

CASE NO.:
Appeal (crl.) 1013 of 2006

PETITIONER:
Kuchibotla Saran Kumar

RESPONDENT:
State of A.P.

DATE OF JUDGMENT: 04/04/2008

BENCH:
S. B. SINHA & HARJIT SINGH BEDI

JUDGMENT:
J U D G M E N T
(NON-REPORTABLE)

CRIMINAL APPEAL NO.1013 OF 2006

HARJIT SINGH BEDI, J.

1. This appeal by way of special leave arises out of the following facts.

2. P.Sesha Sudha, the deceased herein, got her M.Tech. Degree from the J.N.T.U., Hyderabad and joined as an ad-hoc Lecturer in the college of which, PW1 P.Ramakrishna Reddy was the Principal. As the parents of the deceased were keen that she should settle down in marriage, they were considering some suitable boy for that purpose. She accordingly informed her parents PW 6 P.Koorma Rao and PW 7 Smt.P. Nalini that she wanted to marry the accused and though initially they were reluctant about her choice, they accepted her proposal on her insistence. The matter was accordingly discussed with his parents as well and the marriage was fixed at the Green Park Hotel at Vishakapatnam for 23rd March 2000 and an advance of Rs.2,000/- was also paid to confirm the booking. It appears, however, that before the marriage could be solemnized, differences arose between the two and they informed PW6, the father of the deceased that they were not keen to go ahead with the marriage. The accused however telephoned PW6 separately and informed him that though the deceased was not inclined towards the marriage, he was still interested in doing so and that he would not marry any one else. At about 11 a.m., on 9th February 2000, PW2 J.Bhagwan Reddy informed PW1 P.Ramakrishna Reddy that they had found the dead body of P.Sesha Sudha lying in the Electrical Engineering Laboratory. Enquiries were made by PW1 P.Ramakrishna Reddy and PW2 J.Bhagwan Reddy from several persons and they were told that on the previous day the accused and the deceased had been seen together. The Police which had also been informed, arrived at the Laboratory at about 11.30 a.m. on which PW1 gave a type written report Ex.P.1 to PW19 P. Santosh Kumar and the formal FIR was registered under Section 302 of the IPC naming the accused as the assailant. The necessary enquiries were also made by PW19 at the place of incident and the dead body was thereafter sent for the post-mortem examination. The post-mortem held on 10th February 2000 by PW13 Dr. B. Jagan Mohan, Assistant Professor, Forensic Medicine, Osmania Medical College, Hyderabad revealed that the cause of death was strangulation by a ligature. PW19 also made a search for the accused and he was ultimately arrested

from Vishakapatnam from his uncle's house at about 3.30p.m. on 13th February 2000. On the interrogation of the accused, several articles, Ex. P-10, P-11, P-13, P15 and P-18 were recovered from him. On the completion of the investigation, the accused was charged for an offence punishable under Section 302 of the IPC. He pleaded innocence and claimed trial.

3. The prosecution examined 19 witnesses in all i.e. PW1 to PW19 and also produced several documents in support of its case. PW5 V. Subbalaxmaiah and PW9 Jaipal Reddy however did not support the prosecution and they were declared hostile. The trial court held that the deceased and the accused were residents of Vishakapatnam and that they had been in love since their college days and that the love had fructified into a proposal for marriage which had also been fixed for 23rd March 2000 at the Green Park Hotel at Vishakapatnam. The trial court also observed that the accused, in his statement recorded under Section 313 of the Cr.P.C, had in fact admitted the marriage proposal but denied that any dispute had arisen subsequently leading to its break up. The court, however, observed that the parents of the deceased, PWs.6 and 7 had confirmed that their daughter had called off the marriage as the accused had been insulting and beating her in the presence of strangers and that the accused had even telephoned them on several occasions and threatened that in case their daughter did not marry him and were to marry some one else, he would kill her and that this part of the evidence had been confirmed by PW16 A. Srinivas Rao as well. Corroboration for this statement was also taken from the evidence of Satish Singh, PW15 an HRD Consultant who knew the deceased and the accused and deposed that they were proposing marriage and that a common friend Vani Prasad (who too was the family friend of the couple) had informed him that the deceased had called him in the first week of January 2000 to her hostel and on going there, he had found the deceased and the accused talking to each other and while the accused was insisting that they should get married, the deceased was refusing to do so. PW15 also deposed that some letters which the deceased had written to the accused had been returned to her on his insistence. The Court further found that the deceased had left Vishakapatnam on 5th February 2000 and returned to Hyderabad by the Godavari Express on the morning of 8th February 2000 and had gone to her college but as it was the sports day, no classes had been held and that the accused had telephoned PW6 P.Koorma Rao seeking to ascertain the programme of the deceased and after having done so, had gone to her college and thereafter committed her murder with the chunni that she had been wearing. The Court also concluded that the conduct of the accused also pointed to his guilt as he had gone to his flat at Ramanthapur, taken his luggage, left his scooter in the house of his relative in Marredpally, Secunderabad and then gone on to Jangan and wandered around aimlessly at Nellore and Chennai and had ultimately returned to Vizag and on 13th February 2000 at about 3.30 p.m, and had been arrested by PW19 P. Santosh Kumar and thereafter several incriminating articles had been recovered from his residence. The court also believed the statement of PW3 A. Hanumantha Rao, a Lab Technician and PW-2 J.B. Reddy, the Head of Department where the deceased had been employed as an ad-hoc Lecturer that they had seen the accused and the deceased talking animatedly with each other near the Scooter Parking of the Department at about 11 or 11.30 a.m. on 8th February 2000 and observed that these were independent witnesses

who had no axe to grind against the accused and that from the evidence of PW3 A. Hanumantha Rao and PW5 V. Subbalaxmaiah, it was clear that the Laboratory had been locked up at 4.30 p.m. on 8th February 2000 and that the dead body could not be noticed earlier as it was lying in a place which was not visible from the door. The Court relied on the medical evidence and observed that the presence of the ligature mark over the neck and other injuries fully supported the case of the prosecution regarding the cause of death and the manner in which it had been caused. The court found further corroboration from the recoveries at the instance of the accused, more particularly the relevant entries in the arrival and departure registers at the Shiva Hotel (Ex.P-62 and 63) where the accused had stayed under the assumed name of K.V. Reddy on 11th February 2000 from 1.00 p.m. to 9.00 p.m. and the arrival and departure registers of hotel Sunder, Nellore Ex.P65, copy of the bill dated 11th February 2000 Ex.P-66 and the advance receipt Ex.P-67 which supported the prosecution story that the accused had absconded and had been hiding from the police. The court also held from the evidence of PW10, the General Manager of the APTECH Institute where the accused was working and who had produced documents to show that the accused had applied for 2 days leave for 7th and 8th February 2000, and that he was to be out of station on 6th February 2000 and that he had intended to go to Hyderabad and that he had reached Hyderabad on 7th February 2000 and on ascertaining from her parents, the programme of the deceased, had returned to Vishakapatnam on 8th February 2000 and gone to the college and met her. The trial court accordingly convicted and sentenced the accused for an offence punishable under section 302 of the IPC and sentenced him to undergo imprisonment for life and to pay a fine of Rs.500/- and in default of payment of fine, simple imprisonment for three months. The matter was taken in appeal before the High Court which has confirmed the findings of the trial court leading to the present appeal by way of special leave.

4. We have heard the learned counsel for the parties.
5. The learned counsel for the appellant has reiterated the arguments raised before the trial court. We now re-examine the evidence. The fact that the couple had proposed to marry is virtually admitted and is even otherwise proved on record by ample evidence. The fact that the marriage had been fixed for 23rd March, 2000 as also the fact that an advance payment for the booking of the marriage venue, that is the Green Park Hotel at Vishakapatnam had also been made, is proved on record. We also find that there is a clear cut motive for the murder as the parents of the deceased, as also several other witnesses who knew the couple have categorically deposed that the appellant had warned that in case the deceased would not marry him she would be killed as he would not tolerate her marriage to anyone else. In addition to this, it is clear from the evidence of PW 19 that he had recovered certain love letters from the accused written to the deceased by the accused and that these letters along with the admitted hand writing of the accused had been sent to the Forensic Science Laboratory which opined in its report Ex.P-70 that the writings were of the same person. We also find that the conduct of the accused in absconding and attempting to hide his identity after the murder stands proved by the fact that he had registered in Hotel Shiva, Chennai and Hotel Sunder at Nellore under the assumed name of K.V. Reddy and these entries were also proved as being in the handwriting of the accused in the report Ex.P-70. It is significant that the accused had admitted during the course of statement under

Section 313 of the Cr.P.C that most of the items which had been sent to the Forensic Science Laboratory had been seized by the police at Vishakapatnam. It has also been clearly revealed that the deceased and the accused had been seen together on the day of the murder talking animatedly in the premises of the College by several witnesses. We also find that the trial court and the High Court have discussed the evidence threadbare. We find no fault in the judgments of the courts below. The appeal is accordingly dismissed.

JUDIS