

B. Shankar and ors. Vs. State of A.P., Rep. by Its Public Prosecutor

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Court : Andhra Pradesh

Decided On : Feb-03-2003

Reported in : 2003CriLJ2242

Judge : L. Narasimha Reddy, J.

Acts : Evidence Act - Sections 9; [Identification of Prisoners Act 1920](#) - Sections 2 and 4; Code of Criminal Procedure (CrPC) - Sections 116, 161, 437(1) and 482; Indian Penal Code (IPC) - Sections 395, 396, 399, 400 and 402

Appeal No. : Criminal Appeal Nos. 1684, 1709, 1801 and 1821/98, 6, 7, 8, 9, 18, 10, 19, 23, 24, 32, 72, 422, 423,

Appellant : B. Shankar and ors.

Respondent : State of A.P., Rep. by Its Public Prosecutor

Advocate for Def. : Public Prosecutor

Advocate for Pet/Ap. : C. Damodhar Reddy, Adv.

Judgement :

L. Narasimha Reddy, J.

1. These Criminal Appeals are filed against the judgments of the Courts of Sessions division at Karimnagar in several Sessions Cases tried for offences

under Sections 395, 396, 399, 400 and 402 of Indian Penal Code (IPC). Inasmuch as many of the appellants figured as accused in several cases and since common questions of fact and law arise, the appeals are disposed of through common judgment.

2. The offences of dacoity alleged against the appellants-accused were spread over a period and the incidents took place in several districts. As and how the information poured in and investigations proceeded, the trial Court had taken up and proceeded with the cases. Some of the sessions cases were clubbed and common judgments were rendered therein.

3. In S.C. No. 456/91, A1 to A6 were tried for offences under Section 395 IPC. It is the case of the prosecution that on the intervening night of 30th November and 1st December of 1993, the accused went to Kalamadugu village in a jeep armed with knives and sticks and stopped the same in front of the house of PW.2. They wanted PW.2 to open the door by declaring that they are Police and came to verify whether PW.2 was providing any food to the Naxalites. PW.2 opened the door. Four of the accused dragged him towards the Jeep and threatened him to hand over the golden ornaments. When he did not comply with the same, they went into the house, searched his Kirana shop, threatened his wife-PW.3 and took away the golden ornaments weighing about 50 grams, a wrist watch and other items worth about Rs.17,5000/-. Thereafter they took PW.2 with them and asked him to show the houses of P.Ws. 5, 6, 7 and 8. At each of the houses, they have committed similar dacoity by threatening the inmates of the houses. A night halt bus of APSRTC was parked near the Gram Panchayat Office. They threatened the Conductor who was sleeping therein and took away the cash of Rs.567/-. Complaint was submitted in the morning.

4. Since several such incidents took place, the CID wing of the DGP's office was monitoring the matter. PW.27, the Inspector of Police, Anti Dacoity Cell, CID, proceeded to the PS Luxetipet on 24-12-1994. On receiving reliable information, he along with the local Inspector of Police-PW.24, apprehended A1 and A2 along with 3 others (who are accused in other offences). They recorded the statements of the accused in the presence of P.W.23, a mediator. Various items of stolen

properties were recovered from A1 and A2 in the presence of P.W.13 and another witness. The accused were produced before the Judicial First Class Magistrate on 25-12-1994. On requisition made by PW.27, Test Identification Parade (for short 'TIP') was held on 7-1-1995 by PW.26, JFCM, Chennur, where P.Ws.1 and 2 have identified A1 and A2.

5. On 6-1-1995, PW.24-CI of Police, PW.25-Sub Inspector and PW.27-CI, Anti Dacoit Wing, have apprehended A3, A4, A5, A6 and 8 others at Parikapalli 'T' Junction near Jagtial at about 1-30 AM. From them, various weapons, such as, button knives, dupe revolvers, pistols, and iron rods were recovered. The Police interrogated A3 to A6 and several stolen articles were recovered from them under Panchanama.

6. The TIP as regards A3 to A6 was conducted on 19-2-1995 in the presence of PW.21, the Addl. JMFC. In that, PW.2 identified A3 and A5, PW.6 identified A3, PW.4 identified A3 and A5, PW.5 identified A3, A4 and A5 and PW.8 identified A5. The TIP of the stolen properties was held on 17-4-1995 wherein the victims, from whom various items and properties were stolen, have identified the respective items.

7. Before the trial Court, the prosecution examined P.Ws.1 to 27. PW.1 is the Village Administrative Officer, who made the complaint about the incident, PWs.2 to 12 were victims of the dacoity, PWs.13 to 20 are the mediators at various stages. P.Ws.21 and 26 are the Judicial Officers, who conducted the TIP. The prosecution also marked Exs.P1 to P36 and M.Os.1 to 23. The Defence marked Exs.D1 and D2, which are portions of 161 Cr.P.C. statements of PW.7.

8. On appreciation of oral and documentary evidence, the trial Court found A1 to A5 guilty of offence under Section 395 IPC and sentenced them to undergo RI for 10 years each and to pay fine of Rs.500/- each; in default to undergo SI for 6 months. A6 was found guilty of offence under Section 412 IPC and was sentenced to undergo RI for 5 years and to pay a fine of Rs.250/-. Since the trial Court found these accused guilty of another offence also, tried in SC.507/96, the sentence imposed in this SC was directed to run concurrently with the one imposed in SC. No. 507/96. A1 and A2 have filed Crl.A. No. 19/99, A3 to A5 filed Crl.A. No. 10/99

and A6 filed Crl.A. No. 24/99.

9. S.C.Nos.507 and 647 of 1996 were tried together since they related to the same offences. In all, 10 accused were tried for the offence under Section 395 IPC. It is the case of the prosecution that in the intervening night of 26/27-11-1994, all the accused went in Jeep to Sikindrapur village, Chinnakodur Mandal, Medak district. They caught hold of a Gurkha and asked him as to who are the rich persons in the village. They took him to the house of PW.2 and made him to call PW.2. When PW.2 opened the door, 6 of them rushed into the house armed with knives, axes and fire arms and robbed several gold and similar ornaments. The accused declared themselves to be Naxalites and threatened the inmates of the house not to reveal the same to any one. The victims were kept in the house and doors were bolted from outside. Thereafter they proceeded to the house of PW.1. They made the Gurkha to call him and when the doors were opened, they rushed inside and took away several gold and silver ornaments from the house and from the persons in the house. Similar threats were administered there also and the house was bolted from outside.

10. PW.1 submitted a complaint on the same day, after day break. the SHO Chinnakodur registered a case in Cr. No. 40/94 under Section 395 IPC. The Inspector of Police, Anti Dacoity Cell, CID-PW.15, undertook investigation and on reliable information, apprehended A1 and A2 and 3 others on 24-12-1994 near Karimnagar cross road, at Luxettipet. Their confessional statements were recorded in the presence of P.Ws. 3 and 5 and certain items of stolen property were recovered from them. At the instance of A1, some more items of stolen property were recovered in the presence of PW.7 and another witness. PW.15 has also apprehended A3 to A8 and 6 others at Jagtial on 6-1-1995. Certain weapons as well as stolen properties were recovered from them in the presence of 6 mediators. Thereafter, the statement of A3 was recorded in the presence of PW.6. A3 produced several golden articles, which were recovered under a cover of Mahzarnama. Similarly, confessional statements were recorded and properties were recovered from the other accused.

11. The TIP of the accused was held on 16-2-1995. In the parade, PW.1 identified A4, A5, A7 and A8 and PW.2 identified A3 and A8. PW.3, who was the Gurkha, identified A6. The TIP of the stolen property was held on 13-4-1995. The prosecution examined P.Ws.1 to 15, out of whom, PWs.1 and 2 are the victims, PWs.3 to 12 are the mediators at various phases of investigation. PW.13 is the JFCM, who conducted the TIP and P.Ws.14 and 15 are the Investigating Officers. Exs. P1 to P20 as well as M.Os.1 to 9 were marked. The trial Court found A1, A2, A3 and A6 guilty of offence under Section 412 IPC and sentenced them to undergo RI for 5 years and to pay a fine of Rs.200/- each. A4, A5, A7 and A8 were found guilty of offence under Section 395 IPC and they were sentenced to undergo RI for 7 years and to pay a fine of Rs.500/- each. A9 and A10 were acquitted. Crl.A. No. 72/99 is filed by A1, Crl.A. No. 7/99 by A2, A3, A4 and A6, Crl.A. No. 8/99 by A5 and Crl.A. No. 1149/99 by A8.

12. In SC.403/96, initially A1 to A7 were charged with offences under Section 395 IPC. The cases of A6 and A7 were split up. According to the prosecution, on the intervening night of 18/19-10-1993, A1 to A6 went to Gowrayapalli village and met A7. They identified 3 houses for committing dacoity. They scaled over the compound wall of PW.1 at 0-30 hours. In his house, power looms were installed. They threatened the workers to start the power looms so that the dacoity cannot be noticed in the voice of power looms. The accused declared themselves to be the Naxalites and by threatening the inmates with knives, axes, etc., snatched away gold and silver ornaments from the various inmates of the house of P.W.1. They also entered into the pooja room of the house and took away cash of Rs.6,000/-, which was tied in a cloth. After completing the dacoity in the house of PW.1, some of the accused went to the house of PW.2 by scaling over the wall. They have gone into the house by using weapons and declaring themselves to be the Naxalites. There also they snatched the golden and silver ornaments from the inmates of the house. Thereafter, they went to the house of PW.6. After committing the dacoity at three houses, they threatened them not to disclose the same to any one. In each of the houses, they stayed for more than 30 minutes and were seen in bright electric lights by the inmates of the houses and some power loom workers. Incidentally, the accused in this case were also accused in several other cases. They came to be arrested by PW.18, the Inspector of Police, AD Cell,

CID on 24-12-1994, 25-1-1995 and 6-1-1995. Confessional statements were recorded and some of the stolen items were recovered from the accused under Panchanama. On 19-2-1995, the TIP was held by Addl. JMFC, Karimnagar, wherein PW.1 identified A4 and A6, PW.2 identified A1, A3, A4, A5 and A6, PW.3 identified A3 to A6, and PW.6 identified A5 and A6.

13. In all, the prosecution examined P.Ws.1 to 18. P.Ws.1 to 7 are either victims or inmates of their houses. P.Ws.8 to 14 are mediators. PW.15 is the Magistrate in whose presence the TIP was held and PW.16 to 18 are the Investigating Officers. Exs.P1 to P18 and M.Os.1 to 15 were marked on behalf of the prosecution.

14. The trial Court found A1 guilty for the offences under Sections 395 and 412 IPC and sentenced him to undergo RI for 5 years. A2 to A5 were found guilty for the offence under Section 395 IPC and were sentenced to undergo RI for 7 years and to pay a fine of Rs.500/- each. A1 and A2 preferred Crl.A. No. 25/99 and A3, A4 and A5 preferred Crl.A.Nos.1821, 6 and 23/199 respectively.

15. In the charge sheet filed in SC. No. 403/97, it was stated that A8-Hanumandala Sattaiah and A9-Potti Narsaiah were absconding. On 26-4-1996, the Inspector of Police, AD Cell, CID, apprehended A8 and another person by name Bakkatatla Mallaiah, at TTD Kalyana Mandapam, at Vemulavada. On the basis of confession made by him, he was tried in SC. No. 774/96. After taking into account the evidence on record, the trial Court found A8 guilty of offence under Section 395 IPC and sentenced him to undergo RI for 5 years and pay fine of Rs.500/-. He has preferred Crl.A. No. 422/99.

16. S.C.Nos.506 and 646 of 1996 were clubbed and tried together. A1 to A10 were tried for offences under Section 395 IPC. They along with 20 other associates were said to be committing dacoities in Nalgonda, Adilabad, Karimnagar, Medak and Nizamabad districts of Andhra Pradesh and also in the Bombay city. It is said that out of fear in many cases, complaints were not made and the dacoities committed by them spread over for years 1993, 1994, and 1995, at various places referred to above.

17. On the intervening night of 22/23-10-1994 22/23-10-1994 , at about 1-00 A.M., A1 to A10 came in a jeep to the outskirts of Chittapur village. They left the jeep there and went on foot into the Premnagar locality of the village. After announcing themselves to be the Naxalites, asked PW.2 to open the doors. Out of fear, he switched on the lights and opened the main door. 6 of the accused entered the house and others stood as guards outside the door. They threatened PW.2 and his wife PW3. They took away the keys of almyrah; snatched away various golden ornaments kept therein, bolted the door from outside and went away.

18. PW.7, came out from his house to answer the nature call. The accused caught hold of him and threatened to give the names of husbands of P.Ws. 4, 5 and 6. When the doors were opened, they declared themselves to be the Naxalites and robed the inmates of the respective houses of the various valuables.

19. A complaint was submitted by PW.1 in the morning. The SI of Balakonda PS, registered the case as FIR 91/94 and the statements from the victims and other witnesses were recorded under Section 161 Cr.P.C. PW.20, who was investigating the other cases, arrested A1 to A4 on 24-12-1994. On 31-12-1994, when he verified the file relating to this case, involvement of A1 to A4, who were arrested, came to be noticed. On 6-1-1995, A5, A6, A7 and A8 were arrested by the Police near Jagtial. Confessional statements under Section 161 Cr.P.C., were recorded and some of the stolen articles were recovered under Panchanama. The TIP was held on 18-2-1995 in the presence of PW.17. PW.2 identified A1, A2, A4, A7 and A8. His wife PW.3 identified A4. Husband of PW.5 identified A7 and A8. P.Ws.5, 6 and 7 identified A2 and A4. The TIP for identification of stolen articles was conducted on 18-4-1985 at the office of MRO, Balakonda and the victims had identified some of the articles said to have been recovered from the accused.

20. The prosecution examined P.Ws.1 to 20, out of whom P.W.1 is the Village Administrative Officer, who submitted the complaint, P.Ws.2 to 6 are the victims, PW.7 is the person who was made to call the inmates and P.W.8 to 16 are the mediators at various stages. PW.17 is the Magistrate in whose presence the TIP was held. PWs. 18 to 20 are the Investigating Officers. Ex.P1 to P17 and M.Os.1 to 10 were marked.

21. The trial Court found A4 and A7 guilty of the offence under Section 395 IPC and sentenced them to undergo RI for 5 years. A1, A2, A5 and A6 were convicted for the offence under Section 412 IPC and were sentenced to undergo RI for 3 years. A3, A8, A9 and A10 were acquitted of the charge.

22. In SC No. 378/96, A1 to A8 were tried for offence under Section 395 IPC. After referring to the professional background of the accused along with their companions, the prosecution had alleged that on the intervening night of 30/9 and 1/10 of 1994, the accused have committed dacoities in Rangampalli village, within the limits of Dandepalli PS, for about 11/2 hours, in the houses of P.Ws.2 to 7, which were close to each other. It is alleged that PW.2 and her daughter in law were sleeping in the house, whereas their husbands went to the field for watch and ward after taking dinner. At about midnight, some strangers called her by name. When she and her daughter in law asked as to who they were, they claimed to be Police. It was claimed that they had information that some Naxalites were hiding inside. At their persistence, PW.2 opened the door and the accused rushed inside with sticks, etc. They threatened them to part with their valuables, snatched away gold and silver ornaments from the persons of PW.2 and her daughter in law and left the house bolting it from outside. Similarly, they entered into other houses and committed dacoities by threatening them. It was only in the next morning that the villagers have opened the doors of the victims and the matter was reported to police.

23. Cr. No. 95/94 was registered under Section 395 IPC by the Dandepalli PS. Message was sent to the CI at Luxettipet and the statement of the Village Administrative Officer, PW.1, was recorded. Service of dog squad was requisitioned, but no clues could be traced. It ultimately turned out that the accused are those who were arrested on 24-12-1994 by the CI of CID Cell, who was examined as PW.23. As in the other cases, confessional statement was recorded, some of the stolen items were recovered and the TIP of stolen articles was held. The TIP of A6 to A8 was held in Karimnagar District Jail on 9-2-1995, in the presence of Addl. JFCM. PW.2 identified A7, A8, P.W.3 identified A6, PW.6 identified A8, PW.4 identified A6, A7 and A8, and PW.5 identified A6 and A7. The prosecution has also availed the services of Finger Prints Expert-PW.17. On

comparison of the chance prints marked as Exs.P21 to P25 collected from the scene of offence with those of the 8 suspects, it was found that some of them are identical with that of the suspects who are some of the accused.

24. P.Ws.1 to 23 were examined. PW.1 is the Village Administrative Officer. P.W.2 to 9 are the victims. P.Ws.10 to 16 are the Panchas at various stages. PW.17 is the Finger Prints Expert, PWs. 18 and 20 are the Judicial Officers and PWs.19, 21 and 23 are the Police Officials. Exs.P1 to P44 and M.Os. 1 to 21 are marked. For the defence, Ex.D1 to D3, which are portions of statements recorded under Section 161 Cr.P.C., of some of the witnesses, were marked.

25. As a result of the trial, A1 to A8 were found guilty for the offence under Section 395 IPC and were sentenced to undergo RI for 7 years and to pay a fine of Rs.500/- each. Crl.A. No. 18/99 is filed by A1 and A3, Crl.A. No. 1801/98 is filed by A2 and A4, Crl.A. No. 9/99 is filed by A5, A6 and A8 and Crl.A. No. 1152/99 is filed by A7.

26. SC. No. 388 and 772/96 were clubbed. The charge related to offence under Section 395 IPC against A1 to A4. The offence is said to have been committed on the intervening night of 26/27-12-1994 in the house of PW.1 of Mangela village. He stated that some persons knocked his door and on hearing the same he switched on the lights and opened the door. 6 persons, armed with weapons, have entered his house and threatened himself and his wife PW.2. They snatched the golden chain containing the mangalasutram, one pair of gold ear studs studded with red stones, silver ankle chain, etc. all worth Rs.17,000/-. On their complaint, PS Sarangapur registered Cr. No. 81/94. The accused along with several others were arrested on 6-1-1995 at the outskirts of Jagtial. Statements of the accused under Section 116 Cr.P.C. were recorded and some of the stolen items were recovered from them. The TIP of A1 was held on 15-2-1995 and that of A2 on 29-3-1995 in the presence of Addl. JMFC, Karimnagar-PW.8. P.W.1 identified A1 and A2 and PW.2 identified A1 in the said parades. The Addl. JFCM, Karimnagar, conducted another TIP on 15-5-1996. PW.1 identified A3 and A4 and PW.2 identified A3.

27. The prosecution examined P.Ws.1 to 15, out of whom, PWs1 and 2 are the victims and 3 and 11 are the witnesses at various stages of investigation. P.Ws.12 to 14 are associated with the investigation and PW.15 is the Judicial Officer in whose presence the TIP was conducted. The trial Court found A1 and A2 guilty of offence under Section 395 IPC and sentenced them to undergo RI for 5 years. A3 and A4 were acquitted.

28. In view of the involvement of the various accused in several dacoities, the prosecution has charged them with offences under Sections 399, 400 and 402 of IPC and it was tried as Sc. No. 616/95 and batch.

29. The gravaman of the charge in this batch of cases happens to be the cumulative effect of the participation of the accused in various places, some of which resulted in convictions against them. In all 31 persons were arrayed as accused in this case as well as in SC.Nos.616/95, 404/96 and 771/96. The witnesses examined are the Investigating Officers, Incharge of various crimes said to have been committed by the accused. The documents are the confessional panchanamas recorded on 6-1-1995 and the certified copies of judgments in SC. Nos. 378, 388, 403, 456, 508,506 and 774 of 1996. On consideration of the material before it, the trial Court found A1 to A6, A9 to A12 guilty of offence under Section 399 IPC. For the offence under Section 399 IPC, they were sentenced to undergo RI for 7 years and to pay a fine of Rs.500/- each. A1, A2, A5, A6, A10, A11, A13 to A18, A23, A9 to A31 were convicted for the offence under Section 400 IPC and were sentenced to undergo RI for 7 years and to pay a fine of Rs.500/- each. A1 to A6 and A9 to A12 were also convicted under Section 402 IPC and were sentenced to undergo RI for 5 years and to pay a fine of Rs.500/- each. The charges under Sections 399, 402 and 403 IPC against other accused were held not proved and they were acquitted. CrI.A.Nos.1279, 1329, 1354, 1366,. 1367, 1401, 1537, 1799 of 199 as well as 359 and 697 of 2000 are preferred by the various accused in SC.Nos.616/95 and batch.

30. For the sake of convenience and ready reference, the particulars of appellants, the cases in which they were convicted and the sentence against them is furnished in the following table:

Name of the Accused	1S.C. No.	2CrI.A. No.	3Conviction under Section	4Sentence/Imposed
Khammam Narsaiah	616/95 - A1506/96- A5378/96 - A8507/96- A3456/96	- A3359/005/19999/19997/199910/1999399	IPC4024004123954123957YRS.+Rs.500/-5YRS.+Rs.500/-7YRS.+Rs.500/3YRS +Rs.100/-7YRS.+Rs.500/-5YRS.+Rs.200/-10YRS+RS500/-Regonda	
Satyanarayana	1616/95 - A2506/96- A6378/96 - A6507/96 - A4456/96 - A421329/995/19999/19997/199910/1999339940240041239539539547YRS.+Rs.500/-5YRS.+Rs.500/-7YRS.+Rs.500/-3YRS +Rs.100/-7YRS.+Rs.500/-7YRS.+Rs.500/-10YRS+Rs.500/-5	Thavatham Gangaram 103/96 - A15506/96- A2378/96 - A3403/96	- A2456/96	
A21401/9932/199918/199925/199619/19994004123953953957YRS.+Rs.500/-3YRS +Rs.100/-7YRS.+Rs.500/-7YRS +Rs.500/- 10YRS+Rs.500/-Bandamadi Shankar	616/95 - A3507/96- A51354/991799/998/19993994023957YRS.+Rs.500/-5YRS.+Rs.500/-7YRS.+Rs.500/-Medichalamma Ajay	616/95 - A4507/96- A61354/997/19993994024127YRS.+Rs.500/-5YRS.+Rs.500/-5YRS.+Rs.200/-	Jaligama Shankar	616/95 - A5403/96 - A4456/96 - A46/199910/19993994024003953957YRS.+Rs.500/-5YRS.+Rs.500/-7YRS.+Rs.500/-7YRS.+Rs.500/-10YRS+Rs500/-Singam Dasarath
616/95 - A6403/96	- A5456/96			
A61354/9923/199924/19993994024003954127YRS.+Rs.500/-5YRS.+Rs.500/-7YRS.+Rs.500/-7YRS.+Rs.500/-5YRS+Rs.250/-Govardhana Laxminarayana	616/95 -A10506/96 - A8507/96 - A71537/991709/98399402400	Acquitted3957YRS.+Rs.500/-5YRS.+Rs.500/-7YRS.+Rs.500/-7YRS.+Rs.500/-Sandupatla Sattaiah	616/95 -A11378/96 - A7507/96 - A8388/96 - A11152/991149/993994024003953953957YRS.+Rs.500/-5YRS.+Rs.500/-7YRS.+Rs.500/-7YRS +Rs.500/-7YRS.+Rs.500/-5YRS+Rs.500/-Vaddepalli Rajesham	616/95 -A14378/96 - A21367/991801/984003957YRS.+Rs.500/-7YRS.+Rs.500/-1
Hanumandla Srinivas	2616/95 -A18388/96 - A231367/99423/99440039557YRS.+Rs.500/-5YRS+ Rs.500/-Enkosu Linganna Srinivas	103/96- A13506/96- A1378/96 - A1507/96 - A1403/96 - A1456/96 - A11401/9932/199918/199972/199625/199919/19994004123954124123957YRS.+Rs.500/-3YRS +Rs.100/-7YRS.+Rs.500/-5YRS.+Rs.200/-5YRS+ Rs.250/-10YRS+Rs.500/-	Kamatham Sattaiah	103/96- A16506/96- A3378/96 - A4403/96

A31401/99697/20001801/981821/98400 Acquitted3953957YRS.+Rs.500/-
 7YRS.+Rs.500/-7YRS.+Rs.500/-Nyatha Sanjeev103/96- A17506/96- A4378/96 -
 A5507/96- A25/19999/19997/19994003953954127YRS.+Rs.500/-5YRS.+Rs.500/-
 7YRS.+Rs.500/-5YRS.+Rs.200/-Hanumandla Sattaiah404/96- A23774/96 -
 A8388/96 -A31366/99422/99400395 Acquitted7YRS.+Rs.500/-5YRS.+Rs.500/-
 Baddam Prathap Reddy771/96 - A9506/96 -
 A71684/983994023957YRS.+Rs.500/-5YRS.+Rs.500/-5YRS.+Rs.500/-Polasa
 Purushottam616/95 -A29506/96 - A9507/96 - A91279/99400
 AcquittedAcquitted7YRS.+Rs.500/-Chepyala Gangadhar616/95 -A30506/96-
 A10507/96- A101279/99400 AcquittedAcquitted7YRS.+Rs.500/-Bakkatatla
 Mallaiah404/96- A31388/96 - A41366/99400 Acquitted7YRS.+Rs.500/-Gummala
 Narayana 616/95 -A121354/993994027YRS.+Rs.500/-5YRS.+Rs.500/-

31. The appellants in various appeals are represented by their respective counsel, viz., Sri I. Aga Reddy, Sri Damodar Reddy, Sri Prabhakar Reddy, Sri Vinod Kumar Deshpande and Smt Bala Rani. The main arguments in this batch of Criminal Appeals are addressed by Sri Aga Reddy and the other learned counsel have adopted the same.

32. Their contention is that the cases against the appellants were foisted by the police. Their main grounds of attack are that there was inordinate delay between the dates of commission of alleged offences and the dates of arrest and consequential recoveries. The so-called recoveries were only a make-believe affair and there existed nothing on record to connect the appellants to the various offences alleged against them. It is also their contention that there was inordinate delay in arranging the TIP and the time was availed by the prosecution to acquaint the witnesses with the identity of appellants. It is further contended that it was next to impossibility for any person who had actually committed theft of any articles to preserve them for such a long time and for the police to recover the same at that length of time. The learned counsel also submit that the sentences against the concerned appellants were made to run separately, though the same Court dealt with the matters and the convictions were almost for similar offences. They pleaded that even if any of the convictions and sentences against the appellants were to have been sustained, they are required to run concurrently.

33. The learned Public Prosecutor, on the other hand, submits that all the appellants are professional dacoits and have indulged in number of robberies. According to her, the organised crimes committed by the appellants became sensational and the investigation and prosecution had to be monitored by the police at State level. She submits that each and every step in the prosecution was taken properly, the procedures were followed meticulously and the charges against the appellants were proved beyond any reasonable doubt. As regards running of the sentences in various crimes, the learned Public Prosecutor submits that though the Court is vested with the power to pass appropriate orders as regards running of sentences against individual appellants, having regard to the fact that the appellants were professional dacoits and committed number of offences, it is in the public interest, that such a facility be not extended to them.

34. In the cases of theft and dacoity, the evidence is mostly circumstantial. It is rare that persons committing theft are caught red-handed. In the event of thefts or dacoities, the accused are to be linked with the offence on the basis of two important factors, viz., identification of the accused by the victims or other persons who have seen them committing the offence and recovery of items of stolen property from the accused. Though these two are circumstantial in nature, if established during the trial to the satisfaction of the Court, would certainly link the accused with the offence.

35. The appellants were accused of committing number of dacoities and were tried in various sessions cases referred to above. Most of them have figured as accused in more cases than one, as is evident from the table. The instances of dacoity were spread over in two or three districts, over a period of several months. Though the crimes were registered as soon as the complaints were received in the respective police stations, no progress could be made. It was only after the Anti Dacoity Cell of CID wing of A.P. Police stepped in, that certain arrests were made on 24-12-1994 and 6-1-1995 at Jagtial in Karimnagar district and Luxettipet in Adilabad district. According to the prosecution, statements were recorded from the accused after their arrest in the presence of Panchas and certain items of properties were recovered from them.

36. The prosecution has conducted two sets of identification parades. One is about the identification by the respective victims of the articles stolen from them and recovered from various accused. The second one is about the identification of the various accused by the respective victims. The method of recovery, conducting of Panchanamas, recording of statements, conducting of TIPs, etc., is almost on the same line in all the cases. The discrepancies, if at all, are only about the nature of items, dates of conducting Panchanama, etc. The identifications were conducted at various places in view of the fact that the incidents took place and the victims hail from different districts.

37. The witnesses in these cases can be broadly classified into of four categories. The first set comprises of victims in the respective crimes. The 2nd set is the mediators in whose presence the recoveries were made or statements were recorded. The 3rd category is that of police officials connected with the investigation and the 4th is the Judicial Officers who have conducted the TIPs in the respective cases.

38. An appellate Court is under the obligation to discuss the evidence with reference to individual witnesses. In this batch of appeals, counsel for the parties have concentrated much on broader principles. The reason is that, except for minor variations, the purport of witnesses, as regards various offences is almost similar. Not much was elicited from the witnesses, in the cross examination to discredit their version. The arguments proceeded on the line that the evidence as a whole cannot be taken in to account in view of certain settled principles of law. In that view of the matter, the evidence of the individual witnesses is not discussed, lest the judgment becomes verbose and prolix.

39. In certain cases, the victims have stated that the persons who committed dacoities in their houses had declared themselves to be the police officials in the hunt of Naxalites. In certain other cases, the victims stated that the dacoits have declared themselves to be the Naxalites, to gain entry into the houses. Without exception, the dacoities were committed either at mid-night or early hours and all the places where dacoities were committed had electricity supply. None of the dacoities were in darkness.

40. The first objection of the learned counsel for the appellants is as to the recovery of items of stolen property from the appellants. The learned counsel submit that there was a long gap between the dates of incidents and dates of recovery and it is just impossible to expect any person committing theft to keep the stolen articles in tact for such a long time.

41. In this connection, it needs to be noted that hardly there exists any standard pattern in such cases. It depends upon the nature of booty the culprit comes into possession, his immediate necessities, his ability to dispose of the same and availability of the persons to receive such stolen property, particularly where the culprit has a semblance of notoriety to his credit. To prevent any chance of a 3rd person coming to know of the theft or dacoity, the culprit may delay the disposal of the stolen property. In certain cases, he may intend to retain the same. Therefore, it all depends on the attendant circumstances and no uniformity can be contemplated in this regard. In the present case, the dacoities were committed by gangs. Various dacoities were committed by gangs with different combinations. They were very much aware that having regard to the frequency of instances and the nature of dacoities, the hunt for them is very severe. The instances did not depict an ordinary case of theft by an individual out of dire necessity. The crimes were committed in an organised manner. They used vehicle and had the experience of committing theft within the State and outside. In many places, cash was stolen from the houses of victims. Since immediate necessities are taken care of by the stolen cash, the accused may not be in dire necessity of disposing of the other stolen articles. Therefore, this Court is not convinced that the time lag between the date of incident and date of recovery had improbabilised the very possession of the stolen articles by the accused.

42. The 2nd and more important ground raised on behalf of the appellants is about the delay in conducting TIP to identify the accused. As observed earlier, the arrests were made on 24-12-1994 and 6-1-1995. The TIP as regards the individual crimes were conducted at various places. In almost all the cases, there was delay in conducting the TIP. The requisitions were given by Investigating Officer on various dates in February 1995 and the parades were conducted few days thereafter. The learned counsel for the appellants submit that the requisition itself

was made about 11/2 months subsequent to the date of arrest and the parades were conducted many days thereafter. According to them, the same is vitiated, since the time was availed to reveal the identity of the accused to the witnesses. They relied upon various judgments of the Supreme Court in support of their contentions.

43. STATE OF A.P. VS . M.V.RAMANA REDDY, : 1991 CriLJ2703 is a case where the accused surrendered on 13-5-1975, requisition for TIP was made on 17-5-1975 and the parade was held on 23-5-1975. The Supreme Court held that the delay was detrimental to the prosecution.

44. In RAJESH GOVIND JAGESHA v. STATE OF MAHARASHTRA, 2000 Cri.L.J.380 the ground pleaded by the prosecution, for the delay in conducting the TIP was non-availability of the Judicial Officer. The Supreme Court took the view that it is unbelievable that in a city like Mumbai, the Magistrate was not available and benefit of doubt was given to the accused.

45. In SHABAD PULLA REDDY vs. STATE OF A.P., 1997(2) ALD (CRL.) 580 (SC)unexplained delay of 3 months in conducting the TIP was held to be fatal to the case of the prosecution.

46. SHIVARATRI KOMURIAH VS. STATE OF A.P., 2001(1) ALT CRL.27 (AP)is a case where the TIP was held with a delay of 5 months and the witness identified only one out of 5 accused. It has come on record therein that wayside robbery was said to have been committed between 9-00 and 9-30 PM and there did not exist any lights. It was in those circumstances, this Court took the view that the result of such identification cannot be given any credence.

47. In RONNY v. STATE OF MAHARASHTRA, 1998 (CRL.L.J.) 1638the relevancy of TIP was explained with reference to Section 9 of the Evidence Act. It was observed therein that the identification in TIP is not substantive evidence, whereas the statement of witness made in the Court as well as the identification by him is substantive. It was further observed that the purpose of TIP is to test the observation, grasp, memory, capacity to recapitulate what he has seen earlier, strength or trustworthiness of the evidence in the matter of identification of an

accused. The Court can also examine if it can be used as reliable corroborative evidence of the witness identifying the accused during the course of the trial. If the Court is satisfied that the identification by the witness of the accused is such that it hardly leaves any doubt, absence of any corroborative evidence does not render it unacceptable.

48. In *M.J.SHARMA vs . STATE OF MAHARASHTRA*, : 1997 CriLJ782 the accused were arrested on 27-7-1986. The requisition for TIP was given on 13-8-1986 and the parade as such was held on 25-9-1986. The Supreme Court held that there was nothing on record to impeach the credibility of the TIP and to discard the same. The relevant portion reads as under:

'To lend further corroboration to the identity of the appellants, the prosecution relied upon the evidence of S. S. Khole (Public witness 11, Taluka Executive Magistrate, who conducted T.I. parade. The eye-witnesses have identified A-1 to A-4 in the said parade. While assailing the evidence of T.I. parade, Mr. Kohli urged that although the accused were arrested by 26/07/1986 but the T.I. parade was held on 25/09/1986 and such a delayed T.I. parade be not accepted. He further urged that possibility of the suspect being shown to the eye-witnesses during this period could not be ruled out. We do not see any substance in this contention notwithstanding the fact that T. 1. parade was held after about two months. The materials on record unmistakably indicate that the investigating officer had sent a letter of request Ex. 44 (cc) on 13/08/1986 to the Taluka Executive Magistrate for holding T. 1. parade. Repeated letters were written to the Executive Magistrate but because of his pre-occupation, it could not be held before 25/09/1986. There is no substance in the contention that the eye-witnesses had seen the accused before they were put up for T.I. parade. After considering the materials on record, we are satisfied that the evidence of identification parade is unimpeachable and we see no reason to discard the same.'

49. On a consideration of the decisions referred to above, it emerges that the identification under TIP is only of corroborative value to support the identification by the witness of the concerned accused during the trial. The immediacy with which a TIP can be conducted depends on several factors. Where the victims hail

from the same place and the parade is to be conducted at the same place, hardly there exists any scope for the delay. Where, however, the victims are spread over at different places and the parades are to be conducted at different places, certain delays are bound to take place. For instance, in the present case, the arrests were made in the last week of December 1995 and first week of January 1996. The dacoities were committed in three or four districts. The victims hail from various villages. As a preliminary step before undertaking the TIP, the basic information had to be correlated. The availability of the witnesses had to be ensured. The parades were to be conducted at several places in the districts of Karimnagar and Adilabad. The local Magistrates have to find time to conduct the same. Persons with similar features as of the accused have to be identified and mixed up with them. All this process is bound to take its own time. It is not as if the moment arrests are made, the victims can be identified and TIP can be proceeded with. Before undertaking the same, a link has to be established with reference to the recoveries from the accused of the stolen goods. The recovered goods, in turn, have to be kept for identification by the victims. It is only on emergence of such a link that further steps can be taken. Viewed from this angle, the TIPs conducted at various places, all within few weeks from the date of arrests cannot be said to be detrimental or fatal.

50. All the accused have been identified by one witness or the other. Not even suggestions were made to the witnesses that there did not exist proper lights so as to enable them to notice the features of the accused during the commission of the offence. All the accused were so notorious that they hardly felt any necessity to disguise themselves. It is not at all improbable for a person to remember a culprit, whom he had to see for quite a considerable time, that too, in the miserable and horrified situation during the dacoity. Nothing was elicited from the concerned Magistrates, who are examined as witnesses, to discredit the trustworthiness of TIP, Except making identical suggestions to all the witnesses that the photographs of the accused were shown to them, nothing was done to substantiate the same. Therefore, there did not exist any illegality or infirmity in identification of the accused by the victims, be it during the course of trials or in the TIPs.

51. Submissions were made by the learned counsel that there were certain discrepancies as to the identification of the accused during the course of TIP, on one hand, and during the trial, on the other. As pointed out by the Supreme Court, the outcome of a TIP is not substantive evidence. If there is nothing to doubt the identification of the accused by the witness during the trial, even the existence of minor discrepancies is of no consequence. Though the learned counsel for the appellants have taken me through the evidence of witnesses in detail in individual cases, having regard to the broad features of the cases, I feel it not necessary to refer to the purport of the evidence of individual witnesses. The chief examination as well as the cross examination of all the witnesses turned around the broad features referred to above and nothing specific or extra-ordinary was elicited from any witness.

52. In SHIV CHARAN vs . STATE OF HARYANA, : 1987 CriLJ695 the Supreme Court held that even if some of the witnesses are not able to identify each one of the dacoits, if ultimately the dacoits came to be identified by one witness or the other, the conviction can be sustained.

53. For Instance in S.C. No. 403/96, out of which CriLJ.Nos.1821/98 and 6,23 and 25/99 arise, PW.1 identified A4 and A6 and one non-suspect. PW.2 identified A1, A3, A4 and A6 and one non-suspect. PW.3 identified A3 and A4, PW.4 and 5 identified A4 and A6 and PW.6 identified A5 and A6. Almost same pattern existed in other cases. Though a single witness may not have identified all the accused, in various permutations and combinations, the witnesses have identified almost all the accused. Same pattern existed in other cases. The ratio laid down by the Hon'ble Supreme Court in Shiv Charan case (7 supra) will govern the situation.

54. In one of the cases viz., SC.368/96, the trial Court referred to the opinion rendered by PW.17, Finger Print Expert. According to him, the chance prints marked on Exs.P1 to P25 collected from the scene of offence tallied with those of 8 suspects. Sri Aga Reddy, learned counsel for the appellants, submits that the trial Court was not justified in admitting the evidence of Finger Print Expert, inasmuch the finger prints were not obtained with the permission of the Court. He placed reliance upon Section 4 of the [Identification of Prisoners Act 1920](#).

55. Section 4 of the Identification of Prisoners Act requires that the measurements of any non-convicted person can be taken by a Police Officer only in the manner prescribed. 'Measurement' is defined under Section 2(a) of the said Act to include finger impressions and foot print impressions. PW.17, or for that matter, the Investigating Officer, did not depose before the Court that the procedure prescribed under the Identification of Prisoners Act was followed in collecting the finger prints of the concerned accused. Therefore, the evidence of P.17 in that case was not permissible nor could the convictions have been passed on such an opinion. However, since the trial Court did not based its conviction on the opinion of PW.17, and since there was cogent evidence in the form of identification of the accused by the victims and identification of the property stolen by them, the inadmissibility of the evidence of PW.17 does not have any adverse affect on the case.

56. The trial Court had discussed each and every aspect of the matter with reference to oral and documentary evidence on record. The cumulative effect of the discussion is that the accused have formed themselves into gangs and were indulging in committing dacoities in the districts of Karimnagar, Adilabad, Medak, Nalgonda as well as in the city of Bombay. It was not a stray case that the accused were found to be indulging in certain riots. They have committed various dacoities in an organised manner. Taking advantage of the fact that the areas in the districts referred to above were infested with extremists activities, such as, Naxalites, the accused have declared themselves either as Naxalites or Police to gain entries into the houses of victims. They have rendered the lives of several families miserable. It is the case of the prosecution that out of fear, many victims have not come forward with complaints. The investigation as well as the prosecution was conducted in a meticulous and systematic manner and every step was taken strictly in accordance with the requirements of law. Therefore, I do not see any reason to interfere with the conviction of the appellants-accused under Sections 395 and 412 of IPC.

57. The appellants in Criminal Appeal Nos.1279, 1367, 1537,1329, 1354, 1401,1366, 1799 of 199 and 359 and 697 of 2000 were tried for offences under Sections 399, 400 and 402 IPC. The charge against them was on the basis of their

belonging to the gang of persons associated for the purpose of habitually committing dacoities and for assembling for the purpose of committing dacoities. In view of their convictions in various cases tried for offences under Section 395 IPC, and on being satisfied that the said appellants belong to the gang of persons associated with habitually committing dacoities and about their having assembled for committing dacoity, the trial Court convicted them for the said offences.

58. For the offence under Section 399 IPC, it sentenced them to undergo RI for 7 years; for the offence under Section 400, to undergo RI for 7 years; for the one under Section 402, to undergo RI for 7 years. The sentences were directed to run concurrently.

59. Submissions were made by the learned counsel for the appellants that the ingredients of Section 400 IPC are not present in this case. It is their submission that even if the convictions ordered against the accused in various cases are to be taken as final, that by itself cannot render them 'belonging to the gang'.

60. A Division Bench of this Court in SHARAF SHAH KHAN VS . STATE OF A.P., : AIR 1963 AP314 had an occasion to deal with the meanings ascribed to the words 'gang' and 'belong' occurring in Section 400 Cr.P.C. As regards the word 'gang', it observed as under:

'The essence of the word 'gang' in S. 400 is that the persons should act in concert and therefore, two or more persons can constitute a gang. Their purpose of habitually committing dacoity may be proved by their declaration or by their conduct. Where the relevant evidence consists in the conduct of the accused in having participated in different dacoities and there is no other evidence to prove the criminal purpose, participation in more than two dacoities within comparatively a short space of time is sufficient to prove the existence of a gang.'

61. The word 'belong' was explained as under:

'But the word 'belong' in S. 400, k implies something more than the idea of casual association; it involves the notion of continuity and indicates a more or less intimate connection with a body of persons extending over a period sufficiently

long to warrant the inference that the person affected has identified himself with a band, common purpose of which is the habitual commission of dacoity.'

62. It is not in dispute that the accused were found in a gang both when they were arrested and when they committed various offences under Section 395 IPC resulting in their conviction. The judgments of the trial Court in various sessions cases, which incidentally are the subject matter of some of the present batch of appeals, clearly disclose that both the ingredients of Sections 440 are very much present. The appellants have been found to have committed several dacoities. Their involvement was so rampant that the State had to prosecute them for offences under Sections 399, 400 and 420 IPC. They have rendered the lives of many persons, particularly the rural folk, miserable and vulnerable.

63. The evidence on record discloses that this is one of the fittest cases where punishments can be awarded under Sections 399, 400 and 402 of IPC.

64. Sri P. Prabhakar Reddy, the learned counsel for the appellant in CrI.A. No. 1366/99, submits that the only involvement of his client by name Bakkatatla Mallaiah (figured as A31 in SC. No. 404/96) was in SC.772/96 and even there he was acquitted. Accordingly, he submits that the conviction of his client cannot be sustained. Similar submissions are made by the counsel for the appellants in CrI.A.Nos.1279 and 1354 of 1999. SC.Nos.616/95, 103, 404 and 771/96 were tried together, common evidence was adduced and all the cases were clubbed and the accused were arrayed in seriatim. From the record it is evident that the cases in which the said appellants were tried for offences under Section 395 IPC ended in acquittal. Hence, their trial for the offences under Sections 399, 400 and 402 of IPC cannot be sustained. Accordingly, the conviction against Polasa Puroshotham and Chepyala Gangadhar, appellants (A29 and A30) in CrI.A.Nos.1279/1999; Bakkatatla Mallaiah, appellant (A31) in CrI.A. No. 1366/1999 and Gummala Narayana, appellant (A12) in CrI.A. No. 1354/99 deserves to be set aside.

65. The learned counsel for the appellants have urged that in the event of the convictions and sentences against the accused being upheld by this Court, the sentences against each of the accused in various cases may be directed to run concurrently. According to them, most of them have served sentences almost up

to 7 years with one or two exceptions and if they are required to serve the sentences one after the other, many of them may not come out of the prison till their death.

66. The law in this regard is settled through a catena of decisions. In V.VENKATESWARLU VS. STATE OF A.P., 1987 CRL.L.J.1621a Division Bench of this Court had an occasion to consider the power and parameters of the Court in directing the sentences to run concurrently. On an exhaustive review of the case law, Jayachandra Reddy, J., as he then was, speaking for the bench, held as under:

'It must be remembered that S. 427, Cr.P.C. provides for directing the sentence awarded in the subsequent case to run concurrently with the previous sentence. It may be that the subsequent convicting Court was not apprised about the existence of the previous sentence. AT any rate ordering of sentence to run concurrently does not amount to altering the finding. It may be noted that S. 31 Cr.P.C., provides for ordering the sentences to run concurrently in a given case. Likewise, under S. 427, Cr.P.C., while awarding a sentence in a subsequent case in respect of the person who is already undergoing sentence in a previous case, a discretion is given to the subsequent convicting Court to give such a direction and order the sentence to run concurrently with the previous sentence. As laid down in the above decisions, even after such a sentence has become final, nothing prevents the High Court to exercise its suo motu revisional jurisdiction or entertain an application under S. 482, Cr.P.C. and give the necessary directions as provided under S. 427, Cr.P.C.'

67. However, as regards the exercise of power to direct the sentence to run concurrently, their Lordship held as under:

'In the instant case, the petitioner is convicted for the offence of dacoity in both the cases. Having regard to the nature of the offence, we do not think that this is a fit case where we should exercise our inherent power or suo motu revisional power in favour of the petitioners.'

68. A Full Bench of the Madhya Pradesh High Court in SHER SINGH VS. STATE OF M.P., 1989 CRL.L.J.632 held that such a course of action is permissible under Section 437(1) of the Cr.P.C. and the power can be exercised even when the matter is brought before the High Court in an application under Section 482 of the Code.

69. In GANDIKOTA NARSAIAH vs . SUPERINTENDENT, CENTRAL PRISON, WARANGAL, : 1999(3)ALD688 Justice Bilal Nazki took the view that though the High Court has the power to direct the sentences to run concurrently, it is not advisable to exercise such power in cases of dacoity.

70. In AMMAVASAI vs INSPECTOR OF POLICE, : 2000 CriLJ4662 the Hon'ble Supreme Court affirmed the view that consolidation of sentences against the same accused in various cases is permissible As regards exercise of that power, it had struck a balance between the wholesale consolidation of sentences and total denial of the facility. The sentences in various cases were clubbed into two groups depending on the number of cases in which the respective appellants are involved and the sentences in the cases in each group were directed to run concurrently. The resultant sentences in the respective groups were ordered to run one after the other.

71. In view of procedure adopted by the Hon'ble Supreme Court in Ammavasai case (12 supra), this Court feels that an exercise needs to be undertaken to consolidate the sentences against each of the appellants, taking into account the number of cases in which they are involved.

72. The appellants were charged with offences under Sections 399, 400 and 402 IPC and were convicted and sentenced for the same. In view of the fact that the offence under Sections 399, 400 and 402 IPC does not relate to any specific instance and the present cases relate to the offences for which the respective appellants were already convicted and sentenced, this Court feels that ends of justice would be met if the conviction and sentence for the offences under Sections 399, 400 and 402 IPC are sustained but are directed to run concurrently with the sentence imposed against them in one of the cases where the highest sentence is imposed. The trial Court has already directed the sentences in

SC.Nos.456 and 507/96 to run concurrently. In SC. No. 456/96, the trial Court convicted the accused therein and sentenced them to undergo RI for 10 years and to pay fine of Rs.500/-. In various other cases, tried for offence under Section 395 IPC, the trial Court had sentenced the accused therein for 5 years or 7 years RI. No reasons are assigned for sentencing the accused in Sc. No. 456/96 to undergo RI for 10 years. Having regard to the facts and circumstances of the case, this Court is of the view that the sentence needs to be reduced to 8 years RI. This Court is also of the view that the sentences imposed in SC. No. 378 and 403 of 1996 be reduced to two years RI instead of 7 years, while sustaining the fine. Accordingly, the sentences against the individual appellants would stand modified to the following effect:-

KHAMMAM NARSAIAH (Crl.A.Nos.5, 7,9,10/1999 & 359/2000):--

He was convicted in S.C.Nos.616/95, 506,378, 507 and 456/96. The trial Court has directed the sentences in S.C.Nos.507 and 456/96 to run concurrently. In SC. No. 506/96, he was sentenced to undergo RI for 3 years. The sentence in SC. No. 378/96 of 7 years RI shall stand reduced to 2 years RI. The sentences imposed against him in SC. Nos. 616/95, 506, 507 and 456/96 shall run concurrently. The sentence in SC. No. 378/96 viz., 2 years RI shall run after he serves the sentence in SC.Nos.616/95, 506, 507 and 456 of 1996. REGONDA SATYANARAYANA (Crl.A.Nos.5, 7, 9, 10, and 1329/ 1999):--

He is one of the accused in SC.Nos.616/95, 506, 378, 507 and 456/96. Following the procedure adopted in respect of Khammam Narsaiah, it is directed that the sentence against him in S.C.Nos.616/95, 506, 507 and 456/96 shall run concurrently. The sentence ordered against him in SC. No. 378/96 is reduced to 2 years from 7 years and shall run separately after he serves the sentence and pays the fine in other cases referred to above. THAVATAM GANGARAM (Crl.A.Nos.18, 19, 25, 32, and 1401/1999) : -

The sentences imposed against him in Sc. No. 103/96 for the offence under Section 400 IPC, in SC. No. 506/96 for the offence under Section 412 IPC, and the one in SC. No. 403/96 for the offence under Section 395 IPC shall run concurrently with the one in SC. No. 456/96 for the offence under Section 395 IPC.

The sentence against him in SC No. 378/96 for the offence under Section 395 IPC shall stand reduced to 2 years and the same shall run separately after he serves the sentence and pays the fine in the other cases referred to above. BANDAMADI SHANKAR (Crl.A.Nos.8, 1354, and 1799/1999) :--

The sentence against him in Sc. No. 616/05 for the offence under Sections 399 and 402 IPC shall run concurrently with the one in SC. No. 507/96 for the offence under Section 395 IPC. MEDICALALAMMA AJAY (Crl.A.Nos.7 and 1354 1999) : --

The sentence against him in SC. No. 616/95 for the offence under Sections 399 and 402 IPC shall run concurrently with the one in SC. No. 507/96 for the offence under Section 412 IPC. JALIGAMA SHANKAR (Crl.A.Nos.6 and 10/1999)

The sentences against him in SC. No. 616/95 for the offence under Section 399, 400 and 402 IPC and the one in SC. No. 403/96 for the offence under Section 395 shall run concurrently with the one in SC. No. 456/96 for the offence under Section 395 IPC. SINGAM DASARATH (Crl.A. Nos. 23, 24 and 1354/1999) : --

The sentences against him in SC. No. 616/96 for the offences under Sections 399, 400 and 402 IPC and the one in SC. No. 403/96 for the offence under Section 395 IPC shall run concurrently with the one in SC. No. 456/96 for the offence under Section 412 IPC. GOVARDHANA LAXMINARAYANA (Crl.A.Nos.1709/98 and 1537/99) :--

The sentences against him in SC. No. 616/95 for the offences under Sections 399, 400 and 402 IPC shall run concurrently with the one in SC. No. 507/96 for the offence under Section 395 IPC. SANDUPATLA SATTAIAH (Crl.A. Nos. 1149 & 1152/1999) :--

The sentences against him in Sc. No. 616/95 for the offences under Sections 399, 400 and 402 IPC shall run concurrently with the one in SC.Nos.507 and 388/96 for the offence under Section 395 IPC. However, the sentences against him in SC. No. 378/96 for the offence under Section 395 IPC shall stand reduced from 7 years to 2 years and the same shall run separately after he serves the consolidated sentence referred to above. VADDEPALLI RAJESHAM

(Crl.A.Nos.1801/98 and 1367/99) : --

The sentence against him in Sc. No. 378/96 for the offence under Section 395 IPC shall stand reduced to 2 years from 5 years and the same shall run concurrently with the sentence in SC. No. 616/95 for the offence under Section 400 IPC. HANUMANDLA SRINIVAS (Crl.A.Nos.423 and 1367/1999):--

The sentence against him in SC.Nos.616/95 and 388/96 for the offence under Sections 400 and 395 IPC respectively shall run concurrently. ENKOSU LINGANNA SRINIVAS (Crl.A.Nos.18, 19, 25, 32, 72 and 1401 of 1999) :--

The sentence against him in SC. No. 103/96 for the offence under Section 400 and the sentences in SC.Nos.403, 506 and 507/96 for the offence under Section 412 IPC shall run concurrently with the one in SC. No. 456/96 for the offence under Section 395 IPC. The sentence against him in SC. No. 378/96 for the offence under Section 395 IPC shall stand reduced from 7 years RI to 2 years RI and the same shall run separately after he serves the consolidated sentence referred to above. KAMATHAM SATTIAH (Crl.A.Nos.1801, 1821/98, 1401/99 & 697/2000):-

The sentence imposed against him in SC. No. 103/96 for the offence under Section 400 IPC shall run concurrently with the one in SC. No. 403/96 for the offence under Section 395 IPC. The sentence against him in SC. No. 378/96 shall stand reduced from 7 years RI to 2 years RI and the same shall run after he serves the consolidated sentence referred to above. NYATHA SANJEEV (Crl.A.Nos.5, 7, and 9/1999) :--

The sentence against him in SC. No. 103/96 for the offence under Section 400 IPC and the one in SC. No. 507/96 for the offence under Section 412 IPC shall run concurrently with the one in SC. No. 506/96 for the offence under Section 395 IPC. The sentence against in SC. No. 378/96 for the offence under Section 395 IPC shall stand reduced from 7 years to 2 years and the same shall run after he completes the consolidated sentence referred to above. HANUMANDLA SATTIAH (Crl.A.Nos.422 and 1366/1999):--

The sentence against him in SC. No. 404/96 for the offence under Section 400 IPC shall run concurrently with the one in SC. No. 774/96 for the offence under Section 395 IPC. BADDAM PRATHAP REDDY (Crl.A. No. 1684/98) :- The sentence against him in SC. No. 771/96 for the offence under Sections 399 and 402 IPC shall run concurrently with the one in SC. No. 506/96.

73. IN THE RESULT, the convictions against Polasa Puroshotham and Chepyala Gangadhar, appellants (A29 and A30) in Crl.A. No. 1279/1999; Bakkatatla Mallaiah, appellant (A31) in Crl.A. No. 1366/1999 and Gummala Narayana, appellant (A12) in Crl.A. No. 1354/99 are set aside and they are acquitted. Accordingly, Crl.A. No. 1279/99, Crl.A. No. 1354/99 in so far as it relates to Gummala Narayana and Crl.A. No. 1366/99 in so far as it relates to Bakkatatla Mallaiah are allowed.

74. The convictions against the appellants in Crl.A. Nos. 1684, 1709, 1801, 1821 of 1998, 5, 6, 7, 8, 9, 10, 18, 19, 23, 24, 25, 32, 72, 422, 423, 1149, 1152, 1329, 1367, 1401, 1537, 1799 of 1999, 359, 697 and 885 of 2000, and Bandamadi Shankar, Medichalamma Ajay and Singam Dasarath in Crl.A. No. 1354/99 and Hanumandla Sattaiah in Crl.A. No. 1366/99 are upheld. Accordingly, they are dismissed and the sentences against various appellants are directed to run in the manner indicated above. In all these cases, the sentence as to fine shall remain unaltered.

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