

Rajamanickam Vs. State

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Court : Chennai

Decided On : Jan-08-1971

Reported in : 1971CriLJ1493

Judge : K.N. Mudaliyar, J.

Appellant : Rajamanickam

Respondent : State

Judgement :

ORDER

K.N. Mudaliyar, J.

1. In this revision petition, the amicus curiae contended that there is absolutely no evidence for conviction of the petitioner of the offence Under Section 457, IPC Her further argument is that the evidence on record does not support the conviction Under Section 380 read with Section 75. IPC

2. P.W. 1 is the Assistant Station Master. On the night of 4-7-1968, when he was on duty at Thiruverambur railway station, the lock of the front door of His house was opened and the pad-lock lying, and the trunk boxes were broken open. P.W. 2, the finger print expert, visited the scene of occurrence in the railway quarters and after inspecting 28 articles for discovering the thumb marks therein he seized ultimately the pad-lock M.O. 1. He marked it as Rule 1 in M.O. 1. The thumb

impression of the family of P.W. 1 were eliminated on a further examination. His Assistant Swaminathan (P.W. 3) compared the impression in M.O. 1 with the thumb impression of persons available with him. He found the thumb impression of Rule 1 in M.O. 1 to be identical with the left thumb impression of Rajamanickam (petitioner), son of Pavadai Pillai, recorded in Ex. P. 6. P.W. 3 marked them as 'R.I' and 'S' and got them photographed. Ex. P,6 is the slip of the finger print expert, Ex, P. 7 is the enlarged photo copy of the finger print found in M.O. 1 and P. 8 is also the enlarged photo copy of the finger print found in M.O. 1. There are 12 points of identity between them. He expressed the opinion that 12 ridge details found in their relative positions in both the impressions Exs. P. 7 and P. 3 are identical with each other.

3. The learned Sessions Judge rightly subjected the opinion of the finger print expert (as spoken to by P.W. 3 in his evidence) to severe scrutiny about the acceptability of such an opinion. In fact he went to the extent of satisfying himself about the similarity between the marks as pointed out by the finger print expert. His finding that the finger print in M.O. 1 is satisfactorily proved to be that of the petitioner by comparison is, in my view, unassailable. Today the science of comparison of finger prints and the concomitant conclusions derived from such a comparison predicate almost infallible precision and exactitude and, therefore, the learned Sessions Judge was justified in accepting the evidence of the finger print expert and confirming the conclusions of the petitioner being guilty for an offence Under Section 380 read with Section 75, IPC But I am unable to find any material to sustain the conviction of the petitioner for an offence Under Section 457, IPC There is absolutely no particle of evidence in support of the conviction of the petitioner for the said offence. His movements near the scene of crime at or about the time of the occurrence are not spoken to by any witness. If the lock found on the front door being unlocked had contained the thumb impressions of the petitioner that would have certainly constituted undoubted and indubitable proof of the fact that the petitioner broke open the house of P.W. 1. There is no such evidence available in this case. The petitioner is acquitted of the offence Under Section 457, IPC His conviction and sentence for an offence under Sec 380, IPC read with Section 75, IPC are correct and proper.

4. Subject to this modification, the revision petition is dismissed. I am bound to express that I am obliged to the assistance rendered to the court by Miss A, Ahalya, amicus curiae.

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