
(2004) 01 MAD CK 0072
In the Madras High Court
Case No : C.A. No. 625 of 1996

Rajappa

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 23-01-2004

Acts Referred:

Evidence Act, 1872 — Section 3

Citation : (2004) 1 CTC 691

Hon'ble Judges : R. Banumathi, J

Bench : Single Bench

Advocate : A. Balaguru, for the Appellant; A.N. Thambidurai, Public Prosecutor, for the Respondent

Final Decision : Dismissed

Judgement

B. Subhashan Reddy, C.J.—Appellants are the accused 1, 2 and 3 in S.C. 240/95 on the file of Principal Sessions Judge, Tanjore. By his judgment dated 19.8.96 the learned Sessions Judge convicted the accused 1 and 2 u/s 304 (Part II), I.P.C and sentenced them to undergo rigorous imprisonment for four years and five years respectively. A3 was convicted u/s 324, I.P.C and was sentenced to undergo rigorous imprisonment for one year. Other accused A4 to A8 were acquitted of all charges.

2. It is not in dispute that the accused are related to each other. .A1 Rajappa is the son of maternal aunt of P.W.1. P.Ws. 1 to 3 are the sons of deceased Thangaraja Nadar. A1, A2 and A6 are residing as one family in Perumalkoil Street.

3. Family of P.W.1 owns 100 Kuzhi of land. Likewise A1 Rajappa is in possession of 1-1/2 Veli of land in Natham Area. About three years prior to the occurrence, A1 obstructed the course of Water Channel proceeding to the lands of the deceased which resulted in enmity between the family of A1 and the deceased.

4. Case of prosecution is that since the obstruction of the water channel, there was previous enmity between both the families for more than three years. A3, A5

and A7 also joined hands with other accused. About 25 days prior to the occurrence deceased Thangaraj Nadar preferred a complaint (Ex.P18) before Ammapet Police Station on the alleged threat by the accused. The accused party were summoned to the police station. The parties were directed to amicably settle the matter in the Civil Court.

5. On 5.6.94 at 2.00 p.m while deceased Thangaraj Nadar was in Perumalkoil Street, A1 to A3 armed with aruval and others (acquitted accused) also armed with weapons, surrounded deceased Thangaraj Nadar. On seeing them, deceased and his son P.W.2 Murugesan ran towards their house in the northern side. Near the house P.Ws. 1 and 3 were talking with their mother Pushpa and wife of P.W.1. Chasing the deceased, A1 cut him on the right hip back side with aruval. A2 inflicted injury on the front side of the hip with aruval. To protect himself and his father deceased Thangaraja Nadar from the attack, P.W.1 had taken the aruval from A2 and caused cut injury on A2 on the head and left leg. A3 attacked P.W.1 with aruval and inflicted an injury on his left elbow.

6. Injured Thangaraj Nadar fainted on the road. After pelting stones on the house of P.W.1, all the accused ran away from the scene of occurrence. P.W.1 had taken the deceased to Tanjore Medical College Hospital. In the hospital P.W.9 Dr. Anantharamakrishnan examined Thangaraj Nadar at 4.15 p.m. General condition of Thangaraj Nadar was found to be serious. Incised wound over back of right hip exposing bones was noted. P.Ws.1 and 2 were also treated for their injuries. Exs.P10 and P.11 are the Accident Registers of P.Ws. 1 and 2.

7. Injured Thangaraj Nadar succumbed to the injuries at 4.45 p.m on 5.6.94. Ex.P14 Death Intimation was sent to Papanasam Police Station. On receipt of intimation from the hospital, P.W.13 Sub Inspector of Police went to Tanjore Medical College Hospital and recorded Ex.PI from P.W.1. On the basis of Ex.P1, F.I.R (Ex.P19) was registered in Crime No. 437/94 under Sections 147, 148, 324, 323 and 302, I.P.C.

8. P.W.14 Inspector of Police had taken up investigation. The scene, of occurrence - Thirubuvanam Perumal Koil Street was inspected in the presence of P.W.6 Village Administrative Officer. Ex.P2 Observation Mahazar and Ex.P21 Rough Plan were prepared on the scene of occurrence. Blood stained mud M.O.3, sample mud M.O.4, Bricks M.O.5 Series and Jellies M.O.6 were seized under Ex.P3 Mahazar. M.O.1 Bloodstained lungi of P.W.1 and M.O.7 bloodstained dhothi of deceased were also seized under Ex.P4 Mahazar.

9. Witnesses were examined in the presence of Panchayatars from 9.00 a.m to 12.00 noon and Inquest was held on 6.6.94. Ex.P22 is the Inquest Report. After Inquest the body was sent for Autopsy along with the requisition.

10. Pursuant to the requisition from the Inspector of Police, P.W.11 Dr. Vijayalakshmi had conducted Autopsy. She noted has noted an oblique incised cut wound with clean cut margins on the front of right side lower abdomen; an extensive wide gaping incised cut wound transversely placed just above the right

gluteal fold. On dissection pelvic bone was found fractured. Fracture of anterior superior iliac spine noted. P.W.11 issued Ex.P16 Post-mortem Certificate opining that the deceased would appear to have died of shock and haemorrhage due to the injuries sustained by him.

11. For the injuries sustained by him, A2 also preferred the complaint before Ammapet Police Station against P.Ws. 1 and 3. On the basis of his complaint, case was registered in Crime No. 438/94 under Ex.P20 F.I.R. That case was also taken up for investigation and a separate case charge sheet is said to have been laid against P.Ws. 1 and 3.

12. P.W.14 Inspector of Police had taken up further investigation. A7 Ganesan was arrested on 8.6.94. His confession statement (Ex.P8) lead to the recovery of: M.O.8 Aruval and M.O.2 Wooden Log. A1 surrendered himself before the Court on 28.6.94. Police Custody of A1 was taken on 5.7.94. A1 was interrogated in the presence of P.W.8. Confession statement of A1 (Ex.P7) lead to the recovery of M.O.9 aruval under Ex.P8 Mahazar. On completion of the investigation, P.W.14 filed the Charge Sheet on 26.9.94 under Sections 148, 302 read with 149 and 324, I.P.C.

13. To substantiate the charges, prosecution has examined P.Ws. 1 to 14. Exs.P1 to P28 were marked. M.Os. 1 to 9 were remanded to the Court. Upon consideration of the evidence,- the learned Sessions Judge found that the evidence of P.Ws. 1 to 3 that A1 and A2 caused cut injury to Thangaraj Nadar is cogent and consistent. Evidence of P.Ws. 1 to 3 was also found to be further strengthened by the objective findings during the investigation viz., arrest and recovery. The trial Court also accepted the evidence of P.W.1 that A3 caused injuries to him.

14. The details of charges framed against the accused and the findings thereon is as under:

Charge No.	Against which Accused	Offence under Section	Finding of Sessions Judge	Sentence/Fine
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1	A1 to A8	148, IPC	Not guilty	acquitted
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2	A1 and A2	302 r/vv 34, IPC	A1 and A2 acquitted u/S. 302 IPC but found guilty u/S 304(2) IPC	A1:4 years" R.I. A2:5 years" R.I.
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3	A3 to A8	302 r/w 149, IPC	A3 to A8 found not guilty-	acquitted
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4	A3	324, IPC	Found guilty R.I.	for one year
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5	A1, A2, A7, A8	324 r/w 149, IPC	Not guilty-	acquitted
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6	A7	324, IPC	Not guilty-	acquitted
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7	A1 to A6, A8	324- r/w 149, IPC	Not guilty-	acquitted
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15. A4 to A8 were acquitted mainly on the following findings:

A4-Thirugnana - sambandamurthy : On the evidence of P.W.6 finding that at the time of occurrence on 5.6.94 A4 was present only in Mariyayee festival - Poondi. A5 Pathi and A6 Ananthanarayanan : They are college students: it is doubtful that they have wielded cycle chain against P.W.1 A7 Ganesan : In consistency between Medical evidence and evidence of P.W.2 - and doubting whether A7 would have really caused injury to P.W.2 A8 Ganesa Nadar : Not proved to be a member of unlawful Assembly Aggrieved over the conviction, A1 to A3 have preferred this appeal.

16. Attacking the credibility of the prosecution, on behalf of the Accused/Appellants it is submitted that the prosecution has suppressed the truth. Further assailing the conviction, the learned counsel for the appellants inter alia raised the following contentions:

- (i) Eye-witnesses P.Ws. 1 to 3 are the sons of deceased Thangaraj Nadar and much reliance cannot be placed upon their interested testimony;
- (ii) Inconsistency between medical evidence and oral evidence;
- (iii) Plea of alibi set forth by A1 was not properly considered by the learned Sessions Judge;
- (iv) Inordinate delay of seven hours in the registration of the F.I.R. and further delay in receipt of the F.I.R. by the Court;
- (v) In the same transaction, A2 also sustained severe injuries for which a case was registered in Crime No. 438/94 and P.Ws. 1 and 2 were charge sheeted for that occurrence and the prosecution has not sought for simultaneous trial of both the cases as per the Police Standing Orders.

17. Countering the arguments of the Appellants/Accused, the learned Public Prosecutor submitted that the trial Court has well analysed the evidence and rightly convicted the accused. Submitting that as against the consistent evidence of P.Ws. 1 to 3, the trial Court rightly disbelieved the plea of alibi set forth by A1. Drawing the attention of the Court to the evidence of P.W.11 that injuries 2 and 3 injury on the right hip are very closely placed, it is submitted that there is no inconsistency between the medical evidence and oral evidence to disbelieve the evidence of P.Ws. 1 to 3. The learned Public Prosecutor further submitted that the conclusion of the learned Sessions Judge is well based on evidence warranting no interference.

18. Whether the prosecution has established the guilt of the accused beyond reasonable doubt and whether accused 1 and 2 had acted in self-defence and whether the learned Sessions Judge was not justified in convicting accused 1 to 3 are the short points that arise for consideration in this appeal.

19. DELAY:- The learned counsel for the appellants contended that the delay is in two spells as under:

- (i) The occurrence was on 5.6.94 - 2.p.m. Ex.P1 statement was recorded from

P.W.1 at 5.30 p.m. Ex.P19 F.I.R was registered at 9.00 p.m;

(ii) Ex.P19 F.I.R was received in Judicial Magistrate Court, Papanasam at the small hours of 6.6.94- 3.10a.m;

The delay cannot be said to be unreasonable when considered in the light of sequence of events. After the occurrence, seriously injured Thangaraj Nadar was taken from Thirubuvanam Perumalkoil Street to Tanjore Medical College Hospital. From Ex.P9 Accident Register, it is seen that he was admitted in the hospital at 4.15 p.m. On receipt of intimation, P.W.13 Sub-Inspector of Police went to the hospital at 5.30 p.m and recorded Ex.P1. On the basis of Ex. P1, Ex.P19 was registered at 9.00 p.m. This cannot be said to be an inordinate delay, vitally affecting the prosecution case. Reasonable time and allowance is to be given for travel from Thirubuvanam to Tanjore Medical College Hospital both for the prosecution witness parties and the Investigating Agency. Seven hours time taken for registering the F.I.R. is not a delay to view the prosecution case with suspicion. In my view, absolutely there is no delay in registration of F.I.R. Even if there is any delay, it is only reasonable, on account of travel time which would not in any way undermine the prosecution case.

20. F.I.R was received by the Judicial Magistrate, Papanasam on the small hour 3 of 6.6.94 - 3.10 a.m. Delay in receipt of the F.I.R by the Magistrate is very much urged contending that this spell of delay is also not properly explained by the prosecution. It is submitted that the delay in receipt of the F.I.R by the Court throws doubt that Ex.P1 and P19 F.I.R could have been prepared after due deliberation and in consultation with the Investigating Agency. No doubt the F.I.R. registered at 9,00 p.m was received by the Judicial Magistrate, Papanasam only at 3.10 a.m. on 6.6.94. There is no evidence showing the distance between Ammapet and Papanasam. It is stated that the distance is around only 10 kilometres. No doubt, there seems to be some delay in handing over the F.I.R. to the Court. During night time the Investigating Agency might have found it difficult to secure conveyance. Delay on this aspect would not in any way lead to the conclusion that Ex.PI and P20 are result of the deliberation.

21. MOTIVE: In Ex. P1 and in his evidence P.W.1 has clearly stated about the subsisting previous enmity between them and the family of the accused. About three years prior to the occurrence A1 obstructed the water course channel proceeding to the land of the deceased which resulted in ill-will between them. Proof of motive is further strengthened by Ex.P18 -complaint preferred by deceased Thangaraj Nadar on 5.6.94 before Ammapet Police Station. In Ex.P18 deceased has clearly averred about the enmity and the threat meted out to him by A1 and his son Anandan. In Ex.P18 deceased sought for action against A1 and his sons Anandan and A2 Kannan.

22. Such preferring of complaint by the deceased about one month prior to the occurrence heightens the probability of the occurrence fortifying the case of the prosecution. When there was a subsisting enmity between the parties, it is quite

natural and probable that the accused would have surrounded the deceased, particularly on account of preferring the complaint few days prior to the occurrence.

23. OCCURRENCE: Shop of the deceased Thangaraj is on the southern side. Their house is on the northern side about 250 feet from the shop. On the date of occurrence - 5.6.94 - 2.00 p.m, P.W.1 and P.W.3 were talking with their mother Pushpam. P.W.1's wife Ramathilham was also present. They saw the accused 1 to 3 and others armed with aruval and other weapons, chasing deceased Thangaraj Nadar and P.W.2 Murugesan. The accused proceeded from north to south and the deceased from south to north. P.Ws. 1 to 3 have clearly spoken about the occurrence and the overt act of A1 and A2 causing cut injuries to deceased Thangaraj Nadar on the right hip. Since the distance between the shop and the house is a short distance and there was nothing to obstruct their vision, it to be held that P.Ws. 1 to 3 are the natural witnesses to have witnessed the occurrence.

24. Testing the evidence of P.Ws. 1 to 3 for their credibility and trustworthiness, trial Court accepted their evidence in concluding that A1 and A2 caused death of Thangaraj Nadar. The approach of the trial Court in assessing the evidence of P.Ws.1 to 3 is assailed on the following grounds:

(i) General improbability of the occurrence;

(ii) P.Ws.1 to 3 are interested witnesses. The trial Court having disbelieved their evidence regarding A4 to A8 ought to have rejected their version regarding A1 to A3 also;

(iii) Discrepancy between medical evidence and oral evidence;

(iv) Hostility of independent witnesses P.Ws. 4 and 5. Before considering the merits of this contention, this Court will have to see whether it is open to the accused to deny the occurrence. In his statement filed u/s 313, Cr.P.C, A2 admitted the occurrence. According to him, he was surrounded by the deceased Thangaraj Nadar and P.Ws. 1 to 3 who inflicted cut injuries upon him and that in order to protect himself he had caused injury to the deceased. Further according to A2, P.W.1 has also caused injury to A3. Thus the second accused has not denied the occurrence.

25. In the light of the above, the contentions urged by the appellants is to be considered. As noted earlier, the accused, armed with weapons, were proceeding north to south and the deceased and P.W.2 were proceeding from south to north. It is contended that if really the deceased had actually seen the accused and others, armed with such deadly weapons, the deceased would not have further proceeded towards north and he would have only chosen to run away towards southern side to protect himself. As said earlier, the house of the deceased is on the northern side. Further P.Ws.1 and 3 and wife of deceased Thangaraj Nadar were seen only on the northern side. While being so, it is quite natural for

deceased Thangaraj Nadar to run towards north to safeguard himself under the cover of his family members.

26. Scene of occurrence is in the middle of Saliangalam Road at a distance of about 130 feet from the shop of the deceased; about 250 feet from the house of the deceased. That apart, the contention advanced on the scene of occurrence cannot be doubted at all, since M.O.1 blood stained mud seized from the scene of occurrence found to be containing human blood. This objective finding also lends assurance to the prosecution case.

27. No doubt P.Ws.1 to 3 are the sons of deceased Thangaraj Nadar. It is not the law that evidence of an interested witness should be equated with that of a tainted witness. When the Court is analysing the evidence of an interested witness, all that is required is that it is to be scrutinised with little care. It is unreasonable to reject the evidence of P.Ws.1 to 3 merely on the ground that they are sons of deceased Thangaraj Nadar. In this case, P.Ws.1 and 2 are not merely witnesses to the occurrence. But they are also injured witnesses who sustained injuries during the occurrence. P.Ws.1 and 2 being injured witnesses, their presence cannot be doubted at all. While so, it would be unreasonable to discard the evidence of P.Ws.1 and 2. Unless there are cogent and convincing reasons, there cannot be rejection of the evidence of P.Ws.1 and 2. The approach of the trial Court in accepting the evidence of P.Ws.1 to 3 does not suffer from any erroneous approach.

28. P.W.4 is the resident of Keelathirubuvanam, owning shop in Saliangalam Road. Shop of P.W.4 - Sivanesan is shown in Ex.P21 plan also. Case of prosecution is that P.W.4 had witnessed the occurrence; but when examined in Court, P.W.4 merely confined his evidence stating that he heard the noise and that he had seen the deceased and A2 and A3 fighting with each other. Thus evidence of hostile witness P.W.4 was of no assistance either to the prosecution or to the defence. But the fact remains that there was some occurrence between deceased Thangaraj Nadar and the accused party. Hostility of P.W.4 does not in any way undermine the prosecution case.

29. Likewise P.W.5-Murugaiya Vandayar, owning Petty Shop was examined as eye-witness who turned hostile. Hostility of P.W. 5 also does not affect the prosecution version. In a small place like Thirubuvanam, the independent witnesses like P.Ws.4 and 5 would prefer to keep distance from both parties. In view of the hostility of P.Ws.4 and 5 neither the case of the prosecution could be doubted nor the evidence of P.Ws.1 to 3 could be tested on that touching stone.

30. Consistency of oral evidence with medical evidence:

When deceased Thangaraj Nadar was admitted in Tanjore Medical College Hospital P.W.9 noted incised wound over back of right hip exposing bones. While so, P.Ws.1 and 2 have spoken about the two cut injuries inflicted upon the deceased by A1 and A2, one on the back side of the right hip by A1; and another on the front side of the hip by A2. Likewise Ex. P16-Postmortem Certificate refers

two incised cut wounds. Pointing out the same as variation between the oral evidence and medical evidence, it is submitted such inconsistency is unexplained by the prosecution. Further contention of the accused is that "pecking" would have caused only punctured wound and in the absence of any punctured wound noted on the deceased, evidence of P.Ws.1 and 2 cannot be believed. We may straight away refer to the evidence of P.W.11 where she has clearly stated that incised cut wounds 2 and 3 are closely placed to each other and that the gap between those two injuries could not be noted. In view of such categorical statement of P.W. 11 it is not possible to accept the contention that there is variation between the oral evidence and medical evidence.

31. During the cross examination of P.W.11 possibility was elicited that injuries 1 and 2 could be possible by one blow. In this regard it is submitted that in view of the plea of alibi set forth by A1, opinion evidence of P.W.11 probablises the defence version that A1 was not present and he had not caused the injury on the right hip back side. This contention raised before the trial Court was well considered and rightly rejected. The opinion evidence of P.W.11 as to the possibility of cut injuries being caused by one blow is to be tested by the Court. The Court is not obliged to go by that opinion evidence to accept the plea of alibi set forth by that opinion. The possibility stated by P.W.11 is only an alternative probability. That cannot be the reason for discarding the consistent version of P.Ws.1 to 3 from whose evidence presence of A1 to A3 is clearly brought out.

32. A1 raised faint plea of alibi. In his written statement filed u/s 233(2) Cr.P.C during questioning u/s 313, Cr.P.C. A1 has produced a Medical Bill of T.M.F. Hospital at Tiruppur. According to A1, his son-in-law was admitted in T.M.F. Hospital from 27.5.94 to 5.6.94 and that A1 happened to be in Tiruppur attending to his son-in-law. Further case of first accused is that on behalf of his son-in-law Ayyappan, he had paid the amount to the hospital at the time of discharge on 5.6.94. The Medical -Bill-is unsupported by any other materials. To prove the receipt, no other person was examined. In the Medical Bill it is stated that an amount of Rs. 2,075 was received from T.N. Rajappa. This statement is nothing but self-serving and does not in any way conclusively establish the presence of A1 in Tiruppur. Consistent evidence of P.Ws.1 to 3 cannot be doubted on the self-serving statement in the Medical Bill.

33. Yet another reason could be pointed out for rejecting the plea of alibi set forth by A1. After A1 surrendered before the Court on 28.6.94, police custody was taken on 5.7.94. His confession statement (Ex.P7) was recorded in the presence of P.W.8 led to the recovery of M.O.9 aruval. Recovery of M.O.9 at the instance of A1 is an incriminating circumstance against A1. No doubt when M.O.9 was shown to P.W.3, he was not in a position to identify the same. In the melee of occurrence, M.O.9 aruval might have escaped the notice of P.W.3 and he might not have been in a position to identify M.O.9. When the case is projected through human agencies, such omissions on the part of the witnesses are bound to occur. Non-identification of M.O.9 by P.W.3 does not in any way affect the arrest of A1

and seizure.

34. Injuries sustained by A2, Whether A2 has acted in self-defence: As per Ex.P13 during the occurrence A2 sustained injuries.

(1) Incised wound left temporal region.

(2) Incised wound right parieto occipital region.

(3) Incised wound right fore arm.

(4) Incised wound left clavicle medial.

(5) Incised wound left neck.

A3 also sustained incised wound on his right back shoulder, incised wound on left lateral aspect of thigh and incised wound on left leg close to little toe. The injuries sustained by A2 and A3 are found to be simple in nature. In the light of the nature of injuries sustained by A2 and A3, prosecution is not obliged to explain the injuries on the accused. However, P.W.1 has clearly explained that in order to protect himself, his father Thangaraj Nadar has caused cut injuries to A2 on his head and left leg. That explanation by P.W.1 even in Ex.P1 statement sufficiently explains the injuries sustained by A2 and A3.

35. Laying much emphasis upon the nature and extent of injuries sustained by A2, main contention advanced by the accused is that A2 acted in self-defence and that a reasonable apprehension was caused in his mind that he might be attacked by Thangaraj Nadar. Further contention is that A2 had every right to protect himself and that he was acting in self-defence. The merits of this contention is to be seen in the light of Ex.P20-F.I.R which is registered on the basis of the statement recorded from A2. In his statement A2 has stated that they were proceeding towards south and on seeing them Thangaraj Nadar scolded them and apprehending any attack by Thangaraj Nadar and his sons he had caused cut injuries on Thangaraj Nadar on his hip. From the statement of A2 it is clear that there was no reasonable apprehension of danger.

36. The right of private defence is available to the accused only when there arises reasonable apprehension of danger to the body. That right continues so long as apprehension of danger to the body continues. From Ex.P20- F.I.R it is seen that the deceased Thangaraj Nadar had only scolded the accused. Admittedly he was unarmed. There is nothing to show that the deceased posed any danger to the accused holding out a threat or brandishing a weapon. While so, the contention of A2 that he acted in self-defence lacks substance and was rightly rejected by the trial Court.

37. Credibility of prosecution case is very much assailed contending that the prosecution has not come out with the correct particulars. On the basis of statement of A2, Ex.P20-F.I.R was registered in Crime No. 438/94. Investigation was taken up in that case and charge sheet was filed on 17.8.94 u/s 334, I.P.C- voluntarily causing hurt on provocation. That charge sheet was not placed in this

case nor was it brought before the Court during trial. Therefore it is contended that the case in Crime No. 438/94, being a counter case, ought to have been tried simultaneously as per the Police Standing Orders. Submitting that the non-placing of charge sheet before the trial Court simultaneously is a serious lacuna vitally affecting the prosecution case, the learned counsel for the accused contended that it has caused serious prejudice to the accused. This contention does not merit acceptance. If really the accused thought that the case against P.Ws.1 and 3 in Crime No. 438/94 is to be tried simultaneously with this case, nothing prevented the accused from taking steps for transferring that case to the Sessions Court. But that was not to be so. While so, it is not open to the accused to contend that non-conduct of simultaneous trial of both the cases had caused prejudice to them.

38. From the evidence it is clearly brought out that A3 had caused injury to P.W.1 with aruval. Ex.P10 is the Accident Register of P.W.1. From Ex.P10 it is clear that he sustained injuries on the left shoulder, left fore arm and right thigh. Evidence of P.W.1 that he sustained injuries in the occurrence is thus strengthened by the medical evidence. Rightly the learned Sessions Judge convicted A3 u/s 324, I.P.C. The finding against A3 also is well based on the materials on record.

39. The prosecution has thus clearly established the cut injury inflicted on the right side hip of lower abdomen by A2. A1 caused the injury on the back side of right hip. Having carefully analysed the evidence I am in agreement with the findings of the trial Court regarding A1 to A3. I am of the view that the learned Sessions Judge ought to have more carefully considered the purport of Section 149, I.P.C regarding the other accused. In my view, the distorted conclusions and analysis of evidence regarding the other accused resulted in acquittal of other accused. Since there is no appeal against acquittal, the matter is to be left at that. Acquittal of other accused is no ground for doubting the prosecution case regarding the appellants. I find no reason warranting interference in the verdict of conviction. This appeal has no merits and is bound to fail.

40. Therefore the judgment of the Principal Sessions Court, Tanjore in S.C. 240/95 (dated 19.8.96) convicting A1 and A2 u/s 304 Part-II I.P.C and A3 u/s 324, I.P.C and the sentence of imprisonment, imposed upon them is confirmed and this appeal is dismissed. The trial Court is directed to take immediate steps to secure A1 to A3 for committing them to serve the sentence.