

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1240 OF 2007

SUBRAMANIAN Appellant
VERSUS
STATE REP. BY INSPECTOR OF POLICE Respondent

O R D E R

Three persons were sent up for trial for the murder of one Mani. All three were convicted for an offence punishable under Section 302/34 IPC on the basis of the evidence of PW-2, PW-4 and PW-5; PW-2 being the solitary eye-witness. PW-1, the first informant and also an eye-witness did not support the prosecution at the trial.

An appeal was taken by the accused to the High Court. The High Court observed that PW-2 was not in a position to identify A-2 and A-3 and there was no other evidence qua them and allowed their appeal, but dismissed the appeal of the present appellant, A-1.

We find from the judgment of the trial court and the High Court that as per the allegations, A-1, A-2 and A-3 had dealt blows on the deceased Mani with billhooks. This is also substantiated by the medical evidence as it reveals that

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very severe injuries which could have been caused with a billhook had caused the death of Mani. In any case, A-2 and A-3 have been acquitted.

The learned counsel for the appellant has, however, contended that as per the prosecution story, there appeared to be animosity between the parties was a result of the suicide by Poomari, the sister of the appellant, who had an

affair with the deceased, but despite his promise to marry her, he had betrayed her and married someone else which had driven her to suicide, but there was no evidence to suggest any such affair.

We have perused the evidence of PW-4 and PW-5, which shows that such an affair had been on for sometime and as the deceased had broken his promise, there was enmity between the parties.

We, thus, find no merit in the appeal. Dismissed.

.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]

New Delhi;
January 20, 2011.

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ITEM NO.105

COURT NO.7

SECTION IIA

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). 1240 OF 2007

SUBRAMANIAN

Appellant (s)

VERSUS

STATE REP. BY INSPECTOR OF POLICE

Respondent(s)

Date: 20/01/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s)

Ms. S. Beno Bencigar, Adv.
Mr. M.A.Chinnasamy, Adv.

For Respondent(s)

Mr. S. Thananjayan, Adv.

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

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

[V.K. TIWARI]
P.A.

[VINOD KULVI]
COURT MASTER

(Signed Order is placed on the file)