



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2019

CORAM:

The HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL A(MD)No.265 of 2013 & CRL RC(MD)No.515 of 2013

Crl A(MD)No.265 of 2013 :

State rep.by the Inspector of Police,
Lalgudi Circle, Trichirappalli District.
(Kallakudi P.S
Crime No.31 of 2010)

... Appellant / Complainant

Vs.

1.S.Murugan

2.Karuppusamy @ Kuttai Karuppu

3.Selvam @ Iyyanar

... Respondents / Respondents
(Accused - A1 TO A3)

Prayer : Criminal Appeal is filed under Section 378 of Criminal Procedure Code to set aside the judgment of acquittal of the respondents/accused (A1 to A3) passed by the Additional District and Sessions Court (Fast Track Court No.2), Trichirappalli in S.C No.99/2010 dated 25.04.2011, convict the respondents/accused (A1 to A3) for the charges framed against them.

Crl RC(MD)No.515 of 2013 :

Rathinasamy

... Petitioner

Vs.

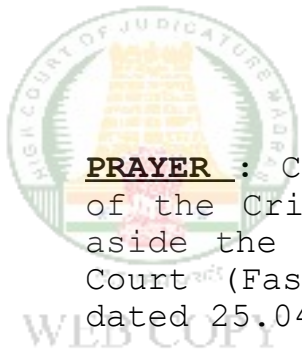
1.S.Murugan

2.Karuppusamy @ Kuttai Karuppu

3.Selvam @ Iyyanar

4.The Inspector of Police,
Kallakudi Police Station,
Lalgudi, Trichy District.

... Respondents



PRAYER : Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code to call for the records and to set aside the judgment passed by the Additional District and Sessions Court (Fast Track Court No.2), Trichirappalli in S.C No.99/2010 dated 25.04.2011.

In Cr1 A(MD)No.265 of 2013 :

For Appellant : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

For R1 : Mr.M.Kannan

For R2 & R3 : Mr.R.Srinivasan

In Cr1 RC(MD)No.515 of 2013 :

For Petitioner : Mr.M.Karunanithi
for Mr.C.Jeganathan

For R1 : Mr.M.Kannan

For R2 & R3 : Mr.R.Srinivasan

For R4 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

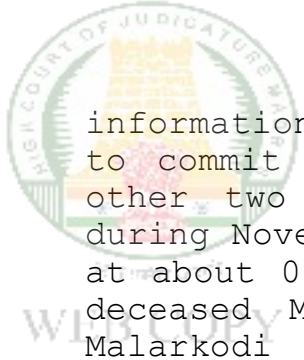
COMMON JUDGMENT

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

The appellant-State of Tamil Nadu has preferred Criminal Appeal (MD)No.265 of 2013 against the Judgment dated 25.04.2011 passed by the learned Additional District and Sessions Judge/Fast Track Court No.2, Trichirappalli in Sessions Case No.99 of 2010. By the said judgment, the learned Trial Judge acquitted the respondents- accused under Sections 120(B), 450, 302 and 394 r/w 397 of IPC. The defacto complainant has also filed Criminal Revision (MD)No.515 of 2013 questioning the said judgment of acquittal.

2.The prosecution case, briefly stated, is as under :

The deceased Malarkodi was a licensed pawn broker. She was having her residence cum shop at Neelamegam Asari Colony, Palaniyandi Nagar, Kallakudi. She was residing along with her husband Rathinasamy at the said address. The first accused Murugan was residing in the house of his father in law Philominraj which is situated near Malarkodi's residence. The first accused had pledged his jewels and borrowed some amount from Malarkodi. When the wife of the first accused redeemed the same, she saw that the pledged jewels were kept in a box in the house. She passed on the said

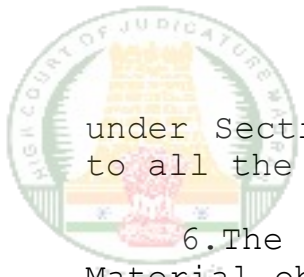


information to the first accused which induced in him an intention to commit robbery of the jewels. He took the assistance of the other two accused and all the three accused conspired together during November 2009 and pursuant to their conspiracy, on 05.02.2010 at about 04.00 A.M, they entered the back-side of the house of the deceased Malarkodi. The first accused knew that the deceased Malarkodi would wake up by 04.00 A.M and open the tap in the washbasin in the kitchen. The accused inserted a cloth in the washbasin drain pipe. The plan of the accused was that the washbasin would overflow and that Malarkodi would come out of the house to find out if there is any block in the drain pipe.

3.As anticipated by the accused, the deceased Malarkodi finding that the water from the washbasin overflowing, opened the back door of the house to check the water drain pipe. The accused were waiting outside in the backyard. The second accused put a rope around the neck of Malarkodi and dragged her out of the house. The other two accused pulled the noose and strangled her. The third accused held the head of Malarkodi and hit her against the wall. As a result of asphyxiation and head injuries, Malarkodi died on the spot. The accused removed her Thali, ear studs and ear chain totally weighing about 10 sovereigns from her person. Then they trespassed into the house of the deceased through the back door and committed theft of gold jewels weighing about 70 sovereigns and 1.350 kgs of silver jewels from the bureau, cup-board and pooja almirah. After committing the said robbery, they escaped.

4.P.W 1, the husband of Malarkodi is a retired Village Administrative Officer. According to him, they were sleeping in separate bed rooms. He came to know what happened only when he woke up at around 06.30 A.M. After informing his sons who were residing elsewhere, he went to Kallikudi Police Station with his relatives and lodged Ex.P1 Complaint. It was registered as Crime No.31 of 2010 under Sections 302 and 380 IPC at about 08.00 A.M on 05.02.2010. The Inspector of Police, Lalgudi Circle filed the final report against the accused 1 to 3 under Sections 120(B), 450, 302, 302 r/w 34, 394 r/w 397 IPC.

5.The Judicial Magistrate, Lalgudi furnished copies of documents to the accused under Section 207 of Cr.PC and committed the case to the Sessions Court. It was taken on file as SC No.99 of 2010 and made over to the Additional District and Sessions Judge/FTC No.2, Trichirappalli. The learned Trial Judge framed four charges against the accused. The first charge was that the accused committed the offence of conspiracy punishable under Section 120 (B) of IPC. The second charge was that they with a common intention, murdered Malarkodi and to loot the jewels trespassed into her house and committed the offence punishable under Section 450 of IPC. The third charge was that they committed murder of Malarkodi and thereby committed the offence punishable under Section 302 IPC. The fourth charge was that they robbed 80 sovereigns of gold jewels and 1.350 kgs of silver jewels and thereby committed the offence punishable



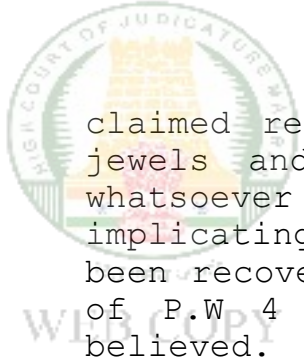
under Section 394 r/w 397 of IPC. The accused pleaded not guilty to all the four charges.

6. The prosecution examined 14 witnesses and marked 22 Exhibits. Material objects M.O 1 to M.O 22 were also marked. On the side of the defence, two journalists were examined as D.W 1 and D.W 2 and a newspaper clipping was marked as Ex.D1. The learned Trial Judge by judgment dated 25.04.2011 held that the prosecution failed to prove the charges framed against the accused beyond all reasonable doubt and finding the accused not guilty of the charges framed, acquitted them under Section 232 of Cr.PC. Challenging the judgment of acquittal, both the State as well as the defacto complainant have filed this criminal appeal and criminal revision case respectively. It is true that the scope of criminal revision is rather limited. But then, in this case, it must be noted that the State has also filed criminal appeal.

7. The learned Additional Public Prosecutor appearing for the State as well as the learned counsel appearing for the defacto complainant submitted that the judgment of the Trial Court is perverse. Though there is no direct evidence to prove the charges framed against the accused, the circumstances marshalled by the prosecution clearly point to the guilt of the accused. The circumstances against the accused are that they were seen near the occurrence spot around the time of commission of the crime and that all the stolen articles were recovered following their confession. Therefore, adverse inference ought to have been drawn against the accused under Section 114 (a) of the Indian Evidence Act.

8. The learned Additional Public Prosecutor emphasised the fact that the stolen articles were recovered from behind the house of Philominraj who was none other than the father in law of the principal accused Murugan. The sniffer dog "Jack" which was summoned immediately after the occurrence of the crime stopped outside the house of Philominraj and did not go beyond. It has been brought out in the evidence that Murugan was very much residing in the house of Philominraj. The accused were found near the house of the deceased in the early hours of 05.02.2010 as per the evidence of P.W 4. The "last seen theory" could be very well pressed against the accused in this case. The post-occurrence conduct of A1 Murugan in surrendering before the Judicial Magistrate Court at Virudhunagar should also be taken note of. He placed reliance on the decisions of the Hon'ble Supreme Court reported in (2002) 1 SCC 731 (Ganesh Lal vs. State of Rajasthan), (2009) 17 SCC 208 (Abuthagir and others vs. State of Tamilnadu), (1978) 3 SCC 279 (Mohan Lal vs. Ajit Singh) and (2015) 7 SCC 148 (Pawan Kumar vs. State of U.P)

9. Per contra, the learned counsel appearing for the respondents submitted that the impugned judgment of acquittal does not warrant any interference. They pointed out that there is no direct evidence in support of the prosecution case. Though the prosecution



claimed recovery of M.O 6 series containing as many as 148 gold jewels and 24 items of silver jewelry, there is no reference whatsoever to them in Ex.P1 complaint. Only for the purpose of implicating the accused, the pledged jewels were shown as having been recovered later at the instance of the accused. The presence of P.W 4 at about 04.00 A.M on the occurrence date cannot be believed. Even though P.W 4 claimed that one Lalitha witnessed him conversing with Al Murugan, she was not examined. More than anything else, P.W 7 has been proved to be a rank liar. The Trial Court had the advantage of observing the demeanour of the witnesses. It chose to disbelieve the prosecution version.

10. Though the plenitude of power available to the Court hearing an appeal against acquittal is the same as that available to a court hearing an appeal against an order of conviction, but, however, the court hearing an appeal against acquittal, will not interfere solely because a different possible view may arise from the evidence. The Supreme Court in the case of *C. Anthony v. K.G Raghavan Nair* (2003) 1 SCC 1) has observed that while hearing an appeal against an order of acquittal, if two reasonable conclusions can be reached on the basis of the evidence on record, the appellate court should not disturb the finding of the trial Court. (vide 2015 SCC Online Bom 617). The learned counsel also placed reliance on the decisions of the Hon'ble Supreme Court reported in (2015) 7 SCC 178 (Tomaso Bruno vs. State of U.P) and (2014) 13 SCC 408 (Thimmareddy vs. State of Karnataka).

11. We carefully considered the rival contentions. This is a case of murder for gain. P.W 1 is the husband of the deceased. Ex.P1 complaint was lodged soon after the occurrence of the crime. The Inspector of Police, Kallakudi Police Station informed the Trichy Sniffer Dog Squad at about 08.15 A.M. The sniffer dog smelt the dead body lying at the backyard of the house and then it went inside the house and smelt various articles. Then it went to the back entrance and from there again went to the front entrance and proceeded on the path way of the Palaniyandi Nagar and reached the main road leading to Trichy. It stopped in front of the house owned by Philominraj who is none other than the father in law of the first accused Murugan. The sniffer dog did not proceed further. The dairy details were filled in by the dog-handler R.Manikandan who was examined as P.W 13. The dairy details were marked as Ex.P16. In Ex P.16 it is mentioned that the sniffer dog stopped in front of the house of Upakarar in the main road. The cross examination of P.W 13 revolved only on this aspect. Even though P.W 13 deposed that the owner of the Upakarar's house was Philominraj, it was not challenged in the cross examination.

12. It has been consistently opined that evidence of dog tracking, even if admissible, is not ordinarily of much weight. No accused can be found guilty on the strength of identification by sniffer dog. But then, it is equally well settled that the services of a sniffer dog can be taken for the purpose of investigation (vide

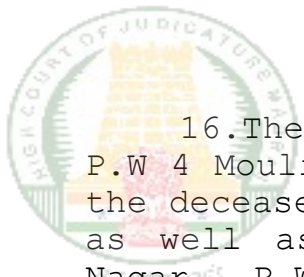


(2014) 11 SCC 129 (Lalit Kumar vs. State). In this case, "Jack" sniffer dog after picking up the scent from the place of occurrence went right up to the house of Philominraj where the accused was also residing.

13. The second and third accused were arrested on 11.02.2010 at about 24.00 hrs. They were examined in the presence of P.W 7 Pon Prabakar and one Marlarmannan. They gave confession statements. The admissible portion in the confession statement of A2 Karuppusamy is Ex.P5. According to the prosecution, A2 Karuppusamy took the police to the place behind the house of Philominraj and M.O 7 cloth bag containing M.O 6 series of gold jewels were recovered. Likewise, A3 Selvam gave confession statement and the admissible portion is Ex.P 6. At his instance, as many as 24 silver jewels, one Minolta camera, gold colour watch and one plastic bag were dug out. They have been duly recorded in the recovery mahazar. The case of the prosecution against the said two accused namely Karuppusamy and Selvam is primarily anchored on the recovery of M.O 6 series containing gold jewelry and silver items.

14. We have to see whether the recovery of M.O 6 series at the instance of A2 and A3 is believable. The defacto complainant had only mentioned that 10 Sovereigns of gold thali chain, one sovereign stud and chain of the deceased were stolen. They did not form part of M.O 6 series. If as many as 148 items of gold jewelry and 24 items of silver items were also stolen, they would have certainly been mentioned in Ex.P1 complaint. This definitely raises some suspicion as to whether M.O 6 series items were ever stolen at all. P.W 7 Pon Prabhakar is a witness who had attested the confession statements namely Ex.P5 and Ex.P6 and also Ex.P7 Recovery Mahazar. P.W 7 claimed that he did not know the deceased Malarkodi till 11.02.2010. According to him, he is a medical representative who was waiting in Samayapuram Toll Plaza with his friend when he was requested by the investigating officer to witness the arrest of these two accused and subsequent recovery. But, it was elicited during the course of cross examination that P.W 7 Pon Prabhakar had signed as a witness in Ex.P 18 inquest report. The inquest had taken place on 05.02.2010 itself. It was specifically suggested that P..W 7 is a relative of P.W 1.

15. The learned Trial Judge rightly disbelieved the evidence of P.W 7. Even though he was the fifth witness in Ex.P 18 inquest report that was prepared on 05.02.2010, he chose to make a brazen assertion in the cross examination that he did not know who Malarkodi was till 11.02.2010. He would claim that he was present by chance at around 24.00 hours near the Samayapuram Toll Plaza when the police arrested A2 and A3. He was not only a witness for the arrest of A2 and A3, but he willingly accompanied the police to the place where M.O 6 series etc., were recovered. The distance from Samayapuram Toll Plaza and the place of recovery is about 22 kms. It was past midnight. Thus, P.W 7 emerges as an obliging witness.



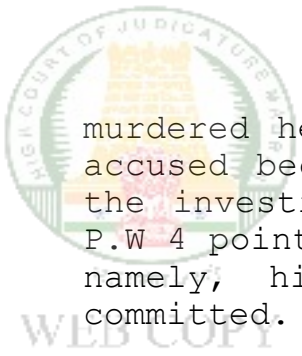
16. The other circumstance relied on by the prosecution is that P.W 4 Moulin Chinnaraj had seen the three accused near the house of the deceased at about 04.00 A.M on the fateful day. Both Karuppusamy as well as Selvam (A2 and A3) are not residents of Palaniyandi Nagar. P.W 4 had no acquaintance with them at any point of time. He did not furnish the investigating officer with any descriptive particulars of the said two accused prior to their arrest. The investigating officer also did not conduct any identification parade. Therefore, it would be most unsafe to find these two accused namely A2 and A3 guilty of the charges on the strength of the testimony of P.W 4. We are of the view that the reasons given by the learned Trial Judge for acquitting A2 and A3 are very much sound and do not warrant any interference.

17. Now, we have to see whether the prosecution succeeded in proving the case against the first accused Murugan beyond reasonable doubt and whether the learned Trial Judge was justified in acquitting him.

18. It has been clearly established that the murder would have taken place between 04.00 A.M to 06.00 A.M on 05.02.2010. On the said date, P.W 4 Moulin Chinnaraj happened to see three persons near the house of deceased Malarkodi. Of course, we have rejected his testimony to the extent it implicates the presence of the other two accused namely Karuppusamy and Selvam. But, merely because we found his testimony to be improbable insofar as A2 and A3 is concerned, it is not a ground to reject his testimony as a whole. During the relevant time, P.W 4 was residing adjacent to the house of the victim. A1 Murugan was also residing in the very same locality. P.W 4's assertion that he knew the name of the first accused as Murugan could not be shaken during the cross examination.

19. A faint suggestion was put that he was related to the deceased Malarkodi. The deceased was a Hindu while P.W 4 is a Christian and there is nothing on record to indicate that he was otherwise related to the deceased. P.W 4 is not an interested witness. There is no earthly reason as to why he should depose against the first accused. During the relevant time, P.W 4 was working as an apprentice in Dalmia cement company. P.W 4 also deposed that he casually enquired Murugan as to why he has come at that point of time and that A1 Murugan replied that his child was not well and that therefore they have come to get money by pledging jewels.

20. The learned counsel for the accused would want us to disbelieve the evidence of P.W 4 because he did not inform the police immediately about his having seen Murugan-A1 and two others on the same day. We are of the view that the testimony of P.W 4 cannot be rejected on this ground. The suspicion of P.W 4 was not aroused when he saw Murugan and two others in the early hours of 05.02.2010. Even when he came to know later that Malarkodi was



murdered he did not join the dots. Only when the arrest of the accused became known, he remembered what he had seen and informed the investigating officer about the same. Thus, the evidence of P.W 4 points to one circumstance against the first accused Murugan, namely, his presence near the scene of crime before it was committed.

21. It is not in dispute that the sniffer dog stopped outside the house of Philominraj, the father in law of A1 Murugan. The identification by the sniffer dog can always provide starting point for investigation. A1 Murugan who was residing in the house of his father in law where the sniffer dog stopped, was not available from then on. He surrendered before the Judicial Magistrate Court, Virudhunagar on 09.02.2010. He was taken to police custody on 18.02.2010. He was examined in Kallakudi Police station in the presence of Thiru. Balakrishnan and Hariharasuthan P.W 8. He gave a confession statement. The admissible portion of the confession statement is Ex.P9.

22. A1 Murugan took the police to the backside of the house situated behind the house of Philominraj along with the witnesses and took out one Thali chain, Thali beads and dollars, one pair of ear studs, pendant and ear chain (M.O 1 to M.O 5 series). His two wheeler was also seized. The recovery was recorded in Ex.P10 recovery mahazar in the presence of the same witnesses. P.W 8 speaks about the recovery of the aforesaid articles. P.W1 Rathinasamy identified the aforesaid recovered articles M.O1 to M.O 5 as the ones that were worn by the deceased Malarkodi. Ex.P1 complaint filed by him referred to those articles as stolen from the person of Malarkodi. These very articles were recovered pursuant to Ex.P9 confession given by A1 Murugan.

23. The counsel for the defence would categorise the recovery as highly doubtful as according to them they were recovered much earlier and the photographs of the recovered jewels appeared in the media. In this regard, the accused examined two journalists D.W1 and D.W2. D.W 1 was the Chief Reporter of Dinakaran Daily and the news item published in Dinakaran Daily dated 13.02.2010 was marked as Ex.D1. D.W1 did not take the photograph. In any event, he did not depose that M.O 1 to M.O 5 were the articles that he saw in the police station.

24. The accused could have very well debunked the recovery claimed by the police by simply calling upon D.W 1 to confirm in the witness box that M.O 1 to M.O 5 were the ones that he saw on 13.02.2010. Had D.W 1 deposed that M.O 1 to M.O 5 were the articles which were photographed on 13.02.2010, then they could not have been recovered on 18.02.2010 at the instance of A1 Murugan. The accused failed to elicit any such testimony from their own witnesses. Therefore, we are inclined to accept the evidence of the prosecution that M.O 1 to M.O 5 were recovered at the instance of A1 on 18.02.2010.



25. The Hon'ble Supreme Court in the decision reported in (2000) 6 SCC 269 (State of Maharashtra vs. Damu) held as follows :

"35. The basic idea embedded in Section 27 of the Evidence Act is the doctrine of confirmation by subsequent events. The doctrine is founded on the principle that if any fact is discovered in a search made on the strength of any information obtained from a prisoner, such a discovery is a guarantee that the information supplied by the prisoner is true. The information might be confessional or non-inculpatory in nature, but if it results in discovery of a fact it becomes a reliable information. Hence the legislature permitted such information to be used as evidence by restricting the admissible portion to the minimum. It is now well settled that recovery of an object is not discovery of a fact as envisaged in the section. The decision of Privy Council in Pullukuri Kottayya vs. Emperor AIR 1947 PC 67 is the most quoted authority for supporting the interpretation that the "fact discovered" envisaged in the section embraces the place from which the object was produced, the knowledge of the accused as to it, but the information given must relate distinctly to that effect.

36. No doubt, the information permitted to be admitted in evidence is confined to that portion of the information which "distinctly relates to the fact thereby discovered". But the information to get admissibility need not be so truncated as to make it insensible or incomprehensible. The extent of information admitted should be consistent with understandability."

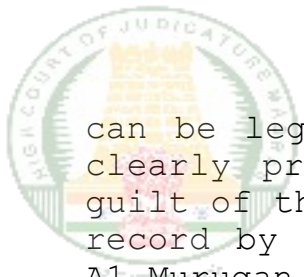
26. As rightly contended by the learned Additional Public Prosecutor and the learned counsel for the revision petitioner, the recovery of the stolen jewels mentioned in Ex.P1 complaint in pursuance of the confession made by Al Murugan is an importance piece of evidence against him. The Hon'ble Supreme Court in the decision reported in (1978) 3 SCC 279 (Mohan Lal v. Ajit Singh) held as follows :

"49. The recovery of the incriminating articles in pursuance of the respondent's information is an important piece of evidence against him. As has been held by this Court in Baiju alias Bharosa v. State of Madhya Pradesh, the question whether a presumption should be drawn against the respondent under illustration (a) of section 114 of the Evidence Act is a matter which depends on the evidence and the circumstances of each case. The nature of the recovered articles, the manner of their acquisition by the owner, the nature of the evidence about their identification, the manner in which the articles were dealt with by the



accused, the place and the circumstances of their recovery, the length of the intervening period and the ability or otherwise of the accused to explain the recovery, are some of those circumstances. As the ring Ex. P. 1 was made of gold and bore the initials of the deceased, and the goldsmith Kartar Singh (P.W. 17) had established its identity, there could be no doubt whatsoever that it belonged to the deceased. It is also a matter of great significance that it was found tied in a handkerchief along with the other two highly incriminating articles, namely, the finger marked currency note Ex.P. 10 and the respondent's purse Ex. P. 9 about whose identity there can possibly be no reason for any doubt. The respondent knew that he would be suspected of the crime because the deceased was last seen in his company, and the fact that he buried the articles near the water lift in the middle of the way leading from Khankhanwali to his village Roranwali shows that he wanted the articles to lie there until he could feel reassured enough to dig them out. It however so happened that he was suspected from the very beginning, was arrested within four days and gave the information within the next two days which led to the discovery of an important fact within the meaning of section 27 of the Evidence Act. It must therefore be held that the incriminating articles were acquired by the respondent at one and the same time and that it was he and no one else who had robbed the deceased of the money and the ring and had hidden them at a place and in a manner which was known to him. Then there is the further fact that the respondent was unable to explain his possession of the ring and the money and did not even attempt to do so. The currency note Ex. P. 10 was found on the top of the bundle of currency notes of the value of Rs. 4,142/-, and we have given our reasons for holding that it bore the respondent's fingerprint. It will be recalled that the deceased was undoubtedly in possession of currency notes because of the realisations he had made from the debtors of the Co-operative Society only a little while earlier, and the fact that the respondent hid the notes after tying them in a handkerchief, shows that he knew that their possessions with him would be incriminating and unexplainable. The intervening period between the loss of the money and the ring by the deceased and their recovery was not more than six days, which was quite a short period. All these facts were not only proof of robbery but were presumptive evidence of the charge of murder as well."

27. In this case, there is no direct evidence with regard to the crime. The case of the prosecution rests only on circumstantial evidence. Taken together, the guilt of the first accused Murugan



can be legally inferred. The evidence adduced by the prosecution clearly proves the chain of events connecting A1 Murugan to the guilt of the commission of offence. The entire evidence brought on record by the prosecution is convincing and trustworthy as against A1 Murugan. Merely because we have disbelieved the prosecution case against A2 and A3, that does not mean that the evidence against A1 also should be thrown away.

28.The incriminating facts and circumstances are found to be incompatible with the innocence of A1. On a careful appraisal of the evidence on record, we are convinced that the prosecution had established its case beyond reasonable doubt and it points to the guilt of A1 Murugan. The learned Trial Judge failed to sift the grain from the chaff. It is this failure that led the Trial Court to acquit all the accused. The recovery of M.O 1 to M.O 5, which were the jewels worn by the deceased Malarkodi and which have been referred to in Ex.P1 itself at the instance of A1 Murugan, coupled with the evidence of P.W 4 who had seen A1 near the house of Malarkodi during the relevant time, is constitute proof of robbery and also the charge of murder as well. They are sufficient to hold that the prosecution has proved its case against A1 Murugan beyond reasonable doubt. We therefore hold that A1 is guilty of the offences under Sections 450, 302 and 394 r/w 397 IPC. However, his acquittal for the offence under Section 120(B) IPC must be confirmed.

29.For reasons mentioned above, we modify the judgment of the Trial Court and convict A1 Murugan for the offences under Sections 450, 302 and 394 r/w. 397 of the Indian Penal Code. In the circumstances of the case, we think it sufficient to sentence him to imprisonment for life for the offence under Section 302 of IPC and imprisonment for seven years for the offence under Sections 394/397 and imprisonment for seven years for the offence under Section 450 of IPC. The sentences shall run concurrently.

30.In the result, the Judgment dated 25.04.2011 passed by the learned Additional District and Sessions Judge/Fast Track Court No.2, Trichirappalli in Sessions Case No.99 of 2010 is modified. The Trial Court is directed to take appropriate steps to secure the first accused Murugan and commit him in prison to serve the period of sentence. The appeal filed by the State is partly allowed and no orders are necessary to be passed in Cr1 RC(MD)No.515 of 2013. It stands disposed of accordingly.

SD

ASSISTANT REGISTRAR (CS III)

TRUE COPY

SUB ASSISTANT REGISTRAR

Skm



To

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
FAST TRACK COURT NO.2, TRICHIRAPPALLI.
2. THE SUPERINTENDENT OF POLICE, TIRUCHIRAPPALLI.
3. THE DISTRICT COLLECTOR, TIRUCHIRAPPALLI DISTRICT,
TIRUCHIRAPPALLI.
4. THE DIRECTOR GENERAL OF POLICE,
MYLAPORE, CHENNAI 4.
5. THE PRINCIPAL DISTRICT JUDGE, TIRUCHIRAPPALLI.
6. THE INSPECTOR OF POLICE, KALLAKUDI POLICE STATION,
LALGUDI, TRICHY DISTRICT.
7. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF THE MADRAS HIGH COURT, MADURAI.

1CC TO MR.M. KANNAN,ADVOCATE SR 52776
1CC TO MR. R. SRINIVASAN, ADVOCATE SR 53037

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CRL A(MD)No.265 of 2013 &
CRL RC(MD)No.515 of 2013
08.03.2019