

Crl.A.No. 1268 OF 1998  
ITEM No.109

Court No. 8

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. 1268 of 1998

RamuAppellant (s)

Versus

State By the Inspector of Police, Tamil NaduRespondent (s)  
(With office report)

With  
Criminal Appeal No. 1269 of 1998  
(With officer report)

Date : 11-08-2004 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s)  
in Crl.A 1268Mr. A.T.M. Sampath, Adv.

App.-1 in Crl.A 1269Mr. Siddhartha Dave, Adv.  
Mr. Senthil Jagadesan, Adv.  
Mr. V. Balachandran, Adv.

App.-2 in Crl.A 1269Mr. R. Sathish, Adv.

For Respondent (s)Mr. Abhay Kumar, Adv.  
for Mr. S. Prasad, Adv.

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

Crl.A. No. 1268 of 1998:

The appeal is allowed. The conviction and sentence awarded against the appellant are set aside and he is acquitted of the charge. The appellant, who is on bail, is discharged from the liability of bail-bonds.

Crl.A. No. 1269 of 1998:

List tomorrow as part-heard.

[ 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. 1268 OF 1998

Ramu...Appellant (s)

Versus

State By the Inspector of Police,  
Tamil Nadu...Respondent(s)

O R D E R

The appellant, along with five other accused persons, was convicted by the Trial Court under Section 302 read with Section 34 of the Indian Penal Code and was sentenced to undergo imprisonment for life. On appeal being preferred, conviction and sentence of the appellant and other accused persons have been upheld by the High Court of Madras. Hence, this appeal by special leave.

According to the prosecution case and evidence, the appellant is said to have inflicted injury on the right hand of the deceased by a stick. Doctor-P.W.6, who held post-mortem examination on the dead body of the deceased has stated that injury No. 11, which is on the right hand of the deceased, could have been caused by fall on the ground. He has further stated that if injury could have been caused by stick, there should have been stick mark. The evidence of the doctor makes the prosecution case of inflicting injury by the appellant on the right hand of the deceased highly

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doubtful and on this ground alone, the appellant is entitled to acquittal. Accordingly, the appeal is allowed. The conviction and sentence awarded against the appellant are set aside and he is acquitted of the charge. The appellant, who is on bail, is discharged from the liability of bail-bonds.

.....J.  
(B.N. Agrawal)

.....J.  
(H.K. Sema)

New Delhi,  
August 11, 2004.