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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	Pronounced on
28.03.2019	11.04.2019

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR. JUSTICE B.PUGALENDHI**

Cr1. A(MD)No.205 of 2017

Arun @ Arunkumar : Appellant/Accused No.1

Vs.

State represented by
The Inspector of Police
Kadayam Circle
Alwarkurichi Police Station
Tirunelveli District
in Crime No.28/2015

: Respondent/Complainant

PRAYER: Criminal Appeal is filed under Section 374 of the Code of Criminal Procedure, against the judgment dated 19.06.2017 in S.C.No.38/2016 on the file of the IV Additional Session Judge, Tirunelveli.

For Appellant : Mr.V.Kathirvelu
Senior counsel for
Mr.K.Prabhu
For Respondent : Mr.R.Anandaraj
Additional Public Prosecutor

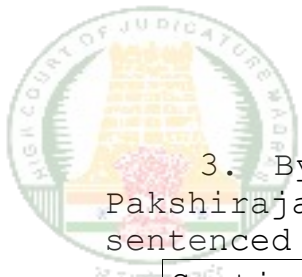
JUDGMENT

B.PUGALENDHI, J.

This criminal appeal is filed against the judgment dated 19.06.2017 in S.C.No.38/2016 on the file of the IV Additional Session Judge, Tirunelveli.

2. Totally there are three accused in Crime No.28/2015 and the trial Court framed five charges, as detailed below:

Charges	Penal Provisions	Accused
1	449 IPC	A1 & A2
2	302 IPC	A1
3	302 r/w 34 IPC	A2 & A3
4	294-B IPC	A1 to A3
5	506(II) IPC	A1 to A3



3. By Judgment dated 19.06.2017, the trial Court acquitted Pakshirajan [A-2] and Subathra [A-3], however convicted and sentenced the appellant/accused A-1, as detailed below:-

Section of Law	Sentence of imprisonment	Fine amount
449 IPC	To undergo rigorous imprisonment for four years	Rs.1,000/-, in default to undergo rigorous imprisonment for three months
302 IPC	To undergo imprisonment for life	Rs.1,000/-, in default, to undergo rigorous imprisonment for one year

The sentences were ordered to run concurrently. Challenging the said conviction and sentence, the appellant (A-1) has preferred this Criminal Appeal.

4. The prosecution story is as under:

Pakshirajan [A-2] firmly believed that he was born to the deceased Anaikkaraimuthu and therefore, he [A-2] was entitled to a share in Anaikkaraimuthu's properties, whereas, Anaikkaraimuthu repudiated the very relationship. Infuriated at that, it is alleged that Pakshirajan [A-2] came with his son Arun @ Arunkumar [A-1] and daughter Subathra [A-3] to the house of the deceased at 10.00 a.m. on 23.01.2015 and while the deceased was lying on the cot, Arun @ Arunkumar [A-1] hacked him to death. When Rajan [P.W.-1] the son of the deceased and eye witness intervened, he was criminally intimidated by the accused.

4.1. On the complaint [Ex.P-1] given by Rajan [P.W.-1], Isakkiraj [P.W.-20], the Sub Inspector of Police registered a case in Alwarkurichi Police Station Crime No.28/2015 against A1 to A3 under Sections 449, 294-B, 302 and 506[II] IPC on 23.01.2015 at 11.30 hrs. and prepared the printed FIR [Ex.P-19], which reached the jurisdictional Magistrate at 3.30 p.m. on the same day, as could be seen from the endorsement thereon.

4.2. Investigation of the case was taken over by Kanagaraj [P.W.-21] Inspector of Police, who went to the place of occurrence and prepared the observation mahazar [Ex.P-3] and rough sketch [Ex.P-20] in the presence of witnesses Pichappa [not examined] and Muthiah [P.W.-8]. From the place of occurrence, the Investigating Officer [P.W.-21] seized the following items:

- (1) bloodstained blue colour pillow [M.O.-2];
- (2) bloodstained pillow with the description Orange Brand No.1 [M.O.-3],
- (3) red colour shawl [M.O.-4],
- (4) pair of chappal [M.O.-5]
- (5) bloodstained soil [M.O.-13];
- (6) Soil without bloodstain [M.O.-14];



(7) Bloodstained tiles [M.O.15]; and

(8) Floor tiles without bloodstain [M.O.-16] in the presence of witnesses Kumar and Murugan [P.W.-5].

4.3. The Investigating Officer [P.W.-21] conducted inquest over the body of the deceased and prepared the inquest report [Ex.P-21]. He [P.W.-21] despatched the body to the Government Hospital, Ambasamuthram for postmortem, where, Dr.Subalakshmi [P.W.-16] performed autopsy on the body of the deceased and issued the postmortem certificate [Ex.P-15].

4.4. Dr.Subalakshmi [P.W.-16] in her evidence as well in the postmortem report [Ex.P-15] has noted as follows:

"The body was first seen by the undersigned at 4.30 p.m. on 23.01.2015. Its condition then was cold with Rigor mortis started appearing all over the body. Postmortem commence at 4.30 p.m. on 23.01.2015.

Appearances found at the postmortem:

A male body lying on its back with rigor mortis started appearing all over the body. eyes closed. nose no discharge, mouth closed, teeth, tongue inside the mouth.

External injuries:

பின் கழுத்தில் மேல் பகுதியில் 22 x 10 x 9 cm அளவில் ஒரு வெட்டுக் காயம் அதன் அடியில் உள்ள (Cervical Vertibral) கழுத்து எலும்பு, சதைகள், இரத்தக் குழாய்கள், நரம்புகள், உணவுக் குழாய், முச்சுக் குழாய், வெட்டுப்பட்டிருந்தது. 2) இடது காதிலிருந்து இடது கன்னம் வரை 11 x 1 x 1/2 cm ஒரு வெட்டுக் காயம், இடது காது மடல் வெட்டுப்பட்டிருந்தது. 3) பின்னந்தலையில் இடது பக்கத்தில் 11 x 3 cm x எலும்பு ஆழமுள்ள வெட்டுக் காயம் இடது காது வரை, காயம் (1) க்கு 5 cm மேலே இருந்தது.

External injuries:

Heart - pale, chambers contain 30 ml of fluid blood, lungs-pale, liver, kidney, spleen - pale, stomach - pale, contains 100 gm of partially digested food particles, small intestine - distended with gas, hyoid - intact, brain - pale, bladder - empty.

PM concluded at 5.30 pm on 23.01.2015. The following viscera are sent for chemical analysis 1) stomach & contents 2) Intestine - contents 3) liver (NC) 4) Kidney one No.5) Sample of preservative solution of Nacl.

Death would have appeared to have occurred at about 6-12 hrs prior to postmortem."

4.5. After receiving the viscera report, the final opinion was given, which reads as under:

"The deceased would appear to have died of shock and hemorrhage due to multiple injuries and injury to spinal cord in cervical region."

4.6. Sivamurugan [P.W.-22] Inspector of Police continued the investigation from 24.01.2015 and arrested Pakshirajan [A-2] on



27.01.2015. He [P.W.-22] recorded the confession statement of Pakshirajan [A-2], based on which, he [P.W.-22] recovered the following items:

(1) TVS XL Super Heavy duty motorcycle bearing registration No.TN-76-T-8154 ; [M.O.-6]

(2) Bloodstained brown colour lungi with flower design [M.O.-12];

(3) Bloodstained grey colour striped shirt with the mark "Great Raja Tailor Keela Ambur" [M.O.11] under the cover of mahazar [Ex.P-23] in the presence of witnesses Maheswaran [P.W-15] and Esakkimuthu [P.W.12].

4.7. Arun @ Arunkumar [A-1] surrendered before a Magistrate on coming to know of which, the Investigating Officer [P.W.-22] made an application to the Judicial Magistrate, Ambasamuthram for taking him [A-1] into police custody. On the orders of the Magistrate, he [P.W.-22] took Arun @ Arunkumar [A-1] into police custody on 07.02.2015 and recorded his confession statement, based on which, he [P.W.-22] recovered the following items:

(1) Bloodstained billhook measuring 42 cms [M.O.-1] ;

(2) Bloodstained green colour full shirt with the marking 'Coral Junior choice' [M.O.-9]; and

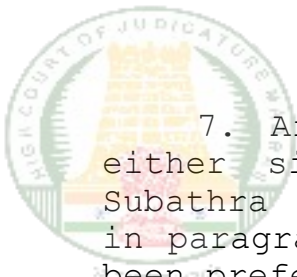
(3) Bloodstained blue colour Lungi [M.O.-10] under the cover of mahazar [Ex.P-17] in the presence of witnesses Sudalaikani [P.W-18] and Backiaraj [not examined].

4.8. It is not known whether Subathra [A-3] was arrested or not, since there is no reference to that in the evidence of the Investigating Officer [P.W.-22]. The Investigating Officer [P.W.-22] completed the investigation after examining various witnesses including the postmortem Doctor [P.W.-16] and the Serologist and filed the final report in P.R.C.No.60/2015 before the Judicial Magistrate, Ambasamuthram for the offences under Sections 449, 294 (b), 302 r/w 34 IPC against Arun @ Arunkumar [A-1], Pakshirajan [A-2] and Subathra [A-3].

4.9. On the appearance of the accused, the provisions of Section 207 Cr.P.C. were complied with and the case was committed to the Court of Session in S.C.No.38/2016 and was made over to the IV Additional Sessions Judge, Tirunelveli, for trial.

5. The trial Court framed the charges as stated in paragraph No.2 supra. When questioned, the accused pleaded not guilty. To prove the case, the prosecution examined 22 witnesses, marked 23 exhibits and 18 material objects. On behalf of the accused one Exhibit [Ex.D-1] was marked.

6. When the accused were questioned under Section 313 Cr.P.C about the incriminating circumstances appearing against them, they denied the same. No witness was examined on the side of the



7. After considering the evidence on record and on hearing either side, the trial court acquitted Pakshirajan [A-2] and Subathra [A-3], however, convicted Arun @ Arunkumar [A-1] as stated in paragraph No.3 above, challenging which, the present appeal has been preferred.

8. Heard Mr.V.Kathirvelu, learned Senior Counsel representing Mr.K.Prabhu, learned counsel on record for the appellant and the learned Additional Public Prosecutor for the respondent State.

9. This case is based on the solitary eye-witness testimony of Rajan [P.W.-1]. Rajan [P.W.-1], in his evidence, has stated that the deceased Anaikkaraimuthu is his father; he [P.W.-1] knows the accused; the accused belong to his village; Arun @ Arunkumar [A-1] and Subathra [A-3] are the son and daughter respectively of Pakshirajan [A-2]; his [P.W.-1's] father Anaikkaraimuthu married one Subbammal, who lived with him for about six months and ran away with one Ramasamy; thereafter, his father married Nesamony through whom, he [P.W.-1] and his four sisters were born; his sisters were given in marriage and they are living separately and that he [P.W.-1] is living with his family in his father's house; Pakshirajan [A-2] was demanding a share in the property of his father for over 10 years by asserting that he was born to him [deceased], whereas, his father repudiated the relationship by stating that Pakshirajan [A-2] was not born to him, but to some unknown person and therefore, his father refused to give him [A-2] any share in the property; on account of this dispute, enmity developed between his father and Pakshirajan [A-2]; on 23.01.2015, around 10.00 a.m, his father, who was unwell, was lying on a wooden bench in the entrance room of the house; his mother had gone to the hospital for getting medicines; he [P.W.-1] was feeding the cattle in the shed located in the front portion of the house; at that time, he [P.W.-1] saw all the three accused entering through the iron gate and proceeding to the entrance hall, where his father was lying; therefore, he [P.W.-1] also went towards the entrance room and at that time, Arun @ Arunkumar [A-1] abused his father by saying "You bastard, you don't deserve to live, as you are not willing to give any share to us"; saying so, Arun @ Arunkumar [A-1] took a billhook and attacked his [P.W.-1's] father on his neck, face and head; on seeing this, he [P.W.-1] raised an alarm by saying "Don't cut, don't cut"; at that time, Pakshirajan [A-2] said, "if you come near, you will also meet the same fate"; after the attack, Arun @ Arunkumar [A-1] and Pakshirajan [A-2] went out of the house, where Subathra [A-3] was standing and all the three fled in a motorcycle bearing registration No.TN-76-T-8154; he [P.W.-1] identified the billhook [M.O.-1] that was used by Arun @ Arunkumar [A-1] to attack his father; he [P.W.-1] also identified the blue colour pillow [M.O.-2]; the bloodstained pillow with the mark 'new orange brand' [M.O.-3]; red colour shawl [M.O.-4]; black colour chappals [M.O.-5]; TVS XL Super Heavy duty bearing registration No.TN-76-T-8154 [M.O.-6]; the bloodstained half sleeve shirt of his father [M.O.-7]; the bloodstained pale orange colour dhoti worn by his father [M.O.-8];



the green colour shirt [M.O.9] that was worn by Arun @ Arunkumar [A-1]; blue colour lungi [M.O.-10] that was worn by Arun @ Arunkumar [A-1]; grey colour striped shirt [M.O.-11] that was worn by Pakshirajan [A-2] ; Coffee brown lungi with flower design [M.O.12] worn by Pakshirajan [A-2].

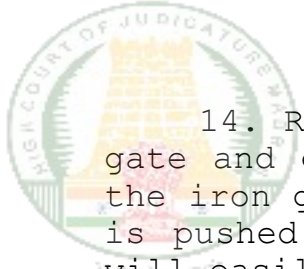
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10. Rajan [P.W.-1] has further stated that he went to the police station along with his relative Kannan [P.W.-4] and gave the complaint [Ex.P-1]. He [P.W.-1] has stated that on his narration, Kannan [P.W.-4] wrote the complaint. He [P.W.-1] was not cross-examined on 04.11.2016, the day on which, he was examined in chief. He [P.W.-1] was recalled for cross-examination on 01.12.2016 and was subjected to grilling cross-examination. In the cross-examination, he has stated that Pakshirajan [A-2] will be called as the son of Ramasamy. Rajan [P.W.-1] has stated that while he was feeding the cattle in the shed, he saw the accused entering the house and thereafter, saw the incident. In the cross-examination, he has stated that Arun @ Arunkumar [A-1] and his father Pakshirajan [A-2] entered through the main gate and at that time, Arun @ Arunkumar [A-1] was having a billhook in his hand. He [P.W.-1] denied the suggestion that he was not present at the place of occurrence. Rajan [P.W.-1] has further stated that the cowshed will be three feet away from the room, where his father was lying and therefore, one can witness the incident clearly. When he [P.W.-1] was asked as to why, he did not do anything to apprehend the accused, he stated that Arun @ Arunkumar [A-1] brandished the weapon and threatened him and so, he got scared; hence, he did not go near them to catch them. In the cross-examination, he [P.W.-1] has stated that the police came to the place of occurrence and found certain fingerprints.

11. According to the accused, Daniel, the son-in-law of the deceased, set fire to the house of the accused after the attack and in that fire, he (Daniel) also died. When they posed this question to Rajan [P.W.-1], he denied the said allegation.

12. Mr.V.Kathirvelu, learned Senior Counsel for the appellant, took this Court through the rough sketch [Ex.P-20] and contended that from the place where the cowshed is located, the incident that is said to have taken place in the front room of the house cannot be viewed and so the evidence of Rajan [P.W.-1] deserves to be rejected.

13. We are unable to agree with this submission, because, on a perusal of the rough sketch, it is seen that the cowshed is located inside the compound of the house of the deceased. It is located diagonally opposite the room, where the deceased was lying on the wooden bench. The entrance to the house of the deceased is on the southern side. A person standing near the cowshed can easily see anyone entering through the front gate.



14. Rajan [P.W.-1] has stated that the accused pushed the iron gate and entered the house with billhook in hand. The presence of the iron gate has not been denied by the defence. When an iron gate is pushed and opened, the noise that emanates from the iron gate will easily alert the inmates of the house, because, their auditory senses would have got attuned to that sound. Rajan [P.W.-1] has not stated that he saw the incident from the cowshed. He has stated that while he was in the cowshed, he saw the accused pushing the gate and entering and as they proceeded towards the front room with billhook in hand, he also went near the front room; thereafter, he [P.W.-1] saw Arun @ Arunkumar [A-1] abusing his father and hacking him to death.

15. The learned Senior Counsel contended that, had Rajan [P.W.-1] been there, he would have embraced the body of his father, due to which, his clothes would have been stained with blood and the failure of the police to seize his clothes is fatal to the case of the prosecution. This submission is indeed very farfetched, because, it assumes too many things. The first assumption is that Rajan [P.W.1] would have rolled over the body of his father. After seeing the ghostly attack, he [P.W.1] would have been dumbfounded and shell-shocked and it is not necessary that he would have wailed over the body of his father in such a way as to stain his clothes with his father's blood. Not everyone will react to a situation in a stereotypical manner.

16. The learned Senior Counsel contended that there is a delay of four hours in the FIR reaching the Court. In our opinion, there is absolutely no delay in this case, because, the FIR was registered at 11.30 hrs. and it had reached the Magistrate at 3.30 p.m. on the same day.

17. The learned Senior Counsel further contended that Sakthivel [P.W.-2], in his evidence, has stated that Rajan [P.W.-1] was not there at the place of occurrence. On scrutiny of the evidence of Sakthivel [P.W.-2], it is seen that he was examined by the prosecution on 04.11.2016 and since he did not support the case of the prosecution, he was declared hostile and the Public Prosecutor cross-examined him. On reading the suggestions made by the Public Prosecutor, we find that Sakthivel [P.W.-2] was not shown as eye-witness, but, he was examined to prove that, he heard Rajan [P.W.-1] hollering from inside the house and on hearing that when he [P.W.-2] went towards the house of the deceased, he [P.W.-2] saw Arun @ Arunkumar [A-1], Pakshirajan [A-2] and Subathra [A-3] coming out of the house with bloodstained weapon in the hand of Arun @ Arunkumar [A-1].

18. As stated above, this witness, viz., Sakthivel [P.W.-2] was declared hostile on 04.11.2016 and the defence did not choose to cross-examine him on that date. The defence filed an application under Section 311 Cr.P.C. and recalled Sakthivel [P.W.-2] for cross-examination on 01.12.2016 and in the cross-examination, they have elicited an answer from him that Rajan



[P.W.-1] was not in the house. We have no good reasons to believe the testimony of Sakthivel [P.W.-2] and disbelieve the testimony of Rajan [P.W.-1].

19. The learned defence counsel contended that had Rajan [P.W.-1] been an eyewitness, there was no necessity for the police to search for and lift fingerprints from the place of occurrence. In our opinion, it is the duty of the police to collect all possible evidences from the scene of occurrence, because, even if humans fail to speak the truth in the Court of law, which happens very frequently, scientific evidence will not lie. However, in this case, the prosecution has not placed any fingerprint evidence before the Court.

20. The learned Senior Counsel contended that in the complaint, [Ex.P-1], which formed the basis for the registration of the FIR, the name of Kannan [P.W.-4] the scribe, does not find place and therefore, the evidence of Rajan [P.W.-1] that, on his narration, his relative Kannan [P.W.-4] wrote the complaint cannot be believed. Just because, in the complaint [Ex.P-1], it is not stated that the scribe of the complaint was Kannan [P.W.-4], the evidence of Rajan [P.W.-1] on this aspect cannot be rejected, because as stated above, Rajan [P.W.-1] would have been in trauma and would not have been in a position to write the complaint. Therefore, he would have requested his relative Kannan [P.W.-4] to be his scribe. Kannan [P.W.-4] has corroborated the evidence of Rajan [P.W.-1] on this aspect and has stated that at the request of Rajan [P.W.-1], he wrote the complaint [Ex.P-1].

21. The learned Senior Counsel contended that in the postmortem report [Ex.P-15], the Doctor [P.W.-16] has observed that rigor mortis was present all over the body and therefore, the occurrence would not have taken place at 10.00 a.m. as alleged by Rajan [P.W.-1], but, must have taken place much earlier.

22. Dr.Subalakshmi [P.W.-16], who conducted the postmortem, has stated in the cross-examination that the deceased would have died between 7.00 a.m. and 10.00 a.m. In the light of this answer, which the accused have got in the cross-examination, this Court cannot disbelieve the evidence of Rajan [P.W.-1] that the incident had taken place at 10.00 a.m. That apart, for rigor mortis to set in, there are so many other factors, including the age of the deceased. In this case, the deceased was 70 years old, as could be seen from the evidence of Dr.Subalakshmi [P.W.-16] and the postmortem report [Ex.P.-15]. Hence, this submission of the defence does not cut any ice with us.

23. Finally, the learned Senior Counsel contended that when the trial Court had acquitted Pakshirajan [A-2] of all the charges, the conviction of Arun @ Arunkumar [A-1] on the same set of evidence is improper. In our opinion, the acquittal of Pakshirajan [A-2] by the trial Court was improper inasmuch as there was

sufficient evidence to convict him [A-2] with the aid of Section 34 IPC, which, the trial Court unfortunately did not do. The following passage from the judgment of the Supreme Court in **Gangadhar Behera and others v. State of Orissa [2002] 8 SCC 381** will put to rest this submission of the learned defence counsel:

"15.....Merely because some of the accused have been acquitted, though evidence against all of them, so far as direct testimony went, was the same does not lead as a necessary corollary that those who have been convicted must also be acquitted...."

24. The learned Additional Public Prosecutor brought to the notice of this Court that the blood group of the deceased was Human 'B' and the Biology report [Ex.P-8] shows the presence of human blood in the billhook [M.O.-1], green colour striped shirt [M.O.-9] and the blue colour striped lungi [M.O.-10]. M.O.-9 and M.O.10 were worn by Arun @ Arunkumar [A-1] and they were seized pursuant to his disclosure. They were also identified by Rajan [P.W.1] and were marked through Rajan [P.W.-1], while he was in the witness box.

25. The learned Additional Public Prosecutor brought to the notice of this Court the evidence of Dr.Gajendravaradhan, [P.W.-17] Assistant Director of Tamil Nadu Forensic Science Laboratory, who examined the materials that were sent through the Court for examination and has given the Biology report [Ex.P-8] and the Serology report [Ex.P-9], was not cross-examined by the accused.

26. On a reading of the evidence of Dr.Gajendra Varathan [P.W.-17] and on perusal of the Biology report [Ex.P-8], it is seen that human blood was detected in the billhook [M.O.-1], pillow [M.O.2], green colour striped shirt [M.O.9] that was worn by Arun @ Arunkumar [A-1], the white half sleeve shirt [M.O.-7] that was worn by the deceased, bloodstained earth [M.O.-13] and bloodstained tile [M.O.-15].

27. The Serology report [Ex.P-9] shows that blood found in all these items were Human B group. Thus, from this, it is obvious that the blood group of the deceased was Human 'B', which was found in the billhook [M.O.-1] used by Arun @ Arunkumar [A-1] and the green colour shirt [M.O.-9] that was worn by Arun @ Arunkumar [A-1]. Arun @ Arunkumar [A-1] has not given any explanation as to how this blood came on his shirt. On this aspect, we may profitably allude to **Nana Kesav Lagad v. State of Maharashtra ([2013] 12 SCC 721)**, wherein, the Supreme Court has stated as follows:

"27.The other submission made on behalf of the appellants was with reference to the human blood found on the clothes worn by A-1 and A-4. It was contended that the prosecution failed to satisfactorily establish through any independent evidence about the bloodstains found on the clothes of A-1, as well as the appellant in Crl.A.No.1010 of 2008. In that respect instead of reiterating the details, it will be sufficient to refer to the conclusion reached by the trial Court, while



dealing with the said contention, which is found in para 63. The relevant part of it reads as under:

63. In the present case, the evidence of API Padwal in this respect is not seriously challenged or shattered. After all the accused were arrested under panchnama and at the time of arrest, panchnama of accused Nana bloodstained clothes were seized. It is not in any way contended or for that matter even whispered that IO API Padwal was having any rancour against the accused or he was motivated or interested in one-sided investigation with the sole object of implicating the accused. As a matter of fact, the investigation in this case appears to be totally impartial. When it transpired that two accused by name Sandeep and Ganesh, the juvenile delinquent have not taken part in the assault, their names were deleted from the prosecution case by filing report under Section 169 CrPC. Therefore, here the investigation has proceeded impartially and it is also not even for the sake of it, is suggested to API Padwal that, no such bloodstained clothes were recovered from the accused Nana, moreover, as per the settled position of law, there is no presumption in law that a police officer acts dishonestly and his evidence cannot be acted upon. Therefore, here the evidence of API Padwal is sufficient to prove the recovery of the bloodstained clothes of the accused. His evidence also goes to prove that all these articles, bloodstained clothes, etc. were sent to CA and as per the CA report, Ext.61, the blood was detected on the clothes of the accused and the deceased and this blood was human blood In the present case, though the CA report, Ext.61 shows that the said human blood was of Group B, CA report, Ext.62 about the blood sample of the accused states that the blood group could not be ascertained as the results were inconclusive, moreover, there is no CA of the blood sample of the deceased to prove that he was having Blood Group B. However, the fact remains that the stains of human blood were found on the clothes of accused Nana and he has not explained how these bloodstains were on his clothes and therefore, as observed in this authority, it becomes one more highly incriminating circumstance against the accused.



clothes worn by them contained human blood. In Section 313 questioning, no explanation was forthcoming from the appellants. In these circumstances, the said contention also does not merit any consideration."

This passage has also been approved and followed by the Supreme Court in **Gangabhai v. State of Rajasthan {[2016] 15 SCC 645}**.

29. In the result, this criminal appeal is devoid of merits and the same stands dismissed and the judgment of the trial Court in S.C.No.38/2016 stands confirmed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

RR

To

- 1.The IV Additional Sessions Judge Tirunelveli.
- 2.The Judicial Magistrate, Ambasamudram, Tirunelveli.
- 3.The Chief Judicial Magistrate, Tirunelveli.
- 4.The Inspector of Police, Kadayam Circle
Alwarkurichi Police Station, Tirunelveli.
- 5.The Superintendent, Central Prison, Palayankottai.
6. The District Collector, Tirunelveli.
7. The Commissioner of Police, Tirunelveli.
8. The Director General of Police, Mylapore, Chennai 5.
- 9.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

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

+1CC TO MR.K.PRABHUR, Advocate Sr. No. 60332

Judgment made in **Cr1.A.(MD)No.205 of 2017**
11.04.2019