

CASE NO.:
Appeal (crl.) 327 of 2006

PETITIONER:
PACHAIYAPPAN & OTHERS

RESPONDENT:
STATE BY INSPECTOR OF POLICE

DATE OF JUDGMENT: 06/02/2008

BENCH:
P.P. NAOLEKAR & LOKESHWAR SINGH PANTA

JUDGMENT:
JUDGMENT
O R D E R

CRIMINAL APPEAL NO. 327 OF 2006

1. Appellants herein along with accused No. 5 Ravichandran and accused No. 6 Parasuraman were tried under Sections 147, 148, 323, 324, 326, 341, 302 read with Section 149 of Indian Penal Code (I.P.C.) for murder of Panchiappaan s/o Manickam. The trial court, by its judgment dated 27.11.2000, convicted appellants-accused No. 1 Pachiappaan, No. 2 Baskaran, No. 3 Raman and No. 4 Raghuvaran under Section 148 I.P.C. and sentenced them to undergo R.I. for two years. They were also convicted for the offence under Section 302 I.P.C. and sentenced to undergo life imprisonment and pay a fine of Rs. 1000/- and in default to undergo S.I. for three months. Appellant-accused No. 3 Raman and No. 4 Raghuvaran were convicted for the offence under Section 326 I.P.C. and sentenced to undergo R.I. for three years and pay a fine of Rs. 1000/- and in default to undergo S.I. for one month. Accused No. 5 Ravichandran was convicted for the

offence under Sections 148/324 I.P.C.; and for the offence under Section 148 IPC, he was sentenced to undergo R.I. for six months and for offence under Section 324 I.P.C., he was sentenced to undergo R.I. for six months. Accused No. 6 Parasuraman was convicted under Sections 147/341 I.P.C. and he was sentenced to undergo R.I. for one month. All the sentences of appellants-accused and accused Nos. 5 and 6 were directed to run concurrently.

2. The brief facts of the case are that the family of Panchiappaan s/o Manickam (since deceased) owns about 50 acres of land. Close to that, the appellants-accused also own land. About one year prior to the date of incident, the deceased Panchiappaan s/o Manickam purchased land from one Sekar and Arjunan and in that regard, the appellants-accused had a grievance. The appellants-accused took their bullock carts in the wet land of the deceased and in that regard, there had been dispute between the parties and in fact, both of them also filed civil suits. On 22.9.1999 at about 5.00 P.M., PW 1 Mummurthy, was doing some work in the field and at that time, appellant-accused No. 3 Raman drove a double bullock cart into his land. When PW 1 questioned about the conduct of appellant-accused No. 3, he told PW 1 that he would do so and in fact, pushed PW 1 on the ground and bit on his left cheek. PW 1 went home and narrated the incident to his father Panchiappaan s/o Manickam and PW 2 Sakuntala. At

about 8.00 p.m., Panchiappaan s/o Manickam blocked the bullock cart in which appellants-accused were crossing in front of his house and asked appellant-accused No. 3 as to why he slapped his son PW 1. Immediately, all the appellants-accused, having deadly weapons such as axe, sickle, knife, cycle chain in their hands, got down from the bullock cart, surrounded Panchiappaan s/o Manickam and then started attacking him. Appellant-accused No. 2 Baskaran attacked Pachiappaan with axe on his left leg, appellant-accused No. 3 Raman attacked with sickle on head, appellant-accused No. 4 Raghuvaran attacked with sickle on left wrist, appellant-accused No. 1 Pachiappaan attacked with knife on right chest, appellant-accused No. 3 Raman again attacked on rear head with sickle, accused No. 5 attacked with cycle chain and accused No. 6 held

PW 1 very tightly. As a result of injuries, Panchiappaan s/o Manickam fell down and succumbed to the injuries at the Government Hospital, Gingee.

3. Aggrieved by the judgment of the trial court, appellants and accused Nos. 5 and 6 preferred an appeal before the High Court. The High Court, by the impugned judgment dated 24.7.2003, upheld the conviction and sentence imposed upon the appellants-accused nos. 1 to 4 and accused No. 6 Parasusraman. So far as accused No. 5 Ravichandran is concerned, his conviction was upheld but sentence was reduced to the period already undergone by him.

4. We have heard learned counsel for the parties and carefully considered the material on record.

5. Learned counsel for the appellants has submitted that there was a delay in lodging the F.I.R. which indicates that the appellants-accused were falsely implicated by PW 1 and, thus, the whole genesis of offence was not proved by the prosecution. In the Accident Register, it has been specifically recorded by the Doctor that five known persons attacked Panchiappaan s/o Manickam. Some delay in filing the FIR in police station which was about 11 K.M. away from the place of incident, would not indicate that false FIR was lodged against the appellants-accused. Further, PWs 1 and 2, who are the eye witnesses and also received injuries at the time of incident, have supported the prosecution case corroborated by medical evidence.

5. For the aforesaid reasons, we do not find any infirmity in the impugned judgment of the High Court. The appeal is, accordingly, dismissed.