

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO.1135 OF 2000@@  
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Karthi Appellant(s)

VERSUS

State of Tamil Nadu Respondent(s)

( With office report)

DATE : 04-09-2002: This matter was called on for hearing today.@@  
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CORAM:  
HON'BLE MR. JUSTICE U.C. BANERJEE  
HON'BLE MR. JUSTICE ASHOK BHAN

For Appellant(s): Mr. G. Krishnan, Adv.  
Mr. V.J. Francis, Adv.  
Mr. P.I. Jose, Adv.  
Mr. A. Radhakrishnan, Adv.

For Respondent(s): Mr. R. Venkataramani, Sr. Adv.  
Mr. Vallinayagam, Adv.  
Mrs. Revathy Raghavan, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J.  
.SP2

Mr. G. Krishnan, learned senior counsel made his  
submission from 11.25 a.m. to 11.35 a.m.  
The appeal is dismissed in terms of the signed order.

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(R.K. Dhawan) (Shelly Sengupta)  
Court Master Court Master

(Signed order is placed on the file) ~

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1135 OF 2000@@  
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Karthi

Appellant(s)

versus

State of Tamil Nadu

Respondent(s)

O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

The appellant herein was found guilty of offence under Section 302 IPC read with Section 34 IPC by the Additional Sessions Judge, North Arcot, District Vellore. The matter went before the High Court and during the pendency of the appeal before the High Court, one of the accused, being original accused No.1, died and the appeal had to be dismissed having been abated so far as the particular accused was concerned.

The High Court, however, went into the matter, scrutinized the evidence and returned the verdict of acquittal as against original accused Nos. A-3 and A-4 on the ground of benefit of doubt. As regards original Accused A-2, the High Court had the following to state:

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28. M.Os.24 and 25 recovered from A2 along with M.O. 10 torn piece of shirt, which is part of M.O.25 were sent to chemical examination, Ex.P.17 is the requisition made

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by the Investigating Officer, Ex.P.18 is the requisition sent by the Judicial II Class Magistrate-1, Tiruppattur to the Director of Tamil Nadu State Forensic Science Department. Ex.P.19 is the chemical examiner's report. The chemical Examiner's Report reveals that M.Os 24,25 as well as 10 contain human blood. The Serologist Report Ex.P.20 reveals that the above said M.Os contain human blood of 'O' group. The Seologist Report further reveals that some of the weapons as well as the clothes of the deceased contained 'O' Group blood.

29. From the above, the arrest of the second accused, recovery of M.O.24 and 25 from his person and M.O.10 the torn piece of the shirt found at the scene of occurrence forms part of M.O.25 are all contain the human blood of 'O' Group which is that of the deceased coupled with his own complaint Ex.P.33 and the wound certificate Ex.P.11 would corroborate the statement in Ex.P.28 F.I.R. are the circumstances available against A2.

30. If all these put together, we have no doubt in our mind that the above said circumstances would cohesively and

conclusively lead to the culpability of A2. There is absolutely no circumstance to doubt the culpability of A2.

32. Apart from the above said circumstances, the conduct of the second accused with regard to his failure to offer any explanation regarding the adverse circumstances available on record also would provide a further link with regard to the culpability of A2 as held by the Supreme Court in the case of SWAPAN PATRA v. STATE OF WEST BENGAL (1999 SCC (Cr1) 1153) wherein it is held as follows:-

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"It is well settled that in a case of circumstantial evidence when the accused offers an explanation is found to be untrue then the same offers an additional link in the chain of circumstances to complete the chain."

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.....L.....I.....T.....T.....T.....T.....T.....J  
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We do not see any infraction of law neither any manifest injustice in the matter in issue. No exception can be taken on the High Court's reliance on A-2's own complaint being Ext. 33, in the contextual facts and that itself negates the defence as raised by accused No.2. In that view of the matter, the appeal fails and is dismissed.

.SP1

.....J.  
(U.C.BANERJEE)

.....J.  
(ASHOK BHAN)

New Delhi,  
September 4, 2002