

Kuruvi Alias Muthu

Vs

State of Tamil Nadu

Criminal Appeal No. 432 of 1977

(Syed M. Fazal Ali, P. N. Shinghal JJ)

03.03.1978

JUDGMENT

FAZAL ALI, J. -

1. In this appeal the leave was confined to the question of sentence only and that too on the question of compliance of the procedure under Section 235 of the Code of Criminal Procedure. We had by an order dated January 12, 1978 directed the Superintendent, Jail to ask the appellant to file an additional affidavit mentioning the facts and circumstances under which a lenient view on the sentence could be taken. In compliance with our order an affidavit has been sent by the accused from the jail in which the only ground taken by him on the question of sentence is that he is a poor man having a wife and five children and was working as an agriculturist on daily wages which was the main sources of sustenance for maintaining his family. The accused further mentioned that one PW 15 Kuppana owed him a sum of Rs. 5000 which he refused to pay although after the panchayat it was agreed that he would pay Rs. 1500. He also stated that he has advanced Rs. 885 to the deceased by way of loan. These circumstances show that his economic condition was not that bad. Having regard to the fact that he had caused brutal murder of two persons, it is not possible for us to interfere with the sentence of death imposed in him.

2. For these reasons the appeal is dismissed and the sentence of death is affirmed.

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