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Govindan Vs. the State

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Court : Chennai

Decided On : Mar-20-1997

Reported in : 1998CriLJ731

Judge : N. Arumugham and ;R. Balasubramanian, JJ.

Acts : Indian Penal Code (IPC), 1860 - Sections 300

Appeal No. : Criminal Appeal No. 6 of 1988, (Against order of the Principal Sessions Judge of the Court of Sessio

Appellant : Govindan

Respondent : The State

Advocate for Def. : S. Anbalagan, Addl. Public Prosecutor

Advocate for Pet/Ap. : K. Ashokan, Sr. Counsel and ;T.S. Srinivasan, Adv.

Judgement :

N. Arumugham, J.

1. The convicted accused for the offences under Sections 323, 325 and 302 of the Indian Penal Code and thereby sentenced to undergo the rigorous imprisonment for a period of two months, three years and life imprisonment respectively but however to run concurrently, by the learned Sessions Judge of Ramanathapuram

at Madurai, in S.C. No. 185 of 1987 dated 10-12-1987, has preferred this appeal, challenging its correctness and validity.

2. P.W. 1 by name Kamatchi is the wife of deceased Gurusamy, Servai in the instant case. She would claim that two years prior to her giving evidence before the trial Court at about 4 p.m. on a day the accused, Chidambaram, Narmaran, Pandi and Gunasekaran beat one Padmini and P.W. 3 Gomathi and P.W. 1 questioned them as to why they had beaten ladies, the accused retorted by asking as to who she was to ask for it and beat P.W. 1. This incident was informed by P.W. 1 to her husband and her mother P.W. 2 Muthurakku. This was also respondent by her husband that the matter can be reported before the panchayat and for convening the panchayat of the village on the next day morning he paid the fees for the same, and the panchayat was about to convene on the next day. After informing P.W. 2 that she would meet P.W. 3 Gomathi and come back, P.W. 1 went to the house of P.W. 3 and at that time, the accused was loading his cart with mats for taking it to the other village. P.W. 1 asked the accused as to whether he would be going to the other village when the panchayat is going to be held against him, for which, it was stated that the accused asked what is meant by panchayat and by so saying, he beat P.W. 1 on her hand. Then she cried saying that he was beating. It was the further claim of P.W. 1 that on hearing her cry, P.W. 2 Muthurakku, her mother came running and asked the accused as to why he had beaten her daughter on that day as well as on the previous day and that immediately, the accused took a 'kavai kambu' from the shop situated nearby and beat P.W. 2 on the left hand which caused the bleeding injury and consequently, P.W. 2 her mother fell down and that on seeing it, the husband of P.W. 1, Gurusamy came running and lifted P.W. 2. It was at this juncture, the accused took the kavai-kambu and by saying that he was the person who is concerning the panchayat and making him to stand in the panchayat and he will be done away with, beat him upon his head. Consequently, her husband fell down and head gave way, there was bleeding and the brain matter came out and she cleaned the oozing blood with M.O. 2 towel, M.O. 3 bits of nylon saree, M.O. 4 bits of petty coat and that thereafter the accused ran away from the said place with the kavai-kambu. Since there was hot sun in that place where her husband fell down, P.W. 1 put him in the pial of one Kumaraiah's house and she along with P.W. 8 name

Lakshmanan brought a taxi from Thiruppullant and took the deceased to the Government Hospital, Ramanathapuram, where she narrated the incident that happened to the Police, which was reduced into writing. It was read over to her and her thumb impression was obtained in Ex. P. 1 and in which, P.W. 8 Lakshmanan has attested and that thereafter on the evening of that day, her husband died and that she handed over the saree M.O. 1 which was blood stained at the time of occurrence to the Police. According to her, the above occurrence had happened at about 8 a.m. on the northern side of the house belonging to one Mayalagu.

3. P.W. 2 Muthurakku is the mother of P.W. 1 and she has claimed that P.W. 1 was given in marriage to one Vedaiah, who was her brothers son and the marriage life between them was not cordial always and the marriage was dissolved in the village panchayat and that thereafter P.W. 1 was given in marriage to the deceased Gurusamy and that two years prior to the giving of her evidence before the trial Court, one evening when she was returning from her land, P.W. 1 came to her weeping and complained that she was beaten by the accused, Gunasekaran, Gandhi and Nanmaran and consequently, she went to them and took them to task, for which, they had come to beat her also but however she returned to her house and informed her son-in-law the deceased Gurusamy, who in turn, arranged for the convening of panchayat on the next day morning and that on the next day morning P.W. 1 had gone out to see P.W. 8 Gomathi and after a little while, she heard the noise of P.W. 1 and when she went there and saw by standing near the house of the Pushpam, P.W. 1 was found weeping and accused was found with a small stick in his hand and P.W. 1 complained that the accused had beaten, which was followed by this witness also go to the accused and ask as to why he had beaten her daughter. She would claim further that for her asking so, the accused threw away the small stick, took a kavaikambu kept near the shop and beat her upon her left hand, which caused the bleeding injuries and thereupon she fell down and that when her son-in-law came and questioned the accused as to why he had beat the ladies the other day and he was beating the old lady that day also, by saying that he was the person who has made him to stand before the panchayat and he will be done away with, the accused beat the deceased on the head with kavai-kambu. Consequently, her son-in-law fell down with the brain

matter coming out from the head with profuse bleeding and that the accused ran away with the weapon of offence. As it was a hot sun at that place, P.W. 8 Lakshmanan, Kumaraiah, Arumugam, Sahadevan and P.W. 3 Gomathi all took her son-in-law and placed him in the pial of the house of Kumaraiah and that P.W. 1 and P.W. 8 then brought a taxi and took him to the Government Head Quarters Hospital, Ramanathapuram and that at or about the evening of the same day, she heard that her son-in-law was dead and that when her son-in-law was beaten, P.W. 8 Lakshmanan, Arumugam, P.W. 3 Gomathi were present and that she was given treatment for her injuries.

4. P.W. 3 by name Gomathi of Utharayai Village, has narrated the previous day incident, with reference to the sale of palmirah tree, claiming ownership of the same and asked her to do whatever possible by her and for which, P.W. 3 replied that they had sold away Palmirah tree belonging to her uncle and that by now claiming falsely and that immediately one Gandhi took a small stick and beat Padmini on her forehead and Gunasekaran beat her upon her left elbow and this accused fisted her on the left shoulder. When she questioned all the three as to why they were (sic) she was enceinte by eight months, with the result, she fell down and one Chidambaram also fisted her and that P.W. 1 also came and questioned all of them for their unlawful activity and that the accused held the tuft of P.W. 1 and beat her and all ran away. By about 8-30 p.m. on that day, the village Thandal came and said that there was a village panchayat convened for the next day morning to go into the above said beatings. On the next day morning, P.W. 1 came to her house and went away. After a little while she heard the cry of P.W. 1 and when she approached, she saw the deceased Gurusamy bending down and attempting to lift P.W. 2 and at that time, the accused with the Kavai-kambu beat him and consequently Gurusamy fell down and the accused ran away and in other respects P.W. 3 repeated the same narration of P.Ws. 1 and 2 as exactly as they had claimed.

5. P.W. 4 Dr. Ajmal Khan, Medical Officer attached to the Government Head Quarters Hospital, Ramanathapuram, at about 11-45 a.m. on 21-10-1985 examined Gurusamy, who was found in an unconscious state and found the following injuries :

1. Lacerated injury scalp right side 5 cm x 5 cm size underlying bone broken and brain matter exposed.

2. Contusion 10 cm x 5 cm extending from the right side of scalp upto tight temporal area and upper part of cheek.

Ex. P. 2 is the Accident Register copy. According to him since the condition of the patient was found precarious in view of the said injuries, he was admitted as an in patient and Ex. P. 3 is the intimation sent by him to the police.

6. P.W. 4 Doctor examined P.W. 3 at about 12 noon on the same day and found the following injuries :

1) Contusion over the upper lip 2 cm in diameter.

2) Contusion 5 cm x 3 cm over the middle of back.

3) Tenderness over the right buttock.

He was of the opinion that the above injuries are simple in nature and could have been caused by beating with stick and assault by more than one person and Ex. P. 4 is the wound certificate given by him. This witness has claimed further that at about 12-15 noon on that day, he examined P.W. 2 Muthurakku for certain injuries said to have been caused on 21-10-1985 at about 6 a.m. and to be done to assault by seven known persons at 1-00 a.m. and found the following injuries :

1. Lacerated injury on the left palm about 4 cm. in length in between thumb and index fingers surrounded by contusion of 3 cm size.

2. Contusion 3 cm x 7 cm horizontal lengthy over the middle of back.

3. Vertical contusion 2 cm x 5 cm over the right side of back.

X-ray was taken and it was found on account of the injury number 1, the first meta carpel bone was found fractured and that therefore according to the doctor, injury number one is grievous and the rest are simple in nature and those injuries found by him could have been caused with stick and Ex. P. 5 is the wound certificate

given by him.

7. P.W. 4 would state further that at about 12-45 p.m. on that day, he examined a lady by name Padmini wife of Vedaiah, for report as to certain injuries said to he been caused on 20-10-1985 due to the assault made by three known persons with kambu at Uthiravai and found the following injuries :

1) Pain over left elbow.

2) Pain over left buttock.

3) Contusion of 1 cm diameter over the right side of forehead.

Ex. P. 6 is the wound certificate given by him.

8. P.W. 5 Dr. Ramalingam, the Radiologist attached to the Ramanathapuram Head Quarters Government Hospital has stated that he took the skiogram for the injury found on the left hand of P.W. 2 on 21-10-1985 and found fracture in the finger of the left hand and Ex. P. 7 is the report and M.O. 7 is the skiogram taken by him. P.W. 6 Dr. Jesudass, attached to the Government Head Quarters Hospital, Ramanathapuram, examined P.W. 1 Kamatchi at about 6-05 p.m. on 21-10-1985 and found the following injuries :

1) An abrasion of about 1 cm x 1 cm over forearm dorsal aspect 1 1/2 inches above the wrist.

2) A diffused contusion over right wrist of about 2 cm x 3 cm.

Ex. P. 8 is the copy of the Accident Register. He would opine that the above injuries are simple in nature and the injured Gurusamy since died at 6-45 p.m. in the hospital, he sent the death intimation Ex. P. 9 to the Police.

9. Dr. Kesavan, the Medical Officer attached to the Government Head Quarters Hospital, Ramanathapuram, on the receipt of the requisition given by the Inspector of Police, to conduct the autopsy over the dead body of Gurusamy, at the time of post mortem, he found the following injuries :

'1. An Unshaped sutured incision with base above right ear and a sutured vertical incision present in the middle of the above wound. On opening the wound, a bone deficit for about 5 cms. diameter is found with underlying durasutured obliquely for about 5 cms. length and on opening it, the underlying brain was found to be lacerated for about 5 cms. diameter, with an under running certical vein suture and an undervarying suture found in the middle Maingeal artery right forn stopping the bleeding poppin's stitches were found to be applied around the bone deficit.

2. Contusion 10 cms. x 5 cms. extending from the right side of scalp upto right temporal area and upper part of Cheek. No bony injury over cheek.

He found the stomach slightly dilated and contain about 100 ml. of black colour semi solid food with food particles digested rice. All other symptoms were normal. He would opine that the deceased would appear to have died of shock and haemorrhage into the extra dural space due to injury sustained to head and died about 16 to 17 hours prior to post mortem. EX. P. 11 is the post mortem certificate given by him. According to the doctor, injury number one with its internal injury is fatal and is likely, to cause death in the ordinary course of nature.

10. P.W. 8 Lakshmanan is doing cultivation in Utharavayal village, who in his testimony has claimed that he owns land on the western side of the village along with his brother Valampuriyan and that the maternal grandfather of the accused by name Gurusamy also had the adjacent land and that the said Gurusamy on receipt of Rs. 50/- from this witness permitted him to enjoy that land and he was tethering sheep there and that after the death of Gurusamy, his grandson the accused used to pick up quarrels with him to vacate the said land and during the said sojourn one day the accused beat P.W. 8's daughter-in-law by name Padmini and that case was however compromised and that the accused and his brother sold away the land belonging to their mother and in that land there were two palmirah trees, out of which one belonged to this witness and as the deceased Gurusamy had asked for one tree, he had asked him to cut and remove it and that in exchange Gurusamy had asked him to take the palmirah tree standing in his garden and that after the sale of the lands, one day the accused came near the palmirah tree with knife and stick with Chidambaram, Gandhi and all the tree cut the palmirah leaves

from the tree while he was grazing the sheeps and when this witness questioned them, they retorted by saying that they were cutting the leaves of their grandfather's palmirah tree and thus he speaks about the several facts of the dispute with regard to the ownership of the pamirah trees and the leaves between him and the accused. This witness also corroborates the convening of panchayat by Gurusamy through one Vellaichamy and the panchayat was to be convened at about 9 a.m. on that day and that on the morning of the occurrence day, he heard the cry of the ladies and when he approached, he saw that the deceased Gurusamy was attempting to lift P.W. 2 and it was at that time the accused beat the deceased Gurusamy on his head with a kavai-kambu and Gurusamy fell down and there was bleeding and brain matter came out. Then, he corroborates the evidence of P.Ws. 1 to 3.

11. P.W. 9 Sethuraman, Village Administrative Officer of Thiruppullani village claims that when the Inspector of Police visited the scene of occurrence, and prepared the observation mahazar Ex. P. 12 and recovered M.O. 8 blood stained earth, M.O. 9 sample earth, M.O. 2 towel, M.O. 3 nylon saree pieces 2, M.O. 4 petty coat pieces 2, M.O. 5 torn cloth, M.O. 6 torn saree piece 1 under the cover of mahazar Ex. P. 13 and prepared a search list by conducting search in the house of the accused and after visiting the cut palmirah tree an observation mahazar was prepared and in all these, he has attested along with the village menial by name petchimuthu.

12. P.W. 10 the Constable attached to Kenikarai Police Station has claimed that he handed over the requisition Ex. P. 10 to the Medical Officer for the conduct of autopsy at about 10-30 a.m. on 22-10-1985 and escorted during the autopsy and afterwards, he recovered M.O. 10 Dhothi, M.O. 11 kaili from the dead body and handed over the same to the Police Station.

13. P.W. 11 the Head Clerk attached to the Judicial Magistrate's Court, Ramanathapuram, has claimed that on the receipt of the material objects sent by the police with the requisition to subject the same for chemical examination, packed M.Os. 1 to 6, 8 to 11 separately and in the due manner and sent the same with the covering letter of the learned Magistrate, the office copy of which has

been marked as Ex. P. 16. The chemical examiner's report Ex. P. 17 and the serologist's report Ex. P. 18 were received on 28-2-1986 and 30-4-1986 respectively.

14. P.W. 12 Nainar Mohamed, Sub Inspector of Police, Kenikarai Police Station, has claimed that on the receipt of Ex. P. 3, he had been to the hospital by 12-15 noon on 21-10-1985 and found Gurusamy in an unconscious state and recorded the statement from P.W. 1 to her narration and read over to her and not thumb impression in Ex. P. 1 and returned to his police station and registered the same in crime number 275 of 1985 for the offence under S. 307, IPC and prepared the printed first information report Ex. P. 19 and sent it to the Court and higher officials. In the hospital he recovered M.O. 1 Saree from P.W. 1 and at about 7-45 p.m. on that day, he received Ex. P. 9 the death intimation regarding the death of Gurusamy and consequently altered the section of law into 302, IPC and sent the express report Ex. P. 21 to the Court and the Inspector of police under express tapal immediately.

15. P.W. 13, the Inspector of Police would claim that at about 2-30 p.m. on 21-10-1985 on the receipt of express report in the instant case, he took up the investigation and had been to the scene of crime and prepared the observation mahazar Ex. P. 12 and the rough sketch Ex. P. 22 attested by witnesses. By about 4 p.m. on that day, he recovered M.O. 8, M.O. 9, M.O. 2, M.O. 6 under the cover of mahazar Ex. P. 13 attested by witnesses. Then he sent P.W. 1 for medical treatment. In the night at about 8-15 p.m. on that day, he received the express tapal regarding the alteration of the section into 302, IPC and went to the Government Head Quarters Hospital on 22-10-1985 and conducted inquest over the dead body between 6-30 a.m. and 10-30 a.m. and prepared Ex. P. 20 inquest report by examining the witnesses and the panchayatdars. By about 4-30 p.m. on the same day, the disputed lands situated on the south west of Uthiravayal village was inspected by him and noted with the signs of palmirah leaves and prepared an observation mahazar Ex. P. 14 and recovered the cut portion of the palmirah tree under the cover of mahazar and Ex. P. 12, 13, 22 and 14 were attested by P.W. 9 and on 29-10-1985 he came to know that the accused had surrendered before the Court and then he gave Ex. P. 15 requisition to send all the case

properties for chemical examination and by examining all the witnesses and completing the investigation, he laid the final report against the accused in the Court of law on 28-2-1986.

16. The accused had denied every one of the claim made by the prosecution witnesses when he was examined under S. 313(1)(b) of the Code of Criminal Procedure and has stated that on the previous evening of the day of occurrence, all the fencing situated in his house and the backyard had been removed and a frivolous case has also been foisted against him. However, the accused did not choose to examine any witness in his behalf.

17. After recording the oral evidence from P.Ws. 1 to 13 and the documentary evidence Ex. P. 1 to Ex. P. 22 with the marking of 11 material objects by and on behalf of the prosecution, with none of behalf of the accused, and after having an elaborate discussion on the entire adduced legal evidence, rival contentions and established circumstances in the instant case, the learned trial Judge has found that the prosecution had proved the complicity and guilt of the accused beyond all reasonable doubts and accordingly found him liable for the charges framed and tried against him and convicted and sentenced him as noted supra, and it is this judgment being challenged for its correctness and validity.

18. We have heard the Bar for the appellant assailing the impugned judgment of conviction and sentence and the contra by the learned Additional Public Prosecutor, supporting and justifying the impugned judgment on the basis of the verdict recorded the learned trial Judge.

19. In the context of the above rival position, we have to consider the only point as to whether the prosecution had established the guilt and complicity of the accused in the instant case beyond all reasonable doubts and whether the impugned judgment is correct or not

20. The fact that P.W. 8 and the accused had misunderstanding and enmity over the enjoyment and right of the palmirah trees situated in the land on the south west of the village for several years is specifically claimed by the prosecution and that in connection with the same, One Padmini was beaten by the accused is seen

by this Court very clearly from the evidence made available. P.W. 3 Gomathi is also seen to have been beaten by the accused previously to the occurrence. The further fact P.W. 3 informed the sustaining of the injury at the hands of the accused to P.W. 1 and P.W. 1 questioned the accused and consequently. P.W. 1 was also beaten by the accused are all the backdrops for the instant occurrence happened on the morning of 21-10-1985. When P.W. 1 is stated to have informed her husband, the deceased, about the incident and to her mother P.W. 2, the prosecution claims, it is seen that they were able to arrange for the convening of the panchayat on the next day. To this extent, P.W. 8 also renders every support and corroboration, who would claim that by paying the fee to the village menial, village panchayat was arranged to be convened on the morning of the occurrence day has been established. There was no specific denial of the above facts when the prosecution witnesses claim so and no controverting of the same is there during the cross-examination. Therefore, we have been left with no other alternative except to believe their version with regard to the background leading to the occurrence proper.

21. It is the consistent case of P.Ws. 1, 2 and 3 on the one hand and P.W. 8 also that P.W. 1 was beaten by the accused with a small stick and when it was questioned by P.W. 2, her mother, she was also beaten by the accused with a kavaikambu and on seeing this when P.W. 2 fell down, the deceased, husband of P.W. 1, came to her reascue and attempted to lift her, the accused beat him upon his head with every force saying that he was the person who had convened the panchayat involving himself and that with that beating he should die. This beating, though dealt with at one time, seems to have been given with severe force. Therefore, the head of the deceased gave way and was broken, resulting in the brain matter and blood coming out. As the injured fell down with the bleeding, injury, the prosecution witnesses as a whole, claim that they took him and placed him in the nearby pial of one Kumaraiah. The observation mahazar prepared by the Inspector of Police Ex. P. 12 and the rough sketch showing the topography of the scene of crime Ex. P. 22 would clinchingly prove the place of occurrence and the consequent recovery of the blood stained earth, blood stained materials, and the Chemical Examiner's report and the Serelogist's report render ample corroboration and support to the claim that the occurrence place was, the one the

prosecution claims situated near the house of one Mayalagu. On going through the evidence of P.W. 7 the doctor who did autopsy and the post mortem certificate Ex. P. 11, it is seen that injury number one found in the post-mortem certificate is fatal and likely to cause death in its ordinary course of nature, which would show that the head of the deceased Gurusamy was broken into two and through which, the brain matter has come but. We find no reason at all to eschew or suspect the evidence of the doctor who did the autopsy and reject the post-mortem certificate and the opinion of the doctor. So also for the occurrence witnesses P.Ws. 1, 2 and 3. P.Ws. 1 to 3 are not only the eye-witnesses but also the injured, who claim that the assailant is the accused and none-else. Their evidence seems to have full support and corroboration from the evidence of the medicos particularly, P.W. 4 and P.W. 6 with the Accident Register copy and the wound certificate. The doctors who treated them were positive enough in claiming that all the injuries found on the person of P.W. 1 and P.W. 2 could have been caused by beating with a stick at the time and manner as alleged. The two discrepancies, namely, caused by several persons' and 'the time is 6 a.m.' as found in the wound certificate have been pointed out by the learned counsel for the appellant, but, in our view, the said description of the time and the persons are purely by mistake given by he P.Ws. 1 to 3, because of not only their illiteracy but also because they are the persons injured and brought to the hospital in an injured condition and that therefore their mental faculty has been subjected to severe strains and it is under the said circumstances, no one can expect them to give the accurate narration of every incident happened with strict sequence. In the context of the argument advanced by Mr. K. Asokan, learned Senior Counsel, we have gone through the entire evidence of P.Ws. 1, 2, 3 and 8 along with the medical evidence. After having our strict scrutiny and marshalling, we are not able to find out a single aspect or laches in this case to suspect their version but on the other hand, their narration of the occurrence and witnessing the overt acts of the accused on P.W. 1, P.W. 2 and the deceased with every sequence, was very natural, cogent, convincing and as such trustworthy, bears all legal credibility. Therefore, we are unable to find any material to suspect their version. Hence, we accept the evidence of P.Ws. 1, 2, the injured occurrences witnesses with the corroboration of P.W. 3, who also sustained injury at the hands of the accused and if so, we have to take into

account the core of the evidence of the medicos and their opinion which go to the total support and corroboration of the other evidence. If this is the position, after having gone through the entire gamut of the case, we have no hesitation to hold that the prosecution has succeeded in its mission of proving the guilt and complicity of the accused herein, not only in causing the injuries to P.Ws. 1 and 2 on the day of occurrence but also beating the deceased with 'kavai-kambu' violently and causing an injury, which proved fatal; and led to his death, which however, in accordance with the opinion of the doctor who did the autopsy, would attract thirdly of S. 300 of the Indian Penal Code. After having inflicted the injury to P.W. 1 and attacked P.W. 2, when the deceased came to the rescue of P.W. 2, who was falling down at that time, if the accused had no intention at all as claimed by the Bar, then, it is noted that he had no business to do away with the deceased but however, he dealt a fatal bit upon the deceased with 'kavai-kambu' which broke his head and the brain matter with bleeding came out. From the very nature of this injury, though a single one, inflicted by the accused, we are able to see the very intention of the accused, after deliberating that the deceased was the person who was responsible for convening the panchayat involving himself and he must die. From the totality of the above circumstances, clearly established by the prosecution, we are fully satisfied, to say, that the learned trial Judge, after having an elaborate discussion and deliberations of the entire adduced circumstances and legal evidence has validly justifiably and rightly come to the conclusion that the accused had landed himself under thirdly of S. 300 of the Indian Penal Code and that therefore, he was perfectly correct and justified in finding him guilty and accordingly convicting and sentencing on all the charges. The very effort and strain taken by Mr. Asokan, learned counsel in persuading us to modify the sentence by showing the very mirror inconsistencies in the description of the time and the number of persons, appears to us as too flimsy and bleak and for the said reasoning, we are not inclined to give any legal credance for the same. In the instant case, the legal evidence adduced by the prosecution against the accused regarding his complicity and guilt is abundant, more than adequate and overwhelming and when this is the position, one cannot be expected to run the risk of suspecting the same by catching a small thread at the one extreme and go into the root of the prosecution case, which is totally alien to the law. Thus, after having

considered the whole gamut of the case, we do not find any merits in this appeal and the various findings and observations given by the learned trial Judge in the impugned judgment are perfectly valid and justifiable. Accordingly, the appeal is liable to be dismissed.

22. In the result, the appeal fails and it is accordingly dismissed. Consequently, the conviction and sentence recorded by the learned Sessions Judge of Ramanathapuram at Madurai in S.C. No. 185 of 1987 dated 10-12-1987 against the accused are confirmed and maintained. Bail bond, if any executed by the appellant shall stand cancelled forthwith.

23. Appeal dismissed.

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