

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 31.07.2019

Delivered on : 07.08.2019

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Criminal Appeal Nos.715 & 797 of 2017, 52, 53 and 135 of 2018
and CrI.M.P.Nos.14099/2017, 16335/2017, 1023/2018, 1021/2018 and
3302/2018

Criminal Appeal No.715 of 2017

Petty @ Petty Karthi @ Tamil Selvan,
Son of Nagaraj, aged about 25 years,
Door No.19, Rotti Kadai Veedhi,
Pappanaicken Palayam,
Coimbatore.

.... Appellant/Accused No.3

Vs.

State by
The Inspector of Police,
B-4, Pandhayasalai Police Station
Coimbatore.

.. Respondent/complainant

Criminal Appeal No.797 of 2017

Ajith @ Ajithkumar(aged 24 years),
S/o Thangaraj,
23/1, Jeyasimmapuram,
Papanayakkampalayam,
Coimbatore District.

... Appellant/Accused No.2

Vs.

State represented by
The Inspector of Police,
B-4, Pandhayasalai Police Station
in Crime No.836 of 2015,
Coimbatore.

.. Respondent/complainant

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Criminal Appeal No.52 of 2018

Mandayan @ Sakthivel, M/A26 years,
S/o Rajan,
Old No.159, New No.66-A,
New Chitrambalam Layout,
Papanayakkan palayam,
Coimbatore District.

... Appellant/Accused No.4

Vs.

State represented by
The Inspector of Police,
Race Course Road Police Station
Coimbatore District.

.. Respondent/complainant

Criminal Appeal No.53 of 2018

Ramu @ Ramakrishnan, M/A26 years,
S/o Rajendran,
No.25/27 -DPF Street,
Papanayakkanpalayam,
Coimbatore District.

... Appellant/Accused No.1

Vs.

State represented by
The Inspector of Police,
Race Course Road Police Station
Coimbatore District.

.. Respondent/complainant

Criminal Appeal No.135 of 2018

Pei @ Arun @ Arunpandi, M/A24 years,
S/o Ravichandran,
Door No.14/15. Jeyasimhapuram,
Pazhaiyur, Papanayakkanpalayam,
Coimbatore.

... Appellant/Accused No.5

Vs.

State represented by
The Inspector of Police,
Race Course Road Police Station
Coimbatore District.

.. Respondent/complainant

Criminal Appeals are filed under Section 374(2) of Criminal Procedure Code seeking to set aside the judgment dated 24.08.2017 made in S.C.No.42 of 2016 on the file of the learned Special Sessions Judge (Bomb Blast Cases), Coimbatore.

For Appellant : Mr.Sai Krishnan for
in Crl.A.No.715 of 2017 Mr.Sai Bharath

For Appellant : Mr.G.Karuppasamy Pandian for
in Crl.A.No.797 of 2017 Mr.T.Padmanabhan

For Appellant in : Mr.P.R.Dinesh Kumar for
Crl.A.Nos.52 & 53 of 2018 Mr.A.Micheal

For Appellant in : Mr.C.Prabakaran for
Crl.A.No.135 of 2018 Mr.V,Kasinatha Bharathi

For respondent in : Mr.R.Prathap Kumar,
all appeals Additional Public Prosecutor

COMMON JUDGMENT

M.M.SUNDRESH, J.

As all the appellants are standing on the same footing having been convicted for the same offence by a common judgment, these appeals are disposed of by a common judgment.

2. The appellants/A1 to A5 were charged along with two other accused (A6 & A7 since acquitted), for the offences punishable under Sections 148, 449, 302 and 506(ii) IPC. While A1 to A7 were acquitted for the offence under Section 120-B IPC, A6 was acquitted for the offences under Sections 147, 449 r/w 149, 302 r/w 149, and 506(ii) IPC. A7 was acquitted for the offences under Sections 147 and 302 r/w 109 IPC. A1 to A5 have been convicted for the offences under Section 148, 449, 302 and 506(ii) IPC while holding that there is no need for awarding any sentence under Section 147 IPC. Accordingly, A1 to A5 were sentenced as under.

Provision under which convicted	ACCUSED Nos.	Sentence
Section 148 IPC	A1 to A5	One year Simple imprisonment.
Section 449 IPC	A1 to A5	10 years rigorous imprisonment and fine of Rs.1000/- each, in default to undergo three months simple imprisonment.

Provision under which convicted	ACCUSED Nos.	Sentence
Section 302 IPC	A1 to A5	Life imprisonment and fine of Rs.1000 each, in default to undergo further period of three months simple imprisonment.
Section 506 (ii) IPC	A1 to A5	Two years simple imprisonment.

Challenging the aforesaid conviction and sentence rendered in S.C.No.42 of 2016 on the file of the Special Sessions Judge (Bomb Blast Cases), Coimbatore, the present criminal appeals have been filed.

3. Brief Facts:

The appellants with the prior motive, which occasioned due to the dispute in the cricket match, conspired together, joined with each other with an intention of murdering the deceased-Rajeshkumar, on 04.10.2015 at about 5.30p.m., attacked him with the material objects consisting of knife and sickle and when the deceased escaped, followed him and cut him indiscriminately in the Universal Cell Phone Shop. The deceased was taken to the hospital by P.Ws.2 and 3, in which place, he died immediately thereafter.

3.2. The deceased is the brother's son of P.W.1-Ragupathi. He is the author of the complaint under Ex.P1. P.W.22 Dr.Peranandham conducted the post mortem and issued Ex.P19-Post Mortem Certificate with Exp29- Final Opinion. A4 to A6 were arrested in the afternoon preceded by recovery of M.Os.6 to 8 under Form-91. Further recoveries have been made from A4 and A5 and M.Os.2, 30, 4 and 5 have been recovered under Exs.P14 to 17 respectively. Thereafter, the material objects consist of the blood stained dress of the accused were seized under Form-91. A1 was taken to the hospital and given treatment by P.W.25-Dr.Prasanna Kumar, who issued Ex.P31-Accident Register.

3.3. P.W.26-Jothi, who is the Inspector of Police, thereafter gave a requisition under Ex.P5 seeking a report from the scientific expert. Under Exs.P6 and P7, it has been found that the blood stain was that of the human blood stain under Group-A as found in the M.Os.1, 2, 29, 30 to 34, and 36, to 41. Under Ex.P39, the charges were altered and sent to the jurisdictional Court. After completing the investigation, P.W.26 filed a Final Report.

3.4. The charges framed were put to the accused, who accordingly denied the same. Thereafter, the trial Court was proceeded. The prosecution has produced 26 witnesses in support of the charges framed while marking Exs.P1 to P39 and M.Os.1 to 41. On behalf of the defence, Ex.R1, which is the confession statement has been marked though no witness was produced.

3.5. In compliance with the mandate of Section 313-A of the Criminal Procedure Code, incriminating materials were placed before the appellants/A1 to A5 and they denied the same.

3.6. The trial Court, while acquitting A6 and A7, convicted the appellants/A1 to A5 as stated above by placing reliance upon P.Ws.1 to 4 being the eye witnesses and the other witnesses, who spoke about Last Seen Theory and the deceased seen together thereafter. The evidence rendered by the prosecution coupled with recovery under Section 27 of the Indian Evidence Act, 1872, and after placing reliance upon the evidence and the Doctor's opinion supported by the documents marked, the trial Court convicted the appellants. Aggrieved over the same, the present criminal appeals have been filed by the Appellants/A1 to A5.

3.7. P.W.1 speaks about the motive apart from being an eye witness. P.W.2-Anandhan, who is working as Electrician and friend of the deceased also speaks about the motive as well as occurrence on both the occasions. P.W.3-Muthu Sreenivasan is a Salesman in the shop by name, Universal Mobile Shop. He also speaks about the occurrence. P.W.4-Duraisamy, who is the flower vendor, speaks about the first occurrence. P.W.5-Dhandapani is the father of the deceased-Rajeshkumar deposed about the motive. P.W.6-Dr.Krishnaraj, who handed over the blood stained clothes of the deceased viz., M.Os.6 to 8 to the Investigating Officer under Ex.P2-Form 91. P.W.7-Dhivagar is the Doctor, who treated the deceased and issued Ex.P3-Accident Register. Ex.P4 is the information given to the police after the death of the deceased by P.W.7. P.W.8-Vijayakumar is the Scientific Officer, who examined the material objects produced before him and gave Exs.P6 to P8, which are Biology Inspection Report and Hematology Inspection Reports respectively in respect to the blood of the deceased. P.W.9 is the photographer, who took photographs of the scene of occurrence and M.Os.

3.8. P.W.10 is the one who signed the Observation Mahazar-Ex.P10 under which M.Os.27 and 28 were recovered. P.W.11-K.Prema, who is the Sub Inspector of Police at the relevant point of time has registered the First Information Report-Ex.P11. P.W.12 is the one who speaks about the confession, arrest and recovery and Exs.P12 to P17. P.W.13 is

the Head Constable, who handed over the body of the deceased to the Doctor for post mortem. P.W.14 is also the Head Constable who assisted the Investigating Officer. P.W.15 is the Street Vendor, who spoke about the prior occurrence between the two groups, in which, both the deceased and the accused belonged to. P.W.16 speaks about the conspiracy and P.W.20 is stated to have seen the accused with the material objects. P.Ws.16 and 20 were not believed by the trial Court. P.W.17 is the owner of the two wheeler M.O.3-Hero Honda bike, which is used for the occurrence by A1. P.W.18 is also the owner of the two wheeler-M.O.4, which was given to the father of A5. P.W.21 is the mother of A2 being the owner of M.O.5 vehicle. P.W.22 is the Doctor, who conducted the post mortem on the body of the deceased. P.W.23 speaks about the recovery of material objects from A1 to A3 under Exs.P24 to 30. P.W.24 is the Doctor who treated the deceased and made entries in the medical case sheets, which are marked as Exs.P22 and P23. P.W.24 is also a Doctor, who treated the deceased and prepared Ex.P22-case sheet P.W.25 is the Doctor, who treated A1 and issued Ex.P31-copy of the accident register. P.W.26-T.Jothi, who is the Inspector of Police has investigated the case and filed the Final Report.

4. Submissions of the Appellants:

4.1. The learned counsel appearing for the appellants would submit that the evidence of P.Ws.1 and 2 cannot be accepted. They were not even present in the place of occurrence. There is a material contradiction between the evidence of P.Ws.1 and 2. P.W.2 has not stated about the presence of P.W.1 in the hospital. Though P.W.1 has stated that he and P.W.2 were not allowed in the emergency room, P.W.2 has stated otherwise. There is a material discrepancy in the complaint given as against the recovery. The complaint has been stated about the knife, whereas the recovery is a sickle. P.W.3 has not named anyone. He has also stated that P.Ws.1 and 2 had come after the occurrence. The evidence of P.W.4 also cannot be accepted. He has further stated that the presence of the police thereafter.

4.2. P.Ws.17, 18 and 21 do not support the case of the prosecution. Though they have been examined to substantiate the recovery being the owners of the vehicle, they have stated that they were in the police station on 05.10.2015 morning, whereas the accused were arrested according to the prosecution subsequently. They have further stated that they found their vehicles in the police station. It is their further evidence that the accused were also under police custody. The accident register would show the occurrence has taken place at Pillaiyar Koil Street and therefore, there is a doubt regarding the place of occurrence. Though the shirt alleged to have been worn by the accused and the blood stain found is matching with that of the deceased, no such shirt with the blood of the deceased has

been marked through the evidence of P.Ws1 and 2. The third person by name Ravishankar, who is also an eye witness and who has accompanied in the hospital. There is no Test Identification Parade done to identify the accused and therefore, the evidence of P.W.3 cannot be accepted. The arrest and recovery have been made on the date itself. Though eight persons were arrayed as accused P.W.3 says only six persons were arrayed and so also the accident register marked. In the accident register, the word "knife" has been inserted. There was a delay in the First Information Report reaching the jurisdictional Magistrate. Thus, the conviction and sentence rendered by the trial court requires to be overturned. To buttress their submissions, the learned counsels have placed reliance on the following judgments.

1. Ramesh Baburao Devaskar and others Vs. State of Maharashtra ((2007) 13 Supreme Court Cases 501); and
- 2.State of Rajasthan Vs. Teja Singh and Others ((2001) 3 Supreme Court Cases 147).

5. Submissions on behalf of the State:

The learned Additional Public Prosecutor appearing for the State would submit that the evidence of P.Ws.1 to 4 being eye witnesses would clearly establish the offence committed by the appellants. P.Ws.1, 2 and 5 speak about the motive. After the conclusion of the examination the defence did not choose to cross examine the witnesses produced on the side of the prosecution. Thereafter, on the application filed, a further opportunity was given. Months rolled by in between. Thus, the discrepancies that have occurred would not vitiate the case of the prosecution, especially, when the delay was due to the failure of the defence. The evidence given is very clear, which is to the effect that what was used was the sickle as against the knife. The narration made in the complaint has to be seen contextually. After all, the First Information Report is not a substantive piece of evidence. There was indeed no delay in sending the complaint to the jurisdictional Magistrate. The complaint was received by them on the next day itself i.e., on 05.10.2015. In any case, there is no contradiction in the evidence of P.Ws.2 and 3. The non-examination of Ravishankar is not fatal to the case of the prosecution and it is for the prosecution to choose the witness. The evidence adduced by P.Ws.1 to 4 correspond to that of P.W.22 read with Ex.P19-Post Mortem Report and recovery has been proved in the manner known to law. The witnesses speak about the recovery. P.W.15 also speaks about the motive. P.W.25, who treated A1 had issued Ex.P31 accident register. P.W.25 has stated that A1 has stated that the injury has occurred when the deceased was attacked. The same is also reflected in Ex.P31. The trial Court by an

elaborate judgment considered the entire evidence relied on record and came to the right conclusion. Therefore, the appeal will have to be dismissed.

6. DISCUSSION:

6.1. P.W.1 is the paternal uncle of the deceased. He speaks not only about the motive but also the occurrence which took place at two places. It is his evidence that on 04.10.2015, the appellants came in their bikes and A3 attacked the deceased near the right ear. Thus, P.W.2 clearly stated about the usage of the sickle. It also corresponds to the injury noted in the post mortem certificate. P.W.1 further narrates that the accused chased the deceased, who caught into the Universal Mobile Phone Shop. Specific overt act has been attributed to all the accused. A1 attacked with knife on the chest; A3 attacked with sickle on the head; A2 with knife on the right side of the chest and hand; A4 using knife attacked on the hip. Similarly A5 attacked with the knife on the wrist and leg. Thereafter, he along with P.W.2 and third party by name Ravishankar (not examined) took the deceased to the Ramakrishna Hospital. After treatment, the deceased succumbed to the injuries and thereafter, a complaint was given.

6.2. Thus, P.W.1 has clearly stated not only the occurrence but the fact that the deceased was taken to the hospital. A mere non-mentioning of the name of P.W.1 in the accident register would not be fatal to the case of the prosecution. It is to be noted that P.W.2 has also stated about the fact that the deceased was taken by him along with P.W.1. We do not find any discrepancy in the evidence of P.Ws.1 and 2 with reference to the presence of P.W.2 while the treatment was given. P.W.1 merely stated that at the time of treatment in the emergency ward, nobody was present. This cannot be confused with the statement of P.W.2, who has stated that he was present at the time of examination. An examination is obviously different from emergency treatment. Therefore, we are of the view that the evidence let in by P.W.1 is credible and requires to be accepted.

6.3. P.W.2 is the friend of the deceased, who also travelled with him in the bike. He is the eye witness for both the occurrences. He has clearly stated that he has seen the accused attacking the deceased. There is no material contradiction with that of P.W.1. He along with one Ravishankar took the deceased to the hospital. His name is also found in the accident register. Thus, the evidence of P.W.2 requires acceptance. It is for the prosecution to choose and examining its witnesses. Therefore, no adverse influence could be drawn for the non-examination of Ravishankar.

6.4. P.W.3 is an independent witness working at the Universal Mobile Shop as Salesman. He identified A1 and A4. However, he has deposed that five persons came and attacked the deceased inside the shop. It is his evidence that thereafter two persons came and taken the deceased to the hospital. Though it has been stated that P.W.3 only stated about the names of A1 and A4, it cannot be stated that they were not

present. No question has been put to P.W.3 that the five persons, who chased the deceased, did not have A1 and A4 among them. There is also no need for Test Identification Parade, which is obviously a methodology being adopted as part of investigation. It is not the case of the appellants that P.W.3 did not recognise the accused persons. In any case, he being the independent witness, the testimony deserves to be accepted.

6.5. P.W.4 is the another eye witness, who saw the first occurrence. He has deposed that he saw A3. It is his specific evidence that A3 attacked the deceased with sickle as stated by P.Ws.1 and 2. According to P.W.3, the other accused followed the deceased. We are unable to come to the conclusion that P.W.4 is the stock witness. As the evidence adduced by P.W.4 is in tune with the evidence of P.Ws.1 and 2 and he also being the independent witness, the same requires acceptance. Merely because P.W.4 is a flower vendor, his evidence cannot be impeached.

6.6. The other witnesses clearly speak about the seizure and recovery. The post mortem Report, which speaks about the injuries sustained by the deceased corresponds to the testimony of the eye witnesses. There are about 20 injuries found on the body of the deceased and would appear to have died of multiple injuries. All these injuries are ante mortem injuries. They are accordingly recorded hereunder.

"The following ante mortem injuries noted over the body:

- 1) Horizontally placed cut injury 6x2cmxbone deep noted over right occipital region extending from 3 cm lateral to external occipital protuberance up to behind of right ear. Both ends area sharp. On dissection the wound cutting the underlying muscle, vessels, nerves and partially cutting the bone.
- 2) Cut injury 2x0.5cmxsoft tissue deep noted over pinna of right ear and parotid region. On dissection the wound cutting the underlying muscle, vessels and nerves.
- 3) Cut injury 1.5x0.5x0.5cm noted over front of left shoulder prominence. On dissection the wound cutting the underlying muscle, vessels

and nerves.

4)Oblique stab injury 3 x 1.5x4cm noted outer aspect of left arm in its middle 3rd. Both ends are sharpened. On dissection the wound passes inwards, downwards, piercing the underlying muscle bones.

5)Oblique stab injury 3x2x4cm noted over outer aspect of left arm in its middle 3rd, 0.5cm below from above mention injury. Both ends are sharpened. On dissection the wound passes inwards, downwards, piercing the underlying muscle.

6)Cut injury 3.5x1x1cm noted over inner aspect of left forearm in its lower end. On dissection the wound cutting the underlying muscle, vessels and nerves.

7)Cut injury 2.5x0.5x0.5cm noted over outer aspect of left forearm in its lower end. On dissection the wound cutting the underlying muscle, vessels and nerves.

8) Reddish abrasion 5x2cm noted over inner aspect of left elbow, 1x1cm noted over dorsum of right little finger, 8x6cm, 5x6cm noted over left lateral lower chest, 2x1cm noted over back of abdomen in its lower 3rd, 1.5x1.5 cm noted over outer aspect of left knee, 8x3 cm noted over inner aspect of right knee and 2x1.5cm noted over outer aspect of left leg in its upper 3rd.

9) Linear reddish abrasion 4x0.5cm noted over left supra scapular region.

10)Vertically oblique stab injury 2x1x3 cm noted over inner aspect of left arm in its upper 3rd. Both ends are sharpened. On dissection the wound passes inwards, downwards, piercing the underlying muscle and bones.

11)Vertically oblique stab injury 1x1.5x1.5cm noted over inner aspect of left arm in its upper and both ends are sharpened. On dissection the wound passes inwards, downwards, piercing the underlying muscle.

12) Vertically oblique stab injury 3x2 cmxthoracic cavity deep noted over body of sternum corresponding to 3rd inter costal space, 1cm below and 1cm left lateral to sternal angle. The upper end is blunt and the lateral end is sharp. On dissection the wound cutting the underlying muscle, vessels and nerves.

- 13) Oblique stab injury 2x1.5x1cm noted over right side chest, 3cm above the right nipple. The medial end is sharp and the lateral end is blunt. On dissection the wound cutting the underlying muscle, vessels and nerves.
- 14) Oblique stab injury 2.5x1.5cmx thoracic cavity deep noted over left lateral chest, 10 cm below left axilla. Both ends are sharpened. On dissection the wound passes inwards, piercing the 4th inter costal space, piercing the upper lobe of left side lung measuring 2x0.5x3 cm. Left side pleural cavity contains about 300 ml of fluid blood.
- 15) Oblique stab injury 2x 1cmx thoracic cavity deep noted over left lateral chest, 2cm below above mention injury. On dissection the wound passes inwards, piercing the 6th inter costal space, piercing the lower lobe of left side lung measuring 1x0.5x2cm.
- 16) Horizontal stab injury 3x2cmx thoracic cavity deep noted over left lateral chest, 2cm below above mention injury. Both ends are sharpened. On dissection, the wound passes inwards, piercing the 8th inter costal space, piercing the lower lobe of left side lung measuring 1.5x0.5x2 cm.
- 17) Stab injury 2x0.5cmx muscle deep continues with 6cm of trailing linear abrasion from lower end noted over outer aspect of left thigh, 18 cm from left anterior superior iliac spine. The upper is blunt and the lower end is sharp. On dissection the wound cutting the underlying muscle, vessels and nerves.
- 18) Stab injury 5x2cm x muscle deep noted over outer aspect of left thigh in its lower 3rd. The upper end is blunt and the lower end is sharp. On dissection the wound passes inwards piercing the underlying muscle.
- 19) Reddish contusion 8x6cm noted over outer aspect of back of left lower chest;
- 20) Reddish abrasion with the underlying muscle reddish contusion 6x3 cm noted over front of left lower chest.
- On dissection of Scalp, Skull and Dura: Sub scalpal contusion reddish in colour 6x2cm noted over right occipital region.
- Other Findings:
- Pleural and Peritoneal cavities - empty.
 - Hyoid bone; Intact.
 - Heart - all chambers contains about few cc of

fluid blood, Coronaries patent.
-Stomach contains about 50 grams of dark brown colour partially digested food particles, no specific smell, mucosa pale.
-Small Intestine contains about 10 ml of bile stained fluid, no specific smell, mucosa pale.
-Liver, Spleen, Kidneys, Brain and Lungs-cut section pale.
-Urinary Bladder-empty.
-Viscera preserved and sent for chemical analysis.
-Blood preserved for analysis."

6.7. The evidence of the Doctor, who deposed read with Exs.P6 to P8 would show that the blood sample matched with that of the deceased belonged to A Group. So also, the stains found on the material objects recovered from the appellants including the shirts worn by them. Thus, this also gives credence to the case of the prosecution.

6.8. P.W.25 is the Doctor, who treated the first accused. He has clearly deposed on the circumstances under which the injuries suffered are likely to happen. The evidence adduced by P.W.25 along with Ex.P31, which is the accident register, would clearly show that A1 suffered injuries during the occurrence while using knife against the deceased as stated by A1 to him. Thus, the statement of P.W.25 read with Ex.P31 certainly strengthens the case of the prosecution.

6.9. Much has been stated about the evidence of P.Ws.17, 18 and 21. P.Ws.17 and 18 are the owners of the two wheelers. Though they have stated about the timing and presence of the accused, considering the fact that they have been cross examined after long time, few months from the chief examination, on the application filed by the appellants, such statements made, by themselves cannot be a factor to be considered in favour of the accused. In fact, P.W.21 is none other than the mother of A2. She incidentally is the owner of M.O.5. It is not the case of the defence that the bikes under M.Os.3, 4 and 5 are not owned by P.Ws.17, 18 and 21 respectively.

6.10. The submission of the learned counsel appearing for the appellants that there is a doubt on the scene of occurrence as in the accident register only Pillaiyar Kovil Street is mentioned cannot be countenanced. The occurrence occurred in two specific places. The first one in Pillaiyar Kovil Street and thereafter in the Universal Mobile Shop. The specific case of the prosecution is that after the first occurrence, the deceased was running towards the shop. Hence the said contention stands

rejected.

6.11. The trial Court acquitted A6 and A7. Therefore, the contention of the appellant that inasmuch as the prosecution has arrayed eight persons as accused as against five, the entire case will have to be termed as false cannot be accepted. We may note the accident register and the evidence of P.W.3 are also to the effect that five persons were involved. From the evidence of P.Ws.1 and 2 along with P.Ws.5 and 15, the motive part is well established. Even otherwise, P.Ws.1 to 4 being the eye witnesses, motive becomes irrelevant. Even P.W.23, who speaks about seizure and recovery identified the concerned accused. Similarly, we do not find any delay in receiving Ex.P11-First Information Report by the jurisdictional Court. On perusal of the record, we find that the learned Magistrate signed and received the First Information Report at 2.00a.m., on 06.10.2015, though the seal was affixed on the next day.

7. The judgments relied upon by the learned counsel for the appellants are not applicable to the case on hand as we do not find any delay in the First Information Report reaching the Court. Thus, we do not find any reason to interfere with the conviction and sentence rendered by the trial Court. Accordingly, the conviction and sentence imposed on the appellants are confirmed and the above criminal appeals are dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

raa

To

- 1.The Special Sessions Judge,
(Bomb Blast Cases),
Coimbatore.
- 2.The Inspector of Police,
B-4, Pandhayasalai Police Station
Coimbatore.
- 3.The Inspector of Police,
Race Course Road Police Station
Coimbatore District.

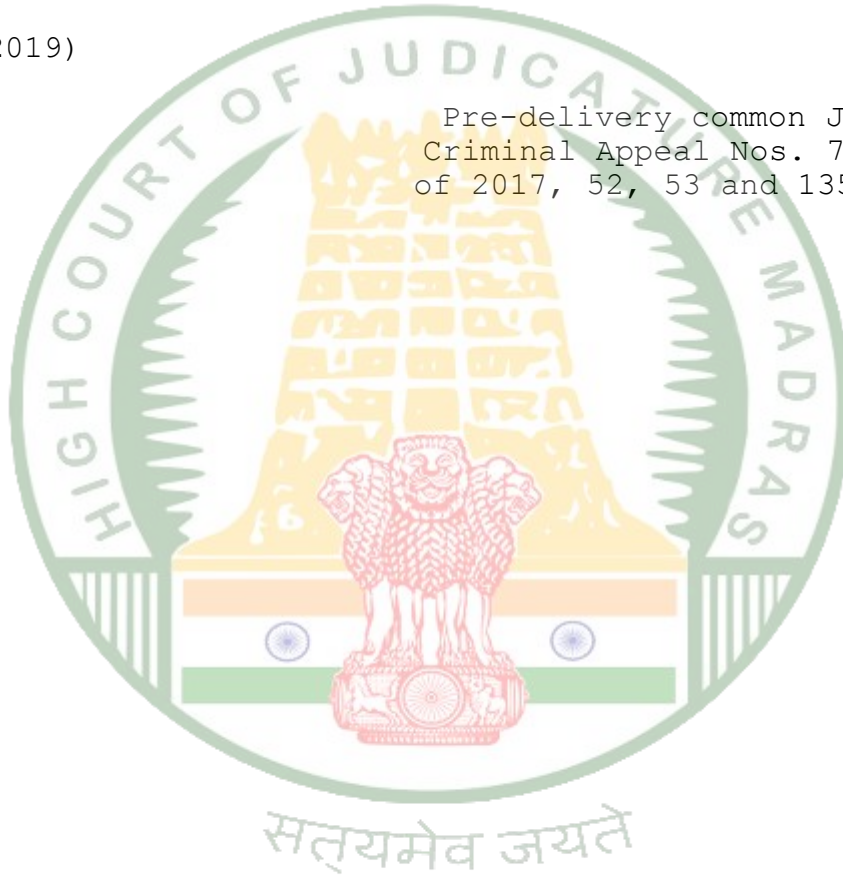
4.The Additional Public Prosecutor,
High Court, Chennai.

5.The Superintendent,
Central Prison, Coimbatore.

+1cc to Mr.P.R.Dinesh Kumar Advocate, S.R.No.68264
+1cc to Mr.V.Kasinatha Bharathi Advocate, S.R.No.67301
+1cc to M/S.Sai & Bharath, Advocate,SR.No.67386

SJ(CO)
CB(10/09/2019)

Pre-delivery common Judgment in
Criminal Appeal Nos. 715 & 797
of 2017, 52, 53 and 135 of 2018



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