

ITEM NO.102

COURT NO.7

SECTION II

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). 438 OF 2005

BASAPPA @ BASAVARAJ

Appellant (s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

(With appln(s) for permission to file additional documents and orders)

Date: 01/03/2011

This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI  
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s)

Mr. Ninad Laud, Adv. (A.C.)

For Respondent(s)

Mr. V.N. Raghupathy, Adv.

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

The appeal is dismissed in terms of the signed order.

The fee of Amicus is fixed at ` 7,000/-.

(KALYANI GUPTA)  
SR. P.A.

(VINOD KULVI)  
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 438 OF 2005

BASAPPA @ BASAVARAJ

..... APPELLANT

VERSUS

## O R D E R

1. We have heard learned counsel for the parties.

2. The courts below have found, as a matter of fact, that the chain of circumstances led to the conclusion that the appellant who was the husband of the deceased was unmistakably guilty of the charges framed against him. Admittedly, the extra judicial confession made by the accused before his father who was examined as P.W. 2 has not been believed by the courts below as this witness did not support the prosecution and was declared hostile. However, the recovery of the bones of the deceased and the jewellery i.e. the ear rings, nose pin and mangal sutra at the instance of the appellant and the fact that he had tried to side track the inquiry on the complaint filed by the father of the deceased after her disappearance, clearly connects the appellant with the crime.

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3. The learned Amicus Curiae has placed reliance on certain judgments of this Court to contend that the chain of circumstances had to be complete in a case relating to a conviction based on circumstantial evidence. There can be no quarrel with this proposition but each case has to be dealt with on its own facts and no universal rules on facts can be drawn or spelt out.

4. We are, therefore, of the opinion that there is no merit in this appeal.

5. Dismissed.

6. The fee of Amicus is fixed at ` 7,000/-.

.....J  
[HARJIT SINGH BEDI]

.....J  
[CHANDRAMAULI KR. PRASAD]

NEW DELHI  
MARCH 01, 2011.