

Raghavan Alias Raghavalu Vs. the State

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Court : Chennai

Decided On : Feb-11-1997

Reported in : 1997CriLJ2449

Judge : M. Karpagavinayagam and; S. Marimuthu, JJ.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 302, 364, 379 and 394; [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 313; Evidence Act - Sections 114

Appeal No. : Criminal Appeal No. 499/1987

Appellant : Raghavan Alias Raghavalu

Respondent : The State

Advocate for Def. : Anbalagan, Addl. Public Prosecutor

Advocate for Pet/Ap. : P. Ramarajan, Adv.

Judgement :

M. Karpagavinayagam, J.

1. This appeal is directed against the judgment convicting the appellant Raghavalu alias Raghavan for the offence under S. 302, I.P.C. to undergo life imprisonment and for the offence under S. 379, I.P.C. to undergo three years and the sentence were directed to run concurrently in S.C. No. 143/1986 on the file of the Sessions

Court, Chengalpattu.

2. The charge against the appellant is that on 23-4-1985 at about 10.00 p.m. in Room No. 4, Town Lodge, Nellurkkara Street, Kancheepuram, the appellant caused the death of the deceased Pottiammal alias Lakshmiammal by compressing her neck with his hands and removed the jewels from the body of the deceased weighing 3 1/2 sovereigns worth about Rs. 6,000/- and snatched her ear-studs causing injuries to her ears and fled away.

3. The short facts leading to the conviction could be summarised as follows :-

The deceased Pottiammal alias Lakshmi Ammal hailed from Adhivarapalli village in the hamlet of Eravadipalayam of Chittoor District, Andhra Pradesh. Her husband Sippala Venkatrayalu expired six months prior to the occurrence. They had no issues. After the death of her husband, Pottiammal, widow had been staying alone in the house of her husband. P.W. 3 Chengalvarayulu is the nephew of the deceased who is residing in the house situated next to the house of the deceased. P.W. 4 Ramalakshmi Ammal, the sister of the deceased is the resident of Tirupathi. The house of the mother of the deceased is situated in the village Somale. The deceased used to wear nose-screw, ear-stud, gold ring and gold attikai. P.W. 5 Sippala Lakshmi Ammal is residing at Eravadipalayam which is situated one furlong away from the house of the deceased. P.W. 6 Reddy Ammal is having a tea-shop at cross-road at the end of Eravadipalayam near bus-stand.

4. The appellant Raghavalu alias Raghavan was hailed from a village called Pakrapettai which is situated at a distance of six miles from Eravadipalayam. He is a vendor of vessels. He used to tour to several villages including Eravadipalayam and sell the vessels to the villagers. After the death of the husband, the deceased developed intimacy with the appellant who frequently came to the village for the purpose of selling the vessels.

5. On 20-4-1995 at about 1.00 p.m., the deceased after having locked her house went to the house of P.W. 3, her neighbour and informed him that she was proceeding to Somale village to visit her mother. She also requested P.W. 3 to look after the house and intimated that she would come back within ten days. At

that time she was carrying a bag M.O. 1 containing a transistor M.O. 2. She was also found wearing jewels, M.O. 7 to M.O. 10.

6. At about 3.00 p.m., the appellant came to the house of P.W. 5, Sippala Lakshmi Ammal and asked for a cup of water. She gave water to the appellant. Then he asked P.W. 5 as to whether the deceased Pottiammal came there. She replied that she had not come. During the said conversation, the deceased Pottiammal came to the house of P.W. 5 and informed her that she was on the way of Somale village. Since the daughter of P.W. 5 was got married in the said village, the deceased asked P.W. 5 whether any information to be conveyed to the daughter of P.W. 5 who is at Somale village. P.W. 5 asked the deceased to instruct her daughter to come to the house of P.W. 5. Then both the deceased and the appellant went together towards the main road to get a bus. At 3.30 p.m., the deceased and the appellant came to the bus stand and took tea in the tea shop of P.W. 6. Thereafter they got into the bus which was proceeding towards Tirupathi. After spending two days in Tirupathi and other places, the appellant and the deceased came to Kancheepuram. They approached P.W. 1 Parthasarathy who is the manager of the Town Lodge at Kancheepuram and requested for a double bed-room. So at about 7.00 a.m., P.W. 1 allotted a double bed-room at Room No. 4 and received an advance of Rs. 20/-. The appellant informed him that he would vacate the room on the next day morning. Ex. P. 1 is the entry made in the Register maintained by the said Lodge wherein the appellant signed. The appellant told P.W. 1 that the deceased was his wife and that she had been brought to Kancheepuram for the purpose of taking treatment in the hospital. P.W. 2 is the watchman of the Lodge. He came to the Lodge at 9.00 a.m. Having been informed that Room No. 4 was occupied by the appellant and the deceased, as usual, he offered water to them and left the place thereafter. At 3.00 p.m., again P.W. 2 came and saw that the door of the room was kept ajar and he found both the deceased and the appellant talking together. At that time, the transistor also was found playing. At 10.00 p.m., the room was found closed. Then P.W. 2 after closing the gate inside, slept inside the officer-room. On the next day, i.e., on 24-4-1985 at about 4.30 a.m., P.W. 2 woke up and at about 7.00 p.m., P.W. 1 came back to the Lodge from his house. Since P.W. 1 was informed that the appellant, would vacate the room at about. 7.00 a.m., he prepared the bill and kept it ready.

But the appellant did not come to the office to settle the bill. So at 7.30 a.m., both P.Ws. 1 and 2 went to the room and to their shock, the room was found locked. Then they peeped through the window and noticed that the deceased was found lying down in the middle of the two cots. A pillow was also found to be put on her head. They also felt that foul smell was emanating from that room. Though they tapped the door, yet there was no response from the woman. Therefore, P.W. 1 leaving P.W. 2 there itself, went to Sivakanchi Police Station and gave a complaint Ex. P. 2, Sub-Inspector of Police-P.W. 11 at about 9.00 a.m. P.W. 11 received the complaint and registered a case in Crime No. 462/85 as suspicious death and prepared First Information Report-Ex. P. 7. Then he despatched both these documents to the Court as well as the senior officials. He also contacted the Inspector of Police-P.W. 13 through telephone and gave the message. Thereafter he went to the spot. P.W. 13, at about 9.15 a.m., came to the scene of occurrence. He arranged to break open the lock of the room. He went inside the room and found the deceased dead and that blood was oozing from her nose. He prepared Ex. P. 12 Observation Mahazar. He held inquest over the body between 9.45 a.m. and 12.15 p.m. and examined P.W. 1, manager of the lodge and P.W. 2 watchman. He arranged to take photographs through the photographer-P.W. 10. M.O. 11 and M.O. 14 series are the photographs. He then sent the dead-body along with a request-Ex. P. 8 for conducting post-mortem. Thereafter he recovered M.O. 1 transistor, M.O. 2 plastic bag, M.O. 12-yellow colour saree, M.O. 13 rose colour saree, M.O. 15 polyester blouse, M.O. 16 red colour blouse, M.O. 17 white colour petticoat, M.O. 18 bus ticket, M.O. 19 series broken bangles, under Ex. P. 14. He also drew a sketch Ex. P. 15 at about 12.30 p.m. On receipt of the requisition of Ex. P. 8 on 25-4-1985, P.W. 12 Dr. Jegathambal attached to Kancheepuram Government Hospital commenced post-mortem at about 4.30 p.m. and found the body in a de-composed condition. She also noticed the following injuries :

'An adult female body, moderately nourished symmetrical whole body with foul smelling, de-composed. Rigor mortis passed off, in whole body including four limbs. Cuticle peeled off all over the body. Blood discharge from the nose and mouth present. Face swollen blebs seen over the forehead. Eye lids closed. Swollen. Cuticle peeled off, echymosed. Nose Swollen. Discharge of blood

present. Fatering of Bridge of nose present.

Both lips : Tongue : seen protruded between the teetch.

Tongue : compreseed with teeth marks. The portion anterior to the teeth mark is dark teeth complete. Both ear lobules torn irregularly with blood clots;

Neck : Swollen dried of contusion 20 c.m. x 3 c.ms. seen in front of the neck from right angle of the mandible of left angle of mandible. Multiple blebs seen over the both tipper limbs and lower limbs.'

Since it was informed that poison bottle was found along with the body, she took sample of stomach and contents sample of liver, sample of kidney preservative and preserved the same for chemical analysis. In the meatime, she issued Ex. P. 10 Post-mortem certificate without giving any opinion regarding the cause of death since the sample of stomach and liver were sent for analysis. On receipt of the report that there was no poison, P.W. 12 gave her opinion that the death of the deceased was due to 'asphyxia' by forcibly pressing with the hands of the portion of the neck. After the post-mortem was over at 6.00 p.m., P.W. 13-Inspector of Police removed M.O. 7 series-nose screws, two brass keys under M.O. 20 series along with other iron keys, brass ring under M.O. 21, blue colour petticoat under M.O. 5, red colour nylax saree under M.O. 4, yellow colour blouse under M.O. 6 were seized from the body under Ex. P. 17 Mahazar. Then he arranged to publish the photograph of the deceased through the newspapers in order to know the identity of the deceased.

7. On 25-4-1985, on receipt of the Final Opinion given in Ex. P. 11 by the Doctor-P.W. 12, the police altered the offences into Sections 302 and 379, I.P.C. in the F.I.R. The Express F.I.R. is marked as Ex. P. 18. On 12-5-1985, P.W. 13 went to the village Adhinavarapalli village and examined P.W. 3, P.W. 5 and P.W. 6 and others. On seeing the photo of the deceased, they stated that that was the body of the deceased in this case who belonged to the said village. On 19-5-1985 with the help of the keys in M.O. 20 series, P.W. 13 tried to open the lock put on the house of the deceased in the village. One of the brass keys was fixed in that lock and with the help of the said key, he opened the lock and recovered the said lock M.O.

22 under Mahazar Ex. P. 19. Then after the interrogation of the villagers in the village, he took steps to arrest the accused Raghavalu. P.W. 14 who took charge as the Inspector of Police, Kancheepuram on 1-1-1986 after the charge was handed over by P.W. 13 took up investigation in this case. When he took steps for arresting the accused on 10-2-1986, he came to know that the accused surrendered before the Magistrate Court. Therefore, he sent a requisition to the Magistrate for conducting identification parade to enable the witnesses-P.W. 1, P.W. 2, P.W. 3 and P.W. 6 to identify the accused. In pursuance of the requisition, the accused was directed to be produced on 18-2-1986. P.W. 9 is the Magistrate who conducted the identification proceedings in which P.W. 1, P.W. 2 and P.W. 5 correctly identified the appellant. P.W. 9 prepared identification proceedings under Ex. P. 6.

8. On 19-2-1986, P.W. 14, Investigation Officer filed a petition before the Magistrate requesting for the accused to be handed over to him for police custody. Accordingly, the Magistrate granted permission. In pursuance of that, he took the accused on 10-2-1986 and brought him to the police station. On interrogation, he gave a confession in the presence of P.W. 7 and another. The admissible portions are Exs. P. 3 and P. 4. On 28-2-1986 in pursuance of the information given by the accused, P.W. 14 and others along with the accused went to Madras. At about 6.00 p.m., the appellant pointed out P.W. 8 Damodharan stating that he handed over M.Os. 8 to M.O. 10 gold jewels belonging to the deceased to him on payment of Rs. 2,500/-. P.W. 8 handed over M.Os. 8 gold kammal, M.O. 9 gold ring and M.O. 10 gold Attikai to P.W. 11 who in turn recovered the same under Ex. P. 20 Mahazar which was attested by the witnesses and P.W. 8 Damodharan. Thereafter, jewels were taken to the village along with the accused on 1-3-1986 where the witnesses P.W. 3, P.W. 5 and others identified the jewels as that of the deceased. Thereafter, the appellant was produced before the Magistrate, who in turn sent him for the judicial remand. On 16-4-1986, he requested the Magistrate by sending a requisition to obtain a specimen signature of the accused to compare the signature of the appellant found in Ex. P. 1, the lodge register entry. Learned Magistrate in pursuance of the requisition, obtained a specimen signature from the accused and sent the same for hand-writing expert's opinion. Ex. D. 1 is the specimen signature of the accused. Ex. D. 2 dated 16-7-1996 was received by the

Court stating that it is not possible to express any opinion on the signature found in the register on comparison with the signatures found in Ex. D. 1. After completing the investigation, P.W. 14 Inspector of Police filed the charge-sheet for the offence under Ss. 394, 302 and 364, I.P.C.

9. On committal, the trial Court after perusing the records and after hearing the Public Prosecutor and the defence counsel framed the charges for the offences under Ss. 302 and 379, I.P.C., and questioned the appellant after reading out the same. The appellant pleaded not guilty and wanted to face the trial.

10. In proof of the charges framed as referred to above, the prosecution examined P.Ws. 1 to P.W. 14, filed Exs. P. 1 to P. 20 and marked M.Os. 1 to 22. On the side of the defence, Exs. D. 1 and D. 2 were marked.

11. On termination of trial, the appellant was questioned under S. 313, Cr.P.C. with reference to the incriminating materials found in the evidence brought on record. The appellant denied having committed any offence whatsoever. He further stated that he was innocent and falsely implicated and that he was shown to the witnesses by the police at the police station prior to the identification parade.

12. On consideration of the entire materials produced by the prosecution as well as the statement of the accused and the documents produced on the side of the defence, the trial Court on proper perusal and appreciation of materials, concluded that the prosecution established the case beyond doubt and convicted and sentenced the appellant as indicated above.

13. Being aggrieved over this verdict, the appellant has filed this appeal in this Court challenging the convictions and sentences imposed upon him for the offences under Ss. 302 and 379, I.P.C. Mr. K. M. Subramanin, counsel for the appellant took us through the entire evidence and effectively contended that the trial Court had overlooked several infirmities found in the case which would affect the core of the prosecution in its entirety. He would also further contend that the reasonings given for conclusion with reference to the guilt of the accused were not sound and proper and if the materials sifted and scanned in the proper perspective, one would come to the conclusion that the various pieces of

circumstantial evidence do not form the complete chain. He also pointed out various inherent improbabilities by reading out portions of the evidence adduced by the witnesses in this case.

14. Per contra, the Additional Public Prosecutor contended that the materials in the form of circumstantial evidence produced before this Court do not have any missing link and as such the testimony tendered by the witnesses would make it clear that the appellant and none else than the appellant alone had committed the murder of the deceased for the purpose of gain.

15. Of course, the prosecution case hinges upon the circumstantial evidence as there is no direct evidence through the eye-witnesses. It is settled law that in the case of the circumstantial evidence as held by the Supreme Court in *Vidya Sagar v. State of U.P.*, : 1977 CriLJ950 wherein the Supreme Court held that in cases based purely on circumstantial evidence, the facts and circumstances from which the conclusion of guilt sought to be drawn must be fully established beyond any reasonable doubt and the facts and circumstances should not only be consistent with the guilt of the accused, but they must be in their effect has to be entirely inconsistent with the innocence of the accused. So, in the light of the above legal position, we shall now endeavour to analyse each and every piece of circumstantial evidence found available in this case. P.W. 3 is the nephew of the deceased. Three days prior to the occurrence on 20-4-1985 at 1.00 p.m., the deceased informed him that he would go to her mother's house at Somale village and come back within ten days. She had also requested him to look after the house of the deceased at that time. According to P.W. 3, she was found carrying with M.O. 2 bag containing M.O. 1 transistor. She was also found wearing jewels-M.Os. 7 to 10. According to P.W. 3, he identified M.Os. 7 to 10 jewels during the course of investigation before the police as that of the deceased. He would also identify M.Os. 12 and 13 series belonged to the deceased. According to his evidence, he would mention that the appellant Raghavalu used to come to his village at least twice in a month for selling the vessels. He would also state to the police during the course of investigation on seeing the photo that he had suspicion on the appellant. Though the evidence of P.W. 3 does not directly implicate the appellant, the jewels worn by the deceased on 20-4-1985 when the deceased was

leaving from the house after informing P.W. 3 after informing P.W. 3. were identified by him to the police after the same were recovered from P.W. 8 at the instance of the appellant.

16. The next incriminating circumstance is the evidence of P.W. 5 who would say that both the deceased and the appellant went together on the said date proceeding towards the bus-stand. Even according to her at that time the deceased was found wearing the jewels M.Os. 7 to 10. During the course of the investigation by P.W. 3, P.W. 5 also identified the jewels which were worn by the deceased, when she left the village after informing P.W. 5. Furthermore, P.W. 5 would say that the appellant came first to her house and asked whether the deceased came there and at that time, deceased came and informed her that he would go to Somale village and then both of them event to the bus-stand. This would show that the accused already planned to take the deceased by fixing the meeting place at P.W. 5's house in order to take her to several places and ultimately to remove the jewels from her after finishing her. P.W. 5 is an independent witness whose evidence is quite natural and acceptable. He is the first witness who saw both the deceased and the accused going together on 20th April, 1985. The third circumstance is quite important in the sense that P.W. 6, a tea-shop owner supplied the tea on the same date to both the appellant and the deceased at about 3.30 p.m. According to this witness, the deceased and the appellant took tea and got into the bus which was to proceed to Tirupathi. Even at that time, the deceased was found wearing the jewels-M.O. 7 to M.O. 10. P.W. 3, P.W. 5 and P.W. 6 identified these jewels to the police during the course of the investigation after recovery of the same on the confession of the accused the next piece of evidence is the recovery of the jewels identified by the witnesses as that of the deceased from P.W. 8. P.W. 8 would say that the appellant who is already known to him came to the shop and requested him to keep these jewels M.O. 8 to M.O. 10 and give some amount. He also assured that he would come back and get back the jewels after repaying the amount. So, on believing the version of the appellant, P.W. 8 received the jewels and gave the amount. However, as promised the appellant did not turn up thereafter for getting back the jewels. It is also clear from his evidence that P.W. 14 came to him along with the appellant on 28-2-1986. On being pointed out by the appellant, P.W. 14 interrogated P.W. 8 and

obtained a statement from him that he received the jewels-M.O. 8, M.O. 9 and M.O. 10 handed over by the appellant/accused some months earlier. So the evidence of P.W. 8 and P.W. 14 would make it clear that only at the instance of the accused/appellant, P.W. 8 was traced out and the jewels identified by the witnesses-P.W. 3, P.W. 5 and P.W. 6 as that of the deceased were recovered from P.W. 8. So these four pieces of evidence would go to show that the jewels worn by the deceased in April 1985 were recovered from P.W. 8 in pursuance of confession of accused/appellant on 28-2-1986, Therefore, the accused alone has to explain especially when these aspects have been established by the prosecution through the witnesses-P.Ws. 3, 5, 6, 11 and 14, as to how he had come to in possession of the stolen jewels. In this case, there is no explanation given either through suggestions made to the witnesses in the cross-examination or in the statement given under S. 313, Cr.P.C. statement. Moreover, it is fairly apparent on perusal of the records that when he was produced before the Court after recovery, he did not complain to the Magistrate that in the police custody he was ill-treated and that on recovery of any property was made from him. So in the absence of any explanation, it could be concluded that the accused only took the deceased on the said date from her village along with the jewels and subsequently after the occurrence, he disappeared for about ten months and then the accused in police custody pointed out P.W. 8, from whom the jewels were recovered. As indicated earlier, in the absence any explanation, under S. 114(a) of the Evidence Act, it could be presumed that the accused either committed the murder of the deceased and took away the jewels or in the alternative, he received the stolen property knowing it to be the property stolen. With regard to the occurrence took place in the lodge, we have got the evidence of P.Ws. 1 and 2. P.W. 1 is the Manager and P.W. 2 is the watchman of the lodge where the occurrence took place. P.W. 1 after obtaining signature from the accused in the lodge register-Ex. P. 1, allowed both the deceased and the appellant thinking they are spouses, to occupy Room. No. 4. Since he was informed by the appellant that he would vacate the Room No. 4 next day he prepared the bill at 7 'O clack and kept it ready for settling the bill by the appellant. P.W. 2, the watchman who saw the accused and the deceased conversing with each other at about 3.00 p.m., found the room locked at about 10.00 p.m. At about 7.00 a.m. on the next day morning when

P.Ws. 1 and 2 came to the room to see the appellant, it was found locked from outside. When they saw inside the window, they found that the deceased was lying down. When they felt some foul smell coming from the room, P.W. 1 immediately went to the police station and gave a complaint to P.W. 11. Both P.W. 11 Sub-Inspector and P.W. 13-Inspector came to the lodge, broke open the lock, went inside and found the deceased dead. The evidence of P.Ws. 1 and 2 assumes importance since P.Ws. 1 and 2 identified the accused in the identification parade conducted by P.W. 9 under Ex. P. 6 proceedings. Of course in the statement given under S. 313, Cr.P.C., the accused stated that the accused was shown to the witnesses at the police station by the police prior to the parade. But it is relevant to note that the accused surrendered before the Court on 10-2-1986 and the identification parade was conducted on 18-2-1986. In between these dates, there is no opportunity for the police to take the accused to the police station order to make the witnesses to see the accused at the police station. Furthermore, as per the records, police custody was granted by the Magistrate only on 19-2-1986. So in such a situation, it cannot be contended that the accused was shown at the police station prior to the parade which was conducted on 18-2-1986. Furthermore, when P.W. 9 was cross-examined, it was elicited from him that the accused complained after the parade is over that two persons out of three witnesses came to jail on the earlier date and saw him in the jail. This also would show that there is no consistent version with reference to this aspect by the accused. Therefore, we are of the view that P.Ws. 1 and 2 correctly identified the accused in the identification parade and there is no material to show that P.Ws. 1 and 2 saw the accused prior to the parade as complained by the appellant. Furthermore, P.W. 5 also identified the accused correctly in the parade. Of course, it is not necessary for P.W. 5 to identify the accused in the parade since she herself stated in the chief-examination that she already knew the accused. Further, P.W. 5's evidence relating to the aspect of both the accused and the deceased living together has been aptly established by the evidence of P.W. 6-tea shop owner. As regards the medical evidence, P.W. 12 would say that the death was due to Asphyxia due to compression applied over the front neck of the deceased which obstructed the air passage. She would also say that the compression applied over the neck portion which resulted in asphyxia shown by the injury found

under the head of neck. It is also found as per the observation mahazar Ex. P. 13 that two pillows were found to be put on the head of the deceased. So from this, it is clear that the accused used these pillows for pressing the neck causing asphyxia resulting in the instantaneous death. The next piece of circumstances is the sudden disappearance of the accused from the village, and his abscondance for about ten months. The occurrence took place on 23-4-1985. According to the evidence of the villagers, the accused used to go to the village at least twice in a month, but subsequently he was not found. Then the police on coming to know that the appellant is the culprit after the interrogation of P.Ws. 5 and 6, the police took steps to apprehend the appellant, who was not available. Ultimately on 10-2-1986, he surrendered before the Court. He was identified in the identification parade conducted on 18-2-1986, and police custody was given on 19-2-1986. So the conduct of accused would also go to show along with other circumstances that the accused alone had committed the above offences for the purpose of gain. In *Earabhadrapa v. State of Karnataka*, . It is held that the nature of presumption under illustration (a) to S. 114 must depend upon the nature of the evidence adduced that no fixed time limit can be laid down to determine whether possession is recent or otherwise and each case must be judged on its own facts and the question as to what amounts to recent possession of stolen property sufficient to justify the presumption of guilt varies according as the stolen article is or is not calculated to pass readily from hand to hand. It is also held that where the accused was charged for murder and robbery, mere fact that a period of one year had lapsed between the commission of offence and discovery of stolen articles would not lead to the presumption that the accused was only a receiver of stolen property and had not committed murder, particularly when accused was absconding during that period. But in this case, there is no lapse of time between the date of arrest and the recovery of the articles. There is no long time gap between the date of the police custody, viz., 19-2-1986 and the recovery date, viz., 28-2-1986. In this case also, there is no explanation whatever given for the possession of the jewels by P.W. 8 which were handed over by the accused. False denial made by the accused would also make it clear that it can also be taken as one of the incriminating circumstances against the accused. The learned counsel for the appellant cited *M/s. Shakambari and Company v. Union of India*, : AIR

1992 SC2090 to show that mere recovery of the jewels would not suffice to hold that the accused is guilty of the murder. In that case, recovery of the stolen articles was made after nearly 1 1/2 months from the person to whom the accused had sold the articles. Except this, there is no other evidence. But in the present case, as discussed above, there are other incriminating circumstances apart from recovery of the jewels identified by the villagers. The next decision cited by the counsel for the appellant is reported in Khetramohan Bhoi v. State 1983 CLJ NOC 212 (Orissa). The Orissa High Court has held in the said case that the circumstances relied upon must be fully established and the chain of evidence furnished by these circumstances should be complete as not to leave any reasonable ground for a conclusion consistent with innocence of the accused, and that not only the various links in the chain should be established beyond reasonable doubt, but also the chain should be so complete as to rule out a reasonable likelihood of the innocence of the accused. There is no dispute in the proposition since the entire discussion as recorded above was only made on the basis of the above legal position as recorded in . Therefore, we are of the view that there is no missing link in the innumerable pieces of circumstantial evidence which are available in this case, which would exclusively prove that the appellant and the appellant alone took the deceased from Eravadipalayam village and came to Kancheepuram and stayed in a lodge and by taking advantage that she is a widow who used to wear jewels, he throttled the neck and caused her death and fled away from the place after removing the jewels. Therefore, the convictions and sentences imposed upon the appellant by the trial Court with unassailable reasonings are correct and the same are to be confirmed. In the result, the appeal is dismissed and convictions and sentences are confirmed. The appellant is directed to surrender before the Court to undergo the remaining period of sentence.

17. Appeal dismissed.