

1.Chandru Vs. State Represented By

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Court : Chennai

Decided On : Jan-20-2015

Judge : The Hon'ble Mr.Sanjay Kishan Kaul Chief Justice

Appellant : 1.Chandru

Respondent : State Represented By

Judgement :

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED : 20.01.2015 CORAM THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN Criminal Appeal Nos.1832 of 2003 Criminal Appeal Nos.280 of 2004 and 18 of 2006 1.Chandru 2.Murugan ..Appellants in Crl.A.No.1832 of 2003/Accused 2 and 4 3.Saravanan ..Appellant in Crl.A(MD)No.280 of 2004/A.1 4.M.Jeyapaul ..Appellant in Crl.A(MD)No.18 of 2006/A.3 versus State represented by The Inspector of Police, Avaniapuram Police Station, Madurai.

(Crime No.535 of 1998)..Respondent in Crl.As./ Complainant Prayer Criminal Appeals filed under Section 374(2) of the Code of Criminal Procedure, against the judgment and conviction passed by the learned Additional District and Sessions Judge, Fast Track Court No.III, Madurai in S.C.No.297 of 2002, dated 24.11.2003.

!For FiRs.Appellant in : Mr.M.Thirunavukkarasu Crl.A.No.1832 of 2003 For Second Appellant in : Mr.A.Jeyaram Crl.A(MD)No.1832 of 2003 ^For Appellant in : Mr.K.Sivabalan Crl.A(MD)No.280 of 2004 For Appellant in :

Mr.M.Thirunavukkarasu CrI.A(MD)No.18 of 2006 for Mr.T.K.Balasubramanian For Respondent in all : Mrs.S.Prabha, CrI.As.

Government Advocate (CrI.Side).:COMMON

JUDGMENT

Accused 2 and 4 preferred Criminal Appeal No.1832 of 2003, A.1 preferred Criminal Appeal(MD)No.280 of 2004 and A.3 preferred Criminal Appeal(MD)No.18 of 2006 and vide Judgment dated 24.11.2003 made in S.C.No.297 of 2002, all the four accused stood charged, tried and convicted as follows, by the trial Court: Accused Charges A.1 341, 392 r/w.397, 392 r/w.397 r/w.34 and 394 r/w.397 I.P.C.A.2 to A.4 341, 392 r/w.397 and 392 r/w.397 r/w.34 I.P.C.Accused Conviction Sentence A.1 to A.4 341 I.P.C.to undergo simple imprisonment for one month each.

A.1 to A.4 392 r/w.397 r/w.34 I.P.C.to undergo seven years rigorous imprisonment and imposed fine of Rs.1,000/- each, in default to undergo six months simple imprisonment .

The trial Court has directed the sentences to run concurrently and aggrieved by the said conviction and sentence passed by the trial Court, all the accused have preferred these appeals.

2.The facts leading to the filing of these Criminal Appeals are stated as follows:
2.1.

P.W.1 namely Sridharan, Grade-I Constable, attached to D1 South Gate Police Station, Madurai City, alongwith his brother-in-law namely Jegadeesan (P.W.2) proceeded to Thirunagar as his father died and after attending the death ceremony, both of them stayed there and were returning on the early morning hours on 17.12.1998.

Both of them were proceeding in Bajaj M-80 two wheeler bearing Registration No.TDA6780(M.O.2) and when they were coming via Thirupparangundram-Avaniyapuram Road at about 05.00 a.m, they were waylaid by four persons, armed with knives and they threatened them and took them to a rock nearby.

The accused took away a sum of Rs.100/- found on the pocket of P.W.1, his wrist watch and removed his dhoti and tore into two pieces and tied P.W.1 as well as P.W.2.

Again, they proceeded and waylaid two persons, who were coming in Bajaj M-80 two wheeler (P.W.6 and P.W.8) and tracked them to the place, in which P.W.1 and P.W.2 were kept.

One of them, namely, Premkumar (P.W.8) resisted and he was attacked with a knife on his head and they took away a sum of Rs.360/- from him and all of them left the two wheeler belongs to P.W.1.

At that time, P.Ws.1 and 2 managed to untie the knot and took the two wheeler of P.W.8 and they were also guided by a person.

Both P.Ws.1 and 2 proceeded to Avaniyapuram Police Station and lodged a complaint.

2.2.

P.W.9 was a Sub Inspector of Police attached to Avaniyapuram Police Station and on receipt of the complaint marked as Ex.P.1, registered a case in Crime No.535 of 1998 under Section 394 I.P.C.at about 08.00 hours on 17.12.1998.

The printed FIR is marked as Ex.P.9.

2.3.

Mr.Sundaresan, Inspector of Police, attached to Avaniyapuram Police Station took up the investigation and thereafter it was continued by P.W.10.

P.W.10 found that Sundaresan has proceeded to the scene of crime on 17.12.1998 and preferred a Rough Sketc.marked as Ex.P.10 and also recovered dhoti, marked as M.O.5, under a cover of mahazer.

Since the predecessor of P.W.10 was placed under suspension and that his whereabouts having been not known, the investigation was conducted by P.W.10.

2.4.

P.W.10 on 23.12.1998 at about 05.00 a.m., near State Transport Depot at Palanganatham, effected the arrest of A.1 and A.2.

A.1 and A.2 voluntarily came forward to give confession statements.

As per the admissible portion of confession statement of fiRs. accused, marked as Ex.P.4, M.O.2, two wheeler, M.O.3 series, knives as well as watch of P.W.2 were recovered under a cover of mahazer, Ex.P.5.

On the same day, at about 09.00 a.m., P.W.10 effected the arrest of A.3 and A.4 and A.4 voluntarily came forward to give a confession statement.

As per the admissible portion of confession statement of A.4, marked as Ex.P.6, a knife, an HMT watch, another knife and a Timex watch were recovered under a cover of mahazer, Ex.P.7.

The predecessor of P.W.10 having found that P.W.8, Premkumar was injured, sent him for treatment to the Government Headquarters Hospital, Sivagangai alongwith P.W.1 and he was treated by P.W.7, Civil Surgeon/Specialist in Orthopaedics attached to the said hospital.

The Accident Register pertains to P.W.8 is marked as Ex.P.8.

2.5.

P.W.10 after effecting arrest of the accused and recovery of material objects, brought them to the police station and subsequently produced before the Jurisdictional Judicial Magistrate to remand them to judicial custody.

P.W.10, on 30.03.1999 has examined P.W.7, the doctor who treated P.W.8 and recorded his statement and also obtained Ex.P.8, copy of Accident Register.

P.W.10 after completing the investigation has filed charge sheet on 05.04.1999 charging all the accused for commission of offences under Sections 341, 392 and 397 I.P.C.2.6.

The Court of Judicial Magistrate No.VII, Madurai, on receipt of the charge sheet, took it on file in P.R.C.No.47 of 1999 and issued summons to the accused and on their appearance, they were furnished with copies of documents under Section 207 Cr.P.C.The said Court having found that the case is exclusively triable by the Sessions Court, has committed the case to the Court of Principal Sessions Judge, Madurai, which in turn, made over the same to the Court of Additional District and Sessions Judge, Fast Track Court No.III, Madurai.

2.7.

The trial Court on appearance of the accused, has framed the charges as stated above and questioned them and they pleaded not guilty to the charges framed against them and prayed for trial of the case.

2.8.

The prosecution in order to sustain their case, has examined P.W.1 to P.W.10 and marked Exs.P.1 to P.10 and also marked M.O.1 to M.O.6.

2.9.All the accused were questioned under Section 313(1)(b) of the Code of Criminal Procedure, 1973, with regard to the incriminating circumstances made out against them in the evidence tendered by the prosecution and they denied it as false.

2.10.

On behalf of the accused, no oral evidence was let in and no documents were marked.

2.11.The trial Court on appreciation of oral and documentary evidences, has convicted and sentenced the accused as stated above and hence these appeals.

3.The respective learned Counsel appearing for the appellants/accused made the following submissions: The testimonies of the witnesses/victims namely P.Ws.1,2,6 and 8 did not corroborate with each other on material particulars such as place of occurrence, identity of the accused, uses of weapons and time of occurrence.

The accused were not known to the above said witnesses and admittedly, no test identification parade was conducted by the predecessor of P.W.10 or by P.W.10 and the witnesses have not even identified the accused in the Court during the course of trial and except arrest, alleged confession and recovery of material objects, no other materials have been produced by the prosecution to connect the accused with the commission of crime.

The witnesses to the preparation of Rough Sketch and Mahazar namely P.W.3 and P.W.4 deposed that they were not aware of the contents of the mahazar at all and therefore the scene of alleged crime is also doubtful.

According to the above said witnesses, the distance between the scene of crime and the nearest police station is between 1 k.m. and 2 k.m. and yet it took P.W.1, who himself is a police constable to reach the police station three hours thereafter, though according to him, he used the two wheeler of P.W.8, Premkumar and reached the Police Station along with P.W.2.

Though P.W.2 in the chief examination has deposed that he knows the accused, in the cross-examination would depose that he was not aware of the identity of the accused.

However, in Ex.P.1, the complaint given by P.W.1, the identity of the accused have not been disclosed at all.

4. The respective learned counsel appearing for the appellants has invited the attention of the Court to the testimonies of the witnesses and the exhibits marked on the side of the prosecution and would submit that the infirmities pointed out above cannot be termed as trivial and it had shaken the very foundation laid down by the prosecution and in any event the trial Court ought to have awarded benefit of doubt and acquitted the accused and therefore prays for their acquittal.

5. Per contra, Mrs.S.Prabha, learned Government Advocate (Criminal Side) appearing for the respondent would submit that though certain discrepancies emanated during the course of examination of the witnesses, the fact remains that the occurrence took place on 17.12.1998, whereas the witnesses were examined

during May, 2003 and on account of lapse of nearly five years. The discrepancies are bound to happen and in any event, the discrepancies are trivial in nature and therefore it cannot be said that the foundation laid down by the prosecution has been shaken or lost.

6. The learned Government (Criminal side) has also drawn the attention of this Court to the testimonies of the victims namely P.Ws. 1, 2, 6 and 8 and would submit that their testimonies corroborated with each other on material particulars as to the time and place of occurrence, complicity and overtacts on the part of the accused and it is also strengthened by the fact that their arrest and based on their admissible portion of confession statements, incriminating articles were seized and the trial Court, on a proper perspective, has rightly convicted and sentenced the accused and hence prayed for dismissal of these appeals.

7. The learned Government Advocate (Criminal side) in support of her submissions, placed reliance on the following Judgments of the Hon'ble Supreme Court: (i) Criminal Appeal Nos. 1632-1634 of 2010 along with Criminal Appeal Nos. 127-130 of 2008, dated 30.08.2010 (C. Muniappan and Others v.

State of Tamil Nadu). (ii) Criminal Appeal No. 674 of 2006, dated 08.03.2011 (State of U.P. v.

Naresh and Others). (iii) Criminal Appeal No. 660 of 2008, dated 27.07.2010 (Vijay @ Chinee v.

State of Madhya Pradesh). (iv) Criminal Appeal No. 2478 of 2014, dated 25.11.2014 (Motilal Yadav v.

State of Bihar). 8. This Court paid its anxious consideration and best attention to the rival submissions and also perused the materials available on record and also the original records.

9. In Ex.P.1, P.W.1 would state that after attending the death ceremony of his father, he was returning along with P.W.2 and on 17.12.1998 at about 05.00 a.m. he was waylaid by four persons armed with knives and stolen cash as well as wrist watch and both of them were also tied by the torn pieces of dhoti worn by

P.W.1.

He further stated in Ex.P.1 that subsequently two persons were also brought by the accused and since one of them made a resistance, he was attacked with a knife and all the accused also took away the two wheeler of P.W.1.

Subsequently, they managed to untie the knots and P.W.1 and P.W.2 reached Avaniyapuram Police Station and lodged a complaint under Ex.P.1, based on which, P.W.9 registered FIR at about 08.00 hours on 17.12.1998.

P.W.1 in his chief examination would depose the names of A.4 and other accused.

He would further depose in his chief examination that after committing the crime, they took away the two wheeler and they put the two wheeler driven by P.W.8 in a canal and went away.

Initially P.W.1 and P.W.2 went to Avaniyapuram Police Station and subsequently P.W.6 and P.W.8 came.

Thereafter, Ex.P.1 was given by P.W.1.

He would further depose that on 23.12.1998 on receipt of the information that the accused were apprehended, he went to the police station and identified the material objects, marked as M.O.1 and M.O.2, and the knives used by the accused (M.O.3). In the cross-examination, P.W.1 has deposed that Ex.P.1, complaint was written by him in his own handwriting and in Ex.P.1, complaint he did not state the details such as, the identification of the accused and also the measurement of the knives used by the accused.

He would further depose that he did not state in the complaint as to the persons who has torn his dhoti and he also did not identify the accused before the Judicial Magistrate.

P.W.1 further deposed that he did not hand over the torn dhoti at the time of lodging complaint under Ex.P.1.

In the cross-examination done on behalf of third accused, P.W.1 would depose that he did not depose about the accompany of P.W.2, when he went to the police station to lodge a complaint and would further depose that he also brought the dhoti to the police Station.

He would further state that he was helped by a person, who untied the knot and admitted that at the time of commission of the crime, it was pitch-dark and denied the suggestion that only after the accused were identified by the police, he identified them and he did not sustained any injury.

In the cross-examination done on behalf of accused 1 and 4, P.W.1 would depose that whatever he has stated in the chief examination, was not stated in Ex.P.1, the complaint given by him and he identified the accused only on 23.12.1998 and denied the suggestion that due to pitch-dark, he was not in a position to state the correct particulars. P.W.2 is related to P.W.1 and he accompanied P.W.1 to attend the death ceremony of his father and in his chief examination he deposed that he was waylaid by the accused and he and P.W.1 were tied with a torn dhoti worn by P.W.1 and they have also stolen articles of P.W.1.

About ten minutes thereafter, P.W.6 and P.W.8 were brought to the place and when P.W.8 resisted, he was attacked with an aruval on his head and both of them were dragged to sit near them.

Subsequently, they have pushed the vehicle of P.W.1 in a canal and took the vehicle of P.W.8 and went away and they raised an alarm and somebody had rescued them.

11. One week thereafter he identified the accused in the police station and also identified M.O.4 and torn dhoti, M.O.5.

In the cross-examination, P.W.2 would depose that in the police station, Ex.P.1 was written by P.W.1 and he put his signature as a witness and all four (P.W.1, P.W.2, P.W.6 and P.W.8) had signed as witnesses.

P.W.2 would further depose that he has disclosed the physical features of the accused and it was also written by P.W.1 in Ex.P.1, complaint and all of them

armed with aruval.

In the cross-examination done on behalf of A.3, P.W.2 would depose that the occurrence took place for about ten minutes and all of them went to police station by using the vehicle of P.W.1.

P.W.2 and P.W.3 were examined with regard to preparation of Observation Mahazer marked as Ex.P.2 and recovery of M.O.5, dhoti under a cover of mahazer, Ex.P.3 and in the cross-examination, they have deposed that they were not aware of the contents of the Rough Sketch, in which they subscribed their signatures.

12.P.W.5 speaks about the arrest of all the accused, their confession and recovery effected in pursuant to the admissible portion of the confession statements.

In the cross-examination, he denied the suggestion that all the documents were prepared only in the police station and would depose that it took nearly one hour to record the confession statements of the accused and further denied the suggestion that he is a stock witness of the police.

13.P.W.6 is also one of the victims and in the chief examination, he would depose that he along with P.W.8, Premkumar, were coming in Thirupparangundram-Avaniapuram Road and they were waylaid by the accused and they also snatched articles of P.W.8, such as wrist watch and cash and they made him and P.W.8 to sit on the rock and they found that two persons were already there and found tied and they are P.W.1 and P.W.2.

P.W.6 would further depose that the accused were the persons, who committed the crime and after reaching the police station, P.W.8 was sent for medical treatment and three months thereafter he identified the accused.

In the cross-examination, P.W.2 would admit that at the time of recording statement, he did not disclose the identity or physical features of the accused for the reason that since the occurrence took place in pitch-dark, he was not able to identify them.

P.W.6 would further admit that he also stated about the attack made by one of the accused on P.W.8.

P.W.6 would further depose in the cross-examination that along with P.W.1, P.W.8 also proceeded to the police station and he walked to the police station, which is + k.m.away from the scene of crime.

14.P.W.7, who treated P.W.8 and issued copy of Accident Register, marked as Ex.P.8 and he opined that the injury sustained by him is simple in nature and he accompanied by his friend, namely P.W.1.

15.P.W.8 is also one of the victims and in the chief examination, he deposed that he along with P.W.6, were proceeding in a two wheeler and he also knows the accused and they were suddently waylaid by four persons and one of them tried to snatch away the articles and since he resisted, he was attacked with a knife and he and P.W.6 were taken to a spot and they found P.W.1 and P.W.2 and accused have stolen a sum of Rs.360/- as well as wrist watch.

He identified that P.W.1 and P.W.2 are his friends.

Subsequently, P.W.6 and he went to the police station in another vehicle and P.W.1 lodged a complaint and thereafter he was sent to Government Headquarters Hospital, Sivagangai for treatment and one week thereafter he was asked to come to the police station to identify the material objects.

In the cross-examination, P.W.8 would depose that in the statement recorded by the police, he has stated that he knew the accused.

But, however admitted that before the said occurrence, he has not seen them and only in the police station he has seen them.

He would further admit that at the time of lodging of complaint under Ex.P.1 by P.W.1, he did not sign in Ex.P.1 as a witness and he has stated about the physical features of the accused.

In the cross-examination done by A.3, P.W.8 would depose that he cannot state about the concerned accused, who has snatched cash and wrist watch from him

and the occurrence took place for about half-an-hour and he reached the police station between 05.00 p.m. and 06.00.

p.m. on 17.12.1998 and the distance between the scene of crime and police station is between 1 k.m. and 2 k.m. and P.W.11 registered F.I.R. based on Ex.P.1, complaint given by P.W.1.

In the cross-examination, he deposed that it was a written complaint and it was written by P.W.1 in the police station itself and in Ex.P.1, complaint, none of them have signed as witnesses and he did not remember as to the presence of the persons at the time of lodging of Ex.P.1.

16.P.W.10, Investigating Officer in the cross-examination has admitted that in the statements of P.W.1 and P.W.2, they have not disclosed about the physical features and identity of the accused.

P.W.10 would further admit that though in this kind of cases, it is obligatory to conduct test identification parade and that he has submitted an application to conduct the same and having come to know that the photographs of the accused were already published in newspapers, he did not take further steps.

In the cross-examination done by A.4, P.W.10 would further admit that he did not recover blood stained clothes, though he was aware of the same that it should be recovered/seized and further admit that he has not examined the witness concerned with the recovery of dhoti and denied the suggestion that all the accused were shown to the witnesses only in the police station and he has not done proper investigation.

17. It could be seen from the testimonies of P.W.1, P.W.2, P.W.6 and P.W.8 that they were not aware of the identity of the accused and in fact P.W.2 would depose that the occurrence has taken place in the pitch-dark.

Though the witnesses made improvements in their testimonies as to the identity of the accused, in Ex.P.1, the complaint given by P.W.1, which came into existence at the earliest point of time, P.W.1 did not state anything about the physical features or identity of the accused.

P.W.10 in the course of his testimony would also admit that P.W.1 and P.W.2 in the course of their statements given under Section 161(3) Cr.P.C., did not state anything about the identify or physical features of the accused.

18. In fact none of the witnesses has identified the accused in the Court during the course of trial.

The Investigating Officer would admit in the cross-examination that in cases of present nature, it is obligatory on his part to conduct test identification parade.

Though, he has taken steps to do so, having come to know that the photographs of the accused were also published in newspapers he did not take any further steps.

It is very pertinent to point out, at this juncture, that according to P.W.10 coupled with the testimony of P.W.5, all the accused were arrested on 23.12.1998 itself and immediately the concerned witnesses were summoned to the police station and identified the material objects.

It is not clear from the testimony of P.W.10 as to when the photographs of the accused were published in newspapers and in any event it should have been published in the newspaper only on or after 23.12.1998.

As already pointed out, the arrest of the accused and identity of material objects took place on 23.12.1998 itself and therefore the explanation offered by P.W.10, Investigating Officer as to the non-conducting of test identification parade, not appears to be tenable and it belies common sense also.

19. It is a vehement forcible submission of the learned Government Advocate (Criminal side) that the test identification parade is not a substantive piece of evidence and it can be used only for the purpose of corroboration and in support of her submission, she placed reliance upon the Judgments rendered by the Hon'ble Apex Court in Criminal Appeal No.660 of 2008 (Vijay @ Chinee v.

State of Madhya Pradesh) and Criminal Appeal No.2478 of 2014 (Motilal Yadav v.

State of Bihar). There cannot be any difficulty in accepting the said proposition which stood as it is all times over the years. But, the fact remains that the accused were not known to none of the witnesses.

As pointed out by this Court in the earlier paragraphs, the witnesses made improvements in the contents of testimonies as if they knew the identity of the accused.

But the fact remains that they did not know the identity of the accused till they seen them in the police station on 23.12.1998 i.e., on the date of arrest itself.

Therefore, conducting of test identification parade assumes greater importance and as admitted by P.W.10, in this kind of cases, it is obligatory on his part to take steps to conduct test identification parade.

But unfortunately, it was not conducted.

In the considered opinion of the Court, in cases of this kind of nature, it is always prudent to conduct test identification parade, so that the presence of the accused in the scene of crime and the role played by them in the commission of the crime can be found out.

Unfortunately, it was not done and the explanation offered by the Investigating Officer in his cross-examination, cannot be accepted at all.

20. Therefore, this Court is left with the testimony of P.W.5 with regard to the arrest and recovery of material objects.

Here again some discrepancies as to the recovery of dhoti and there is a discrepancy among the testimonies of P.W.1, P.W.2, P.W.6 and P.W.8 as to where the torn pieces of dhoti were recovered.

According to them, they took the dhoti and handed over to the police and whereas as per Ex.P.5, Seizure Mahazer, two pieces were recovered in the scene of crime and it is a specific case of P.W.1 and P.W.2 that the dhoti worn by P.W.2 was torn into four pieces and by using one of the pieces of torn dhoti, they were tied and prevented them from escape.

21.It is also to be pointed out, at this juncture, that according to P.W.1 and P.W.2, they initially proceeded to the police station by using the two wheeler of P.W.8 and subsequently P.W.6 and P.W.8 reached the police station and according to P.W.2, all of them had signed as witnesses in Ex.P.1, the complaint given by P.W.1.

However, a perusal of Ex.P.1, the complaint given by P.W.1 and the testimony of P.W.10, Investigating Officer, would disclose that P.W.2, P.W.6 and P.W.8 did not sign as witnesses and it is very pertinent to point out at this juncture that they also deposed, especially, P.W.2 deposed that the identity of the accused were given in the statement and it was also stated so in Ex.P.1, complaint and whereas Ex.P.1, complaint did not contain any particulars as to the physical features and identity of the accused.

22.It is the submission of the learned Government Advocate (Criminal side) that though the investigation is defective, it may not lead to the acquittal and she would further add that the occurrence tookplace during December, 1998 and the witnesses were examined during May, 2003 and therefore the discrepancies are found to happen and the discrepancies pointed out are very trivial in nature and in support of her submission, she placed reliance upon the Judgment rendered by the Hon'ble Supreme Court in Criminal Appeal Nos.1632-1634 of 2010 along with Criminal Appeal Nos.127-130 of 2008 (C.Muniappan and Others v.

State of Tamil Nadu).23.No doubt, the witnesses were examined five years after the date of occurrence and therefore there may be some embellishment, exaggeration or inconsistencies in their version, which can be termed as normal on account of passage of time.

But the fact remains that the identity of the accused is very crucial.

But, unfortunately they were not identified in the manner known to law and P.W.10 has failed to offer any proper or tenable explanation as to the non-conducting of the test identification parade and this Court in the earlier paragraphs has observed that the reason for non-conducting of the test identification parade as spoken to by P.W.10 in his cross-examination, cannot be merit acceptance.

24. Therefore, except the recovery on the basis of admissible portion of the alleged confession statements, nothing is before the Court to connect the accused with the commission of the crime.

The discrepancies pointed out by this Court in the earlier paragraphs, cannot be termed as trivial and though it is a settled position of law that defective/illegality in investigation may not per se lead to the acquittal, this Court is of the considered opinion that the infirmities pointed out in the foregoing paragraphs had shaken the foundation laid down by the prosecution and therefore benefit of doubt shall inure in favour of the appellants/accused.

25. In the result, all the Criminal Appeals are allowed and the conviction and sentence imposed in S.C.No.297 of 2002, vide judgment dated 24.11.2003, by the learned Additional District and Sessions Judge, Fast Track Court No.III, Madurai, are set aside and the appellants/ accused are acquitted of the charges framed against them.

Fine amount, if any, paid by the appellants/accused, shall be refunded to them.

The bail bonds executed by them shall stand terminated.

20.01.2015 Index :No Internet :Yes smn To 1.The Additional District and Sessions Judge, Fast Track Court No.III, Madurai.

2.The Inspector of Police, Avaniapuram Police Station, Madurai.

3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

M.SATHYANARAYANAN,J.

smn COMMON

JUDGMENT

MADE IN Criminal Appeal Nos.1832 of 2003, 280 of 2004 and 18 of 2006
20.01.2015

