

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). 667 OF 2007

MANICKAM

Appellant (s)

VERSUS

STATE OF TAMIL NADU

Respondent(s)

(With office report)

Date: 05/04/2011 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. Sushma Manchanda,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.

[SUMAN WADHWA]
COURT MASTER

[VINOD KULVI]
COURT MASTER

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 667 OF 2007

MANICKAM

.. APPELLANT(S)

vs.

STATE OF TAMIL NADU

.. RESPONDENT(S)

O R D E R

This appeal is directed against the concurrent findings of conviction and sentence recorded by the Sessions Judge and by the Madras High Court under Section 302 of the IPC. This is a case of fratricide as the

deceased was the brother of the appellant.

We see that the case of the prosecution is squarely proved by the evidence of PW.1-the wife of the deceased and PW.3 and PW.4 son and daughter of the deceased respectively and PW. 5 and PW.6 - neighbours of the deceased.

We have heard the learned counsel for the parties very carefully. We see that no fault can be found with the conviction of the appellant as it is based on the evidence of a large number of very credible witnesses. The learned counsel for the appellant has however argued that even on the admitted facts the appellant was entitled to the benefit of Exception 4 to Section 300 of the

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IPC. We find however that all the conditions envisaged under the said Exception are not satisfied in the present case as it is clear from the evidence that the appellant had acted in a very cruel manner and had caused one injury on the head of the deceased with great force causing seven fractures on the skull which caused instantaneous death. We are therefore of the opinion that there is no merit in the appeal.

Dismissed.

.....J.
(HARJIT SINGH BEDI)

.....J.
(CHANDRAMAULI KR. PRASAD)

New Delhi,
April 5, 2011.