stay in the house. The deceased repeated his disagreement and then a quarrel ensued between A1 and A2 on one hand deceased on the other. The accused went to the house of deceased with premeditation, armed with knife. Thus, A1 indiscriminately stabbed the deceased on several parts of his body while A2 caught hold him. The deceased who had already suffered fracture injury to his left hand was helpless. To escape, he ran into the street and fell near the house of PW6. The accused chased him and A2 again caught hold him and A1 again stabbed him and cut his throat with MO1—knife and thereby caused instantaneous death of the deceased. PW1 and others witnessed the incident and PW1 gave report to the police.

9) To establish motive, the prosecution examined PWs.1, 2, 8 and 9 and to prove the incident proper, the prosecution relied upon the evidence of PWs.1, 3 and 15.

a) PW1 deposed that PW2 is her father-in-law; A2 is his second wife and A1 is their son born to A2; disputes arose for properties as A2 asked for share in the property and the deceased refused to give share on the ground that PW2 sold away the property. Presently we will discuss the other part of her evidence touching the incident. In the cross-examination she stated that deceased and A1 are brothers; there is no other property except the house; the dispute between A2 and her father-in-law was with

regard to house property which was constructed prior to her marriage; the site and building were in the name of her father-in-law. The dispute is between A2 and PW2 but there is no dispute between A1 and her family.

b) Then, PW2 deposed that he was indebted to creditors and they have pressurised him so, he wanted to sell away his house but his deceased son stated that his in-laws have money and so he (PW2) executed a document in favour of his son and received an amount of Rs.5 lakhs and cleared the loans and also registered the property in the name of son. He further stated that A2 filed DV case against him and the Court ordered to provide shelter to A2 but he stated he has no home to reside. Then, the accused took police to his son and disputed with him. The deceased stated to the accused and police that he purchased the house with the amount arranged by his in-laws and thereby they quarrelled for share in the house. In the cross-examination he stated that he contested DV case but did not know the result. He denied the suggestion that he was the man behind and filed false case against accused.

c) PWs.8 and 9, the Home Guards deposed that they went along with A2 to the house of PW2 at about 10.00 AM and at that time PW2 was not present, but the deceased—Vasamsetti Suresh Babu and PW1 were present and they informed the deceased about the Court order but the deceased and PW1 refused to allow A2 into their house. Both the parties exchanged words.

10) A scrutiny of the above evidence would disclose that there were property disputes between A1 and A2 on one hand and PW2 and deceased on the other. A2 obtained Court order in DVC No.2 of 2008 for residential accommodation in the house of PW2 and went along with police aid to gain access in the house but the deceased staunchly refused to admit her into the house on the ground that his father already sold the said house to him. It must be noted the accused though denied the offence that took place on the night of 06.04.2009, did not deny the existence of property disputes between them and PW2 as deposed by the above witnesses. Most importantly, the accused did not deny A2 taking the constables along with her to the house of PW2 on the morning of 06.04.2009 and deceased's refusal to admit her into the house and thereby occurrence of some galata. The refusal of deceased to allow A2 in spite of the Court order explained by the police, must have irked both the accused. Therefore, naturally they must have thought of retaliating against deceased. Hence, we believe, prosecution established motive of the accused to do away with the deceased.

11) Coming to main incident, PW1 deposed that after leaving with police, A2 again came along with A1 in the evening at about 6.30 or 7.00 PM and both of them quarrelled with her husband and in the course of altercation, A1 went behind her husband and stabbed him with knife on the back side; A2 caught hold the deceased and then A1 stabbed with knife on the right side of her husband and in order to escape, her husband ran away but both the accused chased him and he fell down near the

house of PW6; then both the accused reached there and A2 caught hold him and A1 stabbed deceased indiscriminately and also cut his throat. She further deposed A1 came in opposite direction and threatened he would kill her also and abused in filthy language and both of them ran away; her husband died on the spot; she went to police station and gave statement which was drafted as Ex.P1—report.

a) Learned counsel for appellants sought to discredit the evidence of PW1 on the argument that she is an interested witness and in view of the property disputes between accused and her husband, she implicated the accused in a false case though her husband was killed by some others due to disputes among the drivers. He argued that there were contradictions and discrepancies in her evidence. In Ex.P1—FIR she stated as if the entire stabbing incident took place in their house and her husband escaped and ran away and fell down in front of house of PW6 and died. However, in her evidence she presented altogether a different version by stating that at their house some stab injuries were caused and when her husband ran away to escape from them and fell down near the house of PW6, both of them chased him, again A2 caught hold him and again A1 stabbed him indiscriminately and also cut his throat. Thus, in her evidence she made improvements and stated as if accused caused injuries to her husband both at her house as well as near the house of PW6. This improvement was made only to project PWs.3 and 15 as eye-witnesses as they would have no opportunity to witness the incident if the entire incident took place in the house of deceased. In view of crucial

improvisation regarding the incident and also in view of Ex.D1—contradiction, her evidence being highly interested shall be discarded.

b) On a careful analysis of testimony of PW1, we are unable to accept the above argument. PW1 being the wife of deceased is only a related witness but she cannot be termed as interested witness.

c) The Apex Court in *State of Rajasthan vs. Smt. Kalki and another*¹ happened to expound the subtle distinction between the related witness and interested witness. The facts in that case are similar to the instant case. The deceased and accused had disputes relating to an agricultural land. On the evening of 17.07.1970 at about sunset the accused persons armed with an axe and dharia went to the house of deceased. At that time deceased and his wife (PW1) alone present. Amra one of the accused called the deceased and he came out along with his wife—Mooli (PW1). Immediately Amra knocked the deceased down and whereupon Kalki another accused gave him blow on his neck and thereby the deceased met with instantaneous death which was witnessed by PW1. She raised an outcry and hearing the same the mother of the deceased (PW2) who had been at some distance from the hut came running to the place of occurrence and saw the assailants leaving the place. The Sessions Court convicted the accused but the High Court set aside the conviction on the grounds that PW1, the widow of deceased is a highly interested witness inasmuch she is the wife of the deceased and there was enmity between deceased and accused due to the disputes about agricultural land and

¹ AIR 1981 SC 1390 = (1981) 2 SCC 752

there were material discrepancies in her statement. In appeal, the Apex Court totally disagreed with the observation of the High Court and held thus:

“Para—5 As mentioned above the High Court has declined to rely on the evidence of P.W.1 on two grounds: (1) she was a "highly interested" witness because she "is the wife of the deceased", and (2) there were discrepancies in her evidence. With respect, in our opinion, both the grounds are invalid. For, in the circumstances of the case, she was the only and most natural witness; she was the only person present in the hut with the deceased at the time of the occurrence, and the only person who saw the occurrence. True, it is she is the wife of the deceased; but she cannot be called an 'interested' witness. She is related to the deceased. 'Related' is not equivalent to 'interested'. A witness may be called 'interested' only when he or she derives some benefit from the result of a litigation; in the decree in a civil case, or in seeing an accused person punished. A witness who is a natural one and is the only possible eye witness in the circumstances of a case cannot be said to be 'interested'. In the instant case P.W.1 had no interest in protecting the real culprit, and falsely implicating the respondents.”

d) In our view, the above observation of the Honourable Apex Court aptly applies to the case on hand. In this case also most part of the incident was occurred in the house of deceased when at that time, the deceased and PW1 alone were present at home. Thereby, PW1, without demur, can be regarded as a natural witness being the inmate. That she was at home at the relevant time of incident was not in dispute. In fact, PWs.8 and 9—Home Guards who visited their house along with A2 on that morning had, in their deposition, confirmed about the presence of PW1 at the house. Thus, running the risk of repetition, it must be

reiterated PW1 was a natural eye-witness. No doubt, she is the related witness as she happened to be the wife of the deceased but, as observed by the Apex Court, she cannot be termed as *interested witness* because by hiding the real culprits and sending the accused to gallows she would not gain anything. Further, her husband was brutally murdered in the hands of assailants who indiscriminately stabbed him all over the body and also cut his throat. Having witnessed such a ghastly incident, in the natural course, no wife would try to hide the real culprits and implicate some other persons. Further, there is a ring of truth in the evidence of PW1 because, the injuries as deposed by her to have been caused by accused were also noticed by PW14 during post-mortem examination. She stated that A1 went behind her husband and stabbed him with knife from back side. She also stated that when A2 caught hold her husband near the house of PW6, A1 stabbed him indiscriminately and cut his throat. The corresponding injuries were noticed on the dead body by the post-mortem doctor. Added to it, she lodged the report with police within short time after the offence narrating the method and manner in which the accused perpetrated the offence.

e) It is true in FIR she stated as if the entire stabbing incident including cutting of throat of her husband took place at her house and thereafter her husband ran in the street and fell down near the house of PW6 and died there. Whereas in her evidence she deposed as if some stab injuries were caused by the accused at her house and some stab injuries including cutting the throat of her husband took place near the

house of PW6. In our view, this discrepancy will not debilitate the case of prosecution. PW1 is a housewife and studied upto 7th class and she was in a dreaded state of mind after witnessing ghastly murder of her husband, while she was giving statement before the police on that night. In that view, a slight discrepancy in her evidence cannot be viewed microscopically to discard an otherwise perfect evidence. The fact is that her husband having received some injuries at his home ran in the street for life and fell near the house of PW6 and died there. That his dead body was found near the house of PW6 was spoken by PWs.4, 5 and 6. In that back drop, whether the deceased received all stab injuries at his house and ran and fell near the house of PW6 and died or he received some injuries at his home and some injuries near the house of PW6 and died will not make much difference. In either case, the prosecution version that he sustained injuries at the hands of accused stood like rock undistorted. PW1 categorically denied the suggestion that her husband received injuries in the galata with some drivers but not in the hands of accused. Hence, such a hypothesis has no legs to stand.

f) Similarly, Ex.D1—contradiction projected by defence also not a material one to discredit PW1. The said contradiction in her 161 Cr.P.C. statement relates to the fact that in spite of police explaining about the Court order, the deceased and PW1 did not allow A2 to the house and so the police took away A2 with them. In the evidence, PW1 denied to have stated so. Her explanation regarding Ex.D1 is that police did not show any order of the Court but they orally explained. In that context, she

denied to have stated as contained in Ex.D1. Be that as it may, in our view, Ex.D1 will not dislodge her evidence.

So, on a conspectus, the evidence of PW1 is intrinsic, cogent and established the guilt of both the accused.

12a) Prosecution cited PWs.3 and 15 also as eye-witnesses. As per PW3, on the night of incident at about 8.00 PM he returned to his house and on hearing cries from the house of PW1, he went there and saw A1 holding a knife and deceased was running and A1 and A2 chased and deceased reached near the house of PW6, where A2 caught hold his hands and A1 stabbed the deceased and cut his throat, the deceased fell down and died. In the cross-examination he stated that he did not know what transpired since the morning of the incident but he only saw while accused chased deceased and caused him injuries. He stated that he did not try to take the deceased to hospital.

b) PW15 also deposed in similar lines. He stated, on that night at about 7.30 PM he returned from duty; when he was in house he heard cries from the house of PW2 and so, rushed there and noticed PW1 was crying loudly and he further noticed deceased was running and A1 and A2 chased him and A1 was having knife in his hands; the deceased fell near the house of PW6 and there A2 caught hold his hands and then A1 cut his throat with the knife both the accused fled away; he chased and tried to catch them but they escaped. In the cross-examination he stated that PWs.4 and 5 are his brothers. He denied that PW2 is his relation.

c) Learned counsel for appellants vehemently argued that both the witnesses were planted to scaffold PW1. That they were planted is manifest from the fact that PW1 did not depose about their presence at the scene at the relevant time and further, in Ex.P9—rough sketch their houses are not shown to establish indicating that they were residents of the locality. Above all, they are related to PW2 therefore, their rushing to the house of PW2 on hearing the cries of PW1 is a myth. At best they can be regarded as chance witness but they could not properly explain about their presence at the scene, particularly, when PW1 did not depose about their presence at the scene of offence. Hence, their evidence shall be rejected.

d) On the other hand, learned Public Prosecutor argued that the offence commenced at the house of PW2 and culminated on the road near the house of PW6 and admittedly the dead body was found near the house of PW6. In that view of the matter, passersby have every possibility to witness the incident. PWs.3 and 15 are residents of same locality and as the incident occurred at about 8.00 PM in the night, there was every possibility for them to be there in their respective houses and respond to the shouts raised by PW1 and rushed to the scene and witness the incident. Merely because their houses are not specifically shown within the zone of sketch, that cannot be a ground to discard their evidence.

13) We gave our anxious consideration to the above divergent arguments. PW13 is the brother of PW2 and paternal uncle of the

deceased. Similarly, though PW15 denied to have any relationship with PW2, but his relationship with PW2 is an established fact. He admitted that PWs.4 and 5 are his own brothers. PW4 in turn stated that PW2 is his junior paternal uncle. Thus, in essence, PW2 is junior paternal uncle to PW15 also. Thus, PWs.3 and 15 are close relations to deceased. We already held that the incident took place partly at the house of PW2 and partly near the house of PW6. As such, as argued by the learned Public Prosecutor, the passersby have had a chance to witness the incident. However, we are unable to accept them as eye-witnesses for the reasons firstly, that PW1 who is an eye-witness, did not mention them as eye-witnesses either in Ex.P1—report or in her evidence. In view of their close relationship with the deceased, their presence at the scene, if true, must not have been missed by PW1 in Ex.P1 or in her evidence. Secondly, the IO did not mention about the existence of houses of PWs.3 and 15 in Ex.P9—sketch. Thereby, their hearing the shouts of PW1 from their houses and rushing to the scene is a remote possibility. Hence, they cannot be regarded as natural witnesses as they were not residing in the vicinity of scene of offence. At best they can be called as chance witnesses as part of the offence took place on the road. Even then, they have to satisfactorily explain about their presence at the scene which they failed to do so. Thirdly, neither PW3 nor PW15 tried to take the deceased to hospital and their conduct in that regard, appears to be quite unnatural considering their close affinity with the deceased.

14) In *Baby @ Sebastian and another vs. Circle Inspector of Police, Adimaly*² the Apex Court while referring several judgments observed that the evidence of chance witness requires a very cautious and close scrutiny and a chance witness must adequately explain his presence at the place of occurrence. Hence, we are unable to believe the evidence of PWs.3 and 15. However, in the final tally, the evidence of PW1, as discussed supra, would infuse confidence to conclude that it was the accused and accused alone have caused the death of deceased.

a) The evidence of PW1 gets support from the medical evidence and also from PW13 who is a mediator in whose presence A1 produced MO1—knife from his house and handed over to police.

b) Learned counsel for appellants sought to argue that as per the evidence of PW13, the MO1 was not produced by A1 in his presence and therefore, its recovery is a make believable story. This argument cannot be countenanced. In chief examination PW13 stated that on 08.04.2009 at about 4.00 PM the police took him to the house of accused and there they arrested the accused and enquired. On that A1 brought MO1—knife from his house which contains some blood stains and gave it to police which was seized under the cover of Ex.P6—mediator's report. The police affixed slips and this witness and one Srinivas Rao (LW17) affixed their signatures. In the cross-examination he stated police and himself proceeded to the house of accused and MO1 was given to police and the police brought it and shown to him. He stated that he did not witness

² (2016) 13 SCC 333

when A1 handed over MO1—knife to police. Thus, from his entire evidence, it is clear that both the mediators went to the house of accused along with police where police arrested A1 and on interrogation A1 brought MO1—knife from inside of his house and handed over to police. It might be that while A1 actually handed over MO1—knife, this witness might not have witnessed. When the entire evidence is taken into consideration, PW13 and other mediator were physically present and saw A1 bringing MO1—knife from inside of his house. This minor discrepancy cannot be taken into consideration.

15) So, on a conspectus of facts and evidence, it is clear that both the accused were responsible for the murder of deceased and hence they are guilty of offence under Section 302 r/w 34 IPC. The Trial Court rightly convicted and sentenced them for the said offence.

16) In the result, we see no merits in the Criminal Appeal and accordingly, the same is dismissed by confirming the conviction and sentence passed by the Trial Court.

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

SURESH KUMAR KAIT, J

U. DURGA PRASAD RAO, J

Date: 23.03.2018
Murthy