

Chinnam Chandraiah

Vs

State of A. P.

Criminal Appeal No. 390 of 1981

(S. C. Agrawal, S. Mohan JJ)

06.03.1992

JUDGMENT

1. The accused was charged under S. 302, I.P.C. for an offence which took place on 25-9-1977. The accused Chinnam Chandraiah and the deceased Chinnam Somulu were undivided brothers. There were differences between them due to the demands of Somulu for partition of the property.
2. On the fateful day, when both of them and the mother were sleeping in front of the house in the open yard, the accused beat the deceased with the cart-peg at about 11.00 p.m. causing bleeding injuries. The deceased became unconscious. Thereafter, the deceased was taken to Inkollu for medical aid where he died. Thus, the accused was charged under S. 302, I.P.C.
3. The prosecution examined P.Ws. 1 to 13 and marked Exs. P-1 to P-19 and MOs. 1 to 9. The accused stated that he had no defence evidence to offer and his plea was one of denial. The learned Sessions Judge accepting the evidence of P.Ws. 2-4, who were eye-witnesses came to the conclusion that the accused alone was responsible for causing the injuries. P.W. 9 is the Medical Officer who conducted the post-mortem on 27th May, 1977. On an examination of the injuries found on the body, he was of the opinion that the death occurred due to shock and extensive damages to the brain and multiple fractures etc. Accordingly, he issued a post-mortem certificate. The learned Sessions Judge on a careful analysis of the evidence came to the conclusion that the prosecution has made out fully the charge and accordingly convicted him u/S. 302, I.P.C.
4. On appeal the Division Bench of the High Court heard the appeal. Concurring with the learned Sessions Judge, it found that the evidence of P.Ws. 2 to 4 clearly establishes the case of the prosecution. Merely because there were some discrepancies which are immaterial. Their evidence could not be disbelieved. They were neighbours. They had no inimical feelings towards family of the accused. By reason of that independent evidence, the findings of the learned Sessions Judge were accepted. The plea that the deceased was attacked by some unknown offenders was rejected having regard to the conduct of P.Ws. 1 to 6. In fact, P.Ws. 1 to 6 tried their best not to inform police about the incident.
5. It is argued that the evidence of P.Ws. 2 to 4 ought not to have been accepted. Further no one has seen as to the actual occurrence. This is the only plea raised before us. We are unable to accept this plea. On the contrary, we find the evidence is overwhelming. As a matter of fact, the evidence is to the effect when P.Ws. 2 to 4 questioned the accused as to why he was beating the deceased, he categorically stated unless the deceased is killed they cannot get rid of the evil in the house.

Therefore, the conclusion is inescapable that the deceased (accused?) alone caused the injury in the manner suggested by the prosecution. The conviction u/S. 302 and the sentence of life imprisonment are fully warranted in this case. We see no justification to interfere. The appeal is accordingly dismissed. Appeal dismissed.

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