

Kannan and Another

Vs

State of Tamil Nadu

Criminal Appeal No. 694 of 1979 and S.L.P. (Cri.) No. 1839 of 1981

(O. Chinnappa Reddy, R. B. Misra JJ)

24.03.1982

JUDGMENT

CHINNAPPA REDDY, J. -

1. Criminal Appeal No. 694 of 1979 is by kannan and Special Leave Petition No. 1839 of 1981 is by Lakshmanan, the 7th and 6th accused respectively in a case tried by the learned IVth Additional Sessions Judge, Madras Division. They along with five others were convicted by the learned Sessions Judge on various counts of conspiracy, murder, robbery, abduction etc. and sentenced to death. Having gone through the record, we find that the evidence fully justified the convictions. The only question which requires consideration is that of sentence. The murders were committed for gain and pursuant to plans hatched by some of the fellow accused. The one redeeming feature, so far as these two accused are concerned, is that, notwithstanding the fact that they were directly responsible for the murder of one of the victims, they were not the moving spirits of the band of criminals but were really 'junior partners', if one may use such an expression, in the perpetration of the crimes. Their appearance on the scene was itself at a late stage and from the evidence it would appear that they were instrument's in the hand of and under the domination of their fellow accused. In addition, there is also the circumstance that more than seven years have elapsed since the imposition of the death penalty on them. Taking into account, all the circumstances, we think that the sentence of imprisonment for life should be substituted for the sentence of death in the case of the two accused Kannan and Lakshmanan. Criminal Appeal No. 694 of 1979 filed by Kannan is allowed to this extent. Special Leave Petition No. 1839 of 1981 is allowed and the appeal of Lakshmanan is also allowed to the extent indicated.

</html