

Dinesh Kumar and Others Vs. The State rep. by the Inspector of Police, Katpadi Police Station, Vellore District

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Court : Chennai

Decided On : Jul-14-2016

Judge : S. Nagamuthu & V. Bharathidasan

Appeal No. : Criminal Appeal Nos. 32, 49, 89 167 & 94 of 2015

Appellant : Dinesh Kumar and Others

Respondent : The State rep. by the Inspector of Police, Katpadi Police Station, Vellore District

Judgement :

(Common Prayer: These Criminal Appeals have been filed against the judgment passed by the learned I Additional District and Sessions Judge, Vellore in S.C.No.55 of 2012 dated 11.12.2014.)

S. Nagamuthu. J

The appellant in CrI.A.No.32 of 2015 is A.1; the appellant in CrI.A.No.49 of 2015 is A.2; the appellant in CrI.A.No.89 of 2015 is A.3; the appellant in CrI.A.No.167 of 2015 is A.4 and the appellant in CrI.A.No.94 of 2015 is A.5 in S.C.No.55 of 2012, on the file of the learned I Additional District and Sessions Judge, Vellore. The trial Court framed charges against all the accused as detailed below:-

Accused	Section of law
A.1	120(B), 449 r/w 34, 302 r/w 34 and 395 I.P.C.,
A.2	120(B), 449, 302 and 395 I.P.C.,
A.3	120(B), 449, 302 and 395 I.P.C.,
A.4	120(B), 449, 302 r/w 34 and 395 I.P.C.,
A.5	120(B), 449 r/w 34, 302 r/w 34 and 395 I.P.C.,

All the accused denied the above charges framed against them. By judgment dated 11.12.2014, the trial Court convicted and sentenced all the five accused as detailed below:-

Sl.No	Accused	Section of law	Sentence
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1	A.1 and A.5	120(B) I.P.C.,449 r/w 34 I.P.C.,302 r/w 34 I.P.C., 395 I.P.C.,	Imprisonment for life and to pay a fine of Rs.10,000/- each in default to undergo rigorous imprisonment for three years;Rigorous imprisonment for 10 years and to pay a fine of Rs.10,000/- each in default to undergo rigorous imprisonment for 3 years;Imprisonment for life and to pay a fine of Rs.10,000/- each in default to undergo rigorous imprisonment for three years; Rigorous imprisonment for 10 years and to pay a fine of Rs.20,000/- each in default to undergo rigorous imprisonment for 3 years.
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2	A.2 and A.3	120(B) I.P.C.,449 I.P.C.,302 I.P.C., 395 I.P.C.,	Imprisonment for life and to pay a fine of Rs.10,000/- each in default to undergo rigorous imprisonment for three years;Rigorous imprisonment for 10 years and to pay a fine of Rs.10,000/- each in default to undergo rigorous imprisonment for 3 years;Imprisonment for life and to pay a fine of Rs.10,000/- each in default to undergo rigorous imprisonment for three years; Rigorous imprisonment for 10 years and to pay a fine of Rs.20,000/- each in default to undergo rigorous imprisonment for 3 years.
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3	A.4	120(B) I.P.C.,449 I.P.C.,302 r/w 34 I.P.C., 395 I.P.C.,	Imprisonment for life and to pay a fine of Rs.10,000/- in default to undergo rigorous imprisonment for three years;Rigorous imprisonment for 10 years and to pay a fine of Rs.10,000/- in default to undergo rigorous imprisonment for 3 years;Imprisonment for life and to pay a fine of Rs.10,000/- each in default to undergo rigorous imprisonment for three years; Rigorous imprisonment for 10 years and to pay a fine of Rs.20,000/- each in default to undergo rigorous imprisonment for 3 years.
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The trial Court has ordered the above sentences to run concurrently. Challenging

the said conviction and sentence, the appellants/A.1 to A.5 are before this Court with these Criminal Appeals.

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

The deceased in this case was one Mrs.Radha Bai. She was residing at her own house situated at Bharathi Nagar Extension, 11th Cross Street, Katpadi, Vellore District. She had two sons and a daughter. Her first son was then working in the Indian Army. The second son had settled down in Coimbatore. Her daughter was already given in marriage and she was residing in Bangalore. Thus, the deceased alone was residing at her house at Vellore. Usually, she wore a gold chain, a pair of gold ear studs with drops and a gold nose screw. On 03.01.2010, she was at her house. P.W.2 was running a shop in front of the house of the deceased. At about 5.00 pm on 03.01.2010, the deceased came to the shop of P.W.2 and purchased few things and went back to her house. On 28.01.2010, around 7.00 am, P.W.2, as usual, opened his shop. One Mr.Radhakrishnan, who used to supply gas cylinder to the deceased had gone to the house of the deceased around 9.00 am on 28.01.2010. When he called the deceased from outside, there was no response from inside. Then he went to the back yard of the house and called the deceased. Still, there was no response. Then he peeped through the window. To his shock, he found the deceased lying dead, in the kitchen of the house. There was huge blood stains by the side of the dead body. Immediately, he informed P.W.2 about the same. P.W.2 went there and verified the facts. He raised alarm which attracted the neighbours. P.W.1 is an Advocate by profession. He was residing at Pillaiyar Koil Street, Vellore. P.W.1's wife and the deceased are sisters. Thus, P.W.1 was the only care taker for the deceased. Therefore, P.W.2 informed P.W.1 about the occurrence. P.W.1 immediately rushed to the house of the deceased and found the deceased lying dead in a pool of blood, in kitchen. He also noticed that the jewels worn by the deceased viz., a gold chain (M.O.1), a pair of gold ear studs with drops (M.O.2); a gold nose screw (M.O.3) were found missing. P.W.1 rushed to the Katpadi Police Station and made a complaint at 11.00 am on 28.01.2010. P.W.22, the then Sub Inspector of Police, on receipt of the said complaint registered a case in Crime No.58/2010 for offence under Sections 302 and 380 I.P.C. Ex.P.26 is the F.I.R. He forwarded both the

documents viz., Ex.P.1 (complaint) and Ex.P.26 (F.I.R.,) to Court, which were received by the learned Judicial Magistrate at 4.35 pm on 28.01.2010. In Ex.P.1, P.W.1 had mentioned about the missing of M.Os.1 to 3.

3. P.W.23, the then Inspector of Police, took up the case for investigation. He went to the place of occurrence and prepared an observation mahazar and a rough sketch, in the presence of P.W.3 and another witness. He arranged for a Photographer to take photograph at the place of occurrence. He also recovered blood stained floor and the sample floor from the place of occurrence, under a mahazar, in the presence of same witnesses. He conducted inquest on the body of the deceased and forwarded the same for post mortem.

4. P.W.21 Dr.Rajamani Beemrao conducted autopsy on the body of the deceased between 11.00 am and 12.30 pm on 29.01.2010. He found the following injuries on the body of the deceased:-

1.5x1.5cm x cavity deep seen on the left side of chest seen from the mid line and 12 cm from the left shoulder with contusion of underlying tissues.

2.4x1cm x cavity deep on the left side of chest 3 cm from the left nipple and 6 cm from the mid line with contusion of the underlying muscles.

3. A 1x1x1 cm stab wound on the left side of abdomen 13 cm from the mid line and 22 cm from the left shoulder

4. A3x1cm x cavity in the 4th left side of abdomen 13 cm from the mid line and 22 cm from the left shoulder

5. A2x0.5x1cm stab injury on the left side of neck 9 cm from the jaw bone

6. 1.8x1x1.5 cm on the right side of the neck just above the collar bone 4 cm from the mid line.

7. A 10 cm long superficial cut injury of the skin in the middle of front of neck

8. A 4 x 1cm x cavity deep stab wound on the upper part of abdomen in the mid line 14 cms above the umbilicus.

9. 1x1x0.5cm stab wound on the left fore arm 10 cm from the left elbow.

10. A 3x 2cm x skin deep cut injury on the right side of nose exposing the lower 1/3rd of the nasal cavity.

11. Diffuse contusion of the left mammary tissue and muscles of the chest wall on the left side with 6x3cm laceration of the inter costal muscles corresponding to injury No.4.

Ex.P.25 is the post mortem certificate. P.W.21 gave opinion that the injuries found on the deceased would have been caused by a weapon like M.Os.18 and 24 (knives). He has further opined that the death was due to shock and hemorrhage due to the stab injuries found on the body of the deceased.

5. P.W.23 recovered the blood stained clothes from the body of the deceased and forwarded the same to Court. During investigation, it turned out that a cell phone bearing IMEI No.356813021937509 (M.O.4) belonged to the deceased was also found missing. The investigation conducted with the cell phone service provider revealed the fact that the said cell phone instrument was under use with a new sim card. The investigation further revealed that the said sim card had been purchased by one Mr.Dinesh Kumar (A.1) residing at No.1, 15th Street, Gopalapuram, Katpadi. Therefore, P.W.23 went in search of Mr.Dinesh Kumar (A.1) and arrested him. On such arrest, in the presence of P.W.4 and another witness, he gave a voluntary confession, in which, he disclosed the place where he had pledged a gold chain belonging to the deceased (M.O.1) to a Finance Company and a pair of gold ear studs (M.O.2) and a nose screw (M.O.3), with another Finance company and according to him, he had sold a nokia cell phone (M.O.4). Based on the said disclosure statement, A.1 took the Police and witnesses to the Finance Company owned by one Mr.Dineshkumar (P.W.7). P.W.7 admitted that A.1 pledged M.O.1. Accordingly, he produced M.O.1 to the Police. In the same disclosure statement, A.1 disclosed the place where A.2 to A.5 were hiding. He took the Police and witnesses to the place of hide out and identified the place from where, P.W.23 arrested A.2 to A.5, in the presence of same witnesses. On such arrest, A.2 to A.5 gave voluntary confessions one after the other. In his disclosure statement, A.5 disclosed the place where he had hidden an Auto bearing registration No.TN 23

AD 3627. The same was produced by him. P.W.23 recovered the same under a mahazar. Then, all the four accused i.e., A.2 to A.5 identified the place where they had hidden a rexine bag (M.O.5) containing money purse (M.O.7), another rexine money purse (M.O.6). They identified the place from where a leather hand bag (M.O.8) was recovered from which ATM Card, Canteen smart card, Military identity card (M.Os.9 to 11) were also found. In pursuance of the disclosure statement made by A.1, he took the Police and witnesses to the shop of P.W.1 where M.O.1 was recovered and then he took the Police and witnesses to the shop of P.W.9 where P.W.9 told that A.1 sold the cell phone (M.O.4) to him and he in turn, sold the same to P.W.10. P.W.9 identified P.W.10. P.W.10 told that he in turn, handed over the said cell phone to his daughter (P.W.11). P.W.10 identified P.W.11. From P.W.11, the cell phone (M.O.4) was recovered by P.W.23 under a mahazar. On returning to the Police Station, P.W.23 forwarded all the accused to Court for judicial remand and also handed over the material objects to Court. On completing investigation, he filed a final report against all these five accused.

6. Based on the above materials, the trial Court framed charges as detailed in the first paragraph of this judgment. In order to prove the case of the prosecution, as many as 24 witnesses were examined and 30 documents were exhibited besides 30 Material Objects.

7. Out of the said witnesses, P.W.1 has stated that the deceased was found dead on 28.01.2010 around 9.00 am. He has further identified M.Os.1 to 4 as the properties which were stolen away from the deceased. He has further identified M.Os.5 to 10 also as that of the properties of the deceased. P.W.2 has stated that he was running a shop, just in front of the house of the deceased. He has stated that at 5.00 pm, on 27.01.2010, the deceased came to his shop and purchased some things and returned back. On the next day i.e., on 28.01.2010, around 9.00 am, he found the deceased lying dead in a pool of blood in the kitchen of her house. P.W.3 has spoken about the preparation of observation mahazar and rough sketch in the place of occurrence. P.W.4 has also spoken about the same facts. P.W.5 has spoken about the arrest of the accused, disclosure statements made by them and the consequential recoveries of M.Os.1 to 11. P.W.6 has stated that on 03.02.2010, A.1 came along with A.5 to Mettupalayam and requested him

to pledge a gold chain as he was in urgent need of money to renovate his shop. P.W.6 agreed for the same. Then P.W.6 took M.O.1 gold chain and pledged the same at the shop of P.W.7 for a sum of Rs.32,000/-. P.W.7, the owner of the Pawn Broker shop has stated that A.1 came along with P.W.6 to his shop and pledged M.O.1 for a sum of Rs.32,000/- on 03.02.2010 at 8.30 pm. He has further stated that later on, on 06.02.2010, the Police recovered the same from him. He has further identified Ex.P.18 - the receipt, issued by him for the said pledging. P.W.8 has stated that, he was running a Pawn Broker shop at VIT Road, Katpadi. On 28.01.2010, A.1 who is already known to him, came to his shop and sold M.Os.2 and 3, a pair of gold stud and a gold nose screw, for a sum of Rs.3,450/-. He has further stated that on 07.02.2010, the Police came to his shop and on being identified by A.1, he produced M.Os.2 and 3 to the Police and that were also recovered by the Police. P.W.9, has stated that he was running a shop at Katpadi. On 30.01.2010, around 2.00 pm, A.1 came to his shop and wanted to sell a Nokia cell phone (M.O.4). He purchased the same for Rs.600/-. On the same day at 4.00 pm, P.W.10 purchased the said cell phone for a sum of Rs.600/-. P.W.10 has further stated that, he handed over the said cell phone (M.O.4) to his daughter (P.W.11). P.W.11, the daughter of P.W.10 has also stated so. Ultimately, M.O.4 was recovered from P.W.11. P.W.12 has stated that at 10.00 pm on 27.01.2010, he saw A.1 who drove an Auto near Tata Car Company and four known persons were sitting. This witness has not identified A.2 to A.5 at all. P.W.13 has stated that around 7.00 pm on 07.01.2010, A.1 was driving an Auto in Muthamil Nagar. He has not stated any fact more thus, his evidence is of no use. P.W.14 has stated that at 8.30 pm on 27.01.2010, near Bharathi Nagar, behind Muthumariamman Temple, an auto bearing registration No.TN 23 A@ 6794, was found parked. A.5 was the Driver of the same. The said temple is situated somewhere near the house of the deceased. P.Ws.15 to 17 have turned hostile and they have not supported the case of the prosecution in any manner. P.W.18, has spoken about the photographs taken by him at the place of occurrence. P.W.19, the then Head Constable has stated that he handed over the requisition letter to the District Police Superintendent, Information Technology to get the details about the cell phone used by the deceased. P.W.20, a Scientific Assistant from the Forensic Lab has stated that he found blood stains on all the material objects recovered from

the place of occurrence. P.W.21 has spoken about the post mortem conducted and his final opinion regarding the cause of death. P.W.22 has spoken about the registration of the case on the complaint of P.W.1. P.W.23, has spoken about the investigation done and the final report filed in this case. P.W.24 the Nodal Officer of the Idea Cell Company has stated that he informed the Inspector of Police as required by him that the cell phone bearing IMEI No.356813021937509 (M.O.4) was used with a sim card in the name of A.1.

8. When the above incriminating materials were put to the accused under Section 313 Cr.P.C., they denied the same as false. However, neither they examine any witness nor did they mark any documents on their side.

9. Having considered all the above, the trial Court convicted all the accused as detailed in the first paragraph of this judgment. Challenging the same, the appellants/accused 1 to 5 are before this Court with these Criminal Appeals.

10. We have heard Mr.N.Ranganathan, the learned counsel for the appellant/A.1 in CrI.A.No.32/2015; Mr.V.Karthick, learned Senior Counsel for M/s.T.S.Gopalan and Co, learned counsel for the appellant/A.2 in CrI.A.No.49 of 2015; Mr.K.M.Balaji, learned counsel for the appellant/A.3 in CrI.A.No.89 of 2015; Mr.John Sathyan for Mr.K.Kumaran, learned counsel for the appellant/A.5 in CrI.A.No.94 of 2015 and there was no representation for the appellant/A.4 in CrI.A.No.167 of 2015 and Mr.M.Maharaja, learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

11. This is a case based on circumstantial evidence. It is needless to point out that, in a case of this nature, the prosecution has to prove the circumstances projected by it, beyond reasonable doubts and all such proved circumstances, should form a complete chain, without any break, so as to unerringly point to the guilt of the accused and there should not be any other hypothesis which is inconsistent with the guilt of the accused. Keeping this broad principle in mind, let us go into the circumstances projected by the prosecution in the present case.

12. P.Ws.1 and 2 have stated that at her house, the deceased alone was residing. She was lastly seen alive by P.W.2 on 27.01.2010 around 5.00 pm. Thereafter, the

dead body of the deceased was found inside the house with injuries around 9.00 am on 28.01.2010. According to the Doctor who conducted autopsy, the death was due to homicidal violence. Thus, the prosecution has clearly established that the deceased had died some time between 5.00 pm on 27.01.2010 and 9.00 am on 28.01.2010 and the death was a homicidal one.

13. P.W.1 has further stated that the deceased used to wear M.Os.1 to 3 gold jewels always. On 28.01.2010 when he rushed to the house of the deceased, on hearing the information about the alleged occurrence, he did not notice that M.O.4, cell phone of the deceased also found missing. Later, he came to know that M.O.4, cell phone of the deceased was found missing and accordingly, he informed the same to P.W.23, the Investigating Officer. We find no reason to reject the evidence of P.W.1 in this regard.

14. Thus, the prosecution has proved that M.Os.1 to 4 were stolen away from the deceased in one and the same occurrence when she was killed. In other words, the persons who killed the deceased had stolen away M.Os.1 to 4 from the possession of the deceased.

15. There was no mention made about the missing of M.O.4 - cell phone, in the complaint. It is explained by P.W.1 that he did not notice about the missing of M.O.4 cell phone at the time when he rushed to the place of occurrence after hearing about the alleged occurrence and later, he realised that M.O.4 - cell phone was also found missing and immediately, he informed the same to the Police. Thus, missing of M.O.4 - cell phone from the house of the deceased has been spoken by P.W.1 and we do not find any reason to reject this part of evidence.

16. The involvement of A.1, in the crime, would not have come to light so easily, but for the use of M.O.4 by A.1. P.W.23 has stated that during interrogation, from the cell phone provider, it came to light that the said cell phone instrument IMEI.No.356813021937509 was used with some other sim card. According to P.W.23, the said sim card stood in the name of A.1. Thus, according to P.W.24, in the cell phone M.O.4, the sim card stood in the name of A.1 was used. It was only from this clue, A.1 was arrested by P.W.23, in the presence of witnesses.

17. On such arrest, in the presence of P.W.5 and another witness, A.1 gave a voluntary confession, in which, he disclosed the place where he had pledged M.O.1 and sold M.Os.2 and 3. In pursuance of the said disclosure statement, he took Police and witnesses to the shop of P.W.7, from where, M.O.1 - gold chain was recovered. P.W.7 has categorically stated that it was this accused/A.1 who came along with P.W.6, to his shop and pledged M.O.1. Ex.P.18 is the pledge receipt of M.O.1. Thus, from the evidence of P.W.7, the prosecution has established that M.O.1 - gold chain, which was stolen away on a night intervening 27.01.2010 and 28.01.2010 from the deceased was found in the possession of A.1 on 03.02.2010 at 8.30 pm. The recovery of M.O.1 was made out of disclosure statement made by A.1. Absolutely, there is no explanation, on the part of A.1, as to how he came to possess M.O.1 - gold chain, soon after the commission of theft.

18. In pursuance of the said disclosure statement, thereafter, A.1 took P.Ws.2, 3 and 5 and another witness to the shop of P.W.8. P.W.8, in his evidence, has stated that on 28.01.2010, around 7.00 pm, A.1 who was already known to him came to his shop and sold M.Os.2 and 3 (pair of gold stud and nose screw) for a sum of Rs.3450/-. M.O.s 2 and 3 were recovered on the disclosure statement made by A.1. We do not find any reason to reject the evidence of P.W.8. Thus, from the evidence of P.W.8, the prosecution has clearly established that A.1 was found in possession of M.Os.2 and 3 on 28.01.2010 at 7.00 pm, which were stolen away on the night intervening 27.01.2010 and 28.01.2010. A.1 has got no explanation to offer as to how he came to possess M.Os.2 and 3 on 28.01.2010. From this evidence, the prosecution has clearly established that M.Os.1 to 3 which were stolen away from the body of the deceased, about which, mention was made at the earliest point of time by P.W.1 in Ex.P.1 - complaint itself, were found in the possession of A.1, soon after the commission of theft.

19. Now, turning to the recovery of M.O.4 cell phone, the learned counsel for the appellants would submit that there was no mention made about the missing of M.O.4 in the F.I.R. On that score, in our considered view, the case of the prosecution cannot be rejected. P.W.1 has explained that, at the time, when he made the complaint under Ex.P.1, he did not notice about the missing of M.O.4 - cell phone. It was only from the clue given by P.W.24 that the said cell phone was

used with the another sim card stood in the name of A.1, A.1 himself was arrested. We hold that M.O.4 was also a stolen property and the same was stolen away in the same occurrence in which the deceased was done to death. M.O.4 was found in possession of A.1 who in turn sold the same to P.W.9 on 30.01.2010. P.W.9, in turn, sold the same to P.W.10. P.W.10, had in turn, given the same to his daughter P.W.11. That is how, it was recovered from P.W.11, on the disclosure statement made by A.1. A.1 has got no explanation to offer in respect of the possession of M.O.4 soon after the commission of theft. In our considered view, the prosecution has clearly established that A.1 was found in possession of stolen properties M.Os.1 to 4 soon after the commission of theft since, he has got no explanation to offer, we have to raise a presumption under Section 114 of the Indian Evidence Act, that A.1 was the perpetrator of the crime, who had caused the death of the deceased and stolen away M.Os.1 to 4, from the possession of the deceased.

20. Now, turning to the case against A.2 to A.5, nobody has seen these accused anywhere near the place of occurrence at the crucial point of time. It is the case of the prosecution that they were arrested on being identified by A.1. It is also stated that on their arrest, A.5 gave a voluntary confession, out of which, an Auto owned by him, was seized. But, there is no evidence on record, to connect the said vehicle, with the crime. It is settled law that it is not the discovery of every fact that makes the disclosure statement admissible. But, it is only the discovery of a relevant fact that makes the statement admissible in evidence. Here, in this case, the link between the Auto (M.O.17) and the crime, has not been established by the prosecution and therefore, we cannot attach any importance to the recovery of M.O.17-Auto, on the alleged disclosure statement made by A.5.

21. It is the further case of the prosecution that all the four accused viz., A.2 to A.5 have identified a particular place from where, a rexine bag (M.O.5) containing M.Os.6 to 8 were recovered and a leather bag (M.O.8) containing M.Os.9 to 11 were recovered. It is the case of the prosecution that the said Material Objects were also stolen away by these accused from the possession of the deceased. We find it difficult to believe the case of the prosecution that M.Os.5 to 11 were the stolen properties. Had it been true that M.Os.5 to 11 were really stolen away by these accused viz., A.2 to A.5, certainly, P.W.1 would have mentioned about the

same either in the complaint or atleast subsequently during investigation. It is on record that, never it was so stated by P.W.1. Thus, we find force in the argument of the learned counsel for the appellants/A.2, A.3 and A.5 that the story that M.Os.5 to 11 were also stolen away by these accused viz., A.2 to A.5, had been introduced later, by the Police, only to strengthen the case in respect of these accused viz., A.2 to A.5 also. Therefore, we find it difficult to believe the case of the prosecution that M.Os.5 to 11 were also stolen away from the house of the deceased and the same were later on recovered at the instance of A.2 to A.5. Thus, this part of case of the prosecution, is rejected.

22. There is no other evidence against A.2 to A.5. Therefore, A.2 to A.5 are entitled for acquittal. So far as A.1 is concerned, he is liable to be punished for offence under Sections 449, 302 and 395 I.P.C.

23. Now, turning to the quantum of punishment in respect of A.1, the trial Court has imposed reasonable punishment having taken into account the gravity of the offences and the mitigating circumstances. Therefore, we are unable to interfere with the quantum of punishment imposed on A.1.

24. In the result:-

(i)Crl.A.Nos.49, 89, 167 and 94 of 2015 are allowed and the conviction and sentence passed against the appellants/A.2 to A.5 are set aside and the appellants/A.2 to A.5 are acquitted from all the charges. The fine amount, if any paid, shall be refunded to them respectively. The bail bond, if any, executed by the appellants/A.2 to A.5, shall stand discharged.

(ii)Crl.A.No.32 of 2015 is allowed in part and the conviction passed against the appellant/A.1 are set aside and instead, he is convicted for offences under Sections 449, 302 and 395 I.P.C., and he is sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.5,000/- in default to undergo rigorous imprisonment for four weeks, for offence under Section 449 I.P.C., to undergo imprisonment for life and to pay a fine of Rs.10,000/- in default to undergo rigorous imprisonment for eight weeks, for offence under Section 302 I.P.C., to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.20,000/- in

default to undergo rigorous imprisonment for eight weeks, for offence under Section 395 I.P.C. It is directed that the above sentences shall run concurrently and the period of sentence already undergone by the appellant/A.1 shall be set off as required under Section 428 Cr.P.C.

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