

SUPREME COURT OF INDIA

State of T.N.

Vs.

Seeni Ambalam

Crl.A.No.273 of 1977

(P. B. Sawant and S. C. Agrawal, JJ.)

01.08.1990

ORDER

1. This is an appeal against the acquittal filed by the State Government. Originally eight accused were arraigned for the offences under Section 302 read with Section 149 of the IPC. The trial Court had convicted accused No. 2 and accused No. 3 for the offence under Section 302 simpliciter, whereas, it had convicted accused No. 1 and accused Nos. 4 to 8 for the offence under Section 302 read with Section 149. Accused Nos. 2 and 3 were sentenced to death, while the rest of the accused were sentenced to life imprisonment. Against the said order, all the accused had preferred an appeal in the High Court. The High Court by the impugned order had acquitted all of them of all the offences.

2. According to the prosecution, the incident occurred on 30th of September, 1972 at about 9.30 a.m. and the autopsy was performed by the Medical Officer (PW 10) at 3.30 p.m. on the very day, i.e., within six hours. His evidence further shows that the body had started decomposing. According to him, in Madurai District where the offence had occurred, the rigor mortis lasts for 18 to 24 hours. It generally starts within one to two hours of the death and develops within two hours thereafter. If this Medical evidence is correct, then the death had occurred much before 9.30 a.m. on 30th September, 1972 and the entire prosecution version of the incident appears concocted. It also shows

that the evidence given by the so-called eye-witnesses, viz., PW 1 to PW 5 does not pass muster. This is apart from the fact that PW 1 is a relation of the deceased whereas PWs 2 and 3 are admittedly the coolies hired by the father of the deceased. As far as PWs 4 and 5 are concerned, they are no better than chance witnesses. These are some of the circumstances which have been pointed out by the High Court to disbelieve the prosecution story. We do not see any infirmity in this reasoning. In any case, the finding recorded by the High Court on the basis of these infirmities in the prosecution evidence cannot be said to be either unreasonable or perverse. Hence, there is no need to interfere with the order of the High Court while exercising our jurisdiction under Article 136. The appeal is, therefore, dismissed.

Appeal dismissed.

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