

REDDY SAMPATH KUMAR
v.
STATE OF ANDHRA PRADESH

SEPTEMBER 8, 2005

[H.K. SEMA AND TARUN CHATTERJEE, JJ.]

Penal Code, 1860—Sections 302 & 57—Murder—Medical practitioner allegedly caused death of his parents-in-law and their three minor children by administering them poison through injection—Act allegedly done with the intention of grabbing property—Conviction by Courts below—Validity of—Held, valid—Prosecution established circumstantial evidence against the accused-appellant beyond all reasonable doubt by leading cogent evidence—Deterrent punishment is warranted for such gruesome, pre-mediated and cold blooded murder—Appellant sentenced to imprisonment in terms of S. 57 IPC without any entitlement to remission.

According to the prosecution, Appellant - a medical practitioner caused the death of his parents-in-law and their three minor children by administering them poison through injection. He did the act by making them believe that they were suffering from AIDS, whereas it was a fact that no member of their family was suffering from AIDS. Appellant allegedly committed the act with the intention of grabbing the property of his father-in-law. Trial Court convicted the appellant under Section 302 IPC and sentenced him to undergo rigorous imprisonment for life. On appeal, the High Court confirmed the conviction. Hence the present appeal.

Dismissing the appeal, the Court:

HELD: 1.1. The case rests entirely on circumstantial evidence. Both the Trial Court and the High Court recorded the finding concurrently as to the circumstances leading to the guilt of the appellant which would complete the chain and is incapable of explanation of any other hypothesis except that of the guilt of the appellant. The circumstances which were established against the appellant have been concisely enumerated by the High Court. [135-D-E]

A 1.2. It is well settled principle of law that in order to sustain conviction, the circumstantial evidence must be complete and incapable of explanation of any other hypothesis except that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence. [136-C]

B 1.3. In this case prosecution has established the circumstantial evidence against the appellant beyond all reasonable doubt by leading cogent evidence. Therefore, there is no infirmity in the concurrent findings recorded by the trial court and the High Court which would warrant interference by this Court. [136-D]

C 2.1. The facts of this case shocked the judicial conscience. The gruesome murder was perpetrated in cold blooded, premeditated and well organized manner. It calls for deterrent punishment. Such gruesome and cold blooded murder with a view to grab the property is not only delict the law but also have a deleterious effect in civil society. [136-E]

D 2.2. Considering the nature of the crime and the manner in which it has been perpetrated, the ends of justice would warrant that the appellant should be in jail in terms of Section 57, IPC. It is directed that the appellant shall not get the benefit of any remission either granted by the State or by Government of India on any auspicious occasion. [136-F-G]

E CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No. 551 of 2004.

From the Judgment and Order dated 5.9.2003 of the Andhra Pradesh High Court in CrI.A. No. 313 of 2001.

F Ansar Ahmad Chaudhary for the Appellant.

P. Vinay Kumar and Mrs. D. Bharathi Reddy for the Respondent.

The Judgment of the Court was delivered by

SEMA, J. Heard parties.

G The sole appellant was put to trial under Sections 302/201/467/468/420 IPC and under Section 15(2)(b) of Indian Medical Council Act, 1956. The trial court after threadbare discussion of the evidence and documents placed on record convicted the appellant under Section 302 IPC and sentenced him to undergo rigorous imprisonment for life and fine of Rs. 200 each on five counts and in default to undergo simple imprisonment for one month on each

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count. On appeal, the High Court confirmed the conviction. Hence, this appeal by special leave. A

The facts established are that in the intervening 11/12 March, 1998 the accused who was medical practitioner caused the death of his father in law, mother in law and their three minor children due to poisoning by Pan curonium bromide, the trade name of which is 'Pavulon', which was administered through injection. B

The facts of this case, as unfolded by the prosecution story shocked judicial conscience. A greedy son-in-law with the intention of grabbing the property of father-in-law wiped out the entire family; even three minor innocent children were not spared. C

The case rests entirely on circumstantial evidence. Learned counsel for the appellant has taken us to the prosecution evidence. He has also taken us to the judgment rendered by the trial court and the High Court. Both the trial court and the High Court recorded the finding concurrently as to the circumstances leading to the guilt of the appellant which would complete the chain and is incapable of explanation of any other hypothesis except that of the guilt of the appellant. D

The circumstances which were established against the appellant have been concisely enumerated by the High Court as follows:- E

1. That the accused was son-in-law of deceased 1 and 2 and he was practicing medicine. F
2. That he made the deceased family believe that they were suffering from AIDS, whereas it was a fact that no member of the family was suffering from AIDS. F
3. He took deceased No. 1 to Dr. Ramesh Kumar (PW9), got him examined and also subjected him to various investigations for the purpose of arriving at diagnosis. F
4. That the accused also made them believe that he could treat them by getting some injections from Calcutta and for this purpose he took money twice from deceased No. 1. G
5. He had also access to certain hospitals and people connected with medicines and sale of medicines. G
6. That he had purchased Pavulon injection from M/s Jaya Krishna H

- A Medical Hall, Godavarikhani on 1.3.1998.
7. He was seen at the house of the deceased persons around 10.00 and 11.00 p.m. on the fateful night of 11.3.1998.
 8. On that night of the occurrence, he had managed to keep his wife away from the house of in laws and from his own house.
- B 9. That the death, according to the medical opinion, was caused due to poisoning by Pan curonium bromide, the trade name of which is 'Pavulon' which was administered through injection.

C It is well settled principle of law that in order to sustain conviction, the circumstantial evidence must be complete and incapable of explanation of any other hypothesis except that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence.

D In view of the aforesaid legal principle laid down in catena of decisions of this Court, we are clearly of the view that in this case prosecution has established the circumstantial evidence against the appellant beyond all reasonable doubt by leading cogent evidence. We are, therefore, of the view that there is no infirmity in the concurrent findings recorded by the trial court and the High Court which would warrant our interference.

E The facts of this case as already noticed shocked the judicial conscience. The gruesome murder was perpetrated in cold blooded, premeditated and well organised manner. It calls for deterrent punishment. Such gruesome and cold blooded murder with a view to grab the property is not only delict the law but also have a deleterious effect in civil society.

F At the time of granting leave, this Court did not issue notice for enhancement of punishment. However, considering the nature of the crime and the manner in which it has been perpetrated, the ends of justice would warrant that the appellant should be in jail in terms of Section 57 of the Indian Penal Code. We direct that the appellant shall not get the benefit of any remission either granted by the State or by Government of India on any auspicious occasion.

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Appeal is dismissed with the aforesaid directions.

B.B.B.

Appeal dismissed.