Paramandi Vs. Emperor

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Court : Chennai

Decided On : Feb-10-1921

Reported in : 61Ind.Cas.524

Judge : William Ayling and; Krishnan, JJ.

Appellant : Paramandi;The Public Prosecutor

Respondent : Emperor;paramandi

Judgement :

1. Accused in this case was convicted of murder of a boy of 8 years of age for the sake of the latter's jewels and sentenced to transportation for life. There is evidente to show that the boy left his village shortly before sunset on Thursday, April 22nd, in the company of accused; that his body was found two days later in a well near the village with a stone tied to it and all the jewels missing; the death was the result of strangulation and that accused on the day after the disappearance hold articles similar to or identical with the missing jewels in a village 3 or 4 miles away. It is also in evidence that, when questioned by the boy's mother, accused denied that he had taken the boy, a denial which is certainly false if the evidence of prosecution witnesses Nos. 2 to 5 is true.

2. We can find no ground for discrediting any of this evidence. The medical and other evidence leaves no doubt that the child was murdered by some one for the sake of his jewels; and although the evidence of prosecution witness Nos. 1 to 5

as to seeing him depart in company with accused is inconclusive, on the other hand the evidence of prosecution witnesses Nos. 7 to 10, as to the disposal of the jewels seems to plane his guilt beyond doubt. Two bangles and a waist cord [M. Os. 4, 4(a) and (b)] are actually identified both as among the jewels worn by the child, and as a part of the property sold by accused, and although the other articles were melted down before the arrival of the Police, yet the fast that accused offered for sale five different articles corresponding with the five articles worn by the boy, even although some of them may now be unidentifiable, is sufficient. These witnesses identified accused at a parade held only three days later and we see no reason to distrust their identification and' truthfulness.

3. Accused's only defence is a blank denial and he cites no witnesses. We agree with the Sessions Judge and assessors that the guilt of the accused has been proved beyond all reasonable doubt and have no hesitation in confirming the conviction.

4. As regards sentence, we have a revision petition filed by the Public Prosecutor asking for the enhancement of the sentence to one of death.

5. We have given most careful consideration to the facts and circumstances of this case; and are forced to the conclusion that only a death sentence would be adequate and that, however both we may be, to use our powers of revision to such an end, it is our duty to do so in this case. The murder in this case was a most brutal and sordid one, and one of the type unfortunately only too common. The evidence leaves no room for doubt that accused entitled away a child of eight, and deliberately murdered him for the sake of his trinkets. Absolutely no extenuating circumstances are indicated, either by the Additional Sessions Judge or by the learned Vakil who argued the case for the accused before us. The sole ground assigned by the Sessions Judge for passing the lesser sentence allowed by law is that the conviction is based on circumstantial evidence. It has been repeatedly pointed out by this Court that this should be no factor in determining the sentence to be imposed. Provided the Court is satisfied beyond reasonable doubt that the accused is guilty of murder, and that the circumstances of the case require the imposition of the death sentence, it is absolutely immaterial whether the conviction

is based on direct or circumstantial evidence. It is only where the evidence leaves room for reasonable doubt on either point that the accused is entitled to the benefit of it. That is not so here.

6. We confirm the conviction but in place of the sentence of transportation for life imposed by the lower Court, we direct that accused be hanged by the neck till he be dead.