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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL Nos. 1637-1638 OF 2011

RAMESH & ANR.
... Appellant(s)

Versus

STATE TR. INSP OF POLICE ... Respondent(s)

O R D E R

The appellants have been convicted for the murder of Sundar under Sections 120-B, 364, 328 and 302, Indian Penal Code read with Section 34. According to the case of the prosecution, on 21.01.2002 at about 9 P.M., accused Nos. 1 and 2 took the deceased-Sundar from his place to Devakottai bus stand and thereafter to Karaikudi. They purchased brandy from a shop at Karaikudi with an intention to cause death of the deceased mixed cyanide in the brandy. Then the accused took the deceased to a nearby place induced him to drink and thereby caused his death. The occurrence took place on 21.01.2002. The dead body was found next day. There is no eye-witness. It is only on 26.05.2002 and 28.05.2002 that PW6 and PW7 made a statement to the police about their having seen the deceased in the

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company of the accused. The courts below have accepted the circumstance of last seen as deposed by PW6 and PW7 as a major circumstance in support of conviction of the appellant.

We have perused the version of PWs 6 and 7 as well as the Investigating Officer PW-16 and erstwhile Investigating Officer PW14. We are unable to find any reason whatsoever for Pws 6 and 7 to have kept quiet for such a long time. Thus version given by them is not free from doubt. The accused are entitled to the benefit of doubt.

Accordingly, we allow these appeals, set aside the conviction and sentence of the appellant. They are said to be in custody. They be released from custody, if not required in connection with any other case.

.....J.

(ADARSH KUMAR GOEL)

.....J.

(UDAY UMESH LALIT)

New Delhi,
Dated: 31 st
January, 2017.

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ITEM NO.107 COURT NO.11 SECTION IIC
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 1637-1638/2011
RAMESH & ANR Appellant(s)

VERSUS

STATE TR. INSP. OF POLICE Respondent(s)
(with office report)

Date : 31/01/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

