

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

Criminal Appeal No.54 of 2019

A.L.Nagarajan

... Appellant/De-facto
complainant

Vs

1. R.Mahendran

... Respondent/Accused

2. State by

The Inspector of Police,
V-6 Kolathur Police Station,
Chennai-99.

... Respondent/Complainant

Criminal Appeal filed u/s.374(2) Cr.P.C. against the judgment of learned Principal District and Sessions Judge, Chennai, passed in S.C.No.254 of 2017 dated 15.11.2018.

For Appellant : Mr.C.P.Palanichamy

For Respondents : Mr.K.Prabakar
Additional Public Prosecutor

for R2

JUDGMENT

[Judgment of the Court was delivered by C.T.SELVAM, J]

This appeal arises against the judgment of learned Principal Judge, City Civil Court, Chennai, passed in S.C.No.254 of 2017 on 15.11.2018, convicting first respondent/accused for offence u/s.302 IPC and sentencing him to life imprisonment and fine of Rs.1,000/-.

2. Case of the prosecution is that on 28.06.2017 at about 10.30 p.m ., defacto complainant's son had gone missing and hence, he preferred complaint before the second respondent police on 30.06.2017. The same was registered for offence u/s 174 Cr.P.C. On the very same day, his son was found in the water sump at his residence. Investigation revealed that first respondent/accused committed murder of defacto complainant's son and he was arrested and remanded to custody. Upon completion of investigation and filing of charge sheet, the case, on committal, was tried in S.C.No.254 of 2017 on the file of learned Principal Sessions Judge, Chennai.

3. Before trial Court, prosecution examined 16 witnesses and marked 17 exhibits and marked 5 material objects. None were examined on behalf of defence nor were any exhibits marked.

4. We have heard learned counsel for appellant as also learned Additional Public Prosecutor for second respondent.

5. This Court finds no merit in the present appeal seeking enhancement of sentence, inter alia for offence u/s 302 IPC, to one of death sentence as against life imprisonment imposed by the trial Court. This Criminal Appeal shall stand dismissed keeping in mind the fact that death sentence is reserved for rarest or rare cases. A perusal of the judgment of the trial Court reveals that even while convicting the accused for offence u/s.302 IPC, the trial Court has not thought it appropriate to impose death sentence which it could have done only by informing special reasons.

Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

kmi

To

1.The Principal Judge,
City Civil Court,
Chennai.

2.The Inspector of Police,
V-6 Kolathur Police Station,
Chennai-99.

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3.The Public Prosecutor,
High Court, Madras.

4. The Judicial Magistrate, No.5,
Egmore, Chennai-8.

5. -do-Through' The Chief Judicial Magistrate, Egmore, Chennai-8

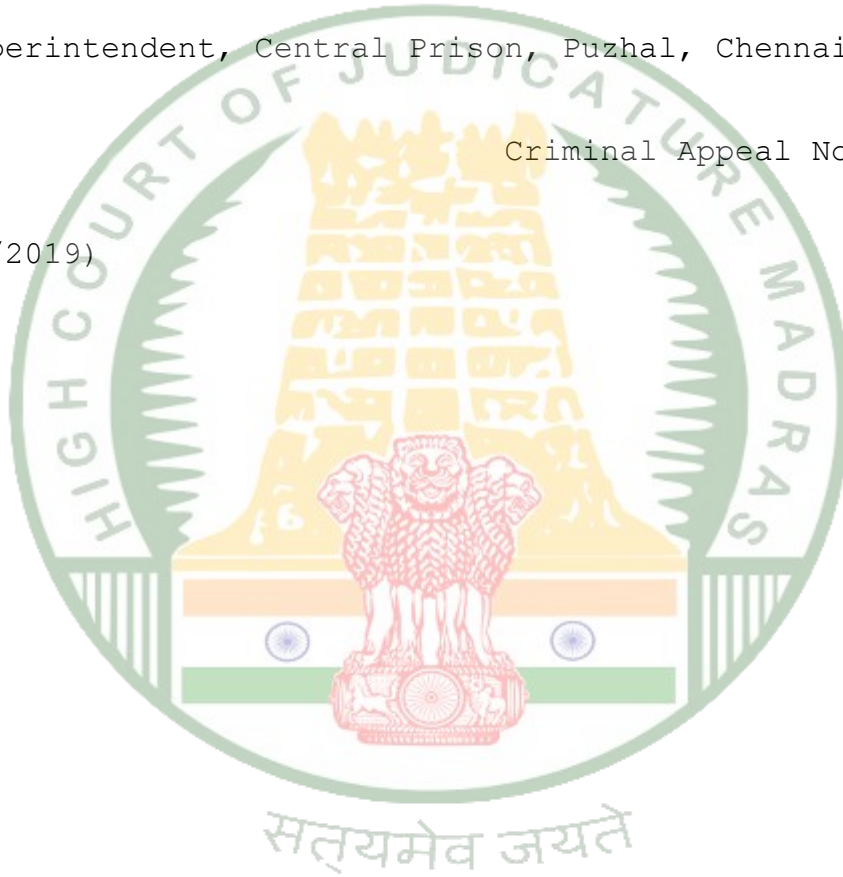
6. The Director General of Police, Chennai.

7. The District Collector, Chennai.

8. The Superintendent, Central Prison, Puzhal, Chennai.

Criminal Appeal No.54 of 2019

PA (CO)
GMY (07/03/2019)



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