

State Rep. by The Vs. Murugan,

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Court : Chennai

Decided On : Aug-17-2015

Judge : S.Nagamuthu

Appellant : State Rep. by The

Respondent : Murugan,

Judgement :

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED:

17. 08.2015 CORAM THE HONOURABLE MR.JUSTICE S.NAGAMUTHU and THE HONOURABLE MR. JUSTICE V.S.RAVI CrI.A(MD)No.37 of 2012 State rep. by the Inspector of Police, Sankarankovil Taluk Circle, Tirunelveli District. (Chinnakovilankulam P. S. Crime No.4 of 2008) .. Appellant/Complainant Vs. Murugan, S/o.Kalukasala Thevar @ Subbiah Thevar .. Respondent/Accused PRAYER Criminal Appeal filed under Section 378 of Cr.P.C. against the judgment, dated 16.11.2010, made in S.C.No.365 of 2010, by the Principal Sessions Judge, Tirunelveli. !For appellant : Mr.A.Ramar, Additional Public Prosecutor ^For respondent : Mr.R.Anand :

JUDGMENT

(Judgment of the Court was made by S.NAGAMUTHU, J.) The State is the appellant. This appeal has been filed challenging the acquittal of the respondent herein by the learned Principal Sessions Judge, Tirunelveli in S.C.No.365 of 2008.

The respondent stood charged for the offence under Section 302 IPC. By judgment dated, 16.11.2010, the trial Court acquitted him. Aggrieved over the same, the State is before this Court. 2.The case of the prosecution in brief is as follows; (a)The deceased in this case was one Mr.Thirumalaisamy @ Mookkaiya Thevar. He was residing at South Street, Mela Neethanallur Village. The accused was, during the relevant point of time, working as a watchman in a private polytechnic college known as PMT College. The sister of the deceased was managing five acres of land belonging to the Correspondent of the College and she was cultivating the said land. But, the accused stealthily removed teak trees available on the said land. The deceased reprimanded the accused for the same. The accused took exception to the same and told him that when the Correspondent of the College himself had not questioned his action in cutting the trees, how the deceased would have any objection for the same. This occurrence is stated to be the motive for the alleged murder of Mr.Thirumalaisamy @ Mookkaiya Thevar. (b) It is further stated that on 20.01.2008 at about 10.00 a.m. PW1 and the deceased had gone to Gurukalpatti Village by a Mini-bus. PW1 is the wife of the deceased. On getting down from the bus, they went to a nearby tea shop. At that time, the accused came there from South and on nearing the tea shop, the accused scolded the deceased in filthy language. He again told the deceased that when the owner of the trees himself had not questioned his authority to remove the trees what made the deceased to question the same. In culmination of this quarrel between them, the accused took out an aruval from his shirt and started mounting attacks on the deceased. The first blow fell on the left hand of the deceased, followed by further blows on the left forehead, head and right leg. The deceased fell down sustaining serious injuries in a pool of blood. The accused fled away from the scene of occurrence. PW1 lifted the deceased and found that he died within ten minutes. The shopkeepers in that area closed their shutters and went away. (c) Then, PW1, by means of a bus, went to Chinnakovilankulam Police Station and made a complaint at 11.00 a.m. PW6 - the Sub Inspector of Police, attached to the said Police Station, received the said complaint under Ex.P1 and registered a case in Crime No.4 of 2008 under Section 302 IPC. Ex.P6 is the FIR. He forwarded Exs.P1 and P6 to the Court through a Constable. The learned Judicial Magistrate received the same at 4.00 p.m. Then,

PW6 handed over the case diary to the Inspector of Police for investigation. (d) PW11 the then Inspector of Police, attached to Sankarankovil Taluk Police Station, took up the case for investigation. He proceeded to the place of occurrence on 20.01.2008 at 12.00 noon and prepared an observation mahazar in the presence of PW4 and another witness. He also prepared a rough sketch showing the place of occurrence. Then, he recovered bloodstained earth (MO.5) and sample earth (MO.6) and he also took the blood samples from the body of the deceased by means of cotton (MO.7). He recovered all these three material objects under a mahazar in the presence of the same witnesses. Then, he conducted inquest on the body of the deceased and prepared - Ex.P15 report. During the inquest, he examined PWs.1 to 4 and few more witnesses. Then, he forwarded the body to the Government Hospital at Sankarankoil for autopsy. (e) PW5 - Dr.Krishnaveni conducted autopsy on the body of the deceased at 4.45 p.m. On 20.01.2008. She found the following injuries; 1.A cut injury on the centre of head measuring 4 x 1 bone depth and on dissection, no fracture over the scapula and no damage to the brain and the tissues surrounding the brain. 2.A cut injury in between the thumb finger and index finger of the left hand measuring 14 x 3 cm and on examination, the middle of the index finger bone was cut and the thumb finger bone was cut near the ankle. 3.A cut injury in the left forearm measuring 8 x 2 cm bone depth. On dissection, there was no fracture. 4.A cut injury on the back of the left side knee measuring 10 x 15 x 3 cm. On examination, she found complete cut on the tibia and fibula bones and blood vessels and nerves were completely cut and the leg was joined on the front side of the skin. She gave opinion that the deceased would have died due to shock and haemorrhage due to the injuries. (f) Continuing the investigation, PW11 arrested the accused on 21.01.2008 at 10.00 a.m. near the Reddiarpatti Panchayat Union School in the presence of PW10 and another witness. On such arrest, the accused gave voluntary confession, which was reduced to writing by PW11. In that confession, he disclosed that he had hidden aruval in his poultry farm. In pursuance of the said disclosure statement, he took PW11, PW10 and another witness to his poultry farm and took out MO.4 aruval from the hide out and produced the same to PW11. PW11 recovered the same under a mahazar. On returning to the Police Station, PW11 forwarded the accused to the Court for judicial remand and handed over the material objects to the Court.

Then, he made a request to the Court to forward the material objects for chemical examination. The report received from the analyst revealed that there were human bloodstains found on the material objects, except the sample earth and the aruval. Since PW11 was transferred on 05.02.2008, he handed over the case diary to his successor. PW12 - the successor took up the case for investigation on 08.02.2008. He examined few more witnesses, collected medical records and finally laid a charge sheet under Section 302 IPC against the accused on 30.04.2008. (g) Based on the above materials, the trial Court framed a charge under Section 302 IPC against the accused. The accused denied the same. In order to prove the case, on the side of the prosecution, as many as 12 witnesses were examined, 19 documents were exhibited and 8 material objects were marked. (h) Out of the said witnesses, PWs.1 to 3 are the eyewitnesses. But, PW2 has turned hostile and she has not supported the case of the prosecution in any manner. So far as PW1 is concerned, he is the wife of the deceased. She has stated that she went, along with deceased, in a mini bus to Gurukkalpatti Village and she has further stated that when her husband was taking tea, the accused came there, developed quarrel and finally cut him. She has also stated about the complaint preferred by her. PW3 is the brother of the deceased. He has stated that after sending PW1 and the deceased in the mini bus, he went by walk to Gurukkalpatti Village. He has further stated that when he reached the tea shop, he found the entire occurrence. He has also vividly spoken about the overtacts of the accused and the other facts. PW4 has spoken about the preparation of an observation mahazar, a rough sketch and recovery of bloodstained earth (MO.5), sample earth (MO.6) and cotton stained with blood (MO7) under mahazar (Ex.P4) by PW11. (i) PW5 has spoken about the autopsy conducted by her on the dead body of the deceased and her final opinion. PW6 has spoken about the registration of the case. PW7 has spoken about the fact that he carried the FIR and the complaint from the said Inspector of Police and handed over the same to the learned Judicial Magistrate at 4.00 p.m. PW8 is the Constable, who carried the dead body from the place of occurrence to the hospital for postmortem. PW9 is the Head Clerk of the Court, who forwarded the material objects for chemical examination, on the orders of the Magistrate. PW10 was the then Village Administrative Officer of Gurukkalpatti Village. He has spoken about the fact that

the accused was arrested on 21.01.2008 at 10.00 a.m. near Reddiarpatti Panchayat Union School. He has further stated about the confession made by the accused and the consequential recovery of the aruval. PW11 has spoken about the investigation done by him. PW12 has spoken about the further investigation done by him and filing of the final report. (j) When the above incriminating materials were put to the accused under Section 313 of Cr.P.C., he denied the same as false. However, he did not choose to examine any witness nor mark any document on his side. His defence was total denial of his involvement. Having considered all the above, the trial Court acquitted the accused. That is how the State is before this Court with this appeal.

3. We have heard Mr.A.Ramar, the learned Additional Public Prosecutor appearing for the State and Mr.R.Anand, the learned counsel appearing for the respondent/accused. We have also perused the records carefully. 4.The learned Additional Public Prosecutor would submit that the presence of PWs.1 & 3 at the place of occurrence cannot be doubted and they have very vividly spoken about the entire occurrence, including the overtacts of the accused. The learned Additional Public Prosecutor would further submit that there are no reasons to reject the eyewitness account of PWs.1 & 3. He would further submit that without assigning any valid reasons, the trial Court has simply rejected the evidence of PWs.1 & 3. He would next submit that so far as the complaint is concerned, the alleged occurrence was at 10.00 a.m. and the FIR was registered at 11.00 a.m. and the same reached the hands of the learned Magistrate at 4.00 p.m. Thus, absolutely, there is no delay in the FIR, which would, to some extent, vouch for the correctness of the allegations made in the complaint. He would further submit that of- course, it is true that a number of independent witnesses were cited in the final report, but they were not examined. But, on that score, the evidence of PWs.1 & 3 cannot be rejected, he contended. 5.The learned Additional Public Prosecutor would next submit that the medical evidence duly corroborates the eyewitness account of PWs.1 & 3. He would also submit that the recovery of MO.4, at the instance of the accused, on his disclosure statement, cannot be doubted and this also lends support to the case of the prosecution. He would further submit that on very minor grounds, such as bus tickets for the deceased and PW1 were not recovered, bloodstained clothe of PW1 was not recovered and the presence of

PWs.1 & 3 are doubtful, the trial Court has acquitted the accused. He would further submit that these reasons are not at all sustainable. The learned Additional Public Prosecutor would further submit that the prosecution has clearly proved the case beyond reasonable doubts that it was this accused who caused the death of the deceased and the same would squarely fall within the ambit of Section 302 IPC. 6. The accused is present before this Court today. The learned counsel appearing for the respondent would vehemently oppose this appeal. He would submit that the presumption of innocence of the accused has been further strengthened by the acquittal recorded by the trial Court. He would further submit that unless it is shown that the judgment of the trial Court is perverse, it is not possible for this Court to reverse the acquittal. He would further submit that assuming that there are two views possible, the view against the accused cannot be taken by this Court and the same cannot be substituted in the place of the view taken by the trial Court. He would further submit that the presence of PWs.1 & 3 is highly doubtful. He would also submit that they are interested, related and inimical witnesses. If the test of close scrutiny is applied, according to the learned counsel, it would emerge that the evidences of PWs.1 & 3 cannot be believed. He would further submit that no reason has been assigned by the prosecution as to why the FIR has reached the Magistrate Court at 4.00 p.m. It creates doubt in the case of the prosecution, the learned counsel contended. He would further submit that the occurrence had taken place in the bazaar, but no independent witness was examined on the side of the prosecution. More particularly, the tea shopkeeper, in whose shop the occurrence was stated to have occurred, also has not been examined.

7. Next, the learned counsel for the respondent/accused would submit that the medical evidence also does not corroborate the eyewitness account. In other words, according to him, though there was a fatal injury on the head of the deceased, PWs.1 & 3 have not stated anything about the said injury. He would further submit that the bloodstained clothe of PW1 was not recovered. Had it been true, according to the learned counsel, that PW1 had lifted the body of the deceased while he was alive, certainly there would have been bloodstains on her clothes. But, nothing of that sort has been recovered from PW1. He would further submit that had it been true that PW1 and the deceased had travelled in a bus, the

tickets purchased by them would have been recovered, but that was also not done. The learned counsel would further submit that PW6 has admitted that at 9.00 a.m. he received an information that there was murder. If this part of the evidence is taken into account, then, the presence of PWs.1 & 3 cannot be believed, the learned counsel contended. The learned counsel would next submit that all the documents, including the statement of witnesses recorded under Section 161 Cr.P.C., were submitted to the Court only along with the final report very belatedly. This is yet another circumstance, according to the learned counsel, to doubt the case of the prosecution. He would further submit that the FIR in this case cannot be a true document and the same should be held to be a result of discussion and consultation. Thus, according to the learned counsel, the trial Court has acquitted the accused for cogent reasons and therefore, the same cannot be reversed by this Court, applying the above dictum laid down by the Hon'ble Supreme Court in the matter of appeal against the acquittal. In view of the above, the learned counsel would submit that this Criminal Appeal may be dismissed.

8. We have considered the above submissions. The alleged occurrence was at 10.00 a.m. The FIR was registered at 11.00 a.m. and the same has reached the Court at 4.00 p.m. This is a case of single accused. The above delay, in our considered opinion, would not loom large in this case so as to doubt the case of the prosecution. Normally, if there are multiple number of accused, even a minor delay would create a doubt in the case of the prosecution. But, this cannot that sort of a case to doubt at all. Above all, the delay has been duly explained away by the prosecution. Therefore, in the origin of the FIR, we do not have any doubt at all.

9. Then, comes the presence of PWs.1 & 3, at the time of occurrence. Of-course Pws.1 & 3 did not belong to Gurukkalpatti Village. Their presence was by chance. It is too well settled that if a witness claims to have been present at the time of occurrence, by chance, the reason for his being present at the time of occurrence is to be proved by the prosecution. In this case, PW1 has categorically stated that she, along with the deceased, had gone to Gurukkalpatti Village for the purpose of attending a marriage at Sankarankoil. He has further stated that she, along with the deceased, had gone by Mini-bus to Gurukkalpatti Village, where they got down

from the bus and taking tea. It was only at that time, the occurrence had taken place. Thus, PW1 has clearly explained her presence at the time of occurrence. PW3 is the brother of the deceased. He has also explained his presence at the time of occurrence. He has stated that he, after sending PW1 and the deceased in the bus, went by walk to the place of occurrence. The distance was hardly about two kilometres. When he reached the said place, the deceased and PW1 were standing in the tea shop and taking tea. He has also stated about the entire occurrence. Thus, we do not find any reason to doubt the presence of PWs.1 & 3 at the place of occurrence.

10. Next comes the medical evidence. The Doctor, who conducted autopsy on the body of the deceased, had found as many as four external injuries. These injuries were all cut injuries and according to the doctor, these injuries could have been caused by a weapon like MO.4 - aruval. The lower Court has rejected the evidences of PWs.1 & 3 on few grounds. One of the grounds is that the medical evidence does not corroborate the eyewitness account. For this, the trial Court has stated that the injury on the head of the deceased, which was fatal, was not spoken to by any of these two witnesses. In our considered view, this is immaterial and it is not at all a contradiction. When the wife and brother of the deceased were witnessing the occurrence, where, in a brutal manner, the deceased was being cut, one cannot expect these two innocent villagers to watch every injury being caused and to notice the same so as to keep in their memory to speak about the same during the days to come. Therefore, the omission to speak specifically about the injury made on the deceased by PWs.1 & 3 would not go to prove that they are not reliable. Thus, we do not find any contradiction between the medical evidence and the eyewitness account.

11. The next ground upon which the trial Court has acquitted the accused is that no independent witness was examined by the prosecution. Admittedly, the occurrence had happened in a busy locality and there were shops on either side. It is not as if there were no independent witnesses available. Even in the final report, a number of independent witnesses were cited as eyewitnesses. But, no such independent witness was examined before the trial Court. The learned Additional Public Prosecutor is not able to say as to why these witnesses were dispensed

with by the prosecution. In our considered view, though the independent witnesses were not examined, on that score, the eyewitness account of PWs.1 & 3 cannot be rejected. In other words, though it is a flaw in the case of the prosecution that no independent witness was examined, on that score, the evidences of PWs.1 & 3 cannot be rejected.

12. Next comes the recovery of MO.4 ? . aruval, on the disclosure statement made by the accused. PW10 is the then Village Administrative Officer, who was present at the time when the accused was arrested, when he gave disclosure statement and when he produced MO.4 from the hide out, has vividly spoken about the same. The weapon was not shown to PW1 when she was examined. PW1, of-course, did not identify the weapon, but PW3 has identified the weapon. Thus, the link between MO.4 and the Crime has been established by the evidence of PW3. Therefore, the discovery of the fact viz., the recovery of MO.4, on the disclosure statement made by the accused, makes that part of the disclosure statement admissible under Section 27 of the Indian Evidence Act. But, the trial Court has rejected this material piece of evidence on the ground that MO.4 was not identified by PW1.

13. At this juncture, we need to say that it is not every discovery of a fact that makes the statement admissible, but it is only a discovery of a relevant fact which makes the statement admissible under Section 27 of the Indian Evidence Act. Therefore, it is absolutely essential to establish the link between the fact discovered and the crime committed. In this case, the link between MO.4, the crime and the accused has been clearly spoken to by PW3. Though PW1 was not invited to speak about the same, the evidence of PW3 clearly has established the said link. Therefore, in our considered view, the lower Court was not right in rejecting the discovery of MO.4 at the instance of the accused on the ground that PW1 had not identified the same.

14. The trial Court has next stated that when the FIR and the complaint were forwarded to the learned Magistrate, the learned Magistrate had noted that in the FIR, there was only one paper available. The second paper was not available. Admittedly, the FIR contains two papers. The second paper was not available

when it was produced before the learned Magistrate and later on, it was also produced. This has also been taken as one of the grounds for acquittal. In our considered opinion, this is also not correct. The complaint, accompanied by the FIR, reached at the hands of the learned Magistrate. The complaint contained the entire narration of the occurrence. But, while sending the papers, probably PW6 ? the Sub Inspector of Police, due to hurry, inadvertently, omitted to send the second paper in the FIR. Therefore, this is not a ground at all to doubt the case of the prosecution.

15. Next, the trial Court has stated that the conduct of PW3 is doubtful. According to him, had it been true that he was also to go to Gurukkalpatti Village, he would have travelled, along with the deceased, in the same bus and there is no explanation as to why he did choose to go by walk. This argument, though attractive, does not persuade us for the simple reason that PW3 might have had his own reason to prefer to go by walk, instead of going by bus. Since he was not invited to answer or explain the said situation, he did not say anything about that. Thus, on this ground, the lower Court was not right in rejecting the evidence of PW3.

16. The trial Court has next found fault in the case of the prosecution that the bus tickets of PW1 and the deceased were not recovered. The trial Court has stated that had it been true that these two had travelled in the Mini-bus, the tickets would have been available with them. Thus, according to the accused, the non recovery of these tickets would also weaken the case of the prosecution. In our considered view, it is not so. It is not in evidence that PW1 was in possession of the ticket even after the above occurrence. In such a situation, where her husband was brutally attacked and killed, she would have somewhere lost the tickets. Therefore, this is also not at all a ground for rejecting the evidences of PWs.1 & 3.

17. The learned counsel would next contend that the bloodstained clothe of PW1 was not recovered. It is true that according to PW1, after the occurrence, she lifted the body of the deceased and in the said process, the blood had stained her saree. The investigating officer should have certainly recovered that clothe to strengthen the case of the prosecution, but he failed to do so. But, for the omission

committed by the Investigating Officer, one cannot blame PW1 and reject her evidence.

18. Next comes the admission made by PW6. According to the lower Court, PW6, during the cross examination, has stated that she received an intimation over phone that there was a murder at 9.00 a.m. itself and the trial Court has held that the said information has been suppressed. We have considered the above submission very seriously. But, a close reading of the evidence of PW6 would go to show that though she said that she received such an information at 9.00 a.m, in the next sentence, she has corrected the same by saying that she received the information only at 10.00 a.m. and she also made entries in the general diary. If really such an entry made in the general diary was favourable to the accused, nothing would have prevented the accused from summoning the same to prove his defence. That was not done. Thus, the evidence of PW6 does not in any manner destroy the case of the prosecution.

19. The learned counsel for the accused would contend that all the documents, including the statement of witnesses recorded under Section 161 Cr.P.C., had reached the Court very belatedly and they were submitted only along with the final report. Therefore, this creates doubt in the case of the prosecution, he contended. In this regard, we may state that all these vital documents should be despatched to the Court by the investigating officer immediately, as any delay in submitting the same to the Court may create doubt about the origin of the documents. But, on this ground, the case of the prosecution cannot be rejected. The delay in forwarding the documents may be one of the circumstance which may create doubt in the case of the prosecution, but, on that score, the entire case of the prosecution cannot be rejected, when there is reliable eyewitness account of the entire occurrence. Therefore, this argument is also rejected. 20. On a perusal of the entire judgment of the trial Court, we are satisfied that the trial Court has given undue weightage on some minor contradictions and inconsistencies, which, in our considered view, have not at all caused any dent in the case of the prosecution. The evidences of PWs.1 & 3 are so cogent and convincing, which have been duly corroborated by the medical evidence and also discovery of MO.4 aruval. From these evidences, the prosecution has clearly proved that it was this accused who

caused the injuries on the deceased, which resulted in his death.

21. It is true that the presumption of innocence is now held to be a part of the fair trial falling within the sweep of Article 21 of the Constitution of India. It is also true that the Hon<sup>ble</sup> Supreme Court has held that such presumption of innocence gets further strengthened and even doubled, if there is acquittal recorded by the trial Court. In order to rebut the said presumption, the prosecution is required to make out a very strong case. In this case, as we have elaborately dealt with, the prosecution has succeeded in making out a very strong case against the accused. The grounds upon which the accused has been acquitted by the trial Court reflect perversity in the judgment of the trial Court.

22. Now, the next question that arises is as to what is the offence which the accused has committed by his act. The learned counsel for the accused would submit that his act would fall within the fourth limb of Section 300 IPC. But, we are not persuaded by the said contention. From the narration of the facts, we are satisfied that the accused had the definite intention to cause injuries on the deceased, which are sufficient in the ordinary course of nature to cause the death. Thus, the act of the accused would squarely fall within the third limb of Section 300 IPC. Now, we have to test whether the act of the accused will fall under any one of the exceptions to Section 300 IPC. The learned counsel for the petitioner would submit that the act of the accused would fall within the ambit of the first exception to Section 300 IPC. We are in agreement with the said submission of the learned counsel for the following reasons.

23. A perusal of the evidence of PW1 would go to show that when the deceased was taking tea in the tea shop, the accused came there and he questioned the authority of the deceased in reprimanding him for cutting the trees. This resulted in a quarrel. That quarrel went for some time. Though PW1 has not vividly spoken about the quarrel that we are able to presume by invoking Section 114 of the Indian Evidence Act by making an over all analysis of the entire evidence that the quarrel would have gone for a considerable time. It is also in evidence that only in culmination of the said quarrel, the accused took out the aruval and caused the injuries. From this, it is crystal clear that the accused would have been provoked

by the words of the deceased and the said provocation was, in our considered opinion, so grave and also sudden to make the accused to lose his mental balance. We have got every reason to hold that it was only the deceased, who had provoked the accused. Because, at the beginning, the accused had in an ordinary way questioned the deceased as to why he was making it as an issue about cutting of trees. Therefore, we hold that the act of the accused would fall under the first exception to Section 300 IPC. Thus, the act to the accused would not amount to murder, but it would amount to culpable homicide not amounting to murder falling within the ambit of Section 304(i) IPC. 24. The accused was present before this Court. When he was questioned regarding the quantum of punishment to be imposed on him, he said that he has got four children to take care of. He is hardly aged about 43 years. He has got no bad antecedent. After the occurrence also, he has not committed any offence. There are lot of chances for reformation. While he was on bail, he had not shown any deviance to law and order. There was also no strong motive between the accused and the deceased. The occurrence itself was out of a sudden quarrel, where the accused was provoked to cause injuries on the deceased.

25. Having regard to these aggravating circumstances as well as mitigating circumstances, by way of striking a balance to do justice, we are of the view that it will be appropriate for this Court to impose sentence of rigorous imprisonment for five years and a fine of Rs.1,000/- in default to undergo rigorous imprisonment for four weeks.

26. In the result, this Criminal Appeal is allowed. The acquittal of the respondent/accused by the trial Court is set aside and he is convicted under Section 304(i) IPC and sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.1,000/-, in default to undergo rigorous imprisonment for four weeks. The period of sentence already undergone by the respondent/accused shall be set off under Section 428 Cr.P.C. The fine amount shall be paid to the trial Court.

27. The learned counsel for the respondent/accused would submit that the accused shall surrender before the trial Court on or before 23.08.2015. Having

regard to the said submission, the accused is directed to surrender before the trial Court on or before 23.08.2015 and if he fails to surrender, the trial Court shall take steps to secure him and to commit him in prison to undergo the remaining period of sentence. Note :(i) Issue order copy on 19.08.2015 (ii) The Registry is directed to issue free order copy to the respondent/accused through his learned counsel. To 1.The Principal Sessions Judge, Tirunelveli. 2.The Inspector of Police, Sankarankovil Taluk Circle, Tirunelveli District. 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai. .

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