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Cr1.A.No. 556 OF 1998

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.556 OF 1998

State of Karnataka .....Appellant

Versus

Irappa .....Respondent

O R D E R

The respondent herein was convicted for an offence punishable under Section 302 IPC and sentenced to undergo for life imprisonment by the Principal Sessions Judge, Belgaum for having caused the death of Mahadevi wife of his grand-uncle on 13.3.1993. The prosecution case is dependent mainly on the evidence of PWs.3 and 4 two sons of the deceased who at the time of incident were aged about 11 and 8 years respectively. The trial court accepted the evidence of these witnesses and convicted the respondent. The High Court after considering the evidence elaborately noticed very serious discrepancies in the evidence of these two witnesses, hence, refused to place reliance on the same and allowed the same setting aside the conviction and sentence imposed by the trial court.

It is seen from the material on record that PWs.3 and 4 who were the sons of the deceased have given different versions in regard to the actual incident of their mother falling in well. They told their grandfather that the mother was pushed into the well by the accused, while in one place of their evidence they stated that three persons lifted their mother and threw her into the well. In another place, they stated that the mother slipped and fell into the well when she had gone to collect water. These are very serious discrepancies, consequences of which cannot be lightly brushed aside.

Apart from the above discrepancies in their evidence even their conduct as projected by the prosecution seems to be unnatural. Their father was available in the village where the incident in question took place but they did not choose to go to him to inform of the incident instead they walked quite a distance to catch a lorry and go to the village of their maternal grandfather to whom they informed the incident for the first time. The High Court in the course of its evidence also noticed the fact that it was not possible for the dead body to float so soon after drowning and the prosecution case that the body was lifted within a few hours of the incident did not jell with the medical evidence. Noticing all these discrepancies, the High Court thought it is not a safe case in which the conviction could be based on the prosecution evidence.

We having heard the learned counsel for the State and perusing the records are in agreement with the findings of the High Court and we find no infirmity in the impugned judgment. This appeal, therefore, fails and the same is dismissed.

.....J.  
( N. SANTOSH HEGDE )

.....J.  
( SHIVARAJ V. PATIL )

.....J.  
( B.P. SINGH )

NEW DELHI,

MARCH 31, 2004.

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.556 of 1998

STATE OF KARNATAKA Appellant (s)

VERSUS

IRAPPA Respondent (s)

Date : 31/03/2004 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE  
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE B.P. SINGH

For Appellant (s)Mr. Sanjay R. Hegde, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following  
O R D E R

Mr. Sanjay R. Hegde, learned counsel argued the matter for about half an hour. Hearing concluded.

The appeal fails and the same is dismissed in terms of the signed order.

(PAWAN KUMAR) (PREM PRAKASH)  
COURT MASTER COURT MASTER  
(signed order is placed on the file)