

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). 551 OF 2004

REDDY SAMPATH KUMAR

Appellant (s)

VERSUS

STATE OF A.P.

Respondent(s)

Date: 08/09/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Appellant(s)

Mr. Ansar Ahmad Chaudhary,Adv.

For Respondent(s)

Mr. P. Vinay Kumar,Adv.

Mrs.D. Bharathi Reddy,Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed in terms of the signed judgment.

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(Ganga Thakur)

(Prem Pr

PS to Registrar

Court Master

Signed reportable judgment is placed on the file.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 551 OF 2004

Reddy Sampath Kumar  
...Petitioners

Versus

State of Andhra Pradesh  
Respondent

...Respondent

J U D G M E N T

S  
EMA,J

Heard parties.

The sole appellant was put to trial under Sections 302/201/467/468/420 IPC and under Section 15(2)(b) of Indian Medical Council Act, 1956. The trial court after threadbare discussion of the evidence and documents placed on record convicted the appellant under Section 302 IPC and sentenced him to undergo rigorous imprisonment for life and fine of Rs.200/- each on five counts and in default to undergo simple imprisonment for one month on each count. On appeal, the High Court confirmed the conviction. Hence, this

appeal by special leave.

The facts established are that in the intervening 11/12  
March, 1998

the accused who was medical practitioner caused the death of his father  
in law,

mother in law and their three minor children due to poisoning by Pan curonium  
bromide, the trade name of which is 'Pavulon', which was administered through  
injection.

The facts of this case, as unfolded by the prosecution story shocked

judicial conscience. A greedy son-in-law with the intention of grabbing  
the

property of father-in-law wiped out the entire family; even three minor innocent

children were not spared.

The case rests entirely on circumstantial evidence. Learned counsel

for the appellant has taken us to the prosecution evidence. He has also taken us to

the judgment rendered by the trial court and the High Court. Both the trial court

and the High Court recorded the finding concurrently as to the circumstances

leading to the guilt of the appellant which would complete the chain and is

incapable of explanation of any other hypothesis except that of the guilt of the

appellant.

The circumstances which were established against the appellant have

been concisely enumerated by the High Court as follows:-

1. that the accused was son-in-law of deceased 1 and 2 and  
he was

practicing medicine.

2. That he made the deceased family believe that they were suffering from AIDS, whereas it was a fact that no member of the family was suffering from AIDS.
3. He took deceased No.1 to Dr. Ramesh Kumar (PW 9), go  
t him  
the  
examined and also subjected him to various investigations for  
purpose of arriving at diagnosis.
4. That the accused also made them believe that he could treat th  
em  
by getting some injections from Calcutta and for this purp  
ose he  
took money twice from deceased No.1.
5. He had also access to certain hospitals and people connected with  
medicines and sale of medicines.
6. That he had purchased Pavulon injection from M/s Jaya Krishna  
Medical Hall, Godavarikhani on 1.3.1998.
7. He was seen at the house of the deceased persons around 10.00 and  
11.00 p.m. on the fateful night of 11.3.1998.
8. On that night of the occurrence, he had managed to keep his wife  
away from the house of in laws and from his own house.
9. That the death, according to the medical opinion, was caused due  
to poisoning by Pan curonium bromide, the trade name of which is  
'Pavulon' which was administered through injection.

It is well settled principle of law that in order to sustain conviction t

he circumstantial

evidence must be complete and incapable of explanation of any other hypothesis except

that of the guilt of the accused and such evidence should not only be consistent with the

guilt of the accused but should be inconsistent with his innocence.

In view of the aforesaid legal principle laid down in catena of decisions of this

Court, we are clearly of the view that in this case prosecution has established the

circumstantial evidence against the appellant beyond all reasonable doubt by leading cogent

evidence. We are, therefore, of the view that there is no infirmity in the concurrent finding

recorded by the trial court and the High Court which would warrant our interference.

The facts of this case as already noticed shocked the judicial conscience. The gruesome

murder was perpetrated in cold blooded, premeditated and well organised manner. It calls

for deterrent punishment. Such gruesome and cold blooded murder with a view to grab the

property is not only delict the law but also have a deleterious effect in civil society.

At the time of granting leave, this Court did not issue notice for

enhancement of punishment. However, considering the nature of the crime and

the manner in which it has been perpetrated, the ends of justice would warrant

that the appellant should be in jail in terms of Section 57 of the Indian Penal

Code. We direct that the appellant shall not get the benefit of any remission either

granted by the State or by Government of India on any auspicious occasion.

Appeal is dismissed with the aforesaid directions.

.....J.

(H.K. SE

MA)

.....J.

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(TARUN CHAT

TERJEE)

New Delhi,

September 8, 2005.