

IN THE HIGH COURT OF JUDICATURE AT MADRAS

JUDGMENT RESERVED ON : 30.10.2019

JUDGMENT DELIVERED ON : 23.01.2020

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

and

THE HON'BLE Mr. JUSTICE RMT.TEEKAA RAMAN

CrI.A.No.723 of 2017

Dorr @ Ganesan

.. Appellant/Sole Accused

... Vs ...

State represented by
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
Crime No. 1068 of 2011

..Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374(2) of Cr.P.C, praying to set aside the judgment passed in S.C.No.130 of 2012, dated 29.04.2014, on the file of the Principle and District Sessions Court, Salem.

For Appellant : Mr.T.Muruganantham

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

JUDGMENT

RMT.TEEKAA RAMAN, J.

Challenge is made to the judgment passed by the learned Principal District and Sessions Judge, Salem, in S.C.No.130 of 2012, dated 29.04.2014, whereby, the sole accused/appellant stood charged and tried under Sections 302 and 392 r/w. 397 IPC and on trial, he was found guilty under Sections 302 and 392 r/w. 397 IPC and convicted for the offence under Section 302 IPC and sentenced to undergo Life Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo further period of six months Simple Imprisonment and also convicted for the offence under Section 392 r/w. 397 IPC and sentenced to undergo seven years Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo further period of six months Imprisonment. Both the sentences were ordered to run concurrently. Seeking to set

aside the said conviction and sentence rendered by the learned Principal District and Sessions Judge, Salem, the present appeal is filed by the appellant/sole accused.

2. The case of the prosecution, in brief, is as follows:-

2.1. P.W.1-Venkatesh is the brother-in-law of the deceased Raja @ Senthil Raja and he was running a saloon shop at Veeravanji street in Salem. Three years prior to the occurrence, P.W.1 had brought his brother-in-law to teach the saloon trade and after giving training to him, one year prior to the occurrence, the deceased set up a separate barber shop in the name and style of "Sri Surya Gents Beauty Parlor". Since there was only one room in the house of P.W.1, the deceased used to take food in his sister's house viz., house of P.W.1 and used to sleep in the saloon shop, around 9.30 p.m. every day and again, go for the breakfast in the morning.

2.2. On 27.07.2011 at about 09.30 p.m., the deceased took dinner in the house of P.W.1 and went to his shop for sleeping as usual; on the next day morning i.e., on 28.07.2011, in spite of several calls through the cell phone by P.W.1, there was no response from the said Raja @ Senthil Raja, and hence, P.W.1 went to the said saloon shop of the deceased after dropping his children in the School and saw that the door was half closed and half lifted and with the help of the neighbours, P.W.1 raised up the shutter and found his brother-in-law in a pool of blood with cut injuries all over the body and also found that a sum of Rs.33,000/-, and a cell phone were missing and hence, P.W.1 lodged a complaint under Ex.P.1.

2.3. On the basis of the said complaint-Ex.P.1, EX.P.26-FIR was registered by the Investigating Officer and in the presence of P.W.11-Vasudevan, who was running a tailoring shop opposite to the shop of the deceased, Observation Mahazar-Ex.P.2 was prepared and M.O.1 to M.O.10 were seized under Ex.P.3-Seizure Mahazar from the scene of the crime.

2.4. Thereafter, on 24.08.2011, the accused surrendered before P.W.12-Subramani, Village Administrative Officer and gave a confession statement pleading and admitting his guilt and based upon the admissible portion of the confession statement-Ex.P.6, M.O.12-bloodstained saving knife, M.O.13-bloodstained steel scissor, M.O.14-bloodstained Jeans pant and M.O.15-bloodstained baniyan were seized under Ex.P.7-Seizure Mahazar and other materials were also seized under Seizure Mahazars-Ex.P.8, P.9, P.10 and P.11.

2.5. The Investigating Officer has conducted the investigation and send the dead body for post-mortem under the requisition-Ex.P.12 and from the scene of occurrence, finger print squad was put into action and they also lifted samples from the scene of the crime and P.W.18-Dr.Gokularamanan, at Salem Government Mohan Kumaramangalam Hospital, conducted post-mortem on the dead body of the deceased and found the following injuries:-

"Injuries :-

(1) a stab injury seen on the outer aspect of back of right side of chest at 1.2 cm x 0.7 cm x 2 cm. It is 20 cm from the right axillary and 18 cm from the middle.

(2) A scratch abrasion seen on the upper aspect of right side of chest of 3 cm x 0.3 cm, 6 cm from the right nipple.

(3) A stab injury seen on the upper aspect of right side of chest, 1 cm below the inner aspect of right clavicle of 1.3 cm x 0.7 cm x 1.5 cms.

(4) Another stab injury seen below the previous injury of 1 cm x 0.6 cm. Thoracic cavity deep, with a normal skin of about 0.3 cm in between.

(5) A scratch abrasion seen on the inner aspect of right shoulder of 1cm x 0.3 cm.

(6) a vertical contusion seen on the outer and upper aspect of right side of chest of 4 cm x 0.4 cm x 0.2 cm.

(7) A cut injury seen on the inner aspect of left side of chest of 0.9 cm x 0.5 cm, 2 cm below the inner aspect of left clavicle tailing on inner aspect of 1cm x 0.2 cm.

(8) A stab injury seen on the upper aspect of left side of chest 0.9 cm x 0.5 cm x 1 cm, 3 cm below left clavicle.

(9) 1.5 cm below the previous injury, a stab injury seen of 0.7 cm x 0.4 cm x 1.5 cm. A stab injury of 0.6 cm x 0.4 cm x 0.8 cm seen 5 cm below the inner aspect of right clavicle.

(10) A stab injury of 0.5 cm x 0.3 cm x 0.8 cm seen 1 cm below the previous stab injury.

(11) A cut injury side open seen over the front and sides of neck of 12 cm x 4 cm x muscle deep, exposing underlying thyroid cartilage and muscles of both sides of neck, with extravasation of blood.

(12) A cut injury seen on the centre of right side of neck of 8 cm x 3 cm x bone deep as below the previous injury exposing underlying cut muscles, great vessels and cut fracture at the junction of C2 and C3 with extravasation of blood into surrounding region.

(13) Another cut injury seen on the lower aspect of right side and back of neck of 9 cm x 3 cm x muscle deep, with a skin of about 5 mm in between the previous cut injury with extravasation of blood.

(14) A previous cut injury seen around 1 cm from the angle of right eye of 4 cm x 1 cm x 0.5 cm with extravasation of blood.

(15) A contusion seen on the back of right hand below the right index finger of 3 cm x 2 cm x 0.5 cm.

(16) A cut injury seen on the back of centre of right forearm of 1.3 cm x 0.5 cm x 0.3 cm.

(17) A cut injury seen on the inner aspect of right palm of 1.3 cm x 0.5 cm x 0.5 cm.

(18) A cut injury seen on the outer aspect of right palm of 1 cm x 0.2 cm.

(19) A cut injury seen on the outer aspect of left shoulder of 5 cm x 1.5 cm x 0.8 cm.

(20) A cut injury seen on the back of left hand of 0.6 cm x 0.3 cm x 0.3 cm.

(21) An abrasion seen on the outer aspect of left elbow of 0.9 cm x 0.4 cm.

(22) Another abrasion seen on the inner aspect of left elbow of 1cm x 0.5 cm.

(23) A scratch abrasion seen on the outer aspect left leg of 1 cm x 0.8 cm.

(24) A cut injury seen on the outer aspect of left side of chest of 0.6 cm x 0.3, 18 cm below the mid axilla.

(25) A linear scratch abrasion seen on the outer aspect of left side of chest and abdomen of 23 cm x 0.2 cm. In all the cut injuries, edges, clean cut and in stab injuries edges regular with blunt of angle."

Ex.P.19 is the Post-mortem certificate and Ex.P.20 is the final opinion given by Dr.K.Gokula Ramanan-P.W.18. The Doctor opined that the deceased would appear to have died of shock and hemorrhage due to multiple cut and stab injuries.

2.6. Ex.P.23-Biology Report, Ex.P.24-Serology Report and Ex.P.25-Chemical Report were obtained from P.W.16-Geetha, Scientific Officer. Ex.P.1-complaint given by P.W.1 was registered by P.W.21-Kamaraj, Special Sub-Inspector of Police, who forwarded the same to the Judicial Magistrate Court through P.W.13, Head Constable. P.W.15-Ashok Kumarasamy, Finger Print Police Inspector, taken samples from the wooden draw, where the money was usually kept and also lifted rum bottle-M.O.10 and after analysis, he submitted a finger print report under Ex.P.13 regarding matching of the finger print found in the said rum bottle-M.O.10 with that of the accused and the finger print enlargement report was marked as Ex.P.14.

2.7. P.W.22-Senthilkumar, Investigating Officer during the part of the investigation, has made a requisition under Ex.P.16 to the Judicial Magistrate for recording the statement of witnesses under Section 164(5) of Cr.P.C and the statement of witnesses Gopalakrishnan, Murugan, Ravi, Sheriff, Malarvizhi, Prakash and Saraswathi, [PW3 to PW9] were recorded by the Judicial Magistrate and Sections were altered under Ex.P.31-alteration report altering the Sections from 302 IPC to Sections 302 and 380 of IPC and also filed final report alleging the commission of the offence under Sections 302 and 392 read with Section 397 of IPC before the learned Judicial Magistrate, Salem and the same was taken on file as P.R.C.No.35 of 2011 and after observing the formalities, the case was committed to the Court of sessions and numbered as Sessions Case No.130 of 2012, on the file of the learned Principle Sessions Judge, Salem. So are the charges framed by the Sessions Court.

2.8. During the trial, in order to prove the charges, the prosecution has examined 23 witnesses as P.Ws.1 to 23 and marked Exs.P.1 to P.32 and also produced M.O.1 to M.O.21. On behalf of the defence side, no documentary or oral evidence has been let in. When the accused was questioned under Section 313 Cr.P.C, he denied the version as false.

2.9. On consideration of both oral and documentary evidence adduced by the prosecution, the learned Sessions Judge has laid the conviction and sentence as stated in the first paragraph of this judgment. As against the said conviction and sentence, the sole accused had preferred this criminal appeal before this Court.

3. Mr.T.Muruganantham, learned counsel for the appellant/accused would contend that there is no eye witness to the occurrence and the entire case is based on circumstantial evidence. However, no positive link has been proved by the prosecution and the post-mortem Doctor P.W.18, noticed 25 injuries and hence, the learned counsel would contend that the same could not be caused by one person.

4. The learned counsel for the appellant/accused would further contend that the appellant/accused appeared before the Village Administrative Officer after the gap of 26 days which created suspicion that the appellant was under the illegal custody of the respondent police and he was forced to admit his guilt. Further, the extra judicial confession statement alleged to have been given by the accused before the VAO is not voluntarily and the same is by compulsion, threat and torture. It is further contended that the recovery of weapon i.e., scissor from the barber shop and knife are artificial and highly improbable. Further, the respondent alleged to have recovered a sum of Rs.12,000/- from four persons as if the appellant/accused returned the money borrowed by his mother and the recovery is artificial only to connect the appellant/accused in the commission of the Crime. It is also contended by the learned counsel for the appellant/accused that a rum bottle was recovered from the scene of occurrence and the same was subjected to finger print opinion and the expert examination did not contain finger print of the appellant/accused and hence, prayed for allowing of this appeal by setting aside the conviction and sentence passed by the Sessions Court.

5. Per contra, Mr.K.Prabhakar, learned Additional Public Prosecutor made submissions in support of the judgment of the Sessions Court.

6. As per the prosecution version, P.W.1 and P.W.2 are the husband and wife and the deceased Raja @ Senthil Raja is the brother of P.W.2 and brother-in-law of P.W.1. P.W.1 was running a saloon shop at Veeravanji street in Salem. Three years prior to the date of occurrence, P.W.1 had brought his brother-in-law to teach the saloon trade and after learning the saloon business, one year prior to the date of occurrence, the deceased set up a separate barber shop in the name and style of "Sri Surya Gents Beauty Parlor". The deceased used to take food in the house of P.W.1 and also used to sleep in the saloon shop daily at 9.30 p.m. and again in the morning, he used to go for taking breakfast in the house of P.W.1.

6.1. On 27.07.2011 at about 09.30 p.m., the deceased took dinner in the house of P.W.1 and went to his shop for sleeping as usual. On the next day morning i.e., on 28.07.2011, in spite of several calls through the cell phone by P.W.1, there was no response from the said Raja @ Senthil Raja, and hence, P.W.1 went to the saloon shop of the deceased after dropping his children in the School. P.W.1, on seeing that the shop of the door was half closed and half lifted, raised the shutter and found inside the shop his brother-in-law in a pool of blood with cut injuries all over the body. P.W.1 also found that a sum of Rs.33,000/- and a cell phone were missing.

7. The case of the prosecution is solely rest upon the circumstantial evidence and in order to prove the guilt of the accused and nexus of the accused with the crime, the prosecution has relied upon the circumstantial evidence and the recovery made during the course of investigation.

8. The evidence of P.W.1 is to the effect as extracted above. So is the evidence of P.W.2, who is the wife of P.W.1 while P.W.3-Gopalakrishnan, who could depose that the deceased Raja @ Senthil Raja is his cousin brother and he was running a gents beauty parlor under the name and style of "New Surya Gents Beauty Parlor" near Devi theater and that the deceased used to take food in the house of P.W.1 and used to sleep in the saloon shop. Four to five days prior to the date of occurrence, he saw the accused in the shop of the deceased and had earlier conversation with the accused and questioned him as to why he is staying in the shop of the deceased and for which, the accused replied that as both his parents are living in Bombay, he is staying in the saloon shop along with the deceased Raja @ Senthil Raja. On 27.07.2011, at around 09.30 p.m., when he visited the shop of the deceased, he saw that the accused was standing nearby to his shop and on the next day, he came to know about the alleged occurrence.

9. P.W.4-Murugan, in his evidence, could depose that he is residing at Kalarampatti main road near Devi theater in Salem. He is running a tea shop. He knew the deceased and the accused. He had seen the accused at many times in the shop of the deceased and on the date of occurrence, viz., on 27.07.2011 at 7.00 p.m., he had seen the accused along with the deceased Raja @ Senthial Raja.

10. P.W.5-Ravi is neighbour of the accused and who is also a resident of Housing Board in Gandhi Nagar. He could depose that he had seen the accused sleeping in the shop of the deceased and he had also seen the accused in the company of the deceased and when he questioned the accused, he told that since his mother went to Bombay due to debt problem, he is staying along with the deceased.

11. P.W.6-Sheriff, who is residing at M.S.Nagar, Erumapalayam, in Salem, could depose that he knew the accused and the deceased. He used to visit the nearby shop of the deceased viz., auto carriage. Three days prior to the date of occurrence, P.W.6 saw the accused in the shop of the deceased and he questioned the deceased as to why he kept the unemployed person in his shop and for which, the deceased replied that as the mother of the accused could not repay the debts due to the debtors, she went to Bombay and hence, the accused is staying along with him. On the next day, i.e., on 28.07.2011, in the early morning between 3.00 a.m. and 3.30 a.m., P.W.6 was going in his motorcycle near to the shop of the deceased to go to Kerala and at that time, he noticed that the accused closing the shutter of the shop of the deceased and hence, he entertained a doubt as to why, the accused was locking the doors and closing the shutter and then assuming that the Raja @ Senthil Raja will be sleeping inside the shop and the accused was going to attend the nature call, P.W.6 left the saloon shop. After one week, when P.W.6 returned back, he came to know about the occurrence.

12. The sum and substance of the private prosecution witnesses would go to show and indicate that the deceased used to take food in his sister's house viz., in the house of P.W.2 and to go to sleep in his shop during the night hours. The presence of the accused two days prior to the date of occurrence, on the early night and on the earlier morning has been spoken to by the witnesses P.W.3 to P.W.6. In other words, the presence of the accused on the date of the occurrence at around 7.00 p.m., late evening was spoken to by P.W.3 and P.W.4, while P.W.5 had seen the deceased in the company of the accused in his shop. P.W.6 has spoken about the earlier presence of the

accused in the shop of the deceased and about the leaving of the accused from the shop of the deceased at about 3.30 am, on 28.07.2011. There is nothing in the cross examination to discredit this part of the evidence adduced by the private prosecution witnesses and thus, we find that the evidence of the private prosecution witnesses is to the effect that the accused is in the habit of staying along with the deceased and it is the specific evidence of P.W.5 that on the date of the occurrence, the accused was staying along with the deceased in his shop.

13. P.W.6 has specifically questioned the deceased and also advised him not to keep the unemployed person in the shop. It is the specific evidence of P.W.4, P.W.5 and P.W.6 that when they questioned the accused about his presence in the shop of the deceased and his continuous stay in the shop of the deceased, the accused had replied that as his mother was unable to repay the debts and having trouble times with the debtors, she had left for Bombay and hence, he is staying along with the deceased.

14. From the evidence of P.W.4 and P.W.5, we find that both the private prosecution witnesses have seen the deceased Raja @ Senthil Raja as alive in the company of the accused in the shop of the deceased. P.W.5 and P.W.6 are the last persons to see the deceased Raja @ Senthil Raja as alive in the company of the accused while P.W.6 is the person to saw the accused leaving the shop of the deceased at the early hours viz., 3 to 3.30 a.m., and thus, we are of the considered view that the last seen theory projected by the prosecution has been duly supported by the version of these private prosecution witnesses P.Ws.3 to 6.

15. The next issue is recovery made by the investigating officer. The prosecution has projected that the accused has surrendered before P.W.12-V.A.O and has given a voluntary confession statement under Ex.P.14. Based upon which, M.O.11-samsung cell phone was recovered and based upon the admissible portion of the confession statement recorded under Ex.P.6, M.O.12-saving knife, M.O.13-steel scissor, M.O.14-Jeens Pant, and M.O.15-Baniyan were recovered. As per the oral evidence of P.W.16, Scientific Officer, Forensic Science Department, and as per the documentary evidence of Ex.P.23-Biology Report, Ex.P.24-Serology Report and Ex.P.25-Chemical Report, human blood was deducted in the Steel Scissor-M.O.13 and on the dress of the accused and the same group namely, human blood "O" group was found in the blood sample taken from the dress of the deceased in the scene of the crime. The evidence of P.W.17 and P.W.18 also lends credence to the prosecution theory.

16. P.W.16, Scientific Officer also deposed that as per Ex.P.23-Biology Report, Ex.P.24-Serology Report and Ex.P.25-Chemical Report, human blood was deducted from the samples taken in the cement plaster from the scene of the crime and the cement plaster without bloodstain and cement plaster with bloodstain are of same indicating the scene of crime and also found human blood in M.O.1 to M.O.8, M.O.12 and M.O.13 and also in the dress of the accused and the dress of the deceased and all the blood group are belongs to the same human blood group of "O" which also lends support to the prosecution theory as to the point of scene of the crime and hence, Raja @ Senthil Raja died due to Homicidal violence in his barber shop.

17. It is the specific evidence of P.W.5 and P.W.6 that when they questioned the accused about his presence continuously in the shop of the deceased, he had replied that his mother had left for Bombay due to debt problem as she was unable to repay the debts. During the course of the investigation, P.W.7-Malarvizhi, who is a resident of Gandhi Nagar and also head of the woman self help group deposed that the mother of the accused Valli had borrowed a sum of Rs.10,000/- from the Self Help Group and out of the 50 installments, she has paid 16 installments only. Thereafter due to the debts problem, she left for Bombay. The accused being the son has undertaken to pay the amount and on 28.07.2011 at about 9.00 p.m., the accused came to her house and had returned a sum of Rs.3,500/- and promised to pay the balance amount and further, during the course of investigation, the accused had handed over a sum of Rs.3,500/- to the investigating officer. On 28.07.2011 at 10.00 a.m., the accused came to the house of P.W.8 and repaid a sum of Rs.3,000/- asking P.W.8 to return the said amount to one Nagaraj from whom, his mother has borrowed money and since the said Nagaraj was not in station, P.W.8 was keeping the money and during the investigation, he has handed over the said sum of Rs.3,000/- to the Investigating Officer.

18. P.W.9-Saraswathi, who is residing in Kalarampatti road at Gandhi Nagar Housing Board, deposed that the mother of the accused namely, Valli has borrowed a sum of Rs.7,000/- from her as hand loan and after five to six months, she had returned only a sum of Rs.3,000/-. Thereafter, the mother of the deceased went to Bombay and on 28.07.2011 at about 8.00 a.m., the accused came to her house and handed over a sum of Rs.3,500/- and promised to pay the balance amount of Rs.500/- after some time. The accused also gave a sum of Rs.1,000/- to P.W.9 asking her to hand over the same to one Balamani, from whom, the mother of the accused had borrowed a sum of Rs.1,000/- and as the said Balamani was not in station, P.W.9 was having the said sum of

Rs.1,000/- in his hand. During the course of investigation, P.W.9 has handed over a sum of Rs.3,500/- + Rs.1,000/- = 4,500/- to the police in the presence of V.A.O. and his Assistant.

19. Furthermore, the evidence of P.W.10-Nagajothi is to the effect that she was residing at Gandhi Nagar Housing Board; that the mother of the accused namely, Valli has borrowed a sum of Rs.1,000/- from her and she has not repaid the same and left for Bombay; that on 28.07.2011 between 9.00 and 10.00 a.m., the accused came to her house and handed over a sum of Rs.1,000/- and that during the investigation, she has handed over the said sum of Rs.1,000/- to the Investigating Officer.

20. From the evidence of the private prosecution witnesses P.W.7, P.W.8, P.W.9 and P.W.10, whose statements have also been recorded by the Judicial Magistrate under Section 164 of Cr.P.C. under Ex.P.17 in the course of examination, there is not even any suggestion to discredit their evidence. On a cumulative analysis of the chief and cross-examination of the private prosecution witnesses, P.W.7, P.W.8, P.W.9 and P.W.10, it is seen that they have categorically demonstrated the fact that the mother of the accused Valli has borrowed money from various persons, who are the resident of the Gandhi Nagar Housing Board and she has not repaid the amount and left for Bombay and on the date of occurrence between 8.00 a.m. and 11.00 p.m., the accused has redistributed the amount to these witnesses which is in the forenoon of the occurrence also lends credence to the prosecution theory as to the involvement of the accused in the crime and their evidence also inspires the confidence of this Court.

21. In view of the fact that there are evidences which are not only clear but also cogent and duly corroborated with each other and in the absence of any material contradictions as to the nature of the hand loan availed by the mother of the accused and as the mother of the accused left for Bombay, the accused has undertaken to repay the hand loan borrowed by his mother and the accused also repaid various amounts as discussed supra to the private prosecution witnesses coupled with the evidence of P.W.1 that a sum of Rs.33,000/- was found missing in the shop of his brother-in-law, the deceased Raja @ Senthil Raja and also in the absence of any contradiction in the private prosecution witnesses, who had no grudge to grind against the accused nor even any previous enmity have been alleged in the cross-examination, we are of the considered view that the version of the prosecution witnesses P.W.7 to P.W.10 regarding money loan availed by the mother of the accused and that was repaid by the

accused on the same day of the occurrence within few hours of the morning inspires the confidence of the Court.

22. In view of the fact that the statement of these witnesses also have been recorded by the learned Judicial Magistrate at the earliest point of time which lends credence to the version of these witnesses, we find that the prosecution has let in positive evidence to prove the last seen theory coupled with the recovery of material object viz., the money, which was stolen from the box of the shop of the deceased and being distributed to P.W.6 to P.W.10 on the same day of the occurrence and coupled with the fact of the finger print report indicating the finger print of the accused tallied with M.O.10-beer bottle which was seized from the scene of the crime as per Ex.P.14 and thus, the prosecution has let in positive evidence for the following facts :

1. The deceased was used to sleep in the shop.
2. The accused was staying with the deceased for quite some time prior to the date of occurrence.
3. The presence of the accused in the company of the deceased.
4. The presence of the accused in the shop of the deceased on the early evening as seen by P.W.3.
5. The presence of the accused in the shop of the deceased on the night as seen by P.W.4.
6. The accused leaving the shop at early hours of 3.00 p.m as seen by P.W.6.
7. The accused had repaid the loan borrowed by his mother on the very next day morning of the occurrence to five persons, who are the neighbours.
8. The presence of the fingerprint of the accused in the material objects, which were seized from the scene of the crime.
9. The presence of the human blood in the material objects viz., knife-M.O.12, dress of the deceased and the dress of the accused as that of the human and as that of "O" group.

23. Hence, the prosecution has let in positive evidence without any missing in the link clearly pointing out the guilt of the accused. The prosecution has proved the charges framed against the appellant/accused beyond reasonable doubt and hence, we do not find any merit in this appeal and accordingly, the similar finding rendered by the Sessions Court, on different reasonings, as discussed supra, is hereby confirmed as the same is well considered and well merited and it does not warrant any interference by us at this appellate stage.

24. In the result, this Criminal Appeal is dismissed and the conviction and sentence imposed on the appellant/Accused in S.C.No.130 of 2012 by the learned Principal District and Sessions Judge, Salem, are confirmed.

Sd/-

Assistant Registrar(C.S.VIII)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Salem.
2. -Do-Thro' The Chief Judicial Magistrate, Salem.
3. The Principal and District Sessions Judge, Salem.
4. The Superintendent of Prison, Salem.
5. The Inspector of Police,
Kitchipalayam Police Station, Salem District.
6. The District Collector, Salem.
7. The Director General of Police, Mylapore, Chennai.
8. The Public Prosecutor, High Court, Madras.

+1 cc to M/s.T.Muruganantham, Advocate Sr.No. 4829

AKM/26.02.2020/13P- 10C/

JUDGMENT IN
CRL.A.No.723 of 2017