

Ramireddi Venkatasubba Reddy and Others Vs State of A.P.

Court: Andhra Pradesh High Court

Date of Decision: Oct. 3, 2001

Acts Referred: Explosive Substances Act, 1908 " Section 3, 5
Penal Code, 1860 (IPC) " Section 147, 148, 149, 302, 307

Citation: (2002) CriLJ 770

Hon'ble Judges: T. Gopala Krishna, J; Ramesh Madhav Bapat, J

Bench: Division Bench

Advocate: C. Padmanabha Reddy for M.B. Thimbba Reddy, for the Appellant; Public Prosecutor, for the Respondent

Judgement

Ramesh Madhav Bapat, J.

Appellants herein were accused Nos. 2 to 21 in sessions case No. 459/1996 on the file of the IV Additional

Sessions Judge, Kurnool. A1 was not produced from the Central Prison, Cuddapah, as he was involved in another case in which he was convicted

for life and hence the case against him was separated and numbered as S.C. No. 424 of 1999. The case against him, therefore, was separated and

trial proceeded against the remaining accused only. Accused-appellants were tried for eighteen different charges. First charge against A1 to A21

was u/s 148 I.P.C. Second charge against them was u/s 307 I.P.C. Third charge against A1, A2, A12, A13, A15, A16, A19 and A20 was u/s

302 I.P.C. Fourth charge against A3 to A11, A14, A17, A18 and A21 was u/s 302 read with 149 I.P.C. Fifth charge against A2, A12, A13,

A16, A19 and A20 was u/s 302 I.P.C. Sixth charge against A1, A3 to A11, A14, A17, A18 and A21 was u/s 302 read with 149 I.P.C. Seventh

charge against A7, A12, A13, A15, A16, A19 and A20 was u/s 302 I.P.C. Eighth charge against A1 to A6, A8 to A11, A14, A17, A18 and

A21 was u/s 302 read with 149 I.P.C. Ninth charge against A3, A12, A13, A15, A16, A19 and A20 was u/s 302 I.P.C. Tenth charge against

A1, A2, A4 to A11, A14, A17, A18 and A21 was u/s 302 read with 149 I.P.C. Eleventh charge against A3 to A16 and A17 was u/s 302 I.P.C.

Twelfth charge against A1, A2, A7 to A16, A18 and A21 was u/s 302 read with 149 I.P.C. Thirteenth charge against A15, A16 and A19 was

u/s 302 I.P.C. Fourteenth charge against A1 to A14, A17, A18, A20 and A21 was u/s 302 read with 149 I.P.C. Fifteenth charge against A6, A8

and A17 was u/s 302 I.P.C. Sixteenth charge against A1 to A6, A7, A9 to A16, A18 and A21 was u/s 302 read with 149 I.P.C. Seventeenth

charge against A1 to A4, A6 to A8, A15 and A16 was u/s 3 of the Explosive Substances Act and eighteenth charge against A1 to A4, A6 to A8,

A15 and A16 u/s 5 of the Explosive Substances Act.

2. On evidence, A2 to A21 were found guilty. The learned Judge convicted A2 to A8, A12, A13, A14 to A17, A19 and A20 for the offences

punishable under Sections 302, 307 and 148 I.P.C. The learned Judge sentenced them to undergo imprisonment for life for the offence punishable

u/s 302 I.P.C., rigorous imprisonment for five years for the offence punishable u/s 307 I.P.C. and rigorous imprisonment for two years for the

offence punishable u/s 148 I.P.C. A9, A10, A11, A14, A18 and A21 were found guilty of the offences punishable under Sections 302 read with

149 and 307 read with 149 and 148 I.P.C., and, therefore, were convicted the those offences. The learned Judge sentenced them to suffer

imprisonment for life for the offence punishable u/s 302 read with 149, rigorous imprisonment for five years for the offence punishable u/s 307 read

with 149 I.P.C. and rigorous imprisonment for two years for the offence punishable u/s 148 I.P.C.

3. The learned Judge further convicted A2 to A4, A6 to A8, A15 and A16 for the offence punishable under Sections 3 and 5 of the Explosive

Substances Act and sentenced them to suffer rigorous imprisonment for one year.

4. All the substantive sentences imposed upon the accused-appellants were directed to run concurrently.

5. The gravamen of the charge against the accused was that on 7.7.1995 at about 2.30 p.m., near 28 Km. Koilkuntla - Nandyal Revanur road at

Kalugotla bus stop, they formed themselves into an unlawful assembly with the common object of causing deaths of Sundara Rami Reddy

(hereinafter referred to as "D1"), Siva Rami Reddy (hereinafter referred to as "D2"), Sankara Reddy (hereinafter referred to as "D3"), Ramalinga

Reddy (hereinafter referred to as "D4"), Lokanatha Reddy (hereinafter referred to as "D5"), Pedda Kambagiri (hereinafter referred to as "D6")

and Dakka Muniswamy (hereinafter referred to as "D7") of Revanur village. It is further alleged that during the course of the same transaction, the

accused persons caused injuries to P.Ws. 1 to 4.

6. Prosecution story can be briefly narrated as follows. All the accused persons and P.Ws. 1 to 6 and 19 are residents of Revanur village. A1 was

the leader of one group and Siva Rami Reddy, who is D2 in this case, was the leader of another group. There were factions between the two

groups since assembly elections which took place in the year 1983. A2 to A21 were followers of A1. There were frequent quarrels between the

two groups. In the month of May 1983, an attempt was made by the accused on Siva Rami Reddy to kill him. After three months, the followers of

Siva Rami Reddy, by names Hussaini and Venkata Siva Reddy, were murdered by A1 and his followers. In the month of April 1994, brother of

Siva Rami Reddy was murdered by A1 and his followers.

7. In retaliation of the above two murders, one of the followers of A1 was murdered in the year 1993 by Siva Rami Reddy and his followers. A1,

A3 and others were convicted in the murder case of Venkata Siva Reddy. All important political posts were held by the group of Siva Rami

Reddy. Therefore, A1 to A21 developed grudge against them.

8. It is the further case of the prosecution that Panchayat elections to Revanur village were due to be held during the month of June 1995.

Inspector of Police, Koilkuntla, by name S. Kesavaiah, who was examined as P.W. 22 in this case, visited Revanur village. He called both parties

and tried to bring about a compromise by selecting a man from the group of Siva Rami Reddy (D2) as the Sarpanch unanimously. At that time,

C.I. of Police, P.W. 22, raided the houses of both groups and seized country-made bombs from the houses of the followers of A1. No bombs

were found from the house of the followers of the deceased. In that connection, P.W. 22 directed Siva Rami Reddy (D2) to come to Koilkuntla

police station along with his followers.

9. It is the further case of the prosecution that in pursuance of the direction given by P.W. 22, on 7.7.1995 at about 10.00 a.m., 20 people

belonging to the group of D2 including P.Ws. 1 to 6, 19 and the other deceased persons went to the Koilkuntla police station by a tractor driven

by P.W. 19. P.W. 22 enquired them about the bombs found by him. Later he asked them to go away. Thereafter all the people took their meals in

Koilkuntla and left for their village by the same tractor at about 2.00 p.m. They crossed Kaligutla cross-road and reached the tea shop of one

Ramachandraiah.

10. It is the further case of the prosecution that two lorries were found stationed by the side of the road at the above said place. All the accused

persons were there. When the tractor reached near the said lorries, A1 hurled a country-made bomb into the tractor which caused the death of

Sankar Reddy (D3), who happened to be the father of P.W. 1. A2 is alleged to have hurled a bomb into the tractor which caused the death of

Lokanatha Reddy (D5). A7 is also alleged to have hurled a bomb and the bomb hit Kanbagir (D6). The Driver of the tractor P.W. 19 got down

from it and escaped. Some of the persons in the tractor got down and began to run away. While D4 was trying to escape, A3 hurled a bomb at

him and caused injuries to him. P.Ws. 1, 5, one Pedda Hussainaiah and P.W. 19 hid themselves behind the hotel. Thereafter, A2, A12, A13, A15,

A16, A17, A19 and A20 being armed with stones, sickles and dangers attacked D5, D6, D3 and D4 and beat them with deadly weapons. On

seeing the attack, D2, D1 and D2 began to run towards west. At that time, A4 hurled a country-made bomb against D1. As a result, D1 fell

down. Then A17 is alleged to have hacked him with a hunting sickle on his hand. A5 beat him with a stick. A6 hurled a big stone at his face. A19,

A16, A15 and A9 chased D2 and beat him with hunting sickles and daggers and caused his death. A19 is alleged to have hacked him with a

hunting sickle on his head. A16 hurled a stone at his head. At a distance of 40 to 50 ft., from that place, A17, A8 and A6 attacked D7. It is said

that A17 hacked D7 with a hunting sickle on his stomach and when D7 fell down, the other two accused persons hurled bombs at him. A15 and

16 also hurled bombs towards Siva Rami Reddy. Though the bombs exploded, they did not hit Siva Rami Reddy. The other accused persons

present there were armed with bombs, sickles and other weapons. After the attack, all the accused persons escaped from the scene of offence.

11. It is further stated by the prosecution that P.Ws. 1, 5, 19 and one Pedda Hussain informed their people at Revanur village about the attack.

P.W. 1 prepared a written report at his house and presented the same to P.W.29, Sub-Inspector of Police, Revanur police station. The said

report is produced on record as Ex.P1. On the strength of Ex.P1, P.W. 29 registered the case in crime No. 11/1995 under Sections 147, 148,

307 and 302 read with 149 I.P.C., and under Sections 3 and 5 of the Explosive Substances Act. He sent copies of the F.I.R. to all concerned

including Judicial Magistrate of First Class, Nandyal.

12. It is the further case of the prosecution that P.W. 30, Inspector of Police, Allagadda, on receiving instructions from the Sub-Divisional Police

Officer, followed him to the scene of offence. P.W. 30 observed that there was a huge crowd gathered and assaulting P.W. 22, Inspector of

Police, Koilkuntla. Meanwhile some other police officers and staff reached the scene of offence and brought the situation under control.

13. On enquiry, P.W.30 learnt that some people including the injured proceeded towards Revanur and Koilkuntla. He expected that F.I.R. must

have already reached Revanur police station. He, therefore, proceeded to Revanur police station. By the time he reached there, P.W.1 was

already present there and P.W. 29, Sub-Inspector of Police, was preparing F.I.R. in crime No. 11/1995. P.W. 30 received a copy of the F.I.R.

He took up investigation.

14. P.W. 30 examined P.W. 1 and recorded his statement. He learnt that some of the injured witnesses were admitted in Koilkuntla hospital. He,

therefore, proceeded to the hospital and recorded the statements of P.Ws. 2 to 4 and one Kesava Reddy. P.W. 30 referred P.W. 1 for medical

examination. At about 9.00 p.m., P.W. 30 seized bloodstained clothes of P.Ws. 1 to 4 and Kesava Reddy and M.Os. 1 to 9, 60 and 61 under

Panchanama Ex.P33. P.W. 30 then proceeded to the Circle Office, Koilkuntla, secured the presence of P.Ws. 5, 6, 19 and five others and

recorded their statements.

15. On 8.7.1995, P.W. 30 conducted inquest over the dead body of D1 in the presence of P.W. 11 and seized M.Os.10 to 18 and 19 from the

scene of offence. Ex.P11 is the inquest report in respect of D1. P.W. 30 prepared a rough sketch of the scene of offence which is produced on

record as Ex.P34. He got the dead bodies photographed.

16. P.W. 30 sent the dead body of D1 to P.W. 16-Dy.Civil Assistant Surgeon, Government Hospital, Nandyal, for post-mortem examination. On

receipt of requisition and the dead body of D1, P.W. 16 conducted autopsy on 8.7.1995 at 1.00 p.m. He opined that the death was due to

multiple injuries. He noted 12 injuries on the dead body of D1. Ex.P24 is the post-mortem certificate issued by him in respect of D1.

17. On the instructions of the Superintendent of Police, Kurnool, P.W. 23 conducted inquest over the dead body of D2-Siva Rami Reddy in the

presence of P.Ws. 12. During the inquest, P.W. 23 seized M.Os.20 to 30 and bloodstained clothes of D2. Ex.P12 is the inquest report in respect

of D2. P.W. 23 then sent the dead body of D2 for post-mortem examination to P.W. 16, Dy. Civil Assistant Surgeon, Government Hospital,

Nandyal. P.W. 16 conducted autopsy over dead body of D2 on 8.7.1995 at 11.30 a.m. He opined that the death was due to multiple injuries.

Ex.P23 is the post-mortem certificate issued by the Doctor in respect of D2.

18. On the instructions of the Superintendent of Police, Kurnool, P.W. 24 conducted inquest over dead body of the deceased of Sankar Reddy

(D3) in the presence of P.W.13. Ex.P13 is the inquest report. P.W. 24 later sent the dead body of D3 to P.W. 17 for conducting post-mortem

examination. P.W. 17 is the Deputy Civil Assistant Surgeon, Government Hospital, Nandyal. On receipt of requisition he conducted post-mortem

examination over the dead body of D3 at 11.45 a.m., on 8.7.1995. Ex.P25 is the post-mortem certificate issued by P.W. 17 in respect of D3.

19. On the instructions of the Sub-Divisional Police Officer, Allgadda, P.W. 25 conducted inquest over the dead body of Mallu Ramalinga Reddy

(D4) in the presence of P.W.13. During inquest, P.W. 25 seized M.Os. 36 to 40 and bloodstained clothes of D4. Ex.P14 is the inquest report.

Then P.W. 25 sent the dead body of the deceased for post-mortem examination to P.W. 18, who happened to be working as the Woman

Assistant Surgeon, Government Hospital, Nandyal. She conducted autopsy over dead body of D4 and issued Ex.P27-post-mortem certificate.

20. On the same day on the instructions of Sub-Divisional Police Officer, P.W. 26 conducted inquest over the dead body of D5 in the presence of

P.W. 13. During the inquest, P.W. 26 seized M.Os.41 to 48 and bloodstained clothes of D5. P.W. 26 then sent the dead body of D5 for post-

mortem examination to P.W. 18. P.W.18 conducted autopsy over the dead body of D5 and issued Ex.P28-post-mortem certificate.

21. On the instructions of the Sub-Divisional Police Officer, P.W. 27 conducted inquest over the dead body of D6 in the presence of P.W. 13.

Ex.P16 is the inquest. The dead body was sent to Dr. V. Pullaiah for post-mortem examination. Dr. Pullaiah conducted post-mortem examination

over dead body of D6 and issued Ex.P26-post-mortem certificate. Dr. Pullaiah could not be examined, as he died.

22. On the instructions of the Superintendent of Police, Kurnool, P.W. 28 conducted inquest over the dead body of Dakka Muniswamy (D7) in

the presence of P.W. 14. During the inquest P.W. 28 seized M.Os.53 to 59. Inquest report is filed on record as Ex.P17. After the inquest was

over, dead body of D7 was sent to P.W. 20, Dy. Civil Assistant Surgeon, Government Hospital, Nandyal, for conducting post-mortem

examination. The Doctor conducted post-mortem examination at 11.00 a.m., on 8.7.1995 and issued Ex.P30-post-mortem certificate.

23. P.W. 15, Dy. Civil Assistant Surgeon, examined P.Ws. 1 to 4 and Kesava Reddy and issued wound certificates Exs.P22, P18, P20, P21 and

P19 respectively.

24. P.W. 30, Investigating Officer, collected all material objects seized by the other police officers and sent them to the concerned Magistrate with

a letter of advice to send them for Forensic Science Laboratory for examination. During the course of investigation, P.W. 30 examined P.Ws. 7 to

9 and one Pulla Reddy and recorded their statements. P.W. 30 arrested A1 to A5, A8 to A10, A14 to A17, A19 to A21. Those accused

persons were remanded to judicial custody. The other accused persons were arrested by Sub-Inspector of Police-In-charge of Revanur police

station. After obtaining sanction under Ex.P31, Inspector of Police, Koilkuntla, filed charge sheet in this case.

25. In order to bring guilt to the home of the accused, prosecution examined in all 30 witnesses. Out of them, P.Ws. 1 to 4 were projected as

eyewitnesses to the incident. They are also injured in the incident. There are some other eyewitnesses to the incident. Those witnesses were

examined as P.Ws. 5, 6 and 19.

26. Defence of the accused persons is of total denial.

27. Out of the witnesses examined, P.Ws. 7, 8, 9 and 19 did not support the prosecution. They were declared hostile. The learned Additional

Public Prosecutor was permitted to cross-examine them.

28. In order to prove the fact that D1 died a homicidal death, prosecution relied upon the evidence of P.W. 30 who was the Inspector of Police,

Allagadda Rural. He conducted inquest over the dead body of D1 in the presence of P.W.11 who acted as an Inquest Panch. Ex.P11 is the

inquest report. Thereafter, the dead body of D1 was sent to P.W. 16 for conducting post-mortem examination.

29. P.W. 16, who happened to be working as the Deputy Civil Assistant Surgeon, Government Hospital, Nandyal, conducted autopsy over the

dead body of D1 on receipt of requisition from the Inspector of Police, II Town Police Station, Nandyal. On examination of D1, P.W. 16 found

the following injuries.

1. Two incised injuries of about 2" x 1/2" x bone deep on the left side of occipital region.

2. An incised injury of about 2 1/2" x 3" x brain matter coming out from the wound. On dissection fracture of occipital bone found.

3. Compression on the right side of face with fracture mandible.

4. There is a big lacerated injury of about 10" x 4" x both bones exposed, muscles, vessels, exposed from below the left knee upto the lower end

of leg.

5. Multiple tattooing marks on the right leg from just below the right knee to the lower end of leg.

6. Multiple tattooing marks on the left back of about 7" x 1".

7. Multiple tattooing marks present on the right back.

8. An abrasion of about 1" in size on the back of neck.

9. Multiple tattooing marks present over the front of neck.

10. Multiple tattooing marks on the lower third of right forearm.

11. An incised injury of about 1" x 1/2" x skin deep on the right ring finger.

12. An incised injury of about 1" x 1/2" x skin deep on the left ring finger.

30. P.W. 16 issued post-mortem certificate in respect of D1 which is produced on record as Ex.P24. According to him, D1 died because of

multiple injuries and injury to vital organ brain and fracture of skull. The injuries noticed on the person of D1 could be caused by weapons like

knives and hunting sickles.

31. Considering the evidence led by the prosecution on the point of homicidal death, we do hold that D1 did die a homicidal death.

32. In order to prove the fact that D2 died a homicidal death, prosecution relied upon the evidence of P.W. 23-Inspector of Police, Nandyal, who

conducted inquest over the dead body of D2 in the presence of P.W. 12. P.W. 12 acted as a mediator. Ex.P12 is the inquest report.

33. After completion of the inquest, P.W. 23 sent the dead body of D2 to P.W. 16. P.W. 16 conducted autopsy over D2 and found the following

injuries.

1. The head is compressed from side to side.

2. A lacerated injury 3" x 1/2" x extending deep into the skull, on the left temporal region. On opening, there is fracture of both parietal and

occipital bones and also temporal bones. Brain is compressed.

3. A lacerated injury 3" x 2" x extending deeply. On opening there is injury to brain.

4. Multiple abrasions present on the right of face and head.

5. A lacerated injury of 2" x 1" x 3" extending deep just below the left costal margin in the middle axillary region.

6. On dissection all the skull bones are found fractured.

7. An elliptical stab injury 1" x 1/2" x extending deep in the lumbar region on the back.

8. Multiple small tattooing mark on the left side of chest and abdomen.

9. Three stab injuries of 1 x 1/2" x extending deep 3" above the left iliac crest. Omentum is protruding from the middle stab injury.

10. An incised injury of 2" x 1" x transversely placed on the nape of neck.

11. An incised injury of 1" x 1/2" x bone deep on the occipital area.

12. Multiple tattooing marks on the left thigh and knee on the anterior aspect.

13. Multiple tattooing marks present on the posterior aspect of left arm.

34. As per his observation, P.W. 16 issued Ex.P23-post-mortem certificate in respect of D2. According to him, the injuries 1 to 4 could be

caused by a boulder hit on the head. He further opined that injuries 5, 8, 12 and 13 could be caused by a bomb blast and injuries 7, 9, 10 and 11

could be caused by sharp weapons like knives or hunting sickles.

35. Considering the evidence led by the prosecution on the point of homicidal death, we do hold that D2 did die a homicidal death.

36. In order to prove the fact D3 died a homicidal death, prosecution relied upon the evidence of P.W. 24-Sub-Inspector of Police, who

conducted inquest over dead body of D3 in the presence of P.W. 13. P.W. 13 acted as a mediator. Ex.P13 is the inquest report.

37. After the inquest was over, the dead body of D3 was sent to P.W. 17 who happened to be working as the Deputy Civil Assistant Surgeon,

Government Hospital, Nandyal. On receipt of requisition from the Sub-Inspector of Police, Sirivella police station, he conducted autopsy over the

dead body of D3. On external examination, he found the following external injuries.

1. A lacerated injury of 8" x 6" on the head. Edges of the wound are irregular, blackened and tags of skin are hanging at the edges. Singing of hair

present.

2. Terminal phalanges of left ring and middle fingers were cut and tips are missing.

3. A lacerated injury 1" x 1" x 1/2" present on the left shoulder, edges of the wound are blackened and scorched out, and deep dissection

underlying structures are congested.

4. Multiple abrasions present on the right forearm.

5. Multiple abrasions present on the left forearm.

6. A lacerated injury of 1/2" x 1/2" x 1/2" present on the right lower leg, edges of the wounds are blackened and scorched out, and deep

dissection underlying structures are congested.

7. A lacerated injury of 1" x 1" x 1/2" on the left thigh 3" above knee joint, edges of the wound are blackened and scorched out and deep

dissection underlying structures are congested.

8. A lacerated injury 1/2" x 1/2" x 1/2" present on the left lower leg 2" below knee joint, edges of the wound are blackened and scorched out and

one deep dissection underlying structures are congested.

9. A lacerated injury of 2" x 1" x 1/2" on the front of the left foot, edges of the wound are blackened and scorched out and deep dissection

underlying structures are congested.

38. On internal examination, P.W. 17 found the following internal injuries.

1. Fracture of frontal bone found and upper part of fractured pieces are missing. This corresponds external injury No. 1.

2. Both parietal bones are missing. This also corresponds external injury No. 1

3. Fracture of the occipital bones, upper parts of the fractures pieces are missing. This also corresponds to external injury No. 1

4. Entire brain matter is missing.

39. P.W. 17 opined that D3 appears to have died due to shock and haemorrhage and the death occurred 12 to 24 hours prior to the post-mortem

examination. He further opined that the injuries noticed on D3 might have been caused by a bomb attack. Ex.P25 is the post-mortem certificate

issued by him.

40. Considering the evidence led by the prosecution on the point of homicidal death, we do hold that D3 did die a homicidal death.

41. In order to prove the fact that D4 died a homicidal death, prosecution relied upon the evidence of P.W. 25-Sub-Inspector of Police,

Allagadda Rural Police, who conducted inquest over the dead body of D4 in the presence of P.W. 13. P.W. 13 acted as a mediator. Ex.P14 is

the inquest report.

42. After the inquest was over, P.W. 25 sent the dead body of D4 to P.W. 18, who happened to be working as Woman Assistant Surgeon,

Government Hospital, Nandyal. On receipt of requisition from the S.H.O., Allagadda Rural Police Station, she conducted autopsy over dead body

of D4. On external examination, she found the following external injuries.

1. A lacerated wound on the forehead, transversely placed irregular 6" x 3", underlying frontal bones fractured and displaced exposing brain tissues

with blood clots. Brain tissue lacerated and spread and pieces around the wound.

2. A lacerated wound above the right eyebrow 1" x 1/4" obliquely placed, bone deep.

3. A lacerated wound 1/4" below the injury No. 2, 1/2" x 1/4" obliquely placed, bone deep.

4. A lacerated wound 1/4" below the injury No. 3. 2" x 1/4" obliquely placed, bone deep.

5. A lacerated wound on the right cheek 1" x irregular in shape, bone deep.

6. An abrasion on the left cheek 1/2" x 1" irregular in shape.

7. A lacerated wound on the chin 3" x 1" bone deep, irregular in shape.

8. A lacerated wound on the neck 1" x 1/2" obliquely placed, irregular in shape, edges stained black, muscle deep.

9. A lacerated wound 1 1/2" x 1/2" below injury No. 8 obliquely placed muscle deep, irregular in shape.

10. An area of blackish discolouration present on the front of abdomen.

11. A lacerated wound in the space between left thumb and index finger 1" x 1/2" skin deep.

12. An abrasion on the right hand on dorsal surface 1" x 1/2" irregular in shape.

13. A laceration 1/2" above the injury No. 12, 2" x 1" irregular in shape, skin deep.

14. A big lacerated wound on right side part of abdomen extending from 5" below the right axilla to the right hip bone 12" in length transversely

from 3" to the right umbilicus to 2" lateral to spine, about 10" in width, edges irregularly torn and containing yellowish sulphur granules, wound

exposing the underlying ribs and liver and intestines protruded through the wound associated with the fracture of right 7th, 12th ribs.

15. An area of blackish discolouration on the left thigh 1" x 1/2" irregular in shape.

43. On internal examination, P.W. 18 found the following internal injuries.

44. Fractures of frontal bone, facial bones, mandible. Stomach contained undigested rice particles. Lower border of liver lacerated and congested.

The urinary bladder is empty.

45. As per her observation, P.W. 18 issued post-mortem certificate-Ex.P27. She further stated that injuries 2 to 9, 11, 12 and 13 could be caused

by coming into contact with bomb splinters.

46. Considering the evidence led by the prosecution on the point of homicidal death, we do hold that D4 did die a homicidal death.

47. In order to prove the fact that D5 died a homicidal death, prosecution relied upon the evidence of P.W. 26-Sub-Inspector of Police who

conducted inquest over dead body of D5 in the presence of P.W. 13. P.W. 13 acted as an Inquest Panch. Inquest report is produced on record

as Ex.P15.

48. After the inquest was over, dead body of D5 was sent to P.W. 18-Woman Assistant Surgeon. On receipt of requisition from the Sub-

Inspector of Police, Uyyalwada, she conducted autopsy over dead body of D5. On external examination, she found the following external injuries.

1. A lacerated wound on the left temporal region irregular in shape 2" x 1" x bone deep.

2. A contusion on the left infrascapular region, 1/2" diameter irregular in shape.

3. Blackish tattooing (discolouration) present on both upper limbs on anterior surface here and there.

4. A lacerated wound on the left scapular region 2" x 1" x muscle deep.

49. On internal examination, P.W. 18 found the following internal injuries.

50. On dissection, fracture of left temporal parietal and left part of occipital bones, and fragments displaced causing laceration of underlying brain

tissues and blood clots found in brain tissues. This corresponds to external injury No. 1.

51. The stomach contained undigested food particles. Bladder empty.

52. Ex.P28 is the post-mortem certificate issued by P.W.18 in respect of D5. She opined that the deceased appears to have died of head injury

and the injuries noticed on the person of D5 could be caused by a bomb explosion.

53. Considering the evidence led by the prosecution on the point of homicidal death, we do hold that D5 did die a homicidal death.

54. In order to prove that D6 died a homicidal death, prosecution wants to rely upon the evidence of P.W. 27-Sub-Inspector of Police who

conducted inquest over the dead body of D6 in the presence of P.W. 13. P.W. 13 was a mediator. Ex.P16 is the inquest report.

55. After the inquest was over, the dead body of D6 was sent to Dr. V. Pullaiah. Dr. Pullaiah conducted autopsy over the dead body of D6 and

issued post-mortem certificate-Ex.P26. Dr. Pullaiah was not examined as he died. Therefore, P.W. 17-Deputy Civil Assistant Surgeon, who was

acquainted with the handwriting of Dr. V. Pullaiah, was examined to prove the post-mortem certificate. P.W. 17 proved Ex.P26-post-mortem

certificate in respect of D6.

56. Considering the evidence led by the prosecution on the point of homicidal death, we do hold that D6 did die a homicidal death.

57. In order to prove that D7 died a homicidal death, prosecution relied upon the evidence of P.W. 28-Inspector of Police, who conducted

inquest over the dead body of D7 in the presence of P.W. 14. P.W. 14 acted as a mediator. Ex.P17 is the inquest report.

58. After the inquest was over, the dead body of D7 was sent to P.W. 20-Deputy Civil Assistant Surgeon, Government Hospital, Nandyal, for

conducting post-mortem examination. On receipt of requisition from the Inspector of Police, Banaganapalle, he conducted autopsy over the dead

body of D7. On external examination, P.W.20 found the following external injuries.

59. A lacerated injury extending from the inter nipple line to the umbilicus vertically and from left axillary line from right axillary line transversely.

The anterior abdomen wall is absent above the umbilicus. Ribs 6 to 12 are fractured on both sides. The muscle tissues and skin are black,

contused and scorched. Tattooing of surrounding skin present.

60. On internal examination, P.W. 20 found the following internal injuries.

61. On dissection it is found that the heart is ruptured, congested and black. The lower halves of both lungs are lacerated, congested and black.

Diaphragm is torn and congested. Stomach is lacerated and made into pieces. Intestines ruptured, congested and black. Liver is lacerated and

made into pieces, congested and black. Spleen ruptured, congested. On cut section also the spleen was found congested. Both kidneys are

lacerated and congested in the upper parts. The bladder is empty.

62. P.W. 20 opined that D7 died because of shock and haemorrhage due to the injuries to vital organs of thorax and abdomen. The injuries

received by D7 were sufficient to cause death. The injuries might have been caused by a hit by an explosive substance like a bomb. Ex.P30 is the

post-mortem certificate in respect of D7.

63. Considering the evidence led by the prosecution on the point of homicidal death, we do hold that D7 did die a homicidal death.

64. As stated earlier, there are four eyewitnesses to the incident. They are P.Ws. 1 to 4. They were also injured in the incident. In addition to their

evidence, there is the evidence of P.Ws. 5, 6 and 19, who claim to be eyewitnesses to the incident. Fortunately, those witnesses were not injured

in the incident.

65. Learned senior counsel Mr. Padmanabha Reddy submitted at the Bar that admittedly there were factions in the village. P.Ws. 1 to 4, who

claim to be injured eyewitnesses, and P.Ws. 5 and 6, who claim to be eyewitnesses, have made omnibus allegations against some of the accused.

In that event, those omnibus allegations have to be ignored and only the evidence to the extent of specific overt acts attributed to the accused

persons has to be accepted. In support of his contention, learned counsel relied upon a ruling in Mallappa and Others Vs. State of Karnataka 1.

Their Lordships of the Supreme Court were pleased to observe in that case as under.

5 - Since this is a regular appeal, we have gone through the evidence of P.Ws.

1 to 4, the material witnesses in detail. This is a case where P.W. 1 is a partisan and has given the earliest report. But that by itself is not a ground

to reject the entire prosecution case. Since the investigation was set into motion on a complaint given by him and the same version has also been

put forward by P.W. 2 and to some extent by P.Ws. 3 and 4, it is necessary to scrutinise the evidence of these witnesses with great care and

caution. The presence of P.W. 1 in the first instance cannot be doubted at the scene of occurrence. He deposed that he was hit by two stones and

the medical evidence corroborates the same. Therefore, it must be held that he received the injuries during the same occurrence.

66. P.W. 1 has given the details of occurrence. In a case of this nature, the version given in Exbt.P-1 the earliest report assumes importance

particularly when the Court has to scrutinize the later deposition in which the witness came forward with more number of details. P.W. 19 has

deposed that P.W. 1 came to the police station and gave the report at about 8.30 a.m. In this report P.W. 1 has stated that he and D-1 went to

Yadgiri for purchasing seeds and in the evening both of them along with other two deceased persons and P.W. 2 were coming back to their village

at about 5.30 p.m. On the way they heard some sound of footsteps and when they turned back they saw all the 14 accused persons. He further

stated that he also received two stone hits and A-1, A-2, A-6 and A-7 attacked deceased 1 with daggers and fell him down and again A-1, A-2,

A-4 and A-7 attacked deceased 2 with daggers and killed him. Then all of them attacked D-3 with knife and daggers and A-12 was instigating.

However, A-12 was not armed with any weapon.

67. It is further stated in this report that after D-3 fell down, accused persons left the place and he himself apprehended danger and ran to the

village and since he was suffering from pain during night time, on the next morning gave the report. These are the particulars mentioned in the F.I.R.

The presence of P.W. 2 is also mentioned. In his present deposition he has also given all these details and added that A-10, A-11 and A-14

attacked deceased 1 and that A-3 and A-5 attacked deceased 2 with sticks along with A-4 and A-7. though in Exbt.P-1 he has not mentioned

any details of the attack on D-3, now he has come forward with greater details. The witness, P.W. 1 has been cross-examined at length. It may

bementioned that it is not even suggested that he received injuries elsewhere. Therefore, we have no doubt about the presence of P.W. 1. Much of

the cross-examination is about the improvements made by him in attributing specific acts. It may not be necessary to refer to the other part of the

cross-examination. No doubt a bare suggestion is made to him that he has not witnessed the occurrence and has falsely implicated the accused

which he denied. However, in the further cross-examination he admitted the enmity between him and some of the accused, particularly between

him and A-1, A-, A-4 and A-5 and A-14 who were said to be the witnesses in the murder case in which P.W. 1 and others figure as accused. It

is also suggested to him that he being member of the Panchayat, he worked against A-12 in the Sarpanch election and he has falsely implicated

him. It is not in dispute that A-12 was the Sarpanch. P.W. 2 has given exactly the same details as those given by P.W. 1 in his deposition. He also

attributed overt acts to A-1, A-2, A-6, A-7, A-10, A-11 and A-14 so far as the attack on D-1 and A-3, A-4, A-5 and A-7 attacked on D-2

and A-1, A-2, A-6, A-9 and A-13 on D-3. P.Ws. 3 and 4 spoke about the attack by A-1, A-2, A-4, A-7 and not others. Before we proceed

further, it may be necessary to refer to the medical evidence in the case. The doctor P.W. 6, who conducted the post-mortem on all the three dead

bodies, found on D-1, 15 injuries and out of them three were abrasions which could be due to fall and three lacerated injuries all near about the

mouth. She further stated that death was due to the fracture of the skull. On D-2, she found 20 injuries, but out of them two were abrasions and six

were lacerated wounds. She opined that death was due to multiple fracture of the facid (sic facial) bones and shock and haemorrhage. On D-3,

she found two abrasion and six incised wounds. The same doctor examined P.W. 1 and found on him two wounds below the left shoulder and

abrasion on the forehead which could have been caused by a stone. Incidentally she also examined A-1 who was produced by the police and

found on him lacerated wound over the middle on the lower lip which could have been caused due to biting. A-9 was also examined by her on

whom she found one lacerated wound blow the left shoulder.

5. The medical evidence shows that there are only three lacerated wounds on D-1 and six lacerated wounds on D-2 totalling 9 and the abrasions

were due to fall.

68. The question is whether A-3, A-5, A-9, A-10, A-11, A-13 and A-14 seven in number who are said to have attacked tow deceased with

sticks indiscriminately caused only 9 lacerated injuries and not even a single contusion. No overt act has be en attributed to A-8 throughout. As

pointed out in cases of this nature, the overt act test need not only be a decisive test but is one of the legitimate tests to be applied while scrutinising

the evidence. If such overt acts are mentioned consistently right from the stage of the F.I.R. and if the medical evidence supports it, then such of

those accused to whom such overt acts have been attributed could safely be held to be members of the unlawful assembly with the common object

of committing those offences. In the earliest report P.W. 1 attributed specific overt acts only to A-1, A-2, A-4, A-6 and A-7. No doubt he

mentioned that A-12 being Sarpanch of the Panchayat was also present and was instigating without being armed with any kind of weapon. We

think it is highly unsafe to accept it so far A-12 is concerned. Then it is only in his later deposition he attributed overt acts to all the remaining

accused. He also deposed that A-9 and A-13 inflicted injuries on the third deceased but the medical evidence does not support the same. No

stick injuries are found on D-3. For all these reasons it is highly unsafe to accept the version of P.W. 1 in respect of overt acts attributed to these

remaining accused. By this it does not mean that we are doubting the veracity of P.W. 1 whose presence need not be disputed but on a closer

scrutiny we are of the view that it is not safe to convict them for the reasons stated above. In this context we must also mention that the submission

namely that the delay in giving the F.I.R. or the conduct of P.W. 1 in not informing the relatives of the deceased immediately cannot be accepted to

the extent of rejecting the evidence of P.W. 1 as well as that of P.W. 2 outright. In the result the conviction of A-3, A-5, A-8, A-10, A-11, A-12,

A-13 and A-14 and the sentences awarded against them are set aside. So far A-9 Mukappa is concerned, the appeal stands abated since he is

reported to be dead. Narasappa (A-1) who dies before the filing of this appeal is not before us. The convictions of the remaining accused namely,

Malappa, son of Hanamantha, original accused 2, Sabanna, son of Mukappa, original accused 4 Nagappa, son of Ningappa Kottoru, original

accused 6, Yellappa, son of Mukappa, original accused 7 and the sentences awarded against them are confirmed. The appeal is dismissed as

against them allowed in respect of the remaining other accused.

69. The learned counsel further relied upon a ruling of this Court in Madugula Nageswara Rao and Others Vs. State of 1997 (2) ALD 376 (A.P.)

. This Court in Para 17 of the said judgment observed as under.

As stated earlier, when dying declaration was recorded by the learned Magistrate the deceased did not attribute any specific overt acts to A6 and

A7 but he has attributed overt acts to A2 and A3 only. But it does not mean that A6 and A7 did not participate in hitting the deceased with their

respective weapons. It might be possible that the deceased might not have been able to observe as to with what weapon A6 and A7 had beat him

as there was a mob of 25 to 30 persons. But the evidence of eyewitnesses categorically shows that A2, 3, 6 & 7 hit the deceased with their

respective weapons. Therefore, we have no hesitation in holding that A2, 3, 6 and 7 are responsible for causing the death of the deceased and the

allegations made against rest of the accused cannot be sustained in law as it is an omnibus allegation and the evidence eyewitnesses as regards the

participation of other accused is concerned is negated by the medical evidence.

70. The learned Public Prosecutor while rebutting the aforesaid argument of the defence counsel kept reliance on a ruling in Krishnegowda and

Others Vs. State of Karnataka, . Their Lordships were pleased to hold as under.

Criminal trial - Appreciation of evidence - Group rivalry - Where large number of assailants and victims involved, conviction can be sustained if it

is supported by two or more witnesses who give a consistent account of the incident - Accused persons coming together in a large number and

assaulting the deceased and P.Ws. belonging to the opposite group - Two or more persons specifically speaking about presence of the accused -

Witnesses giving consistent account of the incident and role played by the individual accused - Injured eyewitnesses, since beginning, consistently

assigning a specific role to a particular accused - In the circumstances, conviction under Ss.148, 324, 341, 302 read with S.149 I.P.C. upheld -

There is no question of giving benefit of doubt to some of the accused

71. With the above rulings on record, we have now to scrutinise the evidence of the eyewitnesses and the other witnesses so as to ascertain truth

and fasten liability on those who are responsible for causing the death of the deceased persons in this case.

72. As far as D1 is concerned, we have the evidence of P.W. 1 who happened to be the son of D3. P.W. 1 was an eyewitness to the incident. He

deposed that, as directed by the Inspector of Police, Koilkuntla he along with others went to Koilkuntla police station in a tractor on the date of

incident. After meeting the police at Koilkuntla, they were returning their village. When they reached the tea shop of one Ramachandraiah, there

was an attack by the accused persons on them. After the attack on them, he gave Ex.P1-F.I.R. at the police station. On the strength of Ex.P1, the

offence was registered. P.W. 1 was an injured eyewitness. According to his version, A4 hurled a country-made bomb against D1 causing the

death of D1. P.W. 1 further stated that A17 hacked D1 with a hunting sickle on his head and A6 hurled a big stone at his face.

73. P.W. 1 stated in Ex.P1-F.I.R. that A4 hurled a bomb at D1 and it hit on his knee. A5, A6 and 17 beat him with ""Pattudu sticks"" and stones

and killed him. P.W. 1 further stated that during the attack he was also injured. P.W. 1 was admitted in the hospital and treated by P.W. 15-

Deputy Civil Assistant Surgeon, Government Hospital, Koilkuntla. Wound certificate in respect of P.W. 1 issued by P.W. 15 is filed on record as

Ex.P22. Ex.P22 coupled with the version of P.W. 1 establishes the presence of P.W.1 at the scene of offence.

74. Apart from the evidence of P.W. 1, we have one more eyewitness, who was examined in this case as P.W.2. According to his version, A4

hurled a bomb against D1 which caused injuries to his leg. When D1 fell down, A17 hacked him with a hunting sickle. A5 beat him with a stick.

A6 beat D1 with a stone on his face. P.W. 2 is also an injured eyewitness. P.W. 15 examined him and issued Ex.P18-wound certificate. Ex.P18-

wound certificate and the oral testimony of P.W. 2 establish the presence of P.W. 2 at the scene of offence and that P.W. 2 saw the attack on D1

by the accused.

75. P.W. 3 is another eyewitness to the incident. According to his version, A4 hurled a bomb which hit the legs of D1 and when D1 fell down A17

hacked him with a hunting sickle on his head. A5 beat D1 on his back. A6 beat D1 with a stone on his face. P.W. 15 examined P.W.3 and issued

Ex.P20-wound certificate. P.W. 4 is also an injured eyewitness. He was treated by P.W. 15. Wound certificate issued by P.W. 15 is produced on

record as Ex.P21.

76. P.W. 5 is one more eyewitness to the incident. Fortunately, he was not injured in the incident. According to his version, A4 hurled a bomb

which hit D1 on his legs and when D1 fell down A5 beat him with a stick. A17 hacked D1 with a hunting sickle and A6 beat D1 with a stone.

77. This is the version of the eyewitnesses proving that D1 was done to death by the aforesaid accused persons.

78. Apart from the oral testimony of the above witnesses, we have the evidence of P.W. 16 who conducted post-mortem examination on the dead

body of D1 and issued Ex.P24-post-mortem certificate. P.W. 16 noticed in all twelve injuries on D1 which were ante mortem. According to him,

injuries 1, 2, 11 and 12 could be caused by sharp-edged weapons like knives or hunting sickles. Injury No. 3 could be caused by a hit by a big

boulder. Injury No. 5 might have been caused by a bomb blast.

79. There is no injury corresponding to the act attributed to A5. The allegation against A5 was that he beat D1 with a stick.

80. It can be seen from the above evidence that apart from the injuries caused to D1 in the blast by the bomb which was hurled by A4, there were

other injuries found on the person of D1 which were ante mortem in nature. P.Ws. 1 to 5 have stated in their evidence that after A4 hurled bomb

at D1, A5, A6 and 17 beat D1 with different weapons causing ante mortem injuries to D1. It means that A5, A6 and A17 were beating the dead

body of D1. So, A5, A6 and A17 cannot be held responsible for causing the death of D1. Therefore, we are of the considered view that A4 who

hurled the bomb against D1 is responsible for causing the death of D1. Hence, we hold A4 guilty of the offence punishable u/s 302 I.P.C. for

causing the death of D1 and therefore he is liable to be convicted for this offence.

81. As stated above, in this case Siva Rami Reddy (D2) was killed. Ex.P1-F.I.R. was lodged by P.W. 1. In Ex.P1 P.W. 1 stated that A15 and

A16 beat D2 with stones and sticks and hurled bombs at him. But in his evidence before the Court, P.W. 1 stated that A19, A16, A15 and A9

chased and beat D2 with hunting sickles, daggers and caused his death. He also stated that A19 hacked D2 with a hunting sickle on his head, A16

hurled a stone on the head of D2 and A15 and 16 hurled bombs also towards D2. Though the bombs exploded, they did not hit D2.

82. Apart from the evidence of P.W. 1, we have the evidence of P.W. 2. P.W. 2 stated in his evidence that A19 hacked D2 with a hunting sickle

on his head. When D2 fell down, A16 hurled a stone on his head. A15 and A16 hurled bombs at D2 which exploded near D2. The evidence of

P.W. 3 shows that A19 chased D2 and beat him with a hunting sickle on his head. When D2 fell down, A16 hurled a stone on his head. A15 and

A16 also hurled bombs towards D2 which exploded near D2.

83. One more eyewitness is P.W. 4. According to his evidence, A19 hacked D2 with a hunting sickle on his back. A16 hurled a stone on the face

of D2. A15 and 16 hurled bombs which exploded near D2. The evidence of P.W. 5 shows that A19 hacked D2 with a hunting sickle on his head.

A16 beat him with a stone on his head. A16 and A15 also hurled a bomb which exploded near D2.

84. Apart from the evidence of the above witnesses, we have the evidence of P.W. 16-the Doctor who conducted autopsy over the dead body of

D2 and issued post-mortem certificate-Ex.P23.

85. We have now to find out with reference to the injuries noticed by P.W. 16 on the person of D2 as to who are responsible for causing the death

of D2.

86. P.W. 16 noticed 13 injuries on the person of D2 which were ante mortem. According to his opinion, injuries 1 to 4 could be caused by a

boulder hit on the head and injuries 5, 8, 12 and 13 could be caused by a bomb blast while injuries 7, 9, 10 and 11 could be caused by sharp

weapons like knives or hunting sickles.

87. As far as A9 is concerned, except the evidence of P.W. 1, the other witnesses have not attributed any role to A9.

88. It is seen from the evidence of the above witnesses that A19 hacked D2 with a hunting sickle on his head. This role is attributed by all the

witnesses to A19. It is also stated by those witnesses that A16 and 15 hurled bomb towards D2. P.W. 16 noticed that injuries 5, 8, 12 and 13

could be caused by a bomb blast. These injuries are attributed by the witnesses to A15 and 16. Though the bomb did not directly hit D2, the

intention on the part of A15 and 16 to cause the murder of D2 stands established. Therefore, we are of the considered view that A19, A15 and 16

are responsible for causing the death of D2 and hence are liable to be convicted for this offence punishable u/s 302 read with 34 I.P.C.

89. As far as the death of Sankara Reddy-D3 is concerned, P.W. 1 stated in Ex.P1-F.I.R. that A1 hurled a bomb at D3 as a result of which D3

did. P.Ws. 1 to 6 attributed overt act of hurling bomb causing the death of D3 against A1 alone. P.W. 17 conducted autopsy over the dead body

of D3. He stated that the injuries noticed on the person of D3 might have been caused by a bomb attack. However, the case against A1 was

separated. He did not face trial. Therefore, we cannot hold anybody responsible for causing the death of D3 as far as the case against the other

accused is concerned.

90. Ramalinga Reddy (D4) was also done to death in this case. P.W. 1, who was an eyewitness to the incident, deposed that A3 hurled a country-

made bomb against D4 causing injuries to him. In Ex.P1-F.I.R. also he involved A3 as the assailant of D4. Apart from the ocular evidence of P.W.

1, which corroborated Ex.P1-F.I.R. lodged by him, we have the evidence of P.Ws. 2 to 5. All those witnesses stated that while D4 was trying to

get down from the tractor, A3 hurled a bomb against him which exploded as a result of which D4 died. The evidence of P.Ws. 1 to 5

corroborates each other's and the evidence of P.W. 1 is further corroborated by Ex.P1-F.I.R. given by him.

91. P.W.18 conducted autopsy over the dead body of D4 and issued post-mortem certificate-Ex.P27. The Doctor stated that she noticed 15

injuries on the person of D4 and injuries 2 to 9, 11 to 13 could be caused by coming into contact with bomb splinters.

92. Thus the oral testimony of P.Ws. 1 to 5 is corroborated by the medical evidence given by P.W. 18. Therefore, we hold A3 responsible for

causing the murder of D4 and hence he is liable to be convicted for the same.

93. In the same transaction, Lokanatha Reddy (D5) was murdered. In Ex.P1-F.I.R., P.W. 1 attributed overt act to A2 stating that A2 hurled a

bomb at D5 and the bomb hit D5 which resulted in his death. In his evidence before the Court also he stated that A2 hurled a bomb against D5

which caused the death of D5. The version of P.W. 1 is corroborated by Ex.P1. It is further corroborated by the evidence of P.Ws. 2 to 6. The

ocular testimony of these witnesses is corroborated by the evidence of P.W. 18-the Doctor who conducted post-mortem examination over the

dead body of D5 and issued Ex.P28-post-mortem certificate. According to the version of P.W. 28, the injuries noticed on the person of D5 could

be caused by a bomb explosion. Therefore, we hold A2 responsible for causing the death of D5 and hence he is liable to be convicted for the

same.

94. As far as the death of Pedda Kambagiri-D6 is concerned, we have the evidence of eyewitnesses and also medical evidence. P.W. 1 while

giving F.I.R. stated in it that A7 hurled a bomb at D6 and D6 died. The same version is repeated by him while giving evidence in the Court. Thus,

the evidence of P.W. 1 is corroborated by Ex.P1-F.I.R. His evidence is further corroborated by the evidence of P.Ws. 2 to 5. All of them stated

that A7 hurled a bomb at D6 due to which D6 died. Apart from the above ocular evidence, we have the evidence of the Doctor who conducted

autopsy over the dead body of D6 and issued Ex.P26-post-mortem certificate. It is stated in it that D6 died because of shock and haemorrhage

due to multiple injuries. Thus, we are of the considered view that A7 is responsible for causing the death of D6. We, therefore, hold that A7 is

liable to be convicted for that offence punishable u/s 302 I.P.C.

95. We have now to scrutinise the evidence to ascertain as to who was responsible for causing the death of Dakka Muniswamy-D7. As stated

earlier, P.W. 1 was an eyewitness to the incident. In Ex.P1-F.I.R., he stated that A8 and A6 hurled bombs at D7 and D7 died. While giving

evidence in the Court P.W. 1 stated that D7 was attacked by A17, A8 and A6. A17 is alleged to have hacked D7 with a hunting sickle on his

stomach and when D7 fell down, the other two accused persons hurled bombs at him. P.W. 1 did not involve A17 in the F.I.R. But, the evidence

of P.W. 2 shows that A17 hacked D7 with a hunting sickle. D7 fell down. When D7 was trying to get up, A6 and A8 hurled bombs at him. The

evidence of P.W. 3 also shows that A17 chased D7 and hacked him with a hunting sickle on his stomach and D7 fell down. When D7 was trying

to get up, A6 and A8 hurled bombs at him. The bombs hit him and exploded. P.Ws. 4 and 5 also involved A17, A6 and A8 as the persons

responsible for causing the death of the deceased.

96. Apart from the above ocular evidence, we have the evidence of P.W. 20-the Doctor who conducted autopsy over the dead body of D7 and

issued Ex.P30-post-mortem certificate. The Doctor noticed only one injury which was ante mortem. The Doctor opined that the injury might have

been caused by a hit by an explosive bomb. The injury found on the dead body of D7 was attributed to A6 and A8.

97. While commenting upon this part of the evidence, the learned senior counsel Mr. Padmanabha Reddy submitted at the Bar that according to

the oral evidence of the eyewitnesses, A8 and A6 hurled bombs which exploded on the stomach of D7 causing his death. Learned counsel further

submitted that the Doctor did not state in his evidence that the injury noticed on the dead body of D7 could be caused by explosion of two bombs

and hence, the learned counsel submitted, the evidence led against A8, A6 and A17 does not establish that they are responsible for causing the

death of D7.

98. We are not in agreement with the submission made by the learned counsel. It is the specific case of the eyewitnesses that A17 hacked D7 with

a hunting sickle on his stomach and when D7 was trying to get up, A8 and A6 hurled bombs against him. When this evidence is brought before the

Court, then one cannot expect that after the explosion of bomb on the stomach, the injury caused to D7 by A17 could be separately distinguished

and seen by a naked eye. A17 hacked D7 with a hunting sickle on the vital part of the body which shows his intention to kill D7. A8 and A6 then

hurled bombs against D7 which hit him on his stomach and exploded. The role attributed to A17, A8 and A6 undoubtedly proves the intention on

their part to kill D7. Therefore, we hold that A8, A6 and A17 are responsible for causing the death of D7 and hence they are liable to be

convicted for that offence punishable u/s 302 read with 34 I.P.C.

99. All the accused-appellants now convicted by us, as aforesaid, had gathered and formed themselves into an unlawful assembly with the sole

intention to commit murder of the people belonging to the opposite party. Therefore, we hold that they were members of the unlawful assembly

armed with deadly weapons and hence are liable to be convicted for the offence punishable u/s 149 I.P.C.

100. In the result, we pass the following order. A4 is convicted for the offence punishable u/s 302 I.P.C. for causing the death of D1 and

sentenced to suffer imprisonment for life. A19, A15 and A16 are convicted for the offence punishable u/s 302 read with 34 I.P.C. for causing the

death of D2 and each of them is sentenced to suffer imprisonment for life. A3 is convicted for the offence punishable u/s 302 I.P.C. for causing the

death of D4 and sentenced to suffer imprisonment for life. A2 is convicted for the offence punishable u/s 302 I.P.C. for causing the death of D5

and sentenced to suffer imprisonment for life. A7 is convicted for the offence punishable u/s 302 I.P.C. for causing the death of D6 and sentenced

to suffer imprisonment for life. A8, A6 and A17 are convicted for the offence punishable u/s 302 read with 34 I.P.C. and each of them is

sentenced to suffer imprisonment for life. All these accused persons, i.e., A4, A19, A15, A16, A3, A2, A7, A8, A6 and A17 are also convicted

for the offence punishable u/s 149 I.P.C. and each of them is sentenced to suffer rigorous imprisonment for two years. The substantive sentences

imposed upon the accused-appellants are made to run concurrently. The appeal filed by these accused persons is thus dismissed.

101. Except those who are convicted and sentenced by us as above, all the other accused-appellants are acquitted of all the charges levelled

against them, the appeal filed by them is allowed by setting aside the order of conviction and sentence recorded against them, and they are directed

to be set at liberty forthwith, if not required in any other case.