

In Re: Bangaru Reddi

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SooperKanoon Citation : sooperkanoon.com/816380

Court : Chennai

Decided On : Feb-05-1940

Reported in : AIR1940Mad699

Appellant : In Re: Bangaru Reddi

Judgement :

Burn, J.

1. The appellant Bangaru Reddi has been convicted of murder by the learned Sessions Judge of South Arcot and sentenced to death. The case for the prosecution was that on the early morning of 15th September 1939, the appellant killed a woman named Mangathayi Ammal by throttling her. Mangathayi's corpse was found just before daylight on the morning of 15th September when her little daughter, P.W. 5, a child of eight, came in after going outside to answer calls of nature. This child on her return called to her mother and getting no answer she went about the house trying to find her mother and at last her foot came in contact with her mother's head and then she discovered that her mother was motionless. It was found that jewels which Mangathayi was in the habit of wearing had been taken from her body but no one had any idea who the murderer was. Information was given to the Police by the karnam of the village (P.W. 10) who took action in the absence of the Village Munsif. The karnam saw a crowd near the house of P.W. 4 who is the husband of the deceased and when he went there, he saw the corpse of Mangathayi. P.W. 4 himself was not there. He had gone away very

early in the morning to Tindivanam. The police came and held the inquest but the panchayatdars could only express the opinion that the woman had been strangled to death by some person unknown.

2. The evidence against the appellant was furnished almost entirely by himself. He was in the village and was questioned by the police on 16th September and he was arrested on the evening of 17th September at about 7-30 and after he had been arrested, he made a statement about the jewels that were missing from the corpse of the deceased woman and about a pair of brass bangles which, he said, he had taken from the person of the child (P.W. 5). The In-spector (P.W. 12), Sub-Inspector (P.W. 11), the karnam (P.W. 10) and the Village Munsif, Muthumalla Beddiar, were taken by the appellant to the hayrick belonging to his brother-in-law and there from a spot outside the fence on the north, the appellant is said to have produced jewels M.Os. 1 to 5. Of these M.Os. 1 to 4 belonged to Mangathayi which according to her husband were always worn by her. M.O. 5 is the pair of brass bangles which belong to the little girl, P.W. 5. The appellant was sent to the Sub-Magistrate of Tindivanam for remand with a requisition that his confession might be recorded. The Sub-Magistrate received him on 18th September and gave him time for reflection until the 19th and then recorded his confession (Ex. B). In that the appellant has given a very long story about his illicit intrigue with Mangathayi and about the way in which he killed her in the early morning of 15th September. In the Court of the Sub-Magistrate of Gingee who held the preliminary inquiry and also before the learned Sessions Judge, the appellant denied, that he had made any confession at all. He went so far as to tell the Sub-Magistrate of Gingee that he had not even seen the face of the Sub-Magistrate of Tindivanam. He offered no explanation of his conduct in producing the jewels or the statements that he made which led to their discovery. He denied having given any information about the jewels and alleged that the case had been concocted against him by Muthumall Reddy, the village Munsif who, he said, is a person of great influence in Brahmadesam.

3. No facts were proved from which it could be inferred that Muthumalla Reddy had any enmity against the appellant. There is, in fact, nothing to indicate that anyone had any reason to charge him falsely with this crime. The confession of

the accused, although he denied it, was corroborated in important particulars by the evidence of P.W. 4, the husband of the murdered woman, and P.Ws. 8 and 9. P.W. 4 said that his wife had complained to him about the illicit overtures made to her by the appellant. P.W. 8 said that on one occasion some months before, he had accidentally discovered the appellant while he was returning from the house of P.W. 4. P.W. 9 said that he had been informed by the appellant of his visits to Mangathayi and that he had reproached the appellant for his extravagance.

4. Learned Counsel who has appeared for the appellant in this Court has suggested that the confession ought to be entirely rejected because the evidence of the doctor makes it clear that the woman might very well have been killed by strangulation with a piece of rope. The doctor found a continuous ecchymosed mark all round the woman's neck below the thyroid cartilage. Such a mark would not be likely to be produced by strangulation with the fingers and thumbs. In such cases it is generally possible to distinguish marks of the thumbs and fingers separately. This however is not sufficient for acquitting the appellant. The mere fact that he has given a wrong or an incomplete description of the way in which he brought about the woman's death is not a reason for finding him not guilty. The evidence of the doctor was that there were marks of fingers and thumbs on the woman's neck and to that extent his evidence does agree with the confession of the accused. The production of the woman's jewels from the hiding place near his brother-in-law's haystack is also, as the learned Sessions Judge observes, a fact of the greatest possible importance. All the assessors were of opinion that the appellant was guilty. The learned Sessions Judge was undoubtedly right in agreeing with them and in convicting the appellant for the murder of Mangathayi. Confirming the conviction for murder and the sentence of death, we dismiss this appeal.