

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.820 OF 2004

SUGANANDAM

Appellant (s)

VERSUS

STATE OF TAMIL NADU

Respondent(s)

(With office report)

Date: 12/01/2006 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. Ajit Kumar Pande,Adv.(SCLSC)

For Respondent(s)

Mr. Subramonium Prasad,Adv.

Mr. Gopala Krishnan R.,Adv.

Mr. Jai Kishore,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is dismissed.

[Alka Dudeja]

[Om Prakash]

Court Master

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.820 OF 2004

Suganandam

...Appellant(s)

Versus

State of Tamil Nadu

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

The appellant herein was tried under Section 302 of the

Indian Penal Code [for short, 'I.P.C.'] and by judgment rendered

by the trial court, acquitted of the charge. On appeal being

preferred by the State of Tamil Nadu, the High Court reversed the

order of acquittal having found the same to be perverse and

convicted the appellant under Section 302 I.P.C. and sentenced

to undergo imprisonment for life. Hence, this appeal.

The conviction of the appellant is based upon the evidence of P.Ws 2 and 3, who are the two child witnesses. We have been taken through the evidence of these two witnesses and we do not find any ground to disbelieve their evidence. In our view, the High Court has rightly placed reliance upon the evidence of these two witnesses. That apart, their evidence is corroborated by the

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recovery of knife stained with blood upon the disclosure statement made by the appellant and according to the report of the Serologist, the same contained human blood of 'AB Group', which was the blood group of the deceased. This being the position, we are of the view, that the High Court was quite justified in reversing the order of acquittal, which was perverse one and convicting the appellant. In view of these facts, we do not find any ground to interfere with the impugned judgment.

The appeal, accordingly, fails and the same is dismissed.

.....J.

[B.N. AGRAWAL]

.....J.

[A.K. MATHUR]

New Delhi,

JANUARY 12, 2006.