

**SUPREME COURT OF INDIA**

Seerangam

Vs.

State of T.N.

Crl.A.No.3 of 1973

(S. Murtaza Fazl Ali and O. Chinnappa Reddy, JJ.)

02.03.1979

**JUDGEMENT**

**FAZAL ALI, J.:-**

1. This appeal under the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970 is directed against the judgment of the Madras High Court by which the High Court set aside the order of acquittal passed by Sessions Judge, Salem. We have gone through the evidence adduced by the prosecution and have also perused the judgment of the High Court and the learned Sessions Judge. The facts of the case have been detailed in the judgment of the High Court and that of the Sessions Judge and it is not necessary for us to repeat the same all over again. The central evidence against the appellant consisted of two circumstances : (1) that the appellant was produced by P. Ws. 2 and 3 before the Police Station and soon after the F. I. R. was lodged; (2) the evidence of P. Ws. 2 and 3 shows that the appellant assaulted the deceased with an Aravel and inflicted several injuries which resulted in her death.

2. The learned Sessions Judge after considering the evidence was not satisfied that the prosecution

case was proved. The High Court in appeal against the order of acquittal held that the case against the appellant was fully proved and it accordingly set aside the judgment of the Sessions Judge. The High Court believed the evidence of P. Ws. 2 and 3 and also placed reliance on the evidence of P. W. 1 Mukhoty appearing as amicus curiae for the appellant, has been of great assistance to us and has placed the entire evidence before us. While we agree the P. W. 1 in view of the discrepancies found in his evidence should not have been relied upon, we are satisfied that there is no reason to distrust the evidence of P. Ws. 2 and 3. These witnesses are absolutely independent and disinterested and they have no animus against the appellant. The High Court was fully justified in acting on their evidence. No reasonable explanation has been furnished by the accused for the circumstance that P. Ws. 2 and 3 caught and accused almost red-handed and produced him before the Police Station. In the circumstances, we cannot say that the conclusion arrived at by the High Court was wrong. Nor we can say that the view taken by the Sessions Judge was reasonably possible. For these reasons, therefore, we do not find any merit in this appeal which is accordingly dismissed.

Appeal dismissed.