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CrI.A.No. 1336 OF 1998  
ITEM No.106

Court No. 11

SECTION II

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. 1336 of 1998

Mani & Anr.

...

Appellant (s)

VERSUS

State of T.N.

...

Respondent (s)

(With office report)

Date : 15/04/2004 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N.AGRAWAL  
HON'BLE DR. JUSTICE AR.LAKSHMANAN

For Appellant (s) Mr. R. Mohan, Sr. Adv.  
Mr. R.Nedumaran, Adv.  
Mr. M.A. Chinnasamy, Adv.

For Respondent (s)Mr. Subromanium Prasad, Adv.  
Mr. Raghuvendra, Adv.  
Mr. Abhay Kumar, Adv.  
Mr. Gopal Krishna, Adv.  
Mr. Rahul Kumar, Adv.

UPON hearing counsel the Court made the following  
O R D E R

The criminal appeal is dismissed in terms of the  
signed order.

(Shashi Sareen)  
Court Master

(Kanwal Singh)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1336 OF 1998

MANI & ANR.

...

Appellant (s)

Versus

STATE OF T.N.

...

Respondent (s)

O R D E R

Heard the parties.

The appellants were convicted by the trial court under Section 302 read with Section 34 of the I.P.C. and sentenced to undergo imprisonment for life. On appeal being preferred the High Court of Madras confirmed the conviction. Hence this appeal by special leave.

The High Court has confirmed the conviction as there are three dying declarations in the present case. One was recorded by the Doctor on the date of the occurrence itself at 12.55 p.m., second was recorded by a Judicial Magistrate on the same day in the hospital at 13.40 hrs. and the third one was recorded by the police in the hospital at 14.05 hrs. In the dying declaration recorded by the police as well as by the Judicial Magistrate endorsement has been made by the doctor specifically that the patient remained conscious throughout while making the statement. The Doctor who has been examined as PW7 and the Judicial Magistrate examined as PW13 have supported the recording of dying declarations. The police officer PW15 has also proved that he recorded the dying declaration which as stated above undisputedly also bears the endorsement of the Doctor. Apart from that Pws. 4 and 5 stated specifically that immediately after the occurrence the victim disclosed the names of the appellants before them. We find that the High Court has discussed the evidence threadbare and after taking into consideration all the pros and cons of the matter confirmed the conviction of the appellants. In our view no case is made out for interference by this Court.

Accordingly the appeal is dismissed. Appellant no. 1 who was exempted from surrendering in Court is directed to be taken into custody forthwith to serve out the remaining period of sentence. Bail bonds of appellant no. 2 are cancelled and he is directed to be taken into custody forthwith to serve out the remaining period of sentence.

.....J.

(B.N.AGRAWAL)

.....J.

(Dr.AR.LAKSHMANAN)

New Delhi,  
APRIL 15, 2004.