
(2005) 08 AP CK 0015

In the Andhra Pradesh High Court

Case No : Criminal Appeal No's. 1180 and 1188 of 2004

Kunduru Vinaya Reddy alias Fathima Mareddy

APPELLANT

Vs

State of A.P.

RESPONDENT

Date of Decision : 10-08-2005

Acts Referred:

Penal Code, 1860 (IPC) — Section 302, 34, 449

Citation : (2006) 1 ALT(Cri) 294 : (2005) CriLJ 3896

Hon'ble Judges : G. Rohini, J;D.S.R. Varma, J

Bench : Division Bench

Advocate : C. Padmanabha Reddy for C. Praveen Kumar, for the Appellant;
Public Prosecutor, for the Respondent

Final Decision : Dismissed

Judgement

G. Rohini, J.—The accused in Sessions Case No. 33 of 2002 on the file of the Court of the VI-Addl. Sessions Judge, Guntur (Fast Track Court) are the appellants in these two Appeals. All the three accused were convicted for the offence u/s 302 read with Section 34 of the Indian Penal Code and were sentenced to imprisonment for life and to pay a fine of Rs. 5,000/- each in default to undergo simple imprisonment for a period of one year each. They were also convicted for the offence punishable u/s 449 of the Indian Penal Code and were sentenced to undergo rigorous imprisonment for a period of 7 years and to pay a fine of Rs. 3,000/- each in default to undergo simple imprisonment for a period of six months each. Both the sentences have been directed to run concurrently.

2. Aggrieved by the said judgment, dated 15-6-2004, the accused Nos. 1 and 2 filed Criminal Appeal No. 1188 of 2004 and the accused No. 3 preferred Criminal Appeal No. 1180 of 2004.

3. The prosecution case was that the deceased -- Venna Bala Reddy was running business in seeds under the name and style of "Manoj Seeds" at Door No.

6-6{A) at Brahmaiah Well Centre at Rentachinthala Village of Guntur district. The accused No. 2 is the son of accused No. 1. Accused No. 3 is their relative. The accused No. 2 married one Annamery, who is the daughter of the sister of accused No. 1. The deceased developed illicit intimacy with Anamery, wife of the accused No. 2. In spite of the efforts on the part of the accused Nos. 1 and 2 to put an end to the said relationship, the deceased did not mend his ways. The accused No. 2 got frustrated and necked out his wife 10 months prior to the incident. The deceased used to heckle accused No. 2, due to which the accused No. 2 felt humiliated and conspired with accused Nos. 1 and 3 to kill the deceased. Accordingly, on 16-6-2001 at about 1.45 p.m. when the deceased was transacting business, the accused Nos. 1 to 3 trespassed into the shop of the deceased with deadly weapons. By that time P.W. 1 --Venna Innareddy was present at the shop and was talking to the deceased. P.W. 2-G. Marreddy, P.W. 3-D. Rajarathna Reddy and P.W. 4-G. Kaspareddy were also present in front of the shop. The accused No. 1 pushed out P.W. 1 from the shop. Accused No. 3 sprinkled chilli powder on the face of the deceased and then accused No. 1 stabbed the deceased on the right side of the chest and also in the middle of the chest with a big knife. Accused No. 2 beat the deceased with an iron rod on his head. Accused No. 3 inflicted knife injuries on the right shoulder and right elbow. The deceased while trying to ward off the blows, sustained injuries on both the hands. After the accused went away, P.Ws. 1 to 4 shifted the deceased to the hospital at Gurajala in the Jeep belonging to P.W. 7-Ramulu where the deceased was declared dead. P.W. 1 gave a report (Ex. P-I) at about 4.00 p.m. in the Police Station at Rentachintala specifying the names of all the three accused, and the same was registered as Cr.No. 55 of 2001 u/s 302 read with 34 of I.P.C. The Inspector of Police, Guntur Rural Circle {P.W. 11), who took up the investigation, prepared an observation report and a rough sketch was drawn and M.O. 11 -- Bloodstained Cotton seed, M.O. 12 -- 4 Cotton Seed Packets, M.O. 13 -- Chilly Powder in a tin, M.O. 14-- Shirt buttons, M.O. 15 --Two Chappals-- M.O. 16 -- Bloodstained earth, M.O. 17-- Controlled earth were seized from the scene of offence. Inquest was conducted over the dead body on 17-6-2001. P.W. 10 - Deputy Civil Surgeon, Government Hospital, Gurajala conducted post-mortem on the dead body of the deceased and in Ex. P-7 report opined that the deceased died due to Haemorrhage and shock of multiple injuries. On 19-6-2001 at 4.45 p.m. P.W. 11 arrested accused Nos. 1 to 3 at Rentachintala Railway Station and recorded their statements in the presence of the mediators. Accused No. 1 disclosed that the weapons used in the crime were kept in the bushes near Agricultural Market-yard of Rentachintala Village. Accordingly, P.W. 11 proceeded to the market-yard and in the presence of the mediators, recovered two knives, an iron rod and one bloodstained shirt (M.Os. 1 to 4) from the bushes in the market-yard. The case was taken on file as P.R.C. No. 39 of 2001 by the II-Addl. Munsif Magistrate, Gurazala and after the same was committed to the Sessions Court, Charges were framed on 29-7-2002 and all the accused pleaded not guilty.

4 During the trial, prosecution examined 11 witnesses and got marked Exs. P-I to

P-10 documents and M.Os. 1 to 19 on its behalf. On behalf of the defence, Exs. D-1 to D-3 documents were marked.

5 On appreciation of the evidence both oral and documentary, the Court below by Judgment dated 15-6-2004 held that all the accused 1 to 3 were guilty of the offences punishable under Sections 302 read with 34 of I.P.C. and 449 of IPC and accordingly convicted them, and imposed the sentences as mentioned above. The said judgment is under challenge in these two Appeals.

6. We have heard the learned Counsel for the Appellants as well as the learned Public Prosecutor and perused the material on record.

7. The learned Senior Counsel, Sri C. Padmanabha Reddy appearing for the appellants in CrI. A. No. 1188 of 2004 contended that the presence of all the four eyewitnesses, who are all closely related to the deceased, is doubtful at the scene of the occurrence. Certain circumstances have been pointed out by the learned Senior Counsel to show that the four eye-witnesses were not actually present at the time of the offence. He points out that Ex. P-8 - Sketch of scene of offence prepared by the investigating officer does not show the existence of the place as deposed by the eye-witnesses and none of the eye-witnesses could furnish the details of the injuries suffered by the deceased which show that the evidence of alleged eye-witnesses was not reliable. He also points out that the prosecution failed to produce the entry in the General Diary said to have been made by P.W. 9 as well as the F.S.L. Report and that the investigating officer has admittedly failed to seize the bloodstained clothes of P.Ws. 2 to 4. Thus, he contends that in the absence of the best evidence, the Court below ought to have held that the prosecution has miserably failed to establish the charges beyond reasonable doubt and therefore the conviction and sentence are illegal and unsustainable.

8. Sri E. Ayyapureddy, the learned Counsel for the appellant in CrI. No. 1180 of 2004, i.e. the accused No. 3, has vehemently contended that all the alleged eye-witnesses are interested witnesses and even according to their own testimony their presence at the scene of offence is not established. He also contended that the prosecution could not make out a case to attribute any motive so far as the accused No. 3 is concerned since he was neither related to accused Nos. 1 and 2 nor there was any enmity between A-3 and the deceased. He further contended that the overt acts alleged against A-3 are highly doubtful and therefore he deserves benefit of doubt.

9. On the other hand, the learned Public Prosecutor submits that even assuming that there were any lapses on the part of the investigation, on that ground the prosecution cannot suffer. He also submits that since the contents of Ex. P-1 -- First Information Report which was registered at the earliest, point of time were corroborated in all material particulars by the evidence of P.Ws. 1 to 4 -- Eye-witnesses and further substantiated by the medical evidence, the Court below has rightly convicted the accused and the sentence imposed is in accordance

with law and therefore the same does not warrant any interference.

10. Having regard to the rival contentions raised by either side, the only point that arises for consideration is whether the prosecution has proved the guilt of the accused beyond reasonable doubt and whether the conviction and sentence awarded by the Court below are sustainable.

11. As can be seen from the material on record, no doubt it is true that P.Ws. 1 to 4 who are the eye-witnesses are related to the deceased. However, on that ground their evidence cannot be rejected in toto. As per the settled principles of law what is required is to scrutinise such evidence with care and caution and while appreciating the evidence of such interested witnesses, the Court has to see whether their presence at the scene of offence was probable.

12. In the case on hand, P.W. 1 in his evidence stated that he went to the shop of the deceased at about 1.00 p.m. on 16-6-2001 for purchasing Cotton seeds. While he was talking to the deceased at about 1.40 p.m. A-1 to A-3 came to the shop and A-1 said to the deceased that because of him their family was ruined. P.W. 1 was necked out from the shop and then A-3 sprinkled chilli powder on the face of the deceased; A-1 took out a knife from his waist and stabbed the deceased on the right side of the chest and on the middle of the chest; A-2 hit the deceased on the right side of the head with an iron rod; and A-3 stabbed the deceased with knife on the right shoulder and also on the right elbow. P.W. 1 stated that the deceased raised both his hands to avoid the attack and thereby he sustained injuries on his hands also. He further stated that at that time P.Ws. 2 to 4 were present in front of the shop and they also witnessed the incident. They got scared and shouted. Thereafter, all the accused ran away and then P.Ws. 1 to 4 went inside the shop and saw the deceased in a pool of blood. They shifted the deceased to Rentachinthala P.S. wherein the Station Writer asked them to take the deceased to the Government Hospital. They engaged a jeep and went to the hospital. One Police Constable also accompanied them in the jeep. After they reached the hospital, the Doctor having examined the deceased, declared him dead. Then, P.W. 1 went back to Rentachinthala P.S. and gave Ex. P-1 Report in his own hand-writing. P.W. 1 also stated that he was present at the time of the inquest. He also identified all the weapons alleged to have been used by the accused which are M.Os. 1 to 3. P.W. 1 has also stated that he had acquaintance with the families of both the deceased and the accused, and that the deceased and the wife of A-2 by name Annamery had illicit intimacy and there were quarrels between the deceased and the accused on account of the said illicit relationship and therefore A-1 to A-3 developed grudge against the deceased and killed him.

13. Though he was cross-examined extensively, nothing could be elicited which would run contrary to the version of the prosecution. P.W. 1 has also categorically denied the suggestions that he and the accused belong to different political groups and that he deposed falsely due to group rivalries. He also denied the suggestion that at the instance of one Thumma Chinnappa Reddy, leader of

Telugudesam Party in the village, the case was foisted against the accused and that he along with P.Ws. 2 to 4 was not present at the scene of offence.

14. P.W. 2 in his evidence stated that on 16-6-2001 at about 1.30 p.m. he was going towards Market along with P.W. 4. While so, P.W. 3 who was sitting on a pial opposite the shop of the deceased, called them and all of them were discussing about the Cotton crop and cultivation. At that time, P.W. 1 and the deceased were talking to each other in the shop. While so, the accused went into the shop hurriedly and A-1 pushed P.W. 1 aside. He narrated the alleged acts of the accused and the subsequent events in the same lines as stated by P.W. 1.

15. The evidence of P.Ws. 3 and 4 has corroborated the evidence of P.W. 2 in all material particulars. Though all the P.Ws. 2 to 4 were suggested in the cross-examination that they were falsely deposing due to the political rivalry they had with the accused, the same was consistently denied by all of them.

16. P.W. 5, who is said to be distantly related to the deceased, in his evidence stated that on 16-6-2001 he saw P.Ws. 1 to 4 along with the deceased with severe injuries in the jeep and one Constable was also present in the jeep and therefore he accompanied them to the hospital. P.W. 6 is the wife of the deceased. She stated that A-1 and A-3 are related to her and that her husband was killed by A-1 to A-3 on account of the illicit relationship of her husband with the wife of A-2. Though she had no personal knowledge as to what had happened on 16-6-2001, she deposed in detail about the relationship of her husband with the wife of A-2. P.W. 7 is the driver of the jeep in which the deceased was taken to the hospital at Gurajala. He stated that he is running the jeep on hire and on 16-6-2001 at about 2.00 p.m. he was asked by one Constable at Rentachinthala Centre to take the injured to the hospital and that about 5 or 6 persons boarded the jeep including the injured person and he took them to the hospital at Gurajala. P.W. 8 is the Village Administrative Officer and a Panch witness for observation report of the scene of offence as well as the reports under which the accused were arrested and examined leading to recovery of the weapons used in the crime and other material objects. He spoke about the scene of offence and the fact that the blood, chilli powder and other articles marked as M.Os. 11 to 16 were seized by the Police from the scene of offence. P.W. 8 was also one of the witnesses for the inquest conducted on 17-6-2001 at the mortuary of the hospital. P.W. 9 is the Head-constable who was in-charge of the Police Station on 16-6-2001. He deposed that at about 2.45 p.m. some persons brought the injured whose condition was serious. Hence, he advised them to take him to the hospital and he also deputed one Constable. At 4.00 p.m. he received a report from P.W. 1, on the basis of which he registered Cr. No. 55/2001 u/s 302 read with 34 of the Indian Penal Code and issued Ex. P-6 First Information Report. The said FIR was sent to the Court through the Constable by name John Vali. In the cross-examination, he admitted that he made an entry in the General Diary at 4.00 p.m. P.W. 15 is the Doctor who conducted post-mortem and gave Ex. P-7 Report. He opined that the death of the deceased was due to

multiple injuries resulting in haemorrhage and shock. P.W. 11 is the Inspector of Police who stated that on 16-6-2001 at 4.10 p.m. he received the information about the murder and that he came to the police station and took up the investigation by securing the presence of P.W. 8 --Village Administrative Officer and one T. Chinnapa Reddy, in whose presence he visited the scene of offence; prepared the observation report and seized M.Os. 11 to 17 from the scene of offence. After examining the witnesses, it was found that the wife of A-2 had illicit relationship with the deceased which was the motive for A-1 to A3 to kill the deceased. On 19-6-2001 A-1 to A-3 were arrested in the presence of P.W. 8 and one Chinnapa Reddy, and at the instance of A-1 they went to agricultural market-yard where two knives, one iron rod and one bloodstained shirt (M.Os. 1 to 4) were recovered. He also stated that A-2 identified M.O.15 i.e., two chappals left at the scene of offence and that the material objects were sent to Forensic Science Laboratory at Hyderabad for chemical examination and after receiving the post-mortem report and the F.S.L. Report, he filed charge-sheet on 11-8-2001.

17. In the light of the above evidence of the prosecution witnesses and particularly, Ex. P-1 Report given by P.W. 1, Ex.P-2 Observation Report of the scene of offence, Ex. P-3 Inquest Report and Ex. P-7 Post-mortem Report, there cannot be any dispute about the fact that the deceased died a homicidal death on 16-6-2001 due to haemorrhage and shock as a result of multiple injuries received by him when he was assaulted in his Seeds shop.

18. Then, the question that remains for consideration is whether the case of the prosecution that all the accused trespassed into the shop of the deceased and inflicted the injuries found on the body of the deceased which resulted in his death has been proved beyond reasonable doubt thereby making them punishable for the offences under Sections 449 and 302 read with Section 34 of I.P.C.

19. The specific case of the prosecution was that the deceased had illicit intimacy with the wife of A-2, on account of which there were disputes between the deceased and the accused and that in spite of the efforts on the part of accused Nos. 1 and 2 to put an end to the said relationship, the deceased did not mend his ways and therefore the accused bore grudge against the deceased and killed him. The said version was corroborated by the evidence of not only P.Ws. 1 to 4 -- eye-witnesses, but also the evidence of P.W. 6, the wife of the deceased, P.W. 5 -- relative of the deceased and P.W. 8 -- Village Administrative Officer. In the light of the said consistent evidence, the enmity between the accused and the deceased has been clearly established. Except a vague suggestion put to P.Ws. 1 to 4 that they were speaking falsely at the instance of one Thumma Chinnapa Reddy, leader of rival political party in the village, which was categorically denied by all the witnesses, there was absolutely no other material to substantiate the plea of the defence that the accused were falsely implicated much less to disprove the alleged motive behind the offence. In the circumstances, we do not

see any justifiable reason to disbelieve the motive put forward by the prosecution.

20. So far as the allegation that the deceased was attacked by the accused with the M.Os. 1 to 3 weapons is concerned, the prosecution relied upon the evidence of P.Ws. 1 to 4 -- eye-witnesses. All the eyewitnesses categorically stated that the accused trespassed into the seeds shop of the deceased and after pushing aside P.W. 1, attacked the deceased and after inflicting bleeding injuries they ran away from the scene of offence. P.Ws. 1 to 4 consistently stated that A1 stabbed the deceased on the right side and middle of the chest with a big knife, A-2 hit the deceased on the right side of the head with an iron rod and A3 stabbed the deceased with a knife on his right shoulder and right elbow. The fact that P.Ws. 1 to 4 took the deceased with severe injuries to the police station at Rentachintala on 16-6-2001 at about 2.45 p.m. and from there they took him to the hospital at Gurajala in a jeep was consistently spoken by P.W. 5 who accompanied the deceased and P.Ws. 1 to 4 in the jeep, P.W. 7 -- Driver of the jeep and P.W. 9 -- Head Constable, who was in-charge of the police station on 16-6-2001. Having regard to the above evidence of independent witnesses, who in categorical terms spoke about the subsequent events which took place in quick succession after the assault on the deceased, particularly with regard to the presence of P.Ws. 1 to 4 who carried the deceased to the Police Station and then to Hospital, we are of the view that the evidence of P.Ws. 1 to 4 -- eyewitnesses cannot be disbelieved only on the ground that they are related to the deceased.

21. As expressed above, the mere fact that the eye-witnesses were related to the deceased is not fatal to the prosecution, but the only caution required to be taken by the Court is to appreciate their evidence with due care while analyzing the attendant circumstances. Admittedly, the deceased was running the seeds shop. P. W. 1 stated that he went to the said shop for purchasing the seeds on 16-6-2001. He stated that while he was talking to the deceased, accused Nos. 1 to 3 entered into the shop and attacked the deceased. It is to be noted that P.W. 1 is the person who lodged Ex. P-I Report immediately after the deceased was declared dead in the Gurajala hospital. It is interesting to note that Ex. P-1 Report contained all the details of the occurrence including the names of all the three accused, the names of other three eye-witnesses and even the fact that the deceased and the accused had disputes on account of illicit intimacy between the deceased and the wife of accused No. 2, due to which all the accused conspired and killed the deceased. P.W. 3 stated that at the relevant point of time he was sitting on a pial at the place of occurrence and he called P.Ws. 2 and 4 who were passing on the road and all of them were discussing when the accused entered into the shop of the deceased hurriedly. All P.Ws. 2, 3 and 4 categorically stated that P.W. 1 was present inside the shop at that time and that he was pushed aside by A-1. Having regard to the above evidence which was cogent and corroborated with the details mentioned in Ex. P-I Report lodged at the earliest point of time, undoubtedly the presence of all the four eye-witnesses at the place of occurrence was probable and cannot be disbelieved. Hence, we do not find any merit in the contention of the learned Counsel for the Appellants/accused that

the presence of the eye-witnesses at the scene of offence was not established.

22. We also do not find any substance in the contention of the learned Counsel for the appellants that P.W. 8 -- Village Administrative Officer is a stock witness and therefore the prosecution case as to the facts leading to arrest of the accused and recovery of the weapons used in the offence cannot be accepted. P.W. 8 being a public servant and respectable person of the locality cannot be termed as "stock witness" merely on the ground that he was a common witness to Ex. P-2, Ex. P-3 and Ex. P-5 reports. Particularly in the light of consistent evidence of all the eye-witnesses and other evidence available, we are unable to hold that the mere fact that P.W. 8 was a common witness to all the Exs. P-2, P-3 and P-5 reports has rendered the investigation illegal. Similarly, failure of the investigating officer to seize blood-stained clothes of P.Ws. 1 to 4 and to produce the F.S.L. Report cannot be made a ground to disbelieve the prosecution case. Further, the fact that the pial was not shown in the observation report is also immaterial in the light of the evidence of eye-witnesses which was found to be trustworthy. As held by the Apex Court in *Amar Singh Vs. Balwinder Singh and Others*, and *Rajeevan and Another Vs. State of Kerala*, the law is well-settled that where the prosecution case is fully established by the direct testimony of the eye-witnesses which is corroborated by the medical evidence, any failure or omission of the investigating officer cannot render the prosecution case doubtful or unworthy of belief.

23. As can be seen from Ex. P-7 Postmortem report and the evidence of P.W. 10, the following injuries were found on the body of the deceased.

External Injuries :--

1. A vertical cut laceration over the right parietal region of scalp 5 cm away from mid-line measuring 10 x 5 cms. Bone deep margins clean cut and contused.
2. Another cut laceration over the right parietal region of scalp 3 cms. Lateral to the injury No. 1 obliquely placed measuring 10 x 0.5 cms. Bone deep margins clean cut and contused.
3. An irregular cut laceration over the right temporo occipital region of scalp obliquely placed 5 cms. Above and behind right ear measuring 10 x 6 cms. Bone deep.
4. A horizontal incised wound over the right external ear measuring 3 x 0.25 cms. Margins clean out.
5. A stab wound over the right side of the chest obliquely placed 10 cms above the nipple measuring 6 x 4 cms. Depth entering into the thoracic cavity.
6. A vertical incised wound over the sternum measuring 2 x 1 cms. Skin deep.
7. A vertical incised wound over the superior aspect of right shoulder measuring 9 x 3 cms. Muscle deep.

8. A vertical incised wound over the outer aspect of right elbow measuring 14 x 5 cm. Muscle deep.
9. A horizontal incised wound over the palm of right hand measuring 6 x 0.5 cms. Skin deep.
10. An obliquely placed incised wound over the front of right wrist measuring 2 x 0.5 cms. Skin deep margins clean cut.
11. A vertical incised wound over the back of right arm in the middle 1/3 measuring 4 x 2 cms. Muscle deep.
12. A vertical incised wound over the outer aspect of right arm in the upper 1 /3 measuring 8 x 3 cms. Muscle deep.
13. A horizontal incised wound over the front of right arm in the upper 1/3 measuring 2.5 x 0.5 cms. Skin deep.
14. The horizontal incised wound over the front of right thumb measuring 1 x 0.2 cms. Skin deep.

Internal Injuries :--

1. A depressed comminuted fracture involving right temporal bone of skull measuring 8 x 8 cms.
2. A vertical fissured fracture involving right parietal bone of skull measuring 7 cms in length.
3. A laceration of brain involving right parietal and temporal lobes measuring 10 x 9 x 2 cms. Diffused subdural haemotoma is noted extending over the entire surface of brain. ,
4. The upper lobe of right lung shows horizontal incised wound measuring 2 x 2 x 1 cms. Another incised wound just medial to the above injury measuring 2 x 1 x 0.5 cms. The thoracic cavity contain 200 cc of blood.

24. It is relevant to note that the evidence of P.Ws. 1 to 4 -- eye-witnesses was consistent as to the overt acts committed by each accused and all of them categorically stated that A-1 stabbed the deceased on the right side and middle of the chest of the deceased with a big knife, and that A-2 hit the deceased on right side of the head of the deceased with an iron rod, and that A-3 stabbed the deceased with a knife on his right shoulder and right elbow. They also stated that the deceased while trying to ward off the blows inflicted by the accused, sustained injuries on both the hands. The overt acts as specified by P.Ws. 1 to 4 directly co-relate to the injuries found on the body of the deceased as per Ex. P-7 Post-mortem Report coupled with the evidence of P.W. 10 -- Medical Officer. May be that, the eye-witnesses during their evidence, were unable to furnish the specific injuries sustained by the deceased, but in the light of the other unimpeachable evidence available on record, such a minor lapse is immaterial and does not deserve any consideration.

25. The nature and type of injuries caused to the deceased and also the manner in which they were inflicted clearly indicate the intention of the accused to cause the death of the deceased. The evidence on record clearly established that all the accused went together and attacked the deceased in furtherance of their common intention. In the light of the consistent and unimpeachable evidence of the eye-witnesses read with Ex. P-1 Report lodged at the earliest point of time which in all material particulars corroborated by the medical evidence, we are of the view that the prosecution has successfully established guilt of the accused.

26. Even assuming that as contended by the learned Counsel for the appellant in CrI. A. No. 1180 of 2004 that accused No. 3 is not related to accused Nos. 1 and 2 and he never had enmity with the deceased, in the light of the consistent evidence of the eyewitnesses as to the participation of A-3 in the offence and the specific overt acts committed by him, it is clear that he had common intention along with accused Nos. 1 and 2 to kill the deceased. Hence, A-3 was also rightly convicted and sentenced along with A-1 and A-2.

27. The Court below, on proper appreciation of the entire evidence on record, has rightly concluded that the prosecution case was established beyond reasonable doubt and rightly convicted the accused for the charges levelled against them. The sentence imposed by the Court below is also in accordance with the settled principles of law and cannot be held to be unjustified or unwarranted.

28. Accordingly, we uphold the conviction and sentence against all the accused.

29. In the result, both the Appeals are dismissed. No costs.