

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.17 OF 2019

V. SRINIVASAN

... APPELLANT

VERSUS

STATE BY SUPERINTENDENT OF POLICE ... RESPONDENT

J U D G M E N T

NAGARATHNA, J.

The appellant in this case is accused No.11 in Cr.No.333 of 1993 dated 29.12.1993 registered at Odiansalai P.S., Pondicherry (now Puducherry). Being aggrieved by the judgment of the Madras High Court dated 29.10.2018 in CrI.A.No.1051 of 2022, wherein his conviction under Section 201 Part II of the Indian Penal Code, 1860 (hereinafter “IPC”) was upheld, the appellant is before this Court.

2. The appellant, at the relevant point of time, was serving as Assistant Surgeon at Government General Hospital, Pondicherry.

Briefly stated, the facts of the case concern the custodial death of one Alaker Sekar @ Chandrasekar (hereinafter “the deceased”) in Pondicherry Odiansalai P.S. on 29.12.1993. According to the prosecution, he was brought to the police station for interrogation in connection with a case, where he was manhandled and brutally injured by accused Nos.1 to 4 police officers, due to which he sustained injuries. He was declared dead on being brought to the hospital.

3. On 30.12.1993, the appellant herein conducted post-mortem examination over the dead body of the deceased. In his Post-Mortem Certificate No.1112/93, he had mentioned that the deceased had sustained only two external injuries. He had opined that the cause of the death was “shock due to haemorrhage from cirrhotic varices” and had also mentioned that the viscera was sent for chemical analysis. However, on a second post-mortem examination conducted by PW33 Dr. Atul Murari on 03.01.1994, the doctor reported that the cause of death was “due to shock as a result of multiple injuries caused by blunt instrument(s) and that the quantity of alcohol mentioned in the Chemical Examiner’s Report was not sufficient to cause the death of the

deceased”.

4. Specifically, as against the appellant herein, the case of the prosecution is that he suppressed the material about the external injuries such as several contusions and abrasions found all over the body and merely stated that the cause of death was “shock due to haemorrhage from cirrhotic varices”, knowing well that the contents of the post-mortem certificate issued by him was false.

5. The Court of Additional Sessions Judge, Pondicherry (hereinafter “Sessions Court”), *vide* judgment and order dated 24.06.2002 in S.C.No.11/1995, convicted the appellant under Section 201 Part II IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000, in default to undergo simple imprisonment for two months.

6. On appeal before the High Court in Crl.A. No.1051 of 2002, the High Court, *vide* impugned common judgment dated 29.10.2018, upheld his conviction. Being aggrieved, the appellant had filed the present appeal.

7. This Court, *vide* order dated 10.12.2018, allowed the application for exemption from surrendering.

8. We have heard Sri S. Nagamuthu, learned senior counsel appearing for the appellant and Sri Arvind. S, learned standing counsel for the Union Territory of Pondicherry. We have perused the material on record.

9. Though several arguments were raised by Sri S. Nagamuthu, learned senior counsel at length, alternatively and ultimately, an argument was made by him by submitting that under Part II of Section 201 IPC, the sentence of imprisonment could be modified to one of payment of fine. He submitted that if this Court is to accept the said submission, an appropriate amount of fine may be imposed on the appellant herein.

10. This submission was, however, objected to by the learned standing counsel for the Union Territory of Pondicherry by drawing our attention to the material on record inasmuch as it was submitted that the appellant herein deliberately did not issue a correct post-mortem report. That at the instance of the family of the deceased, a second post-mortem examination had to be conducted through PW33 Doctor Atul Murari. A comparison of the two post-mortem reports would indicate great variance in the

same and therefore the Sessions Court was justified in imposing rigorous imprisonment of one year on the appellant herein. Hence, this Court may not show any leniency to the appellant herein.

11. In response to the said submission, learned senior counsel Sri Nagamuthu submitted that the appellant has since retired from service, is in his mid-60s and at this stage, may not be visited with the punishment of imprisonment. This Court may show leniency in the case and thereby impose an appropriate fine on him, which he would readily pay.

12. We have considered the arguments advanced at the bar in light of the material on record and the facts and circumstances of the case.

13. We find merit only in the alternative argument made by learned senior counsel Sri S. Nagamuthu. Consequently, we modify the sentence imposed on the appellant, which is rigorous imprisonment for one year, to one of payment of fine of Rs. 1,00,000 (Rupees One lakh) in addition to Rs.1,000 (Rupees One thousand) which may have been tendered by the appellant

herein.

The said fine amount shall be deposited before the concerned Sessions Court (Trial Court) within a period of four weeks from the day a copy of this judgment is made available. On such deposit being made, the concerned Sessions Court shall transfer the amount to the Puducherry Legal Services Authority.

14. The appeal is allowed in part and to the aforesaid extent, only having regard to the particular facts of this case.

.....J.
(B.V. NAGARATHNA)

.....J.
(R. MAHADEVAN)

**NEW DELHI;
SEPTEMBER 17, 2025.**

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1170 OF 2019

DEVARAJ

... APPELLANT

VERSUS

STATE BY SUPERINTENDENT OF POLICE ... RESPONDENT

WITH

CRIMINAL APPEALS NO.1171-1172 OF 2019

CRIMINAL APPEAL NO.1169 OF 2019

J U D G M E N T

NAGARATHNA, J.

These appeals have been preferred by accused Nos.2-4 and 6-8 in Cr.No.333 of 1993 dated 29.12.1993 registered at Odiansalai P.S., Pondicherry (now Puducherry) being aggrieved by the dismissal of their appeals in Criminal Appeal Nos.995, 996 and 1051 of 2002 passed by the High Court of Judicature at

Madras by judgment dated 29.10.2018. Consequently, the High Court has affirmed the judgment of conviction and sentence imposed in Sessions Case No.11 of 1995 by the II Additional Sessions Judge at Puducherry by common judgment dated 24.06.2002. Hence, these appeals.

2. We have considered the arguments advanced on behalf of the appellants by Sri Anand Padmanabhan, learned senior counsel appearing for the appellants/accused and the legal representatives of the deceased-accused/appellant and learned standing counsel for the respondent(s)-Union Territory of Puducherry at length.

3. We have perused the material on record including the judgment of the II Additional Sessions Judge, Puducherry in Sessions Case No.11 of 1995 dated 24.06.2002 as well as the common judgment of the High Court in Criminal Appeal Nos.995, 996 and 1051 of 2002 dated 29.10.2018.

4. We have perused the depositions of PWs.1 to 37 and the material on record in detail.

5. We find that the High Court was justified in affirming the judgment of conviction and sentence insofar as the appellants/accused Nos.2, 3 and 4 are concerned.

6. As regards the acquittal of accused Nos.5, 9 and 10 are concerned, there was no appeal preferred by the respondent-Union Territory of Puducherry. However, we find that with regard to accused No.6, the conviction under Section 201 Part-II IPC was incorrect since accused No.6 was the tea shop owner, who has lodged Crime No.333 of 1993 and he could not have been involved in the actual commission of the offence against the deceased-Chandra Shekhar.

7. Insofar as accused Nos.7 and 8 are concerned, the conviction was under Section 201 Part-II read with Section 34 IPC. The allegation against accused No.8 is that he insisted that the family members of deceased-Chandra Sekhar take the dead body from the Government Hospital where initially post-mortem was conducted by accused No.11-Dr. V. Srinivasan.

8. We do not find that the allegation made against accused No.8 would fall within the scope and ambit of Section 201 Part-II

read with Section 34 IPC. We note that both accused Nos.7 and 8 have not been charged under Section 304 Part II but only under Section 201 read with Section 34 IPC.

9. Hence, the appeals filed by accused Nos.6, 7 and 8 are allowed by setting aside that portion of the judgment of the High Court in Crl.A.No.995 of 2002. Consequently, Crl.A. Nos.1171 of 2019, 1170 of 2019 and 1169 of 2019 are allowed. The appeals as against accused Nos.2 to 4, i.e., Crl.A.Nos.1172 of 2019 stand dismissed.

.....J.
(B.V. NAGARATHNA)

.....J.
(R. MAHADEVAN)

**NEW DELHI;
SEPTEMBER 17, 2025.**

ITEM NO.102

COURT NO.5

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(S).17/2019

V.SRINIVASAN

APPELLANT(S)

VERSUS

STATE BY SUPERINTENDENT OF POLICE

RESPONDENT(S)

**(IA NO. 172819/2018 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT**

IA NO. 172817/2018 - EXEMPTION FROM FILING O.T.)

WITH

CRL.A. NO. 1170/2019 (II-C)

**IA NO. 4851/2019 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT**

CRL.A. NO. 1171-1172/2019 (II-C)

IA NO. 84340/2022 - APPLICATION FOR SUBSTITUTION

**IA NO. 61049/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES**

CRL.A. NO. 1169/2019 (II-C)

**IA NO. 9125/2019 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT**

**Date : 17-09-2025 These matters were called on for hearing
today.**

**CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN**

**For Appellant(s) : Mr. S. Nagamuthu, Sr. Adv.
Mr. M.p. Parthiban, AOR
Ms. Priyaranjani Nagamuthu, Adv.
Mr. Bilal Mansoor, Adv.
Mr. Shreyas Kaushal, Adv.
Mr. S. Geyolin Selvam, Adv.
Mr. Alagiri K, Adv.**

Mr. Shivansh Sharma, Adv.
Mr. Rohan Singh, Adv.
Dr. Vikas Pahal, Adv.

Mr. R.Anand Padmanabhan, Sr. Adv.
Mr. Shashi Bhushan Kumar, AOR
Mr. Arimardhan Sharma, Adv.

For Respondent(s): Mr. Aravindh S., AOR
Mr. Aman Gautam, Adv.
Ms. Anika Bansal, Adv.

Mr. Shashi Bhushan Kumar, AOR

UPON hearing the counsel the Court made the following

O R D E R

CRIMINAL APPEAL NO.17 OF 2019:

Criminal Appeal No.17 of 2019 is allowed in part in terms of the signed non-reportable judgment, which is placed on file.

CRIMINAL APPEAL NOS.1170, 1171-1172, 1169 OF 2019:

It is noted that since accused Nos.2 and 7 are since deceased, IA Nos.84340 of 2022 in CrI.A.No.1171 of 2019 and I.A.No.57091 of 2025 in CrI.A.No.1170 of 2019 are allowed.

Applications (IA Nos.57092 and 57094 of 2025 in CrI.A.No.1170 of 2019) seeking condonation of delay and setting aside abatement are allowed. Learned counsel for the applicants to file amended memo of parties within a period of two weeks from today.

Criminal Appeal No.1170, 1171 and 1169 of 2019 are

allowed and Criminal Appeal No.1172 of 2019 is dismissed in terms of the signed non-reportable judgment, which is placed on file.

Pending application(s), if any, shall stand disposed of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)

Note: Two signed Orders (Crl.A.NO.17 of 2019 and Crl.A.Nos.1170, 1171, 1172, 1169 of 2019) are placed in the file.