

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 1442 OF 2009

NARAYANASAMY ... APPELLANT(S)

VERSUS

STATE OF TAMIL NADU ...RESPONDENT(S)

O R D E R

This appeal is preferred against the judgment and order dated 5.02.2007 passed in Criminal Appeal No. 768 of 2005 by the High Court of Judicature at Madras.

Briefly stated, the prosecution case is as follows. The appellant was tried and convicted for the offence under Section 302 of the Indian Penal Code ("IPC" for short) and sentenced to undergo imprisonment for life and to pay a fine of Rs. 1,000/- carrying a default sentence. The charge against the appellant was that he committed the murder of his father-in-law on 26.09.2002 and the trial court as well as the High Court found that the prosecution has proved the said charge against the accused. Challenging the judgment of conviction and order of sentence the present appeal is preferred.

We have heard learned counsel appearing for the

appellant and learned counsel appearing for the respondent-State of Tamil Nadu and also perused the material record.

The case is based on circumstantial evidence and the circumstances relied on were as follows. Firstly, the accused was aggrieved over the separation of his wife and staying in the house of her parents and it is stated to be the motive. Secondly, the oral dying declaration made by the deceased to P.W. 1 and P.W. 3, who are the son of the deceased and villager respectively. Thirdly, recovery of Material Objects 8 to 11 on the information furnished by the accused. Fourthly, the extra-judicial confession made by the accused to P.W. 4, co-brother of the accused and finally the homicidal death. From the medical evidence, it is clear that the deceased died due to the nine cut injuries inflicted at the time of occurrence. The occurrence is said to have taken place in the agricultural field of the deceased. The prosecution witnesses have testified that the deceased after taking his dinner was staying alone in the hut in the agricultural land and on hearing his cry they rushed there. It is the specific testimony of P.W. 1 and P.W. 3 that they enquired the deceased person and

he informed them that his son-in-law, namely, the accused cut him with sickle. The said weapon also came to be recovered on the information furnished by the accused. The Forensic Report also reveals that 'A' Group blood was detected on the said weapon which tallied with the blood group found on the clothes of the deceased. P.W. 6, daughter of the deceased, categorically testified about the grudge of the accused against her father. According to P.W. 4, immediately after the occurrence, on the same night, he happened to meet the accused and the accused confessed to him about the attack made by him on the deceased.

In our view, the trial court as well as the High Court have rightly appreciated the oral and documentary evidence and the conviction and sentence imposed on the accused appears to be proper.

In the result, there is no merit in this appeal and the same is dismissed.

.....J.  
(V. GOPALA GOWDA)

.....J.  
(C. NAGAPPAN)

NEW DELHI,  
NOVEMBER 27, 2014

ITEM NO.103

COURT NO.9

SECTION IIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1442/2009

NARAYANASAMY

Appellant(s)

VERSUS

STATE OF T.NADU

Respondent(s)

Date : 27/11/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA  
HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s) Mr. Ranbir Singh Yadav,Adv.  
Mr. Puran Mal Saini, Adv.  
Ms. Anzu K. Varkey, Adv.

For Respondent(s) Mr. M. Yogesh Kanna,Adv.

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

The appeal is dismissed in terms of the signed order.

(S. K. RAKHEJA)  
COURT MASTER

(MALA KUMARI SHARMA)  
COURT MASTER

(Signed order is placed on the file)