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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRIMINAL APPEAL (MD).Nos. 48 & 367 of 2018

Cr1.A.No.48/2018

Murugesan : Appellant/Complainant (PW1)

Vs.

1.State rep. by the
Inspector of Police,
Periyakulam Police Station,
Periyakulam,
Theni District.

: 1st Respondent/Complainant

2.Prasath
3.Manokaran
4.Kani
5.Bhavani
6.Viji

: Respondents 2 to 6/Accused 1 to 5

Cr1.A.No.367/2018

State represented by
The Public Prosecutor,
High Court, Madras

: Appellant / Complainant

Vs.

1.Prasath
2.Manokaran
3.Kani
4.Bhavani
5.Viji

: Respondents/Accused 1 to 5

COMMON PRAYER: Appeals filed under Section 372 of the Code of Criminal Procedure against the judgment dated 22.08.2017 in S.C.No.98/2016 on the file of the Additional District and Sessions Court, Theni at Periyakulam.



For Appellant in
Crl.A.No.48/2018 : Mr.J.Sulthan Basha

For Respondent-1 : Mr.R.Anandharaj
in Crl.A.No.48/2018 Additional Public Prosecutor
and appellant in
Crl.A.No.376/2018

For Respondents/ : Mr.S.Mahendrapathy
accused in both appeals

COMMON JUDGMENT

(Judgment of the Court was delivered by **B.PUGALENDHI, J.**)

As against the order of acquittal passed in S.C.No.98/2016 on the file of the Additional District and Sessions Court, Theni at Periyakulam, the de-facto complainant and the State have preferred these Appeals, ie., Crl. Nos.48/2018 and 367/2018 respectively.

2. The respondents/accused 1 to 5 have been charged for the offences as under:

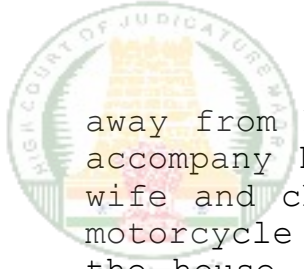
Charge Nos.	Rank of the Accused	Offence under Sections
1	A-2 to A-4	302 r/w 34 IPC
2	A-2 to A-4	342 IPC
3	A-1	302 IPC
4	A1 to A-4	506(II) IPC
5	A-5	302 r/w 109 IPC

In conclusion of the trial, the trial Court acquitted all the accused from all the charges levelled against them and as against the same, the defacto complainant as well as the State have preferred the instant appeals.

3. The Accused No.1 is the brother-in-law of the deceased; accused No.2 is the father-in-law of the deceased; A-3 is the mother-in-law of the deceased; A-4 is the aunt of accused No.1; A-5 is the wife of the deceased.

4. The brief facts of the case, in nutshell, are as follows:

4.1.The accused No.5 Viji is the wife of the deceased Murugaraj. Out of the wedlock, they have two female children, namely, P.W.-2 Atchaya Varshini and another. Due to misunderstanding between the deceased and A-5, A-5 went to her parents' house two days prior to the date of occurrence and was staying there along with her two children. On 10.11.2015, on the day of Diwali, the deceased Murugaraj was worried that his family is



away from home and requested his elder brother P.W.-1 Murugesan to accompany him to visit the house of his in-laws to bring back his wife and children. Accordingly, P.W.-1 and the deceased went in a motorcycle to the house of the accused. P.W.-1 refused to go inside the house and was waiting outside the house of the accused and the deceased alone went inside the house. After sometime, around 11.30 p.m., the deceased was coming out with a stab injury by alarming that they are killing him and all the accused came out of the house and even in the presence of P.W.-1, the accused No.1 stabbed the deceased on his neck and chest. The accused have also criminally intimidated P.W.-1.

4.2. P.W.-1 ran to his relative's house, who were residing in the same village and along with them, they went to the place of occurrence again and even before they reached, the deceased was taken to the Periyakulam Government Hospital by the accused persons and at about 00.30 hours on 11.11.2015, the Doctor (P.W.-22), who examined the deceased reported that he was brought dead. He also issued an Accident Register (Ex.P-14).

4.3. After the death of the deceased, P.W.-1 lodged a complaint before the Sub Inspector of Police (P.W.-11) and the same was registered in Crime No.706/2015 under Sections 302 r/w 34 and 506 (II) IPC against the accused persons.

4.4. On receipt of the intimation, P.W.-23 went to the place of occurrence, prepared the observation mahazar and a rough sketch (Ex.P.-8 and Ex.P-15) on 11.11.2015 in the presence of witnesses and after completing the investigation, he filed a final report as against the respondents 2 to 5.

4.5. During trial, on the side of the prosecution, 23 witnesses were examined and 18 documents have been marked besides 13 material objects.

5. The available evidences from the prosecution witness are as follows:

(i) P.W.1 is the brother of the deceased and he speaks about the lodging of the complaint. He is an eye witness to the occurrence and he speaks about the involvement of the accused in the occurrence.

(ii) P.W.2 is the daughter of the deceased and A-5 and she is also an eye witness to the occurrence.

(iii) P.W.3 is the brother of the deceased and he speaks about the enmity prevailed between his brother and the accused persons.

(iv) P.W.4 is a hearsay witness and his evidence corroborates with that of P.W.3.

(v) P.W.5 is the then Village Administrative Officer and he speaks about the recording of the confession statement of A-1 and



recovery of MOs 3 & 4.

(vi) P.W.6 is the witness to Observation Mahazar, but he turned hostile.

(vii) P.W.7 is the witness to the recovery of MOs 5 to 8.

(viii) P.W.8 is the then Head Constable, who delivered the express First Information Report before the Judicial Magistrate.

(ix) P.W.9 is the then Constable, who handed over the material objects to Forensic Department and P.W.10 is the then Constable, who typed the statements of the witnesses.

(x) P.W.11 is the then Sub-Inspector of Police, who registered the First Information Report.

(xi) P.W.12 is the then Head Clerk of Judicial Magistrate Court, who received the material objects.

(xii) P.W.13 is the then Head Constable, who produced the body to the Doctor for postmortem.

(xiii) P.W.14 is a witness to the Observation Mahazar.

(xiv) P.W.15 is the Doctor, who conducted postmortem on the body of the deceased.

(xv) P.Ws.16, 17, 19 & 21 are neighbors and they are examined as eye witnesses to the occurrence, but, they turned hostile.

(xvi) P.W.18 is the father of the deceased and he is a hearsay witness.

(xvii) P.W.20 is the Deputy Director of Forensic Science Department and she speaks about the chemical analysis report.

(xviii) P.W.22 is the Doctor, who declared the death of the deceased.

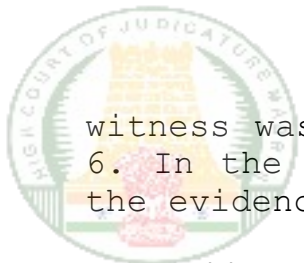
(xix) P.W.23 is the then Inspector of Police, who conducted the investigation and filed the final report.

6. When the incriminating materials were put to the accused under Section 313(i)(b) of the Code of Criminal Procedure, they denied the same as false. In conclusion of the trial, the trial Court, having found that the prosecution has not established its case beyond reasonable doubts, acquitted all the accused against the charges levelled against them. As against the said order of acquittal, the de-facto complainant/P.W.-1 and the State are before this Court with these appeals.

7. Heard Mr.J.Sulthan Basha, learned Counsel for the defacto complainant / Appellant in CrI.A.(MD)No.48 of 2018; Mr.R.Anandharaj, learned Additional Public Prosecutor for the State / Respondent-1 in CrI.A.(MD)No.48 of 2018 and appellant in CrI.A.(MD)No.376 of 2018; and Mr.S.Mahendrapathy, learned Counsel for the accused persons.

8. The learned Counsel for the defacto complainant has raised the following grounds:

(i) The evidence of PW2, the daughter is very clear to sustain the case of the prosecution. There is no material that the child



witness was tutored to depose against the accused/respondents 2 to 6. In the absence of any such material it is not proper to reject the evidence of PW2.

(ii) The trial Court is not correct in rejecting the evidence of PW1, on the ground PW1 has not made any attempt to save the deceased, when he was attacked by the accused / respondent Nos.2 to 5.

(iii) The evidence of PW1 and PW2 eye witnesses to the occurrence have not been scrutinized by the trial Court in a proper perspective. Further their evidence is corroborated by the medical evidence Ex.P10 and ExP11 Postmortem certificate issued by PW15.

(iv) Apart that the evidence of PW16, PW17, PW19, PW20 have supported the case of the prosecution. There may be minor contradictions in the evidence, but the same cannot be a fatal to the prosecution case.

9. The learned Additional Public Prosecutor appearing for the State submitted that the trial Court has overlooked the evidence of PW2 Atchaya Varesni aged about 8 years during the occurrence period, who is a daughter of the deceased and A5. She is a natural witness and she has clearly deposed about the occurrence. Further PW1 the brother of the deceased, accompanied him to the house of the accused. He has also deposed about the entire incident. The evidence of PW1 and PW2 are cogent, trustworthy and inspires confidence. But the trial Court has failed to consider the same.

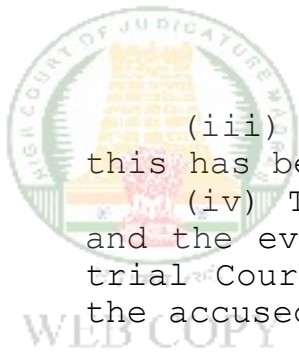
10. He further submitted that the evidence of PW16, PW17, PW19 and PW20 are cogent and trustworthy and corroborated by the evidence of PW1 and PW2 and they have narrated the incident and the place of occurrence. PW22 Dr. Swaminathan speaks about the Accident Register [ExP14], wherein it is mentioned that the accused have involved in the offence, which has not been considered by the trial Court.

11. The deceased and PW1 went to the house of the accused to take A5 back to their house. As soon as the deceased entered the house of the accused, the accused [A1 to A4] attacked the deceased with deadly weapons and A5 had also instigated them and attacked. This fact has been narrated by PW2, who is a natural witness and the daughter of the deceased and A5. This evidence was not discussed in the manner known to law by the trial Court.

12. Per contra, the learned Counsel for the accused has made his submissions in the following lines:

(i) Though the prosecution has examined 23 witnesses, the prosecution has failed to prove the charges.

(ii) The presence of PW1 at the place of occurrence is doubtful.



(iii) There are several infirmities in the evidence of PW2 and this has been rightly found by the trial Court.

(iv) There are contradictions between the evidence of PW1, PW2 and the evidence of PW23, the investigating officer. Therefore, the trial Court has rightly considered all these aspects and acquitted the accused from the charges.

13. This Court has paid it's anxious consideration to the rival submissions and also the documents placed on record.

14. Before dwelling into the merits of the case, since the appeals are filed as against an order of acquittal, it is necessary to bear in mind the principles governing the appeal against acquittal, as laid down by the Hon'ble Supreme Court in **V. Sejappa v. State [(2016) 12 SCC 150]**, wherein the Hon'ble Supreme Court has followed its own decision in **Muralidhar v. State of Karnataka [(2014) 5 SCC 730]**. The guidelines issued in the said decision are extracted hereunder:

"23. ...

... (i) There is presumption of innocence in favour of an accused person and such presumption is strengthened by the order of acquittal passed in his favour by the trial court;

(ii) The accused person is entitled to the benefit of reasonable doubt when it deals with the merit of the appeal against acquittal;

(iii) Though, the powers of the appellate court in considering the appeals against acquittal are as extensive as its powers in appeals against convictions but the appellate court is generally loath in disturbing the finding of fact recorded by the trial court. It is so because the trial court had an advantage of seeing the demeanour of the witnesses. If the trial court takes a reasonable view of the facts of the case, interference by the appellate court with the judgment of acquittal is not justified. Unless, the conclusions reached by the trial court are palpably wrong or based on erroneous view of the law or if such conclusions are allowed to stand, they are likely to result in grave injustice, the reluctance on the part of the appellate court in interfering with such conclusions is fully justified; and

(iv) Merely because the appellate court on reappreciation and re-evaluation of the evidence is inclined to take a different view, interference with the judgment of acquittal is not justified if the view taken by the trial court is a possible view. The evenly balanced views of the evidence must not result in the interference by the appellate court in the judgment of the trial court."

15. In yet another decision in the case of **Chandrappa Vs State of Karnataka [(2007) 4 SCC 415]**, the Hon'ble Supreme Court has laid <https://hcservices.ecourts.gov.in/hcservices/>



down the following general principles regarding powers of the appellate Court while dealing with an appeal against an order of acquittal:

"(1) An appellate Court has full power to review, re-appreciate and reconsider the evidence upon which the order of acquittal is founded.

(2) The Code of Criminal Procedure, 1973 puts on limitation restriction or condition on exercise of such power and an appellate Court on the evidence before it may reach its own conclusion, both on questions of fact and of law.

(3) Various expressions, such as, 'substantial and compelling reasons', 'good and sufficient grounds', 'very strong circumstances', 'distorted conclusions', 'glaring mistakes', etc are not intended to curtail extensive powers of an appellate Court in an appeal against acquittal. Such phraseologies are more in the nature of 'flourishes of language' to emphasise the reluctance of an appellate Court to interfere with acquittal than to curtail the power of the Court to review the evidence and to come to its own conclusion.

(4) An appellate Court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent Court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial Court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate Court should not disturb the finding of acquittal recorded by trial Court."

16. Bearing in the principles laid down by the Hon'ble Supreme court in deciding an appeal against acquittal, this Court carefully analysed the available evidence and records.

17. The marriage between the deceased and A-5 was a love marriage, which was opposed by the family members of A-5 / other accused. Therefore, there was a strained relationship between the deceased and his wife's family / accused persons. The case of the prosecution is that during Diwali, A-5, due to some dispute, left the matrimonial home along with her two children to her parental home and therefore, on the fateful day, when the deceased along with his brother / P.W.1 went to take them back. P.W.1 waited outside the compound and the deceased only went inside and thereafter, the occurrence took place.



18. The Doctor P.W.-15, who conducted the postmortem, has noted down the following injuries on the deceased:

"1. An oblique stab injury measuring 2 cms x 0.5 cm x muscle deep noted on the left upper chest, 1 cm below left clavicle, 7 cms above the left nipple.

2. An oblique stab injury measuring 5 cms x 2 cms x left chest cavity deep noted on the left upper chest, 1 cm below left clavicle, 7 cms above the left nipple.

O/D. The wound passes obliquely downwards and inwards piercing the underlying muscles, vessels and nerves in 3rd intercostal space, piercing the underlying pleura measuring 2 cms x linear x through and through and upper lobe of left lung measuring 1 cm x 1 cm x 1 cm and ends as a point.

3. An oblique stab injury measuring 3.5 cm x 1 cm x left chest cavity deep noted on the sides of left upper chest, 11 cms below left axilla.

O/D. The wound passes obliquely inwards piercing the underlying muscles, vessels and nerves in 4th intercostal space, piercing the underlying pleura measuring 2 cm x linear x through and through and lower part of upper lobe of left lung measuring 1 cm x 1 cm x 1 cm and ends as a point. Left pleural cavity contain 650 ml of blood with clots. Right pleural cavity - empty.

4. An oblique stab injury measuring 3 cms x 1 cm x peritoneal cavity deep noted on the side of left upper abdomen.

O/D. The wound passes obliquely inward piercing the underlying muscles, vessels and nerves and the underlying spleen. Peritoneal cavity contains 500 ml of blood with clots.

5. Abrasion measuring 3 cms x 2 cms noted in the left knee joint.

6. Abrasions measuring 4 cm x 3 cm noted on right knee point."

He gave his final opinion that the death was due to the injuries Nos. 1 to 4. Therefore, it is clear from the prosecution case that the deceased died due to the injuries sustained by him. However, the trial Court disbelieved the case of the prosecution and acquitted the accused.

19. Finding of the trial Court:

The trial Court, at the very inception, raised doubt as to the case of the prosecution as there is an inordinate and unexplained delay in lodging the FIR as well as the FIR reaching the Court.



Finding of this Court:

19.1 The occurrence had taken place on 10.11.2015 at 11.30 p.m. and the deceased was taken to the hospital by the accused 1 to 3 and 5 on the same day and was admitted in the Periyakulam Government Hospital at about 00.30 hrs, which was also recorded in the Accident Register (Ex.P.14). Thereafter, the complaint was lodged on 11.11.2015 at about 5.00 a.m. Though the case has been registered at 5.00 a.m., the FIR reached the Court of Judicial Magistrate only at 4.45 p.m. with a considerable delay. This delay has been taken into account by the trial Court to disbelieve the case of the prosecution.

19.2. The deceased was taken to the hospital immediate to the occurrence and was admitted in the hospital by the accused persons on 11.11.2015 at about 00.30 hrs. The case of the prosecution is that the occurrence has taken place in the house of the accused persons. However, when the accused were questioned, they have totally denied the same. But the fact remains that as per the Accident Register (Ex.P-14), the accused only took the deceased and admitted in the hospital. There is no explanation offered by the accused for the injuries found on the deceased at the time of admission.

19.3. Admittedly, the deceased succumbed to the injuries on 11.11.2015 at about 00.30 hrs and within 45 minutes, the deceased was taken to the hospital by the accused, which was referred to in the Accident Register. The Doctor, P.W.-22, who admitted/examined the deceased, was not cross-examined by the defence.

19.4. Regarding the delay in registering the FIR and consequent reaching of the same to the Court, the Apex Court, in the case of **Jafel Biswas and others v. State of West Bengal** reported in **(2019) 12 SCC 560**, has held as follows:

"19. The obligation is on the I.O to communicate the report to the Magistrate. The obligation cast on the I.O. is an obligation of a public duty. But it has been held by this Court that in the event the report is submitted with delay or due to any lapse, the trial shall not be affected. The delay in submitting the report is always taken as a ground to challenge the veracity of the FIR and the day and time of the lodging of the FIR.

20. In cases where the date and time of the lodging of the FIR is questioned, the report becomes more relevant. But mere delay in sending the report itself cannot lead to a conclusion that the trial is vitiated or the accused is entitled to be acquitted on this ground.



21. This Court in the case of Anjan Dasgupta v. State of West Bengal and others (2007) 11 SCC 222 (of which one of us was a member, Hon. Ashok Bhushan, J.) had considered Section 157 Cr.P.C. In the above case also, the FIR was dispatched with delay. Referring to an earlier judgment of this Court, it was held that in every case from the mere delay in sending the FIR to the Magistrate, the Court would not conclude that the FIR has been registered much later in time than shown.

22. The High Court has rightly noted this submission and opined that to find out whether the FIR is genuine or not, and whether the trial Court has rightly convicted the accused or not, the entire evidence has to be looked into."

19.5. In the present case on hand, the deceased is the brother-in-law of A-1 and son-in-law of A-2 and A-3 and that the occurrence took place inside the house of the accused. It is quite natural that the people in the same village would not take immediate steps to prosecute the family members. In a case like this, the delay is bound to occur, but, that by itself, is not a ground to disbelieve the entire case of the prosecution.

19.6. Therefore, this Court is of the view that this finding of the trial Court is not probable and the presumption under Section 106 of the Indian Evidence Act, 1872 is against the accused persons.

20. Finding of the trial Court:

P.W.-1 and P.W.-2 are interested witnesses and their presence in the place of occurrence is doubtful and therefore, they cannot be relied upon.

Finding of this Court:

20.1. The prosecution examined P.W.-1, who is the brother of the deceased as well as P.W.-2, daughter of the deceased. P.W.-1 as well as P.W.-2 have categorically narrated the occurrence that had taken place on the fateful day. P.W.-1 has stated in his evidence that during Diwali, since the deceased and his wife are away from the house, the deceased felt that they must be brought to his house and he went to the house of the accused to bring back A-5 and his daughters and has also made a request to the in-laws to send his wife along with him. However, the accused have retaliated in such a manner, on the instigation of the accused No.5, the accused No.1 has stabbed the deceased.

20.2. According to P.W.-1, P.W.-1 and the deceased went to the place of occurrence in a motorcycle and they parked his motorcycle outside the compound wall of the house of the accused and he was waiting outside the house and deceased alone went inside the house to bring back his wife and children. At that time, the occurrence



had taken place and the motorcycle, in which, they have travelled has also been recovered near the place of occurrence and it has been marked as M.O.-2.

20.3.P.W.-2, who is the daughter of the accused No.5 has also corroborated the evidence of P.W.-1. According to her, she was staying along with her mother in her grandparents' house. On the date of occurrence, in fact, to bring back his wife and children, the deceased went to the accused house and made a request to send his wife and children along with him. Therefore, the presence of P.W.-2 in the place of occurrence cannot be doubted. P.W.-2 in her evidence has clearly stated about the manner, in which, the occurrence had taken place as projected by the prosecution as well as by P.W.-1 and hence, there is no reason to disbelieve the evidence of P.W.-2 also. Though there are some minor contradictions with regard to the evidence adduced by P.W.-1 and P.W.-2, the evidence of P.W.-2 is also trustworthy.

20.4.In fact, the trial Judge, before taking the evidence of P.W.-2, has also ascertained her mental capacity to give evidence and recorded the evidence thereafter. Their evidence has not been contradicted by the defence. The evidence of P.W.-1 and P.W.-2 ought not to have been disbelieved merely on the ground they are interested witnesses. PW2 is a natural witness in this case, admittedly, she was staying with the accused at the time of the occurrence. In fact the accused No.5 is none other than the mother of PW2. If PW2 is interested on her father the deceased, she must be equally interested on her mother A5, uncle A1 and her grandparents A2 and A3.

21.The evidence of PW1 and PW2 is also corroborated by the evidence of the Doctor PW15. The Doctor PW15, who conducted the postmortem has noted down four stab injuries on the vital parts. The knife MO1 was recovered from A1 in the presence of PW5 Village Administrative Officer and another. The Inspector of Police PW23 arrested this accused on the next day at about 3.30pm along with other accused and recorded the confession statement of the accused No.1, who gave confession statement in the presence of the Village Administrative Officer [PW5] and the admissible portion of his confession statement is marked as Exp3. Pursuant to the confession statement, MO1 knife was recovered under a cover of magazar Exp2. PW23 has also recovered a blood stained blue colour T-shirt MO2 and a blood stained Lungi (MO3) from the accused No.1 in the presence of PW5. A Yamaha motorcycle bearing Registration No.TN60 M8478 (MO2), in which the deceased and PW1 went to the place of occurrence was also recovered under a cover of magazar Exp5. The earth with blood stain and without blood stain MO7 and MO8 respectively and a blood stained favour blocks MO5 and MO6 were also recovered from the house of the accused under a cover of magazar Exp6 in the presence of PW7.



22. Thus the prosecution has established the case of the prosecution that the occurrence has taken place in the house of the accused and the deceased died due to the injuries sustained by him and all the injuries found on the deceased are that of stab injuries, which are possible, according to the Doctor PW15 through the knife M01. The M01 was also recovered pursuant to the confession statement of the accused No.1 from the house of the accused in the presence of the Village Administrative Officer [PW5]. Though the prosecution has sufficiently established the case of the prosecution, the trial Court acquitted all the accused as discussed above, which cannot be sustained in the eye of law.

23. The occurrence has taken place in the house of the accused, when the deceased came to the house of the accused to call his wife. The subsequent occurrence alone was witnessed by P.W.1. The accused No.1 has caused fatal injury, pursuant to the same, the deceased died. There is no premeditation on the part of the accused No.1 to commit the offence. The occurrence had taken place in a spur of the moment, when the deceased came to the house and insisted his wife to come with him. Since the occurrence had taken place in a spur of the moment without any premeditation, the accused No.1 is found guilty of the offence under Section 304(i) I.P.C, instead of 302 IPC.

24. Insofar as the other accused /respondents 3 to 6 is concerned, the respondent No.6/accused No.5 is reported to have died on 22.08.2019 pending these appeals and therefore, the charge made against her stands abated. With regard to the respondent Nos.2 to 4, no specific overt act is attributed and moreover, PW1 has witnessed only the subsequent incident took place out side the house. They have not caused any fatal injury to the deceased. Since these appeals are on an order of acquittal this Court is not inclined to reverse the finding as against the other accused and the finding rendered by the trial Court is confirmed insofar as the accused Nos. 2 to 4 are concerned.

25. In view of the above, the appeals filed by P.W.1 as well as the State against the order of acquittal passed by the Additional District and Sessions Judge, Theni @ Periyakulam in S.C.No.98 of 2016, dated 22.08.2017 is set aside insofar as accused No.1, but the appeals stand dismissed as against the other accused. Accordingly, the appeals are partly allowed.

26. As we have held that A-1 is guilty of the offence under Section 304(I) IPC by virtue of Section 235(2) of the Code of Criminal Procedure, he is directed to appear before this Court with regard to the question of sentence on 12.02.2020.



27. Call this matter on 12.02.2020.

Sd/-

Assistant Registrar(CS)

// True Copy //

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Sub Assistant Registrar(CS)

RR/gk

TO

1. The Additional District and Sessions Court,
Theni at Periyakulam.
2. The Principal District Judge, Theni.
3. The Judicial Magistrate, Periyakulam

4. Through the Chief Judicial Magistrate, Theni.
5. The District Collector, Theni
6. The Director General of Police, Mylopore, Chennai.
7. The Superintendent, Central Prison, Madurai.
8. The Inspector of Police, Periyakulam Police Station,
Periyakulam.
9. The Public Prosecutor, High Court, Madras.
- 10 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai (2 copies)

+1CC TO MR.Ajmal Asso., Advocate Sr. No. 5556

**COMMON JUDGMENT MADE in
CRIMINAL APPEAL (MD) .
Nos.48 and 367 of 2018
07.02.2020**

pk(CO)

TR(12.02.2020) 13P 14C